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# **Agriculture & Natural Resources Subcommittee**

## **Meeting Packet**

**Tuesday, January 31, 2012**

**3:30 PM**

**Reed Hall (102 HOB)**

**Dean Cannon  
Speaker**

**Steve Crisafulli  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Agriculture & Natural Resources Subcommittee

**Start Date and Time:** Tuesday, January 31, 2012 03:30 pm

**End Date and Time:** Tuesday, January 31, 2012 06:00 pm

**Location:** Reed Hall (102 HOB)

**Duration:** 2.50 hrs

**Consideration of the following bill(s):**

HB 997 Dangerous Dogs by Trujillo

HB 1117 Conservation of Wildlife by Harrison

HB 1297 City of Dania Beach, Broward County by Jenne



HB 1383 Fish and Wildlife Conservation Commission by Glorioso

**NOTICE FINALIZED on 01/27/2012 16:07 by Love.John**



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 997 Dangerous Dogs  
**SPONSOR(S):** Trujillo and others  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1322

| REFERENCE                                       | ACTION | ANALYST  | STAFF DIRECTOR or BUDGET/POLICY CHIEF   |
|---|--------|--|---|
| 1) Agriculture & Natural Resources Subcommittee |        | Kaiser  | Blalock  |
| 2) Community & Military Affairs Subcommittee    |        |  |   |
| 3) State Affairs Committee                      |        |  |   |

**SUMMARY ANALYSIS**

Chapter 767, F.S., governs issues related to damage by dogs, including restrictions on dangerous dogs. Currently, Florida law provides that local governments may place further restrictions or additional requirements on owners of dangerous dogs or develop procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed and that the provisions of this act are not lessened by such additional regulations or requirements. However, this provision does not apply to any local ordinance adopted prior to October 1, 1990. Miami-Dade is the only county that has breed specific regulations adopted prior to October 1, 1990.

This bill removes the exemption for breed-specific local ordinances adopted prior to October 1, 1990. Therefore, Miami-Dade County will no longer be able to have breed-specific restrictions or requirements on owners of dangerous dogs.

The bill does not appear to have a fiscal impact on state government. The bill may result in a decrease in fees or penalties collected by Miami-Dade County that currently has breed-specific ordinances.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Section 767.11, F.S., defines a dangerous dog as “any dog that according to the records of the appropriate authority:

- Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- Has more than once severely injured or killed a domestic animal while off the owner’s property; or
- Has, when unprovoked chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.”

Section 767.12, F.S., requires animal control authorities to investigate reported incidents involving dogs that may be dangerous. While under investigation, the dogs are impounded with the authorities or securely confined by the owner pending the outcome. After an investigation, the animal control authority makes an initial determination regarding if there is enough information (sufficient cause) to classify the dog as dangerous. If so, the owner is afforded a hearing before final determination of the dog’s status. The owner has seven days to request a hearing with the animal control authority. If the dog is classified as dangerous after the hearing, the owner may file a written request for a hearing in the county court to appeal the classification within 10 days after receipt of a written determination of the dangerous dog classification. Pending resolution of the appeal, the dog must be confined in a securely fenced or enclosed area.

An owner has 14 days to obtain a certificate of registration after a dog has been classified as dangerous. This certificate must be renewed annually and may only be issued to persons at least 18 years old who have presented evidence of the following:

- Current rabies vaccination;
- Confinement in a proper enclosure with posting of warning signs at all entry points of the premises; and
- Permanent identification, such as a tattoo.

An annual fee is authorized to be imposed for the issuance of registration certificates.

If a dog is classified as a dangerous dog, the owner must immediately notify the authorities when the dog:

- Is loose or unconfined;
- Has bitten a human or attacked an animal;
- Has been sold, given away or dies; or
- Is moved to a new location.

Prior to a dangerous dog being sold or given away, several things must first occur. The owner must give the animal control authority information regarding the new owner. Secondly, the new owner must comply with all statutory and local provisions relating to dangerous dogs, even if the dog is being moved to another jurisdiction within the state. The new owner must also notify the local animal control authority that a dangerous dog is now in his jurisdiction.

A dangerous dog is not permitted to be outside its proper enclosure unless it is muzzled, restrained by a substantial chain or leash, and under control of a competent person. The dog may be exercised in an enclosure or area without a top, only if the dog is never out of the owner's sight. When being transported, the dog must be securely restrained in the vehicle.

Hunting dogs are exempt from the provisions of section 767.12, F.S., while engaged in any legal hunt or training exercise. However, at all other times, hunting dogs are subject to section 767.12, F.S. Dangerous dogs may not be used for hunting purposes. This section is not applicable to law enforcement dogs.

A person who violates any provision relating to the certification process, confinement parameters, or other unlawful acts as described in s. 767.12, F.S., is guilty of a noncriminal infraction and may be fined up to \$500.

The classification "dangerous dog" may mean life or death for the dog if the dog bites a human or animal. If a dog that has been classified as a dangerous dog bites a person or domestic animal without provocation, the dog is immediately confiscated and placed in quarantine or impounded. The dog is held for 10 business days from notification of its owner, and then destroyed. During the 10 days, the owner may request a hearing. If an appeal is filed, the dog may not be destroyed pending the appeal. In addition, the owner is guilty of a misdemeanor of the first degree if the owner had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances.<sup>1</sup> The owner is liable for boarding costs and fees arising from the holding of the dog during any appeal procedure.

A similar scenario occurs when a dog that has not been classified as dangerous attacks and causes severe injury or death to any human. A dog that has not been classified as dangerous is not destroyed if it causes harm to a domestic animal. However, the attack may lead to a "dangerous dog" classification.

Section 767.14, F.S., provides that local governments may place further restrictions or additional requirements on owners of dangerous dogs or develop procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed and that the provisions of this act are not lessened by such additional regulations or requirements. However, this provision does not apply to any local ordinance adopted prior to October 1, 1990. Miami-Dade is the only county that has breed specific regulations adopted prior to October 1, 1990.

### **Effect of Proposed Changes**

This bill amends s. 767.14, F.S., to remove the exemption of breed-specific local ordinances adopted prior to October 1, 1990. Therefore, Miami-Dade County will no longer be able to have breed-specific restrictions or requirements on owners of dangerous dogs.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 767.14, F.S., removing the exemption of breed-specific local ordinances adopted prior to October 1, 1990.

**Section 2:** Provides an effective date of July 1, 2012.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None

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<sup>1</sup> Section 767.13(2), F.S.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may result in a decrease in fees or penalties collected by Miami-Dade County that currently has breed-specific ordinances.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None

HB 997

2012

1                   A bill to be entitled  
 2           An act relating to dangerous dogs; amending s. 767.14,  
 3           F.S.; deleting an exemption from a prohibition on  
 4           local breed specific regulations of dangerous dogs for  
 5           such regulations adopted before a specified date;  
 6           providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Section 767.14, Florida Statutes, is amended to  
 11   read:

12           767.14 Additional local restrictions authorized.—Nothing  
 13   in this act shall limit any local government from placing  
 14   further restrictions or additional requirements on owners of  
 15   dangerous dogs or developing procedures and criteria for the  
 16   implementation of this act, provided that no such regulation is  
 17   specific to breed and that the provisions of this act are not  
 18   lessened by such additional regulations or requirements. ~~This~~  
 19   ~~section shall not apply to any local ordinance adopted prior to~~  
 20   ~~October 1, 1990.~~

21           Section 2. This act shall take effect July 1, 2012.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 997 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
2 Resources Subcommittee  
3 Representative Trujillo offered the following:

4  
5 **Amendment**

6 Remove lines 12-13 and insert:

7 767.14 Additional local restrictions authorized. ~~Nothing~~  
8 ~~in~~ This act does not shall limit a any local government from  
9 placing



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1117 Conservation of Wildlife  
SPONSOR(S): Harrison  
TIED BILLS: None IDEN./SIM. BILLS: SB 1456

| REFERENCE  | ACTION | ANALYST     | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|--------|-------------|---------------------------------------|
| 1) Agriculture & Natural Resources Subcommittee                |        | Deslatte JD | Blalock AFB                           |
| 2) Rulemaking & Regulation Subcommittee                        |        |             |                                       |
| 3) Agriculture & Natural Resources Appropriations Subcommittee |        |             |                                       |
| 4) State Affairs Committee                                     |        |             |                                       |

SUMMARY ANALYSIS

Current law provides that the Board of Trustees of the Internal Improvement Trust Fund (BOT) is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state. Current law also provides that state owned lands must be managed to provide for areas of natural resource based recreation, and to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources. Where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust by the BOT, public land not designated for single-use purposes should be managed for multiple-use purposes. All multiple-use land management strategies must address public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, protection of threatened and endangered species, and the degree to which public-private partnerships or endowments may allow the entity with management responsibility to enhance its ability to manage these lands.

The bill provides that a zoo or aquarium that is accredited by the Association of Zoos and Aquariums (AZA) and operating a facility in the state can apply to the BOT for authorization to use state lands for the purpose of conducting enhanced research in husbandry, reproductive biology, endocrinology, nutrition, genetics, behavior, health, and ecology that will ensure healthy wildlife populations for native and nonnative species of animals and birds. The application must provide certain criteria. The BOT is authorized to approve the application if it determines that the proposed project is in the best interest of the state by considering the following:

- Whether the project is consistent with the state’s goals for the lands that will be used for the project and will not cause harm to the land or the surrounding land.
- Whether the project, through alliances and relationships with organizations, universities, federal and state agencies, or other members of the AZA, or otherwise, will have a positive economic impact on the state or the communities surrounding the project location.

The bill directs the Florida Fish and Wildlife Conservation Commission (FWCC) to provide technical assistance to the BOT in reviewing each application, and requires the FWCC to adopt rules to administer these provisions.

The bill does not appear to have a fiscal impact on local governments. The bill could have a potentially negative fiscal impact on the FWCC due to an increased workload in assisting with the review of project applications as well as monitoring sites for compliance with laws. The bill could also result in an increase in lease fees collected by the state for the use of state lands.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### **Board of Trustees of the Internal Improvement Trust Fund (BOT)**

At statehood on March 3, 1845, Florida received 500,000 acres of land from the federal government for the benefit of internal improvements. Through the Swamp and Overflowed Lands Act of 1850, the State received an additional 20 million acres of land. In 1855, the Board of Trustees of the Internal Improvement Trust Fund (BOT) was created as an agency of the Florida government to hold these lands. The federal government also made other land grants to the State for varied purposes such as educational facilities, and the seat of government. In 1967 the Florida Legislature vested the BOT with most of the lands owned by the various agencies, boards, and commissions of the state and made the BOT responsible for all state lands, with but few exceptions. These lands are held in trust for the use and benefit of the people of the state of Florida.

The BOT consists of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. The BOT is recognized in the State Constitution, and its powers and duties are provided by statute as the acquisition, administration, management, control, supervision, conservation, protection, and disposition of the state-owned lands under its control. The Department of Environmental Protection, through its Division of State Lands, performs all staff duties and functions related to the acquisition, administration, and disposition of state-owned lands to which title is vested in the BOT, with exceptions for certain activities of the water management districts and the Department of Agriculture and Consumer Services.

The BOT administers one of the largest conservation and recreation land buying programs in the nation, with more than 3.3 million acres of conservation and non-conservation uplands. These include state parks, forests, wildlife management areas, historic sites, public universities, and state facilities. The Board of Trustees oversees its conservation lands as a trust on behalf of the citizens of Florida for the protection of the state's natural resources and scenic beauty.

The BOT also administers the state's sovereignty lands, those water bodies within the state's territorial limits that were navigable at the date of statehood. These include coastal shores below mean high water, and navigable fresh waters such as rivers and lakes below ordinary high water. The public status of these lands is protected by the Public Trust Doctrine as codified in Article X, Section 11 of the Florida Constitution<sup>1</sup>.

Section 253.02, F.S., provides that the BOT cannot sell, transfer, or otherwise dispose of any lands the title to which is vested in the BOT except by vote of at least three of the four trustees.

Section 253.03, F.S., provides that the BOT is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state. These lands specifically include:

- All swamp and overflowed lands held by the state or which may hereafter inure to the state;
- All lands owned by the state by right of its sovereignty;
- All internal improvement lands proper;
- All tidal lands;
- All lands covered by shallow waters of the ocean or gulf, or bays or lagoons thereof, and all lands owned by the state covered by fresh water;

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<sup>1</sup> Cabinet Affairs website, <http://cabinet.myflorida.com/cabprocess.html>

- All parks, reservations, or lands or bottoms set aside in the name of the state, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way; and
- All lands which have accrued, or which may hereafter accrue, to the state from any source whatsoever, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way, spoil areas, or borrow pits or any land, the title to which is vested or may become vested in any port authority, flood control district, water management district, or navigation district or agency created by any general or special act.

The BOT is authorized and directed to administer all state-owned lands and is responsible for the creation of an overall and comprehensive plan of development concerning the acquisition, management, and disposition of state-owned lands so as to ensure maximum benefit and use.

### **State owned lands and uses**

Section 253.034(1), F.S., provides that all lands acquired must be managed to serve the public interest by protecting and conserving land, air, water, and the state's natural resources, which contribute to the public health, welfare, and economy of the state. These lands must also be managed to provide for areas of natural resource based recreation, and to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources. The statute further states that it is the intent of the Legislature that, where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust by the BOT, public land not designated for single-use purposes be managed for multiple-use purposes. All multiple-use land management strategies shall address public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species, and the degree to which public-private partnerships or endowments may allow the entity with management responsibility to enhance its ability to manage these lands.

Section 253.034(5), F.S., provides that a manager of state conservation lands must submit to the Division of State Lands a land management plan every 10 years. Whenever the manager of conservation lands intends to make substantive land use or management changes that were not addressed in the approved plan, the land manager must update the land management plan.

Section 253.034(10), F.S., provides for additional uses of conservation lands to include water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. When the lands are used for these purposes, they must meet the following conditions:

- The use must not be inconsistent with the management plan for the lands.
- The use must be compatible with the natural ecosystem and resource values of such lands.
- The proposed use must be appropriately located on such lands where due consideration is given to the use of other available lands.
- The using entity must reasonably compensate the titleholder for the use based on an appropriate measure of value;
- The use must be consistent with the public interest.

### **Association of Zoos & Aquariums**

The Association of Zoos & Aquariums (AZA) was founded in 1924 and is dedicated to the advancement of zoos and aquariums in the areas of conservation, education, science, and recreation. Zoos and aquariums can apply to be accredited by the AZA. The AZA selects Accreditation Commission members who are experts in their fields to evaluate the zoo or aquarium. The zoo or aquarium must meet the AZA's standards for animal management and care, including living environments, social groupings, health, and nutrition. The Accreditation Commission also evaluates the veterinary program, involvement in conservation and research, education programs, safety policies and procedures, security, physical facilities, guest services, and the quality of the institution's staff. The application takes months to complete and six months to study and evaluate. Zoos and aquariums that are

accredited must keep up with evolving standards and must go through the accreditation process every five years. Currently, there are 16 zoos and aquariums in Florida that are accredited by the AZA.

