

CHAPTER 379

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1                                   A bill to be entitled  
 2           An act relating to fish and wildlife conservation;  
 3           providing intent language; transferring chapters 370 and  
 4           372 to create chapter 379, F.S., entitled "Fish and  
 5           Wildlife Protection"; renumbering and amending sections of  
 6           said chapters to conform; amending ss. 72.011, 97.05831,  
 7           125.01, 142.01, 161.053, 201.15, 212.06, 212.08, 213.053,  
 8           215.20, 290.004, 320.08058, 327.02, 327.41, 327.73,  
 9           328.66, 328.72, 328.76, 373.046, 403.41315, 403.813,  
 10          597.010, 777.04, 810.09, 921.0012, 921.0022, 932.7055,  
 11          F.S., conforming cross-references; repealing sections  
 12          370.081, 370.0821, 370.09, 370.1105, 370.15, 370.154,  
 13          370.155, 372.0225, 372.107, 372.27, 372.667, 372.75,  
 14          372.85, 372.98, 372.981, and 372.993; repealing  
 15          subsections (1) and (2) of section 370.1121; providing an  
 16          effective date.

17  
 18          WHEREAS, it is the intent of the Florida Legislature that  
 19          this consolidation of Chapters 370 and 372, Florida Statutes,  
 20          into a new Chapter 379, not be construed as creating,  
 21          establishing, or implementing any substantive changes to current  
 22          law in either of the two chapters consolidated, and

23  
 24          WHEREAS, it is the intent of the Florida Legislature that  
 25          this consolidation of Chapters 370 and 372, Florida Statutes,  
 26          into a new Chapter 379, not be construed as expanding any  
 27          constitutional authority of the Fish and Wildlife Conservation

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28 Commission or as granting any additional Legislative authority  
 29 to the Fish and Wildlife Conservation Commission. NOW,  
 30 THEREFORE,

31  
 32 Be It Enacted by the Legislature of the State of Florida:

33  
 34 Section 1. Chapter 379, Florida Statutes, shall be  
 35 entitled "Fish and Wildlife Conservation", and consist of  
 36 sections 379.100 through 379.413.

37 Section 2. Part I of chapter 379, Florida Statutes,  
 38 consisting of sections 379.100 through 379.237, is created to  
 39 read:

40 PART I

41 GENERAL PROVISIONS

42  
 43 Section 3. Section 370.01, Florida Statutes, is renumbered  
 44 as section 379.100, Florida Statutes, and amended to read:

45 379.100 ~~370.01~~ Definitions.--In construing these statutes,  
 46 where the context does not clearly indicate otherwise, the word,  
 47 phrase, or term:

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

52 (2) "Beaches" and "shores" shall mean the coastal and  
 53 intracoastal shoreline of this state bordering upon the waters  
 54 of the Atlantic Ocean, the Gulf of Mexico, the Straits of

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55 Florida, and any part thereof, and any other bodies of water  
56 under the jurisdiction of the State of Florida, between the mean  
57 high-water line and as far seaward as may be necessary to  
58 effectively carry out the purposes of this act.

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

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

65 (5) "Commercial harvester" means any person, firm, or  
66 corporation that takes, harvests, or attempts to take or harvest  
67 saltwater products for sale or with intent to sell; that is  
68 operating under or is required to operate under a license or  
69 permit or authorization issued pursuant to this chapter; that is  
70 using gear that is prohibited for use in the harvest of  
71 recreational amounts of any saltwater product being taken or  
72 harvested; or that is harvesting any saltwater product in an  
73 amount that is at least two times the recreational bag limit for  
74 the saltwater product being taken or harvested.

75 (6) "Commission" shall mean the Fish and Wildlife  
76 Conservation Commission.

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

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

84 (9) "Department" shall mean the Department of  
85 Environmental Protection.

86 (10) "Erosion control," "beach preservation," and  
87 "hurricane protection" shall include any activity, work,  
88 program, project, or other thing deemed necessary by the  
89 Department of Environmental Protection to effectively preserve,  
90 protect, restore, rehabilitate, stabilize, and improve the  
91 beaches and shores of this state, as defined above.

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

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

95 (13) "Fish and game" includes all fresh and saltwater  
96 fish, shellfish, crustacea, sponges, wild birds, and wild  
97 animals.

98 (14) "Fish management area" means a pond, lake, or other  
99 water within a county, or within several counties, designated to  
100 improve fishing for public use, and established and specifically  
101 circumscribed for authorized management by the commission and  
102 the board of county commissioners of the county in which such  
103 waters lie, under agreement between the commission and an owner  
104 with approval by the board of county commissioners or under  
105 agreement with the board of county commissioners for use of  
106 public waters in the county in which such waters lie.

107 (15) "Fish pond" means a body of water that does not occur  
108 naturally and that has been constructed and is maintained

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109 primarily for the purpose of fishing.

110 (16)-(13) "Food fish" shall include mullet, trout, redfish,  
111 sheepshead, pompano, mackerel, bluefish, red snapper, grouper,  
112 black drum, jack crevalle, and all other fish generally used for  
113 human consumption.

114 (17) "Fresh water," except where otherwise provided by  
115 law, includes all lakes, rivers, canals, and other waterways of  
116 Florida, to such point or points where the fresh and salt waters  
117 commingle to such an extent as to become unpalatable and unfit  
118 for human consumption because of the saline content, or to such  
119 point or points as may be fixed by order of the commission by  
120 and with the consent of the board of county commissioners of the  
121 county or counties to be affected by such order. The  
122 Steinhatchee River shall be considered fresh water from its  
123 source to mouth.

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

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

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

132 (21)-(14) "Guide" shall include any person engaged in the  
133 business of guiding hunters or hunting parties, fishers or  
134 fishing parties, for compensation.

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135 (22)~~(15)~~ "Marine fish" means any saltwater species of  
136 finfish of the classes Agnatha, Chondrichthyes, and  
137 Osteichthyes, and marine invertebrates in the classes  
138 Gastropoda, Bivalvia, and Crustacea, or the phylum  
139 Echinodermata, but does not include nonliving shells or  
140 Echinoderms.

141 (23)~~(16)~~ "Molest," in connection with any fishing trap or  
142 its buoy or buoy line, means to touch, bother, disturb, or  
143 interfere or tamper with, in any manner.

144 (24)~~(17)~~ A "natural oyster or clam reef" or "bed" or "bar"  
145 shall be considered and defined as an area containing not less  
146 than 100 square yards of the bottom where oysters or clams are  
147 found in a stratum.

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

151 (26)~~(18)~~ "Nonresident alien" shall mean those individuals  
152 from other nations who can provide documentation from the Bureau  
153 of Citizenship and Immigration Services evidencing permanent  
154 residency status in the United States. For the purposes of this  
155 chapter, a "nonresident alien" shall be considered a  
156 "nonresident."

157 (27)~~(19)~~ "Open season" shall be that portion of the year  
158 wherein the laws of Florida for the preservation of fish and  
159 game permit the taking of particular species of game or  
160 varieties of fish.

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

164        ~~(29)-(20)~~ "Reef bunch oysters" are oysters found growing on  
165 the bars or reefs in the open bay and exposed to the air between  
166 high and low tide.

167        ~~(30)-(21)~~ "Resident" or "resident of Florida" means:

168        (a) includes Citizens of the United States who have  
169 continuously resided in this state, next preceding the making of  
170 their application for hunting, fishing, or other license, for  
171 ~~the following period of time, to wit: For 1 year in the state~~  
172 ~~and 6 months in the county when applied to all fish and game~~  
173 ~~laws not related to freshwater fish and game; or~~

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

176        ~~(31)-(22)~~ "Resident alien" shall mean those persons who  
177 have continuously resided in this state for at least 1 year and  
178 6 months in the county and can provide documentation from the  
179 Bureau of Citizenship and Immigration Services evidencing  
180 permanent residency status in the United States. For the  
181 purposes of this chapter, a "resident alien" shall be considered  
182 a "resident."

183        ~~(32)-(23)~~ "Restricted species" means any species of  
184 saltwater products which the state by law, or the Fish and  
185 Wildlife Conservation Commission by rule, has found it necessary  
186 to so designate. The term includes a species of saltwater  
187 products designated by the commission as restricted within a

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188 geographical area or during a particular time period of each  
189 year. Designation as a restricted species does not confer the  
190 authority to sell a species pursuant to s. 379.360 ~~370.06~~ if the  
191 law or rule prohibits the sale of the species.

192 ~~(33)-(24)~~ "Salt water," except where otherwise provided by  
193 law, shall be all of the territorial waters of Florida excluding  
194 all lakes, rivers, canals, and other waterways of Florida from  
195 such point or points where the fresh and salt waters commingle  
196 to such an extent as to become unpalatable because of the saline  
197 content, or from such point or points as may be fixed for  
198 conservation purposes by the Department of Environmental  
199 Protection and the Fish and Wildlife Conservation Commission,  
200 with the consent and advice of the board of county commissioners  
201 of the county or counties to be affected.

202 ~~(34)-(25)~~ "Saltwater fish" means:

203 (a) Any saltwater species of finfish of the classes  
204 Agnatha, Chondrichthyes, or Osteichthyes and marine  
205 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,  
206 or of the phylum Echinodermata, but does not include nonliving  
207 shells or echinoderms; and

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

210 ~~(35)-(26)~~ "Saltwater license privileges," except where  
211 otherwise provided by law, means any license, endorsement,  
212 certificate, or permit issued pursuant to this chapter.



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213 (36)~~(27)~~ "Saltwater products" means any species of  
 214 saltwater fish, marine plant, or echinoderm, except shells, and  
 215 salted, cured, canned, or smoked seafood.

216 (37)~~(28)~~ "Shellfish" shall include oysters, clams, and  
 217 whelks.

218 (38) "Take" means taking, attempting to take, pursuing,  
 219 hunting, molesting, capturing, or killing any wildlife or  
 220 freshwater or saltwater fish, or their nests or eggs, by any  
 221 means, whether or not such actions result in obtaining  
 222 possession of such wildlife or freshwater or saltwater fish or  
 223 their nests or eggs.

224 (39)~~(29)~~ "Transport" shall include shipping, transporting,  
 225 carrying, importing, exporting, receiving or delivering for  
 226 shipment, transportation or carriage or export.

227 Section 4. Section 372.01, Florida Statutes, is renumbered  
 228 as section 379.101, Florida Statutes, to read:

229 379.101 ~~372.01~~ Fish and Wildlife Conservation  
 230 Commission.--

231 (1) The Fish and Wildlife Conservation Commission shall  
 232 consist of seven members who shall be appointed by the Governor,  
 233 subject to confirmation by the Senate, for staggered terms of 5  
 234 years.

235 (2) Members so appointed shall annually select one of  
 236 their members as chair. Such chair may be removed at any time  
 237 for sufficient cause, by the affirmative vote of the majority of  
 238 the members of the commission. In case the said office of chair  
 239 becomes vacant by removal or otherwise, the same may be filled

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240 for the unexpired term at any time by the commission from its  
241 members.

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

245 Section 5. Section 372.021, Florida Statutes, is  
246 renumbered as section 379.102, Florida Statutes, to read:

247 379.102 ~~372.021~~ Powers, duties, and authority of  
248 commission; rules, regulations, and orders.--The Fish and  
249 Wildlife Conservation Commission may exercise the powers,  
250 duties, and authority granted by s. 9, Art. IV of the  
251 Constitution of Florida, and as otherwise authorized by the  
252 Legislature by the adoption of rules, regulations, and orders in  
253 accordance with chapter 120.

254 Section 6. Section 372.03, Florida Statutes, is renumbered  
255 as section 379.103, Florida Statutes, to read:

256 379.103 ~~372.03~~ Headquarters of commission.--The Fish and  
257 Wildlife Conservation Commission is located at the state  
258 capital, and, when suitable adequate office space cannot be  
259 provided in the State Capitol Building, or other buildings owned  
260 by the state, the commission may rent or lease suitable office  
261 space in Tallahassee. Said commission may also rent or lease  
262 suitable and adequate space in other cities and towns of the  
263 state for branch or division offices and headquarters and  
264 storerooms for equipment and supplies, as the business of the  
265 commission may require or necessitate, payment for said rented  
266 or leased premises to be made from the State Game Trust Fund.

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267 Section 7. Section 372.05, Florida Statutes, is renumbered  
268 as section 379.104, Florida Statutes, to read:

269 379.104 ~~372.05~~ Duties of executive director.--The  
270 executive director of the Fish and Wildlife Conservation  
271 Commission shall:

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

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

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

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

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

288 Section 8. Section 372.002, Florida Statutes, is  
289 renumbered as section 379.1051, Florida Statutes, to read:

290 379.1051 ~~372.002~~ Right to hunt and fish.--The Legislature  
291 recognizes that hunting, fishing, and the taking of game are a  
292 valued part of the cultural heritage of Florida and should be  
293 forever preserved for Floridians. The Legislature further

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294 recognizes that these activities play an important part in the  
 295 state's economy and in the conservation, preservation, and  
 296 management of the state's natural areas and resources.  
 297 Therefore, the Legislature intends that the citizens of Florida  
 298 have a right to hunt, fish, and take game, subject to the  
 299 regulations and restrictions prescribed by general law and by s.  
 300 9, Art. IV of the State Constitution.

301 Section 9. Section 372.705, Florida Statutes, is  
 302 renumbered as section 379.1052, Florida Statutes, and amended to  
 303 read:

304 379.1052 ~~372.705~~ Harassment of hunters, trappers, or  
 305 fishers.--

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

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

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

314 (2) Any person who violates this section commits a Level  
 315 Two violation under s. 379.400 ~~372.83~~.

316 Section 10. Section 370.023, Florida Statutes, is  
 317 renumbered as section 379.106, Florida Statutes, to read:

318 379.106 ~~370.023~~ Administration of commission grant  
 319 programs.--

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320 (1) The Fish and Wildlife Conservation Commission is  
321 authorized to establish grant programs that are consistent with  
322 statutory authority and legislative appropriations. The  
323 commission is further authorized to receive funds from any legal  
324 source for purposes of matching state dollars or for passing  
325 through the agency as grants to other entities whether or not  
326 matching funds or in-kind matches are required.

327 (2) For any grant program established by the commission,  
328 the commission shall adopt rules, pursuant to the requirements  
329 of chapter 120, for each grant program which shall include, but  
330 are not limited to: the method or methods of payment; the  
331 supporting documents required before payment will be made; when  
332 matching funds or in-kind matches are allowed; what moneys,  
333 services, or other sources and amounts of matching funds or in-  
334 kind matches will be eligible for use for matching the grant by  
335 the commission; who is eligible to participate in the program;  
336 and other provisions that the commission finds necessary to  
337 achieve program objectives and an accounting for state funds in  
338 accordance with law and generally accepted accounting  
339 principles.

340 (3) The commission is authorized to preaudit or postaudit  
341 account books and other documentation of a grant recipient to  
342 assure that grant funds have been used in accordance with the  
343 terms of the grant and state rules and statutes. When such audit  
344 reveals that moneys have not been spent in accordance with grant  
345 requirements, the commission may withhold moneys or recover  
346 moneys previously paid. A grant recipient will be allowed a

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347 maximum of 60 days to submit any additional pertinent  
348 documentation to offset the amount identified as being due the  
349 commission.

350 Section 11. Section 372.101, Florida Statutes, is  
351 renumbered as section 379.201, Florida Statutes, to read:

352 379.201 ~~372.101~~ Administrative Trust Fund.--

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

355 (2) The fund is established for use as a depository for  
356 funds to be used for management activities that are  
357 commissionwide in nature and funded by indirect cost earnings or  
358 assessments against trust funds. Moneys to be credited to the  
359 trust fund include indirect cost reimbursements from grantors,  
360 administrative assessments against trust funds, interest  
361 earnings, and other appropriate administrative fees.

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

367 Section 12. Section 372.127, Florida Statutes, is  
368 renumbered as section 379.202, Florida Statutes, to read:

369 379.202 ~~372.127~~ Conservation and Recreation Lands Program  
370 Trust Fund of the Fish and Wildlife Conservation Commission.--

371 (1) There is created a Conservation and Recreation Lands  
372 Program Trust Fund within the Fish and Wildlife Conservation  
373 Commission. The purpose of the trust fund is to provide for the

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374 management of conservation and recreation lands by the  
375 commission. Funds may be appropriated to the trust fund from the  
376 Conservation and Recreation Lands Trust Fund in the Department  
377 of Environmental Protection, as created by s. 259.032(2), or  
378 from such other sources as the Legislature may determine.

379 (2) Notwithstanding the provisions of s. 216.301 and  
380 pursuant to s. 216.351, any balance in the trust fund at the end  
381 of any fiscal year shall remain in the trust fund at the end of  
382 the year and shall be available for carrying out the purposes of  
383 the trust fund.

384 Section 13. Section 372.106, Florida Statutes, is  
385 renumbered as section 379.203, Florida Statutes, and amended to  
386 read:

387 379.203 ~~372.106~~ Dedicated License Trust Fund.--

388 (1) There is established within the Fish and Wildlife  
389 Conservation Commission the Dedicated License Trust Fund. The  
390 fund shall be credited with moneys collected pursuant to s.  
391 379.354 ~~372.57~~ for 5-year licenses and permits and replacement  
392 5-year licenses.

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

397 (b) One-fifth of the total proceeds from the sale of 5-  
398 year saltwater fishing licenses, permits, and replacement  
399 licenses, and all interest derived therefrom, shall be

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400 appropriated annually to the Marine Resources Conservation Trust  
401 Fund.

402 (3) The fund shall be exempt from the provisions of s.  
403 215.20.

404 Section 14. Section 372.102, Florida Statutes, is  
405 renumbered as section 379.204, Florida Statutes, to read:

406 379.204 ~~372.102~~ Federal Grants Trust Fund.--

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

409 (2) The fund is established for use as a depository for  
410 funds to be used for allowable grant activities funded by  
411 restricted program revenues. Moneys to be credited to the trust  
412 fund shall consist of grants and funding from the Federal  
413 Government, interest earnings, and cash advances from other  
414 trust funds.

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

420 Section 15. Section 372.672, Florida Statutes, is  
421 renumbered as section 379.205, Florida Statutes, to read:

422 379.205 ~~372.672~~ Florida Panther Research and Management  
423 Trust Fund.--

424 (1) There is established within the Fish and Wildlife  
425 Conservation Commission the Florida Panther Research and



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426 Management Trust Fund to be used exclusively for the purposes of  
427 this section.

428 (2) Money from the fund shall be spent only for the  
429 following purposes:

430 (a) To manage and protect existing Florida panther  
431 populations by increasing panther food sources where food is a  
432 limiting factor, determining conflicts between public use and  
433 panther survival, maintaining sufficient genetic variability in  
434 existing populations, and undertaking management and enforcement  
435 activities that protect panther habitat.

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

438 (c) To reestablish Florida panthers into areas of suitable  
439 habitat, where feasible, by assessing the necessity of a captive  
440 breeding program for purposes of reintroduction of the panthers  
441 into the suitable habitat; selecting potential sites for  
442 reintroduction and investigating associated human sociological  
443 aspects; and assessing the potential for panther habitat  
444 acquisition.

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

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

450 Section 16. Section 372.103, Florida Statutes, is  
451 renumbered as section 379.206, Florida Statutes, to read:

452 379.206 ~~372.103~~ Grants and Donations Trust Fund.--

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

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

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

466 Section 17. Section 372.105, Florida Statutes, is  
467 renumbered as section 379.207, Florida Statutes, and amended to  
468 read:

469 379.207 ~~372.105~~ Lifetime Fish and Wildlife Trust Fund.--

470 (1) There is established within the Fish and Wildlife  
471 Conservation Commission the Lifetime Fish and Wildlife Trust  
472 Fund to be used for the purpose of supporting fish and wildlife  
473 conservation programs of the state in accordance with this  
474 section.

475 (2) The principal of the fund shall be derived from the  
476 following:

477 (a) Proceeds of any gifts, grants, and contributions to  
478 the state which are specifically designated for inclusion in the  
479 fund.

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480 (b) Proceeds from the sale of lifetime licenses issued in  
481 accordance with s. 379.354 ~~372.57~~.

482 (3) The fund is declared to constitute a special trust  
483 derived from a contractual relationship between the state and  
484 the members of the public whose investments contribute to the  
485 fund. In recognition of such special trust, the following  
486 limitations and restrictions are placed on expenditures from the  
487 funds:

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

490 (b) The interest income received and accruing from the  
491 investments of proceeds from the sale of lifetime freshwater  
492 fishing licenses and lifetime hunting licenses shall be spent in  
493 furtherance of the commission's management, protection, and  
494 conservation of wild animal life and freshwater aquatic life as  
495 set forth in s. 9, Art. IV of the State Constitution and this  
496 chapter and as otherwise authorized by the Legislature.

497 (c) The interest income received and accruing from the  
498 investments of proceeds from the sale of lifetime saltwater  
499 fishing licenses shall be expended for marine law enforcement,  
500 marine research, and marine fishery enhancement.

501 (d) No expenditures or disbursements from the interest  
502 income derived from the sale of lifetime licenses shall be made  
503 for any purpose until the respective holders of such licenses  
504 attain the age of 16 years. The Fish and Wildlife Conservation  
505 Commission as administrator of the fund shall determine  
506 actuarially on an annual basis the amounts of interest income

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507 | within the fund which may be disbursed pursuant to this  
 508 | paragraph. The director shall cause deposits of proceeds from  
 509 | the sale of lifetime licenses to be identifiable by the ages of  
 510 | the license recipients.

511 | (e) Any limitations or restrictions specified by the  
 512 | donors on the uses of the interest income derived from gifts,  
 513 | grants, and voluntary contributions shall be respected but shall  
 514 | not be binding.

515 | (f) The fund shall be exempt from the provisions of s.  
 516 | 215.20.

517 | (4) In the event of a future dissolution or reorganization  
 518 | of the Fish and Wildlife Conservation Commission, any state  
 519 | agency which succeeds the commission or assumes its  
 520 | constitutional or statutory responsibilities shall, through its  
 521 | agency head acting ex officio, assume the trusteeship of the  
 522 | fund and shall be bound by all the limitations and restrictions  
 523 | placed by this section on expenditures from the fund. No repeal  
 524 | or modification of this chapter or s. 9, Art. IV of the State  
 525 | Constitution shall alter the fundamental purposes to which the  
 526 | fund may be applied. No dissolution or reorganization of the  
 527 | Fish and Wildlife Conservation Commission shall invalidate any  
 528 | lifetime license issued in accordance with this section.

529 | Section 18. Section 370.0603, Florida Statutes, is  
 530 | renumbered as section 379.208, Florida Statutes, and amended to  
 531 | read:

532 | 379.208 ~~370.0603~~ Marine Resources Conservation Trust Fund;  
 533 | purposes.--

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534 (1) The Marine Resources Conservation Trust Fund within  
 535 the Fish and Wildlife Conservation Commission shall serve as a  
 536 broad-based depository for funds from various marine-related and  
 537 boating-related activities and shall be administered by the  
 538 commission for the purposes of:

539 (a) Funding for marine research.

540 (b) Funding for fishery enhancement, including, but not  
 541 limited to, fishery statistics development, artificial reefs,  
 542 and fish hatcheries.

543 (c) Funding for marine law enforcement.

544 (d) Funding for administration of licensing programs for  
 545 recreational fishing, saltwater products sales, and related  
 546 information and education activities.

547 (e) Funding for the operations of the Fish and Wildlife  
 548 Conservation Commission.

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

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

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

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

558 (j) Funding for the stone crab trap reduction program  
 559 under s. 379.365 ~~370.13~~, the blue crab effort management program  
 560 under s. 379.366 ~~370.135~~, the spiny lobster trap certificate

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561 program under s. 379.3671 ~~370.142~~, and the trap retrieval program  
562 under s. 379.2424 ~~370.143~~.

563 (2) The Marine Resources Conservation Trust Fund shall  
564 receive the proceeds from:

565 (a) All license fees collected pursuant to ss. 379.360  
566 and 379.361 ~~370.06 and 370.07~~.

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

569 (c) All fees collected under ss. 379.2424, 379.355,  
570 379.357, 379.365, 379.3671, and 379.366 ~~370.063, 370.13,  
571 ~~370.135, 370.142, 370.143, and 372.5704~~.~~

572 (d) All fines and penalties under ss. 379.365, 379.366  
573 379.3671, and 379.407 ~~370.021, 370.13, 370.135, and 370.142~~.

574 (e) Other revenues as provided by law.

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

578 (a) To reimburse the cost of activities authorized  
579 pursuant to the Fish and Wildlife Service of the United States  
580 Department of the Interior. Such facilities must be involved in  
581 the actual rescue and full-time acute care veterinarian-based  
582 rehabilitation of manatees. The cost of activities includes, but  
583 is not limited to, costs associated with expansion, capital  
584 outlay, repair, maintenance, and operation related to the  
585 rescue, treatment, stabilization, maintenance, release, and  
586 monitoring of manatees. Moneys distributed through the  
587 contractual agreement to each facility for manatee

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588 rehabilitation must be proportionate to the number of manatees  
589 under acute care rehabilitation; the number of maintenance days  
590 medically necessary in the facility; and the number released  
591 during the previous fiscal year. The commission may set a cap on  
592 the total amount reimbursed per manatee per year.

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

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

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

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

602 (a) To provide additional water-related law enforcement  
603 positions within the Fish and Wildlife Conservation Commission  
604 primarily for the purpose of enforcing laws designed to protect  
605 manatee populations. Law enforcement positions funded under this  
606 provision shall be assigned to counties having the highest  
607 incidence of manatee deaths and injuries.

608 (b) For the placement of uniform waterway markers on state  
609 waters.

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

613 (d) To implement and administer programs related to  
614 boating safety and education, manatee technical avoidance

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615 technology, and economic development initiatives to promote  
616 boating in the state, including competitive grants programs as  
617 provided in s. 327.47.

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

621  
622 Funds not used in one fiscal year must be carried over for use  
623 in subsequent years.

624 Section 19. Section 372.991, Florida Statutes, is  
625 renumbered as section 379.209, Florida Statutes, to read:

626 379.209 ~~372.991~~ Nongame Wildlife Trust Fund.--

627 (1) The Legislature recognizes the value of maintaining  
628 ecologically healthy and stable populations of a wide diversity  
629 of fish and wildlife species and recognizes the need for  
630 monitoring, research, management, and public awareness of all  
631 wildlife species in order to guarantee that self-sustaining  
632 populations be conserved. The Legislature further recognizes  
633 that research and management for game species traditionally have  
634 been supported by licenses and fees collected by the Fish and  
635 Wildlife Conservation Commission for consumptive uses of  
636 wildlife and that no such support mechanism is available for  
637 species not commonly pursued for sport or profit. It is the  
638 intent of the Legislature that the funds provided herein be  
639 spent to identify and meet the needs of nongame wildlife as a  
640 first priority with the ultimate goal of establishing an



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641 integrated approach to the management and conservation of all  
642 native fish, wildlife, and plants.

643 (2) (a) There is established within the Fish and Wildlife  
644 Conservation Commission the Nongame Wildlife Trust Fund. The  
645 fund shall be credited with moneys collected pursuant to ss.  
646 319.32(3) and 320.02(8). Additional funds may be provided from  
647 legislative appropriations and by donations from interested  
648 individuals and organizations. The commission shall designate an  
649 identifiable unit to administer the trust fund.

650 (b) Proceeds from the trust fund shall be used for the  
651 following purposes:

652 1. Documentation of population trends of nongame wildlife  
653 and assessment of wildlife habitat, in coordination with the  
654 database of Florida natural areas inventory.

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

657 3. Public education programs.

658 (3) The commission may enter into cooperative agreements  
659 or memoranda of understanding with related agencies to  
660 coordinate nongame programs.

661 Section 20. Section 372.09, Florida Statutes, is  
662 renumbered as section 379.210, Florida Statutes, to read:

663 379.210 ~~372.09~~ State Game Trust Fund.--The funds resulting  
664 from the operation of the commission and from the administration  
665 of the laws and regulations pertaining to birds, game, fur-  
666 bearing animals, freshwater fish, reptiles, and amphibians,  
667 together with any other funds specifically provided for such

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668 purposes shall constitute the State Game Trust Fund and shall be  
669 used by the commission as it shall deem fit in carrying out the  
670 provisions hereof and for no other purposes, except that annual  
671 use fees deposited into the trust fund from the sale of the  
672 Largemouth Bass license plate may be expended for the purposes  
673 provided under s. 320.08058(18). The commission may not obligate  
674 itself beyond the current resources of the State Game Trust Fund  
675 unless specifically so authorized by the Legislature.

676 Section 21. Section 372.074, Florida Statutes, is  
677 renumbered as section 379.211, Florida Statutes, to read:

678 379.211 ~~372.074~~ Fish and Wildlife Habitat Program.--

679 (1) (a) There is established within the Fish and Wildlife  
680 Conservation Commission the Fish and Wildlife Habitat Program  
681 for the purpose of acquiring, assisting other agencies or local  
682 governments in acquiring, or managing lands important to the  
683 conservation of fish and wildlife.

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

689 (c) Where acquisition pursuant to this section will result  
690 in state ownership of land, title shall be vested in the Board  
691 of Trustees of the Internal Improvement Trust Fund as required  
692 in chapter 253. Land acquisition pursuant to this section shall  
693 be voluntary, negotiated acquisition and, where title is to be  
694 vested in the Board of Trustees of the Internal Improvement

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695 Trust Fund, is subject to the acquisition procedures of s.  
696 253.025.

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

700 (2) Moneys which may be deposited into the Land  
701 Acquisition Trust Fund for the purposes of this section may  
702 include, but not be limited to, donations, grants, development-  
703 of-regional-impact wildlife mitigation contributions, or  
704 legislative appropriations. Preservation 2000 acquisition moneys  
705 and Conservation and Recreation Lands management moneys shall  
706 not be deposited into this fund.

707 Section 22. Section 372.5701, Florida Statutes, is  
708 renumbered as section 379.2201, Florida Statutes, and amended to  
709 read:

710 379.2201 ~~372.5701~~ Deposit of license fees; allocation of  
711 federal funds.--

712 (1) Except as provided in ss. 379.203 and 379.207 ~~372.105~~  
713 and ~~372.106~~, all saltwater license and permit fees collected  
714 pursuant to s. 379.354 ~~372.57~~ shall be deposited into the Marine  
715 Resources Conservation Trust Fund, to be used as follows:

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

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

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

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

726 ~~(2) The Legislature shall annually appropriate to the~~  
727 ~~commission from the General Revenue Fund for the activities and~~  
728 ~~programs specified in subsection (1) at least the same amount of~~  
729 ~~money as was appropriated to the Department of Environmental~~  
730 ~~Protection from the General Revenue Fund for such activities and~~  
731 ~~programs for fiscal year 1988-1989, and the amounts appropriated~~  
732 ~~to the commission for such activities and programs from the~~  
733 ~~Marine Resources Conservation Trust Fund shall be in addition to~~  
734 ~~the amount appropriated to the commission for such activities~~  
735 ~~and programs from the General Revenue Fund. The proceeds from~~  
736 recreational saltwater fishing license fees paid by fishers  
737 shall only be appropriated to the commission.

738 (3) Funds available from the Wallop-Breaux Aquatic  
739 Resources Trust Fund shall be distributed by the commission  
740 between freshwater fisheries management and research and marine  
741 fisheries management and research in proportion to the numbers  
742 of resident fresh and saltwater anglers as determined by the  
743 most current data on license sales. Unless otherwise provided by  
744 federal law, the commission, at a minimum, shall provide the  
745 following:

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

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

752 Section 23. Section 372.5702, Florida Statutes, is  
 753 renumbered as section 379.2202, Florida Statutes, and amended to  
 754 read:

755 379.2202 ~~372.5702~~ Expenditure of funds.--Any moneys  
 756 available pursuant to s. 379.2201(1)(c) ~~372.5701(1)(e)~~ may be  
 757 expended by the commission within Florida through grants and  
 758 contracts for research with research institutions including but  
 759 not limited to: Florida Sea Grant; Florida Marine Resources  
 760 Council; Harbour Branch Oceanographic Institute; Technological  
 761 Research and Development Authority; Fish and Wildlife Research  
 762 Institute of the Fish and Wildlife Conservation Commission; Mote  
 763 Marine Laboratory; Marine Resources Development Foundation;  
 764 Florida Institute of Oceanography; Rosentiel School of Marine  
 765 and Atmospheric Science; and Smithsonian Marine Station at Ft.  
 766 Pierce.

767 Section 24. Section 372.72, Florida Statutes, is  
 768 renumbered as section 379.2203, Florida Statutes, to read:

769 379.2203 ~~372.72~~ Disposition of fines, penalties, and  
 770 forfeitures.--

771 (1) All moneys collected from fines, penalties, proceeds  
 772 from unclaimed bonds, or forfeitures of bail of persons

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773 convicted under this chapter shall be deposited in the fine and  
774 forfeiture fund established pursuant to s. 142.01 where such  
775 convictions are had, except for the disposition of moneys as  
776 provided in subsection (2).

777 (2) All moneys collected from fines, penalties, or  
778 forfeitures of bail of persons convicted of violations of rules,  
779 regulations, or orders of the Fish and Wildlife Conservation  
780 Commission concerning endangered or threatened species or of  
781 violation of s. 379.3014, s. 379.409, s. 379.411, or s.  
782 379.5148, s. 372.662, s. 372.663, s. 372.667, or s. 372.671  
783 shall be remitted by the clerk of the court to the Department of  
784 Revenue to be deposited in the Nongame Wildlife Trust Fund.

785 Section 25. Section 372.5712, Florida Statutes, is  
786 renumbered as section 379.2211, Florida Statutes, and amended to  
787 read:

788 379.2211 ~~372.5712~~ Florida waterfowl permit revenues.--

789 (1) The commission shall expend the revenues generated  
790 from the sale of the Florida waterfowl permit as provided in s.  
791 379.354(8)(a) ~~372.57(8)(a)~~ or that pro rata portion of any  
792 license that includes waterfowl hunting privileges, as provided  
793 in s. 379.354(4)(h), (i) and (j) and (9)(a)3. ~~372.57(4)(h), (i),~~  
794 ~~and (j) and (9)(a)3.~~ as follows: A maximum of 5 percent of the  
795 gross revenues shall be expended for administrative costs; a  
796 maximum of 25 percent of the gross revenues shall be expended  
797 for waterfowl research approved by the commission; and a maximum  
798 of 70 percent of the gross revenues shall be expended for  
799 projects approved by the commission, in consultation with the

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800 Waterfowl Advisory Council, for the purpose of protecting and  
801 propagating migratory waterfowl and for the development,  
802 restoration, maintenance, and preservation of wetlands within  
803 the state.

804 (2) The intent of this section is to expand waterfowl  
805 research and management and increase waterfowl populations in  
806 the state without detracting from other programs. The commission  
807 shall prepare an annual report documenting the use of funds  
808 generated under the provisions of this section, to be submitted  
809 to the Governor, the Speaker of the House of Representatives,  
810 and the President of the Senate on or before September 1 of each  
811 year.

812 Section 26. Section 372.5715, Florida Statutes, is  
813 renumbered as section 379.2212, Florida Statutes, and amended to  
814 read:

815 379.2212 ~~372.5715~~ Florida wild turkey permit revenues.--

816 (1) The commission shall expend the revenues generated  
817 from the sale of the turkey permit as provided for in s.  
818 379.354(8)(b) ~~372.57(8)(b)~~ or that pro rata portion of any  
819 license that includes turkey hunting privileges as provided for  
820 in s. 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for  
821 research and management of wild turkeys.

822 (2) The intent of this section is to expand wild turkey  
823 research and management and to increase wild turkey populations  
824 in the state without detracting from other programs. The  
825 commission shall prepare an annual report documenting the use of  
826 funds generated under the provisions of this section, to be

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827 submitted to the Governor, the Speaker of the House of  
828 Representatives, and the President of the Senate on or before  
829 September 1 of each year.

830 Section 27. Section 372.573, Florida Statutes, is  
831 renumbered as section 379.2213, Florida Statutes, and amended to  
832 read:

833 379.2213 ~~372.573~~ Management area permit revenues.--The  
834 commission shall expend the revenue generated from the sale of  
835 the management area permit as provided for in s. 379.354(8)(g)  
836 ~~372.57(8)(g)~~ or that pro rata portion of any license that  
837 includes management area privileges as provided for in s.  
838 379.354(4)(h), (i), and (j) ~~372.57(4)(h), (i), and (j)~~ for the  
839 lease, management, and protection of lands for public hunting,  
840 fishing, and other outdoor recreation.

841 Section 28. Section 372.12, Florida Statutes, is  
842 renumbered as section 379.2221, Florida Statutes, to read:

843 379.2221 ~~372.12~~ Acquisition of state game lands.--The Fish  
844 and Wildlife Conservation Commission, with the approval of the  
845 Governor, may acquire, in the name of the state, lands and  
846 waters suitable for the protection and propagation of game,  
847 fish, nongame birds, or fur-bearing animals, or for hunting  
848 purposes, game farms, by purchase, lease, gift or otherwise to  
849 be known as state game lands. The said commission may erect such  
850 buildings and fences as may be deemed necessary to properly  
851 maintain and protect such lands, or for propagation of game,  
852 nongame birds, freshwater fish, or fur-bearing animals. The  
853 title of land acquired by purchase, lease, gift or otherwise,



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854 shall be approved by the Department of Legal Affairs. The deed  
855 to such lands shall be deposited as are deeds to other state  
856 lands. No property acquired under this section shall be exempt  
857 from state, county, or district taxation.

858 Section 29. Section 372.121, Florida Statutes, is  
859 renumbered as section 379.2222, Florida Statutes, to read:

860 379.2222 ~~372.121~~ Control and management of state game  
861 lands.--

862 (1) The Fish and Wildlife Conservation Commission is  
863 authorized to make, adopt, promulgate, amend, repeal, and  
864 enforce all reasonable rules and regulations necessary for the  
865 protection, control, operation, management, or development of  
866 lands or waters owned by, leased by, or otherwise assigned to,  
867 the commission for fish or wildlife management purposes,  
868 including but not being limited to the right of ingress and  
869 egress. Before any such rule or regulation is adopted, other  
870 than one relating to wild animal life, marine life, or  
871 freshwater aquatic life, the commission shall obtain the consent  
872 and agreement, in writing, of the owner, in the case of  
873 privately owned lands or waters, or the owner or primary  
874 custodian, in the case of public lands or waters.

875 (2) Any person violating or otherwise failing to comply  
876 with any rule or regulation so adopted commits a misdemeanor of  
877 the second degree, punishable as provided in s. 775.082 or s.  
878 775.083.

879 Section 30. Section 372.19, Florida Statutes, is  
880 renumbered as section 379.2223, Florida Statutes, to read:

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881        379.2223 ~~372.19~~ Preserves, refuges, etc., not tax-  
882 exempt.--No property acquired by purchase, lease, gift, contract  
883 to purchase or lease, or otherwise, under the provisions of this  
884 chapter, as state game lands, or any private lands used as game  
885 refuges, shooting grounds, privileges, hatcheries or breeding  
886 grounds for fish, game, birds or fur-bearing animals, except  
887 state-owned lands being used for the protection of game, fish or  
888 fur-bearing animals under the provisions of this chapter, shall  
889 be exempt from state, county or district taxation. Any contract,  
890 lease, gift or purchase of land for such purposes which attempts  
891 to exempt or partially exempt such property from taxation shall  
892 be null and void and of no effect.

893        Section 31. Section 372.025, Florida Statutes, is  
894 renumbered as section 379.2224, Florida Statutes, to read:

895        379.2224 ~~372.025~~ Everglades recreational sites;  
896 definitions.--

897        (1) PURPOSE.--It is the intent of the Legislature to  
898 provide for the development and management of recreational sites  
899 in the water conservation areas of the Florida Everglades when  
900 such development:

901            (a) Can be accomplished without endangering the water  
902 quality and quantity of supply and where environmental impact  
903 will be minimal.

904            (b) Is located on the exterior fringes of the Everglades  
905 to discourage extensive uncontrolled use of the interior  
906 regions.

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

909 (d) Offers recreational potential for nature trails, bird  
910 study, picnic areas, boating, fishing, hunting, and target  
911 shooting.

912 (e) Is located where proper management and law enforcement  
913 can be provided.

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

915 (a) "Commission" means the Fish and Wildlife Conservation  
916 Commission.

917 (b) "Indian reservations" means lands as designated by  
918 chapter 285.

919 (c) "Development of recreational sites" means any  
920 improvements to existing facilities or sites and also such new  
921 selection and improvements as are needed for the various  
922 recreational activities as herein provided.

923 (3) RECREATIONAL SITES.--The Fish and Wildlife  
924 Conservation Commission is directed to develop, manage, and  
925 enforce laws on certain recreational sites in the water  
926 conservation areas of the Everglades from funds to be  
927 appropriated by the Legislature.

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

932 Section 32. Section 372.0215, Florida Statutes, is  
933 renumbered as section 379.223, Florida Statutes, to read:

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934        379.223 ~~372.0215~~ Citizen support organizations; use of  
935 state property; audit.--

936        (1) The Fish and Wildlife Conservation Commission may  
937 authorize the establishment of citizen support organizations to  
938 provide assistance, funding, and promotional support for the  
939 programs of the commission. For purposes of this section, the  
940 term "citizen support organization" means an organization which:

941        (a) Is a corporation not for profit incorporated pursuant  
942 to the provisions of chapter 617 and approved by the Department  
943 of State.

944        (b) Is organized and operated to conduct programs and  
945 activities; raise funds; request and receive grants, gifts, and  
946 bequests of money; acquire, receive, hold, invest, and  
947 administer in its own name securities, funds, or real or  
948 personal property; and make expenditures for the benefit of the  
949 commission or an individual program unit of the commission;  
950 except that such organization may not receive funds from the  
951 commission or the Fish and Wildlife Research Institute by grant,  
952 gift, or contract unless specifically authorized by the  
953 Legislature.

954        (c) The commission has determined acts in a manner that is  
955 consistent with the goals of the commission and the best  
956 interests of the state.

957        (d) Is approved in writing by the commission to operate  
958 for the benefit of the commission. Such approval must be stated  
959 in a letter of agreement from the executive director of the  
960 commission.

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961 (2) (a) The Fish and Wildlife Conservation Commission may  
962 permit a citizen support organization to use commission  
963 property, facilities, and personnel free of charge. A citizen  
964 support organization may use commission property, facilities,  
965 and personnel if such use is consistent with the approved  
966 purpose of that citizen support organization and if such use  
967 does not unreasonably interfere with the general public's use of  
968 commission property, facilities, and personnel for established  
969 purposes.

970 (b) The commission may prescribe conditions upon the use  
971 by a citizen support organization of commission property,  
972 facilities, or personnel.

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

978 (3) Each citizen support organization shall provide for an  
979 annual financial audit in accordance with s. 215.981. The  
980 identity of a donor or prospective donor to a citizen support  
981 organization who desires to remain anonymous and all information  
982 identifying such donor or prospective donor are confidential and  
983 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
984 of the State Constitution. Such anonymity shall be maintained in  
985 the auditor's report.

986 Section 33. Section 370.06091, Florida Statutes, is  
987 renumbered as section 379.224, Florida Statutes, to read:

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988        379.224 ~~370.06091~~ Memorandum of agreement relating to Fish  
 989 and Wildlife Research Institute.--A memorandum of agreement will  
 990 be developed between the Department of Environmental Protection  
 991 and the Fish and Wildlife Conservation Commission which will  
 992 detail the responsibilities of the Fish and Wildlife Research  
 993 Institute to the department, to include, at a minimum, the  
 994 following services:

- 995            (1) Environmental monitoring and assessment.
- 996            (2) Restoration research and development of restoration  
 997 technology.
- 998            (3) Technical support and response for oil spills, ship  
 999 groundings, major marine species die-offs, hazardous spills, and  
 1000 natural disasters.

1001        Section 34. Section 370.103, Florida Statutes, is  
 1002 renumbered as section 379.2251, Florida Statutes, to read:

1003        379.2251 ~~370.103~~ Agreements with Federal Government for  
 1004 the preservation of saltwater fisheries; authority of  
 1005 commission.--The Fish and Wildlife Conservation Commission is  
 1006 authorized and empowered to enter into cooperative agreements  
 1007 with the Federal Government or agencies thereof for the purpose  
 1008 of preserving saltwater fisheries within and without state  
 1009 waters and for the purpose of protecting against overfishing,  
 1010 waste, depletion, or any abuse whatsoever. Such authority  
 1011 includes the authority to enter into cooperative agreements  
 1012 whereby officers of the Fish and Wildlife Conservation  
 1013 Commission are empowered to enforce federal statutes and rules

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1014 | pertaining to fisheries management. When differences between  
 1015 | state and federal laws occur, state laws shall take precedence.

1016 |       Section 35. Section 370.18, Florida Statutes, is  
 1017 | renumbered as section 379.2252, Florida Statutes, to read:

1018 |       379.2252 ~~370.18~~ Compacts and agreements; generally.--The  
 1019 | Fish and Wildlife Conservation Commission may enter into  
 1020 | agreements of reciprocity with the fish commissioners or other  
 1021 | departments or other proper officials of other states, whereby  
 1022 | the citizens of the state may be permitted to take or catch  
 1023 | shrimp or prawn from the waters under the jurisdiction of such  
 1024 | other states, upon similar agreements to allow such nonresidents  
 1025 | or aliens to fish for or catch seafood products within the  
 1026 | jurisdiction of the state regardless of residence.

1027 |       Section 36. Section 370.19, Florida Statutes, is  
 1028 | renumbered as section 379.2253, Florida Statutes, to read:

1029 |       379.2253 ~~370.19~~ Atlantic States Marine Fisheries Compact;  
 1030 | implementing legislation.--

1031 |       (1) FORM.--The Governor of this state is hereby authorized  
 1032 | and directed to execute a compact on behalf of the State of  
 1033 | Florida with any one or more of the States of Maine, New  
 1034 | Hampshire, Massachusetts, Rhode Island, Connecticut, New York,  
 1035 | New Jersey, Delaware, Maryland, Virginia, North Carolina, South  
 1036 | Carolina, and Georgia, and with such other states as may enter  
 1037 | into the compact, legally joining therein in the form  
 1038 | substantially as follows:

1039 |  
 1040 |

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1041 ATLANTIC STATES MARINE FISHERIES

1042 COMPACT

1043

1044 The contracting states solemnly agree:

1045

1046

1047 ARTICLE I

1048

1049 The purpose of this compact is to promote the better  
 1050 utilization of the fisheries, marine, shell, and anadromous, of  
 1051 the Atlantic seaboard by the development of a joint program for  
 1052 the promotion and protection of such fisheries, and by the  
 1053 prevention of the physical waste of the fisheries from any  
 1054 cause. It is not the purpose of this compact to authorize the  
 1055 states joining herein to limit the production of fish or fish  
 1056 products for the purpose of establishing or fixing the price  
 1057 thereof, or creating and perpetuating a monopoly.

1058

1059

1060 ARTICLE II

1061

1062 This agreement shall become operative immediately as to  
 1063 those states executing it whenever any two or more of the States  
 1064 of Maine, New Hampshire, Massachusetts, Rhode Island,  
 1065 Connecticut, New York, New Jersey, Delaware, Maryland, Virginia,  
 1066 North Carolina, South Carolina, Georgia and Florida have  
 1067 executed it in the form that is in accordance with the laws of



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1068 the executing state and the Congress has given its consent. Any  
 1069 state contiguous with any of the aforementioned states and  
 1070 riparian upon waters frequented by anadromous fish, flowing into  
 1071 waters under the jurisdiction of any of the aforementioned  
 1072 states, may become a party hereto as hereinafter provided.

1073

1074

1075 ARTICLE III

1076

1077 Each state joining herein shall appoint three  
 1078 representatives to a commission hereby constituted and  
 1079 designated as the Atlantic States Marine Fisheries Commission.  
 1080 One shall be the executive officer of the administrative agency  
 1081 of such state charged with the conservation of the fisheries  
 1082 resources to which this compact pertains or, if there be more  
 1083 than one officer or agency, the official of that state named by  
 1084 the governor thereof. The second shall be a member of the  
 1085 legislature of such state designated by such legislature or, in  
 1086 the absence of such designation, such legislator shall be  
 1087 designated by the governor thereof, provided that if it is  
 1088 constitutionally impossible to appoint a legislator as a  
 1089 commissioner from such state, the second member shall be  
 1090 appointed in such manner as is established by law. The third  
 1091 shall be a citizen who shall have a knowledge of and interest in  
 1092 the marine fisheries problem to be appointed by the governor.  
 1093 This commission shall be a body corporate with the powers and  
 1094 duties set forth herein.

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## ARTICLE IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

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1121           The commission shall consult with and advise the pertinent  
 1122 administrative agencies in the states party hereto with regard  
 1123 to problems connected with the fisheries and recommend the  
 1124 adoption of such regulations as it deems advisable.

1125           The commission shall have power to recommend to the states  
 1126 party hereto the stocking of the waters of such states with fish  
 1127 and fish eggs or joint stocking by some or all of the states  
 1128 party hereto and when two or more of the states shall jointly  
 1129 stock waters the commission shall act as the coordinating agency  
 1130 for such stocking.

1131

1132

1133 ARTICLE V

1134

1135           The commission shall elect from its number a chair and a  
 1136 vice chair and shall appoint and at its pleasure remove or  
 1137 discharge such officers and employees as may be required to  
 1138 carry the provisions of this compact into effect and shall fix  
 1139 and determine their duties, qualifications and compensation.  
 1140 Said commission shall adopt rules and regulations for the  
 1141 conduct of its business. It may establish and maintain one or  
 1142 more offices for the transaction of its business and may meet at  
 1143 any time or place but must meet at least once a year.

1144

1145

1146 ARTICLE VI

1147

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1148           No action shall be taken by the commission in regard to its  
 1149   general affairs except by the affirmative vote of a majority of  
 1150   the whole number of compacting states present at any meeting. No  
 1151   recommendation shall be made by the commission in regard to any  
 1152   species of fish except by the affirmative vote of a majority of  
 1153   the compacting states which have an interest in such species.  
 1154   The commission shall define what shall be an interest.

1157   ARTICLE VII

1159           The Fish and Wildlife Service of the Department of the  
 1160   Interior of the Government of the United States shall act as the  
 1161   primary research agency of the Atlantic States Marine Fisheries  
 1162   Commission cooperating with the research agencies in each state  
 1163   for that purpose. Representatives of the said Fish and Wildlife  
 1164   Service shall attend the meetings of the commission.

1165           An advisory committee to be representative of the  
 1166   commercial fishers and the saltwater anglers and such other  
 1167   interests of each state as the commission deems advisable shall  
 1168   be established by the commission as soon as practicable for the  
 1169   purpose of advising the commission upon such recommendations as  
 1170   it may desire to make.

1173   ARTICLE VIII

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1175           When any state other than those named specifically in  
 1176 Article II of this compact shall become a party thereto for the  
 1177 purpose of conserving its anadromous fish in accordance with the  
 1178 provisions of Article II the participation of such state in the  
 1179 action of the commission shall be limited to such species of  
 1180 anadromous fish.

1181

1182

1183 ARTICLE IX

1184

1185           Nothing in this compact shall be construed to limit the  
 1186 powers of any signatory state or to repeal or prevent the  
 1187 enactment of any legislation or the enforcement of any  
 1188 requirement by any signatory state imposing additional  
 1189 conditions to conserve its fisheries.

1190

1191

1192 ARTICLE X

1193

1194           Continued absence of representation or of any  
 1195 representative on the commission from any state party hereto  
 1196 shall be brought to the attention of the governor thereof.

1197

1198

1199 ARTICLE XI

1200

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1201 The states party hereto agree to make annual appropriations  
 1202 to the support of the commission in proportion to the primary  
 1203 market value of the products of their fisheries, exclusive of  
 1204 cod and haddock, as recorded in the most recent published  
 1205 reports of the Fish and Wildlife Service of the United States  
 1206 Department of the Interior, provided no state shall contribute  
 1207 less than \$200 per annum and the annual contribution of each  
 1208 state above the minimum shall be figured to the nearest \$100.

1209 The compacting states agree to appropriate initially the  
 1210 annual amounts scheduled below, which amounts are calculated in  
 1211 the manner set forth herein, on the basis of the catch record of  
 1212 1938. Subsequent budgets shall be recommended by a majority of  
 1213 the commission and the cost thereof allocated equitably among  
 1214 the states in accordance with their respective interests and  
 1215 submitted to the compacting states.

1216  
 1217  
 1218 Schedule of Initial Annual  
 1219 State Contributions

1220	Maine....\$700
1221	New Hampshire....200
1222	Massachusetts....2,300
1223	Rhode Island....300
1224	Connecticut....400
1225	New York....1,300
1226	New Jersey....800
1227	Delaware....200

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1228 Maryland....700  
 1229 Virginia....1,300  
 1230 North Carolina....600  
 1231 South Carolina....200  
 1232 Georgia....200  
 1233 Florida....1,500

1234

1235

1236 ARTICLE XII

1237

1238 This compact shall continue in force and remain binding  
 1239 upon each compacting state until renounced by it. Renunciation  
 1240 of this compact must be preceded by sending 6 months' notice in  
 1241 writing of intention to withdraw from the compact to the other  
 1242 states party hereto.

1243 (2) COMMISSIONERS; APPOINTMENT AND REMOVAL.--In pursuance  
 1244 of Article III of said compact there shall be three members  
 1245 (hereinafter called commissioners) of the Atlantic States Marine  
 1246 Fisheries Commission (hereinafter called commission) from this  
 1247 state. The first commissioner from this state shall be the  
 1248 Executive Director of the Fish and Wildlife Conservation  
 1249 Commission, ex officio, and the term of any such ex officio  
 1250 commissioner shall terminate at the time he or she ceases to  
 1251 hold said office of Executive Director of the Fish and Wildlife  
 1252 Conservation Commission, and his or her successor as  
 1253 commissioner shall be his or her successor as executive  
 1254 director. The second commissioner from this state shall be a

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1255 legislator appointed on a rotating basis by the President of the  
1256 Senate or the Speaker of the House of Representatives, beginning  
1257 with the appointment of a member of the Senate, and the term of  
1258 any such commissioner shall terminate at the time he or she  
1259 ceases to hold said legislative office. The Governor (subject to  
1260 confirmation by the Senate), shall appoint a citizen as a third  
1261 commissioner who shall have a knowledge of, and interest in, the  
1262 marine fisheries problem. The term of said commissioner shall be  
1263 3 years and the commissioner shall hold office until a successor  
1264 shall be appointed and qualified. Vacancies occurring in the  
1265 office of such commissioner from any reason or cause shall be  
1266 filled by appointment by the Governor (subject to confirmation  
1267 by the Senate), for the unexpired term. The Executive Director  
1268 of the Fish and Wildlife Conservation Commission as ex officio  
1269 commissioner may delegate, from time to time, to any deputy or  
1270 other subordinate in his or her department or office, the power  
1271 to be present and participate, including voting, as his or her  
1272 representative or substitute at any meeting of or hearing by or  
1273 other proceeding of the commission. The terms of each of the  
1274 initial three members shall begin at the date of the appointment  
1275 of the appointive commissioner, provided the said compact shall  
1276 then have gone into effect in accordance with Article II of the  
1277 compact; otherwise, they shall begin upon the date upon which  
1278 said compact shall become effective in accordance with said  
1279 Article II. Any commissioner may be removed from office by the  
1280 Governor upon charges and after a hearing.



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1281 (3) POWERS OF COMMISSION AND COMMISSIONERS.--There is  
1282 hereby granted to the commission and the commissioners thereof  
1283 all the powers provided for in the said compact and all the  
1284 powers necessary or incidental to the carrying out of said  
1285 compact in every particular. All officers of the State of  
1286 Florida are hereby authorized and directed to do all things  
1287 falling within their respective provinces and jurisdiction  
1288 necessary or incidental to the carrying out of said compact in  
1289 every particular; it being hereby declared to be the policy of  
1290 the State of Florida to perform and carry out the said compact  
1291 and to accomplish the purposes thereof. All officers, bureaus,  
1292 departments and persons of and in the state government or  
1293 administration of the State of Florida are hereby authorized and  
1294 directed at convenient times and upon request of the said  
1295 commission to furnish the said commission with information and  
1296 data possessed by them or any of them and to aid said commission  
1297 by loan of personnel or other means lying within their legal  
1298 rights respectively.

1299 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein  
1300 granted to the commission shall be regarded as in aid of and  
1301 supplemental to and in no case a limitation upon any of the  
1302 powers vested in said commission by other laws of the State of  
1303 Florida or by the laws of the States of Maine, New Hampshire,  
1304 Massachusetts, Connecticut, Rhode Island, New York, New Jersey,  
1305 Delaware, Maryland, Virginia, North Carolina, South Carolina,  
1306 Georgia and Florida or by the Congress or the terms of said  
1307 compact.

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1308 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--

1309 (a) The commission shall keep accurate accounts of all  
 1310 receipts and disbursements and shall report to the Governor and  
 1311 the Legislature of the State of Florida on or before the 10th  
 1312 day of December in each year, setting forth in detail the  
 1313 transactions conducted by it during the 12 months preceding  
 1314 December 1 of that year and shall make recommendations for any  
 1315 legislative action deemed by it advisable, including amendments  
 1316 to the statutes of the State of Florida which may be necessary  
 1317 to carry out the intent and purposes of the compact between the  
 1318 signatory states.

1319 (b) The Department of Financial Services is authorized and  
 1320 empowered from time to time to examine the accounts and books of  
 1321 the commission, including its receipts, disbursements and such  
 1322 other items referring to its financial standing as such  
 1323 department deems proper and to report the results of such  
 1324 examination to the governor of such state.

1325 (6) APPROPRIATION FOR EXPENSES OF COMMISSION.--The sum of  
 1326 \$600, annually, or so much thereof as may be necessary, is  
 1327 hereby appropriated out of any moneys in the State Treasury not  
 1328 otherwise appropriated, for the expenses of the commission  
 1329 created by the compact authorized by this law. The moneys hereby  
 1330 appropriated shall be paid out of the State Treasury on the  
 1331 audit and warrant of the Chief Financial Officer upon vouchers  
 1332 certified by the chair of the commission in the manner  
 1333 prescribed by law.

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1334 Section 37. Section 370.20, Florida Statutes, is  
 1335 renumbered as section 379.2254, Florida Statutes, to read:  
 1336 379.2254 ~~370.20~~ Gulf States Marine Fisheries Compact;  
 1337 implementing legislation.--

1338 (1) FORM.--The Governor of this state is hereby authorized  
 1339 and directed to execute the compact on behalf of the State of  
 1340 Florida with any one or more of the States of Alabama,  
 1341 Mississippi, Louisiana and Texas, and with such other state as  
 1342 may enter into a compact, legal joining therein in the form  
 1343 substantially as follows:

1344  
 1345  
 1346 GULF STATES MARINE FISHERIES  
 1347 COMPACT

1348  
 1349 The contracting states solemnly agree:

1350  
 1351  
 1352 ARTICLE I

1353  
 1354 Whereas the gulf coast states have the proprietary interest  
 1355 in and jurisdiction over fisheries in the waters within their  
 1356 respective boundaries, it is the purpose of this compact to  
 1357 promote the better utilization of the fisheries, marine, shell  
 1358 and anadromous, of the seaboard of the Gulf of Mexico, by the  
 1359 development of a joint program for the promotion and protection

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1360 of such fisheries and the prevention of the physical waste of  
1361 the fisheries from any cause.

1362

1363

1364 ARTICLE II

1365

1366 This compact shall become operative immediately as to those  
1367 states ratifying it whenever any two or more of the States of  
1368 Florida, Alabama, Mississippi, Louisiana and Texas have ratified  
1369 it and the Congress has given its consent subject to article I,  
1370 s. 10 of the Constitution of the United States. Any state  
1371 contiguous to any of the aforementioned states or riparian upon  
1372 waters which flow into waters under the jurisdiction of any of  
1373 the aforementioned states and which are frequented by anadromous  
1374 fish or marine species may become a party hereto as hereinafter  
1375 provided.

1376

1377

1378 ARTICLE III

1379

1380 Each state joining herein shall appoint three  
1381 representatives to a commission hereby constituted and  
1382 designated as the Gulf States Marine Fisheries Commission. One  
1383 shall be the head of the administrative agency of such state  
1384 charged with the conservation of the fishery resources to which  
1385 this compact pertains or, if there be more than one officer or  
1386 agency, the official of that state named by the governor

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1387 | thereof. The second shall be a member of the legislature of such  
 1388 | state designated by such legislature or in the absence of such  
 1389 | designation, such legislator shall be designated by the governor  
 1390 | thereof, provided that if it is constitutionally impossible to  
 1391 | appoint a legislator as a commissioner from such state, the  
 1392 | second member shall be appointed in such manner as may be  
 1393 | established by law. The third shall be a citizen who shall have  
 1394 | a knowledge of and interest in the marine fisheries, to be  
 1395 | appointed by the governor. This commission shall be a body  
 1396 | corporate with the powers and duties set forth herein.

1397 |  
 1398 |  
 1399 | ARTICLE IV

1400 |  
 1401 |         The duty of the said commission shall be to make inquiry  
 1402 | and ascertain from time to time such methods, practices,  
 1403 | circumstances and conditions as may be disclosed for bringing  
 1404 | about the conservation and the prevention of the depletion and  
 1405 | physical waste of the fisheries, marine, shell and anadromous,  
 1406 | of the gulf coast. The commission shall have power to recommend  
 1407 | the coordination of the exercise of the police powers of the  
 1408 | several states within their respective jurisdiction to promote  
 1409 | the preservation of these fisheries and their protection against  
 1410 | overfishing, waste, depletion or any abuse whatsoever and to  
 1411 | assure a continuing yield from the fishery resources of the  
 1412 | aforementioned states.

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1413 To that end the commission shall draft and recommend to the  
 1414 governors and the legislatures of the various signatory states,  
 1415 legislation dealing with the conservation of the marine, shell  
 1416 and anadromous fisheries of the gulf seaboard. The commission  
 1417 shall from time to time present to the governor of each  
 1418 compacting state its recommendations relating to enactments to  
 1419 be presented to the legislature of the state in furthering the  
 1420 interest and purposes of this compact.

1421 The commission shall consult with and advise the pertinent  
 1422 administrative agencies in the states party hereto with regard  
 1423 to problems connected with the fisheries and recommend the  
 1424 adoption of such regulations as it deems advisable.

1425 The commission shall have power to recommend to the states  
 1426 party hereto the stocking of the waters of such states with fish  
 1427 and fish eggs or joint stocking by some or all of the states  
 1428 party hereto and when two or more states shall jointly stock  
 1429 waters the commission shall act as the coordinating agency for  
 1430 such stocking.

1431  
 1432  
 1433 ARTICLE V  
 1434

1435 The commission shall elect from its number a chair and vice  
 1436 chair and shall appoint and at its pleasure remove or discharge  
 1437 such officers and employees as may be required to carry the  
 1438 provisions of this compact into effect and shall fix and  
 1439 determine their duties, qualifications and compensation. Said

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1440 commission shall adopt rules and regulations for the conduct of  
1441 its business. It may establish and maintain one or more offices  
1442 for the transaction of its business and may meet at any time or  
1443 place but must meet at least once a year.

1444

1445

## 1446 ARTICLE VI

1447

1448 No action shall be taken by the commission in regard to its  
1449 general affairs except by the affirmative vote of a majority of  
1450 the whole number of compacting states. No recommendation shall  
1451 be made by the commission in regard to any species of fish  
1452 except by the affirmative vote of a majority of the compacting  
1453 states which have an interest in such species. The commission  
1454 shall define which shall be an interest.

1455

1456

## 1457 ARTICLE VII

1458

1459 The Fish and Wildlife Service of the Department of the  
1460 Interior of the Government of the United States shall act as the  
1461 primary research agency of the Gulf States Marine Fisheries  
1462 Commission cooperating with the research agencies in each state  
1463 for that purpose. Representatives of the said fish and wildlife  
1464 service shall attend the meetings of the commission. An advisory  
1465 committee to be representative of the commercial salt water  
1466 fishers and the salt water anglers and such other interests of

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1467 each state as the commissioners deem advisable may be  
 1468 established by the commissioners from each state for the purpose  
 1469 of advising those commissioners upon such recommendations as it  
 1470 may desire to make.

1471

1472

1473 ARTICLE VIII

1474

1475 When any state other than those named specifically in  
 1476 article II of this compact shall become a party hereto for the  
 1477 purpose of conserving its anadromous fish or marine species in  
 1478 accordance with the provisions of article II, the participation  
 1479 of such state in the action of the commission shall be limited  
 1480 to such species of fish.

1481

1482

1483 ARTICLE IX

1484

1485 Nothing in this compact shall be construed to limit the  
 1486 powers or the proprietary interest of any signatory state or to  
 1487 repeal or prevent the enactment of any legislation or the  
 1488 enforcement of any requirement by a signatory state imposing  
 1489 additional conditions and restrictions to conserve its  
 1490 fisheries.

1491

1492

1493 ARTICLE X



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1494  
 1495           It is agreed that any two or more states party hereto may  
 1496 further amend this compact by acts of their respective  
 1497 legislatures subject to approval of Congress as provided in  
 1498 article I, s. 10, of the Constitution of the United States, to  
 1499 designate the Gulf States Marine Fisheries Commission as a joint  
 1500 regulating authority for the joint regulation of specific  
 1501 fisheries affecting only such states as shall be compact, and at  
 1502 their joint expense. The representatives of such states shall  
 1503 constitute a separate section of the Gulf States Marine  
 1504 Fisheries Commission for the exercise of the additional powers  
 1505 so granted but the creation of such section shall not be deemed  
 1506 to deprive the states so compacting of any of their privileges  
 1507 or powers in the Gulf States Marine Fisheries Commission as  
 1508 constituted under the other articles of this compact.

1509  
 1510  
 1511 ARTICLE XI

1512  
 1513           Continued absence of representation or of any  
 1514 representative on the commission from any state party hereto  
 1515 shall be brought to the attention of the governor thereof.

1516  
 1517  
 1518 ARTICLE XII

1519

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1520           The operating expenses of the Gulf States Marine Fisheries  
 1521 Commission shall be borne by the states party hereto. Such  
 1522 initial appropriations as are set forth below shall be made  
 1523 available yearly until modified as hereinafter provided:

- 1524           Florida....\$3,500
- 1525           Alabama....1,000
- 1526           Mississippi....1,000
- 1527           Louisiana....5,000
- 1528           Texas....2,500
- 1529           Total....\$13,000

1530  
 1531 The proration and total cost per annum of \$13,000, above-  
 1532 mentioned, is estimated only, for initial operations, and may be  
 1533 changed when found necessary by the commission and approved by  
 1534 the legislatures of the respective states. Each state party  
 1535 hereto agrees to provide in the manner most acceptable to it,  
 1536 the travel costs and necessary expenses of its commissioners and  
 1537 other representatives to and from meetings of the commission or  
 1538 its duly constituted sections or committees.

1541 ARTICLE XIII

1542  
 1543           This compact shall continue in force and remain binding  
 1544 upon each compacting state until renounced by act of the  
 1545 legislature of such state, in such form as it may choose;  
 1546 provided that such renunciation shall not become effective until

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1547 6 months after the effective date of the action taken by the  
1548 legislature. Notice of such renunciation shall be given to the  
1549 other states party hereto by the secretary of state of the  
1550 compacting state so renouncing upon passage of the act.

1551 (2) MEMBERS OF COMMISSION; TERM OF OFFICE.--In pursuance  
1552 of article III of said compact, there shall be three members  
1553 (hereinafter called commissioners) of the Gulf States Marine  
1554 Fisheries Commission (hereafter called commission) from the  
1555 State of Florida. The first commissioner from the State of  
1556 Florida shall be the Executive Director of the Fish and Wildlife  
1557 Conservation Commission, ex officio, and the term of any such ex  
1558 officio commissioner shall terminate at the time he or she  
1559 ceases to hold said office of Executive Director of the Fish and  
1560 Wildlife Conservation Commission, and his or her successor as  
1561 commissioner shall be his or her successor as executive  
1562 director. The second commissioner from the State of Florida  
1563 shall be a legislator appointed on a rotating basis by the  
1564 President of the Senate or the Speaker of the House of  
1565 Representatives, beginning with the appointment of a member of  
1566 the House of Representatives, and the term of any such  
1567 commissioner shall terminate at the time he or she ceases to  
1568 hold said legislative office. The Governor (subject to  
1569 confirmation by the Senate) shall appoint a citizen as a third  
1570 commissioner who shall have a knowledge of and interest in the  
1571 marine fisheries problem. The term of said commissioner shall be  
1572 3 years and the commissioner shall hold office until a successor  
1573 shall be appointed and qualified. Vacancies occurring in the

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1574 office of such commissioner from any reason or cause shall be  
1575 filled by appointment by the Governor (subject to confirmation  
1576 by the Senate) for the unexpired term. The Executive Director of  
1577 the Fish and Wildlife Conservation Commission, as ex officio  
1578 commissioner, may delegate, from time to time, to any deputy or  
1579 other subordinate in his or her department or office, the power  
1580 to be present and participate, including voting, as his or her  
1581 representative or substitute at any meeting of or hearing by or  
1582 other proceeding of the commission. The terms of each of the  
1583 initial three members shall begin at the date of the appointment  
1584 of the appointive commissioner, provided the said compact shall  
1585 then have gone into effect in accordance with article II of the  
1586 compact; otherwise they shall begin upon the date upon which  
1587 said compact shall become effective in accordance with said  
1588 article II.

1589 Any commissioner may be removed from office by the Governor  
1590 upon charges and after a hearing.

1591 (3) COMMISSION; POWERS.--There is hereby granted to the  
1592 commission and the commissioners thereof all the powers provided  
1593 for in the said compact and all the powers necessary or  
1594 incidental to the carrying out of said compact in every  
1595 particular. All officers of the State of Florida are hereby  
1596 authorized and directed to do all things falling within their  
1597 respective provinces and jurisdiction necessary or incidental to  
1598 the carrying out of said compact in every particular; it being  
1599 hereby declared to be the policy of the State of Florida to  
1600 perform and carry out the said compact and to accomplish the

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1601 purposes thereof. All officers, bureaus, departments and persons  
1602 of and in the state government or administration of the State of  
1603 Florida are hereby authorized and directed at convenient times  
1604 and upon request of the said commission to furnish the said  
1605 commission with information and data possessed by them or any of  
1606 them and to aid said commission by loan of personnel or other  
1607 means lying within their legal rights respectively.

1608 (4) POWERS OF COMMISSION SUPPLEMENTAL.--Any powers herein  
1609 granted to the commissioner shall be regarded as in aid of and  
1610 supplemental to and in no case a limitation upon any of the  
1611 powers vested in said commission by other laws of the State of  
1612 Florida or by the laws of the States of Alabama, Mississippi,  
1613 Louisiana, Texas and Florida or by the Congress or the terms of  
1614 said compact.

1615 (5) ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.--The  
1616 commission shall keep accurate accounts of all receipts and  
1617 disbursements and shall report to the Governor and the  
1618 Legislature of the State of Florida on or before the 10th day of  
1619 December in each year, setting forth in detail the transactions  
1620 conducted by it during the 12 months preceding December 1 of  
1621 that year and shall make recommendations for any legislative  
1622 action deemed by it advisable, including amendments to the  
1623 statutes of the State of Florida which may be necessary to carry  
1624 out the intent and purposes of the compact between the signatory  
1625 states.

1626 The Department of Financial Services is authorized and  
1627 empowered from time to time to examine the accounts and books of

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1628 the commission, including its receipts, disbursements and such  
 1629 other items referring to its financial standing as such  
 1630 department deems proper and to report the results of such  
 1631 examination to the governor of such state.

1632 Section 38. Section 372.831, Florida Statutes, is  
 1633 renumbered as section 379.2255, Florida Statutes, and amended to  
 1634 read:

1635 379.2255 ~~372.831~~ Wildlife Violator Compact Act.--The  
 1636 Wildlife Violator Compact is created and entered into with all  
 1637 other jurisdictions legally joining therein in the form  
 1638 substantially as follows:

1639

1640 ARTICLE I

1641 Findings and Purpose

1642

1643 (1) The participating states find that:

1644 (a) Wildlife resources are managed in trust by the  
 1645 respective states for the benefit of all residents and visitors.

1646 (b) The protection of the wildlife resources of a state is  
 1647 materially affected by the degree of compliance with state  
 1648 statutes, laws, regulations, ordinances, and administrative  
 1649 rules relating to the management of such resources.

1650 (c) The preservation, protection, management, and  
 1651 restoration of wildlife contributes immeasurably to the  
 1652 aesthetic, recreational, and economic aspects of such natural  
 1653 resources.

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1654 (d) Wildlife resources are valuable without regard to  
1655 political boundaries; therefore, every person should be required  
1656 to comply with wildlife preservation, protection, management,  
1657 and restoration laws, ordinances, and administrative rules and  
1658 regulations of the participating states as a condition precedent  
1659 to the continuance or issuance of any license to hunt, fish,  
1660 trap, or possess wildlife.

1661 (e) Violation of wildlife laws interferes with the  
1662 management of wildlife resources and may endanger the safety of  
1663 persons and property.

1664 (f) The mobility of many wildlife law violators  
1665 necessitates the maintenance of channels of communication among  
1666 the various states.

1667 (g) In most instances, a person who is cited for a  
1668 wildlife violation in a state other than his or her home state  
1669 is:

- 1670 1. Required to post collateral or a bond to secure  
1671 appearance for a trial at a later date;
- 1672 2. Taken into custody until the collateral or bond is  
1673 posted; or
- 1674 3. Taken directly to court for an immediate appearance.

1675 (h) The purpose of the enforcement practices set forth in  
1676 paragraph (g) is to ensure compliance with the terms of a  
1677 wildlife citation by the cited person who, if permitted to  
1678 continue on his or her way after receiving the citation, could  
1679 return to his or her home state and disregard his or her duty  
1680 under the terms of the citation.

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1681 (i) In most instances, a person receiving a wildlife  
1682 citation in his or her home state is permitted to accept the  
1683 citation from the officer at the scene of the violation and  
1684 immediately continue on his or her way after agreeing or being  
1685 instructed to comply with the terms of the citation.

1686 (j) The practices described in paragraph (g) cause  
1687 unnecessary inconvenience and, at times, a hardship for the  
1688 person who is unable at the time to post collateral, furnish a  
1689 bond, stand trial, or pay a fine, and thus is compelled to  
1690 remain in custody until some alternative arrangement is made.

1691 (k) The enforcement practices described in paragraph (g)  
1692 consume an undue amount of time of law enforcement agencies.

1693 (2) It is the policy of the participating states to:

1694 (a) Promote compliance with the statutes, laws,  
1695 ordinances, regulations, and administrative rules relating to  
1696 the management of wildlife resources in their respective states.

1697 (b) Recognize a suspension of the wildlife license  
1698 privileges of any person whose license privileges have been  
1699 suspended by a participating state and treat such suspension as  
1700 if it had occurred in each respective state.

1701 (c) Allow a violator, except as provided in subsection (2)  
1702 of Article III, to accept a wildlife citation and, without  
1703 delay, proceed on his or her way, whether or not the violator is  
1704 a resident of the state in which the citation was issued, if the  
1705 violator's home state is party to this compact.



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1706 (d) Report to the appropriate participating state, as  
 1707 provided in the compact manual, any conviction recorded against  
 1708 any person whose home state was not the issuing state.

1709 (e) Allow the home state to recognize and treat  
 1710 convictions recorded against its residents, which convictions  
 1711 occurred in a participating state, as though they had occurred  
 1712 in the home state.

1713 (f) Extend cooperation to its fullest extent among the  
 1714 participating states for enforcing compliance with the terms of  
 1715 a wildlife citation issued in one participating state to a  
 1716 resident of another participating state.

1717 (g) Maximize the effective use of law enforcement  
 1718 personnel and information.

1719 (h) Assist court systems in the efficient disposition of  
 1720 wildlife violations.

1721 (3) The purpose of this compact is to:

1722 (a) Provide a means through which participating states may  
 1723 join in a reciprocal program to effectuate the policies  
 1724 enumerated in subsection (2) in a uniform and orderly manner.

1725 (b) Provide for the fair and impartial treatment of  
 1726 wildlife violators operating within participating states in  
 1727 recognition of the violator's right to due process and the  
 1728 sovereign status of a participating state.

1729

1730 ARTICLE II

1731 Definitions

1732

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1733 As used in this compact, the term:

1734 (1) "Citation" means any summons, complaint, summons and  
1735 complaint, ticket, penalty assessment, or other official  
1736 document issued to a person by a wildlife officer or other peace  
1737 officer for a wildlife violation which contains an order  
1738 requiring the person to respond.

1739 (2) "Collateral" means any cash or other security  
1740 deposited to secure an appearance for trial in connection with  
1741 the issuance by a wildlife officer or other peace officer of a  
1742 citation for a wildlife violation.

1743 (3) "Compliance" with respect to a citation means the act  
1744 of answering a citation through an appearance in a court or  
1745 tribunal, or through the payment of fines, costs, and  
1746 surcharges, if any.

1747 (4) "Conviction" means a conviction that results in  
1748 suspension or revocation of a license, including any court  
1749 conviction, for any offense related to the preservation,  
1750 protection, management, or restoration of wildlife which is  
1751 prohibited by state statute, law, regulation, ordinance, or  
1752 administrative rule. The term also includes the forfeiture of  
1753 any bail, bond, or other security deposited to secure appearance  
1754 by a person charged with having committed any such offense, the  
1755 payment of a penalty assessment, a plea of nolo contendere, or  
1756 the imposition of a deferred or suspended sentence by the court.

1757 (5) "Court" means a court of law, including magistrate's  
1758 court and the justice of the peace court.

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1759 (6) "Home state" means the state of primary residence of a  
1760 person.

1761 (7) "Issuing state" means the participating state that  
1762 issues a wildlife citation to the violator.