### **Effect of Proposed Changes**

The bill provides that a zoo or aquarium that is accredited by the AZA and operating a facility in the state can apply to the BOT for authorization to use state lands for the purpose of conducting enhanced research in husbandry, reproductive biology, endocrinology, nutrition, genetics, behavior, health, and ecology that will ensure healthy wildlife populations for native and nonnative species of animals and birds.

The application must provide the following:

- Information relating to the principals and sponsors of the project.
- A description of the funding and sources of funding that will be used to support the project.
- The size, proximate location, and type of land sought.
- A detailed description of the proposed project, including a description of the research to be conducted and the animals that will be used in the research. Projects that involve carnivores or primates are prohibited.
- A description of the infrastructure that will be necessary in order to conduct the research project, including buildings, utilities, and roadways.

The BOT is authorized to approve the application if it determines that the proposed project is in the best interest of the state by considering the following:

- Whether the project is consistent with the state's goals for the lands that will be used for the project and will not cause harm to the land or the surrounding land.
- Whether the project, through alliances and relationships with organizations, universities, federal and state agencies, or other members of the AZA, or otherwise, will have a positive economic impact on the state or the communities surrounding the project location.

The bill directs the FWCC to provide technical assistance to the BOT in reviewing each application, and requires the FWCC to adopt rules to administer these provisions.

#### **B. SECTION DIRECTORY:**

Section 1. Provides for certain zoos and aquariums to apply to the BOT for authorization to use state lands for the purpose of conducting enhanced research; providing application requirements; providing criteria that the board must consider in reviewing the application; requiring the FWCC to assist the board and to adopt rules.

Section 2. Provides an effective date of July 1, 2012.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

The provisions in the bill may result in an increase in lease fees collected by the state for using state lands.

##### **2. Expenditures:**

The FWCC may experience an increased workload in assisting with the review of project applications as well as monitoring sites for compliance with laws.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill authorizes the FWCC to adopt rules to assist the BOT in assessing whether the BOT should authorize the use of state lands for the purpose of conducting enhanced research.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The FWCC provided the following comments:

The bill stipulates that the Board of Trustees shall consider whether the project "is consistent with the state's goals for the lands" and that there will not be off-site impacts. The former consideration would likely have to be reviewed for consistency in the Conceptual Management Plans for the subject parcels, and, should the Board approve, it may result in the designation of land as surplus. Secondly, impacts to state conservation lands, or surrounding lands, will be related to the size and scope of the activities. Presumably, these details would be included in rules or policy, or in leases or agreements with Division of State Lands. We recommend that any lease include information on (1) the species and numbers of animals to be used; (2) responsibility for recovery of escaped wildlife to prevent harm to humans, damage to the environment and other species, and the establishment of exotic species in Florida; (3) responsibility for removing any structures, facilities, etc., upon the conclusion of specific projects; (4) responsibility for habitat restoration upon the completion of specific projects; (5) requirements to mitigate unanticipated off-site impacts (e.g., erosion, reduced water quality); and (6) compensation to the land manager for the use of land.

The bill requires the Commission to provide technical assistance to the Trustees in their review of applications for projects. There are other state agencies, however, that manage state conservation lands with goals beyond Commission authority (e.g., water management, botanical conservation, and DACS forestry). In this regard, an amendment might be preferable to have the lead management agency for the lands requested to be used in a project provide technical assistance, with input from all cooperating agencies. Along the same lines, the bill requires the

Commission to adopt rules to administer the section, but it may be desirable to have other agencies adopt additional rules for issues not directly related to fish and wildlife.

The bill could impact current uses of the State's public conservation lands. Specifically, this could reduce public hunting, wildlife viewing, and other recreational opportunities on the Commission's wildlife management areas (as well as impacting planned uses on lands with other lead management agencies), depending on the size and location of any proposed such research facilities. If a project is approved on state conservation lands, there is a strong possibility that the land management plan for the land involved will have to be updated, pursuant to section 253.034(5).

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.



HB 1117

2012

1                   A bill to be entitled  
 2           An act relating to the conservation of wildlife;  
 3           providing for certain zoos and aquariums to apply to  
 4           the Board of Trustees of the Internal Improvement  
 5           Trust Fund for authorization to use state lands for  
 6           the purpose of conducting enhanced research; providing  
 7           application requirements; providing criteria that the  
 8           board must consider in reviewing the application;  
 9           requiring the Fish and Wildlife Conservation  
 10          Commission to assist the board and to adopt rules;  
 11          providing an effective date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. (1) A zoo or aquarium having current  
 16           accreditation with the Association of Zoos and Aquariums and  
 17           operating a facility in the state may apply to the Board of  
 18           Trustees of the Internal Improvement Trust Fund for  
 19           authorization to use state lands for the purpose of conducting  
 20           enhanced research in husbandry, reproductive biology,  
 21           endocrinology, nutrition, genetics, behavior, health, and  
 22           ecology that will ensure healthy wildlife populations for native  
 23           and nonnative species of animals and birds.

24           (2) The application shall:  
 25           (a) Provide information relating to the principals and  
 26           sponsors of the project.  
 27           (b) Provide a description of the funding and sources of  
 28           funding that will be used to support the project.

29        (c) Identify the size, proximate location, and type of  
 30        land sought.

31        (d) Provide a detailed description of the proposed  
 32        project, including a description of the research to be conducted  
 33        and the animals that will be used in the research. A project  
 34        involving mammalian species that are carnivores or primates is  
 35        prohibited.

36        (e) Provide a description of the infrastructure that will  
 37        be necessary in order to conduct the research project, including  
 38        buildings, utilities, and roadways.

39        (3) The Board of Trustees of the Internal Improvement  
 40        Trust Fund may approve the application if it determines that the  
 41        proposed project is in the best interest of the state. In making  
 42        its determination, the board of trustees shall consider:

43        (a) Whether the project is consistent with the state's  
 44        goals for the lands that will be used for the project and will  
 45        not cause harm to the land or the surrounding land.

46        (b) Whether the project, through alliances and  
 47        relationships with organizations, universities, federal and  
 48        state agencies, or other members of the Association of Zoos and  
 49        Aquariums, or otherwise, will have a positive economic impact on  
 50        the state or the communities surrounding the project location.

51        (4) The Fish and Wildlife Conservation Commission shall  
 52        provide technical assistance to the Board of Trustees of the  
 53        Internal Improvement Trust Fund in reviewing each application.

54        (5) The Fish and Wildlife Conservation Commission shall  
 55        adopt rules to administer this section.

56        Section 2. This act shall take effect July 1, 2012.



Amendment No.

20 (b) Provide a description of the funding and sources of  
21 funding that will be used to support the project.

22 (c) Identify the size, proximate location, and type of  
23 land sought.

24 (d) Provide a detailed description of the proposed  
25 project, including a description of the research to be conducted  
26 and the animals that will be used in the research. A project  
27 involving mammalian species that are carnivores or primates is  
28 prohibited.

29 (e) Provide a description of the infrastructure that will  
30 be necessary in order to conduct the research project, including  
31 buildings, utilities, and roadways, and containment facilities.

32 (f) Provide a description of a plan to ensure timely  
33 recovery of escaped animals resulting from natural disasters or  
34 other unforeseen events.

35 (3) The Board of Trustees of the Internal Improvement  
36 Trust Fund or the Governing Board of the Water Management  
37 District may approve the application if it determines that the  
38 proposed project is in the best interest of the state. In making  
39 its determination, the board of trustees or governing board  
40 shall consider:

41 (a) Whether the project is consistent with the state's  
42 goals for the lands that will be used for the project, as  
43 described in the approved land management plan for those lands,  
44 and will not cause harm to the land or the surrounding land.

45 (b) Whether the project, through alliances and  
46 relationships with organizations, universities, federal and  
47 state agencies, or other members of the Association of Zoos and

Amendment No.

48 Aquariums, or otherwise, will have a positive economic impact on  
49 the state and the communities surrounding the project location.

50 (4) Fish and Wildlife Conservation Commission shall  
51 provide technical assistance to the Board of Trustees of the  
52 Internal Improvement Trust Fund or to the Governing Board of a  
53 Water Management District in reviewing each application.

54 Section 2. This act shall take effect July 1, 2012.

55

56 -----

57 **T I T L E A M E N D M E N T**

58 Remove the entire title and insert:

59 An act relating to the conservation of wildlife; providing for  
60 certain zoos and aquariums to seek the use of state lands and  
61 Water Management District lands in the furtherance of their  
62 mission to conserve, propagate, and educate the public about  
63 native and non-native wildlife, and to engage in programs that  
64 will restore healthy wildlife populations of selected species of  
65 ungulates and avians in their native habitats; providing  
66 criteria for land managers in the consideration of leases or  
67 other arrangements for use by certain zoos and aquaria;  
68 providing criteria for containment and recovery of wildlife  
69 managed by zoos and aquaria on public land; providing an  
70 effective date.

71



## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1297 City of Dania Beach, Broward County

**SPONSOR(S):** Jenne

**TIED BILLS:** None **IDEN./SIM. BILLS:** None

| REFERENCE                                       | ACTION    | ANALYST     | STAFF DIRECTOR or<br>BUDGET/POLICY<br>CHIEF |
|---|-----------|-------------|---|
| 1) Community & Military Affairs Subcommittee    | 14 Y, 0 N | Read        | Hoagland                                    |
| 2) Agriculture & Natural Resources Subcommittee |           | Deslatte JD | Blalock AFB                                 |
| 3) Economic Affairs Committee                   |           |             |   |

### SUMMARY ANALYSIS

This bill provides for the municipal annexation of an area seaward of the City of Dania Beach. The area to be annexed extends three miles offshore to the territorial boundary of Florida. The main effect of this annexation will be the inclusion of the Dania Pier in the City of Dania Beach. Currently the pier is outside of the city's jurisdiction even though the city has proprietary interest via a sovereign submerged lands lease for the land beneath the pier.

The bill is expected to have no fiscal impact.

The bill's effective date is upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background:**

The City of Dania Beach is an incorporated municipality in southeast Broward County. One of the main attractions in the City of Dania Beach is the Dania Pier, which extends approximately 1,300 feet into the Atlantic Ocean.<sup>1</sup> However, most of the pier, i.e., those parts seaward of the mean low water mark, is not within the territorial boundaries of the city.<sup>2</sup> The city's territorial boundary ends at the mean low water mark. As such, the city is unable to enforce their municipal ordinances on the pier.<sup>3</sup>

The eastern territorial boundary of both the State of Florida<sup>4</sup> and Broward County<sup>5</sup> extends out into the Atlantic Ocean three miles off the coast of Florida.

##### **Annexation:**

Article VII, Section 2(c) of the Florida Constitution states that “[m]unicipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.” Chapter 171, F.S., sets out statutory requirements for municipal annexation. However, due to limitations contained in Ch. 171, F.S.,<sup>6</sup> the City of Dania Beach is unable to annex the proposed area under the procedures described in that chapter.

Annexation of sovereign submerged lands seaward to the territorial limits of Florida (three miles off the coast) is also consistent with the practice of other municipalities in Broward County. Pompano Beach,<sup>7</sup> Lauderdale-by-the-Sea,<sup>8</sup> and Fort Lauderdale<sup>9</sup> have each annexed such sovereign submerged lands.

##### **Effect of Proposed Changes:**

The bill would result in the annexation of all sovereign submerged lands extending three miles out into the Atlantic Ocean.

#### B. SECTION DIRECTORY:

Section 1: Describes the area to be annexed.

Section 2: Provides an effective date of becoming law.

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<sup>1</sup> See Joe Julavits, *Countdown to Opening Day: Pier pressure for new facility*, THE JACKSONVILLE TIMES-UNION (July 25, 2004) available at [http://jacksonville.com/tu-online/stories/072504/spo\\_16184226.shtml](http://jacksonville.com/tu-online/stories/072504/spo_16184226.shtml).

<sup>2</sup> Per correspondence with Broward Legislative Delegation (January 18, 2012).

<sup>3</sup> Per correspondence with Bob Daniels, City Manager, City of Dania Beach (January 20, 2012).

<sup>4</sup> Article X, Sec. 16(c)(5) (defining “nearshore and inshore Florida waters” as “all Florida waters inside a line three miles seaward of the coastline along the Gulf of Mexico and inside a line one mile seaward of the coastline along the Atlantic Ocean.”).

<sup>5</sup> Section 7.06, F.S.

<sup>6</sup> See s. 171.043, F.S., describing lands that may be annexed. The reason the area proposed to be annexed does not satisfy the this requirement is that the sovereign submerged lands are neither developed for urban purposes, s. 171.043(2), F.S., nor lying between the municipal boundary and an area developed for urban purposes, s. 171.043(3)(a), F.S., nor “adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes,” s. 171.043(3)(a), F.S.

<sup>7</sup> Article I, Sec 2 of the Pompano Beach Charter.

<sup>8</sup> See Ch. 2002-357, L.O.F. (annexing sovereign submerged lands out to “the eastern boundary line of the State of Florida”); Art. II, Sec 2-2 of the Town of Lauderdale-by-the-Sea Charter.

<sup>9</sup> Article II, Sec. 2-01 of the Fort Lauderdale Charter.



## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 7, 2011

WHERE? The Sun-Sentinel in Broward County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

According to the economic impact statement, there will be no economic impact as a result of this bill.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.



29 (ordinary) low water mark of the Atlantic Ocean, said  
 30 point being on Northerly line of the Corporate Limits  
 31 of the City of Dania Beach as established by Chapter  
 32 30689, Acts 1955 of the Laws of Florida the same being  
 33 the Corporate Limits of the City of Hollywood as  
 34 established by Chapter 30836 of the Laws of Florida;

35  
 36 Thence Easterly on said Easterly projection of the  
 37 common boundary of Lots 71 and 72 of Block 172,  
 38 HOLLYWOOD CENTRAL BEACH to the intersection with the  
 39 East boundary line of the State of Florida, also known  
 40 as the three mile limit;

41  
 42 Thence Southerly on said East boundary line of the  
 43 State of Florida, also known as the three mile limit,  
 44 to the intersection with the Easterly projection of  
 45 the South line of Block 206 of said HOLLYWOOD CENTRAL  
 46 BEACH, said South line being the original Corporate  
 47 Limits as described in the Municipal Code of the City  
 48 of Dania Beach and the Corporate Limits of the City of  
 49 Hollywood as established by Chapter 30836 of the Laws  
 50 of Florida;

51  
 52 Thence Westerly on said Easterly projection of the  
 53 South line of Block 206 to the intersection with the  
 54 mean (ordinary) low water mark of the Atlantic Ocean;

55  
 56 Thence Northerly on said mean (ordinary) low water

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2012

57 | mark of the Atlantic Ocean and on said Original  
58 | Corporate Limits of the City of Dania Beach as  
59 | established by said Chapter 30689, Acts 1955 of the  
60 | Laws of Florida, to the POINT OF BEGINNING.  
61 | Section 2. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1383 Fish and Wildlife Conservation Commission

**SPONSOR(S):** Glorioso

**TIED BILLS:** None **IDEN./SIM. BILLS:** None

| REFERENCE  | ACTION | ANALYST     | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|--------|-------------|--|
| 1) Agriculture & Natural Resources Subcommittee                |        | Deslatte JD | Blalock FFB                              |
| 2) Agriculture & Natural Resources Appropriations Subcommittee |        |             |  |
| 3) State Affairs Committee                                     |        |             |  |

### SUMMARY ANALYSIS

Pursuant to Chapter 2011-66, Laws of Florida, an Environmental Unit Sub-Team of a Law Enforcement Consolidation Task Force was established to conduct a review of the conservation law enforcement activities and assets of the Department of Agriculture and Consumer Services (DACS), the Department of Environmental Protection (DEP), and the Florida Fish and Wildlife Conservation Commission (FWCC), to determine if any duplication of law enforcement functions exist between the agencies.<sup>1</sup> The Environmental Unit Sub-Team determined the patrol of state-owned and managed lands provided by the FWCC, DEP, and DACS, has elements that are duplicative, and, in turn, has exacerbated a manpower shortage for the agencies. A list of recommendations was presented to the President of the Senate and the Speaker of the House of Representatives, which included integrating the DEP Division of Law Enforcement and DACS Office of Agricultural Law Enforcement officers assigned to the conservation and recreation lands (CARL) program patrol and the investigator responsible for commercial aquaculture violations into the FWCC Division of Law Enforcement.