1763 (8) "License" means any license, permit, or other public  
1764 document that conveys to the person to whom it was issued the  
1765 privilege of pursuing, possessing, or taking any wildlife  
1766 regulated by statute, law, regulation, ordinance, or  
1767 administrative rule of a participating state; any privilege to  
1768 obtain such license, permit, or other public document; or any  
1769 statutory exemption from the requirement to obtain such license,  
1770 permit, or other public document. However, when applied to a  
1771 license, permit, or privilege issued or granted by the State of  
1772 Florida, only a license or permit issued under s. 379.354  
1773 ~~372.57~~, or a privilege granted under s. 379.353 ~~372.562~~, shall  
1774 be considered a license.

1775 (9) "Licensing authority" means the department or division  
1776 within each participating state which is authorized by law to  
1777 issue or approve licenses or permits to hunt, fish, trap, or  
1778 possess wildlife.

1779 (10) "Participating state" means any state that enacts  
1780 legislation to become a member of this wildlife compact.

1781 (11) "Personal recognizance" means an agreement by a  
1782 person made at the time of issuance of the wildlife citation  
1783 that such person will comply with the terms of the citation.

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1784 (12) "State" means any state, territory, or possession of  
 1785 the United States, the District of Columbia, the Commonwealth of  
 1786 Puerto Rico, the Provinces of Canada, and other countries.

1787 (13) "Suspension" means any revocation, denial, or  
 1788 withdrawal of any or all license privileges, including the  
 1789 privilege to apply for, purchase, or exercise the benefits  
 1790 conferred by any license.

1791 (14) "Terms of the citation" means those conditions and  
 1792 options expressly stated upon the citation.

1793 (15) "Wildlife" means all species of animals, including,  
 1794 but not limited to, mammals, birds, fish, reptiles, amphibians,  
 1795 mollusks, and crustaceans, which are defined as "wildlife" and  
 1796 are protected or otherwise regulated by statute, law,  
 1797 regulation, ordinance, or administrative rule in a participating  
 1798 state. Species included in the definition of "wildlife" vary  
 1799 from state to state and the determination of whether a species  
 1800 is "wildlife" for the purposes of this compact shall be based on  
 1801 local law.

1802 (16) "Wildlife law" means any statute, law, regulation,  
 1803 ordinance, or administrative rule developed and enacted for the  
 1804 management of wildlife resources and the uses thereof.

1805 (17) "Wildlife officer" means any individual authorized by  
 1806 a participating state to issue a citation for a wildlife  
 1807 violation.

1808 (18) "Wildlife violation" means any cited violation of a  
 1809 statute, law, regulation, ordinance, or administrative rule

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1810 developed and enacted for the management of wildlife resources  
1811 and the uses thereof.

1812

1813 ARTICLE III

1814 Procedures for Issuing State

1815

1816 (1) When issuing a citation for a wildlife violation, a  
1817 wildlife officer shall issue a citation to any person whose  
1818 primary residence is in a participating state in the same manner  
1819 as though the person were a resident of the issuing state and  
1820 shall not require such person to post collateral to secure  
1821 appearance, subject to the exceptions noted in subsection (2),  
1822 if the officer receives the recognizance of such person that he  
1823 will comply with the terms of the citation.

1824 (2) Personal recognizance is acceptable if not prohibited  
1825 by local law; by policy, procedure, or regulation of the issuing  
1826 agency; or by the compact manual and if the violator provides  
1827 adequate proof of identification to the wildlife officer.

1828 (3) Upon conviction or failure of a person to comply with  
1829 the terms of a wildlife citation, the appropriate official shall  
1830 report the conviction or failure to comply to the licensing  
1831 authority of the participating state in which the wildlife  
1832 citation was issued. The report shall be made in accordance with  
1833 procedures specified by the issuing state and must contain  
1834 information as specified in the compact manual as minimum  
1835 requirements for effective processing by the home state.

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1836 (4) Upon receipt of the report of conviction or  
 1837 noncompliance pursuant to subsection (3), the licensing  
 1838 authority of the issuing state shall transmit to the licensing  
 1839 authority of the home state of the violator the information in  
 1840 the form and content prescribed in the compact manual.

1841  
 1842 ARTICLE IV

1843 Procedure for Home State

1844  
 1845 (1) Upon receipt of a report from the licensing authority  
 1846 of the issuing state reporting the failure of a violator to  
 1847 comply with the terms of a citation, the licensing authority of  
 1848 the home state shall notify the violator and shall initiate a  
 1849 suspension action in accordance with the home state's suspension  
 1850 procedures and shall suspend the violator's license privileges  
 1851 until satisfactory evidence of compliance with the terms of the  
 1852 wildlife citation has been furnished by the issuing state to the  
 1853 home state licensing authority. Due-process safeguards shall be  
 1854 accorded.

1855 (2) Upon receipt of a report of conviction from the  
 1856 licensing authority of the issuing state, the licensing  
 1857 authority of the home state shall enter such conviction in its  
 1858 records and shall treat such conviction as though it occurred in  
 1859 the home state for purposes of the suspension of license  
 1860 privileges.

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1861 (3) The licensing authority of the home state shall  
 1862 maintain a record of actions taken and shall make reports to  
 1863 issuing states as provided in the compact manual.

1864

1865 ARTICLE V

1866 Reciprocal Recognition of Suspension

1867

1868 (1) Each participating state may recognize the suspension  
 1869 of license privileges of any person by any other participating  
 1870 state as though the violation resulting in the suspension had  
 1871 occurred in that state and would have been the basis for  
 1872 suspension of license privileges in that state.

1873 (2) Each participating state shall communicate suspension  
 1874 information to other participating states in the form and  
 1875 content contained in the compact manual.

1876

1877 ARTICLE VI

1878 Applicability of Other Laws

1879

1880 Except as expressly required by provisions of this compact, this  
 1881 compact does not affect the right of any participating state to  
 1882 apply any of its laws relating to license privileges to any  
 1883 person or circumstance or to invalidate or prevent any agreement  
 1884 or other cooperative arrangement between a participating state  
 1885 and a nonparticipating state concerning the enforcement of  
 1886 wildlife laws.

1887

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1888 ARTICLE VII

1889 Compact Administrator Procedures

1890

1891 (1) For the purpose of administering the provisions of  
1892 this compact and to serve as a governing body for the resolution  
1893 of all matters relating to the operation of this compact, a  
1894 board of compact administrators is established. The board shall  
1895 be composed of one representative from each of the participating  
1896 states to be known as the compact administrator. The compact  
1897 administrator shall be appointed by the head of the licensing  
1898 authority of each participating state and shall serve and be  
1899 subject to removal in accordance with the laws of the state he  
1900 or she represents. A compact administrator may provide for the  
1901 discharge of his or her duties and the performance of his or her  
1902 functions as a board member by an alternate. An alternate is not  
1903 entitled to serve unless written notification of his or her  
1904 identity has been given to the board.

1905 (2) Each member of the board of compact administrators  
1906 shall be entitled to one vote. No action of the board shall be  
1907 binding unless taken at a meeting at which a majority of the  
1908 total number of the board's votes are cast in favor thereof.  
1909 Action by the board shall be only at a meeting at which a  
1910 majority of the participating states are represented.

1911 (3) The board shall elect annually from its membership a  
1912 chairman and vice chairman.

1913 (4) The board shall adopt bylaws not inconsistent with the  
1914 provisions of this compact or the laws of a participating state



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1915 | for the conduct of its business and shall have the power to  
 1916 | amend and rescind its bylaws.

1917 |         (5) The board may accept for any of its purposes and  
 1918 | functions under this compact any and all donations and grants of  
 1919 | moneys, equipment, supplies, materials, and services,  
 1920 | conditional or otherwise, from any state, the United States, or  
 1921 | any governmental agency, and may receive, use, and dispose of  
 1922 | the same.

1923 |         (6) The board may contract with, or accept services or  
 1924 | personnel from, any governmental or intergovernmental agency,  
 1925 | individual, firm, corporation, or private nonprofit organization  
 1926 | or institution.

1927 |         (7) The board shall formulate all necessary procedures and  
 1928 | develop uniform forms and documents for administering the  
 1929 | provisions of this compact. All procedures and forms adopted  
 1930 | pursuant to board action shall be contained in a compact manual.

1931 |  
 1932 | ARTICLE VIII

1933 | Entry into Compact and Withdrawal

1934 |  
 1935 |         (1) This compact shall become effective at such time as it  
 1936 | is adopted in substantially similar form by two or more states.

1937 |         (2)

1938 |         (a) Entry into the compact shall be made by resolution of  
 1939 | ratification executed by the authorized officials of the  
 1940 | applying state and submitted to the chairman of the board.

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1941 (b) The resolution shall substantially be in the form and  
 1942 content as provided in the compact manual and must include the  
 1943 following:

1944 1. A citation of the authority from which the state is  
 1945 empowered to become a party to this compact;

1946 2. An agreement of compliance with the terms and  
 1947 provisions of this compact; and

1948 3. An agreement that compact entry is with all states  
 1949 participating in the compact and with all additional states  
 1950 legally becoming a party to the compact.

1951 (c) The effective date of entry shall be specified by the  
 1952 applying state, but may not be less than 60 days after notice  
 1953 has been given by the chairman of the board of the compact  
 1954 administrators or by the secretariat of the board to each  
 1955 participating state that the resolution from the applying state  
 1956 has been received.

1957 (3) A participating state may withdraw from participation  
 1958 in this compact by official written notice to each participating  
 1959 state, but withdrawal shall not become effective until 90 days  
 1960 after the notice of withdrawal is given. The notice must be  
 1961 directed to the compact administrator of each member state. The  
 1962 withdrawal of any state does not affect the validity of this  
 1963 compact as to the remaining participating states.

1964  
 1965 ARTICLE IX

1966 Amendments to the Compact

1967

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1968 (1) This compact may be amended from time to time.  
 1969 Amendments shall be presented in resolution form to the chairman  
 1970 of the board of compact administrators and shall be initiated by  
 1971 one or more participating states.

1972 (2) Adoption of an amendment shall require endorsement by  
 1973 all participating states and shall become effective 30 days  
 1974 after the date of the last endorsement.

1975  
 1976 ARTICLE X

1977 Construction and Severability

1978  
 1979 This compact shall be liberally construed so as to effectuate  
 1980 the purposes stated herein. The provisions of this compact are  
 1981 severable and if any phrase, clause, sentence, or provision of  
 1982 this compact is declared to be contrary to the constitution of  
 1983 any participating state or of the United States, or if the  
 1984 applicability thereof to any government, agency, individual, or  
 1985 circumstance is held invalid, the validity of the remainder of  
 1986 this compact shall not be affected thereby. If this compact is  
 1987 held contrary to the constitution of any participating state,  
 1988 the compact shall remain in full force and effect as to the  
 1989 remaining states and in full force and effect as to the  
 1990 participating state affected as to all severable matters.

1991  
 1992 ARTICLE XI

1993 Title

1994

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1995 This compact shall be known as the "Wildlife Violator  
1996 Compact."

1997 Section 39. Section 372.8311, Florida Statutes, is  
1998 renumbered as section 379.2256, Florida Statutes, to read:

1999 379.2256 ~~372.8311~~ Compact licensing and enforcement  
2000 authority; administrative review.--

2001 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of  
2002 this act and the interstate Wildlife Violator Compact, the Fish  
2003 and Wildlife Conservation Commission is the licensing authority  
2004 for the State of Florida and shall enforce the interstate  
2005 Wildlife Violator Compact and shall do all things within the  
2006 commission's jurisdiction which are necessary to effectuate the  
2007 purposes and the intent of the compact. The commission may  
2008 execute a resolution of ratification to formalize the State of  
2009 Florida's entry into the compact. Upon adoption of the Wildlife  
2010 Violator Compact, the commission may adopt rules to administer  
2011 the provisions of the compact.

2012 (2) ADMINISTRATIVE REVIEW.--Any action committed or  
2013 omitted by the Fish and Wildlife Conservation Commission under  
2014 or in the enforcement of the Wildlife Violator Compact created  
2015 in s. 379.2255 ~~372.831~~ is subject to review under chapter 120.

2016 Section 40. Section 372.74, Florida Statutes, is  
2017 renumbered as section 379.2257, Florida Statutes, to read:

2018 379.2257 ~~372.74~~ Cooperative agreements with U. S. Forest  
2019 Service; penalty.--The Fish and Wildlife Conservation Commission  
2020 is authorized and empowered:

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2021 (1) To enter into cooperative agreements with the United  
 2022 States Forest Service for the development of game, bird, fish,  
 2023 reptile, or fur-bearing animal management and demonstration  
 2024 projects on and in the Osceola National Forest in Columbia and  
 2025 Baker Counties, and in the Ocala National Forest in Marion,  
 2026 Lake, and Putnam Counties and in the Apalachicola National  
 2027 Forest in Liberty County. Provided, however, that no such  
 2028 cooperative agreements shall become effective in any county  
 2029 concerned until confirmed by the board of county commissioners  
 2030 of such county expressed through appropriate resolution.

2031 (2) In cooperation with the United States Forest Service,  
 2032 to make, adopt, promulgate, amend, and repeal rules and  
 2033 regulations, consistent with law, for the further or better  
 2034 control of hunting, fishing, and control of wildlife in the  
 2035 above National Forests or parts thereof; to shorten seasons and  
 2036 reduce bag limits, or shorten or close seasons on any species of  
 2037 game, bird, fish, reptile, or fur-bearing animal within the  
 2038 limits prescribed by the Florida law, in the above enumerated  
 2039 National Forests or parts thereof, when it shall find after  
 2040 investigation that such action is necessary to assure the  
 2041 maintenance of an adequate supply of wildlife.

2042 (3) To fix a charge not to exceed \$5, for persons 18 years  
 2043 of age and over, and not to exceed \$2 for persons under the age  
 2044 of 18 years, over and above the license fee for hunting now  
 2045 required by law. This additional fee is to apply only on areas  
 2046 covered by above cooperative agreements. The proceeds from this  
 2047 additional license fee shall be used in the development,

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2048 propagation of wildlife, and protection of the areas covered by  
 2049 the cooperative agreements as the commission and the United  
 2050 States Forest Service may deem proper. Nothing in this section  
 2051 shall be construed as authorizing the commission to change any  
 2052 penalty prescribed by law or to change the amount of general  
 2053 license fees or the general authority conferred by licenses  
 2054 prescribed by law.

2055 (4) In addition to the requirements of chapter 120, notice  
 2056 of the making, adoption, and promulgation of the above rules and  
 2057 regulations shall be given by posting said notices, or copies of  
 2058 the rules and regulations, in the offices of the county judges  
 2059 and in the post offices within the area to be affected and  
 2060 within 10 miles thereof. In addition to the posting of said  
 2061 notices, as aforesaid, copies of said notices or of said rules  
 2062 and regulations shall also be published in newspapers published  
 2063 at the county seats of Baker, Columbia, Marion, Lake, Putnam,  
 2064 and Liberty Counties, or so many thereof as have newspapers,  
 2065 once not more than 35 nor less than 28 days and once not more  
 2066 than 21 nor less than 14 days prior to the opening of the state  
 2067 hunting season in said areas. Any person violating any rules or  
 2068 regulations promulgated by the commission to cover these areas  
 2069 under cooperative agreements between the Fish and Wildlife  
 2070 Conservation Commission and the United States Forest Service,  
 2071 none of which shall be in conflict with the laws of Florida,  
 2072 shall be guilty of a misdemeanor of the second degree,  
 2073 punishable as provided in s. 775.082 or s. 775.083.

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2074 Section 41. Section 372.77, Florida Statutes, is  
 2075 renumbered as section 379.2258, Florida Statutes, to read:  
 2076 379.2258 ~~372.77~~ Assent to provisions of Act of Congress of  
 2077 September 2, 1937.--

2078 (1) The state hereby assents to the provisions of the Act  
 2079 of Congress entitled "An Act to provide that the United States  
 2080 shall aid the States in Wildlife Restoration Projects, and for  
 2081 other purposes," approved September 2, 1937 (Pub. L. No. 415,  
 2082 75th Congress), and the Fish and Wildlife Conservation  
 2083 Commission is hereby authorized, empowered, and directed to  
 2084 perform such acts as may be necessary to the conduct and  
 2085 establishment of cooperative wildlife restoration projects, as  
 2086 defined in said Act of Congress, in compliance with said act and  
 2087 rules and regulations promulgated by the Secretary of  
 2088 Agriculture thereunder.

2089 (2) From and after the passage of this section it shall be  
 2090 unlawful to divert any funds accruing to the state from license  
 2091 fees paid by hunters for any purpose other than the  
 2092 administration of the Fish and Wildlife Conservation Commission  
 2093 of the state.

2094 Section 42. Section 372.7701, Florida Statutes, is  
 2095 renumbered as section 379.2259, Florida Statutes, and amended to  
 2096 read:

2097 379.2259 ~~372.7701~~ Assent to federal acts.--

2098 (1) The state hereby assents to the provisions of the  
 2099 Federal Aid in Fish Restoration Act of August 9, 1950, as  
 2100 amended. The Fish and Wildlife Conservation Commission shall

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2101 perform such activities as are necessary to conduct wildlife and  
 2102 sportfish restoration projects, as defined in such Act of  
 2103 Congress and in compliance with the act and rules adopted  
 2104 thereunder by the United States Department of the Interior.  
 2105 Furthermore, the commission shall develop and implement programs  
 2106 to manage, protect, restore, and conserve marine mammals and the  
 2107 marine fishery and shall develop and implement similar programs  
 2108 for wild animal life and freshwater aquatic life.

2109 (2) Revenues from fees paid by hunters and sport fishers  
 2110 may not be diverted to purposes other than the administration of  
 2111 fish and wildlife programs by the Fish and Wildlife Conservation  
 2112 Commission. Administration of the state fish and wildlife  
 2113 programs includes only those functions of fish and wildlife  
 2114 management as are the responsibility of and under the authority  
 2115 of the Fish and Wildlife Conservation Commission.

2116 (3) This section shall be construed in harmony with s.  
 2117 379.2258 ~~372.77~~.

2118 Section 43. Section 370.21, Florida Statutes, is  
 2119 renumbered as section 379.226, Florida Statutes, and amended to  
 2120 read:

2121 379.226 ~~370.21~~ Florida Territorial Waters Act; alien-owned  
 2122 commercial fishing vessels; prohibited acts; enforcement.--

2123 (1) This act may be known and cited as the "Florida  
 2124 Territorial Waters Act."

2125 (2) It is the purpose of this act to exercise and exert  
 2126 full sovereignty and control of the territorial waters of the  
 2127 state.



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2128 (3) No license shall be issued by the Fish and Wildlife  
2129 Conservation Commission under s. 379.360 ~~370.06~~, to any vessel  
2130 owned in whole or in part by any alien power, which subscribes  
2131 to the doctrine of international communism, or any subject or  
2132 national thereof, who subscribes to the doctrine of  
2133 international communism, or any individual who subscribes to the  
2134 doctrine of international communism, or who shall have signed a  
2135 treaty of trade, friendship and alliance or a nonaggression pact  
2136 with any communist power. The commission shall grant or withhold  
2137 said licenses where other alien vessels are involved on the  
2138 basis of reciprocity and retorsion, unless the nation concerned  
2139 shall be designated as a friendly ally or neutral by a formal  
2140 suggestion transmitted to the Governor of Florida by the  
2141 Secretary of State of the United States. Upon the receipt of  
2142 such suggestion licenses shall be granted under s. 379.360  
2143 ~~370.06~~, without regard to reciprocity and retorsion, to vessels  
2144 of such nations.

2145 (4) It is unlawful for any unlicensed alien vessel to take  
2146 by any means whatsoever, attempt to take, or having so taken to  
2147 possess, any natural resource of the state's territorial waters,  
2148 as such waters are described by Art. II of the State  
2149 Constitution.

2150 (5) It is the duty of all harbormasters of the state to  
2151 prevent the use of any port facility in a manner which they  
2152 reasonably suspect may assist in the violation of this act.  
2153 Harbormasters shall endeavor by all reasonable means, which may  
2154 include the inspection of nautical logs, to ascertain from

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2155 masters of newly arrived vessels of all types other than  
2156 warships of the United States, the presence of alien commercial  
2157 fishing vessels within the territorial waters of the state, and  
2158 shall transmit such information promptly to the Fish and  
2159 Wildlife Conservation Commission and such law enforcement  
2160 agencies of the state as the situation may indicate.  
2161 Harbormasters shall request assistance from the United States  
2162 Coast Guard in appropriate cases to prevent unauthorized  
2163 departure from any port facility.

2164 (6) All licensed harbor pilots are required to promptly  
2165 transmit any knowledge coming to their attention regarding  
2166 possible violations of this act to the harbormaster of the port  
2167 or the appropriate law enforcement officials.

2168 (7) All law enforcement agencies of the state, including  
2169 but not limited to sheriffs and officers of the Fish and  
2170 Wildlife Conservation Commission, are empowered and directed to  
2171 arrest the masters and crews of vessels who are reasonably  
2172 believed to be in violation of this law, and to seize and detain  
2173 such vessels, their equipment and catch. Such arresting officers  
2174 shall take the offending crews or property before the court  
2175 having jurisdiction of such offenses. All such agencies are  
2176 directed to request assistance from the United States Coast  
2177 Guard in the enforcement of this act when having knowledge of  
2178 vessels operating in violation or probable violation of this act  
2179 within their jurisdictions when such agencies are without means  
2180 to effectuate arrest and restraint of vessels and their crews.

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2181 (8) The fine or imprisonment of persons and confiscation  
 2182 proceedings against vessels, gear and catch prescribed for  
 2183 violations of this chapter, shall be imposed for violation of  
 2184 this act; provided that nothing herein shall authorize the  
 2185 repurchase of property for a nominal sum by the owner upon proof  
 2186 of lack of complicity in the violation or undertaking.

2187 (9) No crew member or master seeking bona fide political  
 2188 asylum shall be fined or imprisoned hereunder.

2189 (10) Harbormasters and law enforcement agencies are  
 2190 authorized to request assistance from the Civil Air Patrol in  
 2191 the surveillance of suspect vessels. Aircraft of the Division of  
 2192 Forestry of the Department of Agriculture and Consumer Services  
 2193 or other state or county agencies which are conveniently located  
 2194 and not otherwise occupied may be similarly utilized.

2195 Section 44. Section 370.06092, Florida Statutes, is  
 2196 renumbered as section 379.2271, Florida Statutes, to read:

2197 379.2271 ~~370.06092~~ Harmful-Algal-Bloom Task Force.--

2198 (1) There is established a Harmful-Algal-Bloom Task Force  
 2199 for the purpose of determining research, monitoring, control,  
 2200 and mitigation strategies for red tide and other harmful algal  
 2201 blooms in Florida waters. The Fish and Wildlife Research  
 2202 Institute shall appoint to the task force scientists, engineers,  
 2203 economists, members of citizen groups, and members of  
 2204 government. The task force shall determine research and  
 2205 monitoring priorities and control and mitigation strategies and  
 2206 make recommendations to the Fish and Wildlife Research Institute  
 2207 for using funds as provided in this act.

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2208 (2) The Harmful-Algal-Bloom Task Force shall:

2209 (a) Review the status and adequacy of information for

2210 monitoring physical, chemical, biological, economic, and public

2211 health factors affecting harmful algal blooms in Florida;

2212 (b) Develop research and monitoring priorities for harmful

2213 algal blooms in Florida, including detection, prediction,

2214 mitigation, and control;

2215 (c) Develop recommendations that can be implemented by

2216 state and local governments to develop a response plan and to

2217 predict, mitigate, and control the effects of harmful algal

2218 blooms; and

2219 (d) Make recommendations to the Fish and Wildlife Research

2220 Institute for research, detection, monitoring, prediction,

2221 mitigation, and control of harmful algal blooms in Florida.

2222 Section 45. Section 370.06093, Florida Statutes, is

2223 renumbered as section 379.2272, Florida Statutes, to read:

2224 379.2272 ~~370.06093~~ Harmful-algal-bloom program;

2225 implementation; goals; funding.--

2226 (1)(a) The Fish and Wildlife Research Institute shall

2227 implement a program designed to increase the knowledge of

2228 factors that control harmful algal blooms, including red tide,

2229 and to gain knowledge to be used for the early detection of

2230 factors precipitating harmful algal blooms for accurate

2231 prediction of the extent and seriousness of harmful algal blooms

2232 and for undertaking successful efforts to control and mitigate

2233 the effects of harmful algal blooms.

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2234 (b) The Legislature intends that this program enhance and  
 2235 address areas that are not adequately covered in the cooperative  
 2236 federal-state program known as Ecology and Oceanography of  
 2237 Harmful Algal Blooms (ECO HAB-Florida), which includes the  
 2238 University of South Florida, the Mote Marine Laboratory, and the  
 2239 Fish and Wildlife Research Institute.

2240 (c) The goal of this program is to enable resource  
 2241 managers to assess the potential for public health damage and  
 2242 economic damage from a given bloom and to undertake control and  
 2243 mitigation efforts through the development and application of an  
 2244 integrated detection and prediction network for monitoring and  
 2245 responding to the development and movement of harmful algal  
 2246 blooms in Florida marine and estuarine waters.

2247 (2) A financial disbursement program is created within the  
 2248 Fish and Wildlife Research Institute to implement the provisions  
 2249 of this act. Under the program, the institute shall provide  
 2250 funding and technical assistance to government agencies,  
 2251 research universities, coastal local governments, and  
 2252 organizations with scientific and technical expertise for the  
 2253 purposes of harmful-algal-bloom research, economic impact study,  
 2254 monitoring, detection, control, and mitigation. The program may  
 2255 be funded from state, federal, and private contributions.

2256 Section 46. Section 372.97, Florida Statutes, is  
 2257 renumbered as section 379.2281, Florida Statutes, to read:

2258 379.2281 ~~372.97~~ Jim Woodruff Dam; reciprocity  
 2259 agreements.--The Fish and Wildlife Conservation Commission of  
 2260 the state is hereby authorized to enter into an agreement of the

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2261 reciprocity with the game and fish commissioners or the  
 2262 appropriate officials or departments of the State of Georgia and  
 2263 the State of Alabama relative to the taking of game and  
 2264 freshwater fish from the waters of the lake created by the Jim  
 2265 Woodruff Dam by permitting reciprocal license privileges.

2266 Section 47. Section 372.971, Florida Statutes, is  
 2267 renumbered as section 379.2282, Florida Statutes, to read:

2268 379.2282 ~~372.971~~ St. Marys River; reciprocity  
 2269 agreements.--The Fish and Wildlife Conservation Commission of  
 2270 the state is hereby authorized to enter into an agreement of  
 2271 reciprocity with the game and fish commissioner or the  
 2272 appropriate officials or departments of the State of Georgia  
 2273 relative to the taking of game and freshwater fish from the  
 2274 waters of the St. Marys River by permitting reciprocal agreement  
 2275 license privileges.

2276 Section 48. Section 372.072, Florida Statutes, is  
 2277 renumbered as 379.2291, Florida Statutes, to read:

2278 379.2291 ~~372.072~~ Endangered and Threatened Species Act.--

2279 (1) SHORT TITLE.--This section may be cited as the  
 2280 "Florida Endangered and Threatened Species Act."

2281 (2) DECLARATION OF POLICY.--The Legislature recognizes  
 2282 that the State of Florida harbors a wide diversity of fish and  
 2283 wildlife and that it is the policy of this state to conserve and  
 2284 wisely manage these resources, with particular attention to  
 2285 those species defined by the Fish and Wildlife Conservation  
 2286 Commission, the Department of Environmental Protection, or the  
 2287 United States Department of Interior, or successor agencies, as

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2288 being endangered or threatened. As Florida has more endangered  
2289 and threatened species than any other continental state, it is  
2290 the intent of the Legislature to provide for research and  
2291 management to conserve and protect these species as a natural  
2292 resource.

2293 (3) DEFINITIONS.--As used in this section:

2294 (a) "Fish and wildlife" means any member of the animal  
2295 kingdom, including, but not limited to, any mammal, fish, bird,  
2296 amphibian, reptile, mollusk, crustacean, arthropod, or other  
2297 invertebrate.

2298 (b) "Endangered species" means any species of fish and  
2299 wildlife naturally occurring in Florida, whose prospects of  
2300 survival are in jeopardy due to modification or loss of habitat;  
2301 overutilization for commercial, sporting, scientific, or  
2302 educational purposes; disease; predation; inadequacy of  
2303 regulatory mechanisms; or other natural or manmade factors  
2304 affecting its continued existence.

2305 (c) "Threatened species" means any species of fish and  
2306 wildlife naturally occurring in Florida which may not be in  
2307 immediate danger of extinction, but which exists in such small  
2308 populations as to become endangered if it is subjected to  
2309 increased stress as a result of further modification of its  
2310 environment.

2311 (4) INTERAGENCY COORDINATION.--

2312 (a) The commission shall be responsible for research and  
2313 management of freshwater and upland species and for research and  
2314 management of marine species.

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2315 (b) Recognizing that citizen awareness is a key element in  
2316 the success of this plan, the commission and the Department of  
2317 Education are encouraged to work together to develop a public  
2318 education program with emphasis on, but not limited to, both  
2319 public and private schools.

2320 (c) The commission, in consultation with the Department of  
2321 Agriculture and Consumer Services, the Department of Community  
2322 Affairs, or the Department of Transportation, may establish  
2323 reduced speed zones along roads, streets, and highways to  
2324 protect endangered species or threatened species.

2325 (5) ANNUAL REPORT.--The director of the commission shall,  
2326 at least 30 days prior to each annual session of the  
2327 Legislature, transmit to the Governor and Cabinet, the President  
2328 of the Senate, the Speaker of the House of Representatives, and  
2329 the chairs of the appropriate Senate and House committees, a  
2330 revised and updated plan for management and conservation of  
2331 endangered and threatened species, including criteria for  
2332 research and management priorities; a description of the  
2333 educational program; statewide policies pertaining to protection  
2334 of endangered and threatened species; additional legislation  
2335 which may be required; and the recommended level of funding for  
2336 the following year, along with a progress report and budget  
2337 request.

2338 (6) MEASURABLE BIOLOGICAL GOALS.--Measurable biological  
2339 goals that define manatee recovery developed by the commission,  
2340 working in conjunction with the United States Fish and Wildlife  
2341 Service, shall be used by the commission in its development of



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2342 management plans or work plans. In addition to other criteria,  
 2343 these measurable biological goals shall be used by the  
 2344 commission when evaluating existing and proposed protection  
 2345 rules, and in determining progress in achieving manatee  
 2346 recovery. Not later than July 1, 2005, the commission shall  
 2347 develop rules to define how measurable biological goals will be  
 2348 used by the commission when evaluating the need for additional  
 2349 manatee protection rules.

2350 Section 49. Section 372.073, Florida Statutes, is  
 2351 renumbered as section 379.2292, Florida Statutes, and amended to  
 2352 read:

2353 379.2292 ~~372.073~~ Endangered and Threatened Species Reward  
 2354 Program.--

2355 (1) There is established within the Fish and Wildlife  
 2356 Conservation Commission the Endangered and Threatened Species  
 2357 Reward Program, to be funded from the Nongame Wildlife Trust  
 2358 Fund. The commission may post rewards to persons responsible for  
 2359 providing information leading to the arrest and conviction of  
 2360 persons illegally killing or wounding or wrongfully possessing  
 2361 any of the endangered and threatened species listed on the  
 2362 official Florida list of such species maintained by the  
 2363 commission or the arrest and conviction of persons who violate  
 2364 s. 379.411 or s. 379.5148 ~~372.667 or 372.671~~. Additional funds  
 2365 may be provided by donations from interested individuals and  
 2366 organizations. The reward program is to be administered by the  
 2367 commission. The commission shall establish a schedule of  
 2368 rewards.

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2369 (2) The commission may expend funds only for the following  
2370 purposes:

2371 (a) The payment of rewards to persons, other than law  
2372 enforcement officers, commission personnel, and members of their  
2373 immediate families, for information as specified in subsection  
2374 (1); or

2375 (b) The promotion of public recognition and awareness of  
2376 the Endangered and Threatened Species Reward Program.

2377 Section 50. Section 372.771, Florida Statutes, is  
2378 renumbered as section 379.230, Florida Statutes, to read:

2379 379.230 ~~372.771~~ Federal conservation of fish and wildlife;  
2380 limited jurisdiction.--

2381 (1) Consent of the State of Florida is hereby given, to  
2382 the United States for acquisition of lands, waters, or lands and  
2383 waters or interests therein, for the purpose of managing,  
2384 protecting and propagating fish and wildlife and for other  
2385 conservation uses in the state, providing prior notice has been  
2386 given by the Federal Government to the Board of Trustees of the  
2387 Internal Improvement Trust Fund, the board of county  
2388 commissioners of the county where the lands proposed for  
2389 purchase are located, of such proposed action stating the  
2390 specific use to be made of and the specific location and  
2391 description of such lands desired by the Federal Government for  
2392 any such conservation use, and that such plans for acquisition  
2393 and use of said lands be approved by the Board of Trustees of  
2394 the Internal Improvement Trust Fund, the board of county  
2395 commissioners of the county where the lands proposed for

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2396 purchase are located; provided further that nothing herein  
 2397 contained shall be construed to give the consent of the State of  
 2398 Florida to the acquisition by the United States of lands,  
 2399 waters, or lands and waters, or interests therein, through  
 2400 exercise of the power of eminent domain; provided further that  
 2401 the provisions of this act shall not apply to lands owned by the  
 2402 several counties or by public corporations.

2403 (2) The United States may exercise concurrent jurisdiction  
 2404 over lands so acquired and carry out the intent and purpose of  
 2405 the authority except that the existing laws of Florida relating  
 2406 to the Department of Environmental Protection or the Fish and  
 2407 Wildlife Conservation Commission shall prevail relating to any  
 2408 area under their supervision.

2409 Section 51. Section 372.265, Florida Statutes, is  
 2410 renumbered as section 379.231, Florida Statutes, and amended to  
 2411 read:

2412 379.231 ~~372.265~~ Regulation of foreign animals.--

2413 (1) It is unlawful to import for sale or use, or to  
 2414 release within this state, any species of the animal kingdom not  
 2415 indigenous to Florida without having obtained a permit to do so  
 2416 from the Fish and Wildlife Conservation Commission.

2417 (2) The Fish and Wildlife Conservation Commission is  
 2418 authorized to issue or deny such a permit upon the completion of  
 2419 studies of the species made by it to determine any detrimental  
 2420 effect the species might have on the ecology of the state.

2421 (3) A person in violation of this section commits a Level  
 2422 Three violation under s. 379.400 ~~372.83~~.

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2423 Section 52. Section 370.03, Florida Statutes, is  
 2424 renumbered as section 379.232, Florida Statutes, to read:  
 2425 379.232 ~~370.03~~ Water bottoms.--  
 2426 (1) OWNERSHIP.--All beds and bottoms of navigable rivers,  
 2427 bayous, lagoons, lakes, bays, sounds, inlets, oceans, gulfs and  
 2428 other bodies of water within the jurisdiction of Florida shall  
 2429 be the property of the state except such as may be held under  
 2430 some grant or alienation heretofore made. No grant, sale or  
 2431 conveyance of any water bottom, except conditional leases and  
 2432 dispositions hereinafter provided for, shall hereafter be made  
 2433 by the state, the Board of Trustees of the Internal Improvement  
 2434 Trust Fund, the Department of Agriculture and Consumer Services,  
 2435 or any other official or political corporation. Persons who have  
 2436 received, or may hereafter receive permits to do business in  
 2437 this state, with their factories, shucking plants and shipping  
 2438 depots located in this state, may enjoy the right of fishing for  
 2439 oysters and clams from the natural reefs and bedding oysters and  
 2440 clams on leased bedding grounds, and shall have the right to  
 2441 employ such boats, vessels, or labor and assistants as they may  
 2442 need. Provided that no oysters shall be transported unshucked  
 2443 and in the shells, out of the state, except for use in what is  
 2444 commonly known as the "half-shell trade." When the oyster meats  
 2445 have been separated from the shells it shall be permissible to  
 2446 ship the meats out of the state for further processing and for  
 2447 canning or packing. It shall be unlawful to transport oysters  
 2448 out of the state, unshucked and in the shells, for processing or  
 2449 packing.

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2450 (2) CONTROL.--The Department of Environmental Protection  
2451 has exclusive power and control over all water bottoms, not held  
2452 under some grant or alienation heretofore made, including such  
2453 as may revert to the state by cancellation or otherwise, and may  
2454 lease the same to any person irrespective of residence or  
2455 citizenship, upon such terms, conditions and restrictions as  
2456 said division may elect to impose, without limitation as to area  
2457 to any one person, for the purpose of granting exclusive right  
2458 to plant oysters or clams thereon and for the purpose of  
2459 fishing, taking, catching, bedding and raising oysters, clams  
2460 and other shellfish. No such lessee shall re-lease, sublease,  
2461 sell or transfer any such water bottom or property; provided,  
2462 that nothing herein contained shall be construed as giving said  
2463 department authority to lease sponge beds.

2464 (3) FEES FOR BOTTOM LEASES, ETC.--The department shall  
2465 charge and receive a fee of \$2 for each lease granted, and in  
2466 all other cases, not specifically provided by this chapter, the  
2467 same fees as are allowed clerks of the circuit court for like  
2468 services. All fees shall be paid by the party served.

2469 (4) CONFIRMATION OF FORMER GRANTS; PROVISIO.--All grants  
2470 prior to June 1, 1913, made in pursuance of heretofore existing  
2471 laws, where the person receiving such grant, the person's heirs  
2472 or assigns, have bona fide complied with the requirements of  
2473 said law, are hereby confirmed; provided, that if any material  
2474 or natural oyster or clam reefs or beds on such granted premises  
2475 are 100 square yards in area and contained natural oysters and  
2476 clams (coon oysters not included) in sufficient quantity to have

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2477 | been resorted to by the general public for the purpose of  
 2478 | gathering oysters or clams to sell for a livelihood, at the time  
 2479 | they were planted by such grantee, his or her heirs or assigns,  
 2480 | such reefs or beds are declared to be the property of the state;  
 2481 | and when such beds or reefs exist within the territory  
 2482 | heretofore granted as above set forth, or that may hereafter be  
 2483 | leased, such grantee or lessee shall mark the boundaries of such  
 2484 | oyster and clam reefs or beds as may be designated by the  
 2485 | department as natural oyster or clam reefs or beds, clearly  
 2486 | defining the boundaries of the same, and shall post notice or  
 2487 | other device, as shall be required by the department, giving  
 2488 | notice to the public that such oyster or clam beds or reefs are  
 2489 | the property of the state, which said notice shall be maintained  
 2490 | from September 1 to June 1 of each and every year, on each  
 2491 | oyster bed or reef and on each clam bed for such period of each  
 2492 | year as the board may direct, at the expense of the grantee or  
 2493 | lessee. The department shall investigate all grants heretofore  
 2494 | made, and where, in its opinion, the lessee or grantee has not  
 2495 | bona fide complied with the law under which he or she received  
 2496 | his or her grant or lease, and the department is authorized and  
 2497 | required to institute legal proceedings to vacate the same, in  
 2498 | order to use such lands for the benefit of the public, subject  
 2499 | to the same dispositions as other bottoms.

2500 |       Section 53. Section 372.995, Florida Statutes, is  
 2501 | renumbered as section 379.233, Florida Statutes, to read:

2502 |       379.233 ~~372.995~~ Release of balloons.--

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2503 (1) The Legislature finds that the release into the  
2504 atmosphere of large numbers of balloons inflated with lighter-  
2505 than-air gases poses a danger and nuisance to the environment,  
2506 particularly to wildlife and marine animals.

2507 (2) It is unlawful for any person, firm, or corporation to  
2508 intentionally release, organize the release, or intentionally  
2509 cause to be released within a 24-hour period 10 or more balloons  
2510 inflated with a gas that is lighter than air except for:

2511 (a) Balloons released by a person on behalf of a  
2512 governmental agency or pursuant to a governmental contract for  
2513 scientific or meteorological purposes;

2514 (b) Hot air balloons that are recovered after launching;

2515 (c) Balloons released indoors; or

2516 (d) Balloons that are either biodegradable or  
2517 photodegradable, as determined by rule of the Fish and Wildlife  
2518 Conservation Commission, and which are closed by a hand-tied  
2519 knot in the stem of the balloon without string, ribbon, or other  
2520 attachments. In the event that any balloons are released  
2521 pursuant to the exemption established in this paragraph, the  
2522 party responsible for the release shall make available to any  
2523 law enforcement officer evidence of the biodegradability or  
2524 photodegradability of said balloons in the form of a certificate  
2525 executed by the manufacturer. Failure to provide said evidence  
2526 shall be prima facie evidence of a violation of this act.

2527 (3) Any person who violates subsection (2) is guilty of a  
2528 noncriminal infraction, punishable by a fine of \$250.

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2529 (4) Any person may petition the circuit court to enjoin  
2530 the release of 10 or more balloons if that person is a citizen  
2531 of the county in which the balloons are to be released.

2532 Section 54. Subsection (7) of section 370.021, Florida  
2533 Statutes, is renumbered as section 379.2341, Florida Statutes,  
2534 and amended to read:

2535 379.2341 Publications by the commission--

2536 ~~370.021 Administration; rules, publications, records;~~  
2537 ~~penalties; injunctions.~~

2538 ~~(7) PUBLICATIONS BY COMMISSION.~~ The commission is given  
2539 authority, from time to time in its discretion, to cause the  
2540 statutory laws under its jurisdiction, together with any rules  
2541 promulgated by it, to be published in pamphlet form for free  
2542 distribution in this state. The commission is authorized to make  
2543 charges for technical and educational publications and  
2544 mimeographed material of use for educational or reference  
2545 purposes. Such charges shall be made at the discretion of the  
2546 commission. Such charges may be sufficient to cover cost of  
2547 preparation, printing, publishing, and distribution. All moneys  
2548 received for publications shall be deposited into the fund from  
2549 which the cost of the publication was paid. The commission is  
2550 further authorized to enter into agreements with persons, firms,  
2551 corporations, governmental agencies, and other institutions  
2552 whereby publications may be exchanged reciprocally in lieu of  
2553 payments for said publications.



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2554 Section 55. Section 372.0222, Florida Statutes, is  
 2555 renumbered as section 379.2342, Florida Statutes, and amended to  
 2556 read:

2557 379.2342 ~~372.0222~~ Private publication agreements;  
 2558 advertising; costs of production.—

2559 (1) The Fish and Wildlife Conservation Commission may  
 2560 enter into agreements to secure the private publication of  
 2561 public information brochures, pamphlets, audiotapes, videotapes,  
 2562 and related materials for distribution without charge to the  
 2563 public and, in furtherance thereof, is authorized to:

2564 (a) Enter into agreements with private vendors for the  
 2565 publication or production of such public information materials,  
 2566 whereby the costs of publication or production will be borne in  
 2567 whole or in part by the vendor or the vendor shall provide  
 2568 additional compensation in return for the right of the vendor to  
 2569 select, sell, and place advertising which publicizes products or  
 2570 services related to and harmonious with the subject matter of  
 2571 the publication.

2572 (b) Retain the right, by agreement, to approve all  
 2573 elements of any advertising placed in such public information  
 2574 materials, including the form and content thereof.

2575 (2) (a) Beginning January 1, 2005, the commission, with the  
 2576 advice and assistance of the Florida Wildlife Magazine Advisory  
 2577 Council, shall publish the Florida Wildlife Magazine. The  
 2578 magazine shall be published at least on a quarterly basis in  
 2579 hard-copy format and shall be available to the public by  
 2580 subscription and retail distribution. The primary focus of the

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2581 magazine shall be to promote the heritage of hunting and fishing  
2582 in Florida. The magazine shall also disseminate information  
2583 regarding other outdoor recreational opportunities available to  
2584 Floridians and visitors.

2585 (b) In order to offset the cost of publication and  
2586 distribution of the magazine, the commission, with the advice  
2587 and assistance of the Florida Wildlife Magazine Advisory  
2588 Council, is authorized to sell advertising for placement in the  
2589 magazine. The commission shall have the right to approve all  
2590 elements of any advertising placed in the magazine, including  
2591 the form and content thereof. The magazine shall include a  
2592 statement providing that the inclusion of advertising in the  
2593 magazine does not constitute an endorsement by the state or the  
2594 commission of the products or services so advertised. The  
2595 commission may charge an annual magazine subscription fee of up  
2596 to \$25, a 2-year magazine subscription fee of up to \$45, and a  
2597 3-year magazine subscription fee of up to \$60. The commission  
2598 may charge a retail per copy fee of up to \$7. The provisions of  
2599 chapter 287 do not apply to the sale of advertising for  
2600 placement in the magazine. All revenues generated by the  
2601 magazine shall be credited to the State Game Trust Fund.

2602 (c) The Florida Wildlife Magazine Advisory Council is  
2603 created within the commission to advise and make recommendations  
2604 to the commission regarding development, publication, and sale  
2605 of the Florida Wildlife Magazine. In order to accomplish this  
2606 purpose, the council shall provide recommendations to the  
2607 commission regarding:

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2608 1. The content of articles included in each edition of the  
2609 magazine.

2610 2. Advertising proposed for each edition of the magazine.

2611 3. Strategies to improve distribution and circulation of  
2612 the magazine.

2613 4. Cost-reduction measures regarding publication of the  
2614 magazine.

2615 (d) The Florida Wildlife Magazine Advisory Council shall  
2616 consist of seven members appointed by the commission, and  
2617 initial appointments shall be made no later than August 1, 2004.  
2618 When making initial appointments to the council and filling  
2619 vacancies, the commission shall appoint members to represent the  
2620 following interests: hunting; saltwater fishing; freshwater  
2621 fishing; recreational boating; recreational use of off-road  
2622 vehicles; hiking, biking, bird watching, or similar passive  
2623 activities; general business interests; and magazine publishing.

2624 (e) Two of the initial appointees shall serve 2-year  
2625 terms, two of the initial appointees shall serve 3-year terms,  
2626 and three of the initial appointees shall serve 4-year terms.  
2627 Subsequent to the expiration of the initial terms, advisory  
2628 council appointees shall serve 4-year terms.

2629 (f) The members of the advisory council shall elect a  
2630 chair annually.

2631 (g) The council shall meet at least quarterly at the call  
2632 of its chair, at the request of a majority of its membership, or  
2633 at the request of the commission. A majority of the council  
2634 shall constitute a quorum for the transaction of business.

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2635 (h) The commission shall provide the council with  
 2636 clerical, expert, technical, or other services. All expenses of  
 2637 the council shall be paid from appropriations made by the  
 2638 Legislature to the commission. All vouchers shall be approved by  
 2639 the executive director before submission to the Chief Financial  
 2640 Officer for payment.

2641 (i) Members of the council shall serve without  
 2642 compensation but shall receive per diem and reimbursement for  
 2643 travel expenses as provided in s. 112.061.

2644 (j) Advisory council members may be reappointed. Advisory  
 2645 council members shall serve at the pleasure of the commission.

2646 (3) Any public information materials produced pursuant to  
 2647 this section and containing advertising of any kind shall  
 2648 include a statement providing that the inclusion of advertising  
 2649 in such material does not constitute an endorsement by the state  
 2650 or commission of the products or services so advertised.

2651 (4) The Fish and Wildlife Conservation Commission may  
 2652 enter into agreements with private vendors for vendor  
 2653 advertisement for the purpose of offsetting expenses relating to  
 2654 license issuance, and, in furtherance thereof, is authorized to:

2655 (a) Retain the right, by agreement, to approve all  
 2656 elements of such advertising, including the form or content.

2657 (b) Require that any advertising of any kind contracted  
 2658 pursuant to this section shall include a statement providing  
 2659 that the advertising does not constitute an endorsement by the  
 2660 state or commission of the products or services to be so  
 2661 advertised.

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2662 (5) The commission shall collect, edit, publish, and print  
2663 pamphlets, papers, manuscripts, documents, books, monographs,  
2664 and other materials relating to fish and wildlife conservation  
2665 and may establish and impose a reasonable charge for such  
2666 materials to cover costs of production and distribution in whole  
2667 or part and may contract for the marketing, sale, and  
2668 distribution of such publications and materials; except that no  
2669 charge shall be imposed for materials designed to provide the  
2670 public with essential information concerning fish and wildlife  
2671 regulations and matters of public safety.

2672 (6) The commission shall provide services and information  
2673 designed to inform Floridians and visitors about Florida's  
2674 unique and diverse fish, game, and wildlife, and make it  
2675 available by means of commonly used media. For the  
2676 accomplishment of those purposes, the commission may make  
2677 expenditures to:

2678 (a) Encourage and cooperate with public and private  
2679 organizations or groups to publicize to residents and visitors  
2680 the diversity of fish, game, and wildlife, and related  
2681 recreation opportunities of the state, including the  
2682 establishment of and expenditure for a program of cooperative  
2683 advertising or sponsorships, or partnerships with the public and  
2684 private organizations and groups in accordance with rules  
2685 adopted by the commission under chapter 120.

2686 (b) Charge and collect a reasonable fee for researching or  
2687 compiling information or other services which, in its judgment,  
2688 should not be free to those requesting the information,

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2689 research, handling, material, publication, or other services.  
2690 Any amounts of money received by the commission from such  
2691 sources shall be restored to the appropriations of the  
2692 commission, and any unexpended funds shall be deposited into the  
2693 State Game Trust Fund and made available to the commission for  
2694 use in performing its duties, powers, and purposes.

2695 (c) Charge and collect registration fees at conferences,  
2696 seminars, and other meetings conducted in furtherance of the  
2697 duties, powers, and purposes of the commission. Any funds  
2698 collected under this paragraph which remain unexpended after the  
2699 expenses of the conference, seminar, or meeting have been paid  
2700 shall be deposited into the State Game Trust Fund and made  
2701 available to the commission for use in performing its duties,  
2702 powers, and purposes.

2703 (d) Purchase and distribute promotional items to increase  
2704 public awareness regarding boating safety and other programs  
2705 that promote public safety or resource conservation.

2706 (7) Notwithstanding the provisions of part I of chapter  
2707 287, the commission may adopt rules for the purpose of entering  
2708 into contracts that are primarily for promotional and  
2709 advertising services and promotional events which may include  
2710 the authority to negotiate costs with offerors of such services  
2711 and commodities who have been determined to be qualified on the  
2712 basis of technical merit, creative ability, and professional  
2713 competency.

2714 Section 56. Section 370.1103, Florida Statutes, is  
2715 renumbered as section 379.2351, Florida Statutes, to read:

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2716            379.2351 ~~370.1103~~ Land-based commercial and recreational  
 2717 fishing activities; legislative findings and purpose;  
 2718 definitions; legal protection; local ordinances; prohibited  
 2719 activity.--

2720            (1) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature  
 2721 finds that commercial and recreational fishing constitute  
 2722 activities of statewide importance and that the continuation of  
 2723 commercial and recreational fishing will benefit the health and  
 2724 welfare of the people of this state. The Legislature further  
 2725 finds that commercial and recreational fishing operations  
 2726 conducted in developing and urbanizing areas are potentially  
 2727 subject to curtailment as a result of local government zoning  
 2728 and nuisance ordinances which may unreasonably force the closure  
 2729 of productive commercial and recreational fishing operations. It  
 2730 is the purpose of this act to prevent the curtailment or  
 2731 abolishment of commercial and recreational fishing operations  
 2732 solely because the area in which they are located has changed in  
 2733 character or the operations are displeasing to neighboring  
 2734 residents.

2735            (2) DEFINITIONS.--As used in this act, "commercial fishing  
 2736 operation" means any type of activity conducted on land,  
 2737 requiring the location or storage of commercial fishing  
 2738 equipment such as fishing vessels, fishing gear, docks, piers,  
 2739 loading areas, landing areas, and cold storage facilities,  
 2740 including any activity necessary to prepare finfish or shellfish  
 2741 for refrigeration. This definition does not include operations  
 2742 with the sole or primary function of processing seafood.

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2743 (3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL  
 2744 FISHING OPERATIONS.--No commercial or recreational fishing  
 2745 operation shall be declared a public or private nuisance solely  
 2746 because of a change in ownership or a change in the character of  
 2747 the property in or around the locality of the operation.

2748 (4) LOCAL ORDINANCE.--No local governing authority shall  
 2749 adopt any ordinance that declares any commercial or recreational  
 2750 fishing operation to be a nuisance solely because it is a  
 2751 commercial or recreational fishing operation, or any zoning  
 2752 ordinance that unreasonably forces the closure of any commercial  
 2753 or recreational fishing operation. Nothing in this act shall  
 2754 prevent a local government from regulating commercial and  
 2755 recreational fishing operations, including by requiring the use  
 2756 of methods, structures, or appliances where such use will  
 2757 prevent, ameliorate, or remove conditions which create or may  
 2758 create a nuisance or, pursuant to the applicable local zoning  
 2759 code, by declaring a commercial or recreational fishing  
 2760 operation to be a nonconforming use.

2761 (5) WHEN EXPANSION OF OPERATION NOT PERMITTED.--This act  
 2762 shall not be construed to permit an existing commercial or  
 2763 recreational fishing operation to change to a larger operation  
 2764 with regard to emitting more noise or odor, where such change  
 2765 violates local ordinances or regulations or creates a nuisance.

2766 Section 57. Section 370.27, Florida Statutes, is  
 2767 renumbered as section 379.2352, Florida Statutes, to read:

2768 379.2352 ~~370.27~~ State employment; priority consideration  
 2769 for qualified displaced employees of the saltwater fishing



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2770 industry.--All state agencies must give priority consideration  
 2771 to any job applicant who is able to document the loss of full-  
 2772 time employment in the commercial saltwater fishing industry as  
 2773 a result of the adoption of the constitutional amendment  
 2774 limiting the use of nets to harvest marine species, provided the  
 2775 applicant meets the minimum requirements for the position  
 2776 sought.

2777 Section 58. Section 370.28, Florida Statutes, is  
 2778 renumbered as section 379.2353, Florida Statutes, to read:

2779 379.2353 ~~370.28~~ Enterprise zone designation; communities  
 2780 adversely impacted by net limitations.--

2781 (1) The Office of Tourism, Trade, and Economic Development  
 2782 is directed to identify communities suffering adverse impacts  
 2783 from the adoption of the constitutional amendment limiting the  
 2784 use of nets to harvest marine species.

2785 (2) (a) Such communities having a population of fewer than  
 2786 7,500 persons and such communities in rural and coastal counties  
 2787 with a county population of fewer than 25,000 may apply to the  
 2788 Office of Tourism, Trade, and Economic Development by August 15,  
 2789 1996, for the designation of an area as an enterprise zone. The  
 2790 community must comply with the requirements of s. 290.0055,  
 2791 except that, for a community having a total population of 7,500  
 2792 persons or more but fewer than 20,000 persons, the selected area  
 2793 may not exceed 5 square miles. Notwithstanding the provisions of  
 2794 s. 290.0065, limiting the total number of enterprise zones  
 2795 designated and the number of enterprise zones within a  
 2796 population category, the Office of Tourism, Trade, and Economic

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2797 Development may designate an enterprise zone in eight of the  
2798 identified communities. The governing body having jurisdiction  
2799 over such area shall create an enterprise zone development  
2800 agency pursuant to s. 290.0056 and submit a strategic plan  
2801 pursuant to s. 290.0057. Enterprise zones designated pursuant to  
2802 this section shall be effective January 1, 1997. Any enterprise  
2803 zone designated under this paragraph having an effective date on  
2804 or before January 1, 2005, shall continue to exist until  
2805 December 31, 2005, but shall cease to exist on December 31,  
2806 2005. Any enterprise zone redesignated on or after January 1,  
2807 2006, must do so in accordance with the Florida Enterprise Zone  
2808 Act.

2809 (b) Notwithstanding any provisions of this section to the  
2810 contrary, communities in coastal counties with a county  
2811 population greater than 20,000, which can demonstrate that the  
2812 community has historically been a fishing community and has  
2813 therefore had a direct adverse impact from the adoption of the  
2814 constitutional amendment limiting the use of nets, shall also be  
2815 eligible to apply for designation of an area as an enterprise  
2816 zone. The community must comply with the requirements of s.  
2817 290.0055, except s. 290.0055(3). Such communities shall apply to  
2818 the Office of Tourism, Trade, and Economic Development by August  
2819 15, 1996. The office may designate one enterprise zone under  
2820 this paragraph, which shall be effective January 1, 1997, and  
2821 which shall be in addition to the eight zones authorized under  
2822 paragraph (a). Any enterprise zone designated under this  
2823 paragraph having an effective date on or before January 1, 2005,

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2824 shall continue to exist until December 31, 2005, but shall cease  
 2825 to exist on that date. Any enterprise zone redesignated on or  
 2826 after January 1, 2006, must do so in accordance with the Florida  
 2827 Enterprise Zone Act. The governing body having jurisdiction over  
 2828 such area shall create an enterprise zone development agency  
 2829 pursuant to s. 290.0056 and submit a strategic plan pursuant to  
 2830 s. 290.0057.

2831 (3) For the purpose of nominating and designating areas  
 2832 pursuant to subsection (2), the requirements set out in s.  
 2833 290.0058(2) shall not apply.

2834 (4) Notwithstanding the time limitations contained in  
 2835 chapters 212 and 220, a business eligible to receive tax credits  
 2836 under this section from January 1, 1997, to June 1, 1998, must  
 2837 submit an application for the tax credits by December 1, 1998.  
 2838 All other requirements of the enterprise zone program apply to  
 2839 such a business.

2840 Section 59. Subsection (9) of section 370.021, Florida  
 2841 Statutes, is renumbered as section 379.236, Florida Statutes,  
 2842 and amended to read:

2843 379.236 Retention, destruction, and reproduction of  
 2844 commission records --

2845 ~~370.021 Administration; rules, publications, records;~~  
 2846 ~~penalties; injunctions.--~~

2847 ~~-(9) RETENTION, DESTRUCTION, AND REPRODUCTION OF~~

2848 ~~RECORDS.--~~Records and documents of the commission created in  
 2849 compliance with and in the implementation of this chapter or  
 2850 former chapter 371 shall be retained by the commission as

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2851 specified in record retention schedules established under the  
2852 general provisions of chapters 119 and 257. Such records  
2853 retained by the Department of Environmental Protection on July  
2854 1, 1999, shall be transferred to the commission. Further, the  
2855 commission is authorized to:

2856 (1)~~(a)~~ Destroy, or otherwise dispose of, those records and  
2857 documents in conformity with the approved retention schedules.

2858 (2)~~(b)~~ Photograph, microphotograph, or reproduce such  
2859 records and documents on film, as authorized and directed by the  
2860 approved retention schedules, whereby each page will be exposed  
2861 in exact conformity with the original records and documents  
2862 retained in compliance with the provisions of this section.  
2863 Photographs or microphotographs in the form of film or print of  
2864 any records, made in compliance with the provisions of this  
2865 section, shall have the same force and effect as the originals  
2866 thereof would have and shall be treated as originals for the  
2867 purpose of their admissibility in evidence. Duly certified or  
2868 authenticated reproductions of such photographs or  
2869 microphotographs shall be admitted in evidence equally with the  
2870 original photographs or microphotographs. The impression of the  
2871 seal of the commission on a certificate made pursuant to the  
2872 provisions hereof and signed by the executive director of the  
2873 commission shall entitle the same to be received in evidence in  
2874 all courts and in all proceedings in this state and shall be  
2875 prima facie evidence of all factual matters set forth in the  
2876 certificate. A certificate may relate to one or more records, as

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2877 set forth in the certificate, or in a schedule continued on an  
 2878 attachment to the certificate.

2879 (3)~~(e)~~ Furnish certified copies of such records for a fee  
 2880 of \$1 which shall be deposited in the Marine Resources  
 2881 Conservation Trust Fund.

2882 Section 60. Subsection (10) of section 370.021, Florida  
 2883 Statutes, is renumbered as section 379.237, Florida Statutes,  
 2884 and amended to read:

2885 379.237 Court of Equity may enjoin --

2886 ~~370.021 Administration; rules, publications, records;  
 2887 penalties; injunctions.--~~

2888 ~~— (10) COURTS OF EQUITY MAY ENJOIN. —~~Courts of equity in  
 2889 this state have jurisdiction to enforce the conservation laws of  
 2890 this state by injunction.

2891 Section 61. Part II of chapter 379, Florida Statutes,  
 2892 consisting of sections 379.2401 through 379.2525, is created to  
 2893 read:

2894 PART II  
 2895 MARINE LIFE

2897 Section 62. Section 370.025, Florida Statutes, is  
 2898 renumbered as section 379.2401, Florida Statutes, to read:

2899 379.2401 ~~370.025~~ Marine fisheries; policy and standards.--

2900 (1) The Legislature hereby declares the policy of the  
 2901 state to be management and preservation of its renewable marine  
 2902 fishery resources, based upon the best available information,  
 2903 emphasizing protection and enhancement of the marine and

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2904 estuarine environment in such a manner as to provide for optimum  
2905 sustained benefits and use to all the people of this state for  
2906 present and future generations.

2907 (2) The commission is instructed to make recommendations  
2908 annually to the Governor and the Legislature regarding marine  
2909 fisheries research priorities and funding. All administrative  
2910 and enforcement responsibilities which are unaffected by the  
2911 specific provisions of this act are the responsibility of the  
2912 commission.

2913 (3) All rules relating to saltwater fisheries adopted by  
2914 the commission shall be consistent with the following standards:

2915 (a) The paramount concern of conservation and management  
2916 measures shall be the continuing health and abundance of the  
2917 marine fisheries resources of this state.

2918 (b) Conservation and management measures shall be based  
2919 upon the best information available, including biological,  
2920 sociological, economic, and other information deemed relevant by  
2921 the commission.

2922 (c) Conservation and management measures shall permit  
2923 reasonable means and quantities of annual harvest, consistent  
2924 with maximum practicable sustainable stock abundance on a  
2925 continuing basis.

2926 (d) When possible and practicable, stocks of fish shall be  
2927 managed as a biological unit.

2928 (e) Conservation and management measures shall assure  
2929 proper quality control of marine resources that enter commerce.

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2930 (f) State marine fishery management plans shall be  
 2931 developed to implement management of important marine fishery  
 2932 resources.

2933 (g) Conservation and management decisions shall be fair  
 2934 and equitable to all the people of this state and carried out in  
 2935 such a manner that no individual, corporation, or entity  
 2936 acquires an excessive share of such privileges.

2937 (h) Federal fishery management plans and fishery  
 2938 management plans of other states or interstate commissions  
 2939 should be considered when developing state marine fishery  
 2940 management plans. Inconsistencies should be avoided unless it is  
 2941 determined that it is in the best interest of the fisheries or  
 2942 residents of this state to be inconsistent.

2943 Section 63. Section 370.0607, Florida Statutes, is  
 2944 renumbered as section 379.2402, Florida Statutes, to read:

2945 379.2402 ~~370.0607~~ Marine information system.--The Fish and  
 2946 Wildlife Conservation Commission shall establish by rule a  
 2947 marine information system in conjunction with the licensing  
 2948 program to gather marine fisheries data.

2949 Section 64. Section 370.101, Florida Statutes, is  
 2950 renumbered as section 379.2411, Florida Statutes, and amended to  
 2951 read:

2952 379.2411 ~~370.101~~ Saltwater fish; regulations.--

2953 (1) The Fish and Wildlife Conservation Commission is  
 2954 authorized to establish weight equivalencies when minimum  
 2955 lengths of saltwater fish are established by law, in those cases  
 2956 where the fish are artificially cultivated.

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2957 (2) A special activity license may be issued by the  
 2958 commission pursuant to s. 379.360 ~~370.06~~ for catching and  
 2959 possession of fish protected by law after it has first  
 2960 established that such protected specimens are to be used as  
 2961 stock for artificial cultivation.

2962 (3) A permit may not be issued pursuant to subsection (2)  
 2963 until the commission determines that the artificial cultivation  
 2964 activity complies with the provisions of ss. 253.67-253.75 and  
 2965 any other specific provisions contained within this chapter  
 2966 regarding leases, licenses, or permits for maricultural  
 2967 activities of each saltwater fish, so that the public interest  
 2968 in such fish stocks is fully protected.

2969 Section 65. Section 370.102, Florida Statutes, is  
 2970 renumbered as section 379.2412, Florida Statutes, and amended to  
 2971 read:

2972 379.2412 ~~370.102~~ State preemption of power to  
 2973 regulate.--The power to regulate the taking or possession of  
 2974 saltwater fish, as defined in s. 379.100 ~~370.01~~, is expressly  
 2975 reserved to the state. This section does not prohibit a local  
 2976 government from prohibiting, for reasons of protecting the  
 2977 public health, safety, or welfare, saltwater fishing from real  
 2978 property owned by that local government.

2979 Section 66. Section 370.11, Florida Statutes, is  
 2980 renumbered as section 379.2413, Florida Statutes, to read:

2981 379.2413 Catching food fish for purposes of making oil  
 2982 prohibited -- ~~370.11 Fish; regulation.~~



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2983 ~~———— (1) CATCHING FOOD FISH FOR PURPOSES OF MAKING OIL~~  
 2984 ~~PROHIBITED.—~~No person shall take any food fish from the waters  
 2985 under the jurisdiction of the state, for the purpose of making  
 2986 oil, fertilizer or compost therefrom. Purse seines may be used,  
 2987 for the taking of nonfood fish for the purpose of making oil,  
 2988 fertilizer or compost.

2989 ~~———— (2) REGULATION; FISH; TARPON, ETC.—~~No person may sell,  
 2990 offer for sale, barter, exchange for merchandise, transport for  
 2991 sale, either within or without the state, offer to purchase or  
 2992 purchase any species of fish known as tarpon (*Tarpon atlanticus*)  
 2993 provided, however, any one person may carry out of the state as  
 2994 personal baggage or transport within or out of the state not  
 2995 more than two tarpon if they are not being transported for sale.  
 2996 The possession of more than two tarpon by any one person is  
 2997 unlawful; provided, however, any person may catch an unlimited  
 2998 number of tarpon if they are immediately returned uninjured to  
 2999 the water and released where the same are caught. No common  
 3000 carrier in the state shall knowingly receive for transportation  
 3001 or transport, within or without the state, from any one person  
 3002 for shipment more than two tarpon, except as hereinafter  
 3003 provided. It is expressly provided that any lawful established  
 3004 taxidermist, in the conduct of taxidermy, may be permitted to  
 3005 move or transport any reasonable number of tarpon at any time  
 3006 and in any manner he or she may desire, as specimens for  
 3007 mounting; provided, however, satisfactory individual ownership  
 3008 of the fish so moved or transported can be established by such  
 3009 taxidermist at any time upon demand. Common carriers shall

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3010 ~~accept for shipment tarpon from a taxidermist when statement of~~  
 3011 ~~individual ownership involved accompanies bill of lading or~~  
 3012 ~~other papers controlling the shipment. The Fish and Wildlife~~  
 3013 ~~Conservation Commission may, in its discretion, upon application~~  
 3014 ~~issue permits for the taking and transporting of tarpon for~~  
 3015 ~~scientific purposes.~~

3016 Section 67. Section 370.08, Florida Statutes, is  
 3017 renumbered as section 379.2421, Florida Statutes, and amended to  
 3018 read:

3019 379.2421 ~~370.08~~ Fishers and equipment; regulation.--

3020 (1) ILLEGAL POSSESSION OF SEINES AND NETS.--No person may  
 3021 have in his or her custody or possession in any county of this  
 3022 state any fishing seine or net, the use of which for fishing  
 3023 purposes in such county is prohibited by law. Such possession  
 3024 shall be evidence of a violation of this subsection by both the  
 3025 owner thereof and the person using or possessing said net. The  
 3026 provisions of this subsection shall not apply to shrimp nets, to  
 3027 pound nets or purse nets when used in taking menhaden fish, to  
 3028 seines used exclusively for taking herring, or to legal beach  
 3029 seines used in the open gulf or Atlantic Ocean if the possession  
 3030 of such nets is not prohibited in the county where found.

3031 (2) STOP NETTING DEFINED; PROHIBITION.--

3032 (a) It is unlawful for any person to obstruct any river,  
 3033 creek, canal, pass, bayou or other waterway in this state by  
 3034 placing or setting therein any screen, net, seine, rack, wire or  
 3035 other device, or to use, set, or place any net or seine or  
 3036 similar device of any kind, either singularly or in rotation or

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3037 one behind another in any manner whatsoever so as to prevent the  
3038 free passage of fish.

3039 (b) It is unlawful for any person, while fishing or  
3040 attempting to fish for shrimp or saltwater fish, to attach or  
3041 otherwise secure a frame net, trawl net, trap net, or similar  
3042 device to any state road bridge or associated structure situated  
3043 over any saltwater body or to use more than one such net or  
3044 device while fishing from such bridge or structure. For the  
3045 purposes of this paragraph, a "frame net" is any net similar to  
3046 a hoop net, the mouth of which is held open by a frame, with a  
3047 trailing mesh net, of any size. Cast nets, dip nets, and similar  
3048 devices are specifically excluded from the operation of this  
3049 paragraph.

3050 (3) USE OF PURSE SEINES, GILL NETS, POUND NETS, ETC.--No  
3051 person may take food fish within or without the waters of this  
3052 state with a purse seine, purse gill net, or other net using  
3053 rings or other devices on the lead line thereof, through which a  
3054 purse line is drawn, or pound net, or have any food fish so  
3055 taken in his or her possession for sale or shipment. The  
3056 provisions of this section shall not apply to shrimp nets or to  
3057 pound nets or purse seines when used for the taking of tuna or  
3058 menhaden fish only.

3059 (4) RETURN OF FISH TO WATER.--All persons taking food fish  
3060 from any of the waters of this state by use of seines, nets, or  
3061 other fishing devices and not using any of such fish because of  
3062 size or other reasons shall immediately release and return such  
3063 fish alive to the water from which taken and no such fish may be

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3064 placed or deposited on any bank, shore, beach or other place out  
3065 of the water.

3066 ~~—— (5) THROWING EXPLOSIVES OR USE OF FIREARMS IN WATER FOR~~  
3067 ~~PURPOSE OF KILLING FOOD FISH PROHIBITED. --No person may throw or~~  
3068 ~~cause to be thrown, into any of the waters of this state, any~~  
3069 ~~dynamite, lime, other explosives or discharge any firearms~~  
3070 ~~whatsoever for the purpose of killing food fish therein. The~~  
3071 ~~landing ashore or possession on the water by any person of any~~  
3072 ~~food fish that has been damaged by explosives or the landing of~~  
3073 ~~headless jewfish or grouper, if the grouper is taken for~~  
3074 ~~commercial use, is prima facie evidence of violation of this~~  
3075 ~~section.~~

3076 (5) ~~(6)~~ SEINES, POCKET BUNTS.--In any counties where  
3077 seines are not prohibited on the open gulf or Atlantic Ocean,  
3078 such seines may have a pocket bunt on the middle of the seine of  
3079 a mesh size less than that provided by law.

3080 (6) ~~(7)~~ ILLEGAL USE OF POISONS, DRUGS, OR CHEMICALS.--  
3081 ~~—— (a) It is unlawful for any person to place poisons, drugs,~~  
3082 ~~or other chemicals in the marine waters of this state unless~~  
3083 ~~that person has first obtained a special activity license for~~  
3084 ~~such use pursuant to s. 379.360 ~~370.06~~ from the Fish and~~  
3085 ~~Wildlife Conservation Commission.~~

3086 ~~—— (b)~~ Upon application on forms furnished by the commission,  
3087 the commission may issue a license to use poisons, drugs, or  
3088 other chemicals in the marine waters of this state for the  
3089 purpose of capturing live marine species. The application and  
3090 license shall specify the area in which collecting will be done;

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3091 the drugs, chemicals, or poisons to be used; and the maximum  
 3092 amounts and concentrations at each sampling.

3093 (7) ~~(8)~~ PENALTIES.--A commercial harvester who violates  
 3094 this section shall be punished under s. 379.407 ~~370.021~~. Any  
 3095 other person who violates this section commits a Level Two  
 3096 violation under s. 379.400 ~~372.83~~.

3097 Section 68. Section 370.093, Florida Statutes, is  
 3098 renumbered as section 379.2422, Florida Statutes, and amended to  
 3099 read:

3100 379.2422 ~~370.093~~ Illegal use of nets.--

3101 (1) It is unlawful to take or harvest, or to attempt to  
 3102 take or harvest, any marine life in Florida waters with any net  
 3103 that is not consistent with the provisions of s. 16, Art. X of  
 3104 the State Constitution.

3105 (2) (a) Beginning July 1, 1998, it is also unlawful to take  
 3106 or harvest, or to attempt to take or harvest, any marine life in  
 3107 Florida waters with any net, as defined in subsection (3) and  
 3108 any attachments to such net, that combined are larger than 500  
 3109 square feet and have not been expressly authorized for such use  
 3110 by rule of the Fish and Wildlife Conservation Commission. The  
 3111 use of currently legal shrimp trawls and purse seines outside  
 3112 nearshore and inshore Florida waters shall continue to be legal  
 3113 until the commission implements rules regulating those types of  
 3114 gear.

3115 (b) The use of gill or entangling nets of any size is  
 3116 prohibited, as such nets are defined in s. 16, Art. X of the  
 3117 State Constitution. Any net constructed wholly or partially of

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3118 monofilament or multistrand monofilament material, other than a  
3119 hand thrown cast net, or a handheld landing or dip net, shall be  
3120 considered to be an entangling net within the prohibition of s.  
3121 16, Art. X of the State Constitution unless specifically  
3122 authorized by rule of the commission. Multistrand monofilament  
3123 material shall not be defined to include nets constructed of  
3124 braided or twisted nylon, cotton, linen twine, or polypropylene  
3125 twine.

3126 (c) This subsection shall not be construed to apply to  
3127 aquaculture activities licenses issued pursuant to s. 379.2523  
3128 ~~370.26~~.

3129 (3) As used in s. 16, Art. X of the State Constitution and  
3130 this subsection, the term "net" or "netting" must be broadly  
3131 construed to include all manner or combination of mesh or  
3132 webbing or any other solid or semisolid fabric or other material  
3133 used to comprise a device that is used to take or harvest marine  
3134 life.

3135 (4) Upon the arrest of any person for violation of this  
3136 subsection, the arresting officer shall seize the nets illegally  
3137 used. Upon conviction of the offender, the arresting authority  
3138 shall destroy the nets.

3139 (5) Any person who violates this section shall be punished  
3140 as provided in s. 379.407(3) ~~370.021(3)~~.

3141 (6) The Fish and Wildlife Conservation Commission is  
3142 granted authority to adopt rules pursuant to s. 379.2401 ~~370.025~~  
3143 implementing this section and the prohibitions and restrictions  
3144 of s. 16, Art. X of the State Constitution.

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3145 Section 69. Section 370.092, Florida Statutes, is  
3146 renumbered as section 379.2423, Florida Statutes, and amended to  
3147 read:

3148 379.2423 ~~370.092~~ Carriage of proscribed nets across  
3149 Florida waters.--

3150 (1) This section applies to all vessels containing or  
3151 otherwise transporting in or on Florida waters any gill net or  
3152 other entangling net and to all vessels containing or otherwise  
3153 transporting in or on Florida waters any net containing more  
3154 than 500 square feet of mesh area the use of which is restricted  
3155 or prohibited by s. 16, Art. X of the State Constitution. This  
3156 section does not apply to vessels containing or otherwise  
3157 transporting in or on Florida waters dry nets which are rolled,  
3158 folded, or otherwise properly stowed in sealed containers so as  
3159 to make their immediate use as fishing implements impracticable.

3160 (2) Every vessel containing or otherwise transporting in  
3161 or on Florida waters any gill net or other entangling net and  
3162 every vessel containing or otherwise transporting in or on  
3163 nearshore and inshore Florida waters any net containing more  
3164 than 500 square feet of mesh area shall proceed as directly,  
3165 continuously, and expeditiously as possible from the place where  
3166 the vessel is regularly docked, moored, or otherwise stored to  
3167 waters where the use of said nets is lawful and from waters  
3168 where the use of said nets is lawful back to the place where the  
3169 vessel is regularly docked, moored, or otherwise stored or back  
3170 to the licensed wholesale dealer where the catch is to be sold.  
3171 Exceptions shall be provided for docked vessels, for vessels

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3172 which utilize nets in a licensed aquaculture operation, and for  
3173 vessels containing trawl nets as long as the trawl's doors or  
3174 frame are not deployed in the water. Otherwise, hovering,  
3175 drifting, and other similar activities inconsistent with the  
3176 direct, continuous, and expeditious transit of such vessels  
3177 shall be evidence of the unlawful use of such nets. The presence  
3178 of fish in such a net is not evidence of the unlawful use of the  
3179 net if the vessel is otherwise in compliance with this section.

3180 (3) Notwithstanding subsections (1) and (2), unless  
3181 authorized by rule of the Fish and Wildlife Conservation  
3182 Commission, it is a major violation under this section,  
3183 punishable as provided in s. 379.407(3) ~~370.021(3)~~, for any  
3184 person, firm, or corporation to possess any gill or entangling  
3185 net, or any seine net larger than 500 square feet in mesh area,  
3186 on any airboat or on any other vessel less than 22 feet in  
3187 length and on any vessel less than 25 feet if primary power of  
3188 the vessel is mounted forward of the vessel center point. Gill  
3189 or entangling nets shall be as defined in s. 16, Art. X of the  
3190 State Constitution, s. 379.2422(2)(b) ~~370.093(2)(b)~~, or in a  
3191 rule of the Fish and Wildlife Conservation Commission  
3192 implementing s. 16, Art. X of the State Constitution. Vessel  
3193 length shall be determined in accordance with current United  
3194 States Coast Guard regulations specified in the Code of Federal  
3195 Regulations or as titled by the State of Florida. The Marine  
3196 Fisheries Commission is directed to initiate by July 1, 1998,  
3197 rulemaking to adjust by rule the use of gear on vessels longer  
3198 than 22 feet where the primary power of the vessel is mounted



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3199 forward of the vessel center point in order to prevent the  
 3200 illegal use of gill and entangling nets in state waters and to  
 3201 provide reasonable opportunities for the use of legal net gear  
 3202 in adjacent federal waters.

3203 (4) The Fish and Wildlife Conservation Commission shall  
 3204 adopt rules to prohibit the possession and sale of mullet taken  
 3205 in illegal gill or entangling nets. Violations of such rules  
 3206 shall be punishable as provided in s. 379.407(3) ~~370.021(3)~~.