The bill transfers and reassigns the functions and responsibilities of the DEP's Division of Law Enforcement, excluding the Bureau of Emergency Response, to the FWCC Division of Law Enforcement. The bill also transfers and reassigns the functions and responsibilities of sworn positions funded by the CARL program, and the investigator responsible for the enforcement of aquaculture violations within DACS, to the FWCC Division of Law Enforcement.

The bill also provides for support positions and rules to be transferred to the FWCC based on memorandum of agreements between FWCC, DEP, and DACS, and for transition advisory working groups to be created during the 2012-13 fiscal year.

The bill provides the Division of Law enforcement of the FWCC with enforcement authority over prohibited activities under chapter 258, F.S., relating to state parks and preserves.

Lastly, the bill authorizes salary parity and other pay adjustments and specifies powers and duties of the FWCC.

The bill does not appear to have a fiscal impact on local governments. The bill has a potentially positive fiscal impact on the FWCC by reducing supervisory positions created by the consolidation and increased field level personnel. The salary parity provision in the bill could result in a potential fiscal impact to state government expenditures. The state anticipates some expenditures for equipment and training but thinks the cost savings from reclassifying positions will cover these one-time costs.

<sup>1</sup> *Integration of Florida's Environmental Law Enforcement Functions increases Efficiency and Enhances Patrol Capability and Response Time*, October 11, 2011. Document on file with staff.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1383.ANRS.DOCX

DATE: 1/27/2012

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

Pursuant to Chapter 2011-66, a Environmental Unit Sub-Team of a Law Enforcement Consolidation Task Force was established to conduct a review of the conservation law enforcement activities and assets of DACS, the DEP, and the FWCC, to evaluate if any duplication of law enforcement functions exist between the agencies.

The Environmental Unit Sub-Team came up with the following findings:

- All three agencies have responsibility to provide law enforcement patrol, investigative, and forensic services on state-managed lands, which are frequently located within close proximity to each other.
- The enforcement functions for each entity are established by the Legislature.
- Investigative activities of the three agencies are similar in scope and approach.
- The three Bureaus within the DEP Division of Law Enforcement (Park police, Environmental Investigations, and Emergency Response) are interdependent with each other resulting in value-added services that are not present when separated.
- Integration of DEP officers and DACS Conservation and Recreational Land (CARL) and Aquaculture officers in the FWC Division of Law Enforcement will improve response time, increase personnel available for patrol coverage across conservation lands and state waters, and decrease the burden on local law enforcement agencies.
- Consolidation will result in a streamlined agency with approximately 10% of sworn supervisory positions being reassigned to field positions leading to increased response time.
- In 2008, the Office of Program Policy Analysis and Government Accountability (OPPAGA) provided the Legislature with four policy options related to environmental law enforcement. The third option was the centralization of environmental law enforcement under one state agency that currently has this function. The joint agency recommendation is a variation of the third option, capturing all of the advantages while minimizing adverse impacts.

The Environmental Unit Sub-Team recommended the following:

- Integration of the DEP Division of Law Enforcement, in its entirety, into the FWCC Division of Law Enforcement. (1175.5 positions and additional support positions)
- Integration of DACS Office of Agricultural Law Enforcement officers assigned to CARL Patrol and the investigator responsible for commercial aquaculture violations into the FWCC Division of Law Enforcement. (15 positions)
- Enact statutory and administrative code changes where appropriate to integrate the functions.

##### **Department of Environmental Protection (DEP) Division of Law Enforcement**

The DEP's Division of Law Enforcement is Florida's oldest state law enforcement agency, dating back to 1913 when the Legislature created the shellfish commission to supervise the newly emerging commercial fishing industry. The Division oversees the following bureaus:

- **Emergency Response-** The Division of Law Enforcement's Bureau of Emergency Response (BER) responds to environmental pollution threats in every form. Responding to incidents involving petroleum spills caused by vehicle accidents to chemical plant explosions to coastal oil spills, BER provides technical and on-site assistance to ensure threats to the environment and human safety are quickly and effectively addressed. In addition, BER works with local

public safety officials and emergency response contractors to minimize threats to the environment. BER offices are located throughout the state, with headquarters in Tallahassee.<sup>2</sup>

- **Criminal Investigations-** Special Agents from the Criminal Investigations Bureau are sworn state law enforcement investigators, with full powers of arrest in Florida and its jurisdictional waters. Special Agents investigate crimes and violations that generally have a negative impact on Florida's environment, including the improper storage, transport, or disposal of hazardous waste; destruction or illegal filling of wetlands; or the burying or burning of prohibited materials. Fraud, forgery, conspiracy, and organized crime are some of the traditional crimes that can be associated with environmental violations. These specialized criminal investigations are often long-term, complex and are built upon the expert assessment and testimony of the DEP regulatory and scientific professionals<sup>3</sup>.
- **Park Police-** The Division of Law Enforcement's Bureau of Park Police is comprised of state law enforcement officers with full powers of arrest and who patrol more than 800,000 acres of Florida's state-owned lands, providing law enforcement and public service within state parks, preserves, recreational areas, as well as greenways and trails. The officers also patrol more than four million acres of submerged coastal and aquatic managed areas that include 41 aquatic preserves, three national estuarine research reserves, and the Florida Keys National Marine Sanctuary. Officers are called on to respond to hurricanes, civil disorder, or other threatening conditions that may endanger life, property, Florida's natural resources and also provide assistance with search and rescue missions<sup>4</sup>.
- **Office of Training and Professional Standards-** The Division of Law Enforcement's Office of Training and Professional Standards provides training courses for DEP's 138 officers. The Office of Training and Professional Standards works closely with the Florida Department of Law Enforcement's (FDLE) Division of Law Enforcement Professionalism, the Florida Criminal Justice Standards and Training Commission and other Florida law enforcement training centers to provide consistent and current law enforcement information and training to DEP law enforcement officers<sup>5</sup>.

## Department of Agriculture and Consumer Services (DACS)

The Bureau of Investigative Services (BIS) is one of three designated bureaus in the Office of Agricultural Law Enforcement, responsible for the initiation and investigation of matters over which the Department has jurisdiction and on property owned, managed or controlled by DACS. The Bureau responsibilities include the enforcement of criminal and civil violations occurring within State Forests or any crimes involving agriculture such as farms or farm equipment, animals, livestock, poultry, and any crimes involving horticulture, aquaculture, or citrus products. The BIS is an active member in the joint response team comprised of the Department of Health and the DEP, which is responsible for the investigation of crimes relating to bio-terrorism statewide. The BIS is also responsible for enforcement of laws governing consumer issues including illegal telemarketing operations, sale of business opportunities, solicitations of contributions, sellers of travel, motor vehicle repair fraud, health studios, dance studios, pawnshops, and moving and storage companies. In addition to these duties, they are also engaged in a cooperative partnership with all federal, state, and local agencies in all 67 counties, providing investigative support in all matters over which the Department has jurisdiction. The BIS is also actively involved in issues relating to Domestic Security and actively participates in all seven regional Domestic Security Task Forces statewide. The Bureau continues to conduct threat assessments of regulated entities affiliated with fertilizer, pesticide, food, petroleum production and distribution points, as well as investigating theft, shrinkage and suspicious activities regarding these materials.<sup>6</sup>

<sup>2</sup> DEP's Bureau of Emergency Response website, <http://www.dep.state.fl.us/law/ber/default.htm>

<sup>3</sup> DEP's Criminal Investigations Bureau website, <http://www.dep.state.fl.us/law/bei/default.htm>

<sup>4</sup> DEP's Bureau of Park Police website, <http://www.dep.state.fl.us/law/park/default.htm>

<sup>5</sup> DEP's Office of Training and Professional Standards website, <http://www.dep.state.fl.us/law/training/default.htm>

<sup>6</sup> DACS Bureau of Investigative Services website, <http://www.fl-aglaw.com/bis/bis.html>



## Florida Fish and Wildlife Conservation Commission (FWCC) Law Enforcement

FWCC officers provide protection to residents and visitors who enjoy Florida's natural resources, while enforcing resource protection and boating safety laws in the woods and on the waters of the state in keeping with the Division's core missions. FWCC officers have full police powers and statewide jurisdiction. They patrol rural, wilderness and inshore and offshore areas and are often the sole law enforcement presence in many remote parts of the state. The Division of Law Enforcement has cooperative agreements with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Officers are also cross-deputized to enforce federal marine fisheries and wildlife laws, thus ensuring state and federal consistency in resource-protection efforts. The Division of Law Enforcement is divided into the following sections:

- **Operations-** The Operations section's six regions throughout the state are responsible for uniformed patrol and investigative law enforcement services of the FWCC's 700-plus officer workforce. The officers and investigators protect fish, wildlife and the citizens of Florida and provide boating safety patrols. Investigations are able to conduct both overt (uniform) and covert (plainclothes) investigations. They allow the FWCC to target hard-core commercial violators by conducting long-term undercover investigations. Investigators are also responsible for inspecting personal and commercial native and exotic wildlife facilities as well as investigating hunting and boating accidents. This section also provides statewide coordination of all aviation, offshore vessel, K-9 and Special Operations Group activities. Aviation assets play a vital role in the agency's effort to enforce conservation and boating laws, protect endangered and threatened species and safeguard outdoor users. The division's offshore patrol vessels concentrate on offshore fisheries and protected marine areas as well as public safety. The K-9 teams are specially trained in tracking and wildlife detection. The K-9s receive no aggression training and are very "user-friendly." In addition to their law enforcement functions, they have proved to be a great community oriented policing relations tool.
- **Law Enforcement Support-**
  - Boating, waterways and program coordination-This section's employees manage state waterways and their markers and signs to protect boaters and wildlife. They coordinate the removal of derelict vessels and the development of boating infrastructure. They use many methods to promote boating safety, from education and outreach to investigation and analysis of boating accident data.
  - Field Services- This section provides officer support with radio technology and systems engineering; fleet management; research, testing and acquisition of new computer and telecommunications technology; and arrest/warning citation and disposition data management. They maintain the Computer Aided Dispatch (CAD) system which enhances officer safety and efficiency.
  - Training- This section provides professional basic recruit and advanced training and career development programs to officers statewide. They train FWCC officers in the aspects of non-traditional policing as well as ensuring basic law enforcement standards are met and maintained.
- **Officers' Authority-** Sworn personnel are fully constituted police officers as provided under s. 379.3311, F.S. This gives them the authority to enforce all laws of the state, not just those relating to resource enforcement. The officers are also cross-deputized to enforce federal fisheries and wildlife laws.
- **Officers' Responsibilities**
  1. Provide protection and enforce laws relating to all wild animal and aquatic resources of the state. This includes game, non-game, furbearers, threatened and endangered wildlife and fish, and marine mammals; encompassing approximately 672 species of wildlife, 208 species of freshwater fish and over 500 saltwater fish species. In doing so, officers patrol

- over 37 million acres of public and private land, 8,246 miles of tidal coastline, 12,000 miles of rivers and streams, 3 million acres of lakes and ponds, and 11,000 miles of canals.
2. Provide boating safety enforcement on the state's waters in order to ensure the safe usage of our resources. Includes enforcing boating under the influence laws, as well as laws relating to the safe and prudent operation of watercraft, investigating boating accidents, and search and rescue missions.
  3. Provide general law enforcement protection to the human resources of the state. One aspect of this is providing general law enforcement patrol in rural, semi-wilderness, wilderness, and offshore areas where no other law enforcement agencies routinely patrol. Officers also respond to a variety of emergencies including natural disasters, civil disturbances, and search and rescue missions. These include such diverse phenomena as hurricanes, riots, wildfires, floods, and providing protection for elected officials (governors and presidents).

## **Effect of Proposed Changes**

### **Section 1. Transfer of Law Enforcement from DEP to FWCC.**

The bill provides that all powers, duties, functions, records, offices, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the DEP Division of Law Enforcement, excluding the Bureau of Emergency Response, are transferred by a type two transfer,<sup>7</sup> to the Division of Law Enforcement within the FWCC. The bill provides that the Bureau of Emergency Response will be reassigned to the Division of Water Management within the DEP.

The Secretary of the DEP must transfer to the FWCC the number of administrative, auditing, inspector general, attorney, and operational support positions, including any related powers, duties, functions, property, and funding, proportionate to the number of Division of Law Enforcement full-time equivalent and other personal services positions being transferred from the DEP to the FWCC. The DEP and FWCC must develop a memorandum of agreement detailing the responsibilities of the FWCC to the DEP, and must include, at a minimum, the following:

- Support and response for oil spills, hazardous spills, and natural disasters.
- Law enforcement patrol and investigative services for all state-owned lands managed by the DEP.
- Law enforcement services, including investigative services for all criminal law violations.
- Enforcement services for all civil violations of all DEP administrative rules related to the following programs:
  - Division of Recreation and Parks.
  - Office of Coastal and Aquatic Managed Areas.
  - Office of Greenways and Trails.
- Current and future funding for positions and property being transferred from the DEP to the FWCC that is funded through any trust fund.

### **Section 2. Transfer of sworn positions from DACS to FWCC.**

The bill provides that all powers, duties, functions, records, offices, personnel, property, pending issues and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to sworn positions funded by the Conservation and

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<sup>7</sup> Section 20.06(2), F.S., defines a type two transfer as merging into another agency or department of an existing agency or department or a program, activity, or function or, if certain identifiable units or subunits, programs, activities, or functions are removed from the existing agency or department with the certain identifiable units or subunits, programs, activities, or functions removed therefrom or abolished. Any agency transferred by a type two transfer has all its statutory powers, duties, and functions. Unless provided by law, the administrative rules of any agency or department involved in the transfer which are in effect immediately before the transfer remain in effect until specifically changed in the manner provided by law.

Recreation Lands (CARL) Program and assigned to the Florida Forest Service within the DACS as of July 1, 2011, and the investigator responsible for the enforcement of aquaculture violations at DACS as of July 1, 2012, are transferred by a type two transfer to the Division of Law Enforcement within the FWCC.

DACS and the FWCC must develop a memorandum of agreement detailing the responsibilities between the FWCC and the DACS and must include, at a minimum, the following:

- Law enforcement patrol and investigative services for all state-owned forests managed by DACS.
- Current and future funding for positions and property assigned to the Conservation and Recreation Lands Program that are transferred from DACS to the FWCC.

### **Section 3. Transition Advisory Groups.**

The bill creates a transition advisory working group. The DEP and the FWCC are required to each appoint three staff members to the working group to review and determine the following:

- The appropriate proportionate number of administrative, auditing, inspector general attorney, and operational support positions and their related funding levels and sources and assigned property to be transferred from the Office of General Counsel, Office of Inspector General, and Division of Administrative Services or other relevant offices or divisions within the DEP to the FWCC.
- The development of a recommended plan addressing the transfer or shared use of buildings, regional offices, and other facilities used or owned by the DEP.
- Any operating budget adjustments as necessary to implement the requirements of this act. Any adjustments made to the operating budgets of the DEP and FWCC must be made in consultation with the appropriate substantive and fiscal committees of the Senate and the House of Representatives. Revisions to the approved operating budgets for the 2012-2013 fiscal year which are necessary to reflect the organizational changes made by this act must be implemented pursuant to s. 216.292(4)(d), F.S. (Appropriations nontransferable; exceptions), and subject to s. 216.177, F.S. (Appropriations acts, statement of intent, violation, notice, review and objection procedures) Any subsequent adjustments that are deemed necessary by the DEP or FWCC and approved by the Executive Office of the Governor are authorized and subject to s. 216.177, F.S. The appropriate substantive committees of the Senate and House of Representatives will be notified of the proposed revisions.

The bill provides that the Secretary of the DEP, Commissioner of DACS, and the Executive Director of FWCC must each appoint two staff members each to a transition advisory working group to identify rules of the DEP, DACS, and the FWCC that need to be amended to reflect the changes made by this bill.

### **Section 4. Assigning powers and duties for enforcement of laws and rules of the DEP and DACS to the FWCC.**

The bill assigns to the FWCC all powers, duties, responsibilities, functions, positions, and property necessary for enforcement of the laws and rules governing:

- Management, protection, conservation, improvement, and expansion of the state-owned lands managed by the DEP, including state parks, coastal and aquatic managed areas, and greenways and trails.
- Conservation and recreation lands and commercial aquaculture managed by DACS.

The bill provides that FWCC law enforcement officers are given full power to investigate and arrest for any violation of the rules of DACS, the DEP, and the Board of Trustees of the Internal Improvement Trust Fund.

## **Section 5. Authorizing salary parity and other pay adjustments and specified benefits.**

The bill provides that the Division of Law Enforcement within the FWCC is authorized to use available funds to provide for general salary increases or pay additives for positions having the same job classification or job occupations in order to bring pay parity between positions of the FWCC and the positions being transferred from the DEP and DACS, and for those positions assuming significant additional duties or an increased work load as a result of this bill.

The bill provides that any employee transferred from the DEP and DACS to fill positions transferred to the FWCC must retain and transfer any accrued annual leave, sick leave, and regular and special compensatory leave balances.

## **Section 6. Specifying the powers and duties of the FWCC relating to parks and preserves and wild and scenic rivers.**

The bill creates Part IV, Miscellaneous Provision, within chapter 258, F.S., and creates s. 258.601, F.S., within the new Part IV, to provide that any prohibited activities under the state parks and preserves chapter, chapter 258, F.S., will be enforced by the Division of Law Enforcement within the FWCC and its officers.

## **Sections 7-29 provides conforming provisions to changes made by the bill.**

## **Section 30. Provides an effective date.**

The bill provides an effective date of July, 1, 2012.

## **B. SECTION DIRECTORY:**

Section 1. Transferring and reassigning functions and responsibilities of the Division of Law Enforcement, excluding the Bureau of Emergency Response, within the DEP to the Division of Law Enforcement within the FWCC; reassigning the Bureau of Emergency Response within the DEP to the Division of Waste Management within the DEP; providing for the transfer of additional positions to the FWCC; providing for a memorandum of agreement between the DEP and the FWCC regarding the responsibilities of the FWCC to the DEP.

Section 2. Transferring and reassigning functions and responsibilities of sworn positions funded by the Conservation and Recreation Lands Program and assigned to the Florida Forest Service with DACS and the investigator responsible for the enforcement of aquaculture violations at DACS to the Division of Law Enforcement within the FWCC; providing for a memorandum of agreement between DACS and the FWCC regarding the responsibilities between the FWCC and DACS.

Section 3. Providing for transition advisory working groups.

Section 4. Assigning powers, duties, responsibilities, and functions for enforcement of the laws and rules governing certain lands managed by the DEP and certain lands and aquaculture managed by DACS to the FWCC; conferring full power to the law enforcement officers of the FWCC to investigate and arrest for violations of rules of DACS, the DEP, and the Board of Trustees of the Internal Improvement Trust Fund.

Section 5. Authorizing salary parity and other pay adjustments for positions transferred by this act; providing for the retention and transfer of specified benefits for employees that are transferred from the DEP and DACS to fill positions transferred to the FWCC.

Section 6. Creating s. 258.601, F.S., specifying powers and duties of the FWCC relating to the enforcement of prohibited activities under chapter 258, F.S.

Sections 7-29. Conforming provisions to changes made by the act.

Section 30. Provides an effective date of July 1, 2012.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments Section.

2. Expenditures:

See Fiscal Comments Section.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The FWCC offered the following fiscal comments:

| <b>Revenues</b>     | <b>FY 2011-12<br/>Source/Amount/FTE</b> | <b>FY 2012-13<br/>Source/Amount/FTE</b> | <b>FY 2013-14<br/>Source/Amount/FTE</b> |
|---------------------|---|---|---|
| 1. Recurring        | N/A                                     | 0                                       | 0                                       |
| 2. Non-recurring    | N/A                                     | 0                                       | 0                                       |
|                     |   |   |   |
| <b>Expenditures</b> |   |   |   |
| 1. Recurring*       | N/A                                     | -\$308,908                              | -\$402,928                              |
| 2. Non-recurring*   | N/A                                     | \$272,781                               | 0                                       |

\* Recurring expenditures reflect a savings due to reduction of supervisory positions created by the consolidation and increased field level personnel.

\*\* Non-recurring expenditures include equipment and training costs. If the savings from reclassifying positions can be used to cover these one-time costs, additional budget will not be needed.

According to the FWCC, this budget projection is over and above the revenues/expenditures that are part of the Type II transfer and does not include any expenditure cost/savings for support staff that will be determined at a later date.

The salary parity provision in the bill could result in a potential fiscal impact to state government expenditures.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill transfers all administrative authority and rules relating to the Division of Law Enforcement within the DEP, excluding the Bureau of Emergency Response, and relating to sworn positions funded by the Conservation and Recreation Lands Program and assigned to the Florida Forest Service within DACS as of July 1, 2011, to the Division of Law Enforcement within the FWCC.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.



29 transition advisory working groups; assigning powers,  
 30 duties, responsibilities, and functions for  
 31 enforcement of the laws and rules governing certain  
 32 lands managed by the Department of Environmental  
 33 Protection and certain lands and aquaculture managed  
 34 by the Department of Agriculture and Consumer Services  
 35 to the Fish and Wildlife Conservation Commission;  
 36 conferring full power to the law enforcement officers  
 37 of the Fish and Wildlife Conservation Commission to  
 38 investigate and arrest for violations of rules of the  
 39 Department of Agriculture and Consumer Services, the  
 40 Department of Environmental Protection, and the Board  
 41 of Trustees of the Internal Improvement Trust Fund;  
 42 authorizing salary parity and other pay adjustments  
 43 for positions transferred by this act; providing for  
 44 the retention and transfer of specified benefits for  
 45 employees that are transferred from the Department of  
 46 Environmental Protection and the Department of  
 47 Agriculture and Consumer Services to fill positions  
 48 transferred to the Fish and Wildlife Conservation  
 49 Commission; creating s. 258.601, F.S.; specifying  
 50 powers and duties of the commission relating to state  
 51 parks and preserves and wild and scenic rivers;  
 52 amending ss. 20.255, 258.008, 258.501, 282.709,  
 53 316.003, 316.2397, 316.640, 375.041, 376.065, 376.07,  
 54 376.071, 376.16, 376.3071, 379.3311, 379.3312,  
 55 379.3313, 379.333, 379.341, 403.413, 784.07, 843.08,



56 870.04, and 932.7055, F.S.; conforming provisions to  
 57 changes made by the act; providing an effective date.

58

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

60

61 Section 1. (1) All powers, duties, functions, records,  
 62 offices, personnel, property, pending issues and existing  
 63 contracts, administrative authority, administrative rules, and  
 64 unexpended balances of appropriations, allocations, and other  
 65 funds relating to the Division of Law Enforcement within the  
 66 Department of Environmental Protection, excluding the Bureau of  
 67 Emergency Response, are transferred by a type two transfer, as  
 68 defined in s. 20.06(2), Florida Statutes, to the Division of Law  
 69 Enforcement within the Florida Fish and Wildlife Conservation  
 70 Commission.

71 (2) The Bureau of Emergency Response within the Department  
 72 of Environmental Protection is reassigned to the Division of  
 73 Water Management within the Department of Environmental  
 74 Protection.

75 (3) The Secretary of Environmental Protection shall  
 76 transfer to the Fish and Wildlife Conservation Commission the  
 77 number of administrative, auditing, inspector general, attorney,  
 78 and operational support positions, including any related powers,  
 79 duties, functions, property, and funding, proportionate to the  
 80 number of Division of Law Enforcement full-time equivalent and  
 81 other personal services positions being transferred from the  
 82 department to the commission.

83        (4) A memorandum of agreement shall be developed between  
 84 the department and the commission detailing the responsibilities  
 85 of the commission to the department, to include, at a minimum,  
 86 the following:

87        (a) Support and response for oil spills, hazardous spills,  
 88 and natural disasters.

89        (b) Law enforcement patrol and investigative services for  
 90 all state-owned lands managed by the department.

91        (c) Law enforcement services, including investigative  
 92 services, for all criminal law violations of chapters 161, 258,  
 93 373, 376, and 403, Florida Statutes.

94        (d) Enforcement services for all civil violations of all  
 95 department administrative rules related to the following program  
 96 areas:

97            1. Division of Recreation and Parks.

98            2. Office of Coastal and Aquatic Managed Areas.

99            3. Office of Greenways and Trails.

100        (e) Current and future funding for positions and property  
 101 being transferred from the department to the commission that is  
 102 funded through any trust fund.

103        Section 2. (1) All powers, duties, functions, records,  
 104 property, pending issues and existing contracts, administrative  
 105 authority, administrative rules, and unexpended balances of  
 106 appropriations, allocations, and other funds relating to sworn  
 107 positions funded by the Conservation and Recreation Lands  
 108 Program and assigned to the Florida Forest Service within the  
 109 Department of Agriculture and Consumer Services as of July 1,  
 110 2011, and the investigator responsible for the enforcement of

111 aquaculture violations at the Department of Agriculture and  
 112 Consumer Services as of July 1, 2011, are transferred by a type  
 113 two transfer, as defined in s. 20.06(2), Florida Statutes, to  
 114 the Division of Law Enforcement within the Fish and Wildlife  
 115 Conservation Commission.

116 (2) A memorandum of agreement shall be developed between  
 117 the department and the commission detailing the responsibilities  
 118 between the commission and the department, to include, at a  
 119 minimum, the following:

120 (a) Law enforcement patrol and investigative services for  
 121 all state-owned forests managed by the department.

122 (b) Current and future funding for positions and property  
 123 assigned to the Conservation and Recreation Lands Program that  
 124 are transferred from the department to the commission.

125 Section 3. (1) The Secretary of Environmental Protection  
 126 and the Executive Director of the Fish and Wildlife Conservation  
 127 Commission shall each appoint three staff members to a  
 128 transition advisory working group to review and determine the  
 129 following:

130 (a) The appropriate proportionate number of  
 131 administrative, auditing, inspector general, attorney, and  
 132 operational support positions and their related funding levels  
 133 and sources and assigned property to be transferred from the  
 134 Office of General Counsel, Office of Inspector General, and  
 135 Division of Administrative Services or other relevant offices or  
 136 divisions within the Department of Environmental Protection to  
 137 the Fish and Wildlife Conservation Commission.

138        (b) The development of a recommended plan addressing the  
 139 transfer or shared use of buildings, regional offices, and other  
 140 facilities used or owned by the Department of Environmental  
 141 Protection.

142        (c) Any operating budget adjustments as necessary to  
 143 implement the requirements of this act. Adjustments made to the  
 144 operating budgets of the department and the commission in the  
 145 implementation of this act must be made in consultation with the  
 146 appropriate substantive and fiscal committees of the Senate and  
 147 the House of Representatives. The revisions to the approved  
 148 operating budgets for the 2012-2013 fiscal year which are  
 149 necessary to reflect the organizational changes made by this act  
 150 shall be implemented pursuant to s. 216.292(4)(d), Florida  
 151 Statutes, and subject to s. 216.177, Florida Statutes.  
 152 Subsequent adjustments between agencies that are determined  
 153 necessary by the department or commission and approved by the  
 154 Executive Office of the Governor are authorized and subject to  
 155 s. 216.177, Florida Statutes. The appropriate substantive  
 156 committees of the Senate and the House of Representatives shall  
 157 also be notified of the proposed revisions to ensure consistency  
 158 with legislative policy and intent.

159        (2) The Secretary of Environmental Protection, the  
 160 Commissioner of Agriculture, and the Executive Director of the  
 161 Fish and Wildlife Conservation Commission shall each appoint two  
 162 staff members to a transition advisory working group to identify  
 163 rules of the Department of Environmental Protection, the  
 164 Department of Agriculture and Consumer Services, and the Fish

165 and Wildlife Conservation Commission that need to be amended to  
 166 reflect the changes made by this act.

167 Section 4. (1) The Fish and Wildlife Conservation  
 168 Commission is assigned all powers, duties, responsibilities,  
 169 functions, positions, and property necessary for enforcement of  
 170 the laws and rules governing:

171 (a) Management, protection, conservation, improvement, and  
 172 expansion of the state-owned lands managed by the Department of  
 173 Environmental Protection, including state parks, coastal and  
 174 aquatic managed areas, and greenways and trails.

175 (b) Conservation and recreation lands and commercial  
 176 aquaculture managed by the Department of Agriculture and  
 177 Consumer Services.

178 (2) Law enforcement officers of the Fish and Wildlife  
 179 Conservation Commission are conferred full power to investigate  
 180 and arrest for any violation of the rules of the Department of  
 181 Agriculture and Consumer Services, the Department of  
 182 Environmental Protection, and the Board of Trustees of the  
 183 Internal Improvement Trust Fund.

184 Section 5. (1) Notwithstanding ss. 110.2035 and 216.251,  
 185 Florida Statutes, the Division of Law Enforcement within the  
 186 Fish and Wildlife Conservation Commission may use available  
 187 funds to provide for general salary increases or pay additives  
 188 for positions sharing the same job classification or job  
 189 occupations in order to bring pay parity between positions of  
 190 the Fish and Wildlife Conservation Commission and the positions  
 191 transferring to the commission from the Department of  
 192 Agriculture and Consumer Services and the Department of

193 Environmental Protection and for those positions assuming  
 194 significant additional duties or an increased work load as a  
 195 result of this act.