3207 (5) The commission has authority to adopt rules pursuant  
 3208 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 3209 section.

3210 Section 70. Subsection (1) of section 370.143, Florida  
 3211 Statutes, is renumbered as section 379.2424, Florida Statutes,  
 3212 and amended to read:

3213 379.2424 ~~370.143~~ Retrieval of spiny lobster, stone crab,  
 3214 blue crab, and black sea bass traps during closed season;  
 3215 commission authority; ~~fees.--~~

3216 ~~—(1)~~ The Fish and Wildlife Conservation Commission is  
 3217 authorized to implement a trap retrieval program for retrieval  
 3218 of spiny lobster, stone crab, blue crab, and black sea bass  
 3219 traps remaining in the water during the closed season for each  
 3220 species. The commission is authorized to contract with outside  
 3221 agents for the program operation.

3222 Section 71. Section 370.172, Florida Statutes, is  
 3223 renumbered as section 379.2425, Florida Statutes, to read:

3224 379.2425 ~~370.172~~ Spearfishing; definition; limitations;  
 3225 penalty.--

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3226 (1) For the purposes of this section, "spearfishing" means  
 3227 the taking of any saltwater fish through the instrumentality of  
 3228 a spear, gig, or lance operated by a person swimming at or below  
 3229 the surface of the water.

3230 (2) (a) Spearfishing is prohibited within the boundaries of  
 3231 the John Pennekamp Coral Reef State Park, the waters of Collier  
 3232 County, and the area in Monroe County known as Upper Keys, which  
 3233 includes all salt waters under the jurisdiction of the Fish and  
 3234 Wildlife Conservation Commission beginning at the county line  
 3235 between Dade and Monroe Counties and running south, including  
 3236 all of the keys down to and including Long Key.

3237 (b) For the purposes of this subsection, the possession in  
 3238 the water of a spear, gig, or lance by a person swimming at or  
 3239 below the surface of the water in a prohibited area is prima  
 3240 facie evidence of a violation of the provisions of this  
 3241 subsection regarding spearfishing.

3242 (3) The Fish and Wildlife Conservation Commission shall  
 3243 have the power to establish restricted areas when it is  
 3244 determined that safety hazards exist or when needs are  
 3245 determined by biological findings. Restricted areas shall be  
 3246 established only after an investigation has been conducted and  
 3247 upon application by the governing body of the county or  
 3248 municipality in which the restricted areas are to be located and  
 3249 one publication in a local newspaper of general circulation in  
 3250 said county or municipality in addition to any other notice  
 3251 required by law. Prior to promulgation of regulations, the local

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3252 governing body of the area affected shall agree to post and  
 3253 maintain notices in the area affected.

3254 Section 72. Section 370.12, Florida Statutes, is  
 3255 renumbered as section 379.2431, Florida Statutes, and amended to  
 3256 read:

3257 379.2431 ~~370.12~~ Marine animals; regulation.--

3258 (1) PROTECTION OF MARINE TURTLES.--

3259 (a) This subsection may be cited as the "Marine Turtle  
 3260 Protection Act."

3261 (b) The Legislature intends, pursuant to the provisions of  
 3262 this subsection, to ensure that the Fish and Wildlife  
 3263 Conservation Commission has the appropriate authority and  
 3264 resources to implement its responsibilities under the recovery  
 3265 plans of the United States Fish and Wildlife Service for the  
 3266 following species of marine turtle:

- 3267 1. Atlantic loggerhead turtle (*Caretta caretta*).
- 3268 2. Atlantic green turtle (*Chelonia mydas*).
- 3269 3. Leatherback turtle (*Dermochelys coriacea*).
- 3270 4. Atlantic hawksbill turtle (*Eretmochelys imbricata*).
- 3271 5. Atlantic ridley turtle (*Lepidochelys kempfi*).

3272 (c) As used in this subsection, the following phrases have  
 3273 the following meanings:

- 3274 1. A "properly accredited person" is:
  - 3275 a. Students of colleges or universities whose studies with  
 3276 saltwater animals are under the direction of their teacher or  
 3277 professor; or

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3278           b. Scientific or technical faculty of public or private  
 3279 colleges or universities; or  
 3280           c. Scientific or technical employees of private research  
 3281 institutions and consulting firms; or  
 3282           d. Scientific or technical employees of city, county,  
 3283 state, or federal research or regulatory agencies; or  
 3284           e. Members in good standing or recognized and properly  
 3285 chartered conservation organizations, the Audubon Society, or  
 3286 the Sierra Club; or  
 3287           f. Persons affiliated with aquarium facilities or museums,  
 3288 or contracted as an agent therefor, which are open to the public  
 3289 with or without an admission fee; or  
 3290           g. Persons without specific affiliations listed above, but  
 3291 who are recognized by the commission for their contributions to  
 3292 marine conservation such as scientific or technical  
 3293 publications, or through a history of cooperation with the  
 3294 commission in conservation programs such as turtle nesting  
 3295 surveys, or through advanced educational programs such as high  
 3296 school marine science centers.  
 3297           2. "Take" means an act that actually kills or injures  
 3298 marine turtles, and includes significant habitat modification or  
 3299 degradation that kills or injures marine turtles by  
 3300 significantly impairing essential behavioral patterns, such as  
 3301 breeding, feeding, or sheltering.  
 3302           (d) Except as authorized in this paragraph, or unless  
 3303 otherwise provided by the Federal Endangered Species Act or its

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3304 implementing regulations, a person, firm, or corporation may  
3305 not:

3306 1. Knowingly possess the eggs of any marine turtle species  
3307 described in this subsection.

3308 2. Knowingly take, disturb, mutilate, destroy, cause to be  
3309 destroyed, transfer, sell, offer to sell, molest, or harass any  
3310 marine turtles or the eggs or nest of any marine turtles  
3311 described in this subsection.

3312 3. The commission may issue a special permit or loan  
3313 agreement to any person, firm, or corporation, to enable the  
3314 holder to possess a marine turtle or parts thereof, including  
3315 nests, eggs, or hatchlings, for scientific, education, or  
3316 exhibition purposes, or for conservation activities such as the  
3317 relocation of nests, eggs, or marine turtles away from  
3318 construction sites. Notwithstanding other provisions of law, the  
3319 commission may issue such special permit or loan agreement to  
3320 any properly accredited person as defined in paragraph (c) for  
3321 the purposes of marine turtle conservation.

3322 4. The commission shall have the authority to adopt rules  
3323 pursuant to chapter 120 to prescribe terms, conditions, and  
3324 restrictions for marine turtle conservation, and to permit the  
3325 possession of marine turtles or parts thereof.

3326 (e)1. Any person, firm, or corporation that commits any  
3327 act prohibited in paragraph (d) involving any egg of any marine  
3328 turtle species described in this subsection shall pay a penalty  
3329 of \$100 per egg in addition to other penalties provided in this  
3330 paragraph.

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3331           2. Any person, firm, or corporation that illegally  
3332 possesses 11 or fewer of any eggs of any marine turtle species  
3333 described in this subsection commits a first degree misdemeanor,  
3334 punishable as provided in ss. 775.082 and 775.083.

3335           3. For a second or subsequent violation of subparagraph  
3336 2., any person, firm, or corporation that illegally possesses 11  
3337 or fewer of any eggs of any marine turtle species described in  
3338 this subsection commits a third degree felony, punishable as  
3339 provided in s. 775.082, s. 775.083, or s. 775.084.

3340           4. Any person, firm, or corporation that illegally  
3341 possesses more than 11 of any eggs of any marine turtle species  
3342 described in this subsection commits a third degree felony,  
3343 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3344           5. Any person, firm, or corporation that illegally takes,  
3345 disturbs, mutilates, destroys, causes to be destroyed,  
3346 transfers, sells, offers to sell, molests, or harasses any  
3347 marine turtle species, or the eggs or nest of any marine turtle  
3348 species as described in this subsection, commits a third degree  
3349 felony, punishable as provided in s. 775.082, s. 775.083, or s.  
3350 775.084.

3351           6. Notwithstanding s. 777.04, any person, firm, or  
3352 corporation that solicits or conspires with another person,  
3353 firm, or corporation, to commit an act prohibited by this  
3354 subsection commits a felony of the third degree, punishable as  
3355 provided in s. 775.082, s. 775.083, or s. 775.084.

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3356 7. The proceeds from the penalties assessed pursuant to  
3357 this paragraph shall be deposited into the Marine Resources  
3358 Conservation Trust Fund.

3359 (f) Any application for a Department of Environmental  
3360 Protection permit or other type of approval for an activity that  
3361 affects marine turtles or their nests or habitat shall be  
3362 subject to conditions and requirements for marine turtle  
3363 protection as part of the permitting or approval process.

3364 (g) The Department of Environmental Protection may  
3365 condition the nature, timing, and sequence of construction of  
3366 permitted activities to provide protection to nesting marine  
3367 turtles and hatchlings and their habitat pursuant to the  
3368 provisions of s. 161.053(5). When the department is considering  
3369 a permit for a beach restoration, beach renourishment, or inlet  
3370 sand transfer project and the applicant has had an active marine  
3371 turtle nest relocation program or the applicant has agreed to  
3372 and has the ability to administer a program, the department must  
3373 not restrict the timing of the project. Where appropriate, the  
3374 department, in accordance with the applicable rules of the Fish  
3375 and Wildlife Conservation Commission, shall require as a  
3376 condition of the permit that the applicant relocate and monitor  
3377 all turtle nests that would be affected by the beach  
3378 restoration, beach renourishment, or sand transfer activities.  
3379 Such relocation and monitoring activities shall be conducted in  
3380 a manner that ensures successful hatching. This limitation on  
3381 the department's authority applies only on the Atlantic coast of  
3382 Florida.

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3383 (h) The department shall recommend denial of a permit  
3384 application if the activity would result in a "take" as defined  
3385 in this subsection, unless, as provided for in the federal  
3386 Endangered Species Act and its implementing regulations, such  
3387 taking is incidental to, and not the purpose of, the carrying  
3388 out of an otherwise lawful activity.

3389 (i) The department shall give special consideration to  
3390 beach preservation and beach nourishment projects that restore  
3391 habitat of endangered marine turtle species. Nest relocation  
3392 shall be considered for all such projects in urbanized areas.  
3393 When an applicant for a beach restoration, beach renourishment,  
3394 or inlet sand transfer project has had an active marine turtle  
3395 nest relocation program or the applicant has agreed to have and  
3396 has the ability to administer a program, the department in  
3397 issuing a permit for a project must not restrict the timing of  
3398 the project. Where appropriate, the department, in accordance  
3399 with the applicable rules of the Fish and Wildlife Conservation  
3400 Commission, shall require as a condition of the permit that the  
3401 applicant relocate and monitor all turtle nests that would be  
3402 affected by the beach restoration, beach renourishment, or sand  
3403 transfer activities. Such relocation and monitoring activities  
3404 shall be conducted in a manner that ensures successful hatching.  
3405 This limitation on the department's authority applies only on  
3406 the Atlantic coast of Florida.

3407 (2) PROTECTION OF MANATEES OR SEA COWS.--

3408 (a) This subsection shall be known and may be cited as the  
3409 "Florida Manatee Sanctuary Act."



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3410 (b) The State of Florida is hereby declared to be a refuge  
3411 and sanctuary for the manatee, the "Florida state marine  
3412 mammal." The protections extended to and authorized on behalf of  
3413 the manatee by this act are independent of, and therefore are  
3414 not contingent upon, its status as a state or federal listed  
3415 species.

3416 (c) Whenever the Fish and Wildlife Conservation Commission  
3417 is satisfied that the interest of science will be subserved, and  
3418 that the application for a permit to possess a manatee or sea  
3419 cow (*Trichechus manatus*) is for a scientific or propagational  
3420 purpose and should be granted, and after concurrence by the  
3421 United States Department of the Interior, the commission may  
3422 grant to any person making such application a special permit to  
3423 possess a manatee or sea cow, which permit shall specify the  
3424 exact number which shall be maintained in captivity.

3425 (d) Except as may be authorized by the terms of a valid  
3426 state permit issued pursuant to paragraph (c) or by the terms of  
3427 a valid federal permit, it is unlawful for any person at any  
3428 time, by any means, or in any manner intentionally or  
3429 negligently to annoy, molest, harass, or disturb or attempt to  
3430 molest, harass, or disturb any manatee; injure or harm or  
3431 attempt to injure or harm any manatee; capture or collect or  
3432 attempt to capture or collect any manatee; pursue, hunt, wound,  
3433 or kill or attempt to pursue, hunt, wound, or kill any manatee;  
3434 or possess, literally or constructively, any manatee or any part  
3435 of any manatee.

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3436 (e) Any gun, net, trap, spear, harpoon, boat of any kind,  
3437 aircraft, automobile of any kind, other motorized vehicle,  
3438 chemical, explosive, electrical equipment, scuba or other  
3439 subaquatic gear, or other instrument, device, or apparatus of  
3440 any kind or description used in violation of any provision of  
3441 paragraph (d) may be forfeited upon conviction. The foregoing  
3442 provisions relating to seizure and forfeiture of vehicles,  
3443 vessels, equipment, or supplies do not apply when such vehicles,  
3444 vessels, equipment, or supplies are owned by, or titled in the  
3445 name of, innocent parties; and such provisions shall not vitiate  
3446 any valid lien, retain title contract, or chattel mortgage on  
3447 such vehicles, vessels, equipment, or supplies if such lien,  
3448 retain title contract, or chattel mortgage is property of public  
3449 record at the time of the seizure.

3450 (f)1. Except for emergency rules adopted under s. 120.54,  
3451 all proposed rules of the commission for which a notice of  
3452 intended agency action is filed proposing to govern the speed  
3453 and operation of motorboats for purposes of manatee protection  
3454 shall be submitted to the counties in which the proposed rules  
3455 will take effect for review by local rule review committees.

3456 2. No less than 60 days prior to filing a notice of rule  
3457 development in the Florida Administrative Weekly, as provided in  
3458 s. 120.54(3)(a), the commission shall notify the counties for  
3459 which a rule to regulate the speed and operation of motorboats  
3460 for the protection of manatees is proposed. A county so notified  
3461 shall establish a rule review committee or several counties may  
3462 combine rule review committees.

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3463           3. The county commission of each county in which a rule to  
3464 regulate the speed and operation of motorboats for the  
3465 protection of manatees is proposed shall designate a rule review  
3466 committee. The designated voting membership of the rule review  
3467 committee must be comprised of waterway users, such as fishers,  
3468 boaters, water skiers, other waterway users, as compared to the  
3469 number of manatee and other environmental advocates. A county  
3470 commission may designate an existing advisory group as the rule  
3471 review committee. With regard to each committee, fifty percent  
3472 of the voting members shall be manatee advocates and other  
3473 environmental advocates, and fifty percent of the voting members  
3474 shall be waterway users.

3475           4. The county shall invite other state, federal, county,  
3476 municipal, or local agency representatives to participate as  
3477 nonvoting members of the local rule review committee.

3478           5. The county shall provide logistical and administrative  
3479 staff support to the local rule review committee and may request  
3480 technical assistance from commission staff.

3481           6. Each local rule review committee shall elect a chair  
3482 and recording secretary from among its voting members.

3483           7. Commission staff shall submit the proposed rule and  
3484 supporting data used to develop the rule to the local rule  
3485 review committees.

3486           8. The local rule review committees shall have 60 days  
3487 from the date of receipt of the proposed rule to submit a  
3488 written report to commission members and staff. The local rule  
3489 review committees may use supporting data supplied by the

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3490 commission, as well as public testimony which may be collected  
3491 by the committee, to develop the written report. The report may  
3492 contain recommended changes to proposed manatee protection zones  
3493 or speed zones, including a recommendation that no rule be  
3494 adopted, if that is the decision of the committee.

3495 9. Prior to filing a notice of proposed rulemaking in the  
3496 Florida Administrative Weekly as provided in s. 120.54(3)(a),  
3497 the commission staff shall provide a written response to the  
3498 local rule review committee reports to the appropriate counties,  
3499 to the commission members, and to the public upon request.

3500 10. In conducting a review of the proposed manatee  
3501 protection rule, the local rule review committees may address  
3502 such factors as whether the best available scientific  
3503 information supports the proposed rule, whether seasonal zones  
3504 are warranted, and such other factors as may be necessary to  
3505 balance manatee protection and public access to and use of the  
3506 waters being regulated under the proposed rule.

3507 11. The written reports submitted by the local rule review  
3508 committees shall contain a majority opinion. If the majority  
3509 opinion is not unanimous, a minority opinion shall also be  
3510 included.

3511 12. The members of the commission shall fully consider any  
3512 timely submitted written report submitted by a local rule review  
3513 committee prior to authorizing commission staff to move forward  
3514 with proposed rulemaking and shall fully consider any timely  
3515 submitted subsequent reports of the committee prior to adoption  
3516 of a final rule. The written reports of the local rule review

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3517 | committees and the written responses of the commission staff  
3518 | shall be part of the rulemaking record and may be submitted as  
3519 | evidence regarding the committee's recommendations in any  
3520 | proceeding relating to a rule proposed or adopted pursuant to  
3521 | this subsection.

3522 |       13. The commission is relieved of any obligations  
3523 | regarding the local rule review committee process created in  
3524 | this paragraph if a timely noticed county commission fails to  
3525 | timely designate the required rule review committee.

3526 |       (g) In order to protect manatees or sea cows from harmful  
3527 | collisions with motorboats or from harassment, the Fish and  
3528 | Wildlife Conservation Commission is authorized, in addition to  
3529 | all other authority, to provide a permitting agency with  
3530 | comments regarding the expansion of existing, or the  
3531 | construction of new, marine facilities and mooring or docking  
3532 | slips, by the addition or construction of five or more powerboat  
3533 | slips. The commission shall adopt rules under chapter 120  
3534 | regulating the operation and speed of motorboat traffic only  
3535 | where manatee sightings are frequent and the best available  
3536 | scientific information, as well as other available, relevant,  
3537 | and reliable information, which may include but is not limited  
3538 | to, manatee surveys, observations, available studies of food  
3539 | sources, and water depths, supports the conclusions that  
3540 | manatees inhabit these areas on a regular basis:

3541 |       1. In Lee County: the entire Orange River, including the  
3542 | Tice Florida Power and Light Corporation discharge canal and

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3543 adjoining waters of the Caloosahatchee River within 1 mile of  
3544 the confluence of the Orange and Caloosahatchee Rivers.

3545 2. In Brevard County: those portions of the Indian River  
3546 within three-fourths of a mile of the Orlando Utilities  
3547 Commission Delespine power plant effluent and the Florida Power  
3548 and Light Frontenac power plant effluents.

3549 3. In Indian River County: the discharge canals of the  
3550 Vero Beach Municipal Power Plant and connecting waters within  
3551 1 1/4 miles thereof.

3552 4. In St. Lucie County: the discharge of the Henry D. King  
3553 Municipal Electric Station and connecting waters within 1 mile  
3554 thereof.

3555 5. In Palm Beach County: the discharges of the Florida  
3556 Power and Light Riviera Beach power plant and connecting waters  
3557 within 1 1/2 miles thereof.

3558 6. In Broward County: the discharge canal of the Florida  
3559 Power and Light Port Everglades power plant and connecting  
3560 waters within 1 1/2 miles thereof and the discharge canal of the  
3561 Florida Power and Light Fort Lauderdale power plant and  
3562 connecting waters within 2 miles thereof. For purposes of  
3563 ensuring the physical safety of boaters in a sometimes turbulent  
3564 area, the area from the easternmost edge of the authorized  
3565 navigation project of the intracoastal waterway east through the  
3566 Port Everglades Inlet is excluded from this regulatory zone.

3567 7. In Citrus County: headwaters of the Crystal River,  
3568 commonly referred to as King's Bay, and the Homosassa River.

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3569           8. In Volusia County: Blue Springs Run and connecting  
 3570 waters of the St. Johns River within 1 mile of the confluence of  
 3571 Blue Springs and the St. Johns River; and Thompson Creek,  
 3572 Strickland Creek, Dodson Creek, and the Tomoka River.

3573           9. In Hillsborough County: that portion of the Alafia  
 3574 River from the main shipping channel in Tampa Bay to U.S.  
 3575 Highway 41.

3576           10. In Sarasota County: the Venice Inlet and connecting  
 3577 waters within 1 mile thereof, including Lyons Bay, Donna Bay,  
 3578 Roberts Bay, and Hatchett Creek, excluding the waters of the  
 3579 intracoastal waterway and the right-of-way bordering the  
 3580 centerline of the intracoastal waterway.

3581           11. In Collier County: within the Port of Islands, within  
 3582 section 9, township 52 south, range 28 east, and certain  
 3583 unsurveyed lands, all east-west canals and the north-south  
 3584 canals to the southerly extent of the intersecting east-west  
 3585 canals which lie southerly of the centerline of U.S. Highway 41.

3586           12. In Manatee County: that portion of the Manatee River  
 3587 east of the west line of section 17, range 19 east, township 34  
 3588 south; the Braden River south of the north line and east of the  
 3589 west line of section 29, range 18 east, township 34 south; Terra  
 3590 Ceia Bay and River, east of the west line of sections 26 and 35  
 3591 of range 17 east, township 33 south, and east of the west line  
 3592 of section 2, range 17 east, township 34 south; and Bishop  
 3593 Harbor east of the west line of section 13, range 17 east,  
 3594 township 33 south.

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3595 13. In Miami-Dade County: those portions of Black Creek  
3596 lying south and east of the water control dam, including all  
3597 boat basins and connecting canals within 1 mile of the dam.

3598 (h) The Fish and Wildlife Conservation Commission shall  
3599 adopt rules pursuant to chapter 120 regulating the operation and  
3600 speed of motorboat traffic only where manatee sightings are  
3601 frequent and the best available scientific information, as well  
3602 as other available, relevant, and reliable information, which  
3603 may include but is not limited to, manatee surveys,  
3604 observations, available studies of food sources, and water  
3605 depths, supports the conclusion that manatees inhabit these  
3606 areas on a regular basis within that portion of the Indian River  
3607 between the St. Lucie Inlet in Martin County and the Jupiter  
3608 Inlet in Palm Beach County and within the Loxahatchee River in  
3609 Palm Beach and Martin Counties, including the north and  
3610 southwest forks thereof.

3611 (i) The commission shall adopt rules pursuant to chapter  
3612 120 regulating the operation and speed of motorboat traffic only  
3613 where manatee sightings are frequent and the best available  
3614 scientific information, as well as other available, relevant,  
3615 and reliable information, which may include but is not limited  
3616 to, manatee surveys, observations, available studies of food  
3617 sources, and water depths, supports the conclusion that manatees  
3618 inhabit these areas on a regular basis within the Withlacoochee  
3619 River and its tributaries in Citrus and Levy Counties. The  
3620 specific areas to be regulated include the Withlacoochee River  
3621 and the U.S. 19 bridge westward to a line between U.S. Coast



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3622 Guard markers number 33 and number 34 at the mouth of the river,  
3623 including all side channels and coves along that portion of the  
3624 river; Bennets' Creek from its beginning to its confluence with  
3625 the Withlacoochee River; Bird's Creek from its beginning to its  
3626 confluence with the Withlacoochee River; and the two dredged  
3627 canal systems on the north side of the Withlacoochee River  
3628 southwest of Yankeetown.

3629 (j) If any new power plant is constructed or other source  
3630 of warm water discharge is discovered within the state which  
3631 attracts a concentration of manatees or sea cows, the commission  
3632 is directed to adopt rules pursuant to chapter 120 regulating  
3633 the operation and speed of motorboat traffic within the area of  
3634 such discharge. Such rules shall designate a zone which is  
3635 sufficient in size, and which shall remain in effect for a  
3636 sufficient period of time, to protect the manatees or sea cows.

3637 (k) It is the intent of the Legislature to allow the Fish  
3638 and Wildlife Conservation Commission to post and regulate boat  
3639 speeds only where the best available scientific information, as  
3640 well as other available, relevant, and reliable information,  
3641 which may include but is not limited to, manatee surveys,  
3642 observations, available studies of food sources, and water  
3643 depth, supports the conclusion that manatees inhabit these areas  
3644 on a periodic basis. It is not the intent of the Legislature to  
3645 permit the commission to post and regulate boat speeds generally  
3646 throughout the waters of the state, thereby unduly interfering  
3647 with the rights of fishers, boaters, and water skiers using the  
3648 areas for recreational and commercial purposes. The Legislature

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3649 further intends that the commission may identify and designate  
3650 limited lanes or corridors providing for reasonable motorboat  
3651 speeds within waters of the state whenever such lanes and  
3652 corridors are consistent with manatee protection.

3653 (1) The commission shall adopt rules pursuant to chapter  
3654 120 regulating the operation and speed of motorboat traffic all  
3655 year around within Turkey Creek and its tributaries and within  
3656 Manatee Cove in Brevard County. The specific areas to be  
3657 regulated consist of:

3658 1. A body of water which starts at Melbourne-Tillman  
3659 Drainage District structure MS-1, section 35, township 28 south,  
3660 range 37 east, running east to include all natural waters and  
3661 tributaries of Turkey Creek, section 26, township 28 south,  
3662 range 37 east, to the confluence of Turkey Creek and the Indian  
3663 River, section 24, township 28 south, range 37 east, including  
3664 all lagoon waters of the Indian River bordered on the west by  
3665 Palm Bay Point, the north by Castaway Point, the east by the  
3666 four immediate spoil islands, and the south by Cape Malabar,  
3667 thence northward along the shoreline of the Indian River to Palm  
3668 Bay Point.

3669 2. A triangle-shaped body of water forming a cove  
3670 (commonly referred to as Manatee Cove) on the east side of the  
3671 Banana River, with northern boundaries beginning and running  
3672 parallel to the east-west cement bulkhead located 870 feet south  
3673 of SR 520 Relief Bridge in Cocoa Beach and with western  
3674 boundaries running in line with the City of Cocoa Beach channel  
3675 markers 121 and 127 and all waters east of these boundaries in

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3676 section 34, township 24 south, range 37 east; the center  
3677 coordinates of this cove are 28°20'14" north, 80°35'17" west.

3678 (m) The commission shall promulgate regulations pursuant  
3679 to chapter 120 relating to the operation and speed of motor boat  
3680 traffic in port waters with due regard to the safety  
3681 requirements of such traffic and the navigational hazards  
3682 related to the movement of commercial vessels.

3683 (n) The commission may designate by rule adopted pursuant  
3684 to chapter 120 other portions of state waters where manatees are  
3685 frequently sighted and the best available scientific  
3686 information, as well as other available, relevant, and reliable  
3687 information, which may include but is not limited to, manatee  
3688 surveys, observations, available studies of food sources, and  
3689 water depths, supports the conclusion that manatees inhabit such  
3690 waters periodically. Upon designation of such waters, the  
3691 commission shall adopt rules pursuant to chapter 120 to regulate  
3692 motorboat speed and operation which are necessary to protect  
3693 manatees from harmful collisions with motorboats and from  
3694 harassment. The commission may adopt rules pursuant to chapter  
3695 120 to protect manatee habitat, such as seagrass beds, within  
3696 such waters from destruction by boats or other human activity.  
3697 Such rules shall not protect noxious aquatic plants subject to  
3698 control under s. 369.20.

3699 (o) The commission may designate, by rule adopted pursuant  
3700 to chapter 120, limited areas as a safe haven for manatees to  
3701 rest, feed, reproduce, give birth, or nurse undisturbed by human  
3702 activity. Access by motor boat to private residences, boat

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3703 houses, and boat docks through these areas by residents, and  
3704 their authorized guests, who must cross one of these areas to  
3705 have water access to their property is permitted when the  
3706 motorboat is operated at idle speed, no wake.

3707 (p) Except in the marked navigation channel of the Florida  
3708 Intracoastal Waterway as defined in s. 327.02 and the area  
3709 within 100 feet of such channel, a local government may  
3710 regulate, by ordinance, motorboat speed and operation on waters  
3711 within its jurisdiction where the best available scientific  
3712 information, as well as other available, relevant, and reliable  
3713 information, which may include but is not limited to, manatee  
3714 surveys, observations, available studies of food sources, and  
3715 water depths, supports the conclusion that manatees inhabit  
3716 these areas on a regular basis. However, such an ordinance may  
3717 not take effect until it has been reviewed and approved by the  
3718 commission. If the commission and a local government disagree on  
3719 the provisions of an ordinance, a local manatee protection  
3720 committee must be formed to review the technical data of the  
3721 commission and the United States Fish and Wildlife Service, and  
3722 to resolve conflicts regarding the ordinance. The manatee  
3723 protection committee must be comprised of:

- 3724 1. A representative of the commission;
- 3725 2. A representative of the county;
- 3726 3. A representative of the United States Fish and Wildlife  
3727 Service;
- 3728 4. A representative of a local marine-related business;
- 3729 5. A representative of the Save the Manatee Club;

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- 3730 6. A local fisher;
- 3731 7. An affected property owner; and
- 3732 8. A representative of the Florida Marine Patrol.

3733

3734 If local and state regulations are established for the same

3735 area, the more restrictive regulation shall prevail.

3736 (q) The commission shall evaluate the need for use of

3737 fenders to prevent crushing of manatees between vessels (100' or

3738 larger) and bulkheads or wharves in counties where manatees have

3739 been crushed by such vessels. For areas in counties where

3740 evidence indicates that manatees have been crushed between

3741 vessels and bulkheads or wharves, the commission shall:

3742 1. Adopt rules pursuant to chapter 120 requiring use of

3743 fenders for construction of future bulkheads or wharves; and

3744 2. Implement a plan and time schedule to require

3745 retrofitting of existing bulkheads or wharves consistent with

3746 port bulkhead or wharf repair or replacement schedules.

3747

3748 The fenders shall provide sufficient standoff from the bulkhead

3749 or wharf under maximum operational compression to ensure that

3750 manatees cannot be crushed between the vessel and the bulkhead

3751 or wharf.

3752 (r) Any violation of a restricted area established by this

3753 subsection, or established by rule pursuant to chapter 120 or

3754 ordinance pursuant to this subsection, shall be considered a

3755 violation of the boating laws of this state and shall be charged

3756 on a uniform boating citation as provided in s. 327.74, except

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3757 as otherwise provided in paragraph (s). Any person who refuses  
3758 to post a bond or accept and sign a uniform boating citation  
3759 shall, as provided in s. 327.73(3), be guilty of a misdemeanor  
3760 of the second degree, punishable as provided in s. 775.082 or s.  
3761 775.083.

3762 (s) Except as otherwise provided in this paragraph, any  
3763 person violating the provisions of this subsection or any rule  
3764 or ordinance adopted pursuant to this subsection commits a  
3765 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)  
3766 ~~370.021(1)(a) or (b)~~.

3767 1. Any person operating a vessel in excess of a posted  
3768 speed limit shall be guilty of a civil infraction, punishable as  
3769 provided in s. 327.73, except as provided in subparagraph 2.

3770 2. This paragraph does not apply to persons violating  
3771 restrictions governing "No Entry" zones or "Motorboat  
3772 Prohibited" zones, who, if convicted, shall be guilty of a  
3773 misdemeanor, punishable as provided in s. 379.407(1)(a) or (b)  
3774 ~~370.021(1)(a) or (b)~~, or, if such violation demonstrates blatant  
3775 or willful action, may be found guilty of harassment as  
3776 described in paragraph (d).

3777 3. A person may engage in any activity otherwise  
3778 prohibited by this subsection or any rule or ordinance adopted  
3779 pursuant to this subsection if the activity is reasonably  
3780 necessary in order to prevent the loss of human life or a vessel  
3781 in distress due to weather conditions or other reasonably  
3782 unforeseen circumstances, or in order to render emergency  
3783 assistance to persons or a vessel in distress.

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3784 (t)1. In order to protect manatees and manatee habitat,  
3785 the counties identified in the Governor and Cabinet's October  
3786 1989 Policy Directive shall develop manatee protection plans  
3787 consistent with commission criteria based upon "Schedule K" of  
3788 the directive, and shall submit such protection plans for review  
3789 and approval by the commission. Any manatee protection plans not  
3790 submitted by July 1, 2004, and any plans not subsequently  
3791 approved by the commission shall be addressed pursuant to  
3792 subparagraph 2.

3793 2. No later than January 1, 2005, the Fish and Wildlife  
3794 Conservation Commission shall designate any county it has  
3795 identified as a substantial risk county for manatee mortality as  
3796 a county that must complete a manatee protection plan by July 1,  
3797 2006. The commission is authorized to adopt rules pursuant to s.  
3798 120.54 for identifying substantial risk counties and  
3799 establishing criteria for approval of manatee protection plans  
3800 for counties so identified. Manatee protection plans shall  
3801 include the following elements at a minimum: education about  
3802 manatees and manatee habitat; boater education; an assessment of  
3803 the need for new or revised manatee protection speed zones;  
3804 local law enforcement; and a boat facility siting plan to  
3805 address expansion of existing and the development of new  
3806 marinas, boat ramps, and other multislip boating facilities.

3807 3. Counties required to adopt manatee protection plans  
3808 under this paragraph shall incorporate the boating facility  
3809 siting element of those protection plans within their respective  
3810 comprehensive plans.

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3811 4. Counties that have already adopted approved manatee  
 3812 protection plans, or that adopt subsequently approved manatee  
 3813 protection plans by the effective date of this act, are in  
 3814 compliance with the provisions of this paragraph so long as they  
 3815 incorporate their approved boat facility siting plan into the  
 3816 appropriate element of their local comprehensive plan no later  
 3817 than July 1, 2003.

3818 (u)1. Existing state manatee protection rules shall be  
 3819 given great weight in determining whether additional rules are  
 3820 necessary in a region where the measurable goals developed  
 3821 pursuant to s. 379.2291 ~~372.072~~ have been achieved. However, the  
 3822 commission may amend existing rules or adopt new rules to  
 3823 address risks or circumstances in a particular area or waterbody  
 3824 to protect manatees.

3825 2. As used in this paragraph, the term "region" means one  
 3826 of the four geographic areas defined by the United States Fish  
 3827 and Wildlife Service in the Florida Manatee Recovery Plan, 3rd  
 3828 revision (October 30, 2001).

3829 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It is  
 3830 unlawful to catch, attempt to catch, molest, injure, kill, or  
 3831 annoy, or otherwise interfere with the normal activity and well-  
 3832 being of, mammalian dolphins (porpoises), except as may be  
 3833 authorized by a federal permit.

3834 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

3835 (a) Each fiscal year the Save the Manatee Trust Fund shall  
 3836 be available to fund an impartial scientific benchmark census of  
 3837 the manatee population in the state. Weather permitting, the



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3838 study shall be conducted annually by the Fish and Wildlife  
3839 Conservation Commission and the results shall be made available  
3840 to the President of the Senate, the Speaker of the House of  
3841 Representatives, and the Governor and Cabinet for use in the  
3842 evaluation and development of manatee protection measures. In  
3843 addition, the Save the Manatee Trust Fund shall be available for  
3844 annual funding of activities of public and private organizations  
3845 and those of the commission intended to provide manatee and  
3846 marine mammal protection and recovery effort; manufacture and  
3847 erection of informational and regulatory signs; production,  
3848 publication, and distribution of educational materials;  
3849 participation in manatee and marine mammal research programs,  
3850 including carcass salvage and other programs; programs intended  
3851 to assist the recovery of the manatee as an endangered species,  
3852 assist the recovery of the endangered or threatened marine  
3853 mammals, and prevent the endangerment of other species of marine  
3854 mammals; and other similar programs intended to protect and  
3855 enhance the recovery of the manatee and other species of marine  
3856 mammals.

3857 (b) By December 1 each year, the Fish and Wildlife  
3858 Conservation Commission shall provide the President of the  
3859 Senate and the Speaker of the House of Representatives a written  
3860 report, enumerating the amounts and purposes for which all  
3861 proceeds in the Save the Manatee Trust Fund for the previous  
3862 fiscal year are expended, in a manner consistent with those  
3863 recovery tasks enumerated within the manatee recovery plan as  
3864 required by the Endangered Species Act.

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3865 (c) When the federal and state governments remove the  
3866 manatee from status as an endangered or threatened species, the  
3867 annual allocation may be reduced.

3868 (d) Up to 10 percent of the annual use fee deposited in  
3869 the Save the Manatee Trust Fund from the sale of the manatee  
3870 license plate authorized in s. 320.08058 may be used to promote  
3871 and market the license plate issued by the Department of Highway  
3872 Safety and Motor Vehicles ~~after June 30, 2007.~~

3873 ~~(e) During the 2007-2008 fiscal year, the annual use fee~~  
3874 ~~deposited into the Save the Manatee Trust Fund from the sale of~~  
3875 ~~the manatee license plate authorized in s. 320.08058 may be used~~  
3876 ~~by the commission to buy back any manatee license plates not~~  
3877 ~~issued by the Department of Highway Safety and Motor Vehicles.~~  
3878 ~~This paragraph expires July 1, 2008.~~

3879 Section 73. Section 370.1201, Florida Statutes, is  
3880 renumbered as section, 379.2432, Florida Statutes, to read:  
3881 379.2432 ~~370.1201~~ Manatee protection; intent; conduct of  
3882 studies; initiatives and plans.--It is the intent of the  
3883 Legislature that the commission request the necessary funding  
3884 and staffing through a general revenue budget request to ensure  
3885 that manatees receive the maximum protection possible. The  
3886 Legislature recognizes that strong manatee protection depends  
3887 upon consistently achieving a high degree of compliance with  
3888 existing and future rules. The commission shall conduct  
3889 standardized studies to determine levels of public compliance  
3890 with manatee protection rules, and shall use the results of the  
3891 studies, together with other relevant information, to develop

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3892 and implement strategic law enforcement initiatives and boater  
3893 education plans. Drawing upon information obtained from the  
3894 compliance studies and the implementation of enforcement  
3895 initiatives together with boater education plans, the commission  
3896 shall identify any impediments in consistently achieving high  
3897 levels of compliance, and adjust their enforcement and boater  
3898 education efforts accordingly.

3899 Section 74. Section 370.1202, Florida Statutes, is  
3900 renumbered as section 379.2433, Florida Statutes, to read:

3901 379.2433 ~~370.1202~~ Enhanced manatee protection study.--

3902 (1) The Fish and Wildlife Conservation Commission shall  
3903 implement and administer an enhanced manatee protection study  
3904 designed to increase knowledge of the factors that determine the  
3905 size and distribution of the manatee population in the waters of  
3906 the state. The enhanced study shall be used by the commission in  
3907 its mission to provide manatees with the maximum protection  
3908 possible, while also allowing maximum recreational use of the  
3909 state's waterways. The goal of the enhanced study is to collect  
3910 data that will enable resource managers and state and local  
3911 policymakers, in consultation with the public, to develop and  
3912 implement sound science-based policies to improve manatee  
3913 habitat, establish manatee protection zones, and maximize the  
3914 size of safe boating areas for recreational use of state waters  
3915 without endangering the manatee population.

3916 (2) (a) As part of the enhanced manatee protection study,  
3917 the Legislature intends that the commission shall contract with  
3918 Mote Marine Laboratory to conduct a manatee habitat and

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3919 submerged aquatic vegetation assessment that specifically  
 3920 considers:

- 3921 1. Manatee populations that congregate in the warm water  
 3922 discharge sites at power plants in the state and the potential  
 3923 risks for disease resulting from increased congregation of  
 3924 manatees at these sites;
- 3925 2. Development of research, monitoring, and submerged  
 3926 aquatic vegetation restoration priorities for manatee habitat in  
 3927 and near the warm water discharge sites at power plants in the  
 3928 state; and
- 3929 3. The potential impacts on manatees and manatee habitat  
 3930 if power plants that provide warm water discharge sites where  
 3931 manatees congregate are closed, including how closure will  
 3932 affect the size and health of submerged aquatic vegetation  
 3933 areas.

3934 (b) The Mote Marine Laboratory must submit an interim  
 3935 report on the manatee habitat and submerged aquatic vegetation  
 3936 assessment to the Governor, the Legislature, and the commission  
 3937 by September 1, 2006. The interim report must detail the  
 3938 progress of the assessment. The final report, due to the  
 3939 Governor, the Legislature, and the commission by January 1,  
 3940 2007, must detail the results of the assessment and include  
 3941 recommendations for protection of manatee habitat in warm water  
 3942 discharge sites at power plants in the state.

3943 (c) The commission shall ensure that funds allocated to  
 3944 implement the manatee habitat and submerged aquatic vegetation  
 3945 assessment are expended in a manner that is consistent with the

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3946 requirements of this subsection. The commission may require an  
3947 annual audit of the expenditures made by Mote Marine Laboratory.  
3948 Copies of any audit requested under this subsection must be  
3949 provided to the appropriate substantive and appropriations  
3950 committees of the Senate and the House of Representatives as  
3951 they become available.

3952 (3) As part of the enhanced manatee protection study, the  
3953 Legislature intends that the commission must conduct a signage  
3954 and boat speed assessment to evaluate the effectiveness of  
3955 manatee protection signs and sign placement and to assess boat  
3956 speeds. The commission shall evaluate existing data on manatee  
3957 mortality before and after existing manatee protection zones  
3958 were established, boater compliance and comprehension of  
3959 regulatory signs and buoys, changes in boating traffic patterns,  
3960 and manatee distribution and behavior. The commission shall also  
3961 provide recommendations on innovative marker designs that are in  
3962 compliance with the federal aids to navigation system. The  
3963 signage and boat speed assessment must address:

3964 (a) The effectiveness of signs and buoys to warn boaters  
3965 of manatee slow-speed zones, with a goal of developing federally  
3966 approved standards for marking manatee protection zones;

3967 (b) A determination of where buoys may be used in place of  
3968 pilings for boating safety purposes; and

3969 (c) An evaluation of higher speed travel corridors in  
3970 manatee zones to determine the most effective speed to balance  
3971 safe boating, recreational use, vessel operating  
3972 characteristics, and manatee protection.

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3973  
3974 The commission shall complete its signage and boat speed  
3975 assessment by January 1, 2007, and must submit a report of its  
3976 findings to the Governor, the President of the Senate, and the  
3977 Speaker of the House of Representatives by February 1, 2007. The  
3978 report must detail the results of the assessment and identify  
3979 specific recommendations for developing state and local policies  
3980 relating to the appropriate placement of signs, including  
3981 innovative markers, in manatee slow-speed zones.

3982 (4) The commission is authorized to develop and implement  
3983 the use of genetic tagging to improve its ability to assess the  
3984 status and health of the manatee population, including the  
3985 health and reproductive capacity of manatees, estimating annual  
3986 survival rates through mark recapture studies, determining  
3987 migration patterns, and determining maternity and paternity. The  
3988 development and use of genetic tagging may be done in  
3989 cooperation with federal agencies or other entities, such as  
3990 genetic laboratories at schools within the State University  
3991 System.

3992 Section 75. Section 370.10, Florida Statutes, is  
3993 renumbered as section 379.244, Florida Statutes, to read:

3994 379.244 ~~370.10~~ Crustacea, marine animals, fish;  
3995 regulations; general provisions.--

3996 (1) OWNERSHIP OF FISH, SPONGES, ETC.--All fish, shellfish,  
3997 sponges, oysters, clams, and crustacea found within the rivers,  
3998 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets,  
3999 and other bodies of water within the jurisdiction of the state,

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4000 and within the Gulf of Mexico and the Atlantic Ocean within the  
4001 jurisdiction of the state, excluding all privately owned  
4002 enclosed fish ponds not exceeding 150 acres, are the property of  
4003 the state and may be taken and used by its citizens and persons  
4004 not citizens, subject to the reservations and restrictions  
4005 imposed by these statutes. No water bottoms owned by the state  
4006 shall ever be sold, transferred, dedicated, or otherwise  
4007 conveyed without reserving in the people the absolute right to  
4008 fish thereon, except as otherwise provided in these statutes.

4009 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,  
4010 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION  
4011 PURPOSES.--Notwithstanding any other provisions of general or  
4012 special law to the contrary, the Fish and Wildlife Conservation  
4013 Commission may authorize, upon such terms, conditions, and  
4014 restrictions as it may prescribe by rule, any properly  
4015 accredited person to harvest or possess indigenous or  
4016 nonindigenous saltwater species for experimental, scientific,  
4017 education, and exhibition purposes or to harvest or possess  
4018 reasonable quantities of aquacultural species for brood stock.  
4019 Such authorizations may allow collection of specimens without  
4020 regard to, and not limited to, size, seasonal closure,  
4021 collection method, reproductive state, or bag limit.  
4022 Authorizations issued under the provisions of this section may  
4023 be suspended or revoked by the Fish and Wildlife Conservation  
4024 Commission if it finds that the person has violated this  
4025 section, Fish and Wildlife Conservation Commission rules or  
4026 orders, or terms or conditions of the authorization or has

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4027 submitted false or inaccurate information in his or her  
4028 application.

4029 Section 76. Section 370.1405, Florida Statutes, is  
4030 renumbered as section 379.245, Florida Statutes, and amended to  
4031 read:

4032 379.245 ~~370.1405~~ Spiny lobster reports by dealers during  
4033 closed season required.--

4034 (1) Within 3 days after the commencement of the closed  
4035 season for the taking of spiny lobster, each and every seafood  
4036 dealer, either retail or wholesale, intending to possess whole  
4037 spiny lobster, spiny lobster tails, or spiny lobster meat during  
4038 closed season shall submit to the Fish and Wildlife Conservation  
4039 Commission, on forms provided by the commission, a sworn report  
4040 of the quantity, in pounds, of whole spiny lobster, spiny  
4041 lobster tails, and spiny lobster meat in the dealer's name or  
4042 possession as of the date the season closed. This report shall  
4043 state the location and number of pounds of whole spiny lobster,  
4044 spiny lobster tails, and spiny lobster meat. The commission  
4045 shall not accept any reports not delivered or postmarked by  
4046 midnight of the 3rd calendar day after the commencement of the  
4047 closed season, and any stocks of spiny lobster reported therein  
4048 are declared a nuisance and may be seized by the commission.

4049 (2) Failure to submit a report as described in subsection  
4050 (1) or reporting a greater or lesser amount of whole spiny  
4051 lobster, spiny lobster tails, or spiny lobster meat than is  
4052 actually in the dealer's possession or name is a major violation  
4053 of this chapter, punishable as provided in s. 379.407(1), s.



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4054 379.413, ~~s. 370.021(1), s. 370.07(6)(b)~~, or both. The commission  
4055 shall seize the entire supply of unreported or falsely reported  
4056 whole spiny lobster, spiny lobster tails, or spiny lobster meat,  
4057 and shall carry the same before the court for disposal. The  
4058 dealer shall post a cash bond in the amount of the fair value of  
4059 the entire quantity of unreported or falsely reported spiny  
4060 lobster as determined by the judge. After posting the cash bond,  
4061 the dealer shall have 24 hours to transport said products  
4062 outside the limits of Florida for sale as provided by s. 379.337  
4063 ~~370.061~~. Otherwise, the product shall be declared a nuisance and  
4064 disposed of by the commission according to law.

4065 (3) All dealers having reported stocks of spiny lobster  
4066 may sell or offer to sell such stocks of spiny lobster; however,  
4067 such dealers shall submit an additional report on the last day  
4068 of each month during the duration of the closed season. Reports  
4069 shall be made on forms supplied by the commission. Each dealer  
4070 shall state on this report the number of pounds brought forward  
4071 from the previous report period, the number of pounds sold  
4072 during the report period, the number of pounds, if any, acquired  
4073 from a licensed wholesale dealer during the report period, and  
4074 the number of pounds remaining on hand. In every case, the  
4075 amount of spiny lobster sold plus the amount reported on hand  
4076 shall equal the amount acquired plus the amount reported  
4077 remaining on hand in the last submitted report. Copies of  
4078 records or invoices documenting the number of pounds acquired  
4079 during the closed season must be maintained by the wholesale or  
4080 retail dealer and shall be kept available for inspection by the

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4081 commission for a period not less than 3 years from the date of  
4082 the recorded transaction. Reports postmarked later than midnight  
4083 on the 3rd calendar day of each month during the duration of the  
4084 closed season will not be accepted by the commission. Dealers  
4085 for which late supplementary reports are not accepted by the  
4086 commission must show just cause why their entire stock of whole  
4087 spiny lobster, spiny lobster tails, or spiny lobster meat should  
4088 not be seized by the commission. Whenever a dealer fails to  
4089 timely submit the monthly supplementary report as described in  
4090 this subsection, the dealer may be subject to the following  
4091 civil penalties:

4092 (a) For a first violation, the commission shall assess a  
4093 civil penalty of \$500.

4094 (b) For a second violation within the same spiny lobster  
4095 closed season, the commission shall assess a civil penalty of  
4096 \$1,000.

4097 (c) For a third violation within the same spiny lobster  
4098 closed season, the commission shall assess a civil penalty of  
4099 \$2,500 and may seize said dealer's entire stock of whole spiny  
4100 lobster, spiny lobster tails, or spiny lobster meat and carry  
4101 the same before the court for disposal. The dealer shall post a  
4102 cash bond in the amount of the fair value of the entire  
4103 remaining quantity of spiny lobster as determined by the judge.  
4104 After posting the cash bond, a dealer shall have 24 hours to  
4105 transport said products outside the limits of Florida for sale  
4106 as provided by s. 379.337 ~~370.061~~. Otherwise, the product shall

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4107 | be declared a nuisance and disposed of by the commission  
 4108 | according to law.

4109 | (4) All seafood dealers shall at all times during the  
 4110 | closed season make their stocks of whole spiny lobster, spiny  
 4111 | lobster tails, or spiny lobster meat available for inspection by  
 4112 | the commission.

4113 | (5) Each wholesale and retail dealer in whole spiny  
 4114 | lobster, spiny lobster tails, or spiny lobster meat shall keep  
 4115 | throughout the period of the spiny lobster closed season copies  
 4116 | of the bill of sale or invoice covering each transaction  
 4117 | involving whole spiny lobster, spiny lobster tails, or spiny  
 4118 | lobster meat. Such invoices and bills shall be kept available at  
 4119 | all times for inspection by the commission.

4120 | (6) The Fish and Wildlife Conservation Commission may  
 4121 | adopt rules incorporating by reference such forms as are  
 4122 | necessary to administer this section.

4123 | Section 77. Section 370.151, Florida Statutes, is  
 4124 | renumbered as section 379.246, Florida Statutes, to read:

4125 | 379.246 ~~370.151~~ Tortugas shrimp beds; penalties gifted and  
 4126 | loan property.--

4127 | ~~(1) It is the intention of the Legislature that action~~  
 4128 | ~~should be taken to conserve the supply of shrimp in the large~~  
 4129 | ~~shrimp beds which lie in and around the coast of the Lower Keys~~  
 4130 | ~~of Florida and in the vicinity of the islands of Dry Tortugas in~~  
 4131 | ~~the Florida Keys, hereinafter referred to as the "Tortugas~~  
 4132 | ~~Shrimp Bed," and which furnish more than 50 percent of the~~  
 4133 | ~~shrimp in waters adjacent to the coast of Florida. It is further~~

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4134 ~~the sense of this Legislature that the shrimp industry is a~~  
4135 ~~valuable industry to the economy of this state and deserves~~  
4136 ~~adequate protection.~~

4137       (1) ~~(2)(a)~~ The Fish and Wildlife Conservation Commission  
4138 is authorized to take title in the name of the state to any  
4139 vessel or vessels suitable for use in carrying out the  
4140 inspection and patrol of the Tortugas Bed which may be offered  
4141 as a gift to the state by any person, firm, corporation, or  
4142 association in the shrimp industry for the purpose of carrying  
4143 out the provisions of this section. In the event such title is  
4144 taken to such vessel or vessels, the commission is authorized to  
4145 operate and keep said vessel or vessels in proper repair.

4146       (2) ~~(b)~~ The commission is further authorized to accept the  
4147 temporary loan of any vessel or vessels, suitable for use in  
4148 carrying out the provisions of this section, for periods not  
4149 exceeding 1 year. However, the state shall not assume any  
4150 liability to the owner or owners of said vessels for any damage  
4151 done by said vessels to other vessels, persons, or property. In  
4152 the operation of said loaned vessels, upkeep and repair shall  
4153 consist only of minor repairs and routine maintenance. The owner  
4154 or owners shall carry full marine insurance coverage on said  
4155 loaned vessel or vessels for the duration of the period during  
4156 which said vessels are operated by the state.

4157       ~~(3) The owner or master of any vessel not equipped with~~  
4158 ~~live shrimp bait tanks dragging shrimp nets in the above-defined~~  
4159 ~~area without a live bait shrimping license for this area is~~  
4160 ~~guilty of a violation of this section. A third or any subsequent~~

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4161 ~~violation by any person under this subsection within a 3-year~~  
4162 ~~period shall be a felony of the third degree, punishable as~~  
4163 ~~provided in ss. 775.082 and 775.083.~~

4164 Section 78. Section 370.153, Florida Statutes, is  
4165 renumbered as section 379.247, Florida Statutes, and amended to  
4166 read:

4167 379.247 ~~370.153~~ Regulation of shrimp fishing; Clay, Duval,  
4168 Nassau, Putnam, Flagler, and St. Johns Counties.--

4169 (1) DEFINITIONS.--When used in this section, unless the  
4170 context clearly requires otherwise:

4171 (a) "Inland waters" means all creeks, rivers, bayous,  
4172 bays, inlets, and canals.

4173 (b) "Sample" means one or more shrimp taken from an  
4174 accurately defined part of the area defined.

4175 (c) "Series" means 10 or more samples taken within a  
4176 period of not more than 1 week, each sample being taken at a  
4177 different station within the pattern.

4178 (d) "Pattern" means 10 or more stations.

4179 (e) "Station" means a single location on the water of the  
4180 areas defined.

4181 (f) "Licensed live bait shrimp producer" means any  
4182 individual licensed by the Fish and Wildlife Conservation  
4183 Commission to employ the use of any trawl for the taking of live  
4184 bait shrimp within the inland waters of Nassau, Duval, St.  
4185 Johns, Putnam, Flagler, or Clay Counties.

4186 (g) "Licensed dead shrimp producer" means any individual  
4187 licensed by the Fish and Wildlife Conservation Commission to

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4188 employ the use of any trawl for the taking of shrimp within the  
4189 inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or  
4190 Clay Counties.

4191 (2) SHRIMPING PROHIBITED.--It is unlawful to employ the  
4192 use of any trawl or other net, except a common cast net,  
4193 designed for or capable of taking shrimp, within the inland  
4194 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay  
4195 Counties, except as hereinafter provided.

4196 (3) LIVE BAIT SHRIMP PRODUCTION.--

4197 (a) A live bait shrimp production license shall be issued  
4198 by the Fish and Wildlife Conservation Commission upon the  
4199 receipt of an application by a person intending to use a boat,  
4200 not to exceed 35 feet in length in Duval, St. Johns, Putnam,  
4201 Flagler, and Clay Counties and not to exceed 45 feet in length  
4202 in Nassau County, for live shrimp production within the inland  
4203 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay  
4204 Counties and the payment of a fee of \$250. The annual fee of  
4205 \$250 shall be collected by the commission for the issuance of  
4206 the license during a 60-day period beginning June 1 of each  
4207 year. The design of the application and permit shall be  
4208 determined by the commission. The proceeds of the fee imposed by  
4209 this paragraph shall be used by the Fish and Wildlife  
4210 Conservation Commission for the purposes of enforcement of  
4211 marine resource laws.

4212 (b) The Executive Director of the Fish and Wildlife  
4213 Conservation Commission, or his or her designated  
4214 representative, may by order close certain areas to live bait

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4215 shrimp production when sampling procedures justify the closing  
4216 based upon sound conservation practices. The revocation of any  
4217 order to close has the effect of opening the area.

4218 (c)1. Each licensed live bait shrimp producer who stores  
4219 his or her catch for sale or sells his or her catch shall  
4220 either:

4221 a. Maintain onshore facilities which have been annually  
4222 checked and approved by the local commission office to assure  
4223 the facilities' ability to maintain the catch alive when the  
4224 live bait shrimp producer produces for his or her own facility;  
4225 or

4226 b. Sell his or her catch only to persons who have onshore  
4227 facilities that have been annually checked and approved by the  
4228 local commission office to assure the facilities' ability to  
4229 maintain the catch alive, when the producer sells his or her  
4230 catch to an onshore facility. The producer shall provide the  
4231 commission with the wholesale number of the facility to which  
4232 the shrimp have been sold and shall submit this number on a form  
4233 designed and approved by the commission.

4234 2. All persons who maintain onshore facilities as  
4235 described in this paragraph, whether the facilities are  
4236 maintained by the licensed live bait shrimp producer or by  
4237 another party who purchases shrimp from live bait shrimp  
4238 producers, shall keep records of their transactions in  
4239 conformance with the provisions of s. 379.361(6) ~~370.07(6)~~.

4240 (d) All commercial trawling in Clay, Duval, and St. Johns  
4241 Counties shall be restricted to the inland waters of the St.

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4242 Johns River proper in the area north of the Acosta Bridge in  
4243 Jacksonville and at least 100 yards from the nearest shoreline.

4244 (e) A live shrimp producer must also be a licensed  
4245 wholesale dealer. Such person shall not sell live bait shrimp  
4246 unless he or she produces a live bait shrimp production license  
4247 at the time of sale.

4248 (f) The commission shall rename the Live Bait Shrimp  
4249 Production License as the Commercial Live Shrimp Production  
4250 License.

4251 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as a  
4252 commercial dead shrimp producer provided that:

4253 (a) A dead shrimp production permit is procured from the  
4254 Fish and Wildlife Conservation Commission upon the receipt by  
4255 the commission of a properly filled out and approved application  
4256 by a person intending to use a boat, not to exceed 35 feet in  
4257 length in Duval, St. Johns, Putnam, and Clay Counties, and not  
4258 to exceed 45 feet in length in Nassau County, for dead shrimp  
4259 production within the inland waters of Nassau County and the  
4260 inland waters of the St. Johns River of Duval, Putnam, St.  
4261 Johns, Flagler, or Clay Counties, which permit shall cost \$250  
4262 and shall be required for each vessel used for dead shrimp  
4263 production. The design of the application and permit shall be  
4264 determined by the Fish and Wildlife Conservation Commission. The  
4265 proceeds of the fees imposed by this paragraph shall be  
4266 deposited into the account of the Marine Resources Conservation  
4267 Trust Fund to be used by the commission for the purpose of  
4268 enforcement of marine resource laws.



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4269 (b) All commercial trawling in the St. Johns River proper  
4270 shall be restricted to the area north of the Acosta Bridge in  
4271 Jacksonville and at least 100 yards from the nearest shoreline.

4272 (c) All commercial shrimping activities shall be allowed  
4273 during daylight hours from Tuesday through Friday each week.

4274 (d) No person holding a dead shrimp production permit  
4275 issued pursuant to this subsection shall simultaneously hold a  
4276 permit for noncommercial trawling under the provisions of  
4277 subsection (5). The number of permits issued by the commission  
4278 for commercial trawling or dead shrimp production in any one  
4279 year shall be limited to those active in the base year, 1976,  
4280 and renewed annually since 1976. All permits for dead shrimp  
4281 production issued pursuant to this section shall be inheritable  
4282 or transferable to an immediate family member and annually  
4283 renewable by the holder thereof. Such inheritance or transfer  
4284 shall be valid upon being registered with the commission. Each  
4285 permit not renewed shall expire and shall not be renewed under  
4286 any circumstances.

4287 (e) It is illegal for any person to sell dead shrimp  
4288 caught in the inland waters of Nassau, Duval, Clay, Putnam, and  
4289 St. Johns Counties, unless the seller is in possession of a dead  
4290 shrimp production license issued pursuant to this subsection.

4291 (f) It is illegal for any person to purchase shrimp for  
4292 consumption or bait from any seller (with respect to shrimp  
4293 caught in the inland waters of Nassau, Duval, Clay, Putnam, and  
4294 St. Johns Counties (St. Johns River)) who does not produce his

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4295 or her dead shrimp production license prior to the sale of the  
4296 shrimp.

4297 (g) In addition to any other penalties provided for in  
4298 this section, any person who violates the provisions of this  
4299 subsection shall have his or her license revoked by the  
4300 commission.

4301 (h) The commission shall rename the Dead Shrimp Production  
4302 License as the Commercial Food Shrimp Production License.

4303 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling is  
4304 authorized by the Fish and Wildlife Conservation Commission, any  
4305 person may trawl for shrimp in the St. Johns River for his or  
4306 her own use as food under the following conditions:

4307 (a) Each person who desires to trawl for shrimp for use as  
4308 food shall obtain a noncommercial trawling permit from the local  
4309 office of the Fish and Wildlife Conservation Commission upon  
4310 filling out an application on a form prescribed by the  
4311 commission and upon paying a fee for the permit, which shall  
4312 cost \$50.

4313 (b) All trawling shall be restricted to the confines of  
4314 the St. Johns River proper in the area north of the Acosta  
4315 Bridge in Jacksonville and at least 100 yards from the nearest  
4316 shoreline.

4317 (c) No shrimp caught by a person licensed under the  
4318 provisions of this subsection may be sold or offered for sale.

4319 (6) SAMPLING PROCEDURE.--

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4320 (a) The Executive Director of the Fish and Wildlife  
4321 Conservation Commission shall have samples taken at established  
4322 stations within patterns at frequent intervals.

4323 (b) No area may be closed to live bait shrimp production  
4324 unless a series of samples has been taken and it has been  
4325 determined that the shrimp are undersized or that continued  
4326 shrimping in this area would have an adverse effect on  
4327 conservation. Standards for size may be established by rule of  
4328 the commission.

4329 (c) No area may be opened to dead shrimp production unless  
4330 a series of samples has been taken and it has been determined  
4331 that the shrimp are of legal size. Legal-sized shrimp shall be  
4332 defined as not more than 47 shrimp with heads on, or 70 shrimp  
4333 with heads off, per pound.

4334 (7) LICENSE POSSESSION.--The operator of a boat employing  
4335 the use of any trawl for shrimp production must be in possession  
4336 of a current shrimp production license issued to him or her  
4337 pursuant to the provisions of this section.

4338 (8) USE OF TRAWL; LIMITATION.--

4339 (a) The use of a trawl by either a live bait shrimp  
4340 producer or dead shrimp producer shall be limited to the  
4341 daylight hours, and the taking of dead shrimp shall not take  
4342 place on Saturdays, Sundays, or legal state holidays.

4343 (b) The use of a trawl by either a live bait shrimp  
4344 producer or dead shrimp producer within 100 yards of any  
4345 shoreline is prohibited. The Fish and Wildlife Conservation

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4346 Commission, by rule or order, may define the area or areas where  
4347 this subsection shall apply.

4348 (c)1. It is unlawful to employ the use of any trawl  
4349 designed for, or capable of, taking shrimp within 1/4 mile of  
4350 any natural or manmade inlet in Duval County or St. Johns  
4351 County.

4352 2. It is unlawful for anyone to trawl in the Trout River  
4353 west of the bridge on U.S. 17 in Duval County.

4354 (9) CREDITS.--Fees paid pursuant to paragraphs (3)(a) and  
4355 (4)(a) of this section shall be credited against the saltwater  
4356 products license fee.

4357 Section 79. Section 370.17, Florida Statutes, is  
4358 renumbered as section 379.248, Florida Statutes, and amended to  
4359 read:

4360 379.248 ~~370.17~~ Sponges; regulation.--

4361 (1) NONRESIDENT LICENSE; SPONGE FISHING.--Any nonresident  
4362 of the state, who desires to engage in the business or  
4363 occupation of sponge fishing, either for that person or any  
4364 other person, shall, before entering into said business or  
4365 occupation, procure a nonresident saltwater products license  
4366 issued in the name of an individual or to a valid boat  
4367 registration pursuant to s. 379.360 ~~370.06~~.

4368 (2) USE AND SIZE OF HOOKS.--Any person engaged in  
4369 gathering sponges by use of a hook shall use a hook 5 inches  
4370 wide for the purpose of removing sponges from the bottom, and no  
4371 hook of other dimensions may be used.

4372 (3) TAKING, POSSESSING COMMERCIAL; SIZE.--

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4373 (a) No person may take, by any means or method, from the  
 4374 waters of the Gulf of Mexico, the straits of this state or the  
 4375 other waters within the territorial limits of this state, any  
 4376 commercial sponges, measuring, when wet, less than 5 inches in  
 4377 their maximum diameter.

4378 (b) To make effective the foregoing subsection it is  
 4379 further provided that no person may land, cure, deliver, offer  
 4380 for sale, sell, or have in his or her possession, within the  
 4381 territorial limits of this state, or upon any boat, vessel, or  
 4382 vehicle, other than those operated interstate by common  
 4383 carriers, within the territorial limits of this state, any  
 4384 commercial sponges measuring, when wet, less than 5 inches in  
 4385 their maximum diameter.

4386 (c) The presence of commercial sponges within the  
 4387 territorial limits of this state, or upon any boat, vessel, or  
 4388 vehicle, other than those operated interstate by common  
 4389 carriers, within the territorial limits of this state,  
 4390 measuring, when wet, less than 5 inches in their maximum  
 4391 diameter, shall be evidence that the person having such sponges  
 4392 in his or her possession has violated this section.

4393 (4) POWERS OF THE COMMISSION.--The commission is  
 4394 authorized and empowered to make, promulgate, and put into  
 4395 effect all rules and regulations which the commission may  
 4396 consider and decide to be necessary to accomplish the purpose of  
 4397 this chapter for the taking and cultivation of sponges,  
 4398 including the power and authority to determine and fix, in its  
 4399 discretion, the seasons and period of time within which public

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4400 state grounds may be closed to the taking, possessing, buying,  
4401 selling, or transporting of sponges from the sponge cultivation  
4402 districts herein provided for and to regulate and prescribe the  
4403 means and methods to be employed in the harvesting thereof;  
4404 however, notice of all rules, regulations, and orders, and all  
4405 revisions and amendments thereto, prescribing closed seasons or  
4406 prescribing the means and methods of harvesting sponges adopted  
4407 by the commission shall be published in a newspaper of general  
4408 circulation in the conservation district affected within 10 days  
4409 from the adoption thereof, in addition to any notice required by  
4410 chapter 120.

4411 (5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE  
4412 SERVICE.--The commission shall cooperate with the United States  
4413 Fish and Wildlife Service, under existing federal laws, rules  
4414 and regulations, and is authorized to accept donations, grants  
4415 and matching funds from said federal government under such  
4416 conditions as are reasonable and proper, for the purposes of  
4417 carrying out this chapter, and the commission is further  
4418 authorized to accept any and all donations including funds and  
4419 loan of vessels.

4420 (6) PENALTY.--Any person violating any of the foregoing  
4421 provisions shall, for the second offense, be guilty of a felony  
4422 of the third degree, punishable as provided in s. 775.082, s.  
4423 775.083, or s. 775.084, and by the confiscation of all boats,  
4424 tackle and equipment used in the commission of such violation.

4425 Section 80. Section 370.25, Florida Statutes, is  
4426 renumbered as section 379.249, Florida Statutes, to read:

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4427        379.249 ~~370.25~~ Artificial reef program; grants and  
4428 financial and technical assistance to local governments.--

4429            (1) An artificial reef program is created within the  
4430 commission to enhance saltwater opportunities and to promote  
4431 proper management of fisheries resources associated with  
4432 artificial reefs for the public interest. Under the program, the  
4433 commission may provide grants and financial and technical  
4434 assistance to coastal local governments, state universities, and  
4435 nonprofit corporations qualified under s. 501(c)(3) of the  
4436 Internal Revenue Code for the siting and development of  
4437 artificial reefs as well as for monitoring and evaluating such  
4438 reefs and their recreational, economic, and biological  
4439 effectiveness. The commission is authorized to accept title, on  
4440 behalf of the state, to vessels for use in the artificial reef  
4441 program as offshore artificial reefs. The program may be funded  
4442 from state, federal, and private contributions.

4443            (2) The commission may adopt by rule procedures for  
4444 submitting an application for financial assistance and criteria  
4445 for allocating available funds.

4446            (3) The commission may adopt by rule criteria for siting,  
4447 constructing, managing, and evaluating the effectiveness of  
4448 artificial reefs placed in state or adjacent federal waters and  
4449 criteria implementing the transfer of vessel titles to the state  
4450 for use as an offshore artificial reef.

4451            (4) The commission may adopt by rule criteria for  
4452 determining the eligibility of nonprofit corporations qualified  
4453 under s. 501(c)(3) of the Internal Revenue Code to apply for and

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4454 receive funds available for artificial reef development or  
4455 evaluation. The criteria must include, but are not limited to,  
4456 the following:

4457 (a) The corporation must show proof that it is a nonprofit  
4458 corporation qualified under s. 501(c)(3) of the Internal Revenue  
4459 Code.

4460 (b) The corporation must state in its articles of  
4461 incorporation or bylaws that one of its objectives is the  
4462 development or monitoring of artificial reefs.

4463 (5) The commission's artificial reef program shall track  
4464 all artificial-reef-development activities statewide, and  
4465 maintain a computer database of these activities for the public  
4466 interest and to facilitate long-range planning and coordination  
4467 within the commission and among local governments.

4468 (6) It is unlawful for any person to:

4469 (a) Place artificial-reef-construction materials in state  
4470 waters outside zones permitted under the terms and conditions  
4471 defined in any artificial-reef permits issued by the United  
4472 States Army Corps of Engineers or by the Department of  
4473 Environmental Protection.

4474 (b) Store, possess, or transport on or across state waters  
4475 any materials reasonably suited for artificial-reef construction  
4476 and stored in a manner providing ready access for use and  
4477 placement as an artificial reef, unless a valid cargo manifest  
4478 issued by the commission or a commission-certified inspector is  
4479 onboard the transporting vessel. The manifest will serve as  
4480 authorization to use a valid permitted site or land-based



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4481 staging area, will validate that the type of artificial-reef  
4482 construction material being transported is permissible for use  
4483 at the permitted site, and will describe and quantify the  
4484 artificial-reef material being transported. The manifest will  
4485 also include the latitude and longitude coordinates of the  
4486 proposed deployment location, the valid permit number, and a  
4487 copy of the permit conditions for the permitted site. The  
4488 manifest must be available for inspection by any authorized law  
4489 enforcement officer or commission employee.

4490 (7) (a) An initial violation of subsection (6) is a  
4491 misdemeanor of the first degree, punishable as provided in s.  
4492 775.082 or s. 775.083. A subsequent violation of subsection (6)  
4493 which is committed within 12 months after a previous violation  
4494 of that subsection is a felony of the third degree, punishable  
4495 as provided in s. 775.082, s. 775.083, or s. 775.084.

4496 (b) If a violation of subsection (6) occurs, a law  
4497 enforcement officer may terminate a vessel's voyage and order  
4498 the vessel operator to return immediately to port. Failure or  
4499 refusal to comply with an order to return to port constitutes a  
4500 felony of the third degree, punishable as provided in s.  
4501 775.082, s. 775.083, or s. 775.084. The vessel operator must  
4502 immediately dispose of the materials on shore according to  
4503 applicable waste disposal laws.

4504 (c) If, at the time of the violation, the vessel that is  
4505 involved in the violation:

4506 1. Is moored at a land-based facility, the registered  
4507 owner of the vessel is responsible for the violation.

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4508           2. Is underway or anchored, the captain or operator of the  
4509 vessel and the registered owner of the vessel are jointly  
4510 responsible for the violation.

4511           (d) In addition to the penalties imposed in this  
4512 subsection, the commission shall assess civil penalties of up to  
4513 \$5,000 against any person convicted of violating subsection (6)  
4514 and may seek the suspension or revocation of the vessel  
4515 registration, existing reef-construction permits, or other state  
4516 marine licenses held by the violator. For the purposes of this  
4517 section, conviction includes any judicial disposition other than  
4518 acquittal or dismissal.

4519           Section 81. Section 370.23, Florida Statutes, is  
4520 renumbered as section 379.250, Florida Statutes, to read:

4521           379.250 ~~370.23~~ Sale of unlawfully landed product;  
4522 jurisdiction.--It is unlawful for any person to bring to port,  
4523 sell, or offer to sell any saltwater life landed in violation of  
4524 the provisions of this chapter. Any person committing such a  
4525 violation and docking his or her vessel at any port in the  
4526 state, whether or not such product was landed in the territorial  
4527 waters of the state, shall be deemed to have submitted himself  
4528 or herself to the jurisdiction of the courts of this state for  
4529 the purpose of the enforcement of the provisions of this  
4530 chapter.

4531           Section 82. Section 370.1601, Florida Statutes, is  
4532 renumbered as section 379.2511, Florida Statutes, and amended to  
4533 read:

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4534        379.2511 ~~370.1601~~ Lease of state-owned water bottoms for  
 4535 growing oysters and clams.--Effective July 1, 1988, persons  
 4536 wishing to lease state-owned water bottoms for the purpose of  
 4537 growing oysters and clams shall no longer be required to apply  
 4538 under the provisions of s. 379.2525 ~~370.16~~; such leases shall be  
 4539 issued pursuant to the provisions of ss. 253.67-253.75.

4540        Section 83. Section 370.161, Florida Statutes, is  
 4541 renumbered as section 379.2512, Florida Statutes, to read:

4542        379.2512 ~~370.161~~ Oyster bottom land grants made pursuant  
 4543 to ch. 3293.--

4544        (1) All grants previously issued by the several boards of  
 4545 county commissioners under the authority of chapter 3293, 1881,  
 4546 Laws of Florida, shall be subject to provisions of s. 597.010,  
 4547 relating to the marking of such lands, the payment of rents, the  
 4548 cultivation of such lands and the forfeiture provisions.

4549        (2) Any grantee of lands referred to in subsection (1)  
 4550 shall mark such lands and begin cultivation thereof as set forth  
 4551 in s. 597.010, within 90 days after the effective date of this  
 4552 act. The rentals prescribed by s. 597.010, shall be payable  
 4553 immediately upon the effective date of this act and in  
 4554 accordance with the provisions of said section.

4555        (3) If any grantee shall fail to comply with the  
 4556 provisions of this act his or her grant shall become null and  
 4557 void and the lands shall return to the ownership and  
 4558 jurisdiction of the state.

4559        Section 84. Section 370.027, Florida Statutes, is  
 4560 renumbered as section 379.2521, Florida Statutes, to read:

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4561        379.2521 ~~370.027~~ Rulemaking authority with respect to  
 4562 marine life.--Marine aquaculture producers shall be regulated by  
 4563 the Department of Agriculture and Consumer Services. The Fish  
 4564 and Wildlife Conservation Commission shall adopt rules, by March  
 4565 1, 2000, to regulate the sale of farmed red drum and spotted sea  
 4566 trout. These rules shall specifically provide for the protection  
 4567 of the wild resource, without restricting a certified  
 4568 aquaculture producer pursuant to s. 597.004 from being able to  
 4569 sell farmed fish. To that extent, these rules must only require  
 4570 that farmed fish be kept separate from wild fish and be fed  
 4571 commercial feed; that farmed fish be placed in sealed  
 4572 containers; that these sealed containers must have the name,  
 4573 address, telephone number and aquaculture certificate number,  
 4574 issued pursuant to s. 597.004, of the farmer clearly and  
 4575 indelibly placed on the container; and that this information  
 4576 must accompany the fish to the ultimate point of sale. Marine  
 4577 aquaculture products produced by a marine aquaculture producer,  
 4578 certified pursuant to s. 597.004, are exempt from Fish and  
 4579 Wildlife Conservation Commission resource management rules, with  
 4580 the exception of such rules governing any fish of the genus  
 4581 *Centropomus* (snook). By July 1, 2000, the Fish and Wildlife  
 4582 Conservation Commission shall develop procedures to allow  
 4583 persons possessing a valid aquaculture certificate of  
 4584 registration to sell and transport live snook produced in  
 4585 private ponds or private hatcheries as brood stock, to stock  
 4586 private ponds, or for aquarium display consistent with the

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4587 | provisions of rules adopted by The Department of Agriculture and  
 4588 | Consumer Services ~~39-23.009~~, Florida Administrative Code.

4589 | Section 85. Section 370.1603, Florida Statutes, is  
 4590 | renumbered as section 379.2522, Florida Statutes, and amended to  
 4591 | read:

4592 | 379.2522 ~~370.1603~~ Oysters produced in and outside state;  
 4593 | labeling; tracing; rules.--

4594 | (1) No wholesale or retail dealer, as defined in s.  
 4595 | 379.361 (1) ~~370.07(1)~~, shall sell any oysters produced outside  
 4596 | this state unless they are labeled as such, or unless it is  
 4597 | otherwise reasonably made known to the purchaser that the  
 4598 | oysters were not produced in this state.

4599 | (2) The Department of Agriculture and Consumer Services  
 4600 | shall promulgate rules whereby oysters produced in Florida  
 4601 | waters can be traced to the location from which they were  
 4602 | harvested. A wholesale or retail dealer may not sell any oysters  
 4603 | produced in this state unless they are labeled so that they may  
 4604 | be traced to the point of harvesting.

4605 | Section 86. Section 370.26, Florida Statutes, is  
 4606 | renumbered as section 379.2523, Florida Statutes, to read:

4607 | 379.2523 ~~370.26~~ Aquaculture definitions; marine  
 4608 | aquaculture products, producers, and facilities.--

4609 | (1) As used in this section, the term:

4610 | (a) "Marine aquaculture facility" means a facility built  
 4611 | and operated for the purpose of producing marine aquaculture  
 4612 | products. Marine aquaculture facilities contain culture systems  
 4613 | such as, but not limited to, ponds, tanks, raceways, cages, and

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4614 bags used for commercial production, propagation, growout, or  
 4615 product enhancement of marine products. Marine aquaculture  
 4616 facilities specifically do not include:

4617 1. Facilities that maintain marine aquatic organisms  
 4618 exclusively for the purpose of shipping, distribution,  
 4619 marketing, or wholesale and retail sales;

4620 2. Facilities that maintain marine aquatic organisms for  
 4621 noncommercial, education, exhibition, or scientific purposes;

4622 3. Facilities in which the activity does not require an  
 4623 aquaculture certification pursuant to s. 597.004; or

4624 4. Facilities used by marine aquarium hobbyists.

4625 (b) "Marine aquaculture producer" means a person holding  
 4626 an aquaculture certificate pursuant to s. 597.004 to produce  
 4627 marine aquaculture products.

4628 (c) "Marine aquaculture product" means any product derived  
 4629 from marine aquatic organisms that are owned and propagated,  
 4630 grown, or produced under controlled conditions by a person  
 4631 holding an aquaculture certificate pursuant to s. 597.004. Such  
 4632 product does not include organisms harvested from the wild for  
 4633 depuration, wet storage, or relayed for the purpose of  
 4634 controlled purification. Marine aquaculture products are  
 4635 considered saltwater products for the purposes of this chapter,  
 4636 except the holder of an aquaculture certificate is not required  
 4637 to purchase and possess a saltwater products license in order to  
 4638 possess, transport, or sell marine aquaculture products pursuant  
 4639 to s. 379.360 ~~370.06~~. To renew an existing restricted species  
 4640 endorsement, marine aquaculture producers possessing a valid

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4641 saltwater products license with a restricted species endorsement  
4642 may apply income from the sales of marine aquaculture products  
4643 to licensed wholesale dealers. Income from the sales of marine  
4644 aquaculture products shall not be eligible for the purpose of  
4645 acquiring a new restricted species endorsement. The holder of an  
4646 aquaculture certificate must purchase and possess a saltwater  
4647 products license in order to possess, transport, or sell  
4648 saltwater products not specifically provided for in s. 597.004.

4649 (2) The Department of Environmental Protection shall  
4650 encourage the development of aquaculture and the production of  
4651 aquaculture products. The department shall develop a process  
4652 consistent with this section that would consolidate permits,  
4653 general permits, and other regulatory requirements to streamline  
4654 the permitting process and result in effective regulation of  
4655 aquaculture activities. This process shall provide for a single  
4656 application and application fee for marine aquaculture  
4657 activities which are regulated by the department. Procedures to  
4658 consolidate permitting actions under this section do not  
4659 constitute rules within the meaning of s. 120.52.

4660 (3) Until aquaculture general permits under s. 403.814 can  
4661 be expanded and developed, the department shall establish  
4662 criteria to temporarily permit aquaculture activities that may  
4663 be presumed not to result in adverse environmental impacts. The  
4664 criteria developed pursuant to this subsection do not constitute  
4665 rules within the meaning of s. 120.52. Permit application fees  
4666 under this subsection shall be no more than that established for  
4667 a general permit. The department may delegate to the water

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4668 management districts the regulatory authority for aquaculture  
4669 facilities subject to the temporary general permitting criteria  
4670 of this subsection. During the period prior to development of a  
4671 general permit under s. 403.814, the department shall establish  
4672 a compliance plan based on monitoring results that will assist  
4673 in the development of the general permit.

4674 (4) The department shall request that the Aquaculture  
4675 Review Council identify a working group of industry  
4676 representatives who can provide technical assistance in  
4677 developing aquaculture general permits. The industry  
4678 representatives shall come from the segment of the industry to  
4679 be affected by the specific general permit to be developed. The  
4680 working group shall be included in all phases of developing the  
4681 aquaculture general permits.

4682 (5) The department shall:

4683 (a) Coordinate with the Aquaculture Review Council, the  
4684 Aquaculture Interagency Coordinating Council, and the Department  
4685 of Agriculture and Consumer Services when developing criteria  
4686 for aquaculture general permits.

4687 (b) Permit experimental technologies to collect and  
4688 evaluate data necessary to reduce or mitigate environmental  
4689 concerns.

4690 (c) Provide technical expertise and promote the transfer  
4691 of information that would be beneficial to the development of  
4692 aquaculture.



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4693 (6) The Fish and Wildlife Conservation Commission shall  
4694 encourage the development of aquaculture in the state through  
4695 the following:

4696 (a) Providing assistance in developing technologies  
4697 applicable to aquaculture activities, evaluating practicable  
4698 production alternatives, and providing management agreements to  
4699 develop innovative culture practices.

4700 (b) Facilitating aquaculture research on life histories,  
4701 stock enhancement, and alternative species, and providing  
4702 research results that would assist in the evaluation,  
4703 development, and commercial production of candidate species for  
4704 aquaculture, including:

4705 1. Providing eggs, larvae, fry, and fingerlings to  
4706 aquaculturists when excess cultured stocks are available from  
4707 the commission's facilities and the culture activities are  
4708 consistent with the commission's stock enhancement projects.  
4709 Such stocks may be obtained by reimbursing the commission for  
4710 the cost of production on a per-unit basis. Revenues resulting  
4711 from the sale of stocks shall be deposited into the trust fund  
4712 used to support the production of such stocks.

4713 2. Conducting research programs to evaluate candidate  
4714 species when funding and staff are available.

4715 3. Encouraging the private production of marine fish and  
4716 shellfish stocks for the purpose of providing such stocks for  
4717 statewide stock enhancement programs. When such stocks become  
4718 available, the commission shall reduce or eliminate duplicative

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4719 production practices that would result in direct competition  
4720 with private commercial producers.

4721 4. Developing a working group, in cooperation with the  
4722 Department of Agriculture and Consumer Services, the Aquaculture  
4723 Review Council, and the Aquaculture Interagency Coordinating  
4724 Council, to plan and facilitate the development of private  
4725 marine fish and nonfish hatcheries and to encourage  
4726 private/public partnerships to promote the production of marine  
4727 aquaculture products.

4728 (c) Coordinating with public and private research  
4729 institutions within the state to advance the aquaculture  
4730 production and sale of sturgeon as a food fish.

4731 (7) The Fish and Wildlife Conservation Commission shall  
4732 coordinate with the Aquaculture Review Council and the  
4733 Department of Agriculture and Consumer Services to establish and  
4734 implement grant programs to provide funding for projects and  
4735 programs that are identified in the state's aquaculture plan,  
4736 pending legislative appropriations. The commission and the  
4737 Department of Agriculture and Consumer Services shall establish  
4738 and implement a grant program to make grants available to  
4739 qualified nonprofit, educational, and research entities or local  
4740 governments to fund infrastructure, planning, practical and  
4741 applied research, development projects, production economic  
4742 analysis, and training and stock enhancement projects, and to  
4743 make grants available to counties, municipalities, and other  
4744 state and local entities for applied aquaculture projects that

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4745 are directed to economic development, pending legislative  
4746 appropriations.

4747 (8) The Fish and Wildlife Conservation Commission shall  
4748 provide assistance to the Department of Agriculture and Consumer  
4749 Services in the development of an aquaculture plan for the  
4750 state.

4751 Section 87. Section 370.31, Florida Statutes, is  
4752 renumbered as section 379.2524, Florida Statutes, to read:

4753 379.2524 ~~370.31~~ Commercial production of sturgeon.--

4754 (1) INTENT.--The Legislature finds and declares that there  
4755 is a need to encourage the continuation and advancement of work  
4756 being done on aquaculture sturgeon production in keeping with  
4757 the state's legislative public policy regarding aquaculture  
4758 provided in chapter 597. It also finds that it is in the state's  
4759 economic interest to promote the commercial production and stock  
4760 enhancement of sturgeon. It is therefore the intent of the  
4761 Legislature to hereby create a Sturgeon Production Working  
4762 Group.

4763 (2) CREATION.--The Sturgeon Production Working Group is  
4764 created within the Department of Agriculture and Consumer  
4765 Services and shall be composed of seven members as follows:

4766 (a) The head of the sturgeon research program or designee  
4767 from the University of Florida, Institute of Food and  
4768 Agricultural Sciences. Such member shall be appointed by the  
4769 University of Florida's Vice President for Agricultural Affairs.

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4770 (b) One representative from the Department of  
4771 Environmental Protection to be appointed by the Secretary of  
4772 Environmental Protection.

4773 (c) One representative from the Fish and Wildlife  
4774 Conservation Commission to be appointed by the executive  
4775 director of the Fish and Wildlife Conservation Commission.

4776 (d) One representative from the Department of Agriculture  
4777 and Consumer Services to be appointed by the Commissioner of  
4778 Agriculture.

4779 (e) Two representatives from the aquaculture industry to  
4780 be appointed by the Aquaculture Review Council.

4781 (f) One representative from a private nonprofit  
4782 organization involved in sturgeon production work, to be  
4783 appointed by the Commissioner of Agriculture.

4784 (3) MEETINGS; PROCEDURES; RECORDS.--The working group  
4785 shall meet at least twice a year and elect, by a quorum, a chair  
4786 and vice chair.

4787 (a) The chair of the working group shall preside at all  
4788 meetings and shall call a meeting as often as necessary to carry  
4789 out the provisions of this section.

4790 (b) The Department of Agriculture and Consumer Services  
4791 shall keep a complete record of the proceedings of each meeting,  
4792 which includes the names of the members present at each meeting  
4793 and the actions taken. The records shall be public records  
4794 pursuant to chapter 119.

4795 (c) A quorum shall consist of a majority of the group  
4796 members. Members of the group shall not receive compensation,

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4797 but shall be entitled to per diem and travel expenses, including  
 4798 attendance at meetings, as allowed public officers and employees  
 4799 pursuant to s. 112.061.

4800 (4) PURPOSE AND RESPONSIBILITIES.--The purpose of the  
 4801 Sturgeon Production Working Group is to coordinate the  
 4802 implementation of a state sturgeon production management plan to  
 4803 promote the commercial production and stock enhancement of  
 4804 sturgeon in Florida. In carrying out this purpose, the working  
 4805 group shall:

4806 (a) Establish a state sturgeon production management plan  
 4807 to inform public or private interested parties of how to  
 4808 aquaculturally produce sturgeon for commercial purposes and for  
 4809 stock enhancement. The sturgeon production management plan  
 4810 shall:

4811 1. Provide the regulatory policies for the commercial  
 4812 production of sturgeon meat and roe, including a strategy for  
 4813 obtaining the required permits, licenses, authorizations, or  
 4814 certificates.

4815 2. Provide the management practices for culturing sturgeon  
 4816 and ensure that aquacultural development does not impede the  
 4817 recovery and conservation of wild sturgeon populations.

4818 3. Establish priorities for research needed to support the  
 4819 commercial production of sturgeon and the recovery of native  
 4820 stocks in the state.

4821 (b) Support management strategies to permit the commercial  
 4822 production of native and nonnative sturgeon, including the

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4823 distribution of captive-bred Gulf sturgeon to approved certified  
4824 aquaculture facilities.

4825 (c) Support the development of a cooperative sturgeon  
4826 conservation program to coordinate conservation, habitat, and  
4827 resource management programs for native sturgeon, including an  
4828 evaluation of how stock enhancement can facilitate the  
4829 conservation and recovery of native sturgeon populations.

4830 (d) Seek federal cooperation to implement the sturgeon  
4831 production management plan, including federal designation of  
4832 captive-bred sturgeon as distinct population segments to  
4833 distinguish cultivated stocks from wild native populations.

4834 (e) Develop enforcement guidelines to ensure continued  
4835 protection of wild native sturgeon populations.

4836 (f) In furtherance of the purposes and responsibilities of  
4837 the Sturgeon Production Working Group, the state shall:

4838 1. Establish a program to coordinate conservation and  
4839 aquaculture activities for native sturgeon.

4840 2. Develop a conservation plan for native sturgeon.

4841 3. Initiate the process to petition for delisting captive-  
4842 bred shortnose sturgeon.

4843 4. Initiate the process to petition for delisting captive-  
4844 bred Gulf sturgeon.

4845 (g) Establish a sturgeon broodstock committee composed of  
4846 fishery scientists, fish farmers, and agency representatives to  
4847 manage the taking of wild sturgeon for brood fish and spawning.

4848 (h) Establish the Cooperative Broodstock Development and  
4849 Husbandry Board composed of fishery scientists, fish farmers,

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4850 and agency representatives to establish standards and criteria  
4851 for the management and maintenance of captive-reared sturgeon,  
4852 to collect biological data, and to administer the Cooperative  
4853 Broodstock Development and Husbandry Program.

4854 Section 88. Section 370.16, Florida Statutes, is  
4855 renumbered as section 379.2525, Florida Statutes, and amended to  
4856 read:

4857 379.2525 ~~370.16~~ Noncultured shellfish harvesting.--

4858 (1) PROTECTION OF SHELLFISH AQUACULTURE PRODUCTS.--

4859 (a) The Fish and Wildlife Conservation Commission shall  
4860 assist in protecting shellfish aquaculture products produced on  
4861 leased or granted reefs in the hands of lessees or grantees from  
4862 the state. Harvesting shellfish is prohibited within a distance  
4863 of 25 feet outside lawfully marked lease boundaries or within  
4864 setback and access corridors within specifically designated  
4865 high-density aquaculture lease areas and aquaculture use zones.

4866 (b) The department, in cooperation with the commission,  
4867 shall provide the Legislature with recommendations as needed for  
4868 the development and the proper protection of the rights of the  
4869 state and private holders therein with respect to the oyster and  
4870 clam business.

4871 (2) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL  
4872 REEFS; LICENSES, ETC., PENALTY.--

4873 (a) It is unlawful to use a dredge or any means or  
4874 implement other than hand tongs in removing oysters from the  
4875 natural or artificial state reefs. This restriction shall apply  
4876 to all areas of Apalachicola Bay for all shellfish harvesting,

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4877 | excluding private grounds leased or granted by the state prior  
4878 | to July 1, 1989, if the lease or grant specifically authorizes  
4879 | the use of implements other than hand tongs for harvesting.  
4880 | Except in Apalachicola Bay, upon the payment of \$25 annually,  
4881 | for each vessel or boat using a dredge or machinery in the  
4882 | gathering of clams or mussels, a special activity license may be  
4883 | issued by the Fish and Wildlife Conservation Commission pursuant  
4884 | to s. 379.360 ~~370.06~~ for such use to such person.

4885 | (b) The use of any mechanical harvesting device other than  
4886 | ordinary hand tongs for taking shellfish for any purpose from  
4887 | public shellfish beds in Apalachicola Bay shall be unlawful.

4888 | (c) The possession of any mechanical harvesting device on  
4889 | the waters of Apalachicola Bay from 5 p.m. until sunrise shall  
4890 | be unlawful.

4891 | (d) Each vessel used for the transport or deployment of a  
4892 | dredge or scrape shall prominently display the lease or grant  
4893 | number or numbers, in numerals which are at least 12 inches high  
4894 | and 6 inches wide, in such a manner that the lease or grant  
4895 | number or numbers are readily identifiable from both the air and  
4896 | the water.

4897 | (e) Oysters may be harvested from natural or public  
4898 | grounds by common hand tongs or by hand, by scuba diving, free  
4899 | diving, leaning from vessels, or wading. In the Apalachicola  
4900 | Bay, this provision shall apply to all shellfish.

4901 |  
4902 | The commission shall apply other statutes, rules, or conditions  
4903 | necessary to protect the environment and natural resources from



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4904 improper transport, deployment, and operation of a dredge or  
4905 scrape. Any violation of this subsection or of any other  
4906 statutes, rules, or conditions referenced in the special  
4907 activity license shall be considered a violation of the license  
4908 and shall result in revocation of the license and forfeiture of  
4909 the bond submitted to the commission as a prerequisite to the  
4910 issuance of this license.

4911 (3) FALSE RETURNS AS TO OYSTERS OR CLAMS HANDLED.--Each  
4912 packer, canner, corporation, firm, commission person, or dealer  
4913 in fish shall, on the first day of each month, make a return  
4914 under oath to the Fish and Wildlife Conservation Commission, as  
4915 to the number of oysters, clams, and shellfish purchased,  
4916 caught, or handled during the preceding month. Whoever is found  
4917 guilty of making any false affidavit to any such report is  
4918 guilty of perjury and punished as provided by law, and any  
4919 person who fails to make such report shall be punished by a fine  
4920 not exceeding \$500 or by imprisonment in the county jail not  
4921 exceeding 6 months.

4922 (4) SEIZURE OF VESSELS AND CARGOES VIOLATING OYSTER AND  
4923 CLAM LAWS, ETC.--Vessels, with their cargoes, violating the  
4924 provisions of the laws relating to oysters and clams may be  
4925 seized by anyone duly and lawfully authorized to make arrests  
4926 under this section or by any sheriff or the sheriff's deputies,  
4927 and taken into custody, and when not arrested by the sheriff or  
4928 the sheriff's deputies, delivered to the sheriff of the county  
4929 in which the seizure is made, and shall be liable to forfeiture,  
4930 on appropriate proceedings being instituted by the Fish and

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4931 Wildlife Conservation Commission, before the courts of that  
4932 county. In such case the cargo shall at once be disposed of by  
4933 the sheriff, for account of whom it may concern. Should the  
4934 master or any of the crew of said vessel be found guilty of  
4935 using dredges or other instruments in fishing oysters on natural  
4936 reefs contrary to law, or fishing on the natural oyster or clam  
4937 reefs out of season, or unlawfully taking oysters or clams  
4938 belonging to a lessee, such vessel shall be declared forfeited  
4939 by the court, and ordered sold and the proceeds of the sale  
4940 shall be deposited with the Chief Financial Officer to the  
4941 credit of the General Revenue Fund; any person guilty of such  
4942 violations shall not be permitted to have any license provided  
4943 for in this chapter within a period of 1 year from the date of  
4944 conviction. Pending proceedings such vessel may be released upon  
4945 the owner furnishing bond, with good and solvent security in  
4946 double the value of the vessel, conditioned upon its being  
4947 returned in good condition to the sheriff to abide the judgment  
4948 of the court.

4949 (5) DREDGING OF DEAD SHELLS PROHIBITED.--The dredging of  
4950 dead shell deposits is prohibited in the state.

4951 (6) REQUIREMENTS FOR OYSTER VESSELS.--All vessels used for  
4952 the harvesting, gathering, or transporting of noncultured  
4953 oysters for commercial use shall be constructed and maintained  
4954 to prevent contamination or deterioration of oysters. To this  
4955 end, all such vessels shall be provided with false bottoms and  
4956 bulkheads fore and aft to prevent oysters from coming in contact  
4957 with any bilge water. No dogs or other animals shall be allowed

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4958 at any time on vessels used to harvest or transport oysters. A  
 4959 violation of any provision of this subsection shall result in at  
 4960 least the revocation of the violator's license.

4961 Section 89. Part III of chapter 379, Florida Statutes,  
 4962 consisting of section 379.260, is created to read:

4963 PART III

4964 FRESHWATER AQUATIC LIFE

4965  
 4966 Section 90. Section 372.26, Florida Statutes, is  
 4967 renumbered as section 379.260, Florida Statutes, and amended to  
 4968 read:

4969 379.260 ~~372.26~~ Imported fish.--

4970 (1) No person shall import into the state or place in any  
 4971 of the fresh waters of the state any freshwater fish of any  
 4972 species without having first obtained a permit from the Fish and  
 4973 Wildlife Conservation Commission. The commission is authorized  
 4974 to issue or deny such a permit upon the completion of studies of  
 4975 the species made by it to determine any detrimental effect the  
 4976 species might have on the ecology of the state.

4977 (2) A person who violates this section commits a Level  
 4978 Three violation under s. 379.400 ~~372.83~~.

4979 Section 91. Part IV of chapter 379, Florida Statutes,  
 4980 consisting of sections 379.3001 through 379.3063, is created to  
 4981 read:

4982 PART IV

4983 WILD ANIMAL LIFE

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4985 Section 92. Section 372.0025, Florida Statutes, is  
4986 renumbered as section 379.3001, Florida Statutes, to read:  
4987 379.3001 ~~372.0025~~ No net loss of hunting lands.--  
4988 (1) As used in this section, the term:  
4989 (a) "Commission" means the Fish and Wildlife Conservation  
4990 Commission.  
4991 (b) "Commission-managed lands" means those lands owned by  
4992 the commission, those lands owned by the state over which the  
4993 commission holds management authority, or those privately owned  
4994 lands that are leased or managed by the commission.  
4995 (c) "Hunting" means the lawful pursuit, trapping,  
4996 shooting, capture, collection, or killing of wildlife or the  
4997 lawful attempt to pursue, trap, shoot, capture, collect, or kill  
4998 wildlife.  
4999 (2) Commission-managed lands shall be open to access and  
5000 use for hunting except as limited by the commission for reasons  
5001 of public safety, fish or wildlife management, or homeland  
5002 security or as otherwise limited by law.  
5003 (3) The commission, in exercising its authority under the  
5004 State Constitution and statutes, shall exercise its authority,  
5005 consistent with subsection (2), in a manner that supports,  
5006 promotes, and enhances hunting opportunities to the extent  
5007 authorized by state law.  
5008 (4) Commission land management decisions and actions,  
5009 including decisions made by private owners to close hunting land  
5010 managed by the commission, shall not result in any net loss of  
5011 habitat land acreage available for hunting opportunities on

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5012 commission-managed lands that exists on the effective date of  
5013 this act. The commission shall expeditiously find replacement  
5014 acreage for hunting to compensate for closures of any existing  
5015 hunting land. Replacement lands shall, to the greatest extent  
5016 possible, be located within the same administrative region of  
5017 the commission and shall be consistent with the hunting  
5018 discipline that the commission allowed on the closed land.

5019 (5) Any state agency or water management district that  
5020 owns or manages lands shall assist and coordinate and cooperate  
5021 with the commission to allow hunting on such lands if such lands  
5022 are determined by the commission to be suitable for hunting. To  
5023 ensure no net loss of land acreage available for hunting, state  
5024 agencies and water management districts shall cooperate with the  
5025 commission to open new, additional hunting lands to replace lost  
5026 hunting acreage. However, lands officially designated as units  
5027 within the state park system may not be considered for  
5028 replacement hunting lands and may only be opened for hunting  
5029 when necessary as a wildlife control or management tool as  
5030 determined by the Division of Recreation and Parks in the  
5031 Department of Environmental Protection.

5032 (6) By October 1 of each year, the executive director of  
5033 the commission shall submit to the Legislature a written report  
5034 describing:

5035 (a) The acreage managed by the commission that was closed  
5036 to hunting during the previous fiscal year and the reasons for  
5037 the closures.

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5038 (b) The acreage managed by the commission that was opened  
 5039 to hunting to compensate for closures of existing land pursuant  
 5040 to subsection (4).

5041 (7) By October 1 of each year, any state agency or water  
 5042 management district that owns or manages lands shall submit a  
 5043 written report to the commission and the Legislature that  
 5044 includes:

5045 (a) A list of properties that were open for hunting during  
 5046 the previous fiscal year.

5047 (b) A list of properties that were not open for hunting  
 5048 during the previous fiscal year.

5049 (c) The acreage for each property and the county where  
 5050 each property is located, except for right-of-way lands and  
 5051 parcels under 50 acres.

5052 Section 93. Section 372.023, Florida Statutes, is  
 5053 renumbered as section 379.3002, Florida Statutes, to read:

5054 379.3002 ~~372.023~~ J. W. Corbett and Cecil M. Webb Wildlife  
 5055 Management Areas.--

5056 (1) The Fish and Wildlife Conservation Commission of this  
 5057 state is neither authorized nor empowered to do the following as  
 5058 to the J. W. Corbett Wildlife Management Area in Palm Beach  
 5059 County or the Cecil M. Webb Wildlife Management Area without the  
 5060 approval of the Board of Trustees of the Internal Improvement  
 5061 Trust Fund that such action is in the best interest of orderly  
 5062 and economical development of said area, viz.:

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5063 (a) To trade, barter, lease, or exchange lands therein for  
5064 lands of greater acreage contiguous to said wildlife management  
5065 areas.

5066 (b) To grant easements for construction and maintenance of  
5067 roads, railroads, canals, ditches, dikes, and utilities,  
5068 including but not limited to telephone, telegraph, oil, gas,  
5069 electric power, water, and sewers.

5070 (c) To convey or release all rights in and to the  
5071 phosphate, minerals, metals, and petroleum that is or may be in,  
5072 on or under any lands traded, bartered, leased, or exchanged  
5073 pursuant to paragraph (a).

5074 (2) The Board of Trustees of the Internal Improvement  
5075 Trust Fund and the State Board of Education and all and every  
5076 board, state department or state agency of the state having any  
5077 title, right and interest in or to the land including oil and  
5078 mineral rights in the lands to be traded, bartered, leased or  
5079 exchanged within the J. W. Corbett Wildlife Management Area in  
5080 Palm Beach County, is authorized and empowered to convey this  
5081 interest of whatsoever nature to the record owner.

5082 (3) Moneys received from the sale of lands within either  
5083 wildlife management area, less reasonable expenses incident to  
5084 the sale, shall be used by the Fish and Wildlife Conservation  
5085 Commission to acquire acreage contiguous to the wildlife  
5086 management area or lands of equal wildlife value. The sale shall  
5087 be made directly to the state, notwithstanding the procedures of  
5088 s. 270.08 to the contrary.

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5089 Section 94. Section 372.988, Florida Statutes, is  
 5090 renumbered as section 379.3003, Florida Statutes, and amended to  
 5091 read:

5092 379.3003 ~~372.988~~ Required clothing for persons hunting  
 5093 deer.--It is a Level One violation under s. 379.400 ~~372.83~~ for  
 5094 any person to hunt deer, or for any person to accompany another  
 5095 person hunting deer, during the open season for the taking of  
 5096 deer on public lands unless each person shall wear a total of at  
 5097 least 500 square inches of daylight fluorescent orange material  
 5098 as an outer garment. Such clothing shall be worn above the  
 5099 waistline and may include a head covering. The provisions of  
 5100 this section shall not apply to any person hunting deer with a  
 5101 bow and arrow during seasons restricted to hunting with a bow  
 5102 and arrow.

5103 Section 95. Section 372.7016, Florida Statutes, is  
 5104 renumbered as section 379.3004, Florida Statutes, and amended to  
 5105 read:

5106 379.3004 ~~372.7016~~ Voluntary Authorized Hunter  
 5107 Identification Program.--

5108 (1) There is created the "Voluntary Authorized Hunter  
 5109 Identification Program" to assist landowners and law enforcement  
 5110 officials in better controlling trespass and illegal or  
 5111 unauthorized hunting. Landowners wishing to participate in the  
 5112 program shall:

5113 (a) Annually notify the sheriff's office in the county in  
 5114 which the land is situated and the respective area supervisor of  
 5115 the Fish and Wildlife Conservation Commission by letter of their



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5116 | desire to participate in the program, and provide a description  
5117 | of their property which they wish to have in the program by  
5118 | township, range, section, partial section, or other geographical  
5119 | description.

5120 | (b) Provide a means of identifying authorized hunters as  
5121 | provided in subsection (2).

5122 | (2) Any person hunting on private land enrolled in the  
5123 | Voluntary Authorized Hunter Identification Program shall have  
5124 | readily available on the land at all times when hunting on the  
5125 | property written authorization from the owner or his or her  
5126 | authorized representative to be on the land for the purpose of  
5127 | hunting. The written authorization shall be presented on demand  
5128 | to any law enforcement officer, the owner, or the authorized  
5129 | agent of the owner.

5130 | (a) For purposes of this section, the term "hunting" means  
5131 | to be engaged in or reasonably equipped to engage in the pursuit  
5132 | or taking by any means of any animal described in s. 379.100  
5133 | (19) or (20) ~~372.001(10) or (11)~~, and the term "written  
5134 | authorization" means a card, letter, or other written instrument  
5135 | which shall include, but need not be limited to, the name of the  
5136 | person or entity owning the property, the name and signature of  
5137 | the person granting the authorization, a description by  
5138 | township, range, section, partial section, or other geographical  
5139 | description of the land to which the authorization applies, and  
5140 | a statement of the time period during which the authorization is  
5141 | valid.

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5142 (b) Failure by any person hunting on private land enrolled  
5143 in the program to present written authorization to hunt on said  
5144 land to any law enforcement officer or the owner or  
5145 representative thereof within 7 days of demand shall be prima  
5146 facie evidence of violation of s. 810.09(2)(c), punishable as  
5147 provided in s. 775.082, s. 775.083, or s. 775.084. However, such  
5148 evidence may be contradicted or rebutted by other evidence.

5149 Section 96. Section 372.6671, Florida Statutes, is  
5150 renumbered as section 379.3011, Florida Statutes, and amended to  
5151 read:

5152 379.3011 ~~372.6671~~ Alligator trapping program;  
5153 definitions.--Unless otherwise provided by a specific section or  
5154 the context otherwise requires, as used in ss. 379.3011,  
5155 379.3012, 379.3751 and 379.3752 ~~372.6671-372.6674~~, the following  
5156 definitions shall apply:

5157 (1) "Alligator" means a member of the species of alligator  
5158 (*Alligator mississippiensis*) but does not mean its eggs.

5159 (2) "Alligator hatchling" means a juvenile alligator as  
5160 more specifically defined by commission rule.

5161 (3) "Process" or "processing" means the skinning,  
5162 butchering, or possession of alligators.

5163 Section 97. Section 372.6672, Florida Statutes, is  
5164 renumbered as section 379.3012, Florida Statutes, to read:

5165 379.3012 ~~372.6672~~ Alligator management and trapping  
5166 program implementation; commission authority.--

5167 (1) In any alligator management and trapping program that  
5168 the Fish and Wildlife Conservation Commission shall establish,

5169 the commission shall have the authority to adopt all rules  
5170 necessary for full and complete implementation of such alligator  
5171 management and trapping program, and, in order to ensure its  
5172 lawful, safe, and efficient operation in accordance therewith,  
5173 may:

5174 (a) Regulate the marketing and sale of alligators, their  
5175 hides, eggs, meat, and byproducts, including the development and  
5176 maintenance of a state-sanctioned sale.

5177 (b) Regulate the handling and processing of alligators,  
5178 their eggs, hides, meat, and byproducts, for the lawful, safe,  
5179 and sanitary handling and processing of same.

5180 (c) Regulate commercial alligator farming facilities and  
5181 operations for the captive propagation and rearing of alligators  
5182 and their eggs.

5183 (d) Provide hide-grading services by two or more  
5184 individuals pursuant to state-sanctioned sales if rules are  
5185 first promulgated by the commission governing:

5186 1. All grading-related services to be provided pursuant to  
5187 this section;

5188 2. Criteria for qualifications of persons to serve as  
5189 hide-graders for grading services to be provided pursuant to  
5190 this section; and

5191 3. The certification process by which hide-graders  
5192 providing services pursuant to this section will be certified.

5193 (e) Provide sales-related services by contract pursuant to  
5194 state-sanctioned sales if rules governing such services are  
5195 first promulgated by the commission.

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5196 (2) All contractors of the commission for the grading,  
5197 marketing, and sale of alligators and their hides, eggs, meat,  
5198 and byproducts shall not engage in any act constituting a  
5199 conflict of interest under part III of chapter 112.

5200 (3) The powers and duties of the commission hereunder  
5201 shall not be construed so as to supersede the regulatory  
5202 authority or lawful responsibility of the Department of  
5203 Agriculture and Consumer Services, the Department of Health, or  
5204 any local governmental entity regarding the processing or  
5205 handling of food products, but shall be deemed supplemental  
5206 thereto.

5207 Section 98. Section 372.6678, Florida Statutes, is  
5208 renumbered as section 379.3013, Florida Statutes, to read:  
5209 379.3013 ~~372.6678~~ Alligator study requirements.--The  
5210 commission shall conduct studies of all areas of the state which  
5211 it intends to open to alligator collection permits. The study  
5212 shall include individual wet areas, lakes, and rivers, or  
5213 reasonable numbers of wet areas, lakes, and rivers that may be  
5214 logically grouped. The studies shall determine the safe yield of  
5215 alligators for which collection permits may be issued. The  
5216 studies shall be based upon the best biological information that  
5217 indicates the number of alligators which can be removed from the  
5218 system without long-term adverse impacts on population levels.

5219 Section 99. Section 372.662, Florida Statutes, is  
5220 renumbered as section 379.3014, Florida Statutes, to read:  
5221 379.3014 ~~372.662~~ Unlawful sale, possession, or  
5222 transporting of alligators or alligator skins.--Whenever the

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5223 sale, possession, or transporting of alligators or alligator  
 5224 skins is prohibited by any law of this state, or by the rules,  
 5225 regulations, or orders of the Fish and Wildlife Conservation  
 5226 Commission adopted pursuant to s. 9, Art. IV of the State  
 5227 Constitution, the sale, possession, or transporting of  
 5228 alligators or alligator skins is a Level Three violation under  
 5229 s. 379.400 ~~372.83~~.

5230 Section 100. Section 372.664, Florida Statutes, is  
 5231 renumbered as section 379.3015, Florida Statutes, to read:

5232 379.3015 ~~372.664~~ Prima facie evidence of intent to violate  
 5233 laws protecting alligators.--Except as otherwise provided by  
 5234 rule of the Fish and Wildlife Conservation Commission for the  
 5235 purpose of the limited collection of alligators in designated  
 5236 areas, the display or use of a light in a place where alligators  
 5237 might be known to inhabit in a manner capable of disclosing the  
 5238 presence of alligators, together with the possession of  
 5239 firearms, spear guns, gigs, and harpoons customarily used for  
 5240 the taking of alligators, during the period between 1 hour after  
 5241 sunset and 1 hour before sunrise shall be prima facie evidence  
 5242 of an intent to violate the provisions of law regarding the  
 5243 protection of alligators.

5244 Section 101. Section 372.6645, Florida Statutes, is  
 5245 renumbered as section 379.3016, Florida Statutes, to read:

5246 379.3016 ~~372.6645~~ Unlawful to sell alligator products;  
 5247 penalty.--

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5248 (1) It is unlawful for any person to sell any alligator  
5249 product manufactured in the form of a stuffed baby alligator or  
5250 other baby crocodilia.

5251 (2) No person shall sell any alligator product  
5252 manufactured from a species which has been declared to be  
5253 endangered by the United States Fish and Wildlife Service or the  
5254 Fish and Wildlife Conservation Commission.

5255 (3) Any person who violates this section is guilty of a  
5256 misdemeanor of the first degree, punishable as provided in s.  
5257 775.082 or s. 775.083.

5258 Section 102. Section 372.665, Florida Statutes, is  
5259 renumbered as section 379.3017, Florida Statutes, to read:

5260 379.3017 ~~372.665~~ Word "alligator" or "gator" not to be  
5261 used in certain sales.--It is unlawful for any person to use the  
5262 word "gator" or "alligator" in connection with the sale of any  
5263 product derived or made from the skins of other crocodilia or in  
5264 connection with the sale of other crocodilia. Any person  
5265 violating this section shall, upon conviction, be guilty of a  
5266 misdemeanor.

5267 Section 103. Section 372.16, Florida Statutes, is  
5268 renumbered as section 379.302, Florida Statutes, to read:

5269 379.302 ~~372.16~~ Private game preserves and farms;  
5270 regulations and penalties ~~penalty~~.--

5271 (1) Any person owning land in this state may establish,  
5272 maintain, and operate within the boundaries thereof, a private  
5273 preserve and farm, not exceeding an area of 640 acres, for the  
5274 protection, preservation, propagation, rearing, and production

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5275 of game birds and animals for private and commercial purposes,  
5276 provided that no two game preserves shall join each other or be  
5277 connected. ~~Before any private game preserve or farm is~~  
5278 ~~established, the owner or operator shall secure a license from~~  
5279 ~~the commission, the fee for which is \$50 per year.~~

5280 (2) All private game preserves or farms established under  
5281 the provisions of this section shall be fenced in such manner  
5282 that domestic game thereon may not escape and wild game on  
5283 surrounding lands may not enter and shall be subject at any time  
5284 to inspection by the Fish and Wildlife Conservation Commission,  
5285 or its conservation officers. Such private preserve or farm  
5286 shall be equipped and operated in such manner as to provide  
5287 sufficient food and humane treatment for the game kept thereon.  
5288 Game reared or produced on private game preserves and farms  
5289 shall be considered domestic game and private property and may  
5290 be sold or disposed of as such and shall be the subject of  
5291 larceny. Live game may be purchased, sold, shipped, and  
5292 transported for propagation and restocking purposes only at any  
5293 time. Such game may be sold for food purposes only during the  
5294 open season provided by law for such game. All game killed must  
5295 be killed on the premises of such private game preserve or farm  
5296 and must be killed by means other than shooting, except during  
5297 the open season. All domestic game sold for food purposes must  
5298 be marked or tagged in a manner prescribed by the Fish and  
5299 Wildlife Conservation Commission; and the owner or operator of  
5300 such private game preserve or farm shall report to the said  
5301 commission, on blanks to be furnished by it, each sale or

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5302 shipment of domestic game, such reports showing the quantity and  
 5303 kind of game shipped or sold and to whom sold. Such report shall  
 5304 be made not later than 5 days following such sale or shipment.  
 5305 Game reared or produced as aforesaid may be served as such by  
 5306 hotels, restaurants, or other public eating places during the  
 5307 open season provided by law on such particular species of game,  
 5308 under such regulations as the commission may prescribe.

5309 (3) It is unlawful for any common carrier to knowingly  
 5310 transport or receive for transportation any domestic game unless  
 5311 the package or container containing such shipment has attached  
 5312 thereto a permit for such shipment and such package or container  
 5313 shall be marked on the outside showing quantity and kind of game  
 5314 enclosed.

5315 (4) Any person violating this section for the first  
 5316 offense commits a misdemeanor of the second degree, punishable  
 5317 as provided in s. 775.082 or s. 775.083, and for a second or  
 5318 subsequent offense commits a misdemeanor of the first degree,  
 5319 punishable as provided in s. 775.082 or s. 775.083. Any person  
 5320 convicted of violating this section shall forfeit to the  
 5321 commission any license issued under this section; and no further  
 5322 license shall be issued to such person for a period of 1 year  
 5323 following such conviction.

5324 Section 104. Subsections (3) and (4) of section 372.922,  
 5325 Florida Statutes, are renumbered as section 379.303, Florida  
 5326 Statutes, and amended to read:

5327 379.303 Classification of wildlife, seizure of captive  
 5328 wildlife--



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5329 ~~372.922 Personal possession of wildlife.--~~

5330 (1) ~~(3)~~ The commission shall promulgate rules defining  
 5331 Class I, Class II, and Class III types of wildlife. The  
 5332 commission shall also establish rules and requirements necessary  
 5333 to ensure that permits are granted only to persons qualified to  
 5334 possess and care properly for wildlife and that permitted  
 5335 wildlife possessed as personal pets will be maintained in  
 5336 sanitary surroundings and appropriate neighborhoods.

5337 (2) ~~(4)~~ In instances where wildlife is seized or taken  
 5338 into custody by the commission, said owner or possessor of such  
 5339 wildlife shall be responsible for payment of all expenses  
 5340 relative to the capture, transport, boarding, veterinary care,  
 5341 or other costs associated with or incurred due to seizure or  
 5342 custody of wildlife. Such expenses shall be paid by said owner  
 5343 or possessor upon any conviction or finding of guilt of a  
 5344 criminal or noncriminal violation, regardless of adjudication or  
 5345 plea entered, of any provision of chapter 828 or this chapter,  
 5346 or rule of the commission or if such violation is disposed of  
 5347 under s. 921.187. Failure to pay such expense may be grounds for  
 5348 revocation or denial of permits to such individual to possess  
 5349 wildlife.

5350 Section 105. Section 372.921, Florida Statutes, is  
 5351 renumbered as section 379.304, Florida Statutes, and amended to  
 5352 read:

5353 379.304 ~~372.921~~ Exhibition or sale of wildlife.--

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5355 ~~—— (1) In order to provide humane treatment and sanitary~~  
5356 ~~surroundings for wild animals kept in captivity, no person,~~  
5357 ~~firm, corporation, or association shall have, or be in~~  
5358 ~~possession of, in captivity for the purpose of public display~~  
5359 ~~with or without charge or for public sale any wildlife,~~  
5360 ~~specifically birds, mammals, amphibians, and reptiles, whether~~  
5361 ~~indigenous to Florida or not, without having first secured a~~  
5362 ~~permit from the commission authorizing such person, firm, or~~  
5363 ~~corporation to have in its possession in captivity the species~~  
5364 ~~and number of wildlife specified within such permit; however,~~  
5365 ~~this section does not apply to any wildlife not protected by law~~  
5366 ~~and the rules of the commission.~~

5367 ~~—— (2) The fees to be paid for the issuance of permits~~  
5368 ~~required by subsection (1) shall be as follows:~~

5369 ~~—— (a) For not more than 25 Class I or Class II individual~~  
5370 ~~specimens in the aggregate of all species, the sum of \$150 per~~  
5371 ~~annum.~~

5372 ~~—— (b) For over 25 Class I or Class II individual specimens~~  
5373 ~~in the aggregate of all species, the sum of \$250 per annum.~~

5374 ~~—— (c) For any number of Class III individual specimens in~~  
5375 ~~the aggregate of all species, the sum of \$50 per annum.~~

5376  
5377 ~~The fees prescribed by this subsection shall be submitted to the~~  
5378 ~~commission with the application for permit required by~~  
5379 ~~subsection (1) and shall be deposited in the State Game Trust~~  
5380 ~~Fund.~~

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5381 ~~— (3) An applicant for a permit shall be required to include~~  
5382 ~~in her or his application a statement showing the place, number,~~  
5383 ~~and species of wildlife to be held in captivity by the applicant~~  
5384 ~~and shall be required upon request by the Fish and Wildlife~~  
5385 ~~Conservation Commission to show when, where, and in what manner~~  
5386 ~~she or he came into possession of any wildlife acquired~~  
5387 ~~subsequent to the effective date of this act. The source of~~  
5388 ~~acquisition of such wildlife shall not be divulged by the~~  
5389 ~~commission except in connection with a violation of this section~~  
5390 ~~or a regulation of the commission in which information as to~~  
5391 ~~source of wildlife is required as evidence in the prosecution of~~  
5392 ~~such violation.~~

5393 (1) ~~(4)~~ Permits issued pursuant to this section and places  
5394 where wildlife is kept or held in captivity shall be subject to  
5395 inspection by officers of the commission at all times. The  
5396 commission shall have the power to release or confiscate any  
5397 specimens of any wildlife, specifically birds, mammals,  
5398 amphibians, or reptiles, whether indigenous to the state or not,  
5399 when it is found that conditions under which they are being  
5400 confined are unsanitary, or unsafe to the public in any manner,  
5401 or that the species of wildlife are being maltreated,  
5402 mistreated, or neglected or kept in any manner contrary to the  
5403 provisions of chapter 828, any such permit to the contrary  
5404 notwithstanding. Before any such wildlife is confiscated or  
5405 released under the authority of this section, the owner thereof  
5406 shall have been advised in writing of the existence of such  
5407 unsatisfactory conditions; the owner shall have been given 30

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5408 days in which to correct such conditions; the owner shall have  
5409 failed to correct such conditions; the owner shall have had an  
5410 opportunity for a proceeding pursuant to chapter 120; and the  
5411 commission shall have ordered such confiscation or release after  
5412 careful consideration of all evidence in the particular case in  
5413 question. The final order of the commission shall constitute  
5414 final agency action.

5415 (2) ~~(5)~~ In instances where wildlife is seized or taken  
5416 into custody by the commission, said owner or possessor of such  
5417 wildlife shall be responsible for payment of all expenses  
5418 relative to the capture, transport, boarding, veterinary care,  
5419 or other costs associated with or incurred due to seizure or  
5420 custody of wildlife. Such expenses shall be paid by said owner  
5421 or possessor upon any conviction or finding of guilt of a  
5422 criminal or noncriminal violation, regardless of adjudication or  
5423 plea entered, of any provision of chapter 828 or this chapter,  
5424 or rule of the commission or if such violation is disposed of  
5425 under s. 921.187. Failure to pay such expense may be grounds for  
5426 revocation or denial of permits to such individual to possess  
5427 wildlife.

5428 (3) ~~(6)~~ Any animal on exhibit of a type capable of  
5429 contracting or transmitting rabies shall be immunized against  
5430 rabies.

5431 ~~(7) The provisions of this section relative to licensing~~  
5432 ~~do not apply to any municipal, county, state, or other publicly~~  
5433 ~~owned wildlife exhibit. The provisions of this section do not~~

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5434 ~~apply to any traveling zoo, circus, or exhibit licensed as~~  
 5435 ~~provided by chapter 205.~~

5436 ~~— (8) This section shall not apply to the possession,~~  
 5437 ~~control, care, and maintenance of ostriches, emus, rheas, and~~  
 5438 ~~bison domesticated and confined for commercial farming purposes,~~  
 5439 ~~except those kept and maintained on hunting preserves or game~~  
 5440 ~~farms or primarily for exhibition purposes in zoos, carnivals,~~  
 5441 ~~circuses, and other such establishments where such species are~~  
 5442 ~~kept primarily for display to the public.~~

5443 (4) ~~(9)~~ The commission is authorized to adopt rules  
 5444 pursuant to ss. 120.536(1) and 120.54 to implement the  
 5445 provisions of this section.

5446 (5) ~~(10)~~ A violation of this section is punishable as  
 5447 provided by s. 379.400 ~~372.83~~.

5448 Section 106. Section 372.92, Florida Statutes, is  
 5449 renumbered as section 379.305, Florida Statutes, and amended to  
 5450 read:

5451 379.305 ~~372.92~~ Rules and regulations; penalties.--

5452 (1) The Fish and Wildlife Conservation Commission may  
 5453 prescribe such other rules and regulations as it may deem  
 5454 necessary to prevent the escape of venomous reptiles or reptiles  
 5455 of concern, either in connection of construction of such cages  
 5456 or otherwise to carry out the intent of ss. 379.372-379.374  
 5457 ~~372.86-372.88~~.

5458 (2) A person who knowingly releases a nonnative venomous  
 5459 reptile or reptile of concern to the wild or who through gross  
 5460 negligence allows a nonnative venomous reptile or reptile of

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5461 concern to escape commits a Level Three violation, punishable as  
5462 provided in s. 379.401 ~~372.935~~.

5463 Section 107. Section 372.673, Florida Statutes, is  
5464 renumbered as section 379.3061, Florida Statutes, to read:

5465 379.3061 ~~372.673~~ Florida Panther Technical Advisory  
5466 Council.--

5467 (1) The Florida Panther Technical Advisory Council is  
5468 established within the Fish and Wildlife Conservation  
5469 Commission. The council shall be appointed by the Governor and  
5470 shall consist of seven members with technical knowledge and  
5471 expertise in the research and management of large mammals.

5472 (a) Two members shall represent state or federal agencies  
5473 responsible for management of endangered species; two members,  
5474 who must have specific experience in the research and management  
5475 of large felines or large mammals, shall be appointed from  
5476 universities, colleges, or associated institutions; and three  
5477 members, with similar expertise, shall be appointed from the  
5478 public at large.

5479 (b) As soon as practicable after July 1, 1983, one member  
5480 representing a state or federal agency and one member appointed  
5481 from a university, college, or associated institution shall be  
5482 appointed for terms ending August 1, 1985, and the remaining  
5483 members shall be appointed for terms ending August 1, 1987.  
5484 Thereafter, all appointments shall be for 4-year terms. If a  
5485 vacancy occurs, a member shall be appointed for the remainder of  
5486 the unexpired term. A member whose term has expired shall

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5487 continue sitting on the council with full rights until a  
5488 replacement has been appointed.

5489 (c) Council members shall be reimbursed pursuant to s.  
5490 112.061 but shall receive no additional compensation or  
5491 honorarium.

5492 (2) The purposes of the council are:

5493 (a) To serve in an advisory capacity to the Fish and  
5494 Wildlife Conservation Commission on technical matters of  
5495 relevance to the Florida panther recovery program, and to  
5496 recommend specific actions that should be taken to accomplish  
5497 the purposes of this act.

5498 (b) To review and comment on research and management  
5499 programs and practices to identify potential harm to the Florida  
5500 panther population.

5501 (c) To provide a forum for technical review and discussion  
5502 of the status and development of the Florida panther recovery  
5503 program.

5504 Section 108. Section 372.5714, Florida Statutes, is  
5505 renumbered as section 379.3062, Florida Statutes, and amended to  
5506 read:

5507 379.3062 ~~372.5714~~ Waterfowl Advisory Council.--

5508 (1) There is created a Waterfowl Advisory Council  
5509 consisting of three members, one appointed by the Governor, one  
5510 appointed by the Speaker of the House of Representatives, and  
5511 one appointed by the President of the Senate. Members may be  
5512 representative of appropriate state agencies, private  
5513 conservation groups, or private citizens and shall possess

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5514 knowledge and experience in the area of waterfowl management and  
5515 protection. Members shall be appointed for 4-year, staggered  
5516 terms and shall be eligible for reappointment. A vacancy shall  
5517 be filled by appointment for the remainder of the unexpired  
5518 term.

5519 (2) The council shall meet at least once a year either in  
5520 person or by a telephone conference call, shall elect a chair  
5521 annually to preside over its meetings and perform any other  
5522 duties directed by the council, and shall maintain minutes of  
5523 each meeting. All records of council activities shall be kept on  
5524 file with the Fish and Wildlife Conservation Commission and  
5525 shall be made available to any interested person. The Fish and  
5526 Wildlife Conservation Commission shall provide such staff  
5527 support as is necessary to the council to carry out its duties.  
5528 Members of the council shall serve without compensation, but  
5529 shall be reimbursed for per diem and travel expenses as provided  
5530 in s. 112.061 when carrying out the official business of the  
5531 council.

5532 (3) It shall be the duty of the council to advise the  
5533 commission regarding the administration of revenues generated by  
5534 the sale of the Florida waterfowl permit provided for by s.  
5535 379.2211 ~~372.5712~~. In particular, the council shall consult with  
5536 and advise the commission with respect to the establishment and  
5537 operation of projects for the protection and propagation of  
5538 migratory waterfowl and the development, restoration,  
5539 maintenance, and preservation of wetlands within the state, to  
5540 be financed by such revenues as specified in said section.



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5541 Section 109. Section 372.992, Florida Statutes, is  
 5542 renumbered as section 379.3063, Florida Statutes, to read:  
 5543 379.3063 ~~372.992~~ Nongame Wildlife Advisory Council.--  
 5544 (1) There is created the Nongame Wildlife Advisory  
 5545 Council, which shall consist of the following 11 members  
 5546 appointed by the Governor: one representative each from the Fish  
 5547 and Wildlife Conservation Commission, the Department of  
 5548 Environmental Protection, and the United States Fish and  
 5549 Wildlife Services; the director of the Florida Museum of Natural  
 5550 History or her or his designee; one representative from a  
 5551 professional wildlife organization; one representative from a  
 5552 private wildlife institution; one representative from a Florida  
 5553 university or college who has expertise in nongame biology; one  
 5554 representative of business interests from a private consulting  
 5555 firm who has expertise in nongame biology; one representative of  
 5556 a statewide organization of landowner interests; and two members  
 5557 from conservation organizations. All appointments shall be for  
 5558 4-year terms. Members shall be eligible for reappointment.  
 5559 (2) The council shall recommend to the commission  
 5560 policies, objectives, and specific actions for nongame wildlife  
 5561 research and management.  
 5562 (3) Members of the council shall receive no compensation  
 5563 but shall be entitled to receive per diem and travel expenses as  
 5564 provided in s. 112.061, while carrying out official business  
 5565 with the council, from funds provided under s. 379.209 ~~372.991~~.

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5566 Section 110. Part V of chapter 379, Florida Statutes,  
 5567 consisting of sections 379.330 through 379.343, is created to  
 5568 read:

5569 PART V  
 5570 LAW ENFORCEMENT

5572 Section 111. Section 370.028, Florida Statutes, is  
 5573 renumbered as section 379.330, Florida Statutes, and amended to  
 5574 read:

5575 379.330 ~~370.028~~ Enforcement of commission rules; penalties  
 5576 for violation of rule.--Rules of the Fish and Wildlife  
 5577 Conservation Commission shall be enforced by any law enforcement  
 5578 officer certified pursuant to s. 943.13. Except as provided  
 5579 under s. 379.400 ~~372.83~~, any person who violates or otherwise  
 5580 fails to comply with any rule adopted by the commission shall be  
 5581 punished pursuant to s. 379.407 (1) ~~370.021(1)~~.

5582 Section 112. Section 372.07, Florida Statutes, is  
 5583 renumbered as section 379.3311, Florida Statutes, to read:

5584 379.3311 ~~372.07~~ Police powers of commission and its  
 5585 agents.--

5586 (1) The Fish and Wildlife Conservation Commission, the  
 5587 executive director and the executive director's assistants  
 5588 designated by her or him, and each wildlife officer are  
 5589 constituted peace officers with the power to make arrests for  
 5590 violations of the laws of this state when committed in the  
 5591 presence of the officer or when committed on lands under the  
 5592 supervision and management of the commission. The general laws

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5593 applicable to arrests by peace officers of this state shall also  
5594 be applicable to said director, assistants, and wildlife  
5595 officers. Such persons may enter upon any land or waters of the  
5596 state for performance of their lawful duties and may take with  
5597 them any necessary equipment, and such entry shall not  
5598 constitute a trespass.

5599 (2) Such officers shall have power and authority to  
5600 enforce throughout the state all laws relating to game, nongame  
5601 birds, fish, and fur-bearing animals and all rules and  
5602 regulations of the Fish and Wildlife Conservation Commission  
5603 relating to wild animal life, marine life, and freshwater  
5604 aquatic life, and in connection with said laws, rules, and  
5605 regulations, in the enforcement thereof and in the performance  
5606 of their duties thereunder, to:

- 5607 (a) Go upon all premises, posted or otherwise;
- 5608 (b) Execute warrants and search warrants for the violation  
5609 of said laws;
- 5610 (c) Serve subpoenas issued for the examination,  
5611 investigation, and trial of all offenses against said laws;
- 5612 (d) Carry firearms or other weapons, concealed or  
5613 otherwise, in the performance of their duties;
- 5614 (e) Arrest upon probable cause without warrant any person  
5615 found in the act of violating any of the provisions of said laws  
5616 or, in pursuit immediately following such violations, to examine  
5617 any person, boat, conveyance, vehicle, game bag, game coat, or  
5618 other receptacle for wild animal life, marine life, or  
5619 freshwater aquatic life, or any camp, tent, cabin, or roster, in

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5620 the presence of any person stopping at or belonging to such  
5621 camp, tent, cabin, or roster, when said officer has reason to  
5622 believe, and has exhibited her or his authority and stated to  
5623 the suspected person in charge the officer's reason for  
5624 believing, that any of the aforesaid laws have been violated at  
5625 such c

5626 (f) Secure and execute search warrants and in pursuance  
5627 thereof to enter any building, enclosure, or car and to break  
5628 open, when found necessary, any apartment, chest, locker, box,  
5629 trunk, crate, basket, bag, package, or container and examine the  
5630 contents thereof;

5631 (g) Seize and take possession of all wild animal life,  
5632 marine life, or freshwater aquatic life taken or in possession  
5633 or under control of, or shipped or about to be shipped by, any  
5634 person at any time in any manner contrary to said laws.

5635 (3) It is unlawful for any person to resist an arrest  
5636 authorized by this section or in any manner to interfere, either  
5637 by abetting, assisting such resistance, or otherwise interfering  
5638 with said executive director, assistants, or wildlife officers  
5639 while engaged in the performance of the duties imposed upon them  
5640 by law or regulation of the Fish and Wildlife Conservation  
5641 Commission.

5642 (4) Upon final disposition of any alleged offense for  
5643 which a citation for any violation of this chapter or the rules  
5644 of the commission has been issued, the court shall, within 10  
5645 days after the final disposition of the action, certify the  
5646 disposition to the commission.

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5647 Section 113. Section 372.071, Florida Statutes, is  
 5648 renumbered as section 379.3312, Florida Statutes, and amended to  
 5649 read:

5650 379.3312 ~~372.071~~ Powers of arrest by agents of Department  
 5651 of Environmental Protection or Fish and Wildlife Conservation  
 5652 Commission.--Any certified law enforcement officer of the  
 5653 Department of Environmental Protection or the Fish and Wildlife  
 5654 Conservation Commission, upon receiving information, relayed to  
 5655 her or him from any law enforcement officer stationed on the  
 5656 ground, on the water, or in the air, that a driver, operator, or  
 5657 occupant of any vehicle, boat, or airboat has violated any  
 5658 section of chapter 327, chapter 328, ~~chapter 370~~, or this  
 5659 chapter, or s. 597.010 or s. 597.020, may arrest the driver,  
 5660 operator, or occupant for violation of said laws when reasonable  
 5661 and proper identification of the vehicle, boat, or airboat and  
 5662 reasonable and probable grounds to believe that the driver,  
 5663 operator, or occupant has committed or is committing any such  
 5664 offense have been communicated to the arresting officer by the  
 5665 other officer stationed on the ground, on the water, or in the  
 5666 air.

5667 Section 114. Subsection(8) of section 370.021 Florida  
 5668 Statutes, is renumbered as section 379.3313, Florida Statutes,  
 5669 and amended to read:

5670 379.3313 Powers of commission law enforcement officers.

5671 ~~370.021 Administration; rules, publications, records;~~  
 5672 ~~penalties; injunctions.---~~

5673 ~~(8) POWERS OF OFFICERS.---~~

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5674        (1)~~(a)~~ Law enforcement officers of the commission are  
5675        constituted law enforcement officers of this state with full  
5676        power to investigate and arrest for any violation of the laws of  
5677        this state and the rules of the commission under their  
5678        jurisdiction. The general laws applicable to arrests by peace  
5679        officers of this state shall also be applicable to law  
5680        enforcement officers of the commission. Such law enforcement  
5681        officers may enter upon any land or waters of the state for  
5682        performance of their lawful duties and may take with them any  
5683        necessary equipment, and such entry will not constitute a  
5684        trespass. It is lawful for any boat, motor vehicle, or aircraft  
5685        owned or chartered by the commission or its agents or employees  
5686        to land on and depart from any of the beaches or waters of the  
5687        state. Such law enforcement officers have the authority, without  
5688        warrant, to board, inspect, and search any boat, fishing  
5689        appliance, storage or processing plant, fishhouse, spongehouse,  
5690        oysterhouse, or other warehouse, building, or vehicle engaged in  
5691        transporting or storing any fish or fishery products. Such  
5692        authority to search and inspect without a search warrant is  
5693        limited to those cases in which such law enforcement officers  
5694        have reason to believe that fish or any saltwater products are  
5695        taken or kept for sale, barter, transportation, or other  
5696        purposes in violation of laws or rules promulgated under this  
5697        law. Any such law enforcement officer may at any time seize or  
5698        take possession of any saltwater products or contraband which  
5699        have been unlawfully caught, taken, or processed or which are  
5700        unlawfully possessed or transported in violation of any of the

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5701 laws of this state or any rule of the commission. Such law  
5702 enforcement officers may arrest any person in the act of  
5703 violating any of the provisions of this law, the rules of the  
5704 commission, or any of the laws of this state. It is hereby  
5705 declared unlawful for any person to resist such arrest or in any  
5706 manner interfere, either by abetting or assisting such  
5707 resistance or otherwise interfering, with any such law  
5708 enforcement officer while engaged in the performance of the  
5709 duties imposed upon him or her by law or rule of the commission.

5710 (2) ~~(b)~~ The Legislature finds that the checking and  
5711 inspection of saltwater products aboard vessels is critical to  
5712 good fishery management and conservation and that, because  
5713 almost all saltwater products are either iced or cooled in  
5714 closed areas or containers, the enforcement of seasons, size  
5715 limits, and bag limits can only be effective when inspection of  
5716 saltwater products so stored is immediate and routine.  
5717 Therefore, in addition to the authority granted in paragraph  
5718 (1) ~~(a)~~, a law enforcement officer of the commission who has  
5719 probable cause to believe that the vessel has been used for  
5720 fishing prior to the inspection shall have full authority to  
5721 open and inspect all containers or areas where saltwater  
5722 products are normally kept aboard vessels while such vessels are  
5723 on the water, such as refrigerated or iced locations, coolers,  
5724 fish boxes, and bait wells, but specifically excluding such  
5725 containers that are located in sleeping or living areas of the  
5726 vessel.

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5727 Section 115. Section 372.70, Florida Statutes, is  
 5728 renumbered as section 379.332, Florida Statutes, to read:  
 5729 379.332 ~~372.70~~ Prosecutions; state attorney to represent  
 5730 state.--

5731 (1) The prosecuting officers of the several courts of  
 5732 criminal jurisdiction of this state shall investigate and  
 5733 prosecute all violations of the laws relating to game,  
 5734 freshwater fish, nongame birds, and fur-bearing animals which  
 5735 may be brought to their attention by the commission or its  
 5736 conservation officers, or which may otherwise come to their  
 5737 knowledge.

5738 (2) The state attorney shall represent the state in any  
 5739 forfeiture proceeding under this chapter. The Department of  
 5740 Legal Affairs shall represent the state in all appeals from  
 5741 judgments of forfeiture to the Supreme Court. The state may  
 5742 appeal any judgment denying forfeiture in whole or in part that  
 5743 may be otherwise adverse to the state.

5744 Section 116. Section 372.701, Florida Statutes, is  
 5745 renumbered as section 379.333, Florida Statutes, to read:

5746 379.333 ~~372.701~~ Arrest by officers of the Fish and  
 5747 Wildlife Conservation Commission; recognizance; cash bond;  
 5748 citation.--

5749 (1) In all cases of arrest by officers of the Fish and  
 5750 Wildlife Conservation Commission and the Department of  
 5751 Environmental Protection, the person arrested shall be delivered  
 5752 forthwith by said officer to the sheriff of the county, or shall  
 5753 obtain from such person arrested a recognizance or, if deemed



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5754 necessary, a cash bond or other sufficient security conditioned  
5755 for her or his appearance before the proper tribunal of such  
5756 county to answer the charge for which the person has been  
5757 arrested.

5758 (2) All officers of the commission and the department are  
5759 hereby directed to deliver all bonds accepted and approved by  
5760 them to the sheriff of the county in which the offense is  
5761 alleged to have been committed.

5762 (3) Any person so arrested and released on her or his own  
5763 recognizance by an officer and who shall fail to appear or  
5764 respond to the proper citation to appear, shall, in addition to  
5765 the charge relating to wildlife or freshwater fish, be charged  
5766 with that offense of failing to respond to such citation and,  
5767 upon conviction, be punished as for a misdemeanor. A written  
5768 warning to this effect shall be given at the time of arrest of  
5769 such person.

5770 Section 117. Section 372.76, Florida Statutes, is  
5771 renumbered as section 379.334, Florida Statutes, to read:

5772 379.334 ~~372.76~~ Search and seizure authorized and  
5773 limited.--The Fish and Wildlife Conservation Commission and its  
5774 conservation officers shall have authority when they have  
5775 reasonable and probable cause to believe that the provisions of  
5776 this chapter have been violated, to board any vessel, boat, or  
5777 vehicle or to enter any fishhouse or warehouse or other  
5778 building, exclusive of residence, in which game, hides, fur-  
5779 bearing animals, fish, or fish nets are kept and to search for  
5780 and seize any such game, hides, fur-bearing animals, fish, or

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5781 fish nets had or held therein in violation of law. Provided,  
 5782 however, that no search without warrant shall be made under any  
 5783 of the provisions of this chapter, unless the officer making  
 5784 such search has such information from a reliable source as would  
 5785 lead a prudent and cautious person to believe that some  
 5786 provision of this chapter is being violated.

5787 Section 118. Section 372.761, Florida Statutes, is  
 5788 renumbered as section 379.335, Florida Statutes, amended to  
 5789 read:

5790 379.335 ~~372.761~~ Issuance of warrant for search of private  
 5791 dwelling.--

5792 (1) A search warrant may be issued on application by a  
 5793 commissioned officer of the Fish and Wildlife Conservation  
 5794 Commission to search any private dwelling occupied as such when  
 5795 it is being used for the unlawful sale or purchase of wildlife  
 5796 or freshwater fish being unlawfully kept therein. The term  
 5797 "private dwelling" shall be construed to include the room or  
 5798 rooms used and occupied, not transiently but solely as a  
 5799 residence, in an apartment house, hotel, boardinghouse, or  
 5800 lodginghouse. No warrant for the search of any private dwelling  
 5801 shall be issued except upon probable cause supported by sworn  
 5802 affidavit of some creditable witness that she or he has reason  
 5803 to believe that the said conditions exist, which affidavit shall  
 5804 set forth the facts on which such reason for belief is based.

5805 (2) This section shall not be construed as being in  
 5806 conflict with, but is supplemental to, chapter 933.

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5807 Section 119. Section 370.22, Florida Statutes, is  
 5808 renumbered as section 379.336, Florida Statutes, to read:

5809 379.336 ~~370.22~~ Venue for proceedings against citizens and  
 5810 residents charged with violations outside state boundaries.--

5811 (1) In any proceeding against a resident or citizen of the  
 5812 state to enforce the provisions of this chapter with respect to  
 5813 alleged violations occurring beyond the territorial waters of  
 5814 the state, the proper venue shall be the county within the state  
 5815 which is nearest the site of the violation.

5816 (2) For the purpose of this section, any person having  
 5817 embarked from, or having docked his or her vessel in, a port  
 5818 within this state who violates any provision of this chapter  
 5819 with respect to the unlawful landing of saltwater life, whether  
 5820 or not outside the territorial waters of the state, shall be  
 5821 considered a citizen of the state for the purpose of subjecting  
 5822 that person to the police powers of the state.

5823 Section 120. Section 370.061, Florida Statutes, is  
 5824 renumbered as section 379.337, Florida Statutes, and amended to  
 5825 read:

5826 379.337 ~~370.061~~ Confiscation, seizure, and forfeiture of  
 5827 property and products.--

5828 (1) SEIZURE, FORFEITURE; PROCEDURE.--Nothing in this  
 5829 subsection affects the commission's authority to confiscate in  
 5830 any case illegal saltwater products, illegally taken saltwater  
 5831 products, or illegal fishing gear in accordance with this  
 5832 section.

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5833 (a) Property used in connection with a violation resulting  
5834 in a conviction for the illegal taking, or attempted taking,  
5835 sale, possession, or transportation of saltwater products is  
5836 subject to seizure and forfeiture as part of the commission's  
5837 efforts to protect the state's marine life. Saltwater products  
5838 and seines, nets, boats, motors, other fishing devices or  
5839 equipment, and vehicles or other means of transportation used or  
5840 attempted to be used in connection with, as an instrumentality  
5841 of, or in aiding and abetting such illegal taking or attempted  
5842 taking are hereby declared to be nuisances.

5843 (b) Upon a conviction of a person in whose possession the  
5844 property was found, the court having jurisdiction over the  
5845 criminal offense, notwithstanding any jurisdictional limitations  
5846 on the amount in controversy, may make a finding that the  
5847 property was used in connection with a saltwater products  
5848 violation and may order such property forfeited to the  
5849 commission.

5850 (c) For purposes of this section, a conviction, except  
5851 with respect to a first time offender under this chapter for  
5852 whom adjudication is withheld, is any disposition other than  
5853 acquittal or dismissal.

5854 (2) SEIZURE, FORFEITURE; NOTICE.--The requirement for a  
5855 conviction before forfeiture of property establishes to the  
5856 exclusion of any reasonable doubt that the property was used in  
5857 connection with the violation resulting in conviction. Prior to  
5858 the issuance of a forfeiture order for any vessel, vehicle, or  
5859 other property under subsection (1), the commission shall seize

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5860 the property and notify the registered owner, if any, that the  
5861 property has been seized by the commission. Except as provided  
5862 in subsection (6), the procedures of chapter 932 do not apply to  
5863 any seizure or forfeiture of property under this section.

5864 (a) Notification of property seized under this section  
5865 must be sent by certified mail to a registered owner within 14  
5866 days after seizure. If the commission, after diligent inquiry,  
5867 cannot ascertain the registered owner, the notice requirement is  
5868 satisfied.

5869 (b) Upon a first conviction for a violation under this  
5870 chapter, the property seized under this section shall be  
5871 returned to the registered owner if the commission fails to  
5872 prove by a preponderance of the evidence before the court having  
5873 jurisdiction over the criminal offense that the registered owner  
5874 aided in, abetted in, participated in, gave consent to, knew of,  
5875 or had reason to know of the violation.

5876 (c) Upon a second or subsequent conviction for a violation  
5877 under this chapter, the burden shall be on the registered owner  
5878 to prove by a preponderance of the evidence before the court  
5879 having jurisdiction over the criminal offense that the  
5880 registered owner in no way aided in, abetted in, participated  
5881 in, knew of, or had reason to know of the second or subsequent  
5882 violation which resulted in seizure of the lawful property.

5883 (d) Any request for a hearing from a registered owner  
5884 asserting innocence to recover property seized under these  
5885 provisions must be sent to the commission's Division of Law  
5886 Enforcement within 21 days after the registered owner's receipt

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5887 of the notice of seizure. If a request for a hearing is not  
5888 timely received, the court shall forfeit to the commission the  
5889 right to, title to, and interest in the property seized, subject  
5890 only to the rights and interests of bona fide lienholders.

5891 (e) If a motor vehicle is seized under this section and is  
5892 subject to any existing liens recorded under s. 319.27, all  
5893 further proceedings shall be governed by the expressed intent of  
5894 the Legislature not to divest any innocent person, firm, or  
5895 corporation holding such a recorded lien of any of its  
5896 reversionary rights in such motor vehicle or of any of its  
5897 rights as prescribed in s. 319.27, and upon any default by the  
5898 violator purchaser, the lienholder may foreclose its lien and  
5899 take possession of the motor vehicle involved.

5900 (3) COURT ORDER OF FORFEITURE.--When any illegal or  
5901 illegally used seine, net, trap, or other fishing device or  
5902 equipment, or illegally taken, possessed, or transported  
5903 saltwater products, are found and taken into custody, and the  
5904 owner thereof is not known to the officer finding the item or  
5905 items, such officer shall immediately procure from the county  
5906 court judge of the county wherein the item or items were found  
5907 an order forfeiting the illegally used or illegally taken  
5908 saltwater products, seines, nets, traps, boats, motors, or other  
5909 fishing devices to the commission.

5910 (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property  
5911 forfeited under this section may be destroyed, used by the  
5912 commission, disposed of by gift to charitable or state  
5913 institutions, or sold, with the proceeds derived from the sale

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5914 deposited into the Marine Resources Conservation Trust Fund to  
5915 be used for law enforcement purposes, ~~or into the commission's~~  
5916 ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~  
5917 applicable.

5918 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER  
5919 PRODUCTS; PROCEDURE.--

5920 (a) When an arrest is made pursuant to the provisions of  
5921 this chapter and illegal, perishable saltwater products or  
5922 saltwater products illegally taken or landed are confiscated,  
5923 the defendant may post bond or cash deposit in an amount  
5924 determined by the judge to be the fair value of such confiscated  
5925 products. The defendant shall have 24 hours to transport the  
5926 products outside the limits of Florida for sale or other  
5927 disposition. Should no bond or cash deposit be given within the  
5928 time fixed by the judge, the judge shall order the sale of the  
5929 confiscated saltwater products at the highest price obtainable.  
5930 When feasible, at least three bids shall be requested.

5931 (b) Moneys received from the sale of confiscated saltwater  
5932 products, either by the defendant or by order of the court,  
5933 shall be received by the judge and shall be remitted to the  
5934 commission to be deposited into a special escrow account in the  
5935 State Treasury to be held in trust pending the outcome of the  
5936 trial of the defendant. If bond is posted by the defendant, it  
5937 shall also be remitted to the commission to be held in escrow  
5938 pending the outcome of the trial of the defendant.

5939 (c) In the event of acquittal, the proceeds of a sale or  
5940 the bond or cash deposit required by this subsection shall be

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5941 returned to the defendant. In the event of a conviction, the  
 5942 proceeds of a sale or the bond or cash deposit required by this  
 5943 subsection shall be deposited into the Marine Resources  
 5944 Conservation Trust Fund to be used for law enforcement purposes  
 5945 ~~or into the commission's Federal Law Enforcement Trust Fund as~~  
 5946 ~~provided in s. 372.107, as applicable.~~ Such deposit into the  
 5947 Marine Resources Conservation Trust Fund or the Federal Law  
 5948 Enforcement Trust Fund shall constitute confiscation.

5949 (d) For purposes of confiscation under this subsection,  
 5950 the term "saltwater products" has the meaning set out in s.  
 5951 379.100(36) ~~370.01(27)~~, except that the term does not include  
 5952 saltwater products harvested under the authority of a  
 5953 recreational license unless the amount of such harvested  
 5954 products exceeds three times the applicable recreational bag  
 5955 limit for trout, snook, or redfish.

5956 (6) MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL  
 5957 FUNDING.--

5958 (a) Any municipal or county law enforcement agency that  
 5959 enforces or assists the commission in enforcing the provisions  
 5960 of this chapter, which results in a forfeiture of property as  
 5961 provided in this section, shall be entitled to receive all or a  
 5962 share of any property based upon its participation in such  
 5963 enforcement.

5964 (b) If a municipal or county law enforcement agency has a  
 5965 marine enforcement unit, any property delivered to any municipal  
 5966 or county law enforcement agency as provided in paragraph (a)  
 5967 may be retained or sold by the municipal or county law



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5968 enforcement agency, and the property or proceeds shall be used  
 5969 to enforce the provisions of this chapter and chapters 327 and  
 5970 328. If a municipal or county law enforcement agency does not  
 5971 have a marine enforcement unit, such property or proceeds shall  
 5972 be disposed of under the provisions of chapter 932.

5973 (c) Any funds received by a municipal or county law  
 5974 enforcement agency pursuant to this subsection shall be  
 5975 supplemental funds and may not be used as replacement funds by  
 5976 the municipality or county.

5977 Section 121. Section 372.73, Florida Statutes, is  
 5978 renumbered as section 379.338, Florida Statutes, to read:

5979 379.338 ~~372.73~~ Confiscation and disposition of illegally  
 5980 taken game.--All game and freshwater fish seized under the  
 5981 authority of this chapter shall, upon conviction of the offender  
 5982 or sooner if the court so orders, be forfeited and given to some  
 5983 hospital or charitable institution and receipt therefor sent to  
 5984 the Fish and Wildlife Conservation Commission. All furs or hides  
 5985 or fur-bearing animals seized under the authority of this  
 5986 chapter shall, upon conviction of the offender, be forfeited and  
 5987 sent to the commission, which shall sell the same and deposit  
 5988 the proceeds of such sale to the credit of the State Game Trust  
 5989 Fund ~~or into the commission's Federal Law Enforcement Trust Fund~~  
 5990 ~~as provided in s. 372.107, as applicable.~~ If any such hides or  
 5991 furs are seized and the offender is unknown, the court shall  
 5992 order such hides or furs sent to the Fish and Wildlife  
 5993 Conservation Commission, which shall sell such hides and furs  
 5994 and deposit the proceeds of such sale to the credit of the State

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5995 | Game Trust Fund ~~or into the commission's Federal Law Enforcement~~  
 5996 | ~~Trust Fund as provided in s. 372.107, as applicable.~~

5997 | Section 122. Section 372.9901, Florida Statutes, is  
 5998 | renumbered as section 379.339, Florida Statutes, and amended to  
 5999 | read:

6000 | 379.339 ~~372.9901~~ Seizure of illegal hunting devices;  
 6001 | disposition; notice; forfeiture.--In order to protect the  
 6002 | state's wildlife resources, any vehicle, vessel, animal, gun,  
 6003 | light, or other hunting device used or attempted to be used in  
 6004 | connection with, as an instrumentality of, or in aiding and  
 6005 | abetting in the commission of an offense prohibited by s.  
 6006 | 379.404 ~~372.99~~ is subject to seizure and forfeiture. The  
 6007 | provisions of chapter 932 do not apply to any seizure or  
 6008 | forfeiture under this section. For purposes of this section, a  
 6009 | conviction is any disposition other than acquittal or dismissal.

6010 | (1) (a) Upon a first conviction of the person in whose  
 6011 | possession the property was found, the court having jurisdiction  
 6012 | over the criminal offense, notwithstanding any jurisdictional  
 6013 | limitations on the amount in controversy, may make a finding  
 6014 | that the property was used in connection with a violation of s.  
 6015 | 379.404 ~~372.99~~. Upon such finding, the court may order the  
 6016 | property forfeited to the commission.

6017 | (b) Upon a second or subsequent conviction of a person in  
 6018 | whose possession the property was found for a violation of s.  
 6019 | 379.404 ~~372.99~~, the court shall order the forfeiture to the  
 6020 | commission of any property used in connection with that  
 6021 | violation.

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6022 (2) The requirement for a conviction before forfeiture  
6023 establishes, to the exclusion of any reasonable doubt, that the  
6024 property was used in connection with that violation. Prior to  
6025 the issuance of a forfeiture order for any vessel, vehicle, or  
6026 other property under subsection (1), the commission shall seize  
6027 the property and notify the registered owner, if any, that the  
6028 property has been seized by the commission.

6029 (3) Notification of property seized under this section  
6030 must be sent by certified mail to a registered owner within 14  
6031 days after seizure. If the commission, after diligent inquiry,  
6032 cannot ascertain the registered owner, the notice requirement is  
6033 satisfied.

6034 (4) (a) For a first conviction of an offense under s.  
6035 379.404 ~~372.99~~, property seized by the commission shall be  
6036 returned to the registered owner if the commission fails to  
6037 prove by a preponderance of the evidence before the court having  
6038 jurisdiction over the criminal offense that the registered owner  
6039 aided in, abetted in, participated in, gave consent to, knew of,  
6040 or had reason to know of the offense.

6041 (b) Upon a second or subsequent conviction for an offense  
6042 under s. 379.404 ~~372.99~~, the burden shall be on the registered  
6043 owner to prove by a preponderance of the evidence before the  
6044 court having jurisdiction over the criminal offense that the  
6045 registered owner in no way aided in, abetted in, participated  
6046 in, knew of, or had reason to know of the second offense which  
6047 resulted in seizure of the lawful property.

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6048 (c) Any request for a hearing from a registered owner  
6049 asserting innocence to recover property seized under these  
6050 provisions must be sent to the commission's Division of Law  
6051 Enforcement within 21 days after the registered owner's receipt  
6052 of the notice of seizure. If a request for a hearing is not  
6053 timely received, the court shall forfeit to the commission the  
6054 right to, title to, and interest in the property seized, subject  
6055 only to the rights and interests of bona fide lienholders.