196 (2) Notwithstanding chapter 60K-5, Florida Administrative  
 197 Code, or any provision of law to the contrary, employees who are  
 198 transferred from the Department of Environmental Protection and  
 199 the Department of Agriculture and Consumer Services to fill  
 200 positions transferred to the Fish and Wildlife Conservation  
 201 Commission shall retain and transfer any accrued annual leave,  
 202 sick leave, and regular and special compensatory leave balances.

203 Section 6. Part IV of chapter 258, Florida Statutes,  
 204 consisting of section 258.601, is created to read:

205 PART IV

206 MISCELLANEOUS PROVISIONS

207 258.601 Enforcement of prohibited activities.-Prohibited  
 208 activities under this chapter shall be enforced by the Division  
 209 of Law Enforcement of the Fish and Wildlife Conservation  
 210 Commission and its officers.

211 Section 7. Subsections (5) through (8) of section 20.255,  
 212 Florida Statutes, are renumbered as subsections (4) through (7),  
 213 respectively, and present subsections (3) and (4) of that  
 214 section are amended to read:

215 20.255 Department of Environmental Protection.-There is  
 216 created a Department of Environmental Protection.

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

- 219 (a) Division of Administrative Services.
- 220 (b) Division of Air Resource Management.

- 221 (c) Division of Water Resource Management.
- 222 ~~(d) Division of Law Enforcement.~~
- 223 (d) ~~(e)~~ Division of Environmental Assessment and
- 224 Restoration.
- 225 (e) ~~(f)~~ Division of Waste Management.
- 226 (f) ~~(g)~~ Division of Recreation and Parks.
- 227 (g) ~~(h)~~ Division of State Lands, the director of which is
- 228 to be appointed by the secretary of the department, subject to
- 229 confirmation by the Governor and Cabinet sitting as the Board of
- 230 Trustees of the Internal Improvement Trust Fund.

231

232 In order to ensure statewide and intradepartmental consistency,

233 the department's divisions shall direct the district offices and

234 bureaus on matters of interpretation and applicability of the

235 department's rules and programs.

236 ~~(4) Law enforcement officers of the Department of~~

237 ~~Environmental Protection who meet the provisions of s. 943.13~~

238 ~~are constituted law enforcement officers of this state with full~~

239 ~~power to investigate and arrest for any violation of the laws of~~

240 ~~this state, and the rules of the department and the Board of~~

241 ~~Trustees of the Internal Improvement Trust Fund. The general~~

242 ~~laws applicable to investigations, searches, and arrests by~~

243 ~~peace officers of this state apply to such law enforcement~~

244 ~~officers.~~

245 Section 8. Subsection (1) of section 258.008, Florida

246 Statutes, is amended to read:

247 258.008 Prohibited activities; penalties.—

248 (1) Except as provided in subsection (3), any person who

249 violates or otherwise fails to comply with the rules adopted  
 250 under this chapter commits a noncriminal infraction for which  
 251 ejection from all property managed by the Division of Recreation  
 252 and Parks and a fine of up to \$500 may be imposed by the  
 253 division. Fines paid under this subsection shall be paid to the  
 254 Fish and Wildlife Conservation Commission ~~Department of~~  
 255 ~~Environmental Protection~~ and deposited in the State Game Park  
 256 Trust Fund as provided in ss. 379.338, 379.339, and 379.3395.

257 Section 9. Subsection (16) of section 258.501, Florida  
 258 Statutes, is amended to read:

259 258.501 Myakka River; wild and scenic segment.—

260 (16) ENFORCEMENT.—Officers of the Fish and Wildlife  
 261 Conservation Commission ~~department~~ shall have full authority to  
 262 enforce any rule adopted by the department ~~under this section~~  
 263 ~~with the same police powers given them by law to enforce the~~  
 264 ~~rules of state parks and the rules pertaining to saltwater areas~~  
 265 ~~under the jurisdiction of the Florida Marine Patrol.~~

266 Section 10. Paragraph (a) of subsection (2) of section  
 267 282.709, Florida Statutes, is amended to read:

268 282.709 State agency law enforcement radio system and  
 269 interoperability network.—

270 (2) The Joint Task Force on State Agency Law Enforcement  
 271 Communications is created adjunct to the department to advise  
 272 the department of member-agency needs relating to the planning,  
 273 designing, and establishment of the statewide communication  
 274 system.

275 (a) The Joint Task Force on State Agency Law Enforcement  
 276 Communications shall consist of the following ~~eight~~ members, ~~as~~



277 follows:

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

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

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

289 4. A representative of the Fish and Wildlife Conservation  
 290 Commission who shall be appointed by the executive director of  
 291 the commission.

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

295 5.6. A representative of the Department of Corrections who  
 296 shall be appointed by the secretary of the department.

297 6.7. A representative of the Division of State Fire  
 298 Marshal of the Department of Financial Services who shall be  
 299 appointed by the State Fire Marshal.

300 7.8. A representative of the Department of Transportation  
 301 who shall be appointed by the secretary of the department.

302 Section 11. Subsection (1) of section 316.003, Florida  
 303 Statutes, is amended to read:

304 316.003 Definitions.—The following words and phrases, when

305 used in this chapter, shall have the meanings respectively  
 306 ascribed to them in this section, except where the context  
 307 otherwise requires:

308 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire  
 309 department (fire patrol), police vehicles, and such ambulances  
 310 and emergency vehicles of municipal departments, public service  
 311 corporations operated by private corporations, the Fish and  
 312 Wildlife Conservation Commission, the Department of  
 313 Environmental Protection, the Department of Health, the  
 314 Department of Transportation, and the Department of Corrections  
 315 as are designated or authorized by their respective department  
 316 or the chief of police of an incorporated city or any sheriff of  
 317 any of the various counties.

318 Section 12. Subsections (3) and (9) of section 316.2397,  
 319 Florida Statutes, are amended to read:

320 316.2397 Certain lights prohibited; exceptions.—

321 (3) Vehicles of the fire department and fire patrol,  
 322 including vehicles of volunteer firefighters as permitted under  
 323 s. 316.2398, vehicles of medical staff physicians or technicians  
 324 of medical facilities licensed by the state as authorized under  
 325 s. 316.2398, ambulances as authorized under this chapter, and  
 326 buses and taxicabs as authorized under s. 316.2399 may are  
 327 ~~permitted to~~ show or display red lights. Vehicles of the fire  
 328 department, fire patrol, police vehicles, and such ambulances  
 329 and emergency vehicles of municipal and county departments,  
 330 public service corporations operated by private corporations,  
 331 the Fish and Wildlife Conservation Commission, the Department of  
 332 Environmental Protection, the Department of Transportation, the

333 Department of Agriculture and Consumer Services, and the  
 334 Department of Corrections as are designated or authorized by  
 335 their respective department or the chief of police of an  
 336 incorporated city or any sheriff of any county may ~~are hereby~~  
 337 ~~authorized to~~ operate emergency lights and sirens in an  
 338 emergency. Wreckers, mosquito control fog and spray vehicles,  
 339 and emergency vehicles of governmental departments or public  
 340 service corporations may show or display amber lights when in  
 341 actual operation or when a hazard exists provided they are not  
 342 used going to and from the scene of operation or hazard without  
 343 specific authorization of a law enforcement officer or law  
 344 enforcement agency. Wreckers must use amber rotating or flashing  
 345 lights while performing recoveries and loading on the roadside  
 346 day or night, and may use such lights while towing a vehicle on  
 347 wheel lifts, slings, or under reach if the operator of the  
 348 wrecker deems such lights necessary. A flatbed, car carrier, or  
 349 rollback may not use amber rotating or flashing lights when  
 350 hauling a vehicle on the bed unless it creates a hazard to other  
 351 motorists because of protruding objects. Further, escort  
 352 vehicles may show or display amber lights when in the actual  
 353 process of escorting oversized equipment, material, or  
 354 buildings as authorized by law. Vehicles owned or leased by  
 355 private security agencies may show or display green and amber  
 356 lights, with either color being no greater than 50 percent of  
 357 the lights displayed, while the security personnel are engaged  
 358 in security duties on private or public property.

359 (9) Flashing red lights may be used by emergency response  
 360 vehicles of the Fish and Wildlife Conservation Commission, the

361 Department of Environmental Protection, and the Department of  
 362 Health when responding to an emergency in the line of duty.

363 Section 13. Paragraph (a) of subsection (1) of section  
 364 316.640, Florida Statutes, is amended to read:

365 316.640 Enforcement.—The enforcement of the traffic laws  
 366 of this state is vested as follows:

367 (1) STATE.—

368 (a)1.a. The Division of Florida Highway Patrol of the  
 369 Department of Highway Safety and Motor Vehicles; the Division of  
 370 Law Enforcement of the Fish and Wildlife Conservation  
 371 Commission; ~~the Division of Law Enforcement of the Department of~~  
 372 ~~Environmental Protection;~~ and the agents, inspectors, and  
 373 officers of the Department of Law Enforcement each have  
 374 authority to enforce all of the traffic laws of this state on  
 375 all the streets and highways thereof and elsewhere throughout  
 376 the state wherever the public has a right to travel by motor  
 377 vehicle.

378 b. University police officers may ~~shall have authority to~~  
 379 enforce all of the traffic laws of this state when violations  
 380 occur on or within 1,000 feet of any property or facilities that  
 381 are under the guidance, supervision, regulation, or control of a  
 382 state university, a direct-support organization of such state  
 383 university, or any other organization controlled by the state  
 384 university or a direct-support organization of the state  
 385 university, or when such violations occur within a specified  
 386 jurisdictional area as agreed upon in a mutual aid agreement  
 387 entered into with a law enforcement agency pursuant to s.  
 388 23.1225(1). Traffic laws may also be enforced off-campus when

389 hot pursuit originates on or within 1,000 feet of any such  
 390 property or facilities, or as agreed upon in accordance with the  
 391 mutual aid agreement.

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

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

401 (I) An airport authority may employ as a parking  
 402 enforcement specialist any individual who successfully completes  
 403 a training program established and approved by the Criminal  
 404 Justice Standards and Training Commission for parking  
 405 enforcement specialists but who does not otherwise meet the  
 406 uniform minimum standards established by the commission for law  
 407 enforcement officers or auxiliary or part-time officers under s.  
 408 943.12. ~~Nothing in~~ This sub-sub-subparagraph may not ~~shall~~ be  
 409 construed to permit the carrying of firearms or other weapons,  
 410 nor shall such parking enforcement specialist have arrest  
 411 authority.

412 (II) A parking enforcement specialist employed by an  
 413 airport authority may ~~is authorized to~~ enforce all state,  
 414 county, and municipal laws and ordinances governing parking only  
 415 when such violations are on property or facilities owned or  
 416 operated by the airport authority employing the specialist, by

417 appropriate state, county, or municipal traffic citation.

418 e. The Office of Agricultural Law Enforcement of the  
 419 Department of Agriculture and Consumer Services may ~~shall have~~  
 420 ~~the authority to~~ enforce traffic laws of this state.

421 f. School safety officers may ~~shall have the authority to~~  
 422 enforce all of the traffic laws of this state when such  
 423 violations occur on or about any property or facilities that  
 424 ~~which~~ are under the guidance, supervision, regulation, or  
 425 control of the district school board.

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

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

438 4. The Division of the Florida Highway Patrol may employ  
 439 as a traffic accident investigation officer any individual who  
 440 successfully completes instruction in traffic accident  
 441 investigation and court presentation through the Selective  
 442 Traffic Enforcement Program as approved by the Criminal Justice  
 443 Standards and Training Commission and funded through the  
 444 National Highway Traffic Safety Administration or a similar

445 program approved by the commission, but who does not necessarily  
 446 meet the uniform minimum standards established by the commission  
 447 for law enforcement officers or auxiliary law enforcement  
 448 officers under chapter 943. Any such traffic accident  
 449 investigation officer who makes an investigation at the scene of  
 450 a traffic accident may issue traffic citations, based upon  
 451 personal investigation, when he or she has reasonable and  
 452 probable grounds to believe that a person who was involved in  
 453 the accident committed an offense under this chapter, chapter  
 454 319, chapter 320, or chapter 322 in connection with the  
 455 accident. This subparagraph does not permit the officer to carry  
 456 firearms or other weapons, and such an officer does not have  
 457 authority to make arrests.

458 Section 14. Subsection (4) of section 375.041, Florida  
 459 Statutes, is amended to read:

460 375.041 Land Acquisition Trust Fund.—

461 (4) The department may disburse moneys in the Land  
 462 Acquisition Trust Fund to pay all necessary expenses to carry  
 463 out the purposes of this act. The department shall disburse  
 464 moneys from the Land Acquisition Trust Fund to the Fish and  
 465 Wildlife Conservation Commission for the purpose of funding law  
 466 enforcement services on state lands.

467 Section 15. Subsection (5) of section 376.065, Florida  
 468 Statutes, is amended to read:

469 376.065 Operation of terminal facility without discharge  
 470 prevention and response certificate prohibited; penalty.—

471 (5) (a) A ~~Any~~ person who violates this section or the terms  
 472 and requirements of such certification commits a noncriminal

473 | infraction. The civil penalty for any such infraction shall be  
 474 | \$500, except as otherwise provided in this section.

475 |       (b) A ~~Any~~ person cited for an infraction under this  
 476 | section may:

- 477 |           1. Pay the civil penalty;
- 478 |           2. Post a bond equal to the amount of the applicable civil  
 479 | penalty; or
- 480 |           3. Sign and accept a citation indicating a promise to  
 481 | appear before the county court.

482 |  
 483 | The department employee ~~officer~~ authorized to issue these  
 484 | citations may indicate on the citation the time and location of  
 485 | the scheduled hearing and shall indicate the applicable civil  
 486 | penalty.

487 |       (c) A ~~Any~~ person who willfully refuses to post bond or  
 488 | accept and sign a citation commits a misdemeanor of the second  
 489 | degree, punishable as provided in s. 775.082 or s. 775.083.

490 |       (d) After compliance with ~~the provisions of~~ subparagraph  
 491 | (b)2. or subparagraph (b)3., a ~~any~~ person charged with a  
 492 | noncriminal infraction under this section may:

- 493 |           1. Pay the civil penalty, either by mail or in person,  
 494 | within 30 days after the date of receiving the citation; or
- 495 |           2. If the person has posted bond, forfeit the bond by not  
 496 | appearing at the designated time and location.

497 |  
 498 | A person cited for an infraction under this section who pays the  
 499 | civil penalty or forfeits the bond has admitted the infraction  
 500 | and waives the right to a hearing on the issue of commission of



501 the infraction. Such admission may not be used as evidence in  
 502 any other proceedings.

503 (e) A ~~Any~~ person who elects to appear before the county  
 504 court or who is required to so appear waives the limitations of  
 505 the civil penalty specified in paragraph (a). The court, after a  
 506 hearing, shall make a determination as to whether an infraction  
 507 has been committed. If the commission of the infraction is  
 508 proved, the court shall impose a civil penalty of \$500.

509 (f) At a hearing under this subsection, the commission of  
 510 a charged infraction must be proved by the greater weight of the  
 511 evidence.

512 (g) A person who is found by the hearing official to have  
 513 committed an infraction may appeal that finding to the circuit  
 514 court.