6056 (5) All amounts received from the sale or other  
6057 disposition of the property shall be paid into the State Game  
6058 Trust Fund ~~or into the commission's Federal Law Enforcement~~  
6059 ~~Trust Fund as provided in s. 372.107, as applicable.~~ If the  
6060 property is not sold or converted, it shall be delivered to the  
6061 executive director of the commission.

6062 Section 123. Section 372.9904, Florida Statutes, is  
6063 renumbered as section 379.340, Florida Statutes, and amended to  
6064 read:

6065 379.340 ~~372.9904~~ Seizure of illegal transportation  
6066 devices; disposition; appraisal; forfeiture.--

6067 (1) Any vehicle, vessel, or other transportation device  
6068 used in the commission of the offense prohibited by s. 379.406  
6069 ~~372.9903~~, except a vehicle, vessel, or other transportation  
6070 device duly registered as a common carrier and operated in  
6071 lawful transaction of business as such carrier, shall be seized  
6072 by the arresting officer, who shall promptly make return of the  
6073 seizure and deliver the property to the director of the Fish and  
6074 Wildlife Conservation Commission. The return shall describe the

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6075 property seized and recite in detail the facts and circumstances  
6076 under which it was seized, together with the reason that the  
6077 property was subject to seizure. The return shall also contain  
6078 the names of all persons known to the officer to be interested  
6079 in the property.

6080 (2) The commission, upon receipt of the property, shall  
6081 promptly fix its value and make return thereof to the clerk of  
6082 the circuit court of the county wherein the article was seized;  
6083 after which, on proper showing of ownership of the property by  
6084 someone other than the person arrested, the property shall be  
6085 returned by the court to the said owner.

6086 (3) Upon conviction of the violator, the property, if  
6087 owned by the person convicted, shall be forfeited to the state  
6088 under the procedure set forth in ss. 379.337 and 379.361 ~~370.061~~  
6089 ~~and 370.07~~, when not inconsistent with this section. All amounts  
6090 received from the sale or other disposition of the property  
6091 shall be paid into the State Game Trust Fund ~~or into the~~  
6092 ~~commission's Federal Law Enforcement Trust Fund as provided in~~  
6093 ~~s. 372.107~~, as applicable. If the property is not sold or  
6094 converted, it shall be delivered to the director of the Fish and  
6095 Wildlife Conservation Commission.

6096 Section 124. Section 372.99021, Florida Statutes, is  
6097 renumbered as section 379.341, Florida Statutes, to read:

6098 379.341 ~~372.99021~~ Disposition of illegal fishing devices;  
6099 exercise of police power.--

6100 (1) In all cases of arrest and conviction for use of  
6101 illegal nets or traps or fishing devices, as provided in this

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6102 chapter, such illegal net, trap, or fishing device is declared  
6103 to be a nuisance and shall be seized and carried before the  
6104 court having jurisdiction of such offense and said court shall  
6105 order such illegal trap, net, or fishing device forfeited to the  
6106 commission immediately after trial and conviction of the person  
6107 in whose possession they were found. When any illegal net, trap,  
6108 or fishing device is found in the fresh waters of the state, and  
6109 the owner of same shall not be known to the officer finding the  
6110 same, such officer shall immediately procure from the county  
6111 court judge an order forfeiting said illegal net, trap, or  
6112 fishing device to the commission. The commission may destroy  
6113 such illegal net, trap, or fishing device, if in its judgment  
6114 said net, trap, or fishing device is not of value in the work of  
6115 the department.

6116 (2) When any nets, traps, or fishing devices are found  
6117 being used illegally as provided in this chapter, the same shall  
6118 be seized and forfeited to the commission as provided in this  
6119 chapter.

6120 (3) This section is necessary for the more efficient and  
6121 proper enforcement of the statutes and laws of this state  
6122 prohibiting the illegal use of nets, traps, or fishing devices  
6123 and is a lawful exercise of the police power of the state for  
6124 the protection of the public welfare, health, and safety of the  
6125 people of the state. All the provisions of this section shall be  
6126 liberally construed for the accomplishment of these purposes.

6127 Section 125. Section 372.9905, Florida Statutes, is  
6128 renumbered as section 379.342, Florida Statutes, to read:

6129 379.342 ~~372.9905~~ Applicability of ss. 379.339, 379.340,  
 6130 379.404, and 379.406 ~~372.99, 372.9901, 372.9903, and~~  
 6131 ~~372.9904.~~--The provisions of ss. 379.339, 379.340, 379.404, and  
 6132 379.406 ~~372.99, 372.9901, 372.9903, and 372.9904~~ relating to  
 6133 seizure and forfeiture of animals or of vehicles, vessels, or  
 6134 other transportation devices do not vitiate any valid lien,  
 6135 retain title contract, or chattel mortgage on such animals or  
 6136 vehicles, vessels, or other transportation devices if such lien,  
 6137 retain title contract, or chattel mortgage is properly of public  
 6138 record at the time of the seizure.

6139 Section 126. Section 372.0715, Florida Statutes, is  
 6140 renumbered as section 379.343, Florida Statutes, to read:  
 6141 379.343 ~~372.0715~~ Rewards.--The Fish and Wildlife  
 6142 Conservation Commission is authorized to offer rewards in  
 6143 amounts of up to \$500 to any person furnishing information  
 6144 leading to the arrest and conviction of any person who has  
 6145 inflicted or attempted to inflict bodily injury upon any  
 6146 wildlife officer engaged in the enforcement of the provisions of  
 6147 this chapter or the rules and regulations of the Fish and  
 6148 Wildlife Conservation Commission.

6149 Section 127. Part VI of chapter 379, Florida Statutes,  
 6150 consisting of sections 379.350 through 379.3582, is created to  
 6151 read:

6152 PART VI

6153 LICENSES FOR RECREATIONAL ACTIVITIES

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6155 Section 128. Section 372.5711, Florida Statutes, is  
 6156 renumbered as section 379.350, Florida Statutes, to read:  
 6157 379.350 ~~372.5711~~ Review of fees for licenses and permits;  
 6158 review of exemptions.--The fees for licenses and permits  
 6159 established under this chapter, and exemptions thereto, shall be  
 6160 reviewed by the Legislature during its regular session every 5  
 6161 years beginning in 2000.

6162 Section 129. Section 372.571, Florida Statutes, is  
 6163 renumbered as section 379.3501, Florida Statutes, and amended to  
 6164 read:

6165 379.3501 ~~372.571~~ Expiration of licenses and permits.--Each  
 6166 license or permit issued under this part ~~chapter~~ must be dated  
 6167 when issued. Each license or permit issued under this part  
 6168 ~~chapter~~ remains valid for 12 months after the date of issuance,  
 6169 except for a lifetime license issued pursuant to s. 379.354  
 6170 ~~372.57~~ which is valid from the date of issuance until the death  
 6171 of the individual to whom the license is issued unless otherwise  
 6172 revoked in accordance with s. 379.400 ~~372.83~~ or s. 379.404  
 6173 ~~372.99~~, or a 5-year license issued pursuant to s. 379.354 ~~372.57~~  
 6174 which is valid for 5 consecutive years from the date of purchase  
 6175 unless otherwise revoked in accordance with s. 379.400 ~~372.83~~ or  
 6176 s. 379.404 ~~372.99~~, or a license issued pursuant to s.  
 6177 379.354(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.  
 6178 ~~372.57(5)(a), (b), (c), (d), or (g) or (8)(f), (g)2., or (h)1.,~~  
 6179 which is valid for the period specified on the license. A  
 6180 resident lifetime license or a resident 5-year license that has  
 6181 been purchased by a resident of this state and who subsequently



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6182 resides in another state shall be honored for activities  
6183 authorized by that license.

6184 Section 130. Section 372.59, Florida Statutes, is  
6185 renumbered as section 379.3502, Florida Statutes, to read:

6186 379.3502 ~~372.59~~ License and permit not transferable.--A  
6187 person may not alter or change in any manner, or loan or  
6188 transfer to another, unless otherwise provided, any license or  
6189 permit issued pursuant to the provisions of this chapter, nor  
6190 may any other person, other than the person to whom it is  
6191 issued, use the same.

6192 Section 131. Section 372.58, Florida Statutes, is  
6193 renumbered as section 379.3503, Florida Statutes, and amended to  
6194 read:

6195 379.3503 ~~372.58~~ False statement in application for license  
6196 or permit.--Any person who swears or affirms to any false  
6197 statement in any application for license or permit provided by  
6198 this chapter, is guilty of violating this chapter, and shall be  
6199 subject to the penalty provided in s. 379.400 ~~372.83~~, and any  
6200 false statement contained in any application for such license or  
6201 permit renders the license or permit void.

6202 Section 132. Section 372.581, Florida Statutes, is  
6203 renumbered as section 379.3504, Florida Statutes, and amended to  
6204 read:

6205 379.3504 ~~372.581~~ Entering false information on licenses or  
6206 permits.--Whoever knowingly and willfully enters false  
6207 information on, or allows or causes false information to be  
6208 entered on or shown upon any license or permit issued under the

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6209 provisions of this chapter in order to avoid prosecution or to  
6210 assist another to avoid prosecution, or for any other wrongful  
6211 purpose shall be punished as provided in s. 379.400 ~~372.83~~.

6212 Section 133. Section ~~372.574~~, Florida Statutes, is  
6213 renumbered as section 379.3511, Florida Statutes, and amended to  
6214 read:

6215 379.3511 ~~372.574~~ Appointment of subagents for the sale of  
6216 hunting, fishing, and trapping licenses and permits.--

6217 (1) Subagents shall serve at the pleasure of the  
6218 commission. The commission may establish, by rule, procedures  
6219 for the selection and appointment of subagents. The following  
6220 are requirements for subagents so appointed:

6221 (a) The commission may require each subagent to post an  
6222 appropriate bond as determined by the commission, using an  
6223 insurance company acceptable to the commission. In lieu of the  
6224 bond, the commission may purchase blanket bonds covering all or  
6225 selected subagents or may allow a subagent to post other  
6226 security as required by the commission.

6227 (b) A subagent may sell licenses and permits as authorized  
6228 by the commission at specific locations within the county and in  
6229 states as will best serve the public interest and convenience in  
6230 obtaining licenses and permits. The commission may prohibit  
6231 subagents from selling certain licenses or permits.

6232 (c) It is unlawful for any person to handle licenses or  
6233 permits for a fee or compensation of any kind unless he or she  
6234 has been appointed as a subagent.

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6235 (d) Any person who willfully violates any of the  
 6236 provisions of this section commits a misdemeanor of the second  
 6237 degree, punishable as provided in s. 775.082 or s. 775.083.

6238 (e) A subagent may charge and receive as his or her  
 6239 compensation 50 cents for each license or permit sold. This  
 6240 charge is in addition to the sum required by law to be collected  
 6241 for the sale and issuance of each license or permit.

6242 (f) A subagent shall submit payment for and report the  
 6243 sale of licenses and permits to the commission as prescribed by  
 6244 the commission.

6245 (2) The Fish and Wildlife Conservation Commission or any  
 6246 other law enforcement agency may carry out any investigation  
 6247 necessary to secure information required to carry out and  
 6248 enforce this section.

6249 (3) All social security numbers that are provided pursuant  
 6250 to ss. 379.352 and 379.354 ~~372.561 and 372.57~~ and are contained  
 6251 in records of any subagent appointed under this section are  
 6252 confidential as provided in those sections.

6253 Section 134. Section 372.551, Florida Statutes, is  
 6254 renumbered as section 379.3512, Florida Statutes, to read:

6255 379.3512 ~~372.551~~ Competitive bidding for certain sale of  
 6256 licenses and permits and the issuance of authorization  
 6257 numbers.--The commission is authorized to establish the  
 6258 following, using competitive bidding procedures:

6259 (1) A process and a vendor fee for the sale of licenses  
 6260 and permits, and the issuance of authorization numbers, over the  
 6261 telephone.

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6262 (2) A process and a vendor fee for the electronic sale of  
6263 licenses and permits and for the electronic issuance of  
6264 authorization numbers.

6265 Section 135. Section 372.561, Florida Statutes, is  
6266 renumbered as section 379.352, Florida Statutes, and amended to  
6267 read:

6268 379.352 ~~372.561~~ Recreational licenses, permits, and  
6269 authorization numbers to take wild animal life, freshwater  
6270 aquatic life, and marine life; issuance; costs; reporting.--

6271 (1) This section applies to all recreational licenses and  
6272 permits and to any authorization numbers issued by the  
6273 commission for the use of such recreational licenses or permits.

6274 (2) The commission shall establish forms for the issuance  
6275 of recreational licenses and permits.

6276 (3) The commission shall issue a license, permit, or  
6277 authorization number to take wild animal life, freshwater  
6278 aquatic life, or marine life when an applicant provides proof  
6279 that she or he is entitled to such license, permit, or  
6280 authorization number. Each applicant for a recreational license,  
6281 permit, or authorization number shall provide her or his social  
6282 security number on the application form. Disclosure of social  
6283 security numbers obtained through this requirement shall be  
6284 limited to the purposes of administration of the Title IV-D  
6285 program for child support enforcement, use by the commission,  
6286 and as otherwise provided by law.

6287 (4) Licenses and permits to take wild animal life,  
6288 freshwater aquatic life, or marine life may be sold by the

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6289 commission, by any tax collector in the state, or by any  
6290 subagent authorized under s. 379.3511 ~~372.574~~.

6291 (5) In addition to any license or permit fee, the sum of  
6292 \$1.50 shall be charged for each license or management area  
6293 permit, except for replacement licenses, to cover the cost of  
6294 issuing such license or permit.

6295 (6) (a) The fee established pursuant to subsection (5)  
6296 shall be distributed as follows:

6297 1. For each hunting license and freshwater fishing license  
6298 sold by a tax collector, including the combination freshwater  
6299 fishing and hunting license, the sportsman's license, and the  
6300 gold sportsman's license, a tax collector may retain \$1.00.

6301 2. For each management area permit sold by a tax  
6302 collector, a tax collector may retain \$1.00.

6303 3. For each saltwater fishing tag and saltwater fishing  
6304 license sold by a tax collector, including the combination  
6305 saltwater fishing and freshwater fishing license and the  
6306 combination saltwater fishing, freshwater fishing, and hunting  
6307 license, a tax collector may retain \$1.50.

6308 4. For licenses and management area permits sold by  
6309 subagents, a tax collector may retain 50 cents for each license  
6310 sold in the tax collector's county.

6311 5. Any and all remaining fees shall be deposited in the  
6312 State Game Trust Fund and shall be used to support an automated  
6313 license system and administration of the license program.

6314 (b) Tax collectors shall remit license and permit revenue  
6315 to the commission weekly.

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6316 (7) (a) The sum of \$10 shall be charged for each  
6317 replacement lifetime license and \$2 for all other replacement  
6318 licenses and permits. A tax collector may retain \$1.00 for each  
6319 replacement license.

6320 (b) Fees collected from the issuance of replacement  
6321 licenses shall be deposited in the State Game Trust Fund.

6322 (8) At each location where hunting, fishing, or trapping  
6323 licenses or permits are sold, voter registration applications  
6324 shall be displayed and made available to the public. Subagents  
6325 shall ask each person who applies for a hunting, fishing, or  
6326 trapping license or permit if he or she would like a voter  
6327 registration application and may provide such application to the  
6328 license or permit applicant but shall not assist such persons  
6329 with voter registration applications or collect complete or  
6330 incomplete voter registration applications.

6331 (9) Except as provided in subsections (8) and (12), each  
6332 person who applies for a hunting, fishing, or trapping license  
6333 or permit shall be asked if he or she would like the appropriate  
6334 supervisor of elections to provide a voter registration  
6335 application to the applicant at a later date. If at the time a  
6336 license is purchased the applicant indicates that he or she  
6337 would like to receive a voter registration application, the  
6338 commission shall, within 7 days, make the request available to  
6339 the appropriate supervisor of elections or voter registration  
6340 agency so that an application may be sent to the applicant.  
6341 Supervisors of elections shall mail an application to each

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6342 person requesting such application within 5 business days after  
6343 receipt of the request.

6344 (10) The commission may satisfy the requirements of  
6345 subsection (9) by providing access to an Internet site with the  
6346 voter registration information included thereon.

6347 (11) When acting in its official capacity pursuant to this  
6348 section, neither the commission nor a subagent is deemed a  
6349 third-party registration organization, as defined in s.  
6350 97.021(36), or a voter registration agency, as defined in s.  
6351 97.021(40), and is not authorized to solicit, accept, or collect  
6352 voter registration applications or provide voter registration  
6353 services.

6354 (12) Each person who applies for a hunting, fishing, or  
6355 trapping license or permit on the Internet shall be provided a  
6356 link to the Department of State's online uniform statewide voter  
6357 registration application.

6358 (13) The commission, any tax collector in this state, or  
6359 any subagent authorized to sell licenses and permits under s.  
6360 379.3511 ~~372.574~~ may request and collect donations when selling  
6361 a recreational license or permit authorized under s. 379.354  
6362 ~~372.57~~. All donations collected under this subsection shall be  
6363 deposited into the State Game Trust Fund to be used solely for  
6364 the purpose of enhancing youth hunting and youth freshwater and  
6365 saltwater fishing programs. By January 1, the commission shall  
6366 provide a complete and detailed annual report on the status of  
6367 its youth programs and activities performed under this

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6368 subsection to the Governor, the President of the Senate, and the  
6369 Speaker of the House of Representatives.

6370 (14) The commission is authorized to adopt rules pursuant  
6371 to ss. 120.536(1) and 120.54 to implement the provisions of this  
6372 section.

6373 Section 136. Section 372.562, Florida Statutes, is  
6374 renumbered as section 379.353, Florida Statutes, and amended to  
6375 read:

6376 379.353 ~~372.562~~ Recreational licenses and permits;  
6377 exemptions from fees and requirements.--

6378 (1) Hunting, freshwater fishing, and saltwater fishing  
6379 licenses and permits shall be issued without fee to any resident  
6380 who is certified or determined:

6381 (a) To be totally and permanently disabled for purposes of  
6382 workers' compensation under chapter 440 as verified by an order  
6383 of a judge of compensation claims or written confirmation by the  
6384 carrier providing workers' compensation benefits, or to be  
6385 totally and permanently disabled by the Railroad Retirement  
6386 Board, by the United States Department of Veterans Affairs or  
6387 its predecessor, or by any branch of the United States Armed  
6388 Forces, or who holds a valid identification card issued under  
6389 the provisions of s. 295.17, upon proof of same. Any license  
6390 issued under this paragraph after January 1, 1997, expires after  
6391 5 years and must be reissued, upon request, every 5 years  
6392 thereafter.

6393 (b) To be disabled by the United States Social Security  
6394 Administration, upon proof of same. Any license issued under



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6395 | this paragraph after October 1, 1999, expires after 2 years and  
6396 | must be reissued, upon proof of certification of disability,  
6397 | every 2 years thereafter.

6398 |  
6399 | A disability license issued after July 1, 1997, and before July  
6400 | 1, 2000, retains the rights vested thereunder until the license  
6401 | has expired.

6402 | (2) A hunting, freshwater fishing, or saltwater fishing  
6403 | license or permit is not required for:

6404 | (a) Any child under 16 years of age, except as otherwise  
6405 | provided in this part ~~chapter~~.

6406 | (b) Any person hunting or freshwater fishing on her or his  
6407 | homestead property, or on the homestead property of the person's  
6408 | spouse or minor child; or any minor child hunting or freshwater  
6409 | fishing on the homestead property of her or his parent.

6410 | (c) Any resident who is a member of the United States  
6411 | Armed Forces and not stationed in this state, when home on leave  
6412 | for 30 days or less, upon submission of orders.

6413 | (d) Any resident freshwater fishing for recreational  
6414 | purposes only, within her or his county of residence with live  
6415 | or natural bait, using poles or lines not equipped with a  
6416 | fishing line retrieval mechanism. This exemption does not apply  
6417 | to residents fishing in a legally established fish management  
6418 | area.

6419 | (e) Any person freshwater fishing in a fish pond of 20  
6420 | acres or less that is located entirely within the private  
6421 | property of the fish pond owner.

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6422 (f) Any person freshwater fishing in a fish pond that is  
6423 licensed in accordance with s. 379.356 ~~372.5705~~.

6424 (g) Any person fishing who has been accepted as a client  
6425 for developmental disabilities services by the Department of  
6426 Children and Family Services, provided the department furnishes  
6427 proof thereof.

6428 (h) Any resident saltwater fishing from land or from a  
6429 structure fixed to the land.

6430 (i) Any person saltwater fishing from a vessel licensed  
6431 pursuant to s. 379.354(7) ~~372.57(7)~~.

6432 (j) Any person saltwater fishing from a vessel the  
6433 operator of which is licensed pursuant to s. 379.354(7)  
6434 ~~372.57(7)~~.

6435 (k) Any person saltwater fishing who holds a valid  
6436 saltwater products license issued under s. 379.360(2) ~~370.06(2)~~.

6437 (l) Any person saltwater fishing for recreational purposes  
6438 from a pier licensed under s. 379.354 ~~372.57~~.

6439 (m) Any resident fishing for a saltwater species in fresh  
6440 water from land or from a structure fixed to land.

6441 (n) Any resident fishing for mullet in fresh water who has  
6442 a valid Florida freshwater fishing license.

6443 (o) Any resident 65 years of age or older who has in her  
6444 or his possession proof of age and residency. A no-cost license  
6445 under this paragraph may be obtained from any tax collector's  
6446 office upon proof of age and residency and must be in the  
6447 possession of the resident during hunting, freshwater fishing,  
6448 and saltwater fishing activities.

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6449 (p) Any employee of the commission who takes freshwater  
 6450 fish, saltwater fish, or game as part of employment with the  
 6451 commission, or any other person authorized by commission permit  
 6452 to take freshwater fish, saltwater fish, or game for scientific  
 6453 or educational purposes.

6454 (q) Any resident recreationally freshwater fishing who  
 6455 holds a valid commercial fishing license issued under s.  
 6456 379.362(1)(a) ~~372.65(1)(a)~~.

6457 Section 137. Section 372.57, Florida Statutes, is  
 6458 renumbered as section 379.354, Florida Statutes, and amended to  
 6459 read:

6460 379.354 ~~372.57~~ Recreational licenses, permits, and  
 6461 authorization numbers; fees established.--

6462 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER  
 6463 REQUIRED.--Except as provided in s. 379.353 ~~372.562~~, no person  
 6464 shall take game, freshwater or saltwater fish, or fur-bearing  
 6465 animals within this state without having first obtained a  
 6466 license, permit, or authorization number and paid the fees set  
 6467 forth in this chapter. Such license, permit, or authorization  
 6468 number shall authorize the person to whom it is issued to take  
 6469 game, freshwater or saltwater fish, or fur-bearing animals, and  
 6470 participate in outdoor recreational activities in accordance  
 6471 with the laws of the state and rules of the commission.

6472 (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.--

6473 (a) Licenses, permits, and authorization numbers issued  
 6474 under this part ~~chapter~~ are not transferable. Each license and  
 6475 permit must bear on its face in indelible ink the name of the

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6476 person to whom it is issued and other information as deemed  
6477 necessary by the commission. Licenses issued to the owner,  
6478 operator, or custodian of a vessel that directly or indirectly  
6479 collects fees for taking or attempting to take or possess  
6480 saltwater fish for noncommercial purposes must include the  
6481 vessel registration number or federal documentation number.

6482 (b) The lifetime licenses and 5-year licenses authorized  
6483 in this section shall be embossed with the name, date of birth,  
6484 date of issuance, and other pertinent information as deemed  
6485 necessary by the commission. A certified copy of the applicant's  
6486 birth certificate shall accompany each application for a  
6487 lifetime license for a resident 12 years of age or younger.

6488 (c) A positive form of identification is required when  
6489 using a free license, a lifetime license, a 5-year license, or  
6490 an authorization number issued under this chapter, or when  
6491 otherwise required by a license or permit.

6492 (3) PERSONAL POSSESSION REQUIRED.--Each license, permit,  
6493 or authorization number must be in the personal possession of  
6494 the person to whom it is issued while such person is taking,  
6495 attempting to take, or possessing game, freshwater or saltwater  
6496 fish, or fur-bearing animals. Any person taking, attempting to  
6497 take, or possessing game, freshwater or saltwater fish, or fur-  
6498 bearing animals who fails to produce a license, permit, or  
6499 authorization number at the request of a commission law  
6500 enforcement officer commits a violation of the law.

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6501 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses  
6502 and fees for residents participating in hunting and fishing  
6503 activities in this state are as follows:

6504 (a) Annual freshwater fishing license, \$15.50.

6505 (b) Annual saltwater fishing license, \$15.50.

6506 (c) Annual hunting license to take game, \$15.50.

6507 (d) Annual combination hunting and freshwater fishing  
6508 license, \$31.

6509 (e) Annual combination freshwater fishing and saltwater  
6510 fishing license, \$31.

6511 (f) Annual combination hunting, freshwater fishing, and  
6512 saltwater fishing license, \$46.50.

6513 (g) Annual license to take fur-bearing animals, \$25.

6514 However, a resident with a valid hunting license or a no-cost  
6515 license who is taking fur-bearing animals for noncommercial  
6516 purposes using guns or dogs only, and not traps or other  
6517 devices, is not required to purchase this license. Also, a  
6518 resident 65 years of age or older is not required to purchase  
6519 this license.

6520 (h) Annual sportsman's license, \$79, except that an annual  
6521 sportsman's license for a resident 64 years of age or older is  
6522 \$12. A sportsman's license authorizes the person to whom it is  
6523 issued to take game and freshwater fish, subject to the state  
6524 and federal laws, rules, and regulations, including rules of the  
6525 commission, in effect at the time of the taking. Other  
6526 authorized activities include activities authorized by a  
6527 management area permit, a muzzle-loading gun season permit, a

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6528 crossbow season permit, a turkey permit, a Florida waterfowl  
6529 permit, and an archery season permit.

6530 (i) Annual gold sportsman's license, \$98.50. The gold  
6531 sportsman's license authorizes the person to whom it is issued  
6532 to take freshwater fish, saltwater fish, and game, subject to  
6533 the state and federal laws, rules, and regulations, including  
6534 rules of the commission, in effect at the time of taking. Other  
6535 authorized activities include activities authorized by a  
6536 management area permit, a muzzle-loading gun season permit, a  
6537 crossbow season permit, a turkey permit, a Florida waterfowl  
6538 permit, an archery season permit, a snook permit, and a spiny  
6539 lobster permit.

6540 (j) Annual military gold sportsman's license, \$18.50. The  
6541 gold sportsman's license authorizes the person to whom it is  
6542 issued to take freshwater fish, saltwater fish, and game,  
6543 subject to the state and federal laws, rules, and regulations,  
6544 including rules of the commission, in effect at the time of  
6545 taking. Other authorized activities include activities  
6546 authorized by a management area permit, a muzzle-loading gun  
6547 season permit, a crossbow season permit, a turkey permit, a  
6548 Florida waterfowl permit, an archery season permit, a snook  
6549 permit, and a spiny lobster permit. Any resident who is an  
6550 active or retired member of the United States Armed Forces, the  
6551 United States Armed Forces Reserve, the National Guard, the  
6552 United States Coast Guard, or the United States Coast Guard  
6553 Reserve is eligible to purchase the military gold sportsman's

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6554 license upon submission of a current military identification  
6555 card.

6556 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The  
6557 licenses and fees for nonresidents participating in hunting and  
6558 fishing activities in the state are as follows:

6559 (a) Freshwater fishing license to take freshwater fish for  
6560 3 consecutive days, \$15.50.

6561 (b) Freshwater fishing license to take freshwater fish for  
6562 7 consecutive days, \$28.50.

6563 (c) Saltwater fishing license to take saltwater fish for 3  
6564 consecutive days, \$15.50.

6565 (d) Saltwater fishing license to take saltwater fish for 7  
6566 consecutive days, \$28.50.

6567 (e) Annual freshwater fishing license, \$45.50.

6568 (f) Annual saltwater fishing license, \$45.50.

6569 (g) Hunting license to take game for 10 consecutive days,  
6570 \$45.

6571 (h) Annual hunting license to take game, \$150.

6572 (i) Annual license to take fur-bearing animals, \$25.

6573 However, a nonresident with a valid Florida hunting license who  
6574 is taking fur-bearing animals for noncommercial purposes using  
6575 guns or dogs only, and not traps or other devices, is not  
6576 required to purchase this license.

6577 (6) PIER LICENSE.--A pier license for any pier fixed to  
6578 land for the purpose of taking or attempting to take saltwater  
6579 fish is \$500 per year. The pier license may be purchased at the

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6580 option of the owner, operator, or custodian of such pier and  
6581 must be available for inspection at all times.

6582 (7) VESSEL LICENSES.--

6583 (a) No person may operate any vessel wherein a fee is  
6584 paid, either directly or indirectly, for the purpose of taking,  
6585 attempting to take, or possessing any saltwater fish for  
6586 noncommercial purposes unless she or he has obtained a license  
6587 for each vessel for that purpose, and has paid the license fee  
6588 pursuant to paragraphs (b) and (c) for such vessel.

6589 (b) A license for any person who operates any vessel  
6590 licensed to carry more than 10 customers, wherein a fee is paid,  
6591 either directly or indirectly, for the purpose of taking or  
6592 attempting to take saltwater fish, is \$800 per year. The license  
6593 must be kept aboard the vessel at all times.

6594 (c)1. A license for any person who operates any vessel  
6595 licensed to carry no more than 10 customers, or for any person  
6596 licensed to operate any vessel carrying 6 or fewer customers,  
6597 wherein a fee is paid, either directly or indirectly, for the  
6598 purpose of taking or attempting to take saltwater fish, is \$400  
6599 per year.

6600 2. A license for any person licensed to operate any vessel  
6601 carrying 6 or fewer customers but who operates a vessel carrying  
6602 4 or fewer customers, wherein a fee is paid, either directly or  
6603 indirectly, for the purpose of taking or attempting to take  
6604 saltwater fish, is \$200 per year. The license must be kept  
6605 aboard the vessel at all times.



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6606 3. A person who operates a vessel required to be licensed  
6607 pursuant to paragraph (b) or this paragraph may obtain a license  
6608 in her or his own name, and such license shall be transferable  
6609 and apply to any vessel operated by the purchaser, provided that  
6610 the purchaser has paid the appropriate license fee.

6611 (d) A license for a recreational vessel not for hire and  
6612 for which no fee is paid, either directly or indirectly, by  
6613 guests for the purpose of taking or attempting to take saltwater  
6614 fish noncommercially is \$2,000 per year. The license may be  
6615 purchased at the option of the vessel owner and must be kept  
6616 aboard the vessel at all times. A log of species taken and the  
6617 date the species were taken shall be maintained and a copy of  
6618 the log filed with the commission at the time of renewal of the  
6619 license.

6620 (e) The owner, operator, or custodian of a vessel the  
6621 operator of which has been licensed pursuant to paragraph (a)  
6622 must maintain and report such statistical data as required by,  
6623 and in a manner set forth in, the rules of the commission.

6624 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY  
6625 PERMITS.--In addition to any license required under this  
6626 chapter, the following permits and fees for specified hunting,  
6627 fishing, and recreational uses and activities are required:

6628 (a) An annual Florida waterfowl permit for a resident or  
6629 nonresident to take wild ducks or geese within the state or its  
6630 coastal waters is \$3.

6631 (b)1. An annual Florida turkey permit for a resident to  
6632 take wild turkeys within the state is \$5.

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6633           2. An annual Florida turkey permit for a nonresident to  
6634 take wild turkeys within the state is \$100.

6635           (c) An annual snook permit for a resident or nonresident  
6636 to take or possess any snook from any waters of the state is \$2.  
6637 Revenue generated from the sale of snook permits shall be used  
6638 exclusively for programs to benefit the snook population.

6639           (d) An annual spiny lobster permit for a resident or  
6640 nonresident to take or possess any spiny lobster for  
6641 recreational purposes from any waters of the state is \$2.  
6642 Revenue generated from the sale of spiny lobster permits shall  
6643 be used exclusively for programs to benefit the spiny lobster  
6644 population.

6645           (e) A \$5 fee is imposed for each of the following permits:

6646           1. An annual archery season permit for a resident or  
6647 nonresident to hunt within the state during any archery season  
6648 authorized by the commission.

6649           2. An annual crossbow season permit for a resident or  
6650 nonresident to hunt within the state during any crossbow season  
6651 authorized by the commission.

6652           3. An annual muzzle-loading gun season permit for a  
6653 resident or nonresident to hunt within the state during any  
6654 muzzle-loading gun season authorized by the commission.

6655           (f) A special use permit for a resident or nonresident to  
6656 participate in limited entry hunting or fishing activities as  
6657 authorized by commission rule shall not exceed \$100 per day or  
6658 \$250 per week. Notwithstanding any other provision of this  
6659 chapter, there are no exclusions, exceptions, or exemptions from

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6660 this permit fee. In addition to the permit fee, the commission  
6661 may charge each special use permit applicant a nonrefundable  
6662 application fee not to exceed \$10.

6663 (g)1. A management area permit for a resident or  
6664 nonresident to hunt on, fish on, or otherwise use for outdoor  
6665 recreational purposes land owned, leased, or managed by the  
6666 commission, or by the state for the use and benefit of the  
6667 commission, shall not exceed \$25 per year.

6668 2. Permit fees for short-term use of land that is owned,  
6669 leased, or managed by the commission may be established by rule  
6670 of the commission for activities on such lands. Such permits may  
6671 be in lieu of, or in addition to, the annual management area  
6672 permit authorized in subparagraph 1.

6673 3. Other than for hunting or fishing, the provisions of  
6674 this paragraph shall not apply on any lands not owned by the  
6675 commission, unless the commission has obtained the written  
6676 consent of the owner or primary custodian of such lands.

6677 (h)1. A recreational user permit is required to hunt on,  
6678 fish on, or otherwise use for outdoor recreational purposes land  
6679 leased by the commission from private nongovernmental owners,  
6680 except for those lands located directly north of the  
6681 Apalachicola National Forest, east of the Ochlocknee River until  
6682 the point the river meets the dam forming Lake Talquin, and  
6683 south of the closest federal highway. The fee for a recreational  
6684 user permit shall be based upon the economic compensation  
6685 desired by the landowner, game population levels, desired hunter  
6686 density, and administrative costs. The permit fee shall be set

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6687 by commission rule on a per-acre basis. The recreational user  
6688 permit fee, less administrative costs of up to \$25 per permit,  
6689 shall be remitted to the landowner as provided in the lease  
6690 agreement for each area.

6691 2. One minor dependent under 16 years of age may hunt  
6692 under the supervision of the permittee and is exempt from the  
6693 recreational user permit requirements. The spouse and dependent  
6694 children of a permittee are exempt from the recreational user  
6695 permit requirements when engaged in outdoor recreational  
6696 activities other than hunting and when accompanied by a  
6697 permittee. Notwithstanding any other provision of this chapter,  
6698 no other exclusions, exceptions, or exemptions from the  
6699 recreational user permit fee are authorized.

6700 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

6701 (a) Five-year licenses are available for residents only,  
6702 as follows:

6703 1. A 5-year freshwater fishing or saltwater fishing  
6704 license is \$77.50 for each type of license and authorizes the  
6705 person to whom the license is issued to take or attempt to take  
6706 or possess freshwater fish or saltwater fish consistent with the  
6707 state and federal laws and regulations and rules of the  
6708 commission in effect at the time of taking.

6709 2. A 5-year hunting license is \$77.50 and authorizes the  
6710 person to whom it is issued to take or attempt to take or  
6711 possess game consistent with the state and federal laws and  
6712 regulations and rules of the commission in effect at the time of  
6713 taking.

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6714 3. The commission is authorized to sell the hunting,  
 6715 fishing, and recreational activity permits authorized in  
 6716 subsection (8) for a 5-year period to match the purchase of 5-  
 6717 year fishing and hunting licenses. The fee for each permit  
 6718 issued under this paragraph shall be five times the annual cost  
 6719 established in subsection (8).

6720 (b) Proceeds from the sale of all 5-year licenses and  
 6721 permits shall be deposited into the Dedicated License Trust  
 6722 Fund, to be distributed in accordance with the provisions of s.  
 6723 379.203 ~~372.106~~.

6724 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING  
 6725 LICENSES.--

6726 (a) Lifetime freshwater fishing licenses or saltwater  
 6727 fishing licenses are available for residents only, as follows,  
 6728 for:

- 6729 1. Persons 4 years of age or younger, for a fee of \$125.
- 6730 2. Persons 5 years of age or older, but under 13 years of  
 6731 age, for a fee of \$225.
- 6732 3. Persons 13 years of age or older, for a fee of \$300.

6733 (b) The following activities are authorized by the  
 6734 purchase of a lifetime freshwater fishing license:

- 6735 1. Taking, or attempting to take or possess, freshwater  
 6736 fish consistent with the state and federal laws and regulations  
 6737 and rules of the commission in effect at the time of the taking.
- 6738 2. All activities authorized by a management area permit,  
 6739 excluding hunting.

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6740 (c) The following activities are authorized by the  
 6741 purchase of a lifetime saltwater fishing license:  
 6742 1. Taking, or attempting to take or possess, saltwater  
 6743 fish consistent with the state and federal laws and regulations  
 6744 and rules of the commission in effect at the time of the taking.  
 6745 2. All activities authorized by a snook permit and a spiny  
 6746 lobster permit.  
 6747 3. All activities for which an additional license, permit,  
 6748 or fee is required to take or attempt to take or possess  
 6749 saltwater fish, which additional license, permit, or fee was  
 6750 imposed subsequent to the date of the purchase of the lifetime  
 6751 saltwater fishing license.  
 6752 (11) RESIDENT LIFETIME HUNTING LICENSES.--  
 6753 (a) Lifetime hunting licenses are available to residents  
 6754 only, as follows, for:  
 6755 1. Persons 4 years of age or younger, for a fee of \$200.  
 6756 2. Persons 5 years of age or older, but under 13 years of  
 6757 age, for a fee of \$350.  
 6758 3. Persons 13 years of age or older, for a fee of \$500.  
 6759 (b) The following activities are authorized by the  
 6760 purchase of a lifetime hunting license:  
 6761 1. Taking, or attempting to take or possess, game  
 6762 consistent with the state and federal laws and regulations and  
 6763 rules of the commission in effect at the time of the taking.  
 6764 2. All activities authorized by a muzzle-loading gun  
 6765 season permit, a crossbow season permit, a turkey permit, an

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6766 archery season permit, a Florida waterfowl permit, and a  
6767 management area permit, excluding fishing.

6768 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

6769 (a) Lifetime sportsman's licenses are available to  
6770 residents only, as follows, for:

6771 1. Persons 4 years of age or younger, for a fee of \$400.

6772 2. Persons 5 years of age or older, but under 13 years of  
6773 age, for a fee of \$700.

6774 3. Persons 13 years of age or older, for a fee of \$1,000.

6775 (b) The following activities are authorized by the  
6776 purchase of a lifetime sportsman's license:

6777 1. Taking, or attempting to take or possess, freshwater  
6778 and saltwater fish, and game, consistent with the state and  
6779 federal laws and regulations and rules of the commission in  
6780 effect at the time of taking.

6781 2. All activities authorized by a management area permit,  
6782 a muzzle-loading gun season permit, a crossbow season permit, a  
6783 turkey permit, an archery season permit, a Florida waterfowl  
6784 permit, a snook permit, and a spiny lobster permit.

6785 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The  
6786 proceeds from the sale of all lifetime licenses authorized in  
6787 this section shall be deposited into the Lifetime Fish and  
6788 Wildlife Trust Fund, to be distributed as provided in s. 379.207  
6789 ~~372.105~~.

6790 (14) RECIPROCAL FEE AGREEMENTS.--The commission is  
6791 authorized to reduce the fees for licenses and permits under  
6792 this section for residents of those states with which the

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6793 commission has entered into reciprocal agreements with respect  
6794 to such fees.

6795 (15) FREE FISHING DAYS.--The commission may designate by  
6796 rule no more than 2 consecutive or nonconsecutive days in each  
6797 year as free freshwater fishing days and no more than 2  
6798 consecutive or nonconsecutive days in each year as free  
6799 saltwater fishing days. Notwithstanding any other provision of  
6800 this chapter, any person may take freshwater fish for  
6801 noncommercial purposes on a free freshwater fishing day and may  
6802 take saltwater fish for noncommercial purposes on a free  
6803 saltwater fishing day, without obtaining or possessing a license  
6804 or permit or paying a license or permit fee as prescribed in  
6805 this section. A person who takes freshwater or saltwater fish on  
6806 a free fishing day must comply with all laws, rules, and  
6807 regulations governing the holders of a fishing license or permit  
6808 and all other conditions and limitations regulating the taking  
6809 of freshwater or saltwater fish as are imposed by law or rule.

6810 (16) PROHIBITED LICENSES OR PERMITS.--A person may not  
6811 make, forge, counterfeit, or reproduce a license or permit  
6812 required under this section, except for those persons authorized  
6813 by the commission to make or reproduce such a license or permit.  
6814 A person may not knowingly possess a forgery, counterfeit, or  
6815 unauthorized reproduction of such a license or permit. A person  
6816 who violates this subsection commits a Level Four violation  
6817 under s. 379.400 ~~372.83~~.

6818 (17) SUSPENDED OR REVOKED LICENSES.--A person may not take  
6819 game, freshwater fish, saltwater fish, or fur-bearing animals



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6820 within this state if a license issued to such person as required  
 6821 under this section or a privilege granted to such person under  
 6822 s. 379.353 ~~372.562~~ is suspended or revoked. A person who  
 6823 violates this subsection commits a Level Three violation under  
 6824 s. 379.400 ~~372.83~~.

6825 Section 138. Section 370.063, Florida Statutes, is  
 6826 renumbered as section 379.355, Florida Statutes, and amended to  
 6827 read:

6828 379.355 ~~370.063~~ Special recreational spiny lobster  
 6829 license.--There is created a special recreational spiny lobster  
 6830 license, to be issued to qualified persons as provided by this  
 6831 section for the recreational harvest of spiny lobster beginning  
 6832 August 5, 1994.

6833 (1) The special recreational spiny lobster license shall  
 6834 be available to any individual spiny lobster trap number holder  
 6835 who also possesses a saltwater products license during the 1993-  
 6836 1994 license year. A person issued a special recreational spiny  
 6837 lobster license may not also possess a trap number.

6838 (2) The special recreational spiny lobster license is  
 6839 required in order to harvest spiny lobster from state  
 6840 territorial waters in quantities in excess of the regular  
 6841 recreational bag limit but not in excess of a special bag limit  
 6842 as established by the Marine Fisheries Commission for these  
 6843 harvesters before the 1994-1995 license year. Such special bag  
 6844 limit does not apply during the 2-day sport season established  
 6845 by the Fish and Wildlife Conservation Commission.

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6846 (3) The holder of a special recreational spiny lobster  
6847 license must also possess the recreational spiny lobster permit  
6848 required by s. 379.354(8)(d) ~~372.57(8)(d)~~.

6849 ~~—— (4) As a condition precedent to the issuance of a special  
6850 recreational spiny lobster license, the applicant must agree to  
6851 file quarterly reports with the Fish and Wildlife Conservation  
6852 Commission in such form as the commission requires, detailing  
6853 the amount of the licenseholder's spiny lobster harvest in the  
6854 previous quarter, including the harvest of other recreational  
6855 harvesters aboard the licenseholder's vessel.~~

6856 (5) The Fish and Wildlife Conservation Commission shall  
6857 issue special recreational spiny lobster licenses. The fee for  
6858 each such license is \$100 per year. Each license issued in any  
6859 license year must be renewed by June 30 of each subsequent year  
6860 by the initial individual holder thereof. ~~Noncompliance with the  
6861 reporting requirement in subsection (4) or with the special  
6862 recreational bag limit established under subsection (6)  
6863 constitutes grounds for which the commission may refuse to renew  
6864 the license for a subsequent license year. The number of such  
6865 licenses outstanding in any one license year may not exceed the  
6866 number issued for the 1994-1995 license year. A license is not  
6867 transferable by any method. Licenses that are not renewed expire  
6868 and may be reissued by the commission in the subsequent license  
6869 year to new applicants otherwise qualified under this section.~~

6870 ~~—— (6) To promote conservation of the spiny lobster resource,  
6871 consistent with equitable distribution and availability of the  
6872 resource, the commission shall establish a spiny lobster~~

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6873 ~~management plan incorporating the special recreational spiny~~  
6874 ~~lobster license, including, but not limited to, the~~  
6875 ~~establishment of a special recreational bag limit for the~~  
6876 ~~holders of such license as required by subsection (2). Such~~  
6877 ~~special recreational bag limit must not be less than twice the~~  
6878 ~~higher of the daily recreational bag limits.~~

6879 (7) The proceeds of the fees collected under this section  
6880 must be deposited in the Marine Resources Conservation Trust  
6881 Fund and used as follows:

6882 (a) Thirty-five percent for research and the development  
6883 of reliable recreational catch statistics for the spiny lobster  
6884 fishery.

6885 (b) Twenty percent for administration of this section.

6886 (c) Forty-five percent to be used for enforcement of this  
6887 section.

6888 (8) Any person who violates this section commits a Level  
6889 One violation under s. 379.400 ~~372.83~~.

6890 Section 139. Section 372.5705, Florida Statutes, is  
6891 renumbered as section 379.356, Florida Statutes, to read:

6892 379.356 ~~372.5705~~ Fish pond license.--The owner of a fish  
6893 pond of more than 20 acres which is located entirely within her  
6894 or his property may obtain a license from the commission for  
6895 such pond at a fee of \$3 per surface acre, and no fishing  
6896 license shall be required of any person fishing in such licensed  
6897 pond.

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6898 Section 140. Section 372.5704, Florida Statutes, is  
 6899 renumbered as section 379.357, Florida Statutes, and amended to  
 6900 read:

6901 379.357 ~~372.5704~~ Fish and Wildlife Conservation Commission  
 6902 license program for tarpon; fees; penalties.--

6903 (1) The commission shall establish a license program for  
 6904 the purpose of issuing tags to individuals desiring to harvest  
 6905 tarpon (*megalops atlantica*) from the waters of the state. The  
 6906 tags shall be nontransferable, except that the commission may  
 6907 allow for a limited number of tags to be purchased by  
 6908 professional fishing guides for transfer to individuals, and  
 6909 issued by the commission in order of receipt of a properly  
 6910 completed application for a nonrefundable fee of \$50 per tag.  
 6911 The commission and any tax collector may sell the tags and  
 6912 collect the fees therefor. Tarpon tags are valid from July 1  
 6913 through June 30. Before August 15 of each year, each tax  
 6914 collector shall submit to the commission all unissued tags for  
 6915 the previous fiscal year along with a written audit report, on  
 6916 forms prescribed or approved by the commission, as to the  
 6917 numbers of the unissued tags. To defray the cost of issuing any  
 6918 tag, the issuing tax collector shall collect and retain as his  
 6919 or her costs, in addition to the tag fee collected, the amount  
 6920 allowed under s. 379.352(6) ~~372.561(6)~~ for the issuance of  
 6921 licenses.

6922 ~~(2) The number of tags to be issued shall be determined by~~  
 6923 ~~rule of the commission. The commission shall in no way allow the~~

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6924 ~~issuance of tarpon tags to adversely affect the tarpon~~  
6925 ~~population.~~

6926 (3) Proceeds from the sale of tarpon tags shall be  
6927 deposited in the Marine Resources Conservation Trust Fund and  
6928 shall be used to gather information directly applicable to  
6929 tarpon management.

6930 (4) No individual shall take, kill, or possess any fish of  
6931 the species *megalops atlantica*, commonly known as tarpon, unless  
6932 such individual has purchased a tarpon tag and securely attached  
6933 it through the lower jaw of the fish. Said individual shall  
6934 within 5 days after the landing of the fish submit a form to the  
6935 commission which indicates the length, weight, and physical  
6936 condition of the tarpon when caught; the date and location of  
6937 where the fish was caught; and any other pertinent information  
6938 which may be required by the commission. The commission may  
6939 refuse to issue new tags to individuals or guides who fail to  
6940 provide the required information.

6941 (5) Any individual including a taxidermist who possesses a  
6942 tarpon which does not have a tag securely attached as required  
6943 by this section commits a Level Two violation under s. 379.400  
6944 ~~372.83~~. Provided, however, a taxidermist may remove the tag  
6945 during the process of mounting a tarpon. The removed tag shall  
6946 remain with the fish during any subsequent storage or shipment.

6947 (6) Purchase of a tarpon tag shall not accord the  
6948 purchaser any right to harvest or possess tarpon in  
6949 contravention of rules adopted by the commission. No individual  
6950 may sell, offer for sale, barter, exchange for merchandise,

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6951 transport for sale, either within or without the state, offer to  
 6952 purchase, or purchase any species of fish known as tarpon.

6953 (7) The commission shall prescribe and provide suitable  
 6954 forms and tags necessary to carry out the provisions of this  
 6955 section.

6956 (8) The provisions of this section shall not apply to  
 6957 anyone who immediately returns a tarpon uninjured to the water  
 6958 at the place where the fish was caught.

6959 Section 141. Section 372.5717, Florida Statutes, is  
 6960 renumbered as section 379.3581, Florida Statutes, and amended to  
 6961 read:

6962 379.3581 ~~372.5717~~ Hunter safety course; requirements;  
 6963 penalty.--

6964 (1) This section may be cited as the Senator Joe Carlucci  
 6965 Hunter Safety Act.

6966 (2) (a) Except as provided in paragraph (b), a person born  
 6967 on or after June 1, 1975, may not be issued a license to take  
 6968 wild animal life with the use of a firearm, gun, bow, or  
 6969 crossbow in this state without having first successfully  
 6970 completed a hunter safety course as provided in this section,  
 6971 and without having in his or her personal possession a hunter  
 6972 safety certification card, as provided in this section.

6973 (b) A person born on or after June 1, 1975, who has not  
 6974 successfully completed a hunter safety course may apply to the  
 6975 commission for a special authorization to hunt under  
 6976 supervision. The special authorization for supervised hunting  
 6977 shall be designated on any license or permit required under this

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6978 chapter for a person to take game or fur-bearing animals and  
6979 shall be valid for not more than 1 year. A special authorization  
6980 for supervised hunting may not be issued more than once to the  
6981 person applying for such authorization. A person issued a  
6982 license with a special authorization to hunt under supervision  
6983 must hunt under the supervision of, and in the presence of, a  
6984 person 21 years or age or older who is licensed to hunt pursuant  
6985 to s. 379.354 ~~372.57~~ or who is exempt from licensing  
6986 requirements or eligible for a free license pursuant to s.  
6987 379.353 ~~372.562~~.

6988 (3) The Fish and Wildlife Conservation Commission shall  
6989 institute and coordinate a statewide hunter safety course that  
6990 must be offered in every county and consist of not more than 16  
6991 hours of instruction including, but not limited to, instruction  
6992 in the competent and safe handling of firearms, conservation,  
6993 and hunting ethics.

6994 (4) The commission shall issue a permanent hunter safety  
6995 certification card to each person who successfully completes the  
6996 hunter safety course. The commission shall maintain records of  
6997 hunter safety certification cards issued and shall establish  
6998 procedures for replacing lost or destroyed cards.

6999 (5) A hunter safety certification card issued by a  
7000 wildlife agency of another state, or any Canadian province,  
7001 which shows that the holder of the card has successfully  
7002 completed a hunter safety course approved by the commission is  
7003 an acceptable substitute for the hunter safety certification  
7004 card issued by the commission.

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7005 (6) All persons subject to the requirements of subsection  
 7006 (2) must have in their personal possession proof of compliance  
 7007 with this section, while taking or attempting to take wildlife  
 7008 with the use of a firearm, gun, bow, or crossbow, and must,  
 7009 unless the requirement to complete a hunter safety course is  
 7010 deferred pursuant to this section, display a valid hunter safety  
 7011 certification card in order to purchase a Florida hunting  
 7012 license. After the issuance of such a license, the license  
 7013 itself shall serve as proof of compliance with this section. A  
 7014 holder of a lifetime license whose license does not indicate on  
 7015 the face of the license that a hunter safety course has been  
 7016 completed must have in his or her personal possession a hunter  
 7017 safety certification card, as provided by this section, while  
 7018 attempting to take wild animal life with the use of a firearm,  
 7019 gun, bow, or crossbow.

7020 (7) The hunter safety requirements of this section do not  
 7021 apply to persons for whom licenses are not required under s.  
 7022 379.353(2) ~~372.562(2)~~.

7023 (8) A person who violates this section commits a Level One  
 7024 violation under s. 379.400 ~~372.83~~.

7025 Section 142. Section 372.5718, Florida Statutes, is  
 7026 renumbered as section 379.3582, Florida Statutes, and amended to  
 7027 read:

7028 379.3582 ~~372.5718~~ Hunter safety course for juveniles.--The  
 7029 Fish and Wildlife Conservation Commission shall develop a hunter  
 7030 safety course for juveniles who are at least 5 years of age but  
 7031 less than 16 years of age. The course must include, but is not



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7032 limited to, instruction in the competent and safe handling of  
 7033 firearms, conservation, and hunting ethics. The course must be  
 7034 appropriate for the ages of the students. The course is  
 7035 voluntary and must be offered in each county in the state at  
 7036 least annually. The course is in addition to, and not in lieu  
 7037 of, the hunter safety course prescribed in s. 379.3581 ~~372.5717~~.

7038 Section 143. Part VII of chapter 379, Florida Statutes,  
 7039 consisting of sections 379.360 through 379.377, is created to  
 7040 read:

7041 PART VII

7042 NON-RECREATIONAL LICENSES

7043  
 7044 Section 144. Section 370.06, Florida Statutes, is  
 7045 renumbered as section 379.360, Florida Statutes, and amended to  
 7046 read:

7047 379.360 ~~370.06~~ Licenses.--

7048 (1) LICENSE ON PURSE SEINES.--There is levied, in addition  
 7049 to any other taxes thereon, an annual license tax of \$25 upon  
 7050 each purse seine used in the waters of this state. This license  
 7051 fee shall be collected in the manner provided in this section.

7052 (2) SALTWATER PRODUCTS LICENSE.--

7053 (a) Every person, firm, or corporation that sells, offers  
 7054 for sale, barter, or exchanges for merchandise any saltwater  
 7055 products, or which harvests saltwater products with certain gear  
 7056 or equipment as specified by law, must have a valid saltwater  
 7057 products license, except that the holder of an aquaculture  
 7058 certificate under s. 597.004 is not required to purchase and

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7059 possess a saltwater products license in order to possess,  
7060 transport, or sell marine aquaculture products. Each saltwater  
7061 products license allows the holder to engage in any of the  
7062 activities for which the license is required. The license must  
7063 be in the possession of the licenseholder or aboard the vessel  
7064 and is subject to inspection at any time that harvesting  
7065 activities for which a saltwater products license is required  
7066 are being conducted.

7067 (b)1. A restricted species endorsement on the saltwater  
7068 products license is required to sell to a licensed wholesale  
7069 dealer those species which the state, by law or rule, has  
7070 designated as "restricted species." This endorsement may be  
7071 issued only to a person who is at least 16 years of age, or to a  
7072 firm certifying that over 25 percent of its income or \$5,000 of  
7073 its income, whichever is less, is attributable to the sale of  
7074 saltwater products pursuant to a saltwater products license  
7075 issued under this paragraph or a similar license from another  
7076 state. This endorsement may also be issued to a for-profit  
7077 corporation if it certifies that at least \$5,000 of its income  
7078 is attributable to the sale of saltwater products pursuant to a  
7079 saltwater products license issued under this paragraph or a  
7080 similar license from another state. However, if at least 50  
7081 percent of the annual income of a person, firm, or for-profit  
7082 corporation is derived from charter fishing, the person, firm,  
7083 or for-profit corporation must certify that at least \$2,500 of  
7084 the income of the person, firm, or corporation is attributable  
7085 to the sale of saltwater products pursuant to a saltwater

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7086 products license issued under this paragraph or a similar  
 7087 license from another state, in order to be issued the  
 7088 endorsement. Such income attribution must apply to at least 1 of  
 7089 the last 3 years. For the purpose of this section, "income"  
 7090 means that income that is attributable to work, employment,  
 7091 entrepreneurship, pensions, retirement benefits, and social  
 7092 security benefits.

7093 2. To renew an existing restricted species endorsement, a  
 7094 marine aquaculture producer possessing a valid saltwater  
 7095 products license with a restricted species endorsement may apply  
 7096 income from the sale of marine aquaculture products to licensed  
 7097 wholesale dealers.

7098 3. The commission is authorized to require verification of  
 7099 such income for all restricted species endorsements issued  
 7100 pursuant to this paragraph. Acceptable proof of income earned  
 7101 from the sale of saltwater products shall be:

7102 a. Copies of trip ticket records generated pursuant to  
 7103 this subsection (marine fisheries information system),  
 7104 documenting qualifying sale of saltwater products;

7105 b. Copies of sales records from locales other than Florida  
 7106 documenting qualifying sale of saltwater products;

7107 c. A copy of the applicable federal income tax return,  
 7108 including Form 1099 attachments, verifying income earned from  
 7109 the sale of saltwater products;

7110 d. Crew share statements verifying income earned from the  
 7111 sale of saltwater products; or

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7112 e. A certified public accountant's notarized statement  
7113 attesting to qualifying source and amount of income.

7114  
7115 Notwithstanding any other provision of law, any person who owns  
7116 a retail seafood market or restaurant at a fixed location for at  
7117 least 3 years, who has had an occupational license for 3 years  
7118 prior to January 1, 1990, who harvests saltwater products to  
7119 supply his or her retail store, and who has had a saltwater  
7120 products license for 1 of the past 3 license years prior to  
7121 January 1, 1990, may provide proof of his or her verification of  
7122 income and sales value at the person's retail seafood market or  
7123 restaurant and in his or her saltwater products enterprise by  
7124 affidavit and shall thereupon be issued a restricted species  
7125 endorsement.

7126 4. Exceptions from income requirements shall be as  
7127 follows:

7128 a. A permanent restricted species endorsement shall be  
7129 available to those persons age 62 and older who have qualified  
7130 for such endorsement for at least 3 of the last 5 years.

7131 b. Active military duty time shall be excluded from  
7132 consideration of time necessary to qualify and shall not be  
7133 counted against the applicant for purposes of qualifying.

7134 c. Upon the sale of a used commercial fishing vessel owned  
7135 by a person, firm, or corporation possessing or eligible for a  
7136 restricted species endorsement, the purchaser of such vessel  
7137 shall be exempted from the qualifying income requirement for the

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7138 purpose of obtaining a restricted species endorsement for a  
7139 period of 1 year after purchase of the vessel.

7140 d. Upon the death or permanent disablement of a person  
7141 possessing a restricted species endorsement, an immediate family  
7142 member wishing to carry on the fishing operation shall be  
7143 exempted from the qualifying income requirement for the purpose  
7144 of obtaining a restricted species endorsement for a period of 1  
7145 year after the death or disablement.

7146 e. A restricted species endorsement may be issued on an  
7147 individual saltwater products license to a person age 62 or  
7148 older who documents that at least \$2,500 of such person's income  
7149 is attributable to the sale of saltwater products.

7150 f. A permanent restricted species endorsement may also be  
7151 issued on an individual saltwater products license to a person  
7152 age 70 or older who has held a saltwater products license for at  
7153 least 3 of the last 5 license years.

7154 g. Any resident who is certified to be totally and  
7155 permanently disabled by the Railroad Retirement Board, by the  
7156 United States Department of Veterans Affairs or its predecessor,  
7157 or by any branch of the United States Armed Forces, or who holds  
7158 a valid identification card issued by the Department of  
7159 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,  
7160 or any resident certified to be disabled by the United States  
7161 Social Security Administration or a licensed physician, upon  
7162 proof of the same, shall be exempted from the income  
7163 requirements if he or she also has held a saltwater products  
7164 license for at least 3 of the last 5 license years prior to the

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7165 date of the disability. A restricted species endorsement issued  
7166 under this paragraph may be issued only on an individual  
7167 saltwater products license.

7168 (c) At least one saltwater products license bearing a  
7169 restricted species endorsement shall be aboard any vessel  
7170 harvesting restricted species in excess of any bag limit or when  
7171 fishing under a commercial quota or in commercial quantities,  
7172 and such vessel shall have a commercial vessel registration.  
7173 This subsection does not apply to any person, firm, or  
7174 corporation licensed under s. 379.361(1)(a)1. or (b)  
7175 ~~370.07(1)(a)1. or (b)~~ for activities pursuant to such licenses.

7176 (d) A saltwater products license may be issued in the name  
7177 of an individual or a valid commercial vessel registration  
7178 number. However, a firm or corporation may only receive a  
7179 license issued to a valid commercial vessel registration number.  
7180 A saltwater products license may not be transferred by the  
7181 licenseholder to another individual, firm, or corporation. A  
7182 decal shall be issued with each saltwater products license  
7183 issued to a valid commercial vessel registration number. The  
7184 saltwater products license decal shall be the same color as the  
7185 vessel registration decal issued each year pursuant to s.  
7186 328.48(5) and shall indicate the period of time such license is  
7187 valid. The saltwater products license decal shall be placed  
7188 beside the vessel registration decal and, in the case of an  
7189 undocumented vessel, shall be placed so that the vessel  
7190 registration decal lies between the commercial vessel  
7191 registration number and the saltwater products license decal.

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7192 Any saltwater products license decal for a previous year shall  
7193 be removed from a vessel operating on the waters of the state.

7194 (e) The annual fee for a saltwater products license is:

7195 1. For a license issued in the name of an individual which  
7196 authorizes only that individual to engage in commercial fishing  
7197 activities from the shore or a vessel: a resident must pay \$50;  
7198 a nonresident must pay \$200; or an alien must pay \$300.

7199 2. For a license issued in the name of an individual which  
7200 authorizes that named individual to engage in commercial fishing  
7201 activities from the shore or a vessel and also authorizes each  
7202 person who is fishing with the named individual aboard a vessel  
7203 to engage in such activities: a resident must pay \$150; a  
7204 nonresident must pay \$600; or an alien must pay \$900.

7205 3. For a license issued to a valid commercial vessel  
7206 registration number which authorizes each person aboard such  
7207 registered vessel to engage in commercial fishing activities: a  
7208 resident, or a resident firm or corporation, must pay \$100; a  
7209 nonresident, or a nonresident firm or corporation, must pay  
7210 \$400; or an alien, or an alien firm or corporation, must pay  
7211 \$600. For purposes of this subparagraph, a resident firm or  
7212 corporation means a firm or corporation formed under the laws of  
7213 this state; a nonresident firm or corporation means a firm or  
7214 corporation formed under the laws of any state other than  
7215 Florida; and an alien firm or corporation means a firm or  
7216 corporation organized under any laws other than laws of the  
7217 United States, any United States territory or possession, or any  
7218 state of the United States.

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7219 (f) Any person who sells saltwater products pursuant to a  
7220 saltwater products license may sell only to a licensed wholesale  
7221 dealer. A saltwater products license must be presented to the  
7222 licensed wholesale dealer each time saltwater products are sold,  
7223 and an imprint made thereof. The wholesale dealer shall keep  
7224 records of each transaction in such detail as may be required by  
7225 rule of the commission not in conflict with s. 379.361(6)  
7226 ~~370.07(6)~~, and shall provide the holder of the saltwater  
7227 products license with a copy of the record. It is unlawful for  
7228 any licensed wholesale dealer to buy saltwater products from any  
7229 unlicensed person under the provisions of this section, except  
7230 that a licensed wholesale dealer may buy from another licensed  
7231 wholesale dealer. It is unlawful for any licensed wholesale  
7232 dealer to buy saltwater products designated as "restricted  
7233 species" from any person, firm, or corporation not possessing a  
7234 restricted species endorsement on his or her saltwater products  
7235 license under the provisions of this section, except that a  
7236 licensed wholesale dealer may buy from another licensed  
7237 wholesale dealer. For purposes of this subsection, any saltwater  
7238 products received by a wholesale dealer are presumed to have  
7239 been purchased.

7240 (g) The commission shall be the licensing agency, may  
7241 contract with private persons or entities to implement aspects  
7242 of the licensing program, and shall establish by rule a marine  
7243 fisheries information system in conjunction with the licensing  
7244 program to gather fisheries data.



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7245 (h) Any person who sells, offers for sale, barter, or  
7246 exchanges for merchandise saltwater products must have a method  
7247 of catch preservation which meets the requirements and standards  
7248 of the seafood quality control code promulgated by the  
7249 commission.

7250 (i) A saltwater products license is required to harvest  
7251 commercial quantities of saltwater products. Any vessel from  
7252 which commercial quantities of saltwater products are harvested  
7253 must have a commercial vessel registration. Commercial  
7254 quantities of saltwater products shall be defined as:

7255 1. With respect to those species for which no bag limit  
7256 has been established, more than 100 pounds per person per day,  
7257 provided that the harvesting of two fish or less per person per  
7258 day shall not be considered commercial quantities regardless of  
7259 aggregate weight; and

7260 2. With respect to those species for which a bag limit has  
7261 been established, more than the bag limit allowed by law or  
7262 rule.

7263 (j)1. In addition to the saltwater products license, a  
7264 marine life fishing endorsement is required for the harvest of  
7265 marine life species as defined by rule of the Fish and Wildlife  
7266 Conservation Commission. This endorsement may be issued only to  
7267 a person who is at least 16 years of age or older or to a  
7268 corporation holding a valid restricted species endorsement.

7269 2.a. Effective July 1, 1998, and until July 1, 2002, a  
7270 marine life endorsement may not be issued under this paragraph,

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7271 | except that those endorsements that are active during the 1997-  
7272 | 1998 fiscal year may be renewed.

7273 |       b. In 1998 persons or corporations holding a marine life  
7274 | endorsement that was active in the 1997-1998 fiscal year or an  
7275 | immediate family member of that person must request renewal of  
7276 | the marine life endorsement before December 31, 1998.

7277 |       c. In subsequent years and until July 1, 2002, a marine  
7278 | life endorsement holder or member of his or her immediate family  
7279 | must request renewal of the marine life endorsement before  
7280 | September 30 of each year.

7281 |       d. If a person or corporation holding an active marine  
7282 | life fishing endorsement or a member of that person's immediate  
7283 | family does not request renewal of the endorsement before the  
7284 | applicable dates specified in this paragraph, the commission  
7285 | shall deactivate that marine life fishing endorsement.

7286 |       e. In the event of the death or disability of a person  
7287 | holding an active marine life fishing endorsement, the  
7288 | endorsement may be transferred by the person to a member of his  
7289 | or her immediate family or may be renewed by any person so  
7290 | designated by the executor of the person's estate.

7291 |       f. Persons or corporations who hold saltwater product  
7292 | licenses with marine life fishing endorsements issued to their  
7293 | vessel registration numbers and who subsequently replace their  
7294 | existing vessels with new vessels may transfer the existing  
7295 | marine life fishing endorsement to the new boat registration  
7296 | numbers.

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7297 g. Persons or corporations who hold saltwater product  
7298 licenses with marine life fishing endorsements issued to their  
7299 name and who subsequently incorporate or unincorporate may  
7300 transfer the existing marine life fishing endorsement to the new  
7301 corporation or person.

7302 3. The fee for a marine life fishery endorsement on a  
7303 saltwater products license shall be \$75. These license fees  
7304 shall be collected and deposited in the Marine Resources  
7305 Conservation Trust Fund and used for the purchase and  
7306 installation of vessel mooring buoys at coral reef sites and for  
7307 research related to marine fisheries.

7308 (3) NET LICENSES.--Except for cast nets and bait seines  
7309 which are 100 feet in length or less and which have a mesh that  
7310 is 3/8 inch or less, all nets used to take finfish, including,  
7311 but not limited to, gill nets, trammel nets, and beach seines,  
7312 must be licensed or registered. Each net used to take finfish  
7313 for commercial purposes, or by a nonresident, must be licensed  
7314 under a saltwater products license issued pursuant to subsection  
7315 (2) and must bear the number of such license.

7316 (4) SPECIAL ACTIVITY LICENSES.--

7317 (a) A special activity license is required for any person  
7318 to use gear or equipment not authorized in this chapter or rule  
7319 of the Fish and Wildlife Conservation Commission for harvesting  
7320 saltwater species. In accordance with this chapter, s. 16, Art.  
7321 X of the State Constitution, and rules of the commission, the  
7322 commission may issue special activity licenses for the use of  
7323 nonconforming gear or equipment, including, but not limited to,

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7324 trawls, seines and entangling nets, traps, and hook and line  
7325 gear, to be used in harvesting saltwater species for scientific  
7326 and governmental purposes, and, where allowable, for innovative  
7327 fisheries. The commission may prescribe by rule application  
7328 requirements and terms, conditions, and restrictions to be  
7329 incorporated into each special activity license. This subsection  
7330 does not apply to gear or equipment used by certified marine  
7331 aquaculturists as provided for in s. 597.004 to harvest marine  
7332 aquaculture products.

7333 (b) The Fish and Wildlife Conservation Commission is  
7334 authorized to issue special activity licenses in accordance with  
7335 this section and s. 379.2524 ~~370.31~~, to permit the importation  
7336 and possession of wild anadromous sturgeon. The commission is  
7337 also authorized to issue special activity licenses, in  
7338 accordance with this section and s. 379.2524 ~~370.31~~, to permit  
7339 the importation, possession, and aquaculture of native and  
7340 nonnative anadromous sturgeon until best-management practices  
7341 are implemented for the cultivation of anadromous sturgeon  
7342 pursuant to s. 597.004. The special activity license shall  
7343 provide for specific management practices to protect indigenous  
7344 populations of saltwater species.

7345 (c) The conditions and specific management practices  
7346 established in this section shall be incorporated into permits  
7347 and authorizations issued pursuant to chapter 253, ~~chapter 373,~~  
7348 chapter 403, or this chapter, when incorporating such provisions  
7349 is in accordance with the aquaculture permit consolidation  
7350 procedures. No separate issuance of a special activity license

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7351 is required when conditions and specific management practices  
 7352 are incorporated into permits or authorizations under this  
 7353 paragraph. Implementation of this section to consolidate  
 7354 permitting actions does not constitute rules within the meaning  
 7355 of s. 120.52.

7356 (d) The commission is authorized to issue special activity  
 7357 licenses in accordance with s. 379.2411 ~~370.101~~ and this  
 7358 section; aquaculture permit consolidation procedures in s.  
 7359 379.2523(2) ~~370.26(2)~~; and rules of the commission to permit the  
 7360 capture and possession of saltwater species protected by law and  
 7361 used as stock for artificial cultivation and propagation.

7362 (e) The commission is authorized to adopt rules to govern  
 7363 the administration of special activities licenses as provided in  
 7364 this chapter and rules of the commission. Such rules may  
 7365 prescribe application requirements and terms, conditions, and  
 7366 restrictions for any such special activity license requested  
 7367 pursuant to this section.

7368 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.--

7369 (a) For purposes of this section, the following  
 7370 definitions shall apply:

7371 1. "Person" means an individual.

7372 2. "Resident" means any person who has:

7373 a. Continuously resided in this state for 6 months  
 7374 immediately preceding the making of his or her application for  
 7375 an Apalachicola Bay oyster harvesting license; or

7376 b. Established a domicile in this state and evidenced that  
 7377 domicile as provided in s. 222.17.

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7378 (b) No person shall harvest oysters from the Apalachicola  
7379 Bay without a valid Apalachicola Bay oyster harvesting license  
7380 issued by the Department of Agriculture and Consumer Services.  
7381 This requirement shall not apply to anyone harvesting  
7382 noncommercial quantities of oysters in accordance with  
7383 commission rules ~~chapter 46-27, Florida Administrative Code,~~ or  
7384 to any person less than 18 years old.

7385 (c) Any person wishing to obtain an Apalachicola Bay  
7386 oyster harvesting license shall submit an annual fee for the  
7387 license during a 45-day period from May 17 to June 30 of each  
7388 year preceding the license year for which the license is valid.  
7389 Failure to pay the annual fee within the required time period  
7390 shall result in a \$500 late fee being imposed before issuance of  
7391 the license.

7392 (d) The Department of Agriculture and Consumer Services  
7393 shall collect an annual fee of \$100 from residents and \$500 from  
7394 nonresidents for the issuance of an Apalachicola Bay oyster  
7395 harvesting license. The license year shall begin on July 1 of  
7396 each year and end on June 30 of the following year. The license  
7397 shall be valid only for the licensee. Only bona fide residents  
7398 of Florida may obtain a resident license pursuant to this  
7399 subsection.

7400 (e) Each person who applies for an Apalachicola Bay oyster  
7401 harvesting license shall, before receiving the license for the  
7402 first time, attend an educational seminar of not more than 16  
7403 hours length, developed and conducted jointly by the Department  
7404 of Environmental Protection's Apalachicola National Estuarine

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7405 Research Reserve, the Division of Law Enforcement of the Fish  
7406 and Wildlife Conservation Commission, and the Department of  
7407 Agriculture and Consumer Services' Apalachicola District  
7408 Shellfish Environmental Assessment Laboratory. The seminar shall  
7409 address, among other things, oyster biology, conservation of the  
7410 Apalachicola Bay, sanitary care of oysters, small business  
7411 management, and water safety. The seminar shall be offered five  
7412 times per year, and each person attending shall receive a  
7413 certificate of participation to present when obtaining an  
7414 Apalachicola Bay oyster harvesting license. The educational  
7415 seminar is not required for renewal of an Apalachicola Bay  
7416 oyster harvesting license.

7417 (f) Each person, while harvesting oysters in Apalachicola  
7418 Bay, shall have in possession a valid Apalachicola Bay oyster  
7419 harvesting license, or proof of having applied for a license  
7420 within the required time period, and shall produce such license  
7421 or proof of application upon request of any law enforcement  
7422 officer.

7423 (g) Each person who obtains an Apalachicola Bay oyster  
7424 harvesting license shall prominently display the license number  
7425 upon any vessel the person owns which is used for the taking of  
7426 oysters, in numbers which are at least 10 inches high and 1 inch  
7427 wide, so that the permit number is readily identifiable from the  
7428 air and water. Only one vessel displaying a given number may be  
7429 used at any time. A licensee may harvest oysters from the vessel  
7430 of another licensee.

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7431 (h) Any person holding an Apalachicola Bay oyster  
7432 harvesting license shall receive credit for the license fee  
7433 against the saltwater products license fee.

7434 (i) The proceeds from Apalachicola Bay oyster harvesting  
7435 license fees shall be deposited in the General Inspection Trust  
7436 Fund and, less reasonable administrative costs, shall be used or  
7437 distributed by the Department of Agriculture and Consumer  
7438 Services for the following purposes in Apalachicola Bay:

- 7439 1. Relaying and transplanting live oysters.
- 7440 2. Shell planting to construct or rehabilitate oyster  
7441 bars.
- 7442 3. Education programs for licensed oyster harvesters on  
7443 oyster biology, aquaculture, boating and water safety,  
7444 sanitation, resource conservation, small business management,  
7445 marketing, and other relevant subjects.
- 7446 4. Research directed toward the enhancement of oyster  
7447 production in the bay and the water management needs of the bay.

7448 (j) Any person who violates any of the provisions of  
7449 paragraphs (b) and (d)-(g) commits a misdemeanor of the second  
7450 degree, punishable as provided in ss. 775.082 and 775.083.  
7451 Nothing in this subsection shall limit the application of  
7452 existing penalties.

7453 (k) Any oyster harvesting license issued pursuant to this  
7454 subsection must be in compliance with the rules of the Fish and  
7455 Wildlife Conservation Commission regulating gear or equipment,  
7456 harvest seasons, size and bag limits, and the taking of  
7457 saltwater species.



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7458 (6) LICENSE YEAR.--The license year on all licenses  
 7459 relating to saltwater products dealers, seafood dealers, aliens,  
 7460 residents, and nonresidents, unless otherwise provided, shall  
 7461 begin on July 1 of each year and end on June 30 of the next  
 7462 succeeding year. All licenses shall be so dated. However, if the  
 7463 commission determines that it is in the best interest of the  
 7464 state to issue a license required under this chapter to an  
 7465 individual on the birthday of the applicant, the commission may  
 7466 establish by rule a procedure to do so. This section does not  
 7467 apply to licenses and permits when their use is confined to an  
 7468 open season.

7469 (7) LICENSES SUBJECT TO INSPECTION; NONTRANSFERABLE;  
 7470 EXCEPTION.--Licenses of every kind and nature granted under the  
 7471 provisions of the fish and game laws of this state are at all  
 7472 times subject to inspection by the police officers of this state  
 7473 and the officers of the Fish and Wildlife Conservation  
 7474 Commission. Such licenses are not transferable unless otherwise  
 7475 provided by law.

7476 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise  
 7477 provided by law, all license taxes or fees provided for in this  
 7478 part ~~chapter~~ shall be collected by the commission or its duly  
 7479 authorized agents or deputies to be deposited by the Chief  
 7480 Financial Officer in the Marine Resources Conservation Trust  
 7481 Fund. The commission may by rule establish a reasonable  
 7482 processing fee for any free license or permit required under  
 7483 this part ~~chapter~~. The commission is authorized to accept

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7484 payment by credit card for fees, fines, and civil penalties  
7485 levied pursuant to this chapter.

7486 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The commission  
7487 shall deny the renewal or issuance of any saltwater products  
7488 license, wholesale dealer license, or retail dealer license to  
7489 anyone that has unpaid fees, civil assessments, or fines owed to  
7490 the commission.

7491 Section 145. Section 370.07, Florida Statutes, is  
7492 renumbered as section 379.361, Florida Statutes, and amended to  
7493 read:

7494 379.361 ~~370.07~~ Wholesale and retail saltwater products  
7495 dealers; regulation.--

7496 (1) DEFINITIONS; LICENSES AUTHORIZED.--Annual license or  
7497 privilege taxes are hereby levied and imposed upon dealers in  
7498 the state in saltwater products. It is unlawful for any person,  
7499 firm, or corporation to deal in any such products without first  
7500 paying for and procuring the license required by this section.  
7501 Application for all licenses shall be made to the Fish and  
7502 Wildlife Conservation Commission on blanks to be furnished by  
7503 it. All licenses shall be issued by the commission upon payment  
7504 to it of the license tax. The licenses are defined as:

7505 (a)1. "Wholesale county dealer" is any person, firm, or  
7506 corporation which sells saltwater products to any person, firm,  
7507 or corporation except to the consumer and who may buy saltwater  
7508 products in the county designated on the wholesale license from  
7509 any person licensed pursuant to s. 379.360(2) ~~370.06(2)~~ or from  
7510 any licensed wholesale dealer.

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7511           2. "Wholesale state dealer" is a person, firm, or  
 7512 corporation which sells saltwater products to any person, firm,  
 7513 or corporation except to the consumer and who may buy saltwater  
 7514 products in any county of the state from any person licensed  
 7515 pursuant to s. 379.360(2) ~~370.06(2)~~ or from any licensed  
 7516 wholesale dealer.

7517           3. "Wholesale dealer" is either a county or a state  
 7518 dealer.

7519           (b) A "retail dealer" is any person, firm, or corporation  
 7520 which sells saltwater products directly to the consumer, but no  
 7521 license is required of a dealer in merchandise who deals in or  
 7522 sells saltwater products consumed on the premises or prepared  
 7523 for immediate consumption and sold to be taken out of any  
 7524 restaurant licensed by the Division of Hotels and Restaurants of  
 7525 the Department of Business and Professional Regulation.

7526  
 7527 Any person, firm, or corporation which is both a wholesale  
 7528 dealer and a retail dealer shall obtain both a wholesale  
 7529 dealer's license and a retail dealer's license. If a wholesale  
 7530 dealer has more than one place of business, the annual license  
 7531 tax shall be effective for all places of business, provided that  
 7532 the wholesale dealer supplies to the commission a complete list  
 7533 of additional places of business upon application for the annual  
 7534 license tax.

7535           (2) LICENSES; AMOUNT, TRUST FUND.--

7536           (a) A resident wholesale county seafood dealer is required  
 7537 to pay an annual license tax of \$300.

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7538 (b) A resident wholesale state dealer is required to pay  
7539 an annual license tax of \$450.

7540 (c) A nonresident wholesale county dealer is required to  
7541 pay an annual license tax of \$500.

7542 (d) A nonresident wholesale state dealer is required to  
7543 pay an annual license tax of \$1,000.

7544 (e) An alien wholesale county dealer is required to pay an  
7545 annual license tax of \$1,000.

7546 (f) An alien wholesale state dealer is required to pay an  
7547 annual license tax of \$1,500.

7548 (g) A resident retail dealer is required to pay an annual  
7549 license tax of \$25; however, if such a dealer has more than one  
7550 place of business, the dealer shall designate one place of  
7551 business as a central place of business, shall pay an annual  
7552 license tax of \$25 for such place of business, and shall pay an  
7553 annual license tax of \$10 for each other place of business.

7554 (h) A nonresident retail dealer is required to pay an  
7555 annual license tax of \$200; however, if such a dealer has more  
7556 than one place of business, the dealer shall designate one place  
7557 of business as a central place of business, shall pay an annual  
7558 license tax of \$200 for such place of business, and shall pay an  
7559 annual license tax of \$25 for each other place of business.

7560 (i) An alien retail dealer is required to pay an annual  
7561 license tax of \$250; however, if such a dealer has more than one  
7562 place of business, the dealer shall designate one place of  
7563 business as a central place of business, shall pay an annual

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7564 license tax of \$250 for such place of business, and shall pay an  
7565 annual license tax of \$50 for each other place of business.

7566 (j) License or privilege taxes, together with any other  
7567 funds derived from the Federal Government or from any other  
7568 source, shall be deposited in a Florida Saltwater Products  
7569 Promotion Trust Fund to be administered by the Department of  
7570 Agriculture and Consumer Services for the sole purpose of  
7571 promoting all fish and saltwater products produced in this  
7572 state, except that 4 percent of the total wholesale and retail  
7573 saltwater products dealer's license fees collected shall be  
7574 deposited into the Marine Resources Conservation Trust Fund  
7575 administered by the Fish and Wildlife Conservation Commission  
7576 for the purpose of processing wholesale and retail saltwater  
7577 products dealer's licenses.

7578 (3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS.--The  
7579 Department of Agriculture and Consumer Services shall use or  
7580 distribute funds paid into the State Treasury to the credit of  
7581 the General Inspection Trust Fund pursuant to s. 201.15(11),  
7582 less reasonable costs of administration, to fund the following  
7583 oyster management and restoration programs in Apalachicola Bay  
7584 and other oyster harvest areas in the state:

7585 (a) The relaying and transplanting of live oysters.

7586 (b) Shell planting to construct or rehabilitate oyster  
7587 bars.

7588 (c) Education programs for licensed oyster harvesters on  
7589 oyster biology, aquaculture, boating and water safety,

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7590 sanitation, resource conservation, small business management,  
7591 and other relevant subjects.

7592 (d) Research directed toward the enhancement of oyster  
7593 production in the bay and the water management needs of the bay.

7594 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

7595 (a) A person transporting in this state saltwater products  
7596 that were produced in this state, regardless of destination,  
7597 shall have in his or her possession invoices, bills of lading,  
7598 or other similar instruments showing the number of packages,  
7599 boxes, or containers and the number of pounds of each species  
7600 and the name, physical address, and the Florida wholesale dealer  
7601 number of the dealer of origin.

7602 (b) A person transporting in this state saltwater products  
7603 that were produced outside this state to be delivered to a  
7604 destination in this state shall have in his or her possession  
7605 invoices, bills of lading, or other similar instruments showing  
7606 the number of packages, boxes, or containers and the number of  
7607 pounds of each species, the name and physical address of the  
7608 dealer of origin, and the name, physical address, and Florida  
7609 wholesale dealer number of the Florida dealer to whom the  
7610 shipment is to be delivered.

7611 (c) A person transporting in this state saltwater products  
7612 that were produced outside this state which are to be delivered  
7613 to a destination outside this state shall have in his or her  
7614 possession invoices, bills of lading, or other similar  
7615 instruments showing the number of packages, boxes, or containers  
7616 and the number of pounds of each species, the name and physical

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7617 address of the dealer of origin, and the name and physical  
7618 address of the dealer to whom the shipment is to be delivered.

7619 (d) If the saltwater products in transit come from more  
7620 than one dealer, distributor, or producer, each lot from each  
7621 dealer shall be covered by invoices, bills of lading, and other  
7622 similar instruments showing the number of boxes or containers  
7623 and the number of pounds of each species. Each invoice, bill of  
7624 lading, and other similar instrument shall display the wholesale  
7625 dealer license number and the name and physical address of the  
7626 dealer, distributor, or producer of the lot covered by the  
7627 instrument.

7628 (e) It is unlawful to sell, deliver, ship, or transport,  
7629 or to possess for the purpose of selling, delivering, shipping,  
7630 or transporting, any saltwater products without all invoices  
7631 concerning the products having thereon the wholesale dealer  
7632 license number in the form prescribed under this subsection and  
7633 the rules of the commission. Any saltwater products found in the  
7634 possession of any person who is in violation of this paragraph  
7635 may be seized by the commission and disposed of in the manner  
7636 provided by law.

7637 (f) Nothing contained in this subsection may be construed  
7638 to apply to the sale and delivery to a consumer of saltwater  
7639 products in an ordinary retail transaction by a licensed retail  
7640 dealer who has purchased such products from a licensed wholesale  
7641 dealer, or to the sale and delivery of the catch or products of  
7642 a saltwater products licensee to a Florida-licensed wholesale  
7643 dealer.

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7644 (g) Wholesale dealers' licenses shall be issued only to  
7645 applicants who furnish to the commission satisfactory evidence  
7646 of law-abiding reputation and who pledge themselves to  
7647 faithfully observe all of the laws, rules, and regulations of  
7648 this state relating to the conservation of, dealing in, or  
7649 taking, selling, transporting, or possession of saltwater  
7650 products, and to cooperate in the enforcement of all such laws  
7651 to every reasonable extent. This pledge may be included in the  
7652 application for license.

7653 (h) A wholesale dealer, retail dealer, or restaurant  
7654 facility shall not purchase or sell for public consumption any  
7655 saltwater products known to be taken illegally, or known to be  
7656 taken in violation of s. 16, Art. X of the State Constitution,  
7657 or any rule or statute implementing its provisions.

7658 (i) Any person who violates the provisions of this  
7659 subsection commits a misdemeanor of the first degree, punishable  
7660 as provided in s. 775.082 or s. 775.083.

7661 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

7662 (a) A license issued to a wholesale or retail dealer is  
7663 good only to the person to whom issued and named therein and is  
7664 not transferable. The commission may revoke, suspend, or deny  
7665 the renewal of the license of any licensee:

7666 1. Upon the conviction of the licensee of any violation of  
7667 the laws or regulations designed for the conservation of  
7668 saltwater products;

7669 2. Upon conviction of the licensee of knowingly dealing  
7670 in, buying, selling, transporting, possessing, or taking any



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7671 saltwater product, at any time and from any waters, in violation  
 7672 of the laws of this state; or

7673 3. Upon satisfactory evidence of any violation of the laws  
 7674 or any regulations of this state designed for the conservation  
 7675 of saltwater products or of any of the laws of this state  
 7676 relating to dealing in, buying, selling, transporting,  
 7677 possession, or taking of saltwater products.

7678 (b) Upon revocation of such license, no other or further  
 7679 license may be issued to the dealer within 3 years from the date  
 7680 of revocation except upon special order of the commission. After  
 7681 revocation, it is unlawful for such dealer to exercise any of  
 7682 the privileges of a licensed wholesale or retail dealer.

7683 (c) In addition to, or in lieu of, the penalty imposed  
 7684 pursuant to this subsection, the commission may impose penalties  
 7685 pursuant to s. 379.407 ~~370.021~~.

7686 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

7687 ~~—(a)~~ Wholesale dealers shall be required by the commission  
 7688 to make and preserve a record of the names and addresses of  
 7689 persons from whom or to whom saltwater products are purchased or  
 7690 sold, the quantity so purchased or sold from or to each vendor  
 7691 or purchaser, and the date of each such transaction. Retail  
 7692 dealers shall be required to make and preserve a record from  
 7693 whom all saltwater products are purchased. Such record shall be  
 7694 open to inspection at all times by the commission. A report  
 7695 covering the sale of saltwater products shall be made monthly or  
 7696 as often as required by rule to the commission by each wholesale  
 7697 dealer. All reports required under this subsection are

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7698 confidential and shall be exempt from the provisions of s.  
7699 119.07(1) except that, pursuant to authority related to  
7700 interstate fishery compacts as provided by ss. 379.2253(3) and  
7701 379.2254(3) ~~370.19(3) and 370.20(3)~~, reports may be shared with  
7702 another state if that state is a member of an interstate  
7703 fisheries compact, and if that state has signed a Memorandum of  
7704 Agreement or a similar instrument agreeing to preserve  
7705 confidentiality as established by Florida law.

7706 ~~—— (b) The commission may revoke, suspend, or deny the~~  
7707 ~~renewal of the license of any dealer for failure to make and~~  
7708 ~~keep required records, for failure to make required reports, for~~  
7709 ~~failure or refusal to permit the examination of required~~  
7710 ~~records, or for falsifying any such record. In addition to, or~~  
7711 ~~in lieu of, the penalties imposed pursuant to this paragraph and~~  
7712 ~~s. 379.407 370.021, the commission may impose against any~~  
7713 ~~person, firm, or corporation who is determined to have violated~~  
7714 ~~any provision of this paragraph or any provisions of any~~  
7715 ~~commission rules adopted pursuant to s. 379.2402 370.0607, the~~  
7716 ~~following additional penalties:~~

7717 ~~—— 1. For the first violation, a civil penalty of up to~~  
7718 ~~\$1,000;~~

7719 ~~—— 2. For a second violation committed within 24 months of~~  
7720 ~~any previous violation, a civil penalty of up to \$2,500; and~~

7721 ~~—— 3. For a third or subsequent violation committed within 36~~  
7722 ~~months of any previous two violations, a civil penalty of up to~~  
7723 ~~\$5,000.~~

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7725 ~~The proceeds of all civil penalties collected pursuant to this~~  
7726 ~~subsection shall be deposited into the Marine Resources~~  
7727 ~~Conservation Trust Fund and shall be used for administration,~~  
7728 ~~auditing, and law enforcement purposes.~~

7729 (7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY  
7730 LOCATION.--Wholesale dealers purchasing saltwater products  
7731 pursuant to s. 379.360(2) ~~370.06(2)~~ at any site other than a  
7732 site located in a county where the dealer has a permanent  
7733 address must notify the Fish and Wildlife Conservation  
7734 Commission of the location of the temporary site of business for  
7735 each day business is to be conducted at such site.

7736 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is  
7737 unlawful for any licensed retail dealer or any restaurant  
7738 licensed by the Division of Hotels and Restaurants of the  
7739 Department of Business and Professional Regulation to buy  
7740 saltwater products from any person other than a licensed  
7741 wholesale or retail dealer. For purposes of this subsection, any  
7742 saltwater products received by a retail dealer or a restaurant  
7743 are presumed to have been purchased.

7744 Section 146. Section 372.65, Florida Statutes, is  
7745 renumbered as section 379.362, Florida Statutes, and amended to  
7746 read:

7747 379.362 ~~372.65~~ Freshwater fish dealer's license.--

7748 (1) No person shall engage in the business of taking for  
7749 sale or selling any frogs or freshwater fish, including live  
7750 bait, of any species or size, or importing any exotic or  
7751 nonindigenous fish, until such person has obtained a license and

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7752 | paid the fee therefor as set forth herein. The license issued  
7753 | shall be in the possession of the person to whom issued while  
7754 | such person is engaging in the business of taking for sale or  
7755 | selling freshwater fish or frogs, is not transferable, shall  
7756 | bear on its face in indelible ink the name of the person to whom  
7757 | it is issued, and shall be affixed to a license identification  
7758 | card issued by the commission. Such license is not valid unless  
7759 | it bears the name of the person to whom it is issued and is so  
7760 | affixed. The failure of such person to exhibit such license to  
7761 | the commission or any of its wildlife officers when such person  
7762 | is found engaging in such business is a violation of law. The  
7763 | license fees and activities permitted under particular licenses  
7764 | are as follows:

7765 |       (a) The fee for a resident commercial fishing license,  
7766 | which permits a resident to take freshwater fish or frogs by any  
7767 | lawful method prescribed by the commission and to sell such fish  
7768 | or frogs, shall be \$25. The license provided for in this  
7769 | paragraph shall also allow noncommercial fishing as provided by  
7770 | law and commission rules, and the license in s. 379.354(4)(a)  
7771 | ~~372.57(4)(a)~~ shall not be required.

7772 |       (b) The fee for a resident freshwater fish dealer's  
7773 | license, which permits a resident to import, export, or sell  
7774 | freshwater fish or frogs, including live bait, shall be \$40.

7775 |       (c) The fee for a nonresident commercial fishing license,  
7776 | which permits a nonresident to take freshwater fish or frogs as  
7777 | provided in paragraph (a), shall be \$100.

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7778 (d) The fee for a nonresident retail fish dealer's  
 7779 license, which permits a nonresident to sell freshwater fish or  
 7780 frogs to a consumer, shall be \$100.

7781 (e) The fee for a nonresident wholesale fish dealer's  
 7782 license, which permits a nonresident to sell freshwater fish or  
 7783 frogs within the state, and to buy freshwater fish or frogs for  
 7784 resale, shall be \$500.

7785 (f) The fee for a nonresident wholesale fish buyer's  
 7786 license, which permits a nonresident who does not sell  
 7787 freshwater fish or frogs in Florida to buy freshwater fish or  
 7788 frogs from resident fish dealers for resale outside the state,  
 7789 shall be \$50.

7790 (g) Any individual or business issued an aquaculture  
 7791 certificate, pursuant to s. 597.004, shall be exempt from the  
 7792 requirements of this part ~~chapter~~ with respect to aquaculture  
 7793 products authorized under such certificate.

7794 (h) There is levied, in addition to any other license fee  
 7795 thereon, an annual gear license fee of \$50 upon each person  
 7796 fishing with trawl seines used in the fresh waters of the state.

7797 (i) There is levied, in addition to any other license fee  
 7798 thereon, an annual gear license fee of \$100 upon each person  
 7799 fishing with haul seines used in the fresh waters of the state.

7800 (2) Each boat engaged in commercial fishing shall have at  
 7801 least one licensed commercial fisher on board.

7802 (3) It shall be unlawful for any resident freshwater fish  
 7803 dealer, or any nonresident wholesale or nonresident retail fish

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7804 dealer, or any nonresident wholesale fish buyer to buy  
7805 freshwater fish or frogs from any unlicensed person.

7806 Section 147. Section 372.651, Florida Statutes, is  
7807 renumbered as section 379.363, Florida Statutes, to read:

7808 379.363 ~~372.651~~ Haul seine and trawl permits; Lake  
7809 Okeechobee ~~freshwater lakes in excess of 500 square miles;~~  
7810 fees.--

7811 (1) The Fish and Wildlife Conservation Commission is  
7812 authorized to issue permits for each haul seine or trawl used in  
7813 Lake Okeechobee ~~freshwater lakes in the state having an area in~~  
7814 ~~excess of 500 square miles.~~

7815 (2) The commission may charge an annual fee for the  
7816 issuance of such permits which shall not exceed:

7817 (a) For a resident trawl permit, \$50.

7818 (b) For a resident haul seine permit, \$100.

7819 (c) For a nonresident or alien trawl or haul seine permit,  
7820 \$500.

7821 Section 148. Section 372.66, Florida Statutes, is  
7822 renumbered as section 379.364, Florida Statutes, to read:

7823 379.364 ~~372.66~~ License required for fur and hide  
7824 dealers.--

7825 (1) It is unlawful for any person to engage in the  
7826 business of a dealer or buyer in alligator skins or green or  
7827 dried furs in the state or purchase such skins within the state  
7828 until such person has been licensed as herein provided.

7829 (2) Any resident dealer or buyer who solicits business  
7830 through the mails, or by advertising, or who travels to buy or

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7831 employs or has other agents or buyers, shall be deemed a  
 7832 resident state dealer and must pay a license fee of \$100 per  
 7833 annum.

7834 (3) A nonresident dealer or buyer must pay a license fee  
 7835 of \$500 per annum.

7836 (4) All dealers and buyers shall forward to the Fish and  
 7837 Wildlife Conservation Commission each 2 weeks during open season  
 7838 a report showing number and kind of hides bought and name of  
 7839 trapper from whom bought and the trapper's license number, or if  
 7840 trapper is exempt from license under any of the provisions of  
 7841 this chapter, such report shall show the nature of such  
 7842 exemption. A common carrier may not knowingly ship or transport  
 7843 or receive for transportation any hides or furs unless such  
 7844 shipments have marked thereon name of shipper and the number of  
 7845 her or his fur-animal license or fur dealer's license.

7846 Section 149. Section 370.13, Florida Statutes, is  
 7847 renumbered as section 379.365, Florida Statutes, and amended to  
 7848 read:

7849 379.365 ~~370.13~~ Stone crab; regulation.--

7850 (1) FEES AND EQUITABLE RENT.--

7851 (a) Endorsement fee.--The fee for a stone crab endorsement  
 7852 for the taking of stone crabs, as required by rule of the Fish  
 7853 and Wildlife Conservation Commission, is \$125, \$25 of which must  
 7854 be used solely for trap retrieval under s. 379.2424 ~~370.143~~.

7855 (b) Certificate fees.--

7856 1. For each trap certificate issued by the commission  
 7857 under the requirements of the stone crab trap limitation program

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7858 established by commission rule, there is an annual fee of 50  
7859 cents per certificate. Replacement tags for lost or damaged tags  
7860 cost 50 cents each plus the cost of shipping. In the event of a  
7861 major natural disaster, such as a hurricane or major storm, that  
7862 causes massive trap losses within an area declared by the  
7863 Governor to be a disaster emergency area, the commission may  
7864 temporarily defer or waive replacement tag fees.

7865 2. The fee for transferring trap certificates is \$1 per  
7866 certificate transferred, except that the fee for eligible crew  
7867 members is 50 cents per certificate transferred. Eligible crew  
7868 members shall be determined according to criteria established by  
7869 rule of the commission. Payment must be made by money order or  
7870 cashier's check, submitted with the certificate transfer form  
7871 developed by the commission.

7872 3. In addition to the transfer fee, a surcharge of \$1 per  
7873 certificate transferred, or 25 percent of the actual value of  
7874 the transferred certificate, whichever is greater, will be  
7875 assessed the first time a certificate is transferred outside the  
7876 original holder's immediate family.

7877 4. Transfer fees and surcharges only apply to the actual  
7878 number of certificates received by the purchaser. A transfer of  
7879 a certificate is not effective until the commission receives a  
7880 notarized copy of the bill of sale as proof of the actual value  
7881 of the transferred certificate or certificates, which must also  
7882 be submitted with the transfer form and payment.

7883 5. A transfer fee will not be assessed or required when  
7884 the transfer is within a family as a result of the death or



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7885 disability of the certificate owner. A surcharge will not be  
7886 assessed for any transfer within an individual's immediate  
7887 family.

7888 (c) Incidental take endorsement.--The cost of an  
7889 incidental take endorsement, as established by commission rule,  
7890 is \$25.

7891 (d) Equitable rent.--The commission may establish by rule  
7892 an amount of equitable rent per trap certificate that may be  
7893 recovered as partial compensation to the state for the enhanced  
7894 access to its natural resources. In determining whether to  
7895 establish such a rent and the amount thereof, the commission may  
7896 consider the amount of revenues annually generated by  
7897 endorsement fees, trap certificate fees, transfer fees,  
7898 surcharges, replacement trap tag fees, trap retrieval fees,  
7899 incidental take endorsement fees, and the continued economic  
7900 viability of the commercial stone crab industry. A rule  
7901 establishing an amount of equitable rent shall become effective  
7902 only after approval by the Legislature.

7903 (e) Disposition of fees, surcharges, civil penalties and  
7904 fines, and equitable rent.--Endorsement fees, trap certificate  
7905 fees, transfer fees, civil penalties and fines, surcharges,  
7906 replacement trap tag fees, trap retrieval fees, incidental take  
7907 endorsement fees, and equitable rent, if any, must be deposited  
7908 in the Marine Resources Conservation Trust Fund. Up to 50  
7909 percent of the revenues generated under this section may be used  
7910 for operation and administration of the stone crab trap  
7911 limitation program. All remaining revenues so generated must be

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7912 used for trap retrieval, management of the stone crab fishery,  
7913 public education activities, evaluation of the impact of trap  
7914 reductions on the stone crab fishery, and enforcement activities  
7915 in support of the stone crab trap limitation program.

7916 (f) Program to be self-supporting.--The stone crab trap  
7917 limitation program is intended to be a self-supporting program  
7918 funded from proceeds generated under this section.

7919 (g) No vested rights.--The stone crab trap limitation  
7920 program does not create any vested rights for endorsement or  
7921 certificateholders and may be altered or terminated by the  
7922 commission as necessary to protect the stone crab resource, the  
7923 participants in the fishery, or the public interest.

7924 (2) PENALTIES.--For purposes of this subsection,  
7925 conviction is any disposition other than acquittal or dismissal,  
7926 regardless of whether the violation was adjudicated under any  
7927 state or federal law.

7928 (a) It is unlawful to violate commission rules regulating  
7929 stone crab trap certificates and trap tags. No person may use an  
7930 expired tag or a stone crab trap tag not issued by the  
7931 commission or possess or use a stone crab trap in or on state  
7932 waters or adjacent federal waters without having a trap tag  
7933 required by the commission firmly attached thereto.

7934 1. In addition to any other penalties provided in s.  
7935 379.407 ~~370.021~~, for any commercial harvester who violates this  
7936 paragraph, the following administrative penalties apply.

7937 a. For a first violation, the commission shall assess an  
7938 administrative penalty of up to \$1,000.

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7939           b. For a second violation that occurs within 24 months of  
 7940 any previous such violation, the commission shall assess an  
 7941 administrative penalty of up to \$2,000 and the stone crab  
 7942 endorsement under which the violation was committed may be  
 7943 suspended for 12 calendar months.

7944           c. For a third violation that occurs within 36 months of  
 7945 any previous two such violations, the commission shall assess an  
 7946 administrative penalty of up to \$5,000 and the stone crab  
 7947 endorsement under which the violation was committed may be  
 7948 suspended for 24 calendar months.

7949           d. A fourth violation that occurs within 48 months of any  
 7950 three previous such violations, shall result in permanent  
 7951 revocation of all of the violator's saltwater fishing  
 7952 privileges, including having the commission proceed against the  
 7953 endorsement holder's saltwater products license in accordance  
 7954 with s. 379.407 ~~370.021~~.

7955           2. Any other person who violates the provisions of this  
 7956 paragraph commits a Level Two violation under s. 379.400 ~~372.83~~.

7957  
 7958 Any commercial harvester assessed an administrative penalty  
 7959 under this paragraph shall, within 30 calendar days after  
 7960 notification, pay the administrative penalty to the commission,  
 7961 or request an administrative hearing under ss. 120.569 and  
 7962 120.57. The proceeds of all administrative penalties collected  
 7963 under this paragraph shall be deposited in the Marine Resources  
 7964 Conservation Trust Fund.

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7965 (b) It is unlawful for any commercial harvester to remove  
 7966 the contents of another harvester's stone crab trap or take  
 7967 possession of such without the express written consent of the  
 7968 trap owner available for immediate inspection. Unauthorized  
 7969 possession of another's trap gear or removal of trap contents  
 7970 constitutes theft.

7971 1. Any commercial harvester convicted of theft of or from  
 7972 a trap pursuant to this subsection or s. 379.402 ~~370.1107~~ shall,  
 7973 in addition to the penalties specified in s. 379.407 ~~370.021~~ and  
 7974 the provisions of this section, permanently lose all saltwater  
 7975 fishing privileges, including saltwater products licenses, stone  
 7976 crab or incidental take endorsements, and all trap certificates  
 7977 allotted to such commercial harvester by the commission. In such  
 7978 cases, trap certificates and endorsements are nontransferable.

7979 2. In addition, any commercial harvester convicted of  
 7980 violating the prohibitions referenced in this paragraph shall  
 7981 also be assessed an administrative penalty of up to \$5,000.  
 7982 Immediately upon receiving a citation for a violation involving  
 7983 theft of or from a trap and until adjudicated for such a  
 7984 violation, or, upon receipt of a judicial disposition other than  
 7985 dismissal or acquittal on such a violation, the violator is  
 7986 prohibited from transferring any stone crab or spiny lobster  
 7987 certificates.

7988 3. Any other person who violates the provisions of this  
 7989 paragraph commits a Level Two violation under s. 379.400 ~~372.83~~.

7990 (c)1. It is unlawful to violate commission rules that  
 7991 prohibit any of the following:

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7992 a. The willful molestation of any stone crab trap, line,  
7993 or buoy that is the property of any licenseholder, without the  
7994 permission of that licenseholder.

7995 b. The bartering, trading, or sale, or conspiring or  
7996 aiding in such barter, trade, or sale, or supplying, agreeing to  
7997 supply, aiding in supplying, or giving away stone crab trap tags  
7998 or certificates unless the action is duly authorized by the  
7999 commission as provided by commission rules.

8000 c. The making, altering, forging, counterfeiting, or  
8001 reproducing of stone crab trap tags.

8002 d. Possession of forged, counterfeit, or imitation stone  
8003 crab trap tags.

8004 e. Engaging in the commercial harvest of stone crabs  
8005 during the time either of the endorsements is under suspension  
8006 or revocation.

8007 2. Any commercial harvester who violates this paragraph  
8008 commits a felony of the third degree, punishable as provided in  
8009 s. 775.082, s. 775.083, or s. 775.084.

8010 3. Any other person who violates this paragraph commits a  
8011 Level Four violation under s. 379.400 ~~372.83~~.

8012  
8013 In addition, any commercial harvester convicted of violating  
8014 this paragraph shall also be assessed an administrative penalty  
8015 of up to \$5,000, and the incidental take endorsement and/or the  
8016 stone crab endorsement under which the violation was committed  
8017 may be suspended for up to 24 calendar months. Immediately upon  
8018 receiving a citation involving a violation of this paragraph and

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8019 | until adjudicated for such a violation, or if convicted of such  
 8020 | a violation, the person, firm, or corporation committing the  
 8021 | violation is prohibited from transferring any stone crab  
 8022 | certificates or endorsements.

8023 |         (d) For any commercial harvester convicted of fraudulently  
 8024 | reporting the actual value of transferred stone crab  
 8025 | certificates, the commission may automatically suspend or  
 8026 | permanently revoke the seller's or the purchaser's stone crab  
 8027 | endorsements. If the endorsement is permanently revoked, the  
 8028 | commission shall also permanently deactivate the endorsement  
 8029 | holder's stone crab certificate accounts. Whether an endorsement  
 8030 | is suspended or revoked, the commission may also levy a fine  
 8031 | against the holder of the endorsement of up to twice the  
 8032 | appropriate surcharge to be paid based on the fair market value  
 8033 | of the transferred certificates.

8034 |         (e) During any period of suspension or revocation of an  
 8035 | endorsement holder's endorsement, he or she shall remove all  
 8036 | traps subject to that endorsement from the water within 15 days  
 8037 | after notice provided by the commission. Failure to do so will  
 8038 | extend the period of suspension or revocation for an additional  
 8039 | 6 calendar months.

8040 |         (f) An endorsement will not be renewed until all fees and  
 8041 | administrative penalties imposed under this section are paid.

8042 |         (3) DEPREDATION PERMITS.--The Fish and Wildlife  
 8043 | Conservation Commission shall issue a depredation permit upon  
 8044 | request to any marine aquaculture producer, as defined in s.  
 8045 | 379.2523 ~~370.26~~, engaged in the culture of shellfish, which

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8046 shall entitle the aquaculture producer to possess and use up to  
 8047 75 stone crab traps and up to 75 blue crab traps for the sole  
 8048 purpose of taking destructive or nuisance stone crabs or blue  
 8049 crabs within 1 mile of the producer's aquaculture shellfish  
 8050 beds. Stone crabs or blue crabs taken under this subsection may  
 8051 not be sold, bartered, exchanged, or offered for sale, barter,  
 8052 or exchange.

8053 ~~(4) For the 2006-2007 fiscal year only, the trap tag fees~~  
 8054 ~~required by this section shall be waived by the commission. This~~  
 8055 ~~subsection expires July 1, 2007.~~

8056 Section 150. Section 370.135, Florida Statutes, is  
 8057 renumbered as section 379.366, Florida Statutes, and amended to  
 8058 read:

8059 379.366 ~~370.135~~ Blue crab; regulation.--

8060 (1) No commercial harvester shall transport on the water,  
 8061 fish with or cause to be fished with, set, or place any trap  
 8062 designed for taking blue crabs unless such commercial harvester  
 8063 holds a valid saltwater products license and restricted species  
 8064 endorsement issued under s. 379.360 ~~370.06~~ and a blue crab  
 8065 endorsement issued under this section. Each trap shall have the  
 8066 harvester's blue crab endorsement number permanently affixed to  
 8067 it. Each buoy attached to such a trap shall also have the  
 8068 harvester's blue crab endorsement number permanently attached to  
 8069 the buoy. The blue crab endorsement number shall be affixed in  
 8070 legible figures at least 2 inches high on each buoy used. The  
 8071 saltwater products license must be on board the boat, and both  
 8072 the license and the crabs shall be subject to inspection at all

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8073 times. This subsection shall not apply to an individual fishing  
8074 with no more than five traps.

8075 (2) No person shall harvest blue crabs with more than five  
8076 traps, harvest blue crabs in commercial quantities, or sell blue  
8077 crabs unless such person holds a valid saltwater products  
8078 license with a restricted species endorsement issued under s.  
8079 379.360 ~~370.06~~ and a blue crab endorsement issued under this  
8080 section.

8081 (a) In the event of the death or disability of a person  
8082 holding an active blue crab endorsement, the endorsement may be  
8083 transferred by the person to a member of his or her immediate  
8084 family or may be renewed by any person so designated by the  
8085 executor of the person's estate.

8086 (b) A commercial harvester who holds a saltwater products  
8087 license and a blue crab endorsement that is issued to the  
8088 commercial harvester's vessel registration number and who  
8089 replaces an existing vessel with a new vessel may transfer the  
8090 existing blue crab endorsement to the saltwater products license  
8091 of the new vessel.

8092 (3) (a) Endorsement fees.--

8093 1. The fee for a hard-shell blue crab endorsement for the  
8094 taking of hard-shell blue crabs, as authorized by rule of the  
8095 commission, is \$125, \$25 of which must be used solely for the  
8096 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and  
8097 in commission rules.

8098 2. The fee for a soft-shell blue crab endorsement for the  
8099 taking of soft-shell blue crabs, as authorized by rule of the



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8100 commission, is \$250, \$25 of which must be used solely for the  
8101 trap retrieval program authorized under s. 379.2424 ~~370.143~~ and  
8102 in commission rules.

8103 3. The fee for a nontransferable hard-shell blue crab  
8104 endorsement for the taking of hard-shell blue crabs, as  
8105 authorized by rule of the commission, is \$125, \$25 of which must  
8106 be used solely for the trap retrieval program authorized under  
8107 s. 379.2424 ~~370.143~~ and in commission rules.

8108 4. The fee for an incidental take blue crab endorsement  
8109 for the taking of blue crabs as bycatch in shrimp trawls and  
8110 stone crab traps is \$25, as authorized in commission rules.

8111 (b) Trap tag fees.--The annual fee for each trap tag  
8112 issued by the commission under the requirements of the blue crab  
8113 effort management program established by rule of the commission  
8114 is 50 cents per tag. The fee for replacement tags for lost or  
8115 damaged tags is 50 cents per tag plus the cost of shipping. In  
8116 the event of a major natural disaster, such as a hurricane or  
8117 major storm, that causes massive trap losses within an area  
8118 declared by the Governor to be a disaster emergency area, the  
8119 commission may temporarily defer or waive replacement tag fees.

8120 (c) Equitable rent.--The commission may establish by rule  
8121 an amount of equitable rent that may be recovered as partial  
8122 compensation to the state for the enhanced access to its natural  
8123 resources. In determining whether to establish such a rent and  
8124 the amount thereof, the commission may consider the amount of  
8125 revenues annually generated by endorsement fees, trap tag fees,  
8126 replacement trap tag fees, trap retrieval fees, and the

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8127 continued economic viability of the commercial blue crab  
8128 industry. A rule establishing an amount of equitable rent shall  
8129 become effective only upon approval by act of the Legislature.

8130 (d) Disposition of moneys generated from fees and  
8131 administrative penalties.--Moneys generated from the sale of  
8132 blue crab endorsements, trap tags, and replacement trap tags or  
8133 from the assessment of administrative penalties by the  
8134 commission under this section shall be deposited into the Marine  
8135 Resources Conservation Trust Fund. Up to 50 percent of the  
8136 moneys generated from the sale of endorsements and trap tags and  
8137 the assessment of administrative penalties may be used for the  
8138 operation and administration of the blue crab effort management  
8139 program. The remaining moneys generated from the sale of  
8140 endorsements and trap tags and the assessment of administrative  
8141 penalties may be used for trap retrieval; management of the blue  
8142 crab fishery; and public education activities, research, and  
8143 enforcement activities in support of the blue crab effort  
8144 management program.

8145 (e) Waiver of fees.--For the 2007-2008 license year, the  
8146 commission shall waive all fees under this subsection for all  
8147 persons who qualify by September 30, 2007, to participate in the  
8148 blue crab effort management program established by commission  
8149 rule.

8150 (4) (a) Untagged trap penalties.--By July 1, 2008, the  
8151 commission shall adopt by rule the administrative penalties  
8152 authorized by this subsection. In addition to any other  
8153 penalties provided in s. 379.407 ~~370.021~~ for any blue crab

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8154 endorsement holder who violates commission rules requiring the  
8155 placement of trap tags for traps used for the directed harvest  
8156 of blue crabs, the following administrative penalties apply:

8157 1. For a first violation, the commission shall assess an  
8158 administrative penalty of up to \$1,000.

8159 2. For a second violation that occurs within 24 months  
8160 after any previous such violation, the commission shall assess  
8161 an administrative penalty of up to \$2,000, and the blue crab  
8162 endorsement holder's blue crab fishing privileges may be  
8163 suspended for 12 calendar months.

8164 3. For a third violation that occurs within 36 months  
8165 after any two previous such violations, the commission shall  
8166 assess an administrative penalty of up to \$5,000, and the blue  
8167 crab endorsement holder's blue crab fishing privileges may be  
8168 suspended for 24 calendar months.

8169 4. A fourth violation that occurs within 48 months after  
8170 any three previous such violations shall result in permanent  
8171 revocation of all of the violator's saltwater fishing  
8172 privileges, including having the commission proceed against the  
8173 endorsement holder's saltwater products license in accordance  
8174 with s. 379.407 ~~370.021~~.

8175  
8176 Any blue crab endorsement holder assessed an administrative  
8177 penalty under this paragraph shall, within 30 calendar days  
8178 after notification, pay the administrative penalty to the  
8179 commission or request an administrative hearing under ss.  
8180 120.569 and 120.57.

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8181 (b) Trap theft; prohibitions and penalties.--It is  
8182 unlawful for any person to remove or take possession of the  
8183 contents of another harvester's blue crab trap without the  
8184 express written consent of the trap owner, which must be  
8185 available for immediate inspection. Unauthorized possession of  
8186 another harvester's blue crab trap gear or removal of trap  
8187 contents constitutes theft.

8188 1. Any commercial harvester receiving a judicial  
8189 disposition other than dismissal or acquittal on a charge of  
8190 theft of or from a trap as prohibited by this paragraph shall,  
8191 in addition to the penalties specified in s. 379.407 ~~370.021~~ and  
8192 this section, permanently lose all saltwater fishing privileges,  
8193 including any saltwater products licenses, blue crab  
8194 endorsements, and blue crab trap tags allotted to him or her by  
8195 the commission. In such cases, endorsements are nontransferable.

8196 2. In addition, any commercial harvester receiving a  
8197 judicial disposition other than dismissal or acquittal for  
8198 violating this paragraph shall also be assessed an  
8199 administrative penalty of up to \$5,000. Immediately upon receipt  
8200 of a citation for a violation involving theft of or from a trap  
8201 and until adjudicated for such a violation, or upon receipt of a  
8202 judicial disposition other than dismissal or acquittal for such  
8203 a violation, the commercial harvester committing the violation  
8204 is prohibited from transferring any blue crab endorsements.

8205 3. A commercial harvester who violates this paragraph  
8206 shall be punished under s. 379.407 ~~370.021~~. Any other person who

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8207 violates this paragraph commits a Level Two violation under s.  
 8208 379.400 ~~372.83~~.

8209 (c) Criminal activities prohibited.--

8210 1. It is unlawful for any commercial harvester or any  
 8211 other person to:

8212 a. Willfully molest any blue crab trap, line, or buoy that  
 8213 is the property of any licenseholder without the permission of  
 8214 that licenseholder.

8215 b. Barter, trade, lease, or sell a blue crab trap tag or  
 8216 conspire or aid in such barter, trade, lease, or sale unless  
 8217 duly authorized by commission rules.

8218 c. Supply, agree to supply, aid in supplying, or give away  
 8219 a blue crab trap tag unless duly authorized by commission rules.

8220 d. Make, alter, forge, counterfeit, or reproduce a blue  
 8221 crab trap tag.

8222 e. Possess an altered, forged, counterfeit, or imitation  
 8223 blue crab trap tag.

8224 f. Possess a number of original trap tags or replacement  
 8225 trap tags, the sum of which exceeds by 1 percent the number of  
 8226 traps allowed by commission rules.

8227 g. Engage in the commercial harvest of blue crabs while  
 8228 the blue crab endorsements of the licenseholder are under  
 8229 suspension or revocation.

8230 2. Immediately upon receiving a citation involving a  
 8231 violation of this paragraph and until adjudicated for such a  
 8232 violation, a commercial harvester is prohibited from  
 8233 transferring any blue crab endorsement.

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8234 3. A commercial harvester convicted of violating this  
8235 paragraph commits a felony of the third degree, punishable as  
8236 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be  
8237 assessed an administrative penalty of up to \$5,000, and is  
8238 immediately prohibited from transferring any blue crab  
8239 endorsement. All blue crab endorsements issued to a commercial  
8240 harvester convicted of violating this paragraph may be suspended  
8241 for up to 24 calendar months.

8242 4. Any other person convicted of violating this paragraph  
8243 commits a Level Four violation under s. 379.400 ~~372.83~~.

8244 (d) Endorsement transfers; fraudulent reports;  
8245 penalties.--For a commercial harvester convicted of fraudulently  
8246 reporting the actual value of transferred blue crab  
8247 endorsements, the commission may automatically suspend or  
8248 permanently revoke the seller's or the purchaser's blue crab  
8249 endorsements. If the endorsement is permanently revoked, the  
8250 commission shall also permanently deactivate the endorsement  
8251 holder's blue crab trap tag accounts.

8252 (e) Prohibitions during endorsement suspension and  
8253 revocation.--During any period of suspension or after revocation  
8254 of a blue crab endorsement holder's endorsements, he or she  
8255 shall, within 15 days after notice provided by the commission,  
8256 remove from the water all traps subject to that endorsement.  
8257 Failure to do so shall extend the period of suspension for an  
8258 additional 6 calendar months.

8259 (5) For purposes of this section, a conviction is any  
8260 disposition other than acquittal or dismissal.

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8261 (6) A blue crab endorsement may not be renewed until all  
 8262 fees and administrative penalties imposed under this section are  
 8263 paid.

8264 (7) Subsections (3), (4), (5), and (6) shall expire on  
 8265 July 1, 2009, unless reenacted by the Legislature during the  
 8266 2009 Regular Session.

8267 Section 151. Section 370.14, Florida Statutes, is  
 8268 renumbered as section 379.367, Florida Statutes, and amended to  
 8269 read:

8270 379.367 ~~370.14~~ Spiny lobster; regulation.--

8271 (1) It is the intent of the Legislature to maintain the  
 8272 spiny lobster industry for the economy of the state and to  
 8273 conserve the stocks supplying this industry. The provisions of  
 8274 this act regulating the taking of spiny lobster are for the  
 8275 purposes of ensuring and maintaining the highest possible  
 8276 production of spiny lobster.

8277 (2)(a)1. Each commercial harvester taking or attempting to  
 8278 take spiny lobster with a trap in commercial quantities or for  
 8279 commercial purposes shall obtain and exhibit a spiny lobster  
 8280 endorsement number, as required by the Fish and Wildlife  
 8281 Conservation Commission. The annual fee for a spiny lobster  
 8282 endorsement is \$125. This endorsement may be issued by the  
 8283 commission upon the receipt of application by the commercial  
 8284 harvester when accompanied by the payment of the fee. The design  
 8285 of the applications and of the trap tag shall be determined by  
 8286 the commission. Any trap or device used in taking or attempting  
 8287 to take spiny lobster, other than a trap with the endorsement

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8288 number, shall be seized and destroyed by the commission. The  
 8289 proceeds of the fees imposed by this paragraph shall be  
 8290 deposited and used as provided in paragraph (b). The commission  
 8291 may adopt rules to carry out the intent of this section.

8292 2. Each commercial harvester taking or attempting to take  
 8293 spiny lobster in commercial quantities or for commercial  
 8294 purposes by any method, other than with a trap having a spiny  
 8295 lobster endorsement number issued by the commission, must pay an  
 8296 annual fee of \$100.

8297 (b) Twenty-five dollars of the \$125 fee for a spiny  
 8298 lobster endorsement required under subparagraph (a)1. must be  
 8299 used only for trap retrieval as provided in s. 379.2424 ~~370.143~~.  
 8300 The remainder of the fees collected under paragraph (a) shall be  
 8301 deposited as follows:

8302 1. Fifty percent of the fees collected shall be deposited  
 8303 in the Marine Resources Conservation Trust Fund for use in  
 8304 enforcing the provisions of paragraph (a) through aerial and  
 8305 other surveillance and trap retrieval.

8306 2. Fifty percent of the fees collected shall be deposited  
 8307 as provided in s. 379.3671(5) ~~370.142(5)~~.

8308 (3) The spiny lobster endorsement must be on board the  
 8309 boat, and both the endorsement and the harvested spiny lobster  
 8310 shall be subject to inspection at all times. Only one  
 8311 endorsement shall be issued for each boat. The spiny lobster  
 8312 endorsement number must be prominently displayed above the  
 8313 topmost portion of the boat so as to be easily and readily  
 8314 identified.



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8315 (4) (a) It is unlawful for any person willfully to molest  
8316 any spiny lobster traps, lines, or buoys belonging to another  
8317 without permission of the licenseholder.

8318 (b) A commercial harvester who violates this subsection  
8319 commits a felony of the third degree, punishable as provided in  
8320 s. 775.082 or s. 775.083. Any other person who violates this  
8321 subsection commits a Level Four violation under s. 379.400  
8322 ~~372.83~~.

8323 (5) Any spiny lobster licenseholder, upon selling licensed  
8324 spiny lobster traps, shall furnish the commission notice of such  
8325 sale of all or part of his or her interest within 15 days  
8326 thereof. Any holder of said license shall also notify the  
8327 commission within 15 days if his or her address no longer  
8328 conforms to the address appearing on the license and shall, as a  
8329 part of such notification, furnish the commission with his or  
8330 her new address.

8331 (6) (a) By a special permit granted by the commission, a  
8332 Florida-licensed seafood dealer may lawfully import, process,  
8333 and package spiny lobster or uncooked tails of the species  
8334 *Panulirus argus* during the closed season. However, spiny lobster  
8335 landed under special permit shall not be sold in the state.

8336 (b) The licensed seafood dealer importing any such spiny  
8337 lobster under the permit shall, 12 hours prior to the time the  
8338 seagoing vessel or airplane delivering such imported spiny  
8339 lobster enters the state, notify the commission as to the  
8340 seagoing vessel's name or the airplane's registration number and  
8341 its captain, location, and point of destination.

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8342 (c) At the time the spiny lobster cargo is delivered to  
8343 the permit holder's place of business, the spiny lobster cargo  
8344 shall be weighed and shall be available for inspection by the  
8345 commission. A signed receipt of such quantity in pounds shall be  
8346 forwarded to the commission within 48 hours after shipment  
8347 weigh-in completion. If requested by the commission, the weigh-  
8348 in process will be delayed up to 4 hours to allow for a  
8349 commission representative to be present during the process.

8350 (d) Within 48 hours after shipment weigh-in completion,  
8351 the permit holder shall submit to the commission, on forms  
8352 provided by the commission, a sworn report of the quantity in  
8353 pounds of the spiny lobster received, which report shall include  
8354 the location of said spiny lobster and a sworn statement that  
8355 said spiny lobster were taken at least 50 miles from Florida's  
8356 shoreline. The landing of spiny lobster or spiny lobster tails  
8357 from which the eggs, swimmerettes, or pleopods have been  
8358 removed; the falsification of information as to area from which  
8359 spiny lobster were obtained; or the failure to file the report  
8360 called for in this section shall be grounds to revoke the  
8361 permit.

8362 (e) Each permit holder shall keep throughout the period of  
8363 the closed season copies of the bill of sale or invoices  
8364 covering each transaction involving spiny lobster imported under  
8365 this permit. Such invoices and bills shall be kept available at  
8366 all times for inspection by the commission.

8367 (7) (a) A Florida-licensed seafood dealer may obtain a  
8368 special permit to import, process, and package uncooked tails of

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8369 spiny lobster upon the payment of the sum of \$100 to the  
8370 commission.

8371 (b) A special permit must be obtained by any airplane or  
8372 seagoing vessel other than a common carrier used to transport  
8373 spiny lobster or spiny lobster tails for purchase by licensed  
8374 seafood dealers for purposes as provided herein upon the payment  
8375 of \$50.

8376 (c) All special permits issued under this subsection are  
8377 nontransferable.

8378 (8) No common carrier or employee of said carrier may  
8379 carry, knowingly receive for carriage, or permit the carriage of  
8380 any spiny lobster of the species *Panulirus argus*, regardless of  
8381 where taken, during the closed season, except of the species  
8382 *Panulirus argus* lawfully imported from a foreign country for  
8383 reshipment outside of the territorial limits of the state under  
8384 United States Customs bond or in accordance with paragraph  
8385 (7) (a).

8386 Section 152. Section 370.142, Florida Statutes, is  
8387 renumbered as section 379.3671, Florida Statutes, and amended to  
8388 read:

8389 379.3671 ~~370.142~~ Spiny lobster trap certificate program.--

8390 (1) INTENT.--Due to rapid growth, the spiny lobster  
8391 fishery is experiencing increased congestion and conflict on the  
8392 water, excessive mortality of undersized lobsters, a declining  
8393 yield per trap, and public concern over petroleum and debris  
8394 pollution from existing traps. In an effort to solve these and  
8395 related problems, the Legislature intends to develop pursuant to

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8396 the provisions of this section a spiny lobster trap certificate  
8397 program, the principal goal of which is to stabilize the fishery  
8398 by reducing the total number of traps, which should increase the  
8399 yield per trap and therefore maintain or increase overall catch  
8400 levels. The Legislature seeks to preserve as much flexibility in  
8401 the program as possible for the fishery's various constituents  
8402 and ensure that any reduction in total trap numbers will be  
8403 proportioned equally on a percentage basis among all users of  
8404 traps in the fishery.

8405 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
8406 PENALTIES.--The Fish and Wildlife Conservation Commission shall  
8407 establish a trap certificate program for the spiny lobster  
8408 fishery of this state and shall be responsible for its  
8409 administration and enforcement as follows:

8410 (a) Transferable trap certificates.--Each holder of a  
8411 saltwater products license who uses traps for taking or  
8412 attempting to take spiny lobsters shall be required to have a  
8413 certificate on record for each trap possessed or used therefor,  
8414 except as otherwise provided in this section.

8415 1. Trap certificates are transferable on a market basis  
8416 and may be transferred from one licenseholder to another for a  
8417 fair market value agreed upon between the transferor and  
8418 transferee. Each such transfer shall, within 72 hours thereof,  
8419 be recorded on a notarized form provided for that purpose by the  
8420 Fish and Wildlife Conservation Commission and hand delivered or  
8421 sent by certified mail, return receipt requested, to the  
8422 commission for recordkeeping purposes. In order to cover the

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8423 added administrative costs of the program and to recover an  
8424 equitable natural resource rent for the people of the state, a  
8425 transfer fee of \$2 per certificate transferred shall be assessed  
8426 against the purchasing licenseholder and sent by money order or  
8427 cashier's check with the certificate transfer form. Also, in  
8428 addition to the transfer fee, a surcharge of \$5 per certificate  
8429 transferred or 25 percent of the actual market value, whichever  
8430 is greater, given to the transferor shall be assessed the first  
8431 time a certificate is transferred outside the original  
8432 transferor's immediate family. No transfer of a certificate  
8433 shall be effective until the commission receives the notarized  
8434 transfer form and the transfer fee, including any surcharge, is  
8435 paid. The commission may establish by rule an amount of  
8436 equitable rent per trap certificate that shall be recovered as  
8437 partial compensation to the state for the enhanced access to its  
8438 natural resources. A rule establishing an amount of equitable  
8439 rent shall become effective only after approval by the  
8440 Legislature. In determining whether to establish such a rent  
8441 and, if so, the amount thereof, the commission shall consider  
8442 the amount of revenues annually generated by certificate fees,  
8443 transfer fees, surcharges, trap license fees, and sales taxes,  
8444 the demonstrated fair market value of transferred certificates,  
8445 and the continued economic viability of the commercial lobster  
8446 industry. All proceeds of equitable rent recovered shall be  
8447 deposited in the Marine Resources Conservation Trust Fund and  
8448 used by the commission for research, management, and protection  
8449 of the spiny lobster fishery and habitat. A transfer fee may not

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8450 be assessed or required when the transfer is within a family as  
8451 a result of the death or disability of the certificate owner. A  
8452 surcharge will not be assessed for any transfer within an  
8453 individual's immediate family.

8454 2. No person, firm, corporation, or other business entity  
8455 may control, directly or indirectly, more than 1.5 percent of  
8456 the total available certificates in any license year.

8457 3. The commission shall maintain records of all  
8458 certificates and their transfers and shall annually provide each  
8459 licenseholder with a statement of certificates held.

8460 4. The number of trap tags issued annually to each  
8461 licenseholder shall not exceed the number of certificates held  
8462 by the licenseholder at the time of issuance, and such tags and  
8463 a statement of certificates held shall be issued simultaneously.

8464 5. It is unlawful for any person to lease spiny lobster  
8465 trap tags or certificates.

8466 (b) Trap tags.--Each trap used to take or attempt to take  
8467 spiny lobsters in state waters or adjacent federal waters shall,  
8468 in addition to the spiny lobster endorsement number required by  
8469 s. 379.367(2) ~~370.14(2)~~, have affixed thereto an annual trap tag  
8470 issued by the commission. Each such tag shall be made of durable  
8471 plastic or similar material and shall, based on the number of  
8472 certificates held, have stamped thereon the owner's license  
8473 number. To facilitate enforcement and recordkeeping, such tags  
8474 shall be issued each year in a color different from that of each  
8475 of the previous 3 years. The annual certificate fee shall be \$1  
8476 per certificate. Replacement tags for lost or damaged tags may

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8477 be obtained as provided by rule of the commission. In the event  
8478 of a major natural disaster, such as a hurricane or major storm,  
8479 that causes massive trap losses within an area declared by the  
8480 Governor to be a disaster emergency area, the commission may  
8481 temporarily defer or waive replacement tag fees.

8482 (c) Prohibitions; penalties.--

8483 1. It is unlawful for a person to possess or use a spiny  
8484 lobster trap in or on state waters or adjacent federal waters  
8485 without having affixed thereto the trap tag required by this  
8486 section. It is unlawful for a person to possess or use any other  
8487 gear or device designed to attract and enclose or otherwise aid  
8488 in the taking of spiny lobster by trapping that is not a trap as  
8489 defined by commission rule.

8490 2. It is unlawful for a person to possess or use spiny  
8491 lobster trap tags without having the necessary number of  
8492 certificates on record as required by this section.

8493 3. It is unlawful for any person to willfully molest, take  
8494 possession of, or remove the contents of another harvester's  
8495 spiny lobster trap without the express written consent of the  
8496 trap owner available for immediate inspection. Unauthorized  
8497 possession of another's trap gear or removal of trap contents  
8498 constitutes theft.

8499 a. A commercial harvester who violates this subparagraph  
8500 shall be punished under ss. 379.367 and 379.407 ~~370.021 and~~  
8501 ~~370.14~~. Any commercial harvester receiving a judicial  
8502 disposition other than dismissal or acquittal on a charge of  
8503 theft of or from a trap pursuant to this subparagraph or s.

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8504 379.402 ~~370.1107~~ shall, in addition to the penalties specified  
 8505 in ss. 379.367 and 379.407 ~~370.021 and 370.14~~ and the provisions  
 8506 of this section, permanently lose all his or her saltwater  
 8507 fishing privileges, including his or her saltwater products  
 8508 license, spiny lobster endorsement, and all trap certificates  
 8509 allotted to him or her through this program. In such cases, trap  
 8510 certificates and endorsements are nontransferable.

8511       b. Any commercial harvester receiving a judicial  
 8512 disposition other than dismissal or acquittal on a charge of  
 8513 willful molestation of a trap, in addition to the penalties  
 8514 specified in ss. 379.367 and 379.407 ~~370.021 and 370.14~~, shall  
 8515 lose all saltwater fishing privileges for a period of 24  
 8516 calendar months.

8517       c. In addition, any commercial harvester charged with  
 8518 violating this subparagraph and receiving a judicial disposition  
 8519 other than dismissal or acquittal for violating this  
 8520 subparagraph or s. 379.402 ~~370.1107~~ shall also be assessed an  
 8521 administrative penalty of up to \$5,000.

8522  
 8523 Immediately upon receiving a citation for a violation involving  
 8524 theft of or from a trap, or molestation of a trap, and until  
 8525 adjudicated for such a violation or, upon receipt of a judicial  
 8526 disposition other than dismissal or acquittal of such a  
 8527 violation, the commercial harvester committing the violation is  
 8528 prohibited from transferring any spiny lobster trap certificates  
 8529 and endorsements.



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8530 4. In addition to any other penalties provided in s.  
8531 379.407 ~~370.021~~, a commercial harvester who violates the  
8532 provisions of this section or commission rules relating to spiny  
8533 lobster traps shall be punished as follows:

8534 a. If the first violation is for violation of subparagraph  
8535 1. or subparagraph 2., the commission shall assess an additional  
8536 administrative penalty of up to \$1,000. For all other first  
8537 violations, the commission shall assess an additional  
8538 administrative penalty of up to \$500.

8539 b. For a second violation of subparagraph 1. or  
8540 subparagraph 2. which occurs within 24 months of any previous  
8541 such violation, the commission shall assess an additional  
8542 administrative penalty of up to \$2,000 and the spiny lobster  
8543 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~  
8544 may be suspended for the remainder of the current license year.

8545 c. For a third or subsequent violation of subparagraph 1.,  
8546 subparagraph 2., or subparagraph 3. which occurs within 36  
8547 months of any previous two such violations, the commission shall  
8548 assess an additional administrative penalty of up to \$5,000 and  
8549 may suspend the spiny lobster endorsement issued under s.  
8550 379.367(2) or (6) ~~370.14(2) or (6)~~ for a period of up to 24  
8551 months or may revoke the spiny lobster endorsement and, if  
8552 revoking the spiny lobster endorsement, may also proceed against  
8553 the licenseholder's saltwater products license in accordance  
8554 with the provisions of s. 379.407(2)(h) ~~370.021(2)(h)~~.

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8555 d. Any person assessed an additional administrative  
8556 penalty pursuant to this section shall within 30 calendar days  
8557 after notification:

8558 (I) Pay the administrative penalty to the commission; or

8559 (II) Request an administrative hearing pursuant to the  
8560 provisions of ss. 120.569 and 120.57.

8561 e. The commission shall suspend the spiny lobster  
8562 endorsement issued under s. 379.367(2) or (6) ~~370.14(2) or (6)~~  
8563 for any person failing to comply with the provisions of sub-  
8564 subparagraph d.

8565 5.a. It is unlawful for any person to make, alter, forge,  
8566 counterfeit, or reproduce a spiny lobster trap tag or  
8567 certificate.

8568 b. It is unlawful for any person to knowingly have in his  
8569 or her possession a forged, counterfeit, or imitation spiny  
8570 lobster trap tag or certificate.

8571 c. It is unlawful for any person to barter, trade, sell,  
8572 supply, agree to supply, aid in supplying, or give away a spiny  
8573 lobster trap tag or certificate or to conspire to barter, trade,  
8574 sell, supply, aid in supplying, or give away a spiny lobster  
8575 trap tag or certificate unless such action is duly authorized by  
8576 the commission as provided in this chapter or in the rules of  
8577 the commission.

8578 6.a. Any commercial harvester who violates the provisions  
8579 of subparagraph 5., or any commercial harvester who engages in  
8580 the commercial harvest, trapping, or possession of spiny lobster  
8581 without a spiny lobster endorsement as required by s. 379.367(2)

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8582 or (6) ~~370.14(2) or (6)~~ or during any period while such spiny  
8583 lobster endorsement is under suspension or revocation, commits a  
8584 felony of the third degree, punishable as provided in s.  
8585 775.082, s. 775.083, or s. 775.084.

8586 b. In addition to any penalty imposed pursuant to sub-  
8587 subparagraph a., the commission shall levy a fine of up to twice  
8588 the amount of the appropriate surcharge to be paid on the fair  
8589 market value of the transferred certificates, as provided in  
8590 subparagraph (a)1., on any commercial harvester who violates the  
8591 provisions of sub-subparagraph 5.c.

8592 c. In addition to any penalty imposed pursuant to sub-  
8593 subparagraph a., any commercial harvester receiving any judicial  
8594 disposition other than acquittal or dismissal for a violation of  
8595 subparagraph 5. shall be assessed an administrative penalty of  
8596 up to \$5,000, and the spiny lobster endorsement under which the  
8597 violation was committed may be suspended for up to 24 calendar  
8598 months. Immediately upon issuance of a citation involving a  
8599 violation of subparagraph 5. and until adjudication of such a  
8600 violation, and after receipt of any judicial disposition other  
8601 than acquittal or dismissal for such a violation, the commercial  
8602 harvester holding the spiny lobster endorsement listed on the  
8603 citation is prohibited from transferring any spiny lobster trap  
8604 certificates.

8605 d. Any other person who violates the provisions of  
8606 subparagraph 5. commits a Level Four violation under s. 379.400  
8607 ~~372.83~~.

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8608           7. Any certificates for which the annual certificate fee  
8609 is not paid for a period of 3 years shall be considered  
8610 abandoned and shall revert to the commission. During any period  
8611 of trap reduction, any certificates reverting to the commission  
8612 shall become permanently unavailable and be considered in that  
8613 amount to be reduced during the next license-year period.  
8614 Otherwise, any certificates that revert to the commission are to  
8615 be reallocated in such manner as provided by the commission.

8616           8. The proceeds of all administrative penalties collected  
8617 pursuant to subparagraph 4. and all fines collected pursuant to  
8618 sub-subparagraph 6.b. shall be deposited into the Marine  
8619 Resources Conservation Trust Fund.

8620           9. All traps shall be removed from the water during any  
8621 period of suspension or revocation.

8622           10. Except as otherwise provided, any person who violates  
8623 this paragraph commits a Level Two violation under s. 379.400  
8624 ~~372.83~~.

8625           (d) No vested rights.--The trap certificate program shall  
8626 not create vested rights in licenseholders whatsoever and may be  
8627 altered or terminated as necessary to protect the spiny lobster  
8628 resource, the participants in the fishery, or the public  
8629 interest.

8630           (3) TRAP REDUCTION.--The objective of the overall trap  
8631 certificate program is to reduce the number of traps used in the  
8632 spiny lobster fishery to the lowest number that will maintain or  
8633 increase overall catch levels, promote economic efficiency in  
8634 the fishery, and conserve natural resources. Therefore, the

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8635 Marine Fisheries Commission shall set an overall trap reduction  
8636 goal based on maintaining or maximizing a sustained harvest from  
8637 the spiny lobster fishery. To reach that goal, the Marine  
8638 Fisheries Commission shall, by July 1, 1992, set an annual trap  
8639 reduction schedule, not to exceed 10 percent per year,  
8640 applicable to all certificateholders until the overall trap  
8641 reduction goal is reached. All certificateholders shall have  
8642 their certificate holdings reduced by the same percentage of  
8643 certificates each year according to the trap reduction schedule.  
8644 Until July 1, 1999, the Department of Environmental Protection  
8645 shall issue the number of trap tags authorized by the Marine  
8646 Fisheries Commission, as requested, and a revised statement of  
8647 certificates held. Beginning July 1, 1999, the Fish and Wildlife  
8648 Conservation Commission shall annually issue the number of trap  
8649 tags authorized by the commission's schedule, as requested, and  
8650 a revised statement of certificates held. Certificateholders may  
8651 maintain or increase their total number of certificates held by  
8652 purchasing available certificates from within the authorized  
8653 total. The Fish and Wildlife Conservation Commission shall  
8654 provide for an annual evaluation of the trap reduction process  
8655 and shall suspend the annual percentage reductions for any  
8656 period deemed necessary by the commission in order to assess the  
8657 impact of the trap reduction schedule on the fishery. The Fish  
8658 and Wildlife Conservation Commission may then, by rule, resume,  
8659 terminate, or reverse the schedule as it deems necessary to  
8660 protect the spiny lobster resource and the participants in the  
8661 fishery.

8662 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS  
8663 BOARD.--There is hereby established the Trap Certificate  
8664 Technical Advisory and Appeals Board. Such board shall consider  
8665 and advise the commission on disputes and other problems arising  
8666 from the implementation of the spiny lobster trap certificate  
8667 program. The board may also provide information to the  
8668 commission on the operation of the trap certificate program.

8669 (a) The board shall consist of the executive director of  
8670 the commission or designee and nine other members appointed by  
8671 the executive director, according to the following criteria:

8672 1. All appointed members shall be certificateholders, but  
8673 two shall be holders of fewer than 100 certificates, two shall  
8674 be holders of at least 100 but no more than 750 certificates,  
8675 three shall be holders of more than 750 but not more than 2,000  
8676 certificates, and two shall be holders of more than 2,000  
8677 certificates.

8678 2. At least one member each shall come from Broward, Dade,  
8679 and Palm Beach Counties; and five members shall come from the  
8680 various regions of the Florida Keys.

8681 3. At least one appointed member shall be a person of  
8682 Hispanic origin capable of speaking English and Spanish.

8683 (b) The term of each appointed member shall be for 4  
8684 years, and any vacancy shall be filled for the balance of the  
8685 unexpired term with a person of the qualifications necessary to  
8686 maintain the requirements of paragraph (a). There shall be no  
8687 limitation on successive appointments to the board.

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8688 (c) The executive director of the commission or designee  
8689 shall serve as a member and shall call the organizational  
8690 meeting of the board. The board shall annually elect a chair and  
8691 a vice chair. There shall be no limitation on successive terms  
8692 that may be served by a chair or vice chair. The board shall  
8693 meet at the call of its chair, at the request of a majority of  
8694 its membership, at the request of the commission, or at such  
8695 times as may be prescribed by its rules. A majority of the board  
8696 shall constitute a quorum, and official action of the board  
8697 shall require a majority vote of the total membership of the  
8698 board present at the meeting.

8699 (d) The procedural rules adopted by the board shall  
8700 conform to the requirements of chapter 120.

8701 (e) Members of the board shall be reimbursed for per diem  
8702 and travel expenses as provided in s. 112.061.

8703 (f) Upon reaching a decision on any dispute or problem  
8704 brought before it, including any decision involving the  
8705 allotment of certificates under paragraph (g), the board shall  
8706 submit such decision to the executive director of the commission  
8707 for final approval. The executive director of the commission may  
8708 alter or disapprove any decision of the board, with notice  
8709 thereof given in writing to the board and to each party in the  
8710 dispute explaining the reasons for the disapproval. The action  
8711 of the executive director of the commission constitutes final  
8712 agency action.

8713 (g) In addition to those certificates allotted pursuant to  
8714 the provisions of subparagraph (2)(a)1., up to 125,000

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8715 certificates may be allotted by the board to settle disputes or  
8716 other problems arising from implementation of the trap  
8717 certificate program during the 1992-1993 and 1993-1994 license  
8718 years. Any certificates not allotted by March 31, 1994, shall  
8719 become permanently unavailable and shall be considered as part  
8720 of the 1994-1995 reduction schedule. All appeals for additional  
8721 certificates or other disputes must be filed with the board  
8722 before October 1, 1993.

8723 (h) Any trap certificates issued by the Department of  
8724 Environmental Protection and, effective July 1, 1999, the  
8725 commission as a result of the appeals process must be added to  
8726 the existing number of trap certificates for the purposes of  
8727 determining the total number of certificates from which the  
8728 subsequent season's trap reduction is calculated.

8729 (i) On and after July 1, 1994, the board shall no longer  
8730 consider and advise the Fish and Wildlife Conservation  
8731 Commission on disputes and other problems arising from  
8732 implementation of the trap certificate program nor allot any  
8733 certificates with respect thereto.

8734 (5) DISPOSITION OF FEES AND SURCHARGES.--Transfer fees and  
8735 surcharges, annual trap certificate fees, and recreational tag  
8736 fees collected pursuant to paragraphs (2)(a) and (b) shall be  
8737 deposited in the Marine Resources Conservation Trust Fund and  
8738 used for administration of the trap certificate program,  
8739 research and monitoring of the spiny lobster fishery, and  
8740 enforcement and public education activities in support of the  
8741 purposes of this section and shall also be for the use of the



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8742 Fish and Wildlife Conservation Commission in evaluating the  
 8743 impact of the trap reduction schedule on the spiny lobster  
 8744 fishery; however, at least 15 percent of the fees and surcharges  
 8745 collected shall be provided to the commission for such  
 8746 evaluation.

8747 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife  
 8748 Conservation Commission may adopt rules to implement the  
 8749 provisions of this section.

8750 ~~(7) For the 2006-2007 fiscal year only, the trap tag fees~~  
 8751 ~~required by this section shall be waived by the commission. This~~  
 8752 ~~subsection expires July 1, 2007.~~

8753 Section 153. Subsections (2), (3), and (4) of section  
 8754 370.143, Florida Statutes, is renumbered as section 379.368,  
 8755 Florida Statutes, and amended to read:

8756 379.368 ~~370.143~~ Fees for the retrieval of spiny lobster,  
 8757 stone crab, blue crab, and black sea bass traps during closed  
 8758 season.--

8759 ~~(1) The Fish and Wildlife Conservation Commission is~~  
 8760 ~~authorized to implement a trap retrieval program for retrieval~~  
 8761 ~~of spiny lobster, stone crab, blue crab, and black sea bass~~  
 8762 ~~traps remaining in the water during the closed season for each~~  
 8763 ~~species. The commission is authorized to contract with outside~~  
 8764 ~~agents for the program operation.~~

8765 (1)~~(2)~~ Pursuant to s.379.2424, the commission shall assess  
 8766 trap owners and collect, a retrieval fee of \$10 per trap  
 8767 ~~retrieved shall be assessed trap owners.~~ However, for each  
 8768 person holding a spiny lobster endorsement, a stone crab

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8769 endorsement, or a blue crab endorsement issued under rule of the  
 8770 commission, the retrieval fee shall be waived for the first five  
 8771 traps retrieved. Traps recovered under this program shall become  
 8772 the property of the commission or its contract agent, as  
 8773 determined by the commission, and shall be either destroyed or  
 8774 resold to the original owner. Revenue from retrieval fees shall  
 8775 be deposited in the Marine Resources Conservation Trust Fund and  
 8776 used solely for operation of the trap retrieval program.

8777 (2)~~(3)~~ Payment of all assessed retrieval fees shall be  
 8778 required prior to renewal of the trap owner's saltwater products  
 8779 license. Retrieval fees assessed under this program shall stand  
 8780 in lieu of other penalties imposed for such trap violations.

8781 (3)~~(4)~~ In the event of a major natural disaster, such as a  
 8782 hurricane or major storm, that causes massive trap losses within  
 8783 an area declared by the Governor to be a disaster emergency  
 8784 area, the commission shall waive trap retrieval fees.

8785 Section 154. Section 370.1535, Florida Statutes, is  
 8786 renumbered as section 379.369, Florida Statutes, and amended to  
 8787 read:

8788 379.369 ~~370.1535~~ Fees for Regulation of shrimp fishing in  
 8789 Tampa Bay; licensing requirements.--

8790 ~~—— (1) No person shall operate as a dead shrimp producer in~~  
 8791 ~~any waters of Tampa Bay unless such person has procured from the~~  
 8792 ~~Fish and Wildlife Conservation Commission a dead shrimp~~  
 8793 ~~production permit.~~

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8794 ~~—— (2) The Fish and Wildlife Conservation Commission is~~  
8795 ~~authorized to issue a dead shrimp production permit to persons~~  
8796 ~~qualified pursuant to the following criteria:~~

8797 ~~—— (a) The person has submitted an application designed by~~  
8798 ~~the commission for such permit.~~

8799 ~~—— (b) One permit is required for each vessel used for dead~~  
8800 ~~shrimp production in the waters of Tampa Bay. A permit shall~~  
8801 ~~only be issued to an individual who is the principal owner of~~  
8802 ~~the vessel or of the business entity owning the vessel and~~  
8803 ~~utilizing the permit. No more than three permits shall be issued~~  
8804 ~~to any individual.~~

8805 ~~—— (c) Each application for a permit to shrimp fish in the~~  
8806 ~~waters of Tampa Bay shall be accompanied by a fee of \$250 for~~  
8807 ~~each resident of the state and \$1,000 for each nonresident of~~  
8808 ~~the state. The proceeds of the fees collected pursuant to this~~  
8809 ~~paragraph shall be deposited into the Marine Resources~~  
8810 ~~Conservation Trust Fund to be used by the commission for the~~  
8811 ~~purpose of enforcement of marine resource laws.~~

8812 ~~(d) No person shall be issued a permit or be allowed to~~  
8813 ~~renew a permit if such person is registered for noncommercial~~  
8814 ~~trawling pursuant to s. 379.334(4) 370.15(4).~~

8815 ~~—— (e) Each applicant shall make application prior to June~~  
8816 ~~30, 1992, and shall hold any other license or registration~~  
8817 ~~required to operate a commercial fishing vessel in Tampa Bay on~~  
8818 ~~the date of application.~~

8819 ~~—— (3) Each permit issued in the base year of 1992 shall be~~  
8820 ~~renewable by June 30 in each subsequent year upon application~~

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8821 ~~meeting the requirements for issuance for an initial permit~~  
8822 ~~pursuant to subsection (2). The number of permits outstanding in~~  
8823 ~~any one year shall not exceed the number issued for 1992. No~~  
8824 ~~permit shall be transferable by any method, including devise or~~  
8825 ~~inheritance, and a permit shall be renewable only by the initial~~  
8826 ~~holder thereof. All permits not renewed for any reason shall~~  
8827 ~~expire and shall not be renewable under any circumstances.~~

8828 ~~—— (4) No person harvesting dead shrimp from Tampa Bay shall~~  
8829 ~~sell such shrimp to any person unless such seller is in~~  
8830 ~~possession of a dead shrimp production permit issued pursuant to~~  
8831 ~~this section. Except for purchases from other wholesale dealers,~~  
8832 ~~no wholesale dealer, as defined in s. 379.361(1)(a)3.~~

8833 ~~370.07(1)(a)3., shall purchase dead shrimp harvested in Tampa~~  
8834 ~~Bay, unless the seller produces his or her dead shrimp~~  
8835 ~~production permit prior to the sale of the shrimp.~~

8836 ~~—— (5) The operator of any vessel used in Tampa Bay for dead~~  
8837 ~~shrimp production shall possess while in or on the waters of the~~  
8838 ~~bay and produce upon the request of any duly authorized law~~  
8839 ~~enforcement officer a current dead shrimp production permit~~  
8840 ~~issued for the vessel pursuant to this section.~~

8841 ~~—— (6) Each person harvesting shrimp in Tampa Bay pursuant to~~  
8842 ~~the permit required by this section shall comply with all rules~~  
8843 ~~of the Fish and Wildlife Conservation Commission regulating such~~  
8844 ~~harvest.~~

8845 ~~—— (7) For purpose of this section, "Tampa Bay" means all the~~  
8846 ~~waters of the bay east and north of the Sunshine Skyway Bridge~~  
8847 ~~(U.S. 19 and Interstate 275).~~

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8848 Section 155. Section 379.370, Florida Statutes, is created  
8849 to read:

8850 379.370 License fee for private game preserves and  
8851 farms.--

8852 The licensee fee for establishing, maintaining, and  
8853 operating a private preserve and farm pursuant to s.379.302 is  
8854 \$50 per year. The fee is payable to the commission and shall be  
8855 deposited in the State Game Trust Fund.

8856 Section 156. Section 372.661, Florida Statutes, is  
8857 renumbered as section 379.371, Florida Statutes, and amended to  
8858 read:

8859 379.371 ~~372.661~~ Private hunting preserve license fees;  
8860 exception.--

8861 (1) Any person who operates a private hunting preserve  
8862 commercially or otherwise shall be required to pay a license fee  
8863 of \$70 for each such preserve; provided, however, that during  
8864 the open season established for wild game of any species a  
8865 private individual may take artificially propagated game of such  
8866 species up to the bag limit prescribed for the particular  
8867 species without being required to pay the license fee required  
8868 by this section; provided further that if any such individual  
8869 shall charge a fee for taking such game she or he shall be  
8870 required to pay the license fee required by this section and to  
8871 comply with the rules of the commission relative to the  
8872 operation of private hunting preserves.

8873 (2) A commercial hunting preserve license, which shall  
8874 exempt patrons of licensed preserves from the license and permit

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8875 requirements of s. 379.354(4)(c), (d), (f), (h), (i) and (j)  
 8876 ~~372.57(4)(c), (d), (f), (h), (i), and (j)~~; (5)(g) and (h);  
 8877 (8)(a), (b), and (e); (9)(a)2.; (11); and (12) while hunting on  
 8878 the licensed preserve property, shall be \$500. Such commercial  
 8879 hunting preserve license shall be available only to those  
 8880 private hunting preserves licensed pursuant to this section  
 8881 which are operated exclusively for commercial purposes, which  
 8882 are open to the public, and for which a uniform fee is charged  
 8883 to patrons for hunting privileges.

8884 Section 157. Section 372.86, Florida Statutes, is  
 8885 renumbered as section 379.372, Florida Statutes, to read:

8886 379.372 ~~372.86~~ Capturing, keeping, possessing,  
 8887 transporting, or exhibiting venomous reptiles or reptiles of  
 8888 concern; license required.--

8889 (1) No person, firm, or corporation shall capture, keep,  
 8890 possess, or exhibit any poisonous or venomous reptile or reptile  
 8891 of concern without first having obtained a special permit or  
 8892 license therefor from the Fish and Wildlife Conservation  
 8893 Commission as provided in this section.

8894 (2) By December 31, 2007, the commission shall establish a  
 8895 list of reptiles of concern, including venomous, nonvenomous,  
 8896 native, nonnative, or other reptiles, which require additional  
 8897 regulation for capture, possession, transportation, or  
 8898 exhibition due to their nature, habits, status, or potential to  
 8899 negatively impact the environment, ecology, or humans.

8900 (3) It shall be unlawful for any person, firm, or  
 8901 corporation, whether licensed hereunder or not, to capture,

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8902 | keep, possess, or exhibit any venomous reptile or reptile of  
 8903 | concern in any manner not approved as safe, secure, and proper  
 8904 | by the commission. Venomous reptiles or reptiles of concern held  
 8905 | in captivity are subject to inspection by the commission. The  
 8906 | commission shall determine whether the reptiles are securely,  
 8907 | safely, and properly penned. In the event that the reptiles are  
 8908 | not safely penned, the commission shall report the situation in  
 8909 | writing to the person, firm, or corporation owning the reptiles.  
 8910 | Failure of the person, firm, or corporation to correct the  
 8911 | situation within 30 days after such written notice shall be  
 8912 | grounds for revocation of the license or permit of the person,  
 8913 | firm, or corporation.