515 (h) A ~~Any~~ person who has not posted bond and who fails  
 516 either to pay the fine specified in paragraph (a) within 30 days  
 517 after receipt of the citation or to appear before the court  
 518 commits a misdemeanor of the second degree, punishable as  
 519 provided in s. 775.082 or s. 775.083.

520 Section 16. Subsection (3) of section 376.07, Florida  
 521 Statutes, is amended to read:

522 376.07 Regulatory powers of department; penalties for  
 523 inadequate booming by terminal facilities.—

524 (3) The department may ~~shall~~ not require vessels to  
 525 maintain discharge prevention gear, holding tanks, and  
 526 containment gear which exceed federal requirements. However, a  
 527 terminal facility transferring heavy oil to or from a vessel  
 528 with a heavy oil storage capacity greater than 10,000 gallons

529 shall be required, considering existing weather and tidal  
 530 conditions, to adequately boom or seal off the transfer area  
 531 during a transfer, including, but not limited to, a bunkering  
 532 operation, to minimize the escape of such pollutants from the  
 533 containment area. As used in this subsection, the term "adequate  
 534 booming" means booming with proper containment equipment which  
 535 is employed and located for the purpose of preventing, for the  
 536 most likely discharge, as much of the pollutant as possible from  
 537 escaping out of the containment area.

538 (a) The owner or operator of a terminal facility involved  
 539 in the transfer of such pollutant to or from a vessel which is  
 540 not adequately boomed commits a noncriminal infraction and shall  
 541 be cited for such infraction. The civil penalty for such an  
 542 infraction shall be \$2,500, except as otherwise provided in this  
 543 section.

544 (b) A ~~Any~~ person cited for an infraction under this  
 545 section may:

- 546 1. Pay the civil penalty;
- 547 2. Post bond equal to the amount of the applicable civil  
 548 penalty; or
- 549 3. Sign and accept a citation indicating a promise to  
 550 appear before the county court.

551  
 552 The department employee ~~officer~~ authorized to issue these  
 553 citations may indicate on the citation the time and location of  
 554 the scheduled hearing and shall indicate the applicable civil  
 555 penalty.

556 (c) A ~~Any~~ person who willfully refuses to post bond or

557 accept and sign a citation commits a misdemeanor of the second  
 558 degree, punishable as provided in s. 775.082 or s. 775.083.

559 (d) After compliance with subparagraph (b)2. or  
 560 subparagraph (b)3., a ~~any~~ person charged with a noncriminal  
 561 infraction under this section may:

562 1. Pay the civil penalty, either by mail or in person,  
 563 within 30 days after the date of receiving the citation; or

564 2. If the person has posted bond, forfeit the bond by not  
 565 appearing at the designated time and location.

566

567 A person cited for an infraction under this section who pays the  
 568 civil penalty or forfeits the bond has admitted the infraction  
 569 and waives the right to a hearing on the issue of commission of  
 570 the infraction. Such admission may not be used as evidence in  
 571 any other proceedings.

572 (e) A ~~Any~~ person who elects to appear before the county  
 573 court or who is required to appear waives the limitations of the  
 574 civil penalty specified in paragraph (a). The issue of whether  
 575 an infraction has been committed and the severity of the  
 576 infraction shall be determined by a hearing official at a  
 577 hearing. If the commission of the infraction is proved by the  
 578 greater weight of the evidence, the court shall impose a civil  
 579 penalty of \$2,500. If the court determines that the owner or  
 580 operator of the terminal facility failed to deploy any boom  
 581 equipment during such a transfer, including, but not limited to,  
 582 a bunkering operation, the civil penalty shall be \$5,000.

583 (f) A person who is found by the hearing official to have  
 584 committed an infraction may appeal that finding to the circuit

585 court.

586 (g) A ~~Any~~ person who has not posted bond and who fails  
 587 either to pay the civil penalty specified in paragraph (a)  
 588 within 30 days after receipt of the citation or to appear before  
 589 the court commits a misdemeanor of the second degree, punishable  
 590 as provided in s. 775.082 or s. 775.083.

591 Section 17. Subsection (2) of section 376.071, Florida  
 592 Statutes, is amended to read:

593 376.071 Discharge contingency plan for vessels.—

594 (2)(a) A ~~Any~~ master of a vessel that ~~which~~ violates  
 595 subsection (1) commits a noncriminal infraction and shall be  
 596 cited for such infraction. The civil penalty for such an  
 597 infraction shall be \$5,000, except as otherwise provided in this  
 598 subsection.

599 (b) A ~~Any~~ person charged with a noncriminal infraction  
 600 under this section may:

- 601 1. Pay the civil penalty;
- 602 2. Post bond equal to the amount of the applicable civil  
 603 penalty; or
- 604 3. Sign and accept a citation indicating a promise to  
 605 appear before the county court for the county in which the  
 606 violation occurred or the county closest to the location at  
 607 which the violation occurred.

608  
 609 The department employee ~~officer~~ authorized to issue these  
 610 citations may indicate on the citation the time and location of  
 611 the scheduled hearing and shall indicate the applicable civil  
 612 penalty.

613 (c) A ~~Any~~ person who willfully refuses to post bond or  
 614 accept and sign a citation commits a misdemeanor of the second  
 615 degree, punishable as provided in s. 775.082 or s. 775.083.

616 (d) After complying with the provisions of subparagraph  
 617 (b)2. or subparagraph (b)3., a ~~any~~ person charged with a  
 618 noncriminal infraction under this section may:

619 1. Pay the civil penalty, either by mail or in person,  
 620 within 30 days after the date of receiving the citation; or

621 2. If the person has posted bond, forfeit the bond by not  
 622 appearing at the designated time and location.

623

624 A person cited for an infraction under this section who pays the  
 625 civil penalty or forfeits the bond has admitted the infraction  
 626 and waives the right to a hearing on the issue of commission of  
 627 the infraction. Such admission may not be used as evidence in  
 628 any other proceedings.

629 (e) A ~~Any~~ person who elects to appear before the county  
 630 court or who is required to appear waives the limitations of the  
 631 civil penalty specified in paragraph (a). The court, after a  
 632 hearing, shall make a determination as to whether an infraction  
 633 has been committed. If the commission of the infraction is  
 634 proved, the court shall impose a civil penalty of \$5,000.

635 (f) At a hearing under this subsection, the commission of  
 636 a charged infraction must be proved by the greater weight of the  
 637 evidence.

638 (g) A person who is found by the hearing official to have  
 639 committed an infraction may appeal that finding to the circuit  
 640 court.

641 (h) A ~~Any~~ person who has not posted bond and who fails  
 642 either to pay the civil penalty specified in paragraph (a)  
 643 within 30 days after receipt of the citation or to appear before  
 644 the court commits a misdemeanor of the second degree, punishable  
 645 as provided in s. 775.082 or s. 775.083.

646 Section 18. Subsection (4) of section 376.16, Florida  
 647 Statutes, is amended to read:

648 376.16 Enforcement and penalties.—

649 (4) A ~~Any~~ person charged with a noncriminal infraction  
 650 pursuant to subsection (2) or subsection (3) may:

651 (a) Pay the civil penalty;

652 (b) Post a bond equal to the amount of the applicable  
 653 civil penalty; or

654 (c) Sign and accept a citation indicating a promise to  
 655 appear before the county court.

656

657 The department employee ~~officer~~ authorized to issue these  
 658 citations may indicate on the citation the time and location of  
 659 the scheduled hearing and shall indicate the applicable civil  
 660 penalty.

661 Section 19. Paragraph (q) is added to subsection (4) of  
 662 section 376.3071, Florida Statutes, to read:

663 376.3071 Inland Protection Trust Fund; creation; purposes;  
 664 funding.—

665 (4) USES.—Whenever, in its determination, incidents of  
 666 inland contamination related to the storage of petroleum or  
 667 petroleum products may pose a threat to the environment or the  
 668 public health, safety, or welfare, the department shall obligate

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669 moneys available in the fund to provide for:

670 (q) Enforcement of this section and ss. 376.30-376.317 by  
 671 the Fish and Wildlife Conservation Commission. The department  
 672 shall disburse moneys to the commission for such purpose.

673  
 674 The Inland Protection Trust Fund may only be used to fund the  
 675 activities in ss. 376.30-376.317 except ss. 376.3078 and  
 676 376.3079. Amounts on deposit in the Inland Protection Trust Fund  
 677 in each fiscal year shall first be applied or allocated for the  
 678 payment of amounts payable by the department pursuant to  
 679 paragraph (o) under a service contract entered into by the  
 680 department pursuant to s. 376.3075 and appropriated in each year  
 681 by the Legislature prior to making or providing for other  
 682 disbursements from the fund. Nothing in this subsection shall  
 683 authorize the use of the Inland Protection Trust Fund for  
 684 cleanup of contamination caused primarily by a discharge of  
 685 solvents as defined in s. 206.9925(6), or polychlorinated  
 686 biphenyls when their presence causes them to be hazardous  
 687 wastes, except solvent contamination which is the result of  
 688 chemical or physical breakdown of petroleum products and is  
 689 otherwise eligible. Facilities used primarily for the storage of  
 690 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall  
 691 be presumed not to be excluded from eligibility pursuant to this  
 692 section.

693 Section 20. Section 379.3311, Florida Statutes, is amended  
 694 to read:

695 379.3311 Police powers of commission and its agents.-

696 (1) ~~The Fish and Wildlife Conservation~~ commission, the

697 executive director and the executive director's assistants  
 698 designated by her or him, and each wildlife officer are  
 699 constituted peace officers with the power to make arrests for  
 700 violations of the laws of this state when committed in the  
 701 presence of the officer or when committed on lands under the  
 702 supervision and management of the commission, the department, or  
 703 the Department of Agricultural and Consumer Services, including  
 704 state parks, coastal and aquatic managed areas, and greenways  
 705 and trails. The general laws applicable to arrests by peace  
 706 officers of this state shall also be applicable to such said  
 707 director, assistants, and wildlife officers. Such persons may  
 708 enter upon any land or waters of the state for performance of  
 709 their lawful duties and may take with them any necessary  
 710 equipment, and such entry does ~~shall~~ not constitute a trespass.

711 (2) Such officers may ~~shall have power and authority to~~  
 712 enforce throughout the state all laws relating to game, nongame  
 713 birds, fish, and fur-bearing animals and all rules and  
 714 regulations of the ~~Fish and Wildlife Conservation~~ commission  
 715 relating to wild animal life, marine life, and freshwater  
 716 aquatic life, and in connection with such said laws, rules, and  
 717 regulations, in the enforcement thereof and in the performance  
 718 of their duties thereunder, to:

- 719 (a) Go upon all premises, posted or otherwise;
- 720 (b) Execute warrants and search warrants for the violation  
 721 of such said laws;
- 722 (c) Serve subpoenas issued for the examination,  
 723 investigation, and trial of all offenses against such said laws;
- 724 (d) Carry firearms or other weapons, concealed or



725 otherwise, in the performance of their duties;

726 (e) Arrest upon probable cause without warrant any person  
 727 found in the act of violating any such ~~of the provisions of said~~  
 728 laws or, in pursuit immediately following such violations, to  
 729 examine any person, boat, conveyance, vehicle, game bag, game  
 730 coat, or other receptacle for wild animal life, marine life, or  
 731 freshwater aquatic life, or any camp, tent, cabin, or roster, in  
 732 the presence of any person stopping at or belonging to such  
 733 camp, tent, cabin, or roster, when such ~~said~~ officer has reason  
 734 to believe, and has exhibited her or his authority and stated to  
 735 the suspected person in charge the officer's reason for  
 736 believing, that any of the aforesaid laws have been violated at  
 737 such camp;

738 (f) Secure and execute search warrants and in pursuance  
 739 thereof to enter any building, enclosure, or car and to break  
 740 open, when found necessary, any apartment, chest, locker, box,  
 741 trunk, crate, basket, bag, package, or container and examine the  
 742 contents thereof;

743 (g) Seize and take possession of all wild animal life,  
 744 marine life, or freshwater aquatic life taken or in possession  
 745 or under control of, or shipped or about to be shipped by, any  
 746 person at any time in any manner contrary to such ~~said~~ laws.

747 (3) It is unlawful for any person to resist an arrest  
 748 authorized by this section or in any manner to interfere, either  
 749 by abetting, assisting such resistance, or otherwise interfering  
 750 with such ~~said~~ executive director, assistants, or wildlife  
 751 officers while engaged in the performance of the duties imposed  
 752 upon them by law or regulation of the ~~Fish and Wildlife~~

753 ~~Conservation~~ commission, the department, or the Department of  
 754 Agriculture and Consumer Services.

755 (4) Upon final disposition of any alleged offense for  
 756 which a citation for any violation of this chapter or the rules  
 757 of the commission has been issued, the court shall, within 10  
 758 days after the final disposition of the action, certify the  
 759 disposition to the commission.

760 Section 21. Section 379.3312, Florida Statutes, is amended  
 761 to read:

762 379.3312 Powers of arrest by agents of ~~Department of~~  
 763 ~~Environmental Protection or Fish and Wildlife Conservation~~  
 764 ~~commission.~~—Any certified law enforcement officer of the  
 765 ~~Department of Environmental Protection or the Fish and Wildlife~~  
 766 ~~Conservation~~ commission, upon receiving information, relayed to  
 767 her or him from any law enforcement officer stationed on the  
 768 ground, on the water, or in the air, that a driver, operator, or  
 769 occupant of any vehicle, boat, or airboat has violated any  
 770 section of chapter 327, chapter 328, or this chapter, or s.  
 771 597.010 or s. 597.020, may arrest the driver, operator, or  
 772 occupant for violation of such ~~said~~ laws when reasonable and  
 773 proper identification of the vehicle, boat, or airboat and  
 774 reasonable and probable grounds to believe that the driver,  
 775 operator, or occupant has committed or is committing any such  
 776 offense have been communicated to the arresting officer by the  
 777 other officer stationed on the ground, on the water, or in the  
 778 air.

779 Section 22. Subsection (1) of section 379.3313, Florida  
 780 Statutes, is amended to read:

781 379.3313 Powers of commission law enforcement officers.—  
 782 (1) Law enforcement officers of the commission are  
 783 constituted law enforcement officers of this state with full  
 784 power to investigate and arrest for any violation of the laws of  
 785 this state and the rules of the commission, the department, and  
 786 the Department of Agriculture and Consumer Services under their  
 787 jurisdiction. The general laws applicable to arrests by peace  
 788 officers of this state shall also be applicable to law  
 789 enforcement officers of the commission. Such law enforcement  
 790 officers may enter upon any land or waters of the state for  
 791 performance of their lawful duties and may take with them any  
 792 necessary equipment, and such entry will not constitute a  
 793 trespass. It is lawful for any boat, motor vehicle, or aircraft  
 794 owned or chartered by the commission or its agents or employees  
 795 to land on and depart from any of the beaches or waters of the  
 796 state. Such law enforcement officers have the authority, without  
 797 warrant, to board, inspect, and search any boat, fishing  
 798 appliance, storage or processing plant, fishhouse, spongehouse,  
 799 oysterhouse, or other warehouse, building, or vehicle engaged in  
 800 transporting or storing any fish or fishery products. Such  
 801 authority to search and inspect without a search warrant is  
 802 limited to those cases in which such law enforcement officers  
 803 have reason to believe that fish or any saltwater products are  
 804 taken or kept for sale, barter, transportation, or other  
 805 purposes in violation of laws or rules adopted ~~promulgated~~ under  
 806 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any  
 807 time seize or take possession of any saltwater products or  
 808 contraband which have been unlawfully caught, taken, or

809 | processed or which are unlawfully possessed or transported in  
 810 | violation of any of the laws of this state or any rule of the  
 811 | commission. Such law enforcement officers may arrest any person  
 812 | in the act of violating ~~any of the provisions of~~ this law, the  
 813 | rules of the commission, or any of the laws of this state. It is  
 814 | ~~hereby declared~~ unlawful for a ~~any~~ person to resist such arrest  
 815 | or in any manner interfere, either by abetting or assisting such  
 816 | resistance or otherwise interfering, with any such law  
 817 | enforcement officer while engaged in the performance of the  
 818 | duties imposed upon him or her by law or rule of the commission.