8914 | (4) Venomous reptiles or reptiles of concern shall be  
 8915 | transported in a safe, secure, and proper manner. The commission  
 8916 | shall establish by rule the requirements for the transportation  
 8917 | of venomous reptiles or reptiles of concern.

8918 | Section 158. Section 372.87, Florida Statutes, is  
 8919 | renumbered as 379.373, Florida Statutes, to read:

8920 | 379.373 ~~372.87~~ License fee; renewal, revocation.--

8921 | (1) (a) The Fish and Wildlife Conservation Commission is  
 8922 | authorized and empowered to issue a license or permit for the  
 8923 | capturing, keeping, possessing, or exhibiting of venomous  
 8924 | reptiles, upon payment of an annual fee of \$100 and upon  
 8925 | assurance that all of the provisions of ss. 379.372-379.305 and  
 8926 | 379.372-379.374 ~~372.86-372.92~~ and such other reasonable rules  
 8927 | and regulations as the commission may prescribe will be fully  
 8928 | complied with in all respects.

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8929 (b) The Fish and Wildlife Conservation Commission is  
8930 authorized and empowered to issue a license or permit for the  
8931 capturing, keeping, possessing, or exhibiting of reptiles of  
8932 concern upon payment of an annual fee not to exceed \$100 and  
8933 upon assurance that all of the provisions of ss. 379.305,  
8934 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and such other  
8935 reasonable rules and regulations as the commission may prescribe  
8936 will be fully complied with in all respects. The annual fee for  
8937 issuance or renewal of a license or permit under this paragraph  
8938 for reptiles of concern is initially set at \$100. However, the  
8939 commission may reduce that annual fee by rule if the commission  
8940 determines that there is general compliance with ss. 379.305,  
8941 379.372, 379.373, and 379.374 ~~372.86-372.92~~ and that such  
8942 compliance allows for a reduction in fees to cover the costs of  
8943 administering and enforcing the reptiles of concern program. The  
8944 commission may issue a license or permit to an applicant who  
8945 holds a current and valid license or permit for venomous  
8946 reptiles under paragraph (a) and meets all requirements for the  
8947 capturing, keeping, possessing, or exhibiting of reptiles of  
8948 concern, but shall not require payment of an additional annual  
8949 fee.

8950 (2) Such permits or licenses may be revoked by the  
8951 commission upon violation of any of the provisions of ss.  
8952 379.305, 379.372, 379.373, and 379.374 ~~372.86-372.92~~ or upon  
8953 violation of any of the rules and regulations prescribed by the  
8954 commission relating to the capturing, keeping, possessing, and  
8955 exhibiting of any venomous reptiles or reptiles of concern. Such



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8956 | permits or licenses shall be for an annual period to be  
 8957 | prescribed by the commission and shall be renewable upon the  
 8958 | payment of said fee and shall be subject to the same conditions,  
 8959 | limitations, and restrictions as set forth in this section. All  
 8960 | moneys received pursuant to this section shall be deposited into  
 8961 | the State Game Trust Fund to be used to implement, administer,  
 8962 | enforce, and educate the public regarding ss. 379.305, 379.372,  
 8963 | 379.373, and 379.374 ~~372.86-372.92~~.

8964 | Section 159. Section 372.88, Florida Statutes, is  
 8965 | renumbered as section 379.374, Florida Statutes, to read:

8966 | 379.374 ~~372.88~~ Bond required, amount.--

8967 | (1) No person, party, firm, or corporation shall exhibit  
 8968 | to the public either with or without charge or admission fee any  
 8969 | venomous reptile without having first posted a good and  
 8970 | sufficient bond in writing in the penal sum of \$10,000 payable  
 8971 | to the commission, conditioned that such exhibitor will  
 8972 | indemnify and save harmless all persons from injury or damage  
 8973 | from such venomous reptiles so exhibited and shall fully comply  
 8974 | with all laws of the state and all rules and regulations of the  
 8975 | commission governing the capturing, keeping, possessing, or  
 8976 | exhibiting of venomous reptiles; provided, however, that the  
 8977 | aggregate liability of the surety for all such injuries or  
 8978 | damages shall, in no event, exceed the penal sum of the bond.  
 8979 | The surety for the bond must be a surety company authorized to  
 8980 | do business under the laws of the state or in lieu of such a  
 8981 | surety, cash in the sum of \$10,000 may be posted with the  
 8982 | commission to ensure compliance with the conditions of the bond.

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8983 (2) No person, party, firm, or corporation shall exhibit  
8984 to the public either with or without charge or admission fee,  
8985 any Class I wildlife, as defined in s. 379.303 ~~372.922~~ and  
8986 commission rule chapter 68A-6, Florida Administrative Code,  
8987 without having first guaranteed financial responsibility, in the  
8988 sum of \$10,000, for any liability which may be incurred in the  
8989 exhibition to the public of Class I wildlife. The commission  
8990 shall adopt, by rule, the methods of payment that satisfy the  
8991 financial responsibility, which may include cash, the  
8992 establishment of a trust fund, an irrevocable letter of credit,  
8993 casualty insurance, a corporate guarantee, or any combination  
8994 thereof, in the sum of \$10,000 which shall be posted with the  
8995 commission. In lieu of the \$10,000 financial responsibility  
8996 guarantee required in this subsection, the exhibiter has the  
8997 option to maintain comprehensive general liability insurance,  
8998 with minimum limits of \$2 million per occurrence and \$2 million  
8999 annual aggregate, as shall protect the exhibiter from claims for  
9000 damage for personal injury, including accidental death, as well  
9001 as claims for property damage which may arise. Proof of such  
9002 insurance shall be submitted to the commission.

9003 Section 160. Section 372.6673, Florida Statutes, is  
9004 renumbered as section 379.3751, Florida Statutes, to read:  
9005 379.3751 ~~372.667~~ Taking and possession of alligators;  
9006 trapping licenses; fees.--

9007 (1) (a) No person shall take or possess any alligator or  
9008 the eggs thereof without having first obtained from the  
9009 commission a trapping license and paid the fee provided in this

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9010 section. Such license shall be dated when issued and remain  
9011 valid for 12 months after the date of issuance and shall  
9012 authorize the person to whom it is issued to take or possess  
9013 alligators and their eggs, and to sell, possess, and process  
9014 alligators and their hides and meat, in accordance with law and  
9015 commission rules. Such license shall not be transferable and  
9016 shall not be valid unless it bears on its face in indelible ink  
9017 the name of the person to whom it is issued. Such license shall  
9018 be in the personal possession of the licensee while such person  
9019 is taking alligators or their eggs or is selling, possessing, or  
9020 processing alligators or their eggs, hides, or meat. The failure  
9021 of the licensee to exhibit such license to the commission or its  
9022 wildlife officers, when such person is found taking alligators  
9023 or their eggs or is found selling, possessing, or processing  
9024 alligators or their eggs, hides, or meat, shall be a violation  
9025 of law.

9026 (b) In order to assure the optimal utilization of the  
9027 estimated available alligator resource and to ensure adequate  
9028 control of the alligator management and harvest program, the  
9029 commission may by rule limit the number of participants engaged  
9030 in the taking of alligators or their eggs from the wild.

9031 (c) No person who has been convicted of any violation of  
9032 s. 379.3015 or s.379.409 ~~s. 372.663 or s. 372.664~~ or the rules  
9033 of the commission relating to the illegal taking of crocodylian  
9034 species shall be eligible for issuance of a license for a period  
9035 of 5 years subsequent to such conviction. In the event such  
9036 violation involves the unauthorized taking of an endangered

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9037 crocodilian species, no license shall be issued for 10 years  
9038 subsequent to the conviction.

9039 (2) The license and issuance fee, and the activity  
9040 authorized thereby, shall be as follows:

9041 (a) The annual fee for issuance of a resident alligator  
9042 trapping license, which permits a resident of the state to take  
9043 alligators occurring in the wild other than alligator  
9044 hatchlings, to possess and process alligators taken under  
9045 authority of such alligator trapping license or otherwise  
9046 legally acquired, and to possess, process, and sell their hides  
9047 and meat, shall be \$250.

9048 (b) The annual fee for issuance of a nonresident alligator  
9049 trapping license, which permits a person other than a resident  
9050 of the state to take alligators occurring in the wild other than  
9051 alligator hatchlings, to possess and process alligators taken  
9052 under authority of such alligator trapping license, and to  
9053 possess, process, and sell their hides and meat, shall be  
9054 \$1,000.

9055 (c) The annual fee for issuance of an alligator trapping  
9056 agent's license, which permits a person to act as an agent of  
9057 any person who has been issued a resident or nonresident  
9058 alligator trapping license as provided in paragraph (a) or  
9059 paragraph (b) and to take alligators occurring in the wild other  
9060 than alligator hatchlings, and to possess and process alligators  
9061 taken under authority of such agency relationship, shall be \$50.  
9062 Such alligator trapping agent's license shall be issued only in  
9063 conjunction with an alligator trapping license and shall bear on

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9064 its face in indelible ink the name and license number of the  
9065 alligator trapping licenseholder for whom the holder of this  
9066 license is acting as an agent.

9067 (d) The annual fee for issuance of an alligator farming  
9068 license, which permits a person to operate a facility for  
9069 captive propagation of alligators, to possess alligators for  
9070 captive propagation, to take alligator hatchlings and alligator  
9071 eggs occurring in the wild, to rear such alligators, alligator  
9072 hatchlings, and alligator eggs in captivity, to process  
9073 alligators taken or possessed under authority of such alligator  
9074 farming license or otherwise legally acquired, and to sell their  
9075 hides and meat, shall be \$250.

9076 (e) The annual fee for issuance of an alligator farming  
9077 agent's license, which permits a person to act as an agent of  
9078 any person who has been issued an alligator farming license as  
9079 provided in paragraph (d) and to take alligator hatchlings and  
9080 alligator eggs occurring in the wild, and to possess and process  
9081 alligators taken under authority of such agency relationship,  
9082 shall be \$50. Such license shall be issued only in conjunction  
9083 with an alligator farming license, and shall bear on its face in  
9084 indelible ink the name and license number of the alligator  
9085 farming licenseholder for whom the holder of this license is  
9086 acting as an agent.

9087 (f) The annual fee for issuance of an alligator  
9088 processor's license, which permits a person to buy and process  
9089 alligators lawfully taken by alligator trapping licenseholders

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9090 and taken or possessed by alligator farming licenseholders and  
9091 to sell alligator meat, hides, and other parts, shall be \$250.

9092 (3) For the purpose of this section, "process" shall mean  
9093 the possession and skinning or butchering of an alligator by  
9094 someone other than the holder of the alligator trapping license,  
9095 alligator trapping agent's license, alligator farming license,  
9096 or alligator farming agent's license who has authorized the  
9097 taking and possession of such alligator.

9098 (4) No person shall take any alligator egg occurring in  
9099 the wild or possess any such egg unless such person has  
9100 obtained, or is a licensed agent of another person who has  
9101 obtained, an alligator egg collection permit. The alligator egg  
9102 collection permit shall be required in addition to the alligator  
9103 farming license provided in paragraph (2)(d). The commission is  
9104 authorized to assess a fee for issuance of the alligator egg  
9105 collection permit of up to \$5 per egg authorized to be taken or  
9106 possessed pursuant to such permit. Irrespective of whether a fee  
9107 is assessed, \$1 per egg collected and retained, excluding eggs  
9108 collected on private wetland management areas, shall be  
9109 transferred from the alligator management program to the General  
9110 Inspection Trust Fund, to be administered by the Department of  
9111 Agriculture and Consumer Services for the purpose of providing  
9112 marketing and education services with respect to alligator  
9113 products produced in this state, notwithstanding other  
9114 provisions in this chapter.

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9115 (5) The commission shall adopt criteria by rule to  
9116 establish appropriate qualifications for alligator collectors  
9117 who may receive permits pursuant to this section.

9118 Section 161. Section 372.6674, Florida Statutes, is  
9119 renumbered as section 379.3752, Florida Statutes, and amended to  
9120 read:

9121 379.3752 ~~372.6674~~ Required tagging of alligators and  
9122 hides; fees; revenues.--The tags provided in this section shall  
9123 be required in addition to any license required under s.  
9124 379.3751 ~~372.6673~~.

9125 (1) No person shall take any alligator occurring in the  
9126 wild or possess any such alligator unless such alligator is  
9127 subsequently tagged in the manner required by commission rule.  
9128 For the tag required for an alligator hatchling, the commission  
9129 is authorized to assess a fee of not more than \$15 for each  
9130 alligator hatchling tag issued. The commission shall expend one-  
9131 third of the revenue generated from the issuance of the  
9132 alligator hatchling tag for alligator husbandry research.

9133 (2) The commission may require that an alligator hide  
9134 validation tag (CITES tag) be affixed to the hide of any  
9135 alligator taken from the wild and that such hide be possessed,  
9136 purchased, sold, offered for sale, or transported in accordance  
9137 with commission rule. The commission is authorized to assess a  
9138 fee of up to \$30 for each alligator hide validation tag issued.  
9139 Irrespective of whether a fee is assessed, \$5 per validated  
9140 hide, excluding those validated from public hunt programs and  
9141 alligator farms, shall be transferred from the alligator

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9142 management program to the General Inspection Trust Fund, to be  
 9143 administered by the Department of Agriculture and Consumer  
 9144 Services for the purpose of providing marketing and education  
 9145 services with respect to alligator products produced in this  
 9146 state, notwithstanding other provisions in this chapter.

9147 (3) The number of tags available for alligators taken  
 9148 pursuant to a collection permit shall be limited to the number  
 9149 of tags determined by the commission to equal the safe yield of  
 9150 alligators as determined pursuant to s. 379.3013 ~~372.6678~~.

9151 Section 162. Section 372.921, Florida Statutes, is  
 9152 renumbered as section 379.3761, Florida Statutes, to read:

9153 379.3761 ~~372.921~~ Exhibition or sale of wildlife, fees and  
 9154 classifications.-

9155 (1) In order to provide humane treatment and sanitary  
 9156 surroundings for wild animals kept in captivity, no person,  
 9157 firm, corporation, or association shall have, or be in  
 9158 possession of, in captivity for the purpose of public display  
 9159 with or without charge or for public sale any wildlife,  
 9160 specifically birds, mammals, amphibians, and reptiles, whether  
 9161 indigenous to Florida or not, without having first secured a  
 9162 permit from the commission authorizing such person, firm, or  
 9163 corporation to have in its possession in captivity the species  
 9164 and number of wildlife specified within such permit; however,  
 9165 this section does not apply to any wildlife not protected by law  
 9166 and the rules of the commission.

9167 (2) The fees to be paid for the issuance of permits  
 9168 required by subsection (1) shall be as follows:



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9169 (a) For not more than 25 Class I or Class II individual  
9170 specimens in the aggregate of all species, the sum of \$150 per  
9171 annum.

9172 (b) For over 25 Class I or Class II individual specimens  
9173 in the aggregate of all species, the sum of \$250 per annum.

9174 (c) For any number of Class III individual specimens in  
9175 the aggregate of all species, the sum of \$50 per annum.

9176

9177 The fees prescribed by this subsection shall be submitted to the  
9178 commission with the application for permit required by  
9179 subsection (1) and shall be deposited in the State Game Trust  
9180 Fund.

9181 ~~—— (3) An applicant for a permit shall be required to include~~  
9182 ~~in her or his application a statement showing the place, number,~~  
9183 ~~and species of wildlife to be held in captivity by the applicant~~  
9184 ~~and shall be required upon request by the Fish and Wildlife~~  
9185 ~~Conservation Commission to show when, where, and in what manner~~  
9186 ~~she or he came into possession of any wildlife acquired~~  
9187 ~~subsequent to the effective date of this act. The source of~~  
9188 ~~acquisition of such wildlife shall not be divulged by the~~  
9189 ~~commission except in connection with a violation of this section~~  
9190 ~~or a regulation of the commission in which information as to~~  
9191 ~~source of wildlife is required as evidence in the prosecution of~~  
9192 ~~such violation.~~

9193 ~~—— (4) Permits issued pursuant to this section and places~~  
9194 ~~where wildlife is kept or held in captivity shall be subject to~~  
9195 ~~inspection by officers of the commission at all times. The~~

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9196 ~~commission shall have the power to release or confiscate any~~  
9197 ~~specimens of any wildlife, specifically birds, mammals,~~  
9198 ~~amphibians, or reptiles, whether indigenous to the state or not,~~  
9199 ~~when it is found that conditions under which they are being~~  
9200 ~~confined are unsanitary, or unsafe to the public in any manner,~~  
9201 ~~or that the species of wildlife are being maltreated,~~  
9202 ~~mistreated, or neglected or kept in any manner contrary to the~~  
9203 ~~provisions of chapter 828, any such permit to the contrary~~  
9204 ~~notwithstanding. Before any such wildlife is confiscated or~~  
9205 ~~released under the authority of this section, the owner thereof~~  
9206 ~~shall have been advised in writing of the existence of such~~  
9207 ~~unsatisfactory conditions; the owner shall have been given 30~~  
9208 ~~days in which to correct such conditions; the owner shall have~~  
9209 ~~failed to correct such conditions; the owner shall have had an~~  
9210 ~~opportunity for a proceeding pursuant to chapter 120; and the~~  
9211 ~~commission shall have ordered such confiscation or release after~~  
9212 ~~careful consideration of all evidence in the particular case in~~  
9213 ~~question. The final order of the commission shall constitute~~  
9214 ~~final agency action.~~

9215 (3) ~~(5)~~ In instances where wildlife is seized or taken  
9216 into custody by the commission, said owner or possessor of such  
9217 wildlife shall be responsible for payment of all expenses  
9218 relative to the capture, transport, boarding, veterinary care,  
9219 or other costs associated with or incurred due to seizure or  
9220 custody of wildlife. Such expenses shall be paid by said owner  
9221 or possessor upon any conviction or finding of guilt of a  
9222 criminal or noncriminal violation, regardless of adjudication or

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9223 plea entered, of any provision of chapter 828 or this chapter,  
9224 or rule of the commission or if such violation is disposed of  
9225 under s. 921.187. Failure to pay such expense may be grounds for  
9226 revocation or denial of permits to such individual to possess  
9227 wildlife.

9228 (4) ~~(6)~~ Any animal on exhibit of a type capable of  
9229 contracting or transmitting rabies shall be immunized against  
9230 rabies.

9231 (5) ~~(7)~~ The provisions of this section relative to  
9232 licensing do not apply to any municipal, county, state, or other  
9233 publicly owned wildlife exhibit. The provisions of this section  
9234 do not apply to any traveling zoo, circus, or exhibit licensed  
9235 as provided by chapter 205.

9236 ~~— (8) This section shall not apply to the possession,  
9237 control, care, and maintenance of ostriches, emus, rheas, and  
9238 bison domesticated and confined for commercial farming purposes,  
9239 except those kept and maintained on hunting preserves or game  
9240 farms or primarily for exhibition purposes in zoos, carnivals,  
9241 circuses, and other such establishments where such species are  
9242 kept primarily for display to the public.~~

9243 ~~— (9) The commission is authorized to adopt rules pursuant  
9244 to ss. 120.536(1) and 120.54 to implement the provisions of this  
9245 section.~~

9246 ~~— (10) A violation of this section is punishable as provided  
9247 by s. 372.83.~~

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9248 Section 163. Section 372.922, Florida Statutes, is  
 9249 renumbered as section 379.3762, Florida Statutes, and amended to  
 9250 read:

9251 379.3762 ~~372.922~~ Personal possession of wildlife.--

9252 (1) It is unlawful for any person or persons to possess  
 9253 any wildlife as defined in this act, whether indigenous to  
 9254 Florida or not, until she or he has obtained a permit as  
 9255 provided by this section from the Fish and Wildlife Conservation  
 9256 Commission.

9257 (2) The classifications of types of wildlife and fees to  
 9258 be paid for permits for the personal possession of wildlife  
 9259 shall be as follows:

9260 (a) Class I--Wildlife which, because of its nature,  
 9261 habits, or status, shall not be possessed as a personal pet.

9262 (b) Class II--Wildlife considered to present a real or  
 9263 potential threat to human safety, the sum of \$140 per annum.

9264 (c) Class III--All other wildlife not included in Class I  
 9265 or Class II, for which a no-cost permit must be obtained from  
 9266 the commission.

9267 ~~— (3) The commission shall promulgate rules defining Class~~  
 9268 ~~I, Class II, and Class III types of wildlife. The commission~~  
 9269 ~~shall also establish rules and requirements necessary to ensure~~  
 9270 ~~that permits are granted only to persons qualified to possess~~  
 9271 ~~and care properly for wildlife and that permitted wildlife~~  
 9272 ~~possessed as personal pets will be maintained in sanitary~~  
 9273 ~~surroundings and appropriate neighborhoods.~~

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9274 ~~— (4) In instances where wildlife is seized or taken into~~  
 9275 ~~eustody by the commission, said owner or possessor of such~~  
 9276 ~~wildlife shall be responsible for payment of all expenses~~  
 9277 ~~relative to the capture, transport, boarding, veterinary care,~~  
 9278 ~~or other costs associated with or incurred due to seizure or~~  
 9279 ~~eustody of wildlife. Such expenses shall be paid by said owner~~  
 9280 ~~or possessor upon any conviction or finding of guilt of a~~  
 9281 ~~criminal or noncriminal violation, regardless of adjudication or~~  
 9282 ~~plea entered, of any provision of chapter 828 or this chapter,~~  
 9283 ~~or rule of the commission or if such violation is disposed of~~  
 9284 ~~under s. 921.187. Failure to pay such expense may be grounds for~~  
 9285 ~~revocation or denial of permits to such individual to possess~~  
 9286 ~~wildlife.~~

9287 (3)(5) Any person, firm, corporation, or association  
 9288 exhibiting or selling wildlife and being duly permitted as  
 9289 provided by s. 379.304 ~~372.921~~ shall be exempt from the fee  
 9290 requirement to receive a permit under this section.

9291 (4)(6) This section shall not apply to the possession,  
 9292 control, care, and maintenance of ostriches, emus, rheas, and  
 9293 bison domesticated and confined for commercial farming purposes,  
 9294 except those kept and maintained on hunting preserves or game  
 9295 farms or primarily for exhibition purposes in zoos, carnivals,  
 9296 circuses, and other such establishments where such species are  
 9297 kept primarily for display to the public.

9298 (5)(7) Persons in violation of this section shall be  
 9299 punishable as provided in s. 379.400 ~~372.83~~.

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9301 (8) This section shall not apply to the possession,  
 9302 control, care, and maintenance of ostriches, emus, rheas, and  
 9303 bison domesticated and confined for commercial farming purposes,  
 9304 except those kept and maintained on hunting preserves or game  
 9305 farms or primarily for exhibition purposes in zoos, carnivals,  
 9306 circuses, and other such establishments where such species are  
 9307 kept primarily for display to the public.

9308 (9) The commission is authorized to adopt rules pursuant  
 9309 to ss. 120.536(1) and 120.54 to implement the provisions of this  
 9310 section.

9311 (10) A violation of this section is punishable as provided  
 9312 by s. 372.83.

9313 Section 164. Section 372.653, Florida Statutes, is  
 9314 renumbered as section 379.377, Florida Statutes, and amended to  
 9315 read:

9316 ~~372.653 Required tagging of fish; lakes in excess of 500~~  
 9317 ~~square miles; tag fee; game fish taken in lakes of 500 square~~  
 9318 ~~miles or less.--~~

9319 379.377 Tag fees for sale of Lake Okeechobee game fish.--  
 9320 The commission is authorized to assess a fee of not more than 5  
 9321 cents per tag, payable at the time of delivery of the tag, for  
 9322 the purpose of allowing the sale of game fish taken commercially  
 9323 from Lake Okeechobee, as may be allowed by the commission.

9324 ~~(1)(a) No game fish taken from, or caught in, a lake in~~  
 9325 ~~this state the area of which is in excess of 500 square miles~~  
 9326 ~~shall be sold for consumption in this state unless it is tagged~~  
 9327 ~~in the manner required by the Fish and Wildlife Conservation~~

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9328 ~~Commission. Bass or pickerel taken by any method other than hook~~  
 9329 ~~and line shall be returned immediately to the water. Trawls and~~  
 9330 ~~haul seines shall not be operated within 1 mile of rooted~~  
 9331 ~~aquatic vegetation.~~

9332 ~~—— (b) In order that such program of tagging be self-~~  
 9333 ~~sufficient, the Fish and Wildlife Conservation Commission is~~  
 9334 ~~authorized to assess a fee of not more than 5 cents per tag,~~  
 9335 ~~payable at the time of delivery of the tag.~~

9336 ~~(2) No freshwater game fish shall be taken from a lake in~~  
 9337 ~~this state the area of which is 500 square miles or less other~~  
 9338 ~~than with pole and line; rod and reel; or plug, bob, spinner,~~  
 9339 ~~spoon, or other artificial bait or lure.~~

9340 ~~—— (3) No freshwater game fish taken from a lake in this~~  
 9341 ~~state the area of which is 500 square miles or less shall be~~  
 9342 ~~offered for sale or sold.~~

9343 Section 165. Part VII of chapter 379, Florida Statutes,  
 9344 consisting of sections 379.400 through 379.413, is created to  
 9345 read:

9346 PART VII

9347 PENALTIES

9348  
 9349 Section 166. Section 372.83, Florida Statutes, is  
 9350 renumbered as section 379.400, Florida Statutes, amended to  
 9351 read:

9352 379.400 ~~372.83~~ Penalties and violations; civil penalties  
 9353 for noncriminal infractions; criminal penalties; suspension and  
 9354 forfeiture of licenses and permits.--

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- 9355 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One  
 9356 violation if he or she violates any of the following provisions:
- 9357 1. Rules or orders of the commission relating to the  
 9358 filing of reports or other documents required to be filed by  
 9359 persons who hold recreational licenses and permits issued by the  
 9360 commission.
- 9361 2. Rules or orders of the commission relating to quota  
 9362 hunt permits, daily use permits, hunting zone assignments,  
 9363 camping, alcoholic beverages, vehicles, and check stations  
 9364 within wildlife management areas or other areas managed by the  
 9365 commission.
- 9366 3. Rules or orders of the commission relating to daily use  
 9367 permits, alcoholic beverages, swimming, possession of firearms,  
 9368 operation of vehicles, and watercraft speed within fish  
 9369 management areas managed by the commission.
- 9370 4. Rules or orders of the commission relating to vessel  
 9371 size or specifying motor restrictions on specified water bodies.
- 9372 5. Section 379.355 ~~370.063~~, providing for special  
 9373 recreational spiny lobster licenses.
- 9374 6. Section 379.354(1)-(15) ~~372.57(1)-(15)~~, providing for  
 9375 recreational licenses to hunt, fish, and trap.
- 9376 7. Section 379.3581 ~~372.5717~~, providing hunter safety  
 9377 course requirements.
- 9378 8. Section 379.3003 ~~372.988~~, prohibiting deer hunting  
 9379 unless required clothing is worn.



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9380 (b) A person who commits a Level One violation commits a  
9381 noncriminal infraction and shall be cited to appear before the  
9382 county court.

9383 (c)1. The civil penalty for committing a Level One  
9384 violation involving the license and permit requirements of s.  
9385 379.354 ~~372.57~~ is \$50 plus the cost of the license or permit,  
9386 unless subparagraph 2. applies.

9387 2. The civil penalty for committing a Level One violation  
9388 involving the license and permit requirements of s. 379.354  
9389 ~~372.57~~ is \$100 plus the cost of the license or permit if the  
9390 person cited has previously committed the same Level One  
9391 violation within the preceding 36 months.

9392 (d)1. The civil penalty for any other Level One violation  
9393 is \$50 unless subparagraph 2. applies.

9394 2. The civil penalty for any other Level One violation is  
9395 \$100 if the person cited has previously committed the same Level  
9396 One violation within the preceding 36 months.

9397 (e) A person cited for a Level One violation shall sign  
9398 and accept a citation to appear before the county court. The  
9399 issuing officer may indicate on the citation the time and  
9400 location of the scheduled hearing and shall indicate the  
9401 applicable civil penalty.

9402 (f) A person cited for a Level One violation may pay the  
9403 civil penalty by mail or in person within 30 days after receipt  
9404 of the citation. If the civil penalty is paid, the person shall  
9405 be deemed to have admitted committing the Level One violation  
9406 and to have waived his or her right to a hearing before the

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9407 county court. Such admission may not be used as evidence in any  
9408 other proceedings except to determine the appropriate fine for  
9409 any subsequent violations.

9410 (g) A person who refuses to accept a citation, who fails  
9411 to pay the civil penalty for a Level One violation, or who fails  
9412 to appear before a county court as required commits a  
9413 misdemeanor of the second degree, punishable as provided in s.  
9414 775.082 or s. 775.083.

9415 (h) A person who elects to appear before the county court  
9416 or who is required to appear before the county court shall be  
9417 deemed to have waived the limitations on civil penalties  
9418 provided under paragraphs (c) and (d). After a hearing, the  
9419 county court shall determine if a Level One violation has been  
9420 committed, and if so, may impose a civil penalty of not less  
9421 than \$50 for a first-time violation, and not more than \$500 for  
9422 subsequent violations. A person found guilty of committing a  
9423 Level One violation may appeal that finding to the circuit  
9424 court. The commission of a violation must be proved beyond a  
9425 reasonable doubt.

9426 (i) A person cited for violating the requirements of s.  
9427 379.354 ~~372.57~~ relating to personal possession of a license or  
9428 permit may not be convicted if, prior to or at the time of a  
9429 county court hearing, the person produces the required license  
9430 or permit for verification by the hearing officer or the court  
9431 clerk. The license or permit must have been valid at the time  
9432 the person was cited. The clerk or hearing officer may assess a  
9433 \$5 fee for costs under this paragraph.

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- 9434 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two  
 9435 violation if he or she violates any of the following provisions:
- 9436 1. Rules or orders of the commission relating to seasons  
 9437 or time periods for the taking of wildlife, freshwater fish, or  
 9438 saltwater fish.
  - 9439 2. Rules or orders of the commission establishing bag,  
 9440 possession, or size limits or restricting methods of taking  
 9441 wildlife, freshwater fish, or saltwater fish.
  - 9442 3. Rules or orders of the commission prohibiting access or  
 9443 otherwise relating to access to wildlife management areas or  
 9444 other areas managed by the commission.
  - 9445 4. Rules or orders of the commission relating to the  
 9446 feeding of wildlife, freshwater fish, or saltwater fish.
  - 9447 5. Rules or orders of the commission relating to landing  
 9448 requirements for freshwater fish or saltwater fish.
  - 9449 6. Rules or orders of the commission relating to  
 9450 restricted hunting areas, critical wildlife areas, or bird  
 9451 sanctuaries.
  - 9452 7. Rules or orders of the commission relating to tagging  
 9453 requirements for game and fur-bearing animals.
  - 9454 8. Rules or orders of the commission relating to the use  
 9455 of dogs for the taking of game.
  - 9456 9. Rules or orders of the commission which are not  
 9457 otherwise classified.
  - 9458 10. All prohibitions in chapter 370 which are not  
 9459 otherwise classified.

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- 9460           11. Section 379.330 ~~370.028~~, prohibiting the violation of  
 9461 or noncompliance with commission rules.
- 9462           12. Section 379.407(6) ~~370.021(6)~~ prohibiting the sale,  
 9463 purchase, harvest, or attempted harvest of any saltwater product  
 9464 with intent to sell.
- 9465           13. Section 379.2421 ~~370.08~~, prohibiting the obstruction  
 9466 of waterways with net gear.
- 9467           14. Section 379.314 ~~370.1105~~, prohibiting the unlawful use  
 9468 of finfish traps.
- 9469           15. Section 379.412 ~~370.1121~~, prohibiting the unlawful  
 9470 taking of bonefish.
- 9471           16. Section 379.365(2)(a) and (b) ~~370.13(2)(a) and (b)~~,  
 9472 prohibiting the possession or use of stone crab traps without  
 9473 trap tags and theft of trap contents or gear.
- 9474           17. Section 379.366(4)(b) ~~370.135(4)(b)~~, prohibiting the  
 9475 theft of blue crab trap contents or trap gear.
- 9476           18. Section 379.3671(2)(c) ~~370.142(2)(c)~~, prohibiting the  
 9477 possession or use of spiny lobster traps without trap tags or  
 9478 certificates and theft of trap contents or trap gear.
- 9479           19. Section 379.357 ~~372.5704~~, prohibiting the possession  
 9480 of tarpon without purchasing a tarpon tag.
- 9481           20. Section 379.409 ~~372.667~~, prohibiting the feeding or  
 9482 enticement of alligators or crocodiles.
- 9483           21. Section 379.284 ~~372.705~~, prohibiting the intentional  
 9484 harassment of hunters, fishers, or trappers.
- 9485           (b)1. A person who commits a Level Two violation but who  
 9486 has not been convicted of a Level Two or higher violation within

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9487 the past 3 years commits a misdemeanor of the second degree,  
9488 punishable as provided in s. 775.082 or s. 775.083.

9489 2. Unless the stricter penalties in subparagraph 3. or  
9490 subparagraph 4. apply, a person who commits a Level Two  
9491 violation within 3 years after a previous conviction for a Level  
9492 Two or higher violation commits a misdemeanor of the first  
9493 degree, punishable as provided in s. 775.082 or s. 775.083, with  
9494 a minimum mandatory fine of \$250.

9495 3. Unless the stricter penalties in subparagraph 4. apply,  
9496 a person who commits a Level Two violation within 5 years after  
9497 two previous convictions for a Level Two or higher violation,  
9498 commits a misdemeanor of the first degree, punishable as  
9499 provided in s. 775.082 or s. 775.083, with a minimum mandatory  
9500 fine of \$500 and a suspension of any recreational license or  
9501 permit issued under s. 379.354 ~~372.57~~ for 1 year. Such  
9502 suspension shall include the suspension of the privilege to  
9503 obtain such license or permit and the suspension of the ability  
9504 to exercise any privilege granted under any exemption in s.  
9505 379.353 ~~372.562~~.

9506 4. A person who commits a Level Two violation within 10  
9507 years after three previous convictions for a Level Two or higher  
9508 violation commits a misdemeanor of the first degree, punishable  
9509 as provided in s. 775.082 or s. 775.083, with a minimum  
9510 mandatory fine of \$750 and a suspension of any recreational  
9511 license or permit issued under s. 379.354 ~~372.57~~ for 3 years.  
9512 Such suspension shall include the suspension of the privilege to  
9513 obtain such license or permit and the suspension of the ability

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9514 to exercise any privilege granted under s. 379.353 ~~372.562~~. If  
9515 the recreational license or permit being suspended was an annual  
9516 license or permit, any privileges under ss. 379.353 and 379.354  
9517 ~~372.562~~ and ~~372.57~~ may not be acquired for a 3-year period  
9518 following the date of the violation.

9519 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level  
9520 Three violation if he or she violates any of the following  
9521 provisions:

9522 1. Rules or orders of the commission prohibiting the sale  
9523 of saltwater fish.

9524 2. Section 379.407(2) ~~370.021(2)~~, establishing major  
9525 violations.

9526 3. Section 379.407(4) ~~370.021(4)~~, prohibiting the  
9527 possession of certain finfish in excess of recreational daily  
9528 bag limits.

9529 4. Section 379.330 ~~370.081~~, prohibiting the illegal  
9530 importation or possession of exotic marine plants or animals.

9531 5. Section 379.260 ~~372.26~~, prohibiting the importation of  
9532 freshwater fish.

9533 6. Section 379.231 ~~372.265~~, prohibiting the importation of  
9534 nonindigenous species of the animal kingdom without a permit  
9535 issued by the commission.

9536 7. Section 379.354(17) ~~372.57(17)~~, prohibiting the taking  
9537 of game, freshwater fish, or saltwater fish while a required  
9538 license is suspended or revoked.

9539 8. Section 379.3014 ~~372.662~~, prohibiting the illegal sale  
9540 or possession of alligators.

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9541           9. Section 379.404(1), (3), and (6) ~~372.99(1), (3), and~~  
9542 ~~(6)~~, prohibiting the illegal taking and possession of deer and  
9543 wild turkey.

9544           10. Section 379.406 ~~372.9903~~, prohibiting the possession  
9545 and transportation of commercial quantities of freshwater game  
9546 fish.

9547           (b)1. A person who commits a Level Three violation but who  
9548 has not been convicted of a Level Three or higher violation  
9549 within the past 10 years commits a misdemeanor of the first  
9550 degree, punishable as provided in s. 775.082 or s. 775.083.

9551           2. A person who commits a Level Three violation within 10  
9552 years after a previous conviction for a Level Three or higher  
9553 violation commits a misdemeanor of the first degree, punishable  
9554 as provided in s. 775.082 or s. 775.083, with a minimum  
9555 mandatory fine of \$750 and a suspension of any recreational  
9556 license or permit issued under s. 379.354 ~~372.57~~ for the  
9557 remainder of the period for which the license or permit was  
9558 issued up to 3 years. Such suspension shall include the  
9559 suspension of the privilege to obtain such license or permit and  
9560 the ability to exercise any privilege granted under s. 379.353  
9561 ~~372.562~~. If the recreational license or permit being suspended  
9562 was an annual license or permit, any privileges under ss.  
9563 379.353 and 379.354 ~~372.562 and 372.57~~ may not be acquired for a  
9564 3-year period following the date of the violation.

9565           3. A person who commits a violation of s. 379.354(17)  
9566 ~~372.57(17)~~ shall receive a mandatory fine of \$1,000. Any  
9567 privileges under ss. 379.353 ~~372.562~~ and 379.354 ~~372.57~~ may not

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9568 be acquired for a 5-year period following the date of the  
 9569 violation.

9570 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level  
 9571 Four violation if he or she violates any of the following  
 9572 provisions:

9573 1. Section 379.365(2)(c) ~~370.13(2)(e)~~, prohibiting  
 9574 criminal activities relating to the taking of stone crabs.

9575 2. Section 379.366(4)(c) ~~370.135(4)(e)~~, prohibiting  
 9576 criminal activities relating to the taking and harvesting of  
 9577 blue crabs.

9578 3. Section 379.367(4) ~~370.14(4)~~, prohibiting the willful  
 9579 molestation of spiny lobster gear.

9580 4. Section 379.3671(2)(c)5. ~~370.142(2)(e)5.~~, prohibiting  
 9581 the unlawful reproduction, possession, sale, trade, or barter of  
 9582 spiny lobster trap tags or certificates.

9583 5. Section 379.354(16) ~~372.57(16)~~, prohibiting the making,  
 9584 forging, counterfeiting, or reproduction of a recreational  
 9585 license or possession of same without authorization from the  
 9586 commission.

9587 6. Section 379.404(5) ~~372.99(5)~~, prohibiting the sale of  
 9588 illegally-taken deer or wild turkey.

9589 7. Section 379.405 ~~372.99022~~, prohibiting the molestation  
 9590 or theft of freshwater fishing gear.

9591 (b) A person who commits a Level Four violation commits a  
 9592 felony of the third degree, punishable as provided in s. 775.082  
 9593 or s. 775.083.



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9594 (5) VIOLATIONS OF CHAPTER.--Except as provided in this  
 9595 chapter:

9596 (a) A person who commits a violation of any provision of  
 9597 this chapter commits, for the first offense, a misdemeanor of  
 9598 the second degree, punishable as provided in s. 775.082 or s.  
 9599 775.083.

9600 (b) A person who is convicted of a second or subsequent  
 9601 violation of any provision of this chapter commits a misdemeanor  
 9602 of the first degree, punishable as provided in s. 775.082 or s.  
 9603 775.083.

9604 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may  
 9605 order the suspension or forfeiture of any license or permit  
 9606 issued under this chapter to a person who is found guilty of  
 9607 committing a violation of this chapter.

9608 (7) CONVICTION DEFINED.--As used in this section, the term  
 9609 "conviction" means any judicial disposition other than acquittal  
 9610 or dismissal.

9611 Section 167. Section 372.935, Florida Statutes, is  
 9612 renumbered as section 379.401, Florida Statutes, and amended to  
 9613 read:

9614 379.401 ~~372.935~~ Captive wildlife penalties.—

9615 (1) LEVEL ONE.—Unless otherwise provided by law, the  
 9616 following classifications and penalties apply:

9617 (a) A person commits a Level One violation if he or she  
 9618 violates any of the following provisions:

9619 1. Rules or orders of the commission requiring free  
 9620 permits or other authorizations to possess captive wildlife.

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9621           2. Rules or orders of the commission relating to the  
9622 filing of reports or other documents required of persons who are  
9623 licensed to possess captive wildlife.

9624           3. Rules or orders of the commission requiring permits to  
9625 possess captive wildlife for which a fee is charged, when the  
9626 person being charged was issued the permit and the permit has  
9627 expired less than 1 year prior to the violation.

9628           (b) Any person cited for committing any offense classified  
9629 as a Level One violation commits a noncriminal infraction,  
9630 punishable as provided in this section.

9631           (c) Any person cited for committing a noncriminal  
9632 infraction specified in paragraph (a) shall be cited to appear  
9633 before the county court. The civil penalty for any noncriminal  
9634 infraction is \$50 if the person cited has not previously been  
9635 found guilty of a Level One violation and \$250 if the person  
9636 cited has previously been found guilty of a Level One violation,  
9637 except as otherwise provided in this subsection. Any person  
9638 cited for failing to have a required permit or license shall pay  
9639 an additional civil penalty in the amount of the license fee  
9640 required.

9641           (d) Any person cited for an infraction under this  
9642 subsection may:

9643           1. Post a bond, which shall be equal in amount to the  
9644 applicable civil penalty; or

9645           2. Sign and accept a citation indicating a promise to  
9646 appear before the county court. The officer may indicate on the

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9647 citation the time and location of the scheduled hearing and  
9648 shall indicate the applicable civil penalty.

9649 (e) Any person charged with a noncriminal infraction under  
9650 this subsection may:

9651 1. Pay the civil penalty, either by mail or in person,  
9652 within 30 days after the date of receiving the citation; or

9653 2. If the person has posted bond, forfeit bond by not  
9654 appearing at the designated time and location.

9655 (f) If the person cited follows either of the procedures  
9656 in subparagraph (e)1. or subparagraph (e)2., he or she shall be  
9657 deemed to have admitted the infraction and to have waived his or  
9658 her right to a hearing on the issue of commission of the  
9659 infraction. Such admission shall not be used as evidence in any  
9660 other proceedings except to determine the appropriate fine for  
9661 any subsequent violations.

9662 (g) Any person who willfully refuses to post bond or  
9663 accept and sign a summons commits a misdemeanor of the second  
9664 degree, punishable as provided in s. 775.082 or s. 775.083. Any  
9665 person who fails to pay the civil penalty specified in this  
9666 subsection within 30 days after being cited for a noncriminal  
9667 infraction or to appear before the court pursuant to this  
9668 subsection commits a misdemeanor of the second degree,  
9669 punishable as provided in s. 775.082 or s. 775.083.

9670 (h) Any person electing to appear before the county court  
9671 or who is required to appear shall be deemed to have waived the  
9672 limitations on the civil penalty specified in paragraph (c). The  
9673 court, after a hearing, shall make a determination as to whether

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9674 an infraction has been committed. If the commission of an  
 9675 infraction has been proven, the court may impose a civil penalty  
 9676 not less than those amounts in paragraph (c) and not to exceed  
 9677 \$500.

9678 (i) At a hearing under this chapter, the commission of a  
 9679 charged infraction must be proved beyond a reasonable doubt.

9680 (j) If a person is found by the hearing official to have  
 9681 committed an infraction, she or he may appeal that finding to  
 9682 the circuit court.

9683 (2) LEVEL TWO.—Unless otherwise provided by law, the  
 9684 following classifications and penalties apply:

9685 (a) A person commits a Level Two violation if he or she  
 9686 violates any of the following provisions:

9687 1. Unless otherwise stated in subsection (1), rules or  
 9688 orders of the commission that require a person to pay a fee to  
 9689 obtain a permit to possess captive wildlife or that require the  
 9690 maintenance of records relating to captive wildlife.

9691 2. Rules or orders of the commission relating to captive  
 9692 wildlife not specified in subsection (1) or subsection (3).

9693 3. Rules or orders of the commission that require housing  
 9694 of wildlife in a safe manner when a violation results in an  
 9695 escape of wildlife other than Class I wildlife.

9696 4. Section 379.372 ~~372.86~~, relating to capturing, keeping,  
 9697 possessing, transporting, or exhibiting venomous reptiles or  
 9698 reptiles of concern.

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9699 | 5. Section 379.373 ~~372.87~~, relating to requiring a license  
 9700 | or permit for the capturing, keeping, possessing, or exhibiting  
 9701 | of venomous reptiles or reptiles of concern.

9702 | 6. Section 379.374 ~~372.88~~, relating to bonding  
 9703 | requirements for public exhibits of venomous reptiles.

9704 | 7. Section 379.305 ~~372.92~~, relating to commission rules  
 9705 | and regulations to prevent the escape of venomous reptiles or  
 9706 | reptiles of concern.

9707 | 8. Section 379.304 ~~372.921~~, relating to exhibition or sale  
 9708 | of wildlife.

9709 | 9. Section 379.303 ~~372.922~~, relating to personal  
 9710 | possession of wildlife.

9711 | (b) A person who commits any offense classified as a Level  
 9712 | Two violation and who has not been convicted of a Level Two or  
 9713 | higher violation within the past 3 years commits a misdemeanor  
 9714 | of the second degree, punishable as provided in s. 775.082 or s.  
 9715 | 775.083.

9716 | (c) Unless otherwise stated in this subsection, a person  
 9717 | who commits any offense classified as a Level Two violation  
 9718 | within a 3-year period of any previous conviction of a Level Two  
 9719 | or higher violation commits a misdemeanor of the first degree,  
 9720 | punishable as provided in s. 775.082 or s. 775.083 with a  
 9721 | minimum mandatory fine of \$250.

9722 | (d) Unless otherwise stated in this subsection, a person  
 9723 | who commits any offense classified as a Level Two violation  
 9724 | within a 5-year period of any two previous convictions of Level  
 9725 | Two or higher violations commits a misdemeanor of the first

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9726 degree, punishable as provided in s. 775.082 or s. 775.083, with  
9727 a minimum mandatory fine of \$500 and a suspension of all  
9728 licenses issued under this chapter related to captive wildlife  
9729 for 1 year.

9730 (e) A person who commits any offense classified as a Level  
9731 Two violation within a 10-year period of any three previous  
9732 convictions of Level Two or higher violations commits a  
9733 misdemeanor of the first degree, punishable as provided in s.  
9734 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and  
9735 a suspension of all licenses issued under this chapter related  
9736 to captive wildlife for 3 years.

9737 (3) LEVEL THREE.—Unless otherwise provided by law, the  
9738 following classifications and penalties apply:

9739 (a) A person commits a Level Three violation if he or she  
9740 violates any of the following provisions:

9741 1. Rules or orders of the commission that require housing  
9742 of wildlife in a safe manner when a violation results in an  
9743 escape of Class I wildlife.

9744 2. Rules or orders of the commission related to captive  
9745 wildlife when the violation results in serious bodily injury to  
9746 another person by captive wildlife that consists of a physical  
9747 condition that creates a substantial risk of death, serious  
9748 personal disfigurement, or protracted loss or impairment of the  
9749 function of any bodily member or organ.

9750 3. Rules or orders of the commission relating to the use  
9751 of gasoline or other chemical or gaseous substances on wildlife.

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9752 4. Rules or orders of the commission prohibiting the  
9753 release of wildlife for which only conditional possession is  
9754 allowed.

9755 5. Rules or orders of the commission prohibiting knowingly  
9756 entering false information on an application for a license or  
9757 permit when the license or permit is to possess wildlife in  
9758 captivity.

9759 6. Section 379.231 ~~372.265~~, relating to illegal  
9760 importation or introduction of foreign wildlife.

9761 7. Section 379.330 ~~370.081~~, relating to the illegal  
9762 importation and possession of nonindigenous marine plants and  
9763 animals.

9764 8. Section 379.305 ~~372.92~~, relating to release or escape  
9765 of nonnative venomous reptiles or reptiles of concern.

9766 9. Rules or orders of the commission relating to the  
9767 importation, possession, or release of fish and wildlife for  
9768 which possession is prohibited.

9769 (b)1. A person who commits any offense classified as a  
9770 Level Three violation and who has not been convicted of a Level  
9771 Three or higher violation within the past 10 years commits a  
9772 misdemeanor of the first degree, punishable as provided in s.  
9773 775.082 or s. 775.083.

9774 2. A person who commits any offense classified as a Level  
9775 Three violation within a 10-year period of any previous  
9776 conviction of a Level Three or higher violation commits a  
9777 misdemeanor of the first degree, punishable as provided in s.  
9778 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and

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9779 permanent revocation of all licenses or permits to possess  
9780 captive wildlife issued under this chapter.

9781 (4) LEVEL FOUR.—Unless otherwise provided by law, the  
9782 following classifications and penalties apply:

9783 (a) A person commits a Level Four violation if he or she  
9784 violates any Level Three provision after the permanent  
9785 revocation of a license or permit.

9786 (b) A person who commits any offense classified as a Level  
9787 Four violation commits a felony of the third degree, punishable  
9788 as provided in s. 775.082 or s. 775.083.

9789 (5) SUSPENSION OR REVOCATION OF LICENSE.—The court may  
9790 order the suspension or revocation of any license or permit  
9791 issued to a person to possess captive wildlife pursuant to this  
9792 chapter if that person commits a criminal offense or a  
9793 noncriminal infraction as specified under this section.

9794 (6) CONVICTION DEFINED.—For purposes of this section, the  
9795 term "conviction" means any judicial disposition other than  
9796 acquittal or dismissal.

9797 (7) COMMISSION LIMITATIONS.—Nothing in this section shall  
9798 limit the commission from suspending or revoking any license to  
9799 possess wildlife in captivity by administrative action in  
9800 accordance with chapter 120. For purposes of administrative  
9801 action, a conviction of a criminal offense shall mean any  
9802 judicial disposition other than acquittal or dismissal.

9803 Section 168. Section 370.1107, Florida Statutes, is  
9804 renumbered as section 379.402, Florida Statutes, to read:



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9805        379.402 ~~370.1107~~ Definition; possession of certain  
9806 licensed traps prohibited; penalties; exceptions; consent.--  
9807        (1) As used in this section, the term "licensed saltwater  
9808 fisheries trap" means any trap required to be licensed by the  
9809 Fish and Wildlife Conservation Commission and authorized by the  
9810 commission for the taking of saltwater products.  
9811        (2) It is unlawful for any person, firm, corporation, or  
9812 association to be in actual or constructive possession of a  
9813 licensed saltwater fisheries trap registered with the Fish and  
9814 Wildlife Conservation Commission in another person's, firm's,  
9815 corporation's, or association's name.  
9816        (a) Unlawful possession of less than three licensed  
9817 saltwater fisheries traps is a misdemeanor of the first degree,  
9818 punishable as provided in s. 775.082 or s. 775.083.  
9819        (b) Unlawful possession of three or more licensed  
9820 saltwater fisheries traps is a felony of the third degree,  
9821 punishable as provided in s. 775.082 or s. 775.083.  
9822        (c) Upon receipt of any judicial disposition other than  
9823 dismissal or acquittal on a charge of violating this section or  
9824 any provision of law or rule making unlawful the possession of  
9825 another's saltwater fishing trap, a person shall permanently  
9826 lose all saltwater fishing privileges, including licenses, trap  
9827 certificates, and the ability to transfer trap certificates.  
9828        (3) It is unlawful for any person, firm, corporation, or  
9829 association to possess, attempt to possess, interfere with,  
9830 attempt to interfere with, or remove live bait from a live bait  
9831 trap or cage of another person, firm, corporation, or

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9832 association. Unlawful possession of one or more live bait traps  
 9833 or cages is a misdemeanor of the first degree, punishable as  
 9834 provided in s. 775.082 or s. 775.083.

9835 (4) This section shall not apply to the agents or  
 9836 employees of the registered owner of the licensed saltwater  
 9837 fisheries trap or to a person, firm, corporation, or association  
 9838 who has the written consent from the owner of the licensed  
 9839 saltwater fisheries trap, to possess such licensed saltwater  
 9840 fisheries trap, or to agents or employees of the Fish and  
 9841 Wildlife Conservation Commission who are engaged in the removal  
 9842 of traps during the closed season.

9843 (5) The registered owner of the licensed saltwater  
 9844 fisheries trap shall provide the Fish and Wildlife Conservation  
 9845 Commission with the names of any agents, employees, or any other  
 9846 person, firm, company, or association to whom the registered  
 9847 owner has given consent to possess said licensed saltwater  
 9848 fisheries trap.

9849 Section 169. Section 372.7015, Florida Statutes, is  
 9850 renumbered as section 379.403, Florida Statutes, and amended to  
 9851 read:

9852 379.403 ~~372.7015~~ Illegal killing, taking, possessing, or  
 9853 selling wildlife or game; fines; disposition of fines.--In  
 9854 addition to any other penalty provided by law, any person who  
 9855 violates the criminal provisions of this chapter and rules  
 9856 adopted pursuant to this chapter by illegally killing, taking,  
 9857 possessing, or selling game or fur-bearing animals as defined in  
 9858 s. 379.100 (19) or (20) ~~372.001(10) or (11)~~ in or out of season

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9859 while violating chapter 810 shall pay a fine of \$250 for each  
9860 such violation, plus court costs and any restitution ordered by  
9861 the court. All fines collected under this section shall be  
9862 remitted by the clerk of the court to the Department of Revenue  
9863 to be deposited into the Fish and Wildlife Conservation  
9864 Commission's State Game Trust Fund.

9865 Section 170. Section 372.99, Florida Statutes, is  
9866 renumbered as section 379.404, Florida Statutes, and amended to  
9867 read:

9868 379.404 ~~372.99~~ Illegal taking and possession of deer and  
9869 wild turkey; evidence; penalty.--

9870 (1) Whoever takes or kills any deer or wild turkey, or  
9871 possesses a freshly killed deer or wild turkey, during the  
9872 closed season prescribed by law or by the rules and regulations  
9873 of the Fish and Wildlife Conservation Commission, or whoever  
9874 takes or attempts to take any deer or wild turkey by the use of  
9875 gun and light in or out of closed season, commits a Level Three  
9876 violation under s. 379.400 ~~372.83~~ and shall forfeit any license  
9877 or permit issued to her or him under the provisions of this  
9878 chapter. No license shall be issued to such person for a period  
9879 of 3 years following any such violation on the first offense.  
9880 Any person guilty of a second or subsequent violation shall be  
9881 permanently ineligible for issuance of a license or permit  
9882 thereafter.

9883 (2) The display or use of a light in a place where deer  
9884 might be found and in a manner capable of disclosing the  
9885 presence of deer, together with the possession of firearms or

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9886 other weapons customarily used for the taking of deer, between 1  
9887 hour after sunset and 1 hour before sunrise, shall be prima  
9888 facie evidence of an intent to violate the provisions of  
9889 subsection (1). This subsection does not apply to an owner or  
9890 her or his employee when patrolling or inspecting the land of  
9891 the owner, provided the employee has satisfactory proof of  
9892 employment on her or his person.

9893 (3) Whoever takes or kills any doe deer; fawn or baby  
9894 deer; or deer, whether male or female, which does not have one  
9895 or more antlers at least 5 inches in length, except as provided  
9896 by law or the rules of the Fish and Wildlife Conservation  
9897 Commission, during the open season prescribed by the rules of  
9898 the commission, commits a Level Three violation under s. 379.400  
9899 ~~372.83~~ and may be required to forfeit any license or permit  
9900 issued to such person for a period of 3 years following any such  
9901 violation on the first offense. Any person guilty of a second or  
9902 subsequent violation shall be permanently ineligible for  
9903 issuance of a license or permit thereafter.

9904 (4) Any person who cultivates agricultural crops may apply  
9905 to the Fish and Wildlife Conservation Commission for a permit to  
9906 take or kill deer on land which that person is currently  
9907 cultivating. When said person can show, to the satisfaction of  
9908 the Fish and Wildlife Conservation Commission, that such taking  
9909 or killing of deer is justified because of damage to the  
9910 person's crops caused by deer, the Fish and Wildlife  
9911 Conservation Commission may issue a limited permit to the

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9912 applicant to take or kill deer without being in violation of  
 9913 subsection (1) or subsection (3).

9914 (5) Whoever possesses for sale or sells deer or wild  
 9915 turkey taken in violation of this chapter or the rules and  
 9916 regulations of the commission commits a Level Four violation  
 9917 under s. 379.400 ~~372.83~~.

9918 (6) Any person who enters upon private property and shines  
 9919 lights upon such property, without the express permission of the  
 9920 owner of the property and with the intent to take deer by  
 9921 utilizing such shining lights, commits a Level Three violation  
 9922 under s. 379.400 ~~372.83~~.

9923 Section 171. Section ~~372.99022~~, Florida Statutes, is  
 9924 renumbered as section 379.405, Florida Statutes, and amended to  
 9925 read:

9926 379.405 ~~372.99022~~ Illegal molestation of or theft from  
 9927 freshwater fishing gear.--

9928 (1)(a) Any person, firm, or corporation that willfully  
 9929 molests any authorized and lawfully permitted freshwater fishing  
 9930 gear belonging to another without the express written consent of  
 9931 the owner commits a Level Four violation under s. 379.400  
 9932 ~~372.83~~. Any written consent must be available for immediate  
 9933 inspection.

9934 (b) Any person, firm, or corporation that willfully  
 9935 removes the contents of any authorized and lawfully permitted  
 9936 freshwater fishing gear belonging to another without the express  
 9937 written consent of the owner commits a Level Four violation

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9938 | under s. 379.400 ~~372.83~~. Any written consent must be available  
 9939 | for immediate inspection.

9940 |  
 9941 | A person, firm, or corporation that receives a citation for a  
 9942 | violation of this subsection is prohibited, immediately upon  
 9943 | receipt of such citation and until adjudicated or convicted of a  
 9944 | felony under this subsection, from transferring any  
 9945 | endorsements.

9946 | (2) Any person, firm, or corporation convicted pursuant to  
 9947 | subsection (1) of removing the contents of freshwater fishing  
 9948 | gear without the express written consent of the owner shall  
 9949 | permanently lose all of his or her freshwater and saltwater  
 9950 | fishing privileges, including his or her recreational and  
 9951 | commercial licenses and endorsements, and shall be assessed an  
 9952 | administrative penalty of not more than \$5,000. The endorsements  
 9953 | of such person, firm, or corporation are not transferable.

9954 | (3) For purposes of this section, the term "freshwater  
 9955 | fishing gear" means haul seines, slat baskets, wire traps, hoop  
 9956 | nets, or pound nets, and includes the lines or buoys attached  
 9957 | thereto.

9958 | Section 172. Section 372.9903, Florida Statutes, is  
 9959 | renumbered as section 379.406, Florida Statutes, and amended to  
 9960 | read:

9961 | 379.406 ~~372.9903~~ Illegal possession or transportation of  
 9962 | freshwater game fish in commercial quantities; penalty.--

9963 | (1) Whoever possesses, moves, or transports any black  
 9964 | bass, bream, speckled perch, or other freshwater game fish in

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9965 commercial quantities in violation of law or the rules of the  
 9966 Fish and Wildlife Conservation Commission commits a Level Three  
 9967 violation under s. 379.400 ~~372.83~~.

9968 (2) For the purposes of this section "commercial  
 9969 quantities" shall be deemed to be a quantity of freshwater game  
 9970 fish of 150 or more pounds, and the possession, movement, or  
 9971 transportation of freshwater game fish in excess of such weight  
 9972 shall constitute prima facie evidence of possession or  
 9973 transportation for commercial purposes.

9974 Section 173. Section 370.021, Florida Statutes, is  
 9975 renumbered as section 379.407, Florida Statutes, and amended to  
 9976 read:

9977 379.407 ~~370.021~~ Administration; rules, publications,  
 9978 records; penalties; injunctions.--

9979 (1) BASE PENALTIES.--Unless otherwise provided by law, any  
 9980 person, firm, or corporation who violates any provision of this  
 9981 chapter, or any rule of the Fish and Wildlife Conservation  
 9982 Commission relating to the conservation of marine resources,  
 9983 shall be punished:

9984 (a) Upon a first conviction, by imprisonment for a period  
 9985 of not more than 60 days or by a fine of not less than \$100 nor  
 9986 more than \$500, or by both such fine and imprisonment.

9987 (b) On a second or subsequent conviction within 12  
 9988 months, by imprisonment for not more than 6 months or by a fine  
 9989 of not less than \$250 nor more than \$1,000, or by both such fine  
 9990 and imprisonment.

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9992 Upon final disposition of any alleged offense for which a  
 9993 citation for any violation of this chapter or the rules of the  
 9994 commission has been issued, the court shall, within 10 days,  
 9995 certify the disposition to the commission.

9996 (2) MAJOR VIOLATIONS.--In addition to the penalties  
 9997 provided in paragraphs (1)(a) and (b), the court shall assess  
 9998 additional penalties against any commercial harvester convicted  
 9999 of major violations as follows:

10000 (a) For a violation involving more than 100 illegal blue  
 10001 crabs, spiny lobster, or stone crabs, an additional penalty of  
 10002 \$10 for each illegal blue crab, spiny lobster, stone crab, or  
 10003 part thereof.

10004 (b) For a violation involving the taking or harvesting of  
 10005 shrimp from a nursery or other prohibited area, or any two  
 10006 violations within a 12-month period involving shrimping gear,  
 10007 minimum size (count), or season, an additional penalty of \$10  
 10008 for each pound of illegal shrimp or part thereof.

10009 Additionally, for violations involving the taking of shrimp in  
 10010 certain closed areas.

10011 1.a. Any person convicted of taking shrimp in Santa Rosa  
 10012 Sound in violation of commission rule designating a closed area  
 10013 there shall have his or her saltwater products license and the  
 10014 saltwater products license of the boat involved in the violation  
 10015 revoked. If the person holds such a license, he or she shall be  
 10016 ineligible to make application for such a license for a period  
 10017 of 2 years from the date of such conviction. If a person not  
 10018 having a license is convicted hereunder, that person and the



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10019 boat involved in the violation shall not be eligible for such a  
 10020 license for 5 years.

10021 b. A third or subsequent violation by any person of the  
 10022 designated closure to shrimping in Santa Rosa Sound within a 3-  
 10023 year period is a felony of the third degree, punishable as  
 10024 provided in s. 775.082, s. 775.083, or s. 775.084.

10025 2. A second or any subsequent violation by any person for  
 10026 taking shrimp in a Food Shrimp Production Closed Area in a  
 10027 portion of Monroe County designated by the commission is a  
 10028 felony of the third degree, punishable as provided in s. 775.082  
 10029 or s. 775.083.

10030 3. A third or any subsequent violation by the owner or  
 10031 master of any vessel engaged in food shrimp production in the  
 10032 Tortugas Shrimp Beds closed area designated by the commission  
 10033 within a 3-year period shall be a felony of the third degree,  
 10034 punishable as provided in ss. 775.082 and 775.083.

10035 (c) For a violation involving the taking or harvesting of  
 10036 oysters from nonapproved areas or the taking or possession of  
 10037 unculled oysters, an additional penalty of \$10 for each bushel  
 10038 of illegal oysters.

10039 (d) For a violation involving the taking or harvesting of  
 10040 clams from nonapproved areas, an additional penalty of \$100 for  
 10041 each 500 count bag of illegal clams.

10042 (e) For a violation involving the taking, harvesting, or  
 10043 possession of any of the following species, which are  
 10044 endangered, threatened, or of special concern:

10045 1. Shortnose sturgeon (*Acipenser brevirostrum*);

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- 10046 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 10047 3. Common snook (*Centropomus undecimalis*);
- 10048 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 10049 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 10050 6. Leatherback turtle (*Dermochelys coriacea*);
- 10051 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
- 10052 *imbracata*);
- 10053 8. Atlantic ridley turtle (*Lepidochelys kempii*); or
- 10054 9. West Indian manatee (*Trichechus manatus latirostris*),

10055  
 10056 an additional penalty of \$100 for each unit of marine life or  
 10057 part thereof.

10058 (f) For a second or subsequent conviction within 24 months  
 10059 for any violation of the same law or rule involving the taking  
 10060 or harvesting of more than 100 pounds of any finfish, an  
 10061 additional penalty of \$5 for each pound of illegal finfish.

10062 (g) For any violation involving the taking, harvesting, or  
 10063 possession of more than 1,000 pounds of any illegal finfish, an  
 10064 additional penalty equivalent to the wholesale value of the  
 10065 illegal finfish.

10066 (h) Permits issued to any commercial harvester by the  
 10067 commission to take or harvest saltwater products, or any license  
 10068 issued pursuant to s. 379.360 ~~370.06~~ or s. 379.361 ~~370.07~~ may be  
 10069 suspended or revoked by the commission, pursuant to the  
 10070 provisions and procedures of s. 120.60, for any major violation  
 10071 prescribed in this subsection:

- 10072 1. Upon a first conviction, for up to 30 calendar days.

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10073           2. Upon a second conviction which occurs within 12 months  
10074 after a prior violation, for up to 90 calendar days.

10075           3. Upon a third conviction which occurs within 24 months  
10076 after a prior conviction, for up to 180 calendar days.

10077           4. Upon a fourth conviction which occurs within 36 months  
10078 after a prior conviction, for a period of 6 months to 3 years.

10079           (i) Upon the arrest and conviction for a major violation  
10080 involving stone crabs, the licenseholder must show just cause  
10081 why his or her license should not be suspended or revoked. For  
10082 the purposes of this paragraph, a "major violation" means a  
10083 major violation as prescribed for illegal stone crabs; any  
10084 single violation involving possession of more than 25 stone  
10085 crabs during the closed season or possession of 25 or more  
10086 whole-bodied or egg-bearing stone crabs; any violation for trap  
10087 molestation, trap robbing, or pulling traps at night; or any  
10088 combination of violations in any 3-consecutive-year period  
10089 wherein more than 75 illegal stone crabs in the aggregate are  
10090 involved.

10091           (j) Upon the arrest and conviction for a major violation  
10092 involving spiny lobster, the licenseholder must show just cause  
10093 why his or her license should not be suspended or revoked. For  
10094 the purposes of this paragraph, a "major violation" means a  
10095 major violation as prescribed for illegal spiny lobster; any  
10096 single violation involving possession of more than 25 spiny  
10097 lobster during the closed season or possession of more than 25  
10098 wrung spiny lobster tails or more than 25 egg-bearing or  
10099 stripped spiny lobster; any violation for trap molestation, trap

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10100 robbing, or pulling traps at night; or any combination of  
10101 violations in any 3-consecutive-year period wherein more than 75  
10102 illegal spiny lobster in the aggregate are involved.

10103 (k) Upon the arrest and conviction for a major violation  
10104 involving blue crabs, the licenseholder shall show just cause  
10105 why his or her saltwater products license should not be  
10106 suspended or revoked. This paragraph shall not apply to an  
10107 individual fishing with no more than five traps. For the  
10108 purposes of this paragraph, a "major violation" means a major  
10109 violation as prescribed for illegal blue crabs, any single  
10110 violation wherein 50 or more illegal blue crabs are involved;  
10111 any violation for trap molestation, trap robbing, or pulling  
10112 traps at night; or any combination of violations in any 3-  
10113 consecutive-year period wherein more than 100 illegal blue crabs  
10114 in the aggregate are involved.

10115 (l) Upon the conviction for a major violation involving  
10116 finfish, the licenseholder must show just cause why his or her  
10117 saltwater products license should not be suspended or revoked.  
10118 For the purposes of this paragraph, a major violation is  
10119 prescribed for the taking and harvesting of illegal finfish, any  
10120 single violation involving the possession of more than 100  
10121 pounds of illegal finfish, or any combination of violations in  
10122 any 3-consecutive-year period wherein more than 200 pounds of  
10123 illegal finfish in the aggregate are involved.

10124 (m) For a violation involving the taking or harvesting of  
10125 any marine life species, as those species are defined by rule of  
10126 the commission, the harvest of which is prohibited, or the

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10127 taking or harvesting of such a species out of season, or with an  
 10128 illegal gear or chemical, or any violation involving the  
 10129 possession of 25 or more individual specimens of marine life  
 10130 species, or any combination of violations in any 3-year period  
 10131 involving more than 70 such specimens in the aggregate, the  
 10132 suspension or revocation of the licenseholder's marine life  
 10133 endorsement as provided in paragraph (h).

10134  
 10135 The penalty provisions of this subsection apply to commercial  
 10136 harvesters and wholesale and retail dealers as defined in s.  
 10137 379.361 ~~370.07~~. Any other person who commits a major violation  
 10138 under this subsection commits a Level Three violation under s.  
 10139 379.400 ~~372.83~~. Notwithstanding the provisions of s. 948.01, no  
 10140 court may suspend, defer, or withhold adjudication of guilt or  
 10141 imposition of sentence for any major violation prescribed in  
 10142 this subsection. The proceeds from the penalties assessed  
 10143 pursuant to this subsection shall be deposited into the Marine  
 10144 Resources Conservation Trust Fund to be used for marine  
 10145 fisheries research ~~or into the commission's Federal Law~~  
 10146 ~~Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

10147 (3) PENALTIES FOR USE OF ILLEGAL NETS.--

10148 (a) It is a major violation pursuant to this section,  
 10149 punishable as provided in paragraph (b) for any person, firm, or  
 10150 corporation to be simultaneously in possession of any species of  
 10151 mullet in excess of the recreational daily bag limit and any  
 10152 gill or other entangling net as defined in s. 16(c), Art. X of  
 10153 the State Constitution. Simultaneous possession under this

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10154 provision shall include possession of mullet and gill or other  
10155 entangling nets on separate vessels or vehicles where such  
10156 vessels or vehicles are operated in coordination with one  
10157 another including vessels towed behind a main vessel. This  
10158 subsection does not prohibit a resident of this state from  
10159 transporting on land, from Alabama to this state, a commercial  
10160 quantity of mullet together with a gill net if:

10161 1. The person possesses a valid commercial fishing license  
10162 that is issued by the State of Alabama and that allows the  
10163 person to use a gill net to legally harvest mullet in commercial  
10164 quantities from Alabama waters.

10165 2. The person possesses a trip ticket issued in Alabama  
10166 and filled out to match the quantity of mullet being  
10167 transported, and the person is able to present such trip ticket  
10168 immediately upon entering this state.

10169 3. The mullet are to be sold to a wholesale saltwater  
10170 products dealer located in Escambia County or Santa Rosa County,  
10171 which dealer also possesses a valid seafood dealer's license  
10172 issued by the State of Alabama. The dealer's name must be  
10173 clearly indicated on the trip ticket.

10174 4. The mullet being transported are totally removed from  
10175 any net also being transported.

10176 (b)1. A flagrant violation of any rule or statute which  
10177 implements s. 16(b), Art. X of the State Constitution shall be  
10178 considered a felony of the third degree, punishable as provided  
10179 in s. 775.082 or s. 775.083. For purposes of this paragraph, a  
10180 flagrant violation shall be the illegal possession or use of a

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10181 monofilament net or a net with a mesh area larger than 2,000  
10182 square feet. A violation means any judicial disposition other  
10183 than acquittal or dismissal.

10184 2. In addition to being subject to the other penalties  
10185 provided in this chapter, any violation of s. 16(b), Art. X of  
10186 the State Constitution, or any statute or rule of the commission  
10187 which implements the gear prohibitions and restrictions  
10188 specified therein shall be considered a major violation; and any  
10189 person, firm, or corporation receiving any judicial disposition  
10190 other than acquittal or dismissal of such violation shall be  
10191 subject to the following additional penalties:

10192 a. For a first major violation within a 7-year period, a  
10193 civil penalty of \$2,500 and suspension of all saltwater products  
10194 license privileges for 90 calendar days following final  
10195 disposition shall be imposed.

10196 b. For a second major violation under this subparagraph  
10197 charged within 7 years of a previous judicial disposition, which  
10198 results in a second judicial disposition other than acquittal or  
10199 dismissal, a civil penalty of \$5,000 and suspension of all  
10200 saltwater products license privileges for 12 months shall be  
10201 imposed.

10202 c. For a third or subsequent major violation under this  
10203 subparagraph, charged within a 7-year period, resulting in a  
10204 third or subsequent judicial disposition other than acquittal or  
10205 dismissal, a civil penalty of \$5,000, lifetime revocation of the  
10206 saltwater products license, and forfeiture of all gear and  
10207 equipment used in the violation shall be imposed.

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10208 d. For a first flagrant violation under this subparagraph,  
10209 a civil penalty of \$5,000 and a suspension of all saltwater  
10210 license privileges for 12 months shall be imposed. For a second  
10211 or subsequent flagrant violation under this subparagraph, a  
10212 civil penalty of \$5,000, a lifetime revocation of the saltwater  
10213 products license, and the forfeiture of all gear and equipment  
10214 used in the violation shall be imposed.

10215  
10216 A court may suspend, defer, or withhold adjudication of guilt or  
10217 imposition of sentence only for any first violation of s. 16,  
10218 Art. X of the State Constitution, or any rule or statute  
10219 implementing its restrictions, determined by a court only after  
10220 consideration of competent evidence of mitigating circumstances  
10221 to be a nonflagrant or minor violation of those restrictions  
10222 upon the use of nets. Any violation of s. 16, Art. X of the  
10223 State Constitution, or any rule or statute implementing its  
10224 restrictions, occurring within a 7-year period commencing upon  
10225 the conclusion of any judicial proceeding resulting in any  
10226 outcome other than acquittal shall be punished as a second,  
10227 third, or subsequent violation accordingly.

10228 (c) During the period of suspension or revocation of  
10229 saltwater license privileges under this subsection, the licensee  
10230 shall not participate in the taking or harvesting, or attempt  
10231 the taking or harvesting, of saltwater products from any vessel  
10232 within the waters of the state; be aboard any vessel on which a  
10233 commercial quantity of saltwater products is possessed through  
10234 an activity requiring a license pursuant to this section; or



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10235 engage in any other activity requiring a license, permit, or  
 10236 certificate issued pursuant to this chapter. Any person who is  
 10237 convicted of violating this paragraph:

10238 1. Upon a first or second conviction, is guilty of a  
 10239 misdemeanor of the first degree, punishable as provided in s.  
 10240 775.082 or s. 775.083.

10241 2. Upon a third or subsequent conviction, is guilty of a  
 10242 felony of the third degree, punishable as provided in s.  
 10243 775.082, s. 775.083, or s. 775.084.

10244 (d) Upon reinstatement of saltwater license privileges  
 10245 suspended pursuant to a violation of this subsection, a licensee  
 10246 owning or operating a vessel containing or otherwise  
 10247 transporting in or on Florida waters any gill net or other  
 10248 entangling net, or containing or otherwise transporting in  
 10249 nearshore and inshore Florida waters any net containing more  
 10250 than 500 square feet of mesh area shall remain restricted for a  
 10251 period of 12 months following reinstatement, to operating under  
 10252 the following conditions:

10253 1. Vessels subject to this reinstatement period shall be  
 10254 restricted to the corridors established by commission rule.

10255 2. A violation of the reinstatement period provisions  
 10256 shall be punishable pursuant to paragraphs (1)(a) and (b).

10257 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING  
 10258 CERTAIN FINFISH.--

10259 (a) It is a major violation under this section for any  
 10260 person to be in possession of any species of trout, snook, or

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10261 redfish which is three fish in excess of the recreational or  
10262 commercial daily bag limit.

10263 (b) A commercial harvester who violates this subsection  
10264 shall be punished as provided under paragraph (3)(b). Any other  
10265 person who violates this subsection commits a Level Three  
10266 violation under s. 379.400 ~~372.83~~.

10267 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY  
10268 HARVESTED PRODUCTS.--In addition to other penalties authorized  
10269 in this chapter, any violation of s. 379.360 ~~370.06~~ or s.  
10270 379.361 ~~370.07~~, or rules of the commission implementing s.  
10271 379.360 ~~370.06~~ or s. 379.361 ~~370.07~~, involving the purchase of  
10272 saltwater products by a commercial wholesale dealer, retail  
10273 dealer, or restaurant facility for public consumption from an  
10274 unlicensed person, firm, or corporation, or the purchase or sale  
10275 of any saltwater product known to be taken in violation of s.  
10276 16, Art. X of the State Constitution, or rule or statute  
10277 implementing the provisions thereof, by a commercial wholesale  
10278 dealer, retail dealer, or restaurant facility, for public  
10279 consumption, is a major violation, and the commission may assess  
10280 the following penalties:

10281 (a) For a first violation, the commission may assess a  
10282 civil penalty of up to \$2,500 and may suspend the wholesale or  
10283 retail dealer's license privileges for up to 90 calendar days.

10284 (b) For a second violation occurring within 12 months of a  
10285 prior violation, the commission may assess a civil penalty of up  
10286 to \$5,000 and may suspend the wholesale or retail dealer's  
10287 license privileges for up to 180 calendar days.

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10288 (c) For a third or subsequent violation occurring within a  
 10289 24-month period, the commission shall assess a civil penalty of  
 10290 \$5,000 and shall suspend the wholesale or retail dealer's  
 10291 license privileges for up to 24 months.

10292  
 10293 Any proceeds from the civil penalties assessed pursuant to this  
 10294 subsection shall be deposited into the Marine Resources  
 10295 Conservation Trust Fund and shall be used as follows: 40 percent  
 10296 for administration and processing purposes and 60 percent for  
 10297 law enforcement purposes.

10298 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR  
 10299 HARVEST.--It is a major violation and punishable as provided in  
 10300 this subsection for any unlicensed person, firm, or corporation  
 10301 who is required to be licensed under this chapter as a  
 10302 commercial harvester or a wholesale or retail dealer to sell or  
 10303 purchase any saltwater product or to harvest or attempt to  
 10304 harvest any saltwater product with intent to sell the saltwater  
 10305 product.

10306 (a) Any person, firm, or corporation who sells or  
 10307 purchases any saltwater product without having purchased the  
 10308 licenses required by this chapter for such sale is subject to  
 10309 penalties as follows:

10310 1. A first violation is a misdemeanor of the second  
 10311 degree, punishable as provided in s. 775.082 or s. 775.083.

10312 2. A second violation is a misdemeanor of the first  
 10313 degree, punishable as provided in s. 775.082 or s. 775.083, and  
 10314 such person may also be assessed a civil penalty of up to \$2,500

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10315 and is subject to a suspension of all license privileges under  
 10316 this chapter ~~and chapter 372~~ for a period not exceeding 90 days.

10317 3. A third violation is a misdemeanor of the first degree,  
 10318 punishable as provided in s. 775.082 or s. 775.083, with a  
 10319 mandatory minimum term of imprisonment of 6 months, and such  
 10320 person may also be assessed a civil penalty of up to \$5,000 and  
 10321 is subject to a suspension of all license privileges under this  
 10322 chapter ~~and chapter 372~~ for a period not exceeding 6 months.

10323 4. A third violation within 1 year after a second  
 10324 violation is a felony of the third degree, punishable as  
 10325 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
 10326 term of imprisonment of 1 year, and such person shall be  
 10327 assessed a civil penalty of \$5,000 and all license privileges  
 10328 under this chapter ~~and chapter 372~~ shall be permanently revoked.

10329 5. A fourth or subsequent violation is a felony of the  
 10330 third degree, punishable as provided in s. 775.082 or s.  
 10331 775.083, with a mandatory minimum term of imprisonment of 1  
 10332 year, and such person shall be assessed a civil penalty of  
 10333 \$5,000 and all license privileges under this chapter ~~and chapter~~  
 10334 ~~372~~ shall be permanently revoked.

10335 (b) Any person whose license privileges under this chapter  
 10336 have been permanently revoked and who thereafter sells or  
 10337 purchases or who attempts to sell or purchase any saltwater  
 10338 product commits a felony of the third degree, punishable as  
 10339 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
 10340 term of imprisonment of 1 year, and such person shall also be

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10341 assessed a civil penalty of \$5,000. All property involved in  
10342 such offense shall be forfeited pursuant to s. 379.337 ~~370.061~~.

10343 (c) Any commercial harvester or wholesale or retail dealer  
10344 whose license privileges under this chapter are under suspension  
10345 and who during such period of suspension sells or purchases or  
10346 attempts to sell or purchase any saltwater product shall be  
10347 assessed the following penalties:

10348 1. A first violation, or a second violation occurring more  
10349 than 12 months after a first violation, is a first degree  
10350 misdemeanor, punishable as provided in ss. 775.082 and 775.083,  
10351 and such commercial harvester or wholesale or retail dealer may  
10352 be assessed a civil penalty of up to \$2,500 and an additional  
10353 suspension of all license privileges under this chapter ~~and~~  
10354 ~~chapter 372~~ for a period not exceeding 90 days.

10355 2. A second violation occurring within 12 months of a  
10356 first violation is a third degree felony, punishable as provided  
10357 in ss. 775.082 and 775.083, with a mandatory minimum term of  
10358 imprisonment of 1 year, and such commercial harvester or  
10359 wholesale or retail dealer may be assessed a civil penalty of up  
10360 to \$5,000 and an additional suspension of all license privileges  
10361 under this chapter ~~and chapter 372~~ for a period not exceeding  
10362 180 days. All property involved in such offense shall be  
10363 forfeited pursuant to s. 379.337 ~~370.061~~.

10364 3. A third violation within 24 months of the second  
10365 violation or subsequent violation is a third degree felony,  
10366 punishable as provided in ss. 775.082 and 775.083, with a  
10367 mandatory minimum term of imprisonment of 1 year, and such

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10368 commercial harvester or wholesale or retail dealer shall be  
10369 assessed a mandatory civil penalty of up to \$5,000 and an  
10370 additional suspension of all license privileges under this  
10371 chapter ~~and chapter 372~~ for a period not exceeding 24 months.  
10372 All property involved in such offense shall be forfeited  
10373 pursuant to s. 379.337 ~~370.061~~.

10374 (d) Any commercial harvester who harvests or attempts to  
10375 harvest any saltwater product with intent to sell the saltwater  
10376 product without having purchased a saltwater products license  
10377 with the requisite endorsements is subject to penalties as  
10378 follows:

10379 1. A first violation is a misdemeanor of the second  
10380 degree, punishable as provided in s. 775.082 or s. 775.083.

10381 2. A second violation is a misdemeanor of the first  
10382 degree, punishable as provided in s. 775.082 or s. 775.083, and  
10383 such commercial harvester may also be assessed a civil penalty  
10384 of up to \$2,500 and is subject to a suspension of all license  
10385 privileges under this chapter ~~and chapter 372~~ for a period not  
10386 exceeding 90 days.

10387 3. A third violation is a misdemeanor of the first degree,  
10388 punishable as provided in s. 775.082 or s. 775.083, with a  
10389 mandatory minimum term of imprisonment of 6 months, and such  
10390 commercial harvester may also be assessed a civil penalty of up  
10391 to \$5,000 and is subject to a suspension of all license  
10392 privileges under this chapter ~~and chapter 372~~ for a period not  
10393 exceeding 6 months.

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10394 4. A third violation within 1 year after a second  
 10395 violation is a felony of the third degree, punishable as  
 10396 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
 10397 term of imprisonment of 1 year, and such commercial harvester  
 10398 shall also be assessed a civil penalty of \$5,000 and all license  
 10399 privileges under this chapter and ~~chapter 372~~ shall be  
 10400 permanently revoked.

10401 5. A fourth or subsequent violation is a felony of the  
 10402 third degree, punishable as provided in s. 775.082 or s.  
 10403 775.083, with a mandatory minimum term of imprisonment of 1  
 10404 year, and such commercial harvester shall also be assessed a  
 10405 mandatory civil penalty of \$5,000 and all license privileges  
 10406 under this chapter and ~~chapter 372~~ shall be permanently revoked.

10407  
 10408 For purposes of this subsection, a violation means any judicial  
 10409 disposition other than acquittal or dismissal.

10410  
 10411 ~~(7) PUBLICATIONS BY COMMISSION. The commission is given~~  
 10412 ~~authority, from time to time in its discretion, to cause the~~  
 10413 ~~statutory laws under its jurisdiction, together with any rules~~  
 10414 ~~promulgated by it, to be published in pamphlet form for free~~  
 10415 ~~distribution in this state. The commission is authorized to make~~  
 10416 ~~charges for technical and educational publications and~~  
 10417 ~~mimeographed material of use for educational or reference~~  
 10418 ~~purposes. Such charges shall be made at the discretion of the~~  
 10419 ~~commission. Such charges may be sufficient to cover cost of~~  
 10420 ~~preparation, printing, publishing, and distribution. All moneys~~

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10421 ~~received for publications shall be deposited into the fund from~~  
10422 ~~which the cost of the publication was paid. The commission is~~  
10423 ~~further authorized to enter into agreements with persons, firms,~~  
10424 ~~corporations, governmental agencies, and other institutions~~  
10425 ~~whereby publications may be exchanged reciprocally in lieu of~~  
10426 ~~payments for said publications.~~

10427 ~~—— (8) POWERS OF OFFICERS. ——~~

10428 ~~—— (a) Law enforcement officers of the commission are~~  
10429 ~~constituted law enforcement officers of this state with full~~  
10430 ~~power to investigate and arrest for any violation of the laws of~~  
10431 ~~this state and the rules of the commission under their~~  
10432 ~~jurisdiction. The general laws applicable to arrests by peace~~  
10433 ~~officers of this state shall also be applicable to law~~  
10434 ~~enforcement officers of the commission. Such law enforcement~~  
10435 ~~officers may enter upon any land or waters of the state for~~  
10436 ~~performance of their lawful duties and may take with them any~~  
10437 ~~necessary equipment, and such entry will not constitute a~~  
10438 ~~trespass. It is lawful for any boat, motor vehicle, or aircraft~~  
10439 ~~owned or chartered by the commission or its agents or employees~~  
10440 ~~to land on and depart from any of the beaches or waters of the~~  
10441 ~~state. Such law enforcement officers have the authority, without~~  
10442 ~~warrant, to board, inspect, and search any boat, fishing~~  
10443 ~~appliance, storage or processing plant, fishhouse, spongehouse,~~  
10444 ~~oysterhouse, or other warehouse, building, or vehicle engaged in~~  
10445 ~~transporting or storing any fish or fishery products. Such~~  
10446 ~~authority to search and inspect without a search warrant is~~  
10447 ~~limited to those cases in which such law enforcement officers~~



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10448 ~~have reason to believe that fish or any saltwater products are~~  
10449 ~~taken or kept for sale, barter, transportation, or other~~  
10450 ~~purposes in violation of laws or rules promulgated under this~~  
10451 ~~law. Any such law enforcement officer may at any time seize or~~  
10452 ~~take possession of any saltwater products or contraband which~~  
10453 ~~have been unlawfully caught, taken, or processed or which are~~  
10454 ~~unlawfully possessed or transported in violation of any of the~~  
10455 ~~laws of this state or any rule of the commission. Such law~~  
10456 ~~enforcement officers may arrest any person in the act of~~  
10457 ~~violating any of the provisions of this law, the rules of the~~  
10458 ~~commission, or any of the laws of this state. It is hereby~~  
10459 ~~declared unlawful for any person to resist such arrest or in any~~  
10460 ~~manner interfere, either by abetting or assisting such~~  
10461 ~~resistance or otherwise interfering, with any such law~~  
10462 ~~enforcement officer while engaged in the performance of the~~  
10463 ~~duties imposed upon him or her by law or rule of the commission.~~  
10464 ~~—— (b) The Legislature finds that the checking and inspection~~  
10465 ~~of saltwater products aboard vessels is critical to good fishery~~  
10466 ~~management and conservation and that, because almost all~~  
10467 ~~saltwater products are either iced or cooled in closed areas or~~  
10468 ~~containers, the enforcement of seasons, size limits, and bag~~  
10469 ~~limits can only be effective when inspection of saltwater~~  
10470 ~~products so stored is immediate and routine. Therefore, in~~  
10471 ~~addition to the authority granted in paragraph (a), a law~~  
10472 ~~enforcement officer of the commission who has probable cause to~~  
10473 ~~believe that the vessel has been used for fishing prior to the~~  
10474 ~~inspection shall have full authority to open and inspect all~~

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10475 ~~containers or areas where saltwater products are normally kept~~  
10476 ~~aboard vessels while such vessels are on the water, such as~~  
10477 ~~refrigerated or iced locations, coolers, fish boxes, and bait~~  
10478 ~~wells, but specifically excluding such containers that are~~  
10479 ~~located in sleeping or living areas of the vessel.~~

10480 ~~—— (9) RETENTION, DESTRUCTION, AND REPRODUCTION OF RECORDS.——~~

10481 ~~Records and documents of the commission created in compliance~~  
10482 ~~with and in the implementation of this chapter or former chapter~~  
10483 ~~371 shall be retained by the commission as specified in record~~  
10484 ~~retention schedules established under the general provisions of~~  
10485 ~~chapters 119 and 257. Such records retained by the Department of~~  
10486 ~~Environmental Protection on July 1, 1999, shall be transferred~~  
10487 ~~to the commission. Further, the commission is authorized to:~~

10488 ~~—— (a) Destroy, or otherwise dispose of, those records and~~  
10489 ~~documents in conformity with the approved retention schedules.~~

10490 ~~—— (b) Photograph, microphotograph, or reproduce such records~~  
10491 ~~and documents on film, as authorized and directed by the~~  
10492 ~~approved retention schedules, whereby each page will be exposed~~  
10493 ~~in exact conformity with the original records and documents~~  
10494 ~~retained in compliance with the provisions of this section.~~

10495 ~~Photographs or microphotographs in the form of film or print of~~  
10496 ~~any records, made in compliance with the provisions of this~~  
10497 ~~section, shall have the same force and effect as the originals~~  
10498 ~~thereof would have and shall be treated as originals for the~~  
10499 ~~purpose of their admissibility in evidence. Duly certified or~~  
10500 ~~authenticated reproductions of such photographs or~~  
10501 ~~microphotographs shall be admitted in evidence equally with the~~

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10502 ~~original photographs or microphotographs. The impression of the~~  
 10503 ~~seal of the commission on a certificate made pursuant to the~~  
 10504 ~~provisions hereof and signed by the executive director of the~~  
 10505 ~~commission shall entitle the same to be received in evidence in~~  
 10506 ~~all courts and in all proceedings in this state and shall be~~  
 10507 ~~prima facie evidence of all factual matters set forth in the~~  
 10508 ~~certificate. A certificate may relate to one or more records, as~~  
 10509 ~~set forth in the certificate, or in a schedule continued on an~~  
 10510 ~~attachment to the certificate.~~

10511 ~~— (c) — Furnish certified copies of such records for a fee of~~  
 10512 ~~\$1 which shall be deposited in the Marine Resources Conservation~~  
 10513 ~~Trust Fund.~~

10514 ~~— (10) — COURTS OF EQUITY MAY ENJOIN. — Courts of equity in~~  
 10515 ~~this state have jurisdiction to enforce the conservation laws of~~  
 10516 ~~this state by injunction.~~

10517 (7) ~~(11)~~ REVOCATION OF LICENSES.--Any person licensed  
 10518 under this chapter who has been convicted of taking aquaculture  
 10519 species raised at a certified facility shall have his or her  
 10520 license revoked for 5 years by the commission pursuant to the  
 10521 provisions and procedures of s. 120.60.

10522 (8) ~~(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For  
 10523 purposes of imposing license or permit suspensions or  
 10524 revocations authorized by this chapter, the license or permit  
 10525 under which the violation was committed is subject to suspension  
 10526 or revocation by the commission. For purposes of assessing  
 10527 monetary civil or administrative penalties authorized by this  
 10528 chapter, the commercial harvester cited and subsequently

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10529 receiving a judicial disposition of other than dismissal or  
 10530 acquittal in a court of law is subject to the monetary penalty  
 10531 assessment by the commission. However, if the license or  
 10532 permitholder of record is not the commercial harvester receiving  
 10533 the citation and judicial disposition, the license or permit may  
 10534 be suspended or revoked only after the license or permitholder  
 10535 has been notified by the commission that the license or permit  
 10536 has been cited in a major violation and is now subject to  
 10537 suspension or revocation should the license or permit be cited  
 10538 for subsequent major violations.

10539 Section 174. Section 372.84, Florida Statutes, is  
 10540 renumbered as section 379.408, Florida Statutes, and amended to  
 10541 read:

10542 379.408 ~~372.84~~ Forfeiture or denial of licenses and  
 10543 permits.--Any person convicted as aforesaid shall forfeit to the  
 10544 state any license or permit that may have been issued to her or  
 10545 him under the provisions of this law, or other law of this state  
 10546 relating to game shall forthwith surrender the same to the  
 10547 court. If such violation occurs in the open season, relating to  
 10548 game, no license or permit shall be issued under the provisions  
 10549 of this law to such person at any time during the remainder of  
 10550 such open season, or if such violation occurs during the closed  
 10551 season no license shall be issued to such person for the open  
 10552 season on game next following.

10553 Section 175. Section 372.663, Florida Statutes, is  
 10554 renumbered as section 379.409, Florida Statutes, to read:

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10555        379.409 ~~372.663~~ Illegal killing, possessing, or capturing  
 10556 of alligators or other crocodilia or eggs; confiscation of  
 10557 equipment.--

10558        (1) It is unlawful to intentionally kill, injure, possess,  
 10559 or capture, or attempt to kill, injure, possess, or capture, an  
 10560 alligator or other crocodilian, or the eggs of an alligator or  
 10561 other crocodilian, unless authorized by the rules of the Fish  
 10562 and Wildlife Conservation Commission. Any person who violates  
 10563 this section is guilty of a felony of the third degree,  
 10564 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 10565 in addition to such other punishment as may be provided by law.  
 10566 Any equipment, including but not limited to weapons, vehicles,  
 10567 boats, and lines, used by a person in the commission of a  
 10568 violation of any law, rule, regulation, or order relating to  
 10569 alligators or other crocodilia or the eggs of alligators or  
 10570 other crocodilia shall, upon conviction of such person, be  
 10571 confiscated by the Fish and Wildlife Conservation Commission and  
 10572 disposed of according to rules and regulations of the  
 10573 commission. The arresting officer shall promptly make a return  
 10574 of the seizure, describing in detail the property seized and the  
 10575 facts and circumstances under which it was seized, including the  
 10576 names of all persons known to the officer who have an interest  
 10577 in the property.

10578        (2) The commission shall promptly fix the value of the  
 10579 property and make return to the clerk of the circuit court of  
 10580 the county wherein same was seized. Upon proper showing that any  
 10581 such property is owned by, or titled in the name of, any

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10582 innocent party, such property shall be promptly returned to such  
 10583 owner.

10584 (3) The provisions of this section shall not vitiate any  
 10585 valid lien, retain title contract, or chattel mortgage on such  
 10586 property in effect as of the time of such seizure.

10587 Section 176. Section 372.0725, Florida Statutes, is  
 10588 renumbered as section 379.410, Florida Statutes, to read:

10589 379.410 ~~372.0725~~ Killing or wounding of any species  
 10590 designated as endangered, threatened, or of special concern;  
 10591 criminal penalties.--It is unlawful for a person to  
 10592 intentionally kill or wound any fish or wildlife of a species  
 10593 designated by the Fish and Wildlife Conservation Commission as  
 10594 endangered, threatened, or of special concern, or to  
 10595 intentionally destroy the eggs or nest of any such fish or  
 10596 wildlife, except as provided for in the rules of the commission.  
 10597 Any person who violates this provision with regard to an  
 10598 endangered or threatened species is guilty of a felony of the  
 10599 third degree, punishable as provided in s. 775.082, s. 775.083,  
 10600 or s. 775.084.

10601 Section 177. Section 372.671, Florida Statutes, is  
 10602 renumbered as section 379.411, Florida Statutes, and amended to  
 10603 read:

10604 379.411 ~~372.671~~ Florida or wild panther; killing  
 10605 prohibited; penalty.--

10606 (1) It is unlawful for a person to kill a member of the  
 10607 Florida "endangered species," as defined in s. 379.2291(3)  
 10608 ~~372.072(3)~~, known as the Florida panther (*Felis concolor coryi*).

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10609 (2) It is unlawful for a person to kill any member of the  
 10610 species of panther (*Felis concolor*) occurring in the wild.

10611 (3) A person convicted of unlawfully killing a Florida  
 10612 panther, or unlawfully killing any member of the species of  
 10613 panther occurring in the wild, is guilty of a felony of the  
 10614 third degree, punishable as provided in s. 775.082, s. 775.083,  
 10615 or s. 775.084.

10616 Section 178. Subsection (3) of section 370.1121, Florida  
 10617 Statutes, is renumbered as section 379.412, Florida Statutes,  
 10618 and amended to read:

10619 379.412 Bonefish; penalties regulations

10620 (3) A commercial harvester or wholesale or retail  
 10621 saltwater products dealer who violates the provisions of  
 10622 commission rules pertaining to bonefish s.370.1121 ~~this section~~  
 10623 shall be punished under s. 379.407 ~~370.021~~. Any other person who  
 10624 violates this section commits a Level Two violation under s.  
 10625 379.400 ~~372.83~~.

10626 Section 179. Section 379.413, Florida Statutes, is created  
 10627 to read:

10628 379.413 Additional penalties for saltwater products  
 10629 dealers violating records requirements.--

10630 (1) The commission may revoke, suspend, or deny the renewal  
 10631 of the license of any saltwater products dealer for failure to  
 10632 make and keep records as required by s. 379.361, for failure to  
 10633 make required reports, for failure or refusal to permit the  
 10634 examination of required records, or for falsifying any such  
 10635 record. In addition to other applicable penalties, the

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10636 commission may impose against any person, firm, or corporation  
 10637 who is determined to have violated any provision of s. 379.361  
 10638 or any provisions of any commission rules adopted pursuant to s.  
 10639 379.407, the following additional penalties:

10640 (a) For the first violation, a civil penalty of up to  
 10641 \$1,000;

10642 (b) For a second violation committed within 24 months of  
 10643 any previous violation, a civil penalty of up to \$2,500; and

10644 (c) For a third or subsequent violation committed within  
 10645 36 months of any previous two violations, a civil penalty of up  
 10646 to \$5,000.

10647 (2) The proceeds of all civil penalties collected pursuant  
 10648 to this section shall be deposited into the Marine Resources  
 10649 Conservation Trust Fund and shall be used for administration,  
 10650 auditing, and law enforcement purposes.

10651 Section 180. Paragraph (a) of subsection (1) of section  
 10652 72.011, Florida Statutes, is amended to read:

10653 72.011 Jurisdiction of circuit courts in specific tax  
 10654 matters; administrative hearings and appeals; time for  
 10655 commencing action; parties; deposits.--

10656 (1) (a) A taxpayer may contest the legality of any  
 10657 assessment or denial of refund of tax, fee, surcharge, permit,  
 10658 interest, or penalty provided for under s. 125.0104, s.  
 10659 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,  
 10660 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,  
 10661 chapter 212, chapter 213, chapter 220, chapter 221, s.  
 10662 379.361(3) ~~370.07(3)~~, chapter 376, s. 403.717, s. 403.718, s.



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10663 403.7185, s. 538.09, s. 538.25, chapter 550, chapter 561,  
 10664 chapter 562, chapter 563, chapter 564, chapter 565, chapter 624,  
 10665 or s. 681.117 by filing an action in circuit court; or,  
 10666 alternatively, the taxpayer may file a petition under the  
 10667 applicable provisions of chapter 120. However, once an action  
 10668 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.  
 10669 120.57, or s. 120.80(14)(b), no action relating to the same  
 10670 subject matter may be filed by the taxpayer in circuit court,  
 10671 and judicial review shall be exclusively limited to appellate  
 10672 review pursuant to s. 120.68; and once an action has been  
 10673 initiated in circuit court, no action may be brought under  
 10674 chapter 120.

10675 Section 181. Section 97.05831, Florida Statutes, is  
 10676 amended to read:

10677 97.05831 Voter registration applications made available to  
 10678 the Fish and Wildlife Conservation Commission.--As required in  
 10679 s. 379.352 ~~372.561~~, each supervisor of elections shall supply  
 10680 voter registration applications to the Fish and Wildlife  
 10681 Conservation Commission and its subagents, as needed.

10682 Section 182. Subsection (4) of section 125.01, Florida  
 10683 Statutes, is amended to read:

10684 125.01 Powers and duties.--

10685 (4) The legislative and governing body of a county shall  
 10686 not have the power to regulate the taking or possession of  
 10687 saltwater fish, as defined in s. 379.100 ~~370.01~~, with respect to  
 10688 the method of taking, size, number, season, or species. However,  
 10689 this subsection does not prohibit a county from prohibiting, for

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10690 reasons of protecting the public health, safety, or welfare,  
 10691 saltwater fishing from real property owned by that county, nor  
 10692 does it prohibit the imposition of excise taxes by county  
 10693 ordinance.

10694 Section 183. Subsections (1) and (4) of section 142.01,  
 10695 Florida Statutes, are amended to read:

10696 142.01 Fine and forfeiture fund; clerk of the circuit  
 10697 court.--There shall be established by the clerk of the circuit  
 10698 court in each county of this state a separate fund to be known  
 10699 as the fine and forfeiture fund for use by the clerk of the  
 10700 circuit court in performing court-related functions. The fund  
 10701 shall consist of the following:

10702 (1) Fines and penalties pursuant to ss. 28.2402(2),  
 10703 34.045(2), 316.193, 327.35, 327.72, 379.2203(1) ~~372.72(1)~~, and  
 10704 775.083(1).

10705 (4) Proceeds from forfeited bail bonds, unclaimed bonds,  
 10706 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),  
 10707 379.2203(1) ~~372.72(1)~~, and 903.26(3)(a).

10708  
 10709 Notwithstanding the provisions of this section, all fines and  
 10710 forfeitures arising from operation of the provisions of s.  
 10711 318.1215 shall be disbursed in accordance with that section.

10712 Section 184. Paragraph (c) of subsection (5) of section  
 10713 161.053, Florida Statutes, is amended to read:

10714 161.053 Coastal construction and excavation; regulation on  
 10715 county basis.--

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10716 (5) Except in those areas where local zoning and building  
 10717 codes have been established pursuant to subsection (4), a permit  
 10718 to alter, excavate, or construct on property seaward of  
 10719 established coastal construction control lines may be granted by  
 10720 the department as follows:

10721 (c) The department may condition the nature, timing, and  
 10722 sequence of construction of permitted activities to provide  
 10723 protection to nesting sea turtles and hatchlings and their  
 10724 habitat, pursuant to s. 379.2431 ~~370.12~~, and to native salt-  
 10725 resistant vegetation and endangered plant communities.

10726 Section 185. Subsection (11) of section 201.15, Florida  
 10727 Statutes, is amended to read:

10728 201.15 Distribution of taxes collected.--All taxes  
 10729 collected under this chapter shall be distributed as follows and  
 10730 shall be subject to the service charge imposed in s. 215.20(1),  
 10731 except that such service charge shall not be levied against any  
 10732 portion of taxes pledged to debt service on bonds to the extent  
 10733 that the amount of the service charge is required to pay any  
 10734 amounts relating to the bonds:

10735 (11) From the moneys specified in paragraphs (1)(e) and  
 10736 (2)(a) and prior to deposit of any moneys into the General  
 10737 Revenue Fund, \$30 million shall be paid into the State Treasury  
 10738 to the credit of the Ecosystem Management and Restoration Trust  
 10739 Fund in fiscal year 2000-2001 and each fiscal year thereafter,  
 10740 to be used for the preservation and repair of the state's  
 10741 beaches as provided in ss. 161.091-161.212, \$2 million shall be  
 10742 paid into the State Treasury to the credit of the Marine

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10743 Resources Conservation Trust Fund to be used for marine mammal  
10744 care as provided in s. 379.208(3) ~~370.0603(3)~~, and \$300,000  
10745 shall be paid into the State Treasury to the credit of the  
10746 General Inspection Trust Fund in fiscal year 2006-2007 and each  
10747 fiscal year thereafter, to be used to fund oyster management and  
10748 restoration programs as provided in s. 379.361(3) ~~370.07(3)~~.

10749 Section 186. Paragraph (b) of subsection (8) of section  
10750 212.06, Florida Statutes, is amended to read:

10751 212.06 Sales, storage, use tax; collectible from dealers;  
10752 "dealer" defined; dealers to collect from purchasers;  
10753 legislative intent as to scope of tax.--

10754 (8)

10755 (b) The presumption that tangible personal property used  
10756 in another state, territory of the United States, or the  
10757 District of Columbia for 6 months or longer before being  
10758 imported into this state was not purchased for use in this state  
10759 does not apply to any boat for which a saltwater fishing license  
10760 fee is required to be paid pursuant to s. 379.354(7) ~~372.57(7)~~,  
10761 either directly or indirectly, for the purpose of taking,  
10762 attempting to take, or possessing any saltwater fish for  
10763 noncommercial purposes. Use tax shall apply and be due on such a  
10764 boat as provided in this paragraph, and proof of payment of such  
10765 tax must be presented prior to the first such licensure of the  
10766 boat, registration of the boat pursuant to chapter 328, and  
10767 titling of the boat pursuant to chapter 328. A boat that is  
10768 first licensed within 1 year after purchase shall be subject to  
10769 use tax on the full amount of the purchase price; a boat that is

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10770 first licensed in the second year after purchase shall be  
10771 subject to use tax on 90 percent of the purchase price; a boat  
10772 that is first licensed in the third year after purchase shall be  
10773 subject to use tax on 80 percent of the purchase price; a boat  
10774 that is first licensed in the fourth year after purchase shall  
10775 be subject to use tax on 70 percent of the purchase price; a  
10776 boat that is first licensed in the fifth year after purchase  
10777 shall be subject to use tax on 60 percent of the purchase price;  
10778 and a boat that is first licensed in the sixth year after  
10779 purchase, or later, shall be subject to use tax on 50 percent of  
10780 the purchase price. If the purchaser fails to provide the  
10781 purchase invoice on such boat, the fair market value of the boat  
10782 at the time of importation into this state shall be used to  
10783 compute the tax.

10784 Section 187. Paragraph (h) of subsection (5) of section  
10785 212.08, Florida Statutes, is amended to read:

10786 212.08 Sales, rental, use, consumption, distribution, and  
10787 storage tax; specified exemptions.--The sale at retail, the  
10788 rental, the use, the consumption, the distribution, and the  
10789 storage to be used or consumed in this state of the following  
10790 are hereby specifically exempt from the tax imposed by this  
10791 chapter.

10792 (5) EXEMPTIONS; ACCOUNT OF USE.--

10793 (h) Business property used in an enterprise zone.--

10794 1. Business property purchased for use by businesses  
10795 located in an enterprise zone which is subsequently used in an  
10796 enterprise zone shall be exempt from the tax imposed by this

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10797 chapter. This exemption inures to the business only through a  
 10798 refund of previously paid taxes. A refund shall be authorized  
 10799 upon an affirmative showing by the taxpayer to the satisfaction  
 10800 of the department that the requirements of this paragraph have  
 10801 been met.

10802 2. To receive a refund, the business must file under oath  
 10803 with the governing body or enterprise zone development agency  
 10804 having jurisdiction over the enterprise zone where the business  
 10805 is located, as applicable, an application which includes:

10806 a. The name and address of the business claiming the  
 10807 refund.

10808 b. The identifying number assigned pursuant to s. 290.0065  
 10809 to the enterprise zone in which the business is located.

10810 c. A specific description of the property for which a  
 10811 refund is sought, including its serial number or other permanent  
 10812 identification number.

10813 d. The location of the property.

10814 e. The sales invoice or other proof of purchase of the  
 10815 property, showing the amount of sales tax paid, the date of  
 10816 purchase, and the name and address of the sales tax dealer from  
 10817 whom the property was purchased.

10818 f. Whether the business is a small business as defined by  
 10819 s. 288.703(1).

10820 g. If applicable, the name and address of each permanent  
 10821 employee of the business, including, for each employee who is a  
 10822 resident of an enterprise zone, the identifying number assigned

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10823 pursuant to s. 290.0065 to the enterprise zone in which the  
10824 employee resides.

10825       3. Within 10 working days after receipt of an application,  
10826 the governing body or enterprise zone development agency shall  
10827 review the application to determine if it contains all the  
10828 information required pursuant to subparagraph 2. and meets the  
10829 criteria set out in this paragraph. The governing body or agency  
10830 shall certify all applications that contain the information  
10831 required pursuant to subparagraph 2. and meet the criteria set  
10832 out in this paragraph as eligible to receive a refund. If  
10833 applicable, the governing body or agency shall also certify if  
10834 20 percent of the employees of the business are residents of an  
10835 enterprise zone, excluding temporary and part-time employees.  
10836 The certification shall be in writing, and a copy of the  
10837 certification shall be transmitted to the executive director of  
10838 the Department of Revenue. The business shall be responsible for  
10839 forwarding a certified application to the department within the  
10840 time specified in subparagraph 4.

10841       4. An application for a refund pursuant to this paragraph  
10842 must be submitted to the department within 6 months after the  
10843 tax is due on the business property that is purchased.

10844       5. The amount refunded on purchases of business property  
10845 under this paragraph shall be the lesser of 97 percent of the  
10846 sales tax paid on such business property or \$5,000, or, if no  
10847 less than 20 percent of the employees of the business are  
10848 residents of an enterprise zone, excluding temporary and part-  
10849 time employees, the amount refunded on purchases of business

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10850 property under this paragraph shall be the lesser of 97 percent  
10851 of the sales tax paid on such business property or \$10,000. A  
10852 refund approved pursuant to this paragraph shall be made within  
10853 30 days of formal approval by the department of the application  
10854 for the refund. No refund shall be granted under this paragraph  
10855 unless the amount to be refunded exceeds \$100 in sales tax paid  
10856 on purchases made within a 60-day time period.

10857 6. The department shall adopt rules governing the manner  
10858 and form of refund applications and may establish guidelines as  
10859 to the requisites for an affirmative showing of qualification  
10860 for exemption under this paragraph.

10861 7. If the department determines that the business property  
10862 is used outside an enterprise zone within 3 years from the date  
10863 of purchase, the amount of taxes refunded to the business  
10864 purchasing such business property shall immediately be due and  
10865 payable to the department by the business, together with the  
10866 appropriate interest and penalty, computed from the date of  
10867 purchase, in the manner provided by this chapter.  
10868 Notwithstanding this subparagraph, business property used  
10869 exclusively in:

- 10870 a. Licensed commercial fishing vessels,
- 10871 b. Fishing guide boats, or
- 10872 c. Ecotourism guide boats

10873  
10874 that leave and return to a fixed location within an area  
10875 designated under s. 379.2353 ~~370.28~~ are eligible for the  
10876 exemption provided under this paragraph if all requirements of



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10877 | this paragraph are met. Such vessels and boats must be owned by  
10878 | a business that is eligible to receive the exemption provided  
10879 | under this paragraph. This exemption does not apply to the  
10880 | purchase of a vessel or boat.

10881 |         8. The department shall deduct an amount equal to 10  
10882 | percent of each refund granted under the provisions of this  
10883 | paragraph from the amount transferred into the Local Government  
10884 | Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20  
10885 | for the county area in which the business property is located  
10886 | and shall transfer that amount to the General Revenue Fund.

10887 |         9. For the purposes of this exemption, "business property"  
10888 | means new or used property defined as "recovery property" in s.  
10889 | 168(c) of the Internal Revenue Code of 1954, as amended, except:

10890 |             a. Property classified as 3-year property under s.

10891 | 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

10892 |             b. Industrial machinery and equipment as defined in sub-  
10893 | subparagraph (b)6.a. and eligible for exemption under paragraph  
10894 | (b);

10895 |             c. Building materials as defined in sub-subparagraph  
10896 | (g)8.a.; and

10897 |             d. Business property having a sales price of under \$5,000  
10898 | per unit.

10899 |         10. This paragraph expires on the date specified in s.  
10900 | 290.016 for the expiration of the Florida Enterprise Zone Act.

10901 |         Section 188. Paragraph (o) of subsection (1) of section  
10902 | 213.053, Florida Statutes, is amended to read:

10903 |             213.053 Confidentiality and information sharing.--

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10904 (1) This section applies to:

10905 (o) Section 379.361(3) ~~370.07(3)~~, Apalachicola Bay oyster

10906 surcharge;

10907 Section 189. Paragraph (u) of subsection (4) of section

10908 215.20, Florida Statutes, is amended to read:

10909 215.20 Certain income and certain trust funds to

10910 contribute to the General Revenue Fund.--

10911 (4) The income of a revenue nature deposited in the

10912 following described trust funds, by whatever name designated, is

10913 that from which the appropriations authorized by subsection (3)

10914 shall be made:

10915 (u) Within the Fish and Wildlife Conservation Commission:

10916 1. The Conservation and Recreation Lands Program Trust

10917 Fund.

10918 2. The Florida Panther Research and Management Trust Fund.

10919 3. The Land Acquisition Trust Fund.

10920 4. The Marine Resources Conservation Trust Fund, with the

10921 exception of those fees collected for recreational saltwater

10922 fishing licenses as provided in s. 379.354 ~~372.57~~.

10923

10924 The enumeration of the foregoing moneys or trust funds shall not

10925 prohibit the applicability thereto of s. 215.24 should the

10926 Governor determine that for the reasons mentioned in s. 215.24

10927 the money or trust funds should be exempt herefrom, as it is the

10928 purpose of this law to exempt income from its force and effect

10929 when, by the operation of this law, federal matching funds or

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10930 contributions or private grants to any trust fund would be lost  
 10931 to the state.

10932 Section 190. Subsection (6) of section 290.004, Florida  
 10933 Statutes, is amended to read:

10934 290.004 Definitions relating to Florida Enterprise Zone  
 10935 Act.--As used in ss. 290.001-290.016:

10936 (6) "Rural enterprise zone" means an enterprise zone that  
 10937 is nominated by a county having a population of 75,000 or fewer,  
 10938 or a county having a population of 100,000 or fewer which is  
 10939 contiguous to a county having a population of 75,000 or fewer,  
 10940 or by a municipality in such a county, or by such a county and  
 10941 one or more municipalities. An enterprise zone designated in  
 10942 accordance with s. 290.0065(5) (b) or s. 379.2353 ~~370.28~~ is  
 10943 considered to be a rural enterprise zone.

10944 Section 191. Paragraph (b) of subsection (1) and paragraph  
 10945 (b) of subsection (24) of section 320.08058, Florida Statutes,  
 10946 are amended to read:

10947 320.08058 Specialty license plates.--

10948 (1) MANATEE LICENSE PLATES.--

10949 (b) The manatee license plate annual use fee must be  
 10950 deposited into the Save the Manatee Trust Fund, created within  
 10951 the Fish and Wildlife Conservation Commission, and shall be used  
 10952 only for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.

10953 (24) CONSERVE WILDLIFE LICENSE PLATES.--

10954 (b) The proceeds of the Conserve Wildlife license plate  
 10955 annual use fee shall be forwarded to the Wildlife Foundation of

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10956 Florida, Inc., a citizen support organization created pursuant  
 10957 to s. 379.223 ~~372.0215~~.

10958 1. Notwithstanding s. 320.08062, up to 10 percent of the  
 10959 proceeds from the annual use fee may be used for marketing the  
 10960 Conserve Wildlife license plate and administrative costs  
 10961 directly related to the management and distribution of the  
 10962 proceeds.

10963 2. The remaining proceeds from the annual use fee shall be  
 10964 used for programs and activities of the Fish and Wildlife  
 10965 Conservation Commission that contribute to the health and well-  
 10966 being of Florida black bears and other wildlife diversity.

10967 Section 192. Paragraph (a) of subsection (5) of section  
 10968 327.02, Florida Statutes, is amended to read:

10969 327.02 Definitions of terms used in this chapter and in  
 10970 chapter 328.--As used in this chapter and in chapter 328, unless  
 10971 the context clearly requires a different meaning, the term:

10972 (5) "Commercial vessel" means:

10973 (a) Any vessel primarily engaged in the taking or landing  
 10974 of saltwater fish or saltwater products or freshwater fish or  
 10975 freshwater products, or any vessel licensed pursuant to s.  
 10976 379.360 ~~370.06~~ from which commercial quantities of saltwater  
 10977 products are harvested, from within and without the waters of  
 10978 this state for sale either to the consumer, retail dealer, or  
 10979 wholesale dealer.

10980 Section 193. Subsection (2) of section 327.41, Florida  
 10981 Statutes, is amended to read:

10982 327.41 Uniform waterway regulatory markers.--

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10983 (2) Any county or municipality which has been granted a  
10984 restricted area designation, pursuant to s. 327.46, for a  
10985 portion of the Florida Intracoastal Waterway within its  
10986 jurisdiction or which has adopted a restricted area by ordinance  
10987 pursuant to s. 327.22, s. 327.60, or s. 379.2431(2) (p)  
10988 ~~370.12(2) (p)~~, or any other governmental entity which has legally  
10989 established a restricted area, may apply to the commission for  
10990 permission to place regulatory markers within the restricted  
10991 area.

10992 Section 194. Paragraph (k) of subsection (1) of section  
10993 327.73, Florida Statutes, is amended to read:

10994 327.73 Noncriminal infractions.--

10995 (1) Violations of the following provisions of the vessel  
10996 laws of this state are noncriminal infractions:

10997 (k) Violations relating to restricted areas and speed  
10998 limits:

- 10999 1. Established by the commission pursuant to s. 327.46.
- 11000 2. Established by local governmental authorities pursuant  
11001 to s. 327.22 or s. 327.60.
- 11002 3. Speed limits established pursuant to s. 379.2431(2)  
11003 ~~370.12(2)~~.

11004  
11005 Any person cited for a violation of any such provision shall be  
11006 deemed to be charged with a noncriminal infraction, shall be  
11007 cited for such an infraction, and shall be cited to appear  
11008 before the county court. The civil penalty for any such  
11009 infraction is \$50, except as otherwise provided in this section.

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11010 Any person who fails to appear or otherwise properly respond to  
 11011 a uniform boating citation shall, in addition to the charge  
 11012 relating to the violation of the boating laws of this state, be  
 11013 charged with the offense of failing to respond to such citation  
 11014 and, upon conviction, be guilty of a misdemeanor of the second  
 11015 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 11016 written warning to this effect shall be provided at the time  
 11017 such uniform boating citation is issued.

11018 Section 195. Subsection (1) of section 328.66, Florida  
 11019 Statutes, is amended to read:

11020 328.66 County and municipality optional registration fee.—

11021 -

11022 (1) Any county may impose an annual registration fee on  
 11023 vessels registered, operated, or stored in the water within its  
 11024 jurisdiction. This fee shall be 50 percent of the applicable  
 11025 state registration fee. However, the first \$1 of every  
 11026 registration imposed under this subsection shall be remitted to  
 11027 the state for deposit in the Save the Manatee Trust Fund created  
 11028 within the Fish and Wildlife Conservation Commission, and shall  
 11029 be used only for the purposes specified in s. 379.2431(4)  
 11030 ~~370.12(4)~~. All other moneys received from such fee shall be  
 11031 expended for the patrol, regulation, and maintenance of the  
 11032 lakes, rivers, and waters and for other boating-related  
 11033 activities of such municipality or county. A municipality that  
 11034 was imposing a registration fee before April 1, 1984, may  
 11035 continue to levy such fee, notwithstanding the provisions of  
 11036 this section.

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11037 Section 196. Subsections (11) and (16) of section 328.72,  
 11038 Florida Statutes, are amended to read:  
 11039 328.72 Classification; registration; fees and charges;  
 11040 surcharge; disposition of fees; fines; marine turtle stickers.--  
 11041 (11) VOLUNTARY CONTRIBUTIONS.--The application form for  
 11042 boat registration shall include a provision to allow each  
 11043 applicant to indicate a desire to pay an additional voluntary  
 11044 contribution to the Save the Manatee Trust Fund to be used for  
 11045 the purposes specified in s. 379.2431(4) ~~370.12(4)~~. This  
 11046 contribution shall be in addition to all other fees and charges.  
 11047 The amount of the request for a voluntary contribution solicited  
 11048 shall be \$2 or \$5 per registrant. A registrant who provides a  
 11049 voluntary contribution of \$5 or more shall be given a sticker or  
 11050 emblem by the tax collector to display, which signifies support  
 11051 for the Save the Manatee Trust Fund. All voluntary contributions  
 11052 shall be deposited in the Save the Manatee Trust Fund and shall  
 11053 be used for the purposes specified in s. 379.2431(4) ~~370.12(4)~~.  
 11054 The form shall also include language permitting a voluntary  
 11055 contribution of \$5 per applicant, which contribution shall be  
 11056 transferred into the Election Campaign Financing Trust Fund. A  
 11057 statement providing an explanation of the purpose of the trust  
 11058 fund shall also be included.  
 11059 (16) MARINE TURTLE STICKER.--The Department of Highway  
 11060 Safety and Motor Vehicles shall offer for sale with vessel  
 11061 registrations a waterproof sticker in the shape of a marine  
 11062 turtle at an additional cost of \$5, the proceeds of which shall  
 11063 be deposited in the Marine Resources Conservation Trust Fund to

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11064 be used for marine turtle protection, research, and recovery  
11065 efforts pursuant to the provisions of s. 379.2431(1) ~~370.12(1)~~.

11066 Section 197. Paragraph (a) of subsection (1) and  
11067 subsection (2) of section 328.76, Florida Statutes, are amended  
11068 to read:

11069 328.76 Marine Resources Conservation Trust Fund; vessel  
11070 registration funds; appropriation and distribution.--

11071 (1) Except as otherwise specified in this subsection and  
11072 less \$1.4 million for any administrative costs which shall be  
11073 deposited in the Highway Safety Operating Trust Fund, in each  
11074 fiscal year beginning on or after July 1, 2001, all funds  
11075 collected from the registration of vessels through the  
11076 Department of Highway Safety and Motor Vehicles and the tax  
11077 collectors of the state, except for those funds designated as  
11078 the county portion pursuant to s. 328.72(1), shall be deposited  
11079 in the Marine Resources Conservation Trust Fund for recreational  
11080 channel marking; public launching facilities; law enforcement  
11081 and quality control programs; aquatic weed control; manatee  
11082 protection, recovery, rescue, rehabilitation, and release; and  
11083 marine mammal protection and recovery. The funds collected  
11084 pursuant to s. 328.72(1) shall be transferred as follows:

11085 (a) In each fiscal year, an amount equal to \$1.50 for each  
11086 commercial and recreational vessel registered in this state  
11087 shall be transferred by the Department of Highway Safety and  
11088 Motor Vehicles to the Save the Manatee Trust Fund and shall be  
11089 used only for the purposes specified in s. 379.2431(4)  
11090 ~~370.12(4)~~.



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11091 (2) All funds collected pursuant to s. 379.360(2)  
 11092 ~~370.06(2)~~ shall be deposited in the Marine Resources  
 11093 Conservation Trust Fund. Such funds shall be used to pay the  
 11094 cost of implementing the saltwater products license program.  
 11095 Additional proceeds from the licensing revenue shall be  
 11096 distributed among the following program functions:  
 11097 (a) No more than 15 percent shall go to marine law  
 11098 enforcement;  
 11099 (b) Twenty-five percent shall go to the Florida Saltwater  
 11100 Products Promotion Trust Fund within the Department of  
 11101 Agriculture and Consumer Services, on a monthly basis, for the  
 11102 purpose of providing marketing and extension services including  
 11103 industry information and education; and  
 11104 (c) The remainder shall go to the Fish and Wildlife  
 11105 Conservation Commission, for use in marine research and  
 11106 statistics development, including quota management.  
 11107 Section 198. Subsection (5) of section 373.046, Florida  
 11108 Statutes, is amended to read:  
 11109 373.046 Interagency agreements.--  
 11110 (5) Notwithstanding the provisions of s. 403.927, when any  
 11111 operating agreement is developed pursuant to subsection (4), the  
 11112 department shall have regulatory responsibility under part IV of  
 11113 this chapter for aquaculture activities that meet or exceed the  
 11114 thresholds for aquaculture general permits authorized pursuant  
 11115 to ss. 379.2523 ~~370.26~~ and 403.814.  
 11116 Section 199. Paragraph (h) of subsection (2) of section  
 11117 403.41315, Florida Statutes, is amended to read:

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11118 403.41315 Comprehensive illegal dumping, litter, and  
 11119 marine debris control and prevention.--

11120 (2) The comprehensive illegal dumping, litter, and marine  
 11121 debris control and prevention program at a minimum must include  
 11122 the following:

11123 (h) The prohibition of balloon releases as authorized  
 11124 under s. 379.233 ~~372.995~~.

11125 Section 200. Paragraph (f) of subsection (2) of section  
 11126 403.813, Florida Statutes, is amended to read:

11127 403.813 Permits issued at district centers; exceptions.--

11128 (2) A permit is not required under this chapter, chapter  
 11129 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 11130 chapter 25270, 1949, Laws of Florida, for activities associated  
 11131 with the following types of projects; however, except as  
 11132 otherwise provided in this subsection, nothing in this  
 11133 subsection relieves an applicant from any requirement to obtain  
 11134 permission to use or occupy lands owned by the Board of Trustees  
 11135 of the Internal Improvement Trust Fund or any water management  
 11136 district in its governmental or proprietary capacity or from  
 11137 complying with applicable local pollution control programs  
 11138 authorized under this chapter or other requirements of county  
 11139 and municipal governments:

11140 (f) The performance of maintenance dredging of existing  
 11141 manmade canals, channels, intake and discharge structures, and  
 11142 previously dredged portions of natural water bodies within  
 11143 drainage rights-of-way or drainage easements which have been  
 11144 recorded in the public records of the county, where the spoil

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11145 material is to be removed and deposited on a self-contained,  
11146 upland spoil site which will prevent the escape of the spoil  
11147 material into the waters of the state, provided that no more  
11148 dredging is to be performed than is necessary to restore the  
11149 canals, channels, and intake and discharge structures, and  
11150 previously dredged portions of natural water bodies, to original  
11151 design specifications or configurations, provided that the work  
11152 is conducted in compliance with s. 379.2431(2)(d) ~~370.12(2)(d)~~,  
11153 provided that no significant impacts occur to previously  
11154 undisturbed natural areas, and provided that control devices for  
11155 return flow and best management practices for erosion and  
11156 sediment control are utilized to prevent bank erosion and  
11157 scouring and to prevent turbidity, dredged material, and toxic  
11158 or deleterious substances from discharging into adjacent waters  
11159 during maintenance dredging. Further, for maintenance dredging  
11160 of previously dredged portions of natural water bodies within  
11161 recorded drainage rights-of-way or drainage easements, an entity  
11162 that seeks an exemption must notify the department or water  
11163 management district, as applicable, at least 30 days prior to  
11164 dredging and provide documentation of original design  
11165 specifications or configurations where such exist. This  
11166 exemption applies to all canals and previously dredged portions  
11167 of natural water bodies within recorded drainage rights-of-way  
11168 or drainage easements constructed prior to April 3, 1970, and to  
11169 those canals and previously dredged portions of natural water  
11170 bodies constructed on or after April 3, 1970, pursuant to all  
11171 necessary state permits. This exemption does not apply to the

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11172 removal of a natural or manmade barrier separating a canal or  
11173 canal system from adjacent waters. When no previous permit has  
11174 been issued by the Board of Trustees of the Internal Improvement  
11175 Trust Fund or the United States Army Corps of Engineers for  
11176 construction or maintenance dredging of the existing manmade  
11177 canal or intake or discharge structure, such maintenance  
11178 dredging shall be limited to a depth of no more than 5 feet  
11179 below mean low water. The Board of Trustees of the Internal  
11180 Improvement Trust Fund may fix and recover from the permittee an  
11181 amount equal to the difference between the fair market value and  
11182 the actual cost of the maintenance dredging for material removed  
11183 during such maintenance dredging. However, no charge shall be  
11184 exacted by the state for material removed during such  
11185 maintenance dredging by a public port authority. The removing  
11186 party may subsequently sell such material; however, proceeds  
11187 from such sale that exceed the costs of maintenance dredging  
11188 shall be remitted to the state and deposited in the Internal  
11189 Improvement Trust Fund.

11190 Section 201. Paragraph (a) of subsection (5) and paragraph  
11191 (a) of subsection (18) and of section 597.010, Florida Statutes,  
11192 are amended to read:

11193 597.010 Shellfish regulation; leases.--

11194 (5) LEASES IN PERPETUITY; RENT.--

11195 (a) All leases issued previously under the provisions of  
11196 s. 379.2525 ~~370.16~~ shall be enforced under the authority of this  
11197 chapter, notwithstanding any other law to the contrary, and  
11198 shall continue in perpetuity under such restrictions as stated

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11199 | in the lease agreement. The annual rental fee charged for all  
 11200 | leases shall consist of the minimum rate of \$15 per acre, or any  
 11201 | fraction of an acre, per year and shall be adjusted on January  
 11202 | 1, 1995, and every 5 years thereafter, based on the 5-year  
 11203 | average change in the Consumer Price Index. Rent shall be paid  
 11204 | in advance of January 1 of each year or in the case of a new  
 11205 | lease at the time of signing, regardless of who holds the lease.

11206 | (18) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL  
 11207 | REEFS; LICENSES, ETC.; PENALTY.--

11208 | (a) It is unlawful to use a dredge or any means or  
 11209 | implement other than hand tongs in removing oysters from the  
 11210 | natural or artificial state reefs or beds. This restriction  
 11211 | shall apply to all areas of Apalachicola Bay for all shellfish  
 11212 | harvesting, excluding private grounds leased or granted by the  
 11213 | state prior to July 1, 1989, if the lease or grant specifically  
 11214 | authorizes the use of implements other than hand tongs for  
 11215 | harvesting. Except in Apalachicola Bay, upon the payment of \$25  
 11216 | annually, for each vessel or boat using a dredge or machinery in  
 11217 | the gathering of clams or mussels, a special activity license  
 11218 | may be issued by the Fish and Wildlife Conservation Commission  
 11219 | pursuant to subsection (15) or s. 379.360 ~~370.06~~ for such use to  
 11220 | such person.

11221 | Section 202. Paragraphs (a), (d), and (e) of subsection  
 11222 | (4) of section 777.04, Florida Statutes, are amended to read:

11223 | 777.04 Attempts, solicitation, and conspiracy.--

11224 | (4) (a) Except as otherwise provided in ss. 104.091(2),  
 11225 | 379.2431(1) ~~370.12(1)~~, 828.125(2), 849.25(4), 893.135(5), and

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11226 921.0022, the offense of criminal attempt, criminal  
 11227 solicitation, or criminal conspiracy is ranked for purposes of  
 11228 sentencing under chapter 921 and determining incentive gain-time  
 11229 eligibility under chapter 944 one level below the ranking under  
 11230 s. 921.0022 or s. 921.0023 of the offense attempted, solicited,  
 11231 or conspired to. If the criminal attempt, criminal solicitation,  
 11232 or criminal conspiracy is of an offense ranked in level 1 or  
 11233 level 2 under s. 921.0022 or s. 921.0023, such offense is a  
 11234 misdemeanor of the first degree, punishable as provided in s.  
 11235 775.082 or s. 775.083.

11236 (d) Except as otherwise provided in s. 104.091(2), s.  
 11237 379.2431(1) ~~370.12(1)~~, s. 828.125(2), or s. 849.25(4), if the  
 11238 offense attempted, solicited, or conspired to is a:

- 11239 1. Felony of the second degree;
- 11240 2. Burglary that is a felony of the third degree; or
- 11241 3. Felony of the third degree ranked in level 3, 4, 5, 6,  
 11242 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,  
 11243 the offense of criminal attempt, criminal solicitation, or  
 11244 criminal conspiracy is a felony of the third degree, punishable  
 11245 as provided in s. 775.082, s. 775.083, or s. 775.084.

11246 (e) Except as otherwise provided in s. 104.091(2), s.  
 11247 379.2431(1) ~~370.12(1)~~, s. 849.25(4), or paragraph (d), if the  
 11248 offense attempted, solicited, or conspired to is a felony of the  
 11249 third degree, the offense of criminal attempt, criminal  
 11250 solicitation, or criminal conspiracy is a misdemeanor of the  
 11251 first degree, punishable as provided in s. 775.082 or s.  
 11252 775.083.

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11253 Section 203. Paragraph (g) of subsection (2) of section  
 11254 810.09, Florida Statutes, is amended to read:

11255 810.09 Trespass on property other than structure or  
 11256 conveyance.--

11257 (2)

11258 (h) Any person who in taking or attempting to take any  
 11259 animal described in s. 379.100(19) or (20) ~~372.001(10) or (11)~~,  
 11260 or in killing, attempting to kill, or endangering any animal  
 11261 described in s. 585.01(13) knowingly propels or causes to be  
 11262 propelled any potentially lethal projectile over or across  
 11263 private land without authorization commits trespass, a felony of  
 11264 the third degree, punishable as provided in s. 775.082, s.  
 11265 775.083, or s. 775.084. For purposes of this paragraph, the term  
 11266 "potentially lethal projectile" includes any projectile launched  
 11267 from any firearm, bow, crossbow, or similar tensile device. This  
 11268 section does not apply to any governmental agent or employee  
 11269 acting within the scope of his or her official duties.

11270 Section 204. Subsection (3) of section 921.0012, Florida  
 11271 Statutes, is amended to read:

11272 921.0012 Sentencing guidelines offense levels; offense  
 11273 severity ranking chart.--

11274 (3) OFFENSE SEVERITY RANKING CHART

11275

Florida	Felony	Description
Statute	Degree	

11276

(a) LEVEL 1

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11277	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
11278	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
11279	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
11280	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
11281	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
11282	320.26 (1) (a)	3rd	Counterfeit,



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11283	322.212 (1)	3rd	manufacture, or sell registration license plates or validation stickers.
11284	322.212 (4)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
11285	322.212 (5) (a)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
11286	<u>379.365 (4) (a)</u> <del>370.13(4) (a)</del>	3rd	False application for driver's license or identification card.  Molest any stone crab trap, line, or

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11287	<u>379.366 (1)</u> <del>370.135 (1)</del>	3rd	buoy which is property of licenseholder. Molest any blue crab trap, line, or buoy which is property of licenseholder.
11288	<u>379.409 (1)</u> <del>372.663 (1)</del>	3rd	Poach any alligator or crocodilia.
11289	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
11290	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
11291			

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11292	443.071 (1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
11293	458.327 (1) (a)	3rd	Unlicensed practice of medicine.
11294	466.026 (1) (a)	3rd	Unlicensed practice of dentistry or dental hygiene.
11295	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
11296	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
11297	562.27 (1)	3rd	Possess still or still apparatus.

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11298	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
11299	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
11300	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
11301	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
11302	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
	826.01	3rd	Bigamy.

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11303	828.122 (3)	3rd	Fighting or baiting animals.
11304	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
11305	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
11306	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
11307	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return

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11308			for worthless check \$150 or more.
11309	838.015 (3)	3rd	Bribery.
11310	838.016 (1)	3rd	Public servant receiving unlawful compensation.
11311	838.15 (2)	3rd	Commercial bribe receiving.
11312	838.16	3rd	Commercial bribery.
11313	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
11314	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
11315	849.01	3rd	Keeping gambling house.
	849.09 (1) (a) - (d)	3rd	Lottery; set up,

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11316	849.23	3rd	promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
11317	849.25 (2)	3rd	Gambling-related machines; "common offender" as to property rights.
11318	860.08	3rd	Engaging in bookmaking.
11319	860.13 (1) (a)	3rd	Interfere with a railroad signal.
11320	893.13 (2) (a) 2.	3rd	Operate aircraft while under the influence.
11321	893.13 (6) (a)	3rd	Purchase of cannabis.
			Possession of

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11322	893.13 (7) (a) 10.	3rd	cannabis (more than 20 grams).
11323	934.03 (1) (a)	3rd	Affix false or forged label to package of controlled substance.
11324	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
11325	403.413 (5) (c)	3rd	(b) LEVEL 2
11326	517.07	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
			Registration of securities and



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11327			furnishing of prospectus required.
11327	590.28 (1)	3rd	Willful, malicious, or intentional burning.
11328	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
11329	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
11330	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
11331	810.09 (2) (e)	3rd	Trespassing on

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11332	812.014 (2) (c) 1.	3rd	posted commercial horticulture property.
11333	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
11334	817.234 (1) (a) 2.	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
11335	817.481 (3) (a)	3rd	False statement in support of insurance claim.
11336			Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

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11337	817.52 (3)	3rd	Failure to redeliver hired vehicle.
11338	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
11339	817.60 (5)	3rd	Dealing in credit cards of another.
11340	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
11341	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
11342	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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11343	831.01	3rd	Forgery.
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
11344	831.07	3rd	Forging bank bills or promissory note.
11345	831.08	3rd	Possession of 10 or more forged notes.
11346	831.09	3rd	Uttering forged bills; passes as bank bill or promissory note.
11347	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
11348	843.08	3rd	Falsely impersonating an officer.
11349			

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	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c), (3), or (4) drugs other than cannabis.
11350	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
11351			(c) LEVEL 3
11352	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
11353	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
11354	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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11355

319.33 (4)

3rd

With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

11356

328.05 (2)

3rd

Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

11357

328.07 (4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

11358

376.302 (5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust

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11359	501.001 (2) (b)	2nd	Fund. Tampers with a consumer product or the container using materially false/misleading information.
11360	697.08	3rd	Equity skimming.
11361	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
11362	796.05 (1)	3rd	Live on earnings of a prostitute.
11363	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
11364	806.10 (2)	3rd	Interferes with or

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11365	810.09 (2) (c)	3rd	assaults firefighter in performance of duty.
11366	812.014 (2) (c) 2.	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
11367	815.04 (4) (b)	2nd	Grand theft; \$5,000 or more but less than \$10,000.
11368	817.034 (4) (a) 3.	3rd	Computer offense devised to defraud or obtain property.
11369	817.233	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
			Burning to defraud insurer.



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11370	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
11371	831.29	2nd	Possession of instruments for counterfeiting driver's licenses or identification cards.
11372	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
11373	843.19	3rd	Injure, disable, or kill police dog or horse.
11374	870.01 (2)	3rd	Riot; inciting or encouraging.
11375	893.13 (1) (a) 2.	3rd	Sell, manufacture,

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11376

893.13 (1) (d) 2.

2nd

or deliver cannabis  
(or other s.  
893.03 (1) (c),  
(2) (c), (3), or (4)  
drugs).

11377

893.13 (6) (a)

3rd

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.

11378

893.13 (7) (a) 9.

3rd

Possession of any  
controlled substance  
other than felony  
possession of  
cannabis.

Obtain or attempt to  
obtain controlled  
substance by fraud,  
forgery,  
misrepresentation,

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11379	893.13 (7) (a) 11.	3rd	etc. Furnish false or fraudulent material information on any document or record required by chapter 893.
11380	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
11381	944.401	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
11382	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
11383	944.47 (1) (c)	2nd	Possess contraband while upon the

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			grounds of a correctional institution.
11384			(d) LEVEL 4
11385	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.
11386	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
11387	784.075	3rd	Battery on detention or commitment facility staff.
11388	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
11389	784.081 (3)	3rd	Battery on specified official or

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11390	784.082 (3)	3rd	employee. Battery by detained person on visitor or other detainee.
11391	787.03 (1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
11392	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
11393	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
11394			

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11395	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
11396	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
11397	790.115 (2) (c)	3rd	Possessing firearm on school property.
11398	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

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11399	810.06	3rd	Burglary; possession of tools.
11400	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
11401	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
11402	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
11403	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
11404			

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	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
11405	837.02 (1)	3rd	Perjury in official proceedings.
11406	837.021 (1)	3rd	Make contradictory statements in official proceedings.
11407	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
11408	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond



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11409	874.05 (1)	3rd	jumping). Encouraging or recruiting another to join a criminal street gang.
11410	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).
11411	914.14 (2)	3rd	Witnesses accepting bribes.
11412	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
11413	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
11414	918.12	3rd	Tampering with

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11415			jurors.
11416			(e) LEVEL 5
11417	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
11418	316.1935 (3)	3rd	Aggravated fleeing or eluding.
11419	322.34 (3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
11420	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV

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11421			positive.
11421	790.01 (2)	3rd	Carrying a concealed firearm.
11422	790.162	2nd	Threat to throw or discharge destructive device.
11423	790.163	2nd	False report of deadly explosive.
11424	790.165 (2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
11425	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
11426	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
11427	806.111 (1)	3rd	Possess, manufacture, or

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11428	812.019 (1)	2nd	dispense fire bomb with intent to damage any structure or property.
11429	812.16 (2)	3rd	Stolen property; dealing in or trafficking in.
11430	817.034 (4) (a) 2.	2nd	Owning, operating, or conducting a chop shop.
11431	825.1025 (4)	3rd	Communications fraud, value \$20,000 to \$50,000.
11432	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
			Possess with intent to promote any photographic material, motion

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11433	843.01	3rd	picture, etc., which includes sexual conduct by a child.
11434	874.05 (2)	2nd	Resist officer with violence to person; resist arrest with violence.
11435	893.13 (1) (a) 1.	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
11436	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), or (2) (b) drugs).
			Sell, manufacture, or deliver cannabis (or other s.

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11437

893.13 (1) (d) 1.

1st

893.03 (1) (c),  
(2) (c), (3), or (4)  
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.

11438

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

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			specified business site.
11439	893.13 (4) (b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
11440			(f) LEVEL 6
11441	316.027 (1) (b)	2nd	Accident involving death, failure to stop; leaving scene.
11442	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
11443	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
11444	775.21 (9)	3rd	Failure to register; failure to renew driver's license or identification card.

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11445	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
11446	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
11447	784.041	3rd	Felony battery.
11448	784.048 (3)	3rd	Aggravated stalking; credible threat.
11449	784.048 (5)	3rd	Aggravated stalking of person under 16.
11450	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
11451	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
11452	784.081 (2)	2nd	Aggravated assault



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11453	784.082 (2)	2nd	on specified official or employee.
11454	787.02 (2)	3rd	Aggravated assault by detained person on visitor or other detainee.
11455	790.115 (2) (d)	2nd	False imprisonment; restraining with purpose other than those in s. 787.01.
11456	790.161 (2)	2nd	Discharging firearm or weapon on school property.
11457	790.164 (1)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
			False report of deadly explosive or act of arson or

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11458	790.19	2nd	violence to state property.
11459	794.011 (8) (a)	3rd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
11460	794.05 (1)	2nd	Solicitation of minor to participate in sexual activity by custodial adult.
11461	806.031 (2)	2nd	Unlawful sexual activity with specified minor.
11462	810.02 (3) (c)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
11463			Burglary of occupied structure; unarmed; no assault or battery.

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11464	812.014 (2) (b)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
11465	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
11466	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
11467	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
11468	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
	825.102 (3) (c)	3rd	Neglect of an elderly person or

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11469	825.1025 (3)	3rd	disabled adult. Lewd or lascivious molestation of an elderly person or disabled adult.
11470	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
11471	827.03 (1)	3rd	Abuse of a child.
11472	827.03 (3) (c)	3rd	Neglect of a child.
11473	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
11474	836.05	2nd	Threats; extortion.
11475	836.10	2nd	Written threats to

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11476	843.12	3rd	kill or do bodily injury.
11477	914.23	2nd	Aids or assists person to escape.
11478	943.0435 (6)	3rd	Retaliation against a witness, victim, or informant, with bodily injury.
11479	944.35 (3) (a) 2.	3rd	Sex offenders; failure to comply with reporting requirements.
11480			Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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11481	944.40	2nd	Escapes.
11482	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
11483	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
11484	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
11485	316.193 (3) (c) 2.	3rd	(g) LEVEL 7  DUI resulting in serious bodily injury.
11486	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.

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11487

409.920 (2) 3rd Medicaid provider fraud.

11488

494.0018 (2) 1st 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.

11489

782.07 (1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

11490

782.071 (1) 3rd Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular

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11491	782.072 (1)	3rd	homicide). Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
11492	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
11493	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
11494	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
11495	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
11496			



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11497	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
11498	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
11499	784.081 (1)	1st	Aggravated battery on specified official or employee.
11500	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
11501	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
	790.16 (1)	1st	Discharge of a machine gun under specified

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11502	796.03	2nd	circumstances. Procuring any person under 16 years for prostitution.
11503	800.04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
11504	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
11505	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
11506	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
11507	810.02 (3) (d)	2nd	Burglary of occupied

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11508	812.014 (2) (a)	1st	conveyance; unarmed; no assault or battery.
11509	812.019 (2)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
11510	812.133 (2) (b)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
11511	825.102 (3) (b)	2nd	Carjacking; no firearm, deadly weapon, or other weapon.
			Neglecting an elderly person or

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11512	825.1025 (2)	2nd	disabled adult causing great bodily harm, disability, or disfigurement.
11513	825.103 (2) (b)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
11514	827.03 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
11515	827.04 (4)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
			Impregnation of a child under 16 years of age by person 21 years of age or

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11516	837.05 (2)	3rd	older. Giving false information about alleged capital felony to a law enforcement officer.
11517	872.06	2nd	Abuse of a dead human body.
11518	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.
11519	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)

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			<p>drugs) within 1,000 feet of property used for religious services or a specified business site.</p>
11520	893.13 (4) (a)	1st	<p>Deliver to minor cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), or (2) (b) drugs).</p>
11521	893.135 (1) (a) 1.	1st	<p>Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.</p>
11522	893.135 (1) (b) 1.a.	1st	<p>Trafficking in cocaine, more than 28 grams, less than 200 grams.</p>
11523	893.135 (1) (c) 1.a.	1st	<p>Trafficking in illegal drugs, more than 4 grams, less</p>

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11524	893.135 (1) (d) 1.	1st	than 14 grams. Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
11525	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
11526	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
11527	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
11528			(h) LEVEL 8
11529	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
11530	327.35 (3) (c) 3.	2nd	Vessel BUI

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11531	777.03 (2) (a)	1st	manslaughter. Accessory after the fact, capital felony.
11532	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.
11533	782.071 (2)	2nd	Committing vehicular homicide and failing to render aid or give information.
11534	782.072 (2)	2nd	Committing vessel homicide and failing to render aid or



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11535	790.161 (3)	1st	<p>give information.</p> <p>Discharging a destructive device which results in bodily harm or property damage.</p>
11536	794.011 (5)	2nd	<p>Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.</p>
11537	806.01 (1)	1st	<p>Maliciously damage dwelling or structure by fire or explosive, believing person in structure.</p>
11538	810.02 (2) (a)	1st, PBL	<p>Burglary with assault or battery.</p>
11539	810.02 (2) (b)	1st, PBL	<p>Burglary; armed with explosives or</p>

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11540	810.02 (2) (c)	1st	dangerous weapon. Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
11541	812.13 (2) (b)	1st	Robbery with a weapon.
11542	812.135 (2)	1st	Home-invasion robbery.
11543	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
11544	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
11545	827.03 (2)	2nd	Aggravated child abuse.

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11546	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of capital felony.
11547	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of capital felony.
11548	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
11549	860.16	1st	Aircraft piracy.
11550	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b) .
11551			

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11552	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
11553	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
11554	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
11555	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
11556	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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11557	893.135 (1) (d) 2.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
11558	893.135 (1) (e) 2.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
11559	893.135 (1) (f) 2.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
11560	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
11561	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

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	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
11562	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
11563			(i) LEVEL 9
11564	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
11565	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
11566	782.04 (3)	1st, PBL	Accomplice to murder

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11567	782.07 (2)	1st	in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
11568	782.07 (3)	1st	Aggravated manslaughter of an elderly person or disabled adult.
11569	787.01 (1) (a) 1.	1st, PBL	Aggravated manslaughter of a child.
11570	787.01 (1) (a) 2.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
11571	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
			Kidnapping with

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11572	787.02 (3) (a)	1st	intent to interfere with performance of any governmental or political function.
11573	790.161	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
11574	794.011 (2)	1st	Attempted capital destructive device offense.
11575	794.011 (2)	Life	Attempted sexual battery; victim less than 12 years of age.  Sexual battery; offender younger than 18 years and commits sexual battery on a person



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11576	794.011 (4)	1st	less than 12 years. Sexual battery; victim 12 years or older, certain circumstances.
11577	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
11578	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
11579	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
11580	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a

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11581	847.0145 (2)	1st	minor. Purchasing, or otherwise obtaining custody or control, of a minor.
11582	859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
11583	893.135	1st	Attempted capital trafficking offense.
11584	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
11585	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
11586	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more

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11587			than 28 grams, less than 30 kilograms.
11588	893.135 (1) (d) 3.	1st	Trafficking in phencyclidine, more than 400 grams.
11589	893.135 (1) (e) 3.	1st	Trafficking in methaqualone, more than 25 kilograms.
11590	893.135 (1) (f) 3.	1st	Trafficking in amphetamine, more than 200 grams.
11591			(j) LEVEL 10
11592	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
11593	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
	787.01 (3) (a)	Life	Kidnapping; child

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11594	794.011 (3)	Life	under age 13, perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
11595	876.32	1st	Treason against the state.
11596	Section 205. Paragraphs (b) and (c) of subsection (3) of		
11597	section 921.0022, Florida Statutes, are amended to read:		
11598	921.0022 Criminal Punishment Code; offense severity		
11599	ranking chart.--		
11600	(3) OFFENSE SEVERITY RANKING CHART		
11601	(b) LEVEL 2		
11602	Florida	Felony	Description
11603			

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	Statute	Degree	
11604	<u>379.2431 (1) (e) 3</u> <del>370.12(1)(e)3.</del>	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
11605	<u>379.2431(1) (e) 4</u> <del>370.12(1)(e)4.</del>	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
11606	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.
11607	517.07	3rd	Registration of securities and furnishing of prospectus required.

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11608	590.28 (1)	3rd	Willful, malicious, or intentional burning.
11609	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
11610	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
11611	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
11612	810.061 (2)	3rd	Impairing or impeding telephone or power to a

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11613	810.09 (2) (e)	3rd	dwelling; facilitating or furthering burglary.
11614	812.014 (2) (c) 1.	3rd	Trespassing on posted commercial horticulture property.
11615	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
11616	812.015 (7)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
			Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

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11617	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
11618	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
11619	817.52 (3)	3rd	Failure to redeliver hired vehicle.
11620	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
11621	817.60 (5)	3rd	Dealing in credit cards of another.
11622	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.



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11623	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
11624	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
11625	831.01	3rd	Forgery.
11626	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
11627	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
11628	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or

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11629	831.09	3rd	drafts. Uttering forged notes, bills, checks, drafts, or promissory notes.
11630	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
11631	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
11632	843.08	3rd	Falsely impersonating an officer.
11633	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

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11634			other than cannabis.
11635	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
11636			
11637	(c) LEVEL 3		
11638			
11639	Florida Statute	Felony Degree	Description
11640	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
11641	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
11642	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
11643	316.1935 (2)	3rd	Fleeing or attempting to elude

11643	319.30 (4)	3rd	law enforcement officer in patrol vehicle with siren and lights activated.
11644	319.33 (1) (a)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
11645	319.33 (1) (c)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
11646	319.33 (4)	3rd	Procure or pass title on stolen vehicle.
			With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained

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11647	327.35 (2) (b)	3rd	title or registration.
11648	328.05 (2)	3rd	Felony BUI. Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
11649	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
11650	<u>379.2431 (1) (e) 5.</u> <del>370.12 (1) (e) 5.</del>	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine

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11651	<u>379.2431 (1) (e) 6.</u> <del>370.12 (1) (e) 6.</del>	3rd	turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
11652	376.302 (5)	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
11653	400.903 (3)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
11654	440.1051 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.  False report of

11655	501.001 (2) (b)	2nd	workers' compensation fraud or retaliation for making such a report.
11656	624.401 (4) (a)	3rd	Tampers with a consumer product or the container using materially false/misleading information.
11657	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority.
11658	626.902 (1) (a) & (b)	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
			Representing an unauthorized

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11659			insurer.
11660	697.08	3rd	Equity skimming.
11661	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
11662	796.05 (1)	3rd	Live on earnings of a prostitute.
11663	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
11664	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



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11665	812.014 (2) (c) 2.	3rd	with firearm or dangerous weapon.
11666	812.0145 (2) (c)	3rd	Grand theft; \$5,000 or more but less than \$10,000.
11667	815.04 (4) (b)	2nd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
11668	817.034 (4) (a) 3.	3rd	Computer offense devised to defraud or obtain property.
11669	817.233	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
11670			Burning to defraud insurer.

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11671	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
11672	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
11673	817.236	3rd	Filing a false motor vehicle insurance application.
11674	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
11675	817.413 (2)	3rd	Sale of used goods as new.
11676	817.505 (4)	3rd	Patient brokering.
	828.12 (2)	3rd	Tortures any animal with intent to

11677	831.28 (2) (a)	3rd	inflict intense pain, serious physical injury, or death.
11678	831.29	2nd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
11679	838.021 (3) (b)	3rd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
11680	843.19	3rd	Threatens unlawful harm to public servant.
			Injure, disable, or kill police dog or horse.

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11681

860.15 (3) 3rd Overcharging for repairs and parts.

11682

870.01 (2) 3rd Riot; inciting or encouraging.

11683

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).

11684

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.

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11685

893.13 (1) (f) 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  
public housing  
facility.

11686

893.13 (6) (a)

3rd

Possession of any  
controlled substance  
other than felony  
possession of  
cannabis.

11687

893.13 (7) (a) 8.

3rd

Withhold information  
from practitioner  
regarding previous  
receipt of or  
prescription for a  
controlled  
substance.

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11689	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
11690	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
11691	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
11691	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive,

11692

893.13 (8) (a) 2.

3rd

untrue, or  
fraudulent  
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.

11693

893.13 (8) (a) 3.

3rd

Knowingly write a  
prescription for a  
controlled substance  
for a fictitious  
person.

11694

893.13 (8) (a) 4.

3rd

Write a prescription  
for a controlled  
substance for a

11695	918.13 (1) (a)	3rd	<p>patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.</p>
11696	944.47 (1) (a) 1.-2.	3rd	<p>Alter, destroy, or conceal investigation evidence.</p>
11697	944.47 (1) (c)	2nd	<p>Introduce contraband to correctional facility.</p>
11698	985.721	3rd	<p>Possess contraband while upon the grounds of a correctional institution.</p>
			<p>Escapes from a juvenile facility (secure detention or residential</p>



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commitment  
facility).

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Section 206. Paragraph (e) of subsection (6) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.--

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

(e) The Fish and Wildlife Conservation Commission, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Game Trust Fund as provided in ss. 379.338, 379.339, and 379.340 ~~372.73, 372.9901, and 372.9904, or~~ into the Marine Resources Conservation Trust Fund as provided in s. 379.337 ~~370.061, or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.~~

Section 207. Section 370.081, Florida Statutes, is repealed.

Section 208. Section 370.0821, Florida Statutes, is repealed.

Section 209. Section 370.09, Florida Statutes, is repealed.

Section 210. Section 370.1105, Florida Statutes, is repealed.

Section 211. Subsections (1) and (2) of section 370.1121 Florida Statutes, are repealed.

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- 11724 Section 212. Section 370.15, Florida Statutes, is
- 11725 repealed.
- 11726 Section 213. Section 370.154, Florida Statutes, is
- 11727 repealed.
- 11728 Section 214. Section 370.155, Florida Statutes, is
- 11729 repealed.
- 11730 Section 215. Section 372.0225, Florida Statutes, is
- 11731 repealed.
- 11732 Section 216. Section 372.107, Florida Statutes, is
- 11733 repealed.
- 11734 Section 217. Section 372.27, Florida Statutes, is
- 11735 repealed.
- 11736 Section 218. Section 372.667, Florida Statutes, is
- 11737 repealed.
- 11738 Section 219. Section 372.75, Florida Statutes, is
- 11739 repealed.
- 11740 Section 220. Section 372.85, Florida Statutes, is
- 11741 repealed.
- 11742 Section 221. Section 372.98, Florida Statutes, is
- 11743 repealed.
- 11744 Section 222. Section 372.981, Florida Statutes, is
- 11745 repealed.
- 11746 Section 223. Section 372.993, Florida Statutes, is
- 11747 repealed.
- 11748 Section 224. This act shall take effect July 1, 2008.