819 |       Section 23. Subsections (1) and (2) of section 379.333,  
 820 | Florida Statutes, are amended to read:

821 |           379.333 Arrest by officers of the ~~Fish and Wildlife~~  
 822 | ~~Conservation~~ commission; recognizance; cash bond; citation.-

823 |       (1) In all cases of arrest by officers of the ~~Fish and~~  
 824 | ~~Wildlife Conservation~~ commission and the ~~Department of~~  
 825 | ~~Environmental Protection~~, the person arrested shall be delivered  
 826 | forthwith by such ~~said~~ officer to the sheriff of the county, or  
 827 | shall obtain from such person arrested a recognizance or, if  
 828 | deemed necessary, a cash bond or other sufficient security  
 829 | conditioned for her or his appearance before the proper tribunal  
 830 | of such county to answer the charge for which the person has  
 831 | been arrested.

832 |       (2) All officers of the commission shall ~~and the~~  
 833 | ~~department are hereby directed to~~ deliver all bonds accepted and  
 834 | approved by them to the sheriff of the county in which the  
 835 | offense is alleged to have been committed.

836 |       Section 24. Subsection (1) of section 379.341, Florida

837 Statutes, is amended to read:

838       379.341 Disposition of illegal fishing devices; exercise  
839 of police power.—

840       (1) In all cases of arrest and conviction for use of  
841 illegal nets or traps or fishing devices, as provided in this  
842 chapter, such illegal net, trap, or fishing device is declared  
843 to be a nuisance and shall be seized and carried before the  
844 court having jurisdiction of such offense and such ~~said~~ court  
845 shall order such illegal trap, net, or fishing device forfeited  
846 to the commission immediately after trial and conviction of the  
847 person in whose possession they were found. When any illegal  
848 net, trap, or fishing device is found in the fresh waters of the  
849 state, and its ~~the~~ owner is ~~of same~~ shall not be known to the  
850 officer finding it ~~the same~~, such officer shall immediately  
851 procure from the county court judge an order forfeiting such  
852 ~~said~~ illegal net, trap, or fishing device to the commission. The  
853 commission may destroy such illegal net, trap, or fishing  
854 device, if in its judgment such ~~said~~ net, trap, or fishing  
855 device is not of value in the work of the commission ~~department~~.

856       Section 25. Subsection (2) of section 403.413, Florida  
857 Statutes, is amended to read:

858       403.413 Florida Litter Law.—

859       (2) DEFINITIONS.—As used in this section:

860       (f) ~~(a)~~ "Litter" means any garbage; rubbish; trash; refuse;  
861 can; bottle; box; container; paper; tobacco product; tire;  
862 appliance; mechanical equipment or part; building or  
863 construction material; tool; machinery; wood; motor vehicle or  
864 motor vehicle part; vessel; aircraft; farm machinery or

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865 equipment; sludge from a waste treatment facility, water supply  
 866 treatment plant, or air pollution control facility; or substance  
 867 in any form resulting from domestic, industrial, commercial,  
 868 mining, agricultural, or governmental operations.

869 (h)~~(b)~~ "Person" means any individual, firm, sole  
 870 proprietorship, partnership, corporation, or unincorporated  
 871 association.

872 (e)~~(e)~~ "Law enforcement officer" means any officer of the  
 873 Florida Highway Patrol, a county sheriff's department, a  
 874 municipal law enforcement department, a law enforcement  
 875 department of any other political subdivision, ~~the department,~~  
 876 or the Fish and Wildlife Conservation Commission. In addition,  
 877 and solely for the purposes of this section, "law enforcement  
 878 officer" means any employee of a county or municipal park or  
 879 recreation department designated by the department head as a  
 880 litter enforcement officer.

881 (a)~~(d)~~ "Aircraft" means a motor vehicle or other vehicle  
 882 that is used or designed to fly but does not include a parachute  
 883 or any other device used primarily as safety equipment.

884 (b)~~(e)~~ "Commercial purpose" means for the purpose of  
 885 economic gain.

886 (c)~~(f)~~ "Commercial vehicle" means a vehicle that is owned  
 887 or used by a business, corporation, association, partnership, or  
 888 sole proprietorship or any other entity conducting business for  
 889 a commercial purpose.

890 (d)~~(g)~~ "Dump" means to dump, throw, discard, place,  
 891 deposit, or dispose of.

892 (g)~~(h)~~ "Motor vehicle" means an automobile, motorcycle,

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893 truck, trailer, semitrailer, truck tractor, or semitrailer  
 894 combination or any other vehicle that is powered by a motor.

895 (i) "Vessel" means a boat, barge, or airboat or any other  
 896 vehicle used for transportation on water.

897 Section 26. Paragraph (d) of subsection (1) of section  
 898 784.07, Florida Statutes, is amended to read:

899 784.07 Assault or battery of law enforcement officers,  
 900 firefighters, emergency medical care providers, public transit  
 901 employees or agents, or other specified officers;  
 902 reclassification of offenses; minimum sentences.—

903 (1) As used in this section, the term:

904 (d) "Law enforcement officer" includes a law enforcement  
 905 officer, a correctional officer, a correctional probation  
 906 officer, a part-time law enforcement officer, a part-time  
 907 correctional officer, an auxiliary law enforcement officer, and  
 908 an auxiliary correctional officer, as those terms are  
 909 respectively defined in s. 943.10, and any county probation  
 910 officer; an employee or agent of the Department of Corrections  
 911 who supervises or provides services to inmates; an officer of  
 912 the Parole Commission; a federal law enforcement officer as  
 913 defined in s. 901.1505; and law enforcement personnel of the  
 914 Fish and Wildlife Conservation Commission, ~~the Department of~~  
 915 ~~Environmental Protection,~~ or the Department of Law Enforcement.

916 Section 27. Section 843.08, Florida Statutes, is amended  
 917 to read:

918 843.08 Falsely personating officer, etc.—A person who  
 919 falsely assumes or pretends to be a sheriff, officer of the  
 920 Florida Highway Patrol, officer of the Fish and Wildlife

921 Conservation Commission, ~~officer of the Department of~~  
 922 ~~Environmental Protection,~~ officer of the Department of  
 923 Transportation, officer of the Department of Financial Services,  
 924 officer of the Department of Corrections, correctional probation  
 925 officer, deputy sheriff, state attorney or assistant state  
 926 attorney, statewide prosecutor or assistant statewide  
 927 prosecutor, state attorney investigator, coroner, police  
 928 officer, lottery special agent or lottery investigator, beverage  
 929 enforcement agent, or watchman, or any member of the Parole  
 930 Commission and any administrative aide or supervisor employed by  
 931 the commission, or any personnel or representative of the  
 932 Department of Law Enforcement, or a federal law enforcement  
 933 officer as defined in s. 901.1505, and takes upon himself or  
 934 herself to act as such, or to require any other person to aid or  
 935 assist him or her in a matter pertaining to the duty of any such  
 936 officer, commits a felony of the third degree, punishable as  
 937 provided in s. 775.082, s. 775.083, or s. 775.084.~~+~~ However, a  
 938 person who falsely personates any such officer during the course  
 939 of the commission of a felony commits a felony of the second  
 940 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 941 775.084.~~+~~ ~~except that~~ If the commission of the felony results in  
 942 the death or personal injury of another human being, the person  
 943 commits a felony of the first degree, punishable as provided in  
 944 s. 775.082, s. 775.083, or s. 775.084.

945 Section 28. Section 870.04, Florida Statutes, is amended  
 946 to read:

947 870.04 Specified officers to disperse riotous assembly.—If  
 948 any number of persons, whether armed or not, are unlawfully,



949 riotously, or tumultuously assembled in any county, city, or  
 950 municipality, the sheriff or the sheriff's deputies, or the  
 951 mayor, or any commissioner, council member, alderman, or police  
 952 officer of the ~~said~~ city or municipality, or any officer or  
 953 member of the Florida Highway Patrol, or any officer or agent of  
 954 the Fish and Wildlife Conservation Commission, ~~Department of~~  
 955 ~~Environmental Protection~~, any ~~or~~ beverage enforcement agent, any  
 956 personnel or representatives of the Department of Law  
 957 Enforcement or its successor, or any other peace officer, shall  
 958 go among the persons so assembled, or as near to them as may be  
 959 done with safety, and shall in the name of the state command all  
 960 the persons so assembled immediately and peaceably to disperse.~~†~~  
 961 ~~and~~ If such persons do not thereupon immediately and peaceably  
 962 disperse, such ~~said~~ officers shall command the assistance of all  
 963 such persons in seizing, arresting, and securing such persons in  
 964 custody.~~†~~ ~~and~~ If any person present being so commanded to aid  
 965 and assist in seizing and securing such rioter or persons so  
 966 unlawfully assembled, or in suppressing such riot or unlawful  
 967 assembly, refuses or neglects to obey such command, or, when  
 968 required by such officers to depart from the place, refuses and  
 969 neglects to do so, the person shall be deemed one of the rioters  
 970 or persons unlawfully assembled, and may be prosecuted and  
 971 punished accordingly.

972 Section 29. Paragraphs (c) through (n) of subsection (6)  
 973 of section 932.7055, Florida Statutes, are redesignated as  
 974 paragraphs (b) through (m), respectively, and present paragraph  
 975 (b) of that subsection is amended to read:

976 932.7055 Disposition of liens and forfeited property.-

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

980 ~~(b) The Department of Environmental Protection, the~~  
 981 ~~proceeds accrued pursuant to the provisions of the Florida~~  
 982 ~~Contraband Forfeiture Act shall be deposited into the Internal~~  
 983 ~~Improvement Trust Fund.~~

984 Section 30. This act shall take effect July 1, 2012.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1383 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
2 Resources Subcommittee  
3 Representative Glorioso offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

8 Section 1. (1) All powers, duties, functions, records,  
9 offices, personnel, property, pending issues and existing  
10 contracts, administrative authority, administrative rules, and  
11 unexpended balances of appropriations, allocations, and other  
12 funds relating to the Division of Law Enforcement within the  
13 Department of Environmental Protection, excluding the Bureau of  
14 Emergency Response, are transferred by a type two transfer, as  
15 defined in s. 20.06(2), Florida Statutes, to the Division of Law  
16 Enforcement within the Florida Fish and Wildlife Conservation  
17 Commission.

18 (2) The Bureau of Emergency Response within the Department  
19 of Environmental Protection is reassigned to the Secretary of

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20 Environmental Protection as the Office of Emergency Response  
21 within the Department of Environmental Protection.

22 (3) The Secretary of Environmental Protection shall  
23 transfer to the Fish and Wildlife Conservation Commission the  
24 number of administrative, auditing, inspector general, attorney,  
25 and operational support positions, including any related powers,  
26 duties, functions, property, and funding, proportionate to the  
27 number of Division of Law Enforcement full-time equivalent and  
28 other personal services positions being transferred from the  
29 department to the commission.

30 (4) A memorandum of agreement shall be developed between  
31 the department and the commission detailing the responsibilities  
32 of the commission to the department, to include, at a minimum,  
33 the following:

34 (a) Support and response for oil spills, hazardous spills,  
35 and natural disasters.

36 (b) Law enforcement patrol and investigative services for  
37 all state-owned lands managed by the department.

38 (c) Law enforcement services, including investigative  
39 services, for all criminal law violations of chapters 161, 258,  
40 373, 376, and 403, Florida Statutes.

41 (d) Enforcement services for all civil violations of all  
42 department administrative rules related to the following program  
43 areas:

44 1. Division of Recreation and Parks.

45 2. Office of Coastal and Aquatic Managed Areas.

46 3. Office of Greenways and Trails.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1383 (2012)

Amendment No.

47 (e) Current and future funding for positions and property  
48 being transferred from the department to the commission that is  
49 funded through any trust fund.

50 Section 2. (1) All powers, duties, functions, records,  
51 property, pending issues and existing contracts, administrative  
52 authority, administrative rules, and unexpended balances of  
53 appropriations, allocations, and other funds relating to sworn  
54 positions funded by the Conservation and Recreation Lands  
55 Program and assigned to the Florida Forest Service within the  
56 Department of Agriculture and Consumer Services as of July 1,  
57 2011, and the investigator responsible for the enforcement of  
58 aquaculture violations at the Department of Agriculture and  
59 Consumer Services as of July 1, 2011, are transferred by a type  
60 two transfer, as defined in s. 20.06(2), Florida Statutes, to  
61 the Division of Law Enforcement within the Fish and Wildlife  
62 Conservation Commission.

63 (2) A memorandum of agreement shall be developed between  
64 the department and the commission detailing the responsibilities  
65 between the commission and the department, to include, at a  
66 minimum, the following:

67 (a) Law enforcement patrol and investigative services for  
68 all state-owned forests managed by the department.

69 (b) Current and future funding for positions and property  
70 assigned to the Conservation and Recreation Lands Program that  
71 are transferred from the department to the commission.

72 Section 3. (1) The Secretary of Environmental Protection  
73 and the Executive Director of the Fish and Wildlife Conservation  
74 Commission shall each appoint three staff members to a

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75 transition advisory working group to review and determine the  
76 following:

77 (a) The appropriate proportionate number of  
78 administrative, auditing, inspector general, attorney, and  
79 operational support positions and their related funding levels  
80 and sources and assigned property to be transferred from the  
81 Office of General Counsel, Office of Inspector General, and  
82 Division of Administrative Services or other relevant offices or  
83 divisions within the Department of Environmental Protection to  
84 the Fish and Wildlife Conservation Commission.

85 (b) The development of a recommended plan addressing the  
86 transfer or shared use of buildings, regional offices, and other  
87 facilities used or owned by the Department of Environmental  
88 Protection.

89 (c) Any operating budget adjustments as necessary to  
90 implement the requirements of this act. Adjustments made to the  
91 operating budgets of the department and the commission in the  
92 implementation of this act must be made in consultation with the  
93 appropriate substantive and fiscal committees of the Senate and  
94 the House of Representatives. The revisions to the approved  
95 operating budgets for the 2012-2013 fiscal year which are  
96 necessary to reflect the organizational changes made by this act  
97 shall be implemented pursuant to s. 216.292(4)(d), Florida  
98 Statutes, and subject to s. 216.177, Florida Statutes.

99 Subsequent adjustments between agencies that are determined  
100 necessary by the department or commission and approved by the  
101 Executive Office of the Governor are authorized and subject to  
102 s. 216.177, Florida Statutes. The appropriate substantive

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103 committees of the Senate and the House of Representatives shall  
104 also be notified of the proposed revisions to ensure consistency  
105 with legislative policy and intent.

106 (2) The Secretary of Environmental Protection, the  
107 Commissioner of Agriculture, and the Executive Director of the  
108 Fish and Wildlife Conservation Commission shall each appoint two  
109 staff members to a transition advisory working group to identify  
110 rules of the Department of Environmental Protection, the Board  
111 of Trustees of the Internal Improvement Trust Fund, the  
112 Department of Agriculture and Consumer Services, and the Fish  
113 and Wildlife Conservation Commission that need to be amended to  
114 reflect the changes made by this act.

115 Section 4. (1) The Fish and Wildlife Conservation  
116 Commission is assigned all powers, duties, responsibilities,  
117 functions, positions, and property necessary for enforcement of  
118 the laws and rules governing:

119 (a) Management, protection, conservation, improvement, and  
120 expansion of the state-owned lands managed by the Department of  
121 Environmental Protection, including state parks, coastal and  
122 aquatic managed areas, and greenways and trails.

123 (b) Conservation and recreation lands and commercial  
124 aquaculture managed by the Department of Agriculture and  
125 Consumer Services.

126 (2) Law enforcement officers of the Fish and Wildlife  
127 Conservation Commission are conferred full power to investigate  
128 and arrest for any violation of the rules of the Department of  
129 Agriculture and Consumer Services, the Department of

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130 Environmental Protection, and the Board of Trustees of the  
131 Internal Improvement Trust Fund.

132 Section 5. (1) Notwithstanding ss. 110.2035 and 216.251,  
133 Florida Statutes, the Division of Law Enforcement within the  
134 Fish and Wildlife Conservation Commission may use available  
135 funds to provide for general salary increases or pay additives  
136 for positions sharing the same job classification or job  
137 occupations in order to bring pay parity between positions of  
138 the Fish and Wildlife Conservation Commission and the positions  
139 transferring to the commission from the Department of  
140 Agriculture and Consumer Services and the Department of  
141 Environmental Protection and for those positions assuming  
142 significant additional duties or an increased work load as a  
143 result of this act.

144 (2) Notwithstanding chapter 60K-5, Florida Administrative  
145 Code, or any provision of law to the contrary, employees who are  
146 transferred from the Department of Environmental Protection and  
147 the Department of Agriculture and Consumer Services to fill  
148 positions transferred to the Fish and Wildlife Conservation  
149 Commission shall retain and transfer any accrued annual leave,  
150 sick leave, and regular and special compensatory leave balances.

151 Section 6. Part IV of chapter 258, Florida Statutes,  
152 consisting of section 258.601, is created to read:

153 PART IV

154 MISCELLANEOUS PROVISIONS

155 258.601 Enforcement of prohibited activities.-Prohibited  
156 activities under this chapter shall be enforced by the  
157 Department of Environmental Protection and the Division of Law

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158 | Enforcement of the Fish and Wildlife Conservation Commission and  
159 | its officers.

160 | Section 7. Subsections (5) through (8) of section 20.255,  
161 | Florida Statutes, are renumbered as subsections (4) through (7),  
162 | respectively, and present subsections (2), (3), and (4) of that  
163 | section are amended to read:

164 | 20.255 Department of Environmental Protection.—There is  
165 | created a Department of Environmental Protection.

166 | (2) (a) There shall be three deputy secretaries who are to  
167 | be appointed by and shall serve at the pleasure of the  
168 | secretary. The secretary may assign any deputy secretary the  
169 | responsibility to supervise, coordinate, and formulate policy  
170 | for any division, office, or district. The following special  
171 | offices are established and headed by managers, each of whom is  
172 | to be appointed by and serve at the pleasure of the secretary:

- 173 | 1. Office of Chief of Staff;
- 174 | 2. Office of General Counsel;
- 175 | 3. Office of Inspector General;
- 176 | 4. Office of External Affairs;
- 177 | 5. Office of Legislative Affairs;
- 178 | 6. Office of Intergovernmental Programs; and
- 179 | 7. Office of Greenways and Trails.
- 180 | 8. Office of Emergency Response.

181 | (b) There shall be six administrative districts involved  
182 | in regulatory matters of waste management, water resource  
183 | management, wetlands, and air resources, which shall be headed  
184 | by managers, each of whom is to be appointed by and serve at the  
185 | pleasure of the secretary. Divisions of the department may have

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186 one assistant or two deputy division directors, as required to  
187 facilitate effective operation.

188

189 The managers of all divisions and offices specifically named in  
190 this section and the directors of the six administrative  
191 districts are exempt from part II of chapter 110 and are  
192 included in the Senior Management Service in accordance with s.  
193 110.205(2)(j).

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

196 (a) Division of Administrative Services.

197 (b) Division of Air Resource Management.

198 (c) Division of Water Resource Management.

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

200 (d)~~(e)~~ Division of Environmental Assessment and  
201 Restoration.

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

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

204 (g)~~(h)~~ Division of State Lands, the director of which is  
205 to be appointed by the secretary of the department, subject to  
206 confirmation by the Governor and Cabinet sitting as the Board of  
207 Trustees of the Internal Improvement Trust Fund.

208

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

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

222       Section 8. Subsection (1) of section 258.008, Florida  
223       Statutes, is amended to read:

224       258.008 Prohibited activities; penalties.—

225       (1) Except as provided in subsection (3), any person who  
226       violates or otherwise fails to comply with the rules adopted  
227       under this chapter commits a noncriminal infraction for which  
228       ejection from all property managed by the Division of Recreation  
229       and Parks and a fine of up to \$500 may be imposed by the  
230       division. Fines paid under this subsection shall be paid to the  
231       Fish and Wildlife Conservation Commission ~~Department of~~  
232       ~~Environmental Protection~~ and deposited in the State Game Park  
233       Trust Fund as provided in ss. 379.338, 379.339, and 379.3395.

234       Section 9. Subsection (16) of section 258.501, Florida  
235       Statutes, is amended to read:

236       258.501 Myakka River; wild and scenic segment.—

237       (16) ENFORCEMENT.—~~Officers of The department and the Fish~~  
238       and Wildlife Conservation Commission shall have full authority  
239       to enforce any rule adopted by the department ~~under this section~~  
240       ~~with the same police powers given them by law to enforce the~~

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241 ~~rules of state parks and the rules pertaining to saltwater areas~~  
242 ~~under the jurisdiction of the Florida Marine Patrol.~~

243 Section 10. Paragraph (a) of subsection (2) of section  
244 282.709, Florida Statutes, is amended to read:

245 282.709 State agency law enforcement radio system and  
246 interoperability network.-

247 (2) The Joint Task Force on State Agency Law Enforcement  
248 Communications is created adjunct to the department to advise  
249 the department of member-agency needs relating to the planning,  
250 designing, and establishment of the statewide communication  
251 system.

252 (a) The Joint Task Force on State Agency Law Enforcement  
253 Communications shall consist of the following eight members,~~as~~  
254 ~~follows:~~

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

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

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

266 4. A representative of the Fish and Wildlife Conservation  
267 Commission who shall be appointed by the executive director of  
268 the commission.

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

272 5.6. A representative of the Department of Corrections who  
273 shall be appointed by the secretary of the department.

274 6.7. A representative of the Division of State Fire  
275 Marshal of the Department of Financial Services who shall be  
276 appointed by the State Fire Marshal.

277 7.8. A representative of the Department of Transportation  
278 who shall be appointed by the secretary of the department.

279 Section 11. Subsection (1) of section 316.003, Florida  
280 Statutes, is amended to read:

281 316.003 Definitions.—The following words and phrases, when  
282 used in this chapter, shall have the meanings respectively  
283 ascribed to them in this section, except where the context  
284 otherwise requires:

285 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire  
286 department (fire patrol), police vehicles, and such ambulances  
287 and emergency vehicles of municipal departments, public service  
288 corporations operated by private corporations, the Fish and  
289 Wildlife Conservation Commission, the Department of  
290 Environmental Protection, the Department of Health, the  
291 Department of Transportation, and the Department of Corrections  
292 as are designated or authorized by their respective department  
293 or the chief of police of an incorporated city or any sheriff of  
294 any of the various counties.

295 Section 12. Subsections (3) and (9) of section 316.2397,  
296 Florida Statutes, are amended to read:

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297 316.2397 Certain lights prohibited; exceptions.-  
298 (3) Vehicles of the fire department and fire patrol,  
299 including vehicles of volunteer firefighters as permitted under  
300 s. 316.2398, vehicles of medical staff physicians or technicians  
301 of medical facilities licensed by the state as authorized under  
302 s. 316.2398, ambulances as authorized under this chapter, and  
303 buses and taxicabs as authorized under s. 316.2399 may are  
304 ~~permitted to~~ show or display red lights. Vehicles of the fire  
305 department, fire patrol, police vehicles, and such ambulances  
306 and emergency vehicles of municipal and county departments,  
307 public service corporations operated by private corporations,  
308 the Fish and Wildlife Conservation Commission, the Department of  
309 Environmental Protection, the Department of Transportation, the  
310 Department of Agriculture and Consumer Services, and the  
311 Department of Corrections as are designated or authorized by  
312 their respective department or the chief of police of an  
313 incorporated city or any sheriff of any county may are hereby  
314 authorized to operate emergency lights and sirens in an  
315 emergency. Wreckers, mosquito control fog and spray vehicles,  
316 and emergency vehicles of governmental departments or public  
317 service corporations may show or display amber lights when in  
318 actual operation or when a hazard exists provided they are not  
319 used going to and from the scene of operation or hazard without  
320 specific authorization of a law enforcement officer or law  
321 enforcement agency. Wreckers must use amber rotating or flashing  
322 lights while performing recoveries and loading on the roadside  
323 day or night, and may use such lights while towing a vehicle on  
324 wheel lifts, slings, or under reach if the operator of the

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325 wrecker deems such lights necessary. A flatbed, car carrier, or  
326 rollback may not use amber rotating or flashing lights when  
327 hauling a vehicle on the bed unless it creates a hazard to other  
328 motorists because of protruding objects. Further, escort  
329 vehicles may show or display amber lights when in the actual  
330 process of escorting overdimensioned equipment, material, or  
331 buildings as authorized by law. Vehicles owned or leased by  
332 private security agencies may show or display green and amber  
333 lights, with either color being no greater than 50 percent of  
334 the lights displayed, while the security personnel are engaged  
335 in security duties on private or public property.

336 (9) Flashing red lights may be used by emergency response  
337 vehicles of the Fish and Wildlife Conservation Commission, the  
338 Department of Environmental Protection, and the Department of  
339 Health when responding to an emergency in the line of duty.

340 Section 13. Paragraph (a) of subsection (1) of section  
341 316.640, Florida Statutes, is amended to read:

342 316.640 Enforcement.—The enforcement of the traffic laws  
343 of this state is vested as follows:

344 (1) STATE.—

345 (a)1.a. The Division of Florida Highway Patrol of the  
346 Department of Highway Safety and Motor Vehicles; the Division of  
347 Law Enforcement of the Fish and Wildlife Conservation  
348 Commission; ~~the Division of Law Enforcement of the Department of~~  
349 ~~Environmental Protection;~~ and the agents, inspectors, and  
350 officers of the Department of Law Enforcement each have  
351 authority to enforce all of the traffic laws of this state on  
352 all the streets and highways thereof and elsewhere throughout

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353 the state wherever the public has a right to travel by motor  
354 vehicle.

355 b. University police officers may ~~shall have authority to~~  
356 enforce all of the traffic laws of this state when violations  
357 occur on or within 1,000 feet of any property or facilities that  
358 are under the guidance, supervision, regulation, or control of a  
359 state university, a direct-support organization of such state  
360 university, or any other organization controlled by the state  
361 university or a direct-support organization of the state  
362 university, or when such violations occur within a specified  
363 jurisdictional area as agreed upon in a mutual aid agreement  
364 entered into with a law enforcement agency pursuant to s.  
365 23.1225(1). Traffic laws may also be enforced off-campus when  
366 hot pursuit originates on or within 1,000 feet of any such  
367 property or facilities, or as agreed upon in accordance with the  
368 mutual aid agreement.

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

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

378 (I) An airport authority may employ as a parking  
379 enforcement specialist any individual who successfully completes  
380 a training program established and approved by the Criminal

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381 Justice Standards and Training Commission for parking  
382 enforcement specialists but who does not otherwise meet the  
383 uniform minimum standards established by the commission for law  
384 enforcement officers or auxiliary or part-time officers under s.  
385 943.12. ~~Nothing in~~ This sub-sub-subparagraph may not shall be  
386 construed to permit the carrying of firearms or other weapons,  
387 nor shall such parking enforcement specialist have arrest  
388 authority.

389 (II) A parking enforcement specialist employed by an  
390 airport authority may is authorized to enforce all state,  
391 county, and municipal laws and ordinances governing parking only  
392 when such violations are on property or facilities owned or  
393 operated by the airport authority employing the specialist, by  
394 appropriate state, county, or municipal traffic citation.

395 e. The Office of Agricultural Law Enforcement of the  
396 Department of Agriculture and Consumer Services may shall have  
397 ~~the authority to~~ enforce traffic laws of this state.

398 f. School safety officers may shall have the authority to  
399 enforce all of the traffic laws of this state when such  
400 violations occur on or about any property or facilities that  
401 ~~which~~ are under the guidance, supervision, regulation, or  
402 control of the district school board.

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

407 3. Any disciplinary action taken or performance evaluation  
408 conducted by an agency of the state as described in subparagraph

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409 1. of a law enforcement officer's traffic enforcement activity  
410 must be in accordance with written work-performance standards.  
411 Such standards must be approved by the agency and any collective  
412 bargaining unit representing such law enforcement officer. A  
413 violation of this subparagraph is not subject to the penalties  
414 provided in chapter 318.

415 4. The Division of the Florida Highway Patrol may employ  
416 as a traffic accident investigation officer any individual who  
417 successfully completes instruction in traffic accident  
418 investigation and court presentation through the Selective  
419 Traffic Enforcement Program as approved by the Criminal Justice  
420 Standards and Training Commission and funded through the  
421 National Highway Traffic Safety Administration or a similar  
422 program approved by the commission, but who does not necessarily  
423 meet the uniform minimum standards established by the commission  
424 for law enforcement officers or auxiliary law enforcement  
425 officers under chapter 943. Any such traffic accident  
426 investigation officer who makes an investigation at the scene of  
427 a traffic accident may issue traffic citations, based upon  
428 personal investigation, when he or she has reasonable and  
429 probable grounds to believe that a person who was involved in  
430 the accident committed an offense under this chapter, chapter  
431 319, chapter 320, or chapter 322 in connection with the  
432 accident. This subparagraph does not permit the officer to carry  
433 firearms or other weapons, and such an officer does not have  
434 authority to make arrests.

435 Section 14. Subsection (4) of section 375.041, Florida  
436 Statutes, is amended to read:

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437 375.041 Land Acquisition Trust Fund.—

438 (4) The department may disburse moneys in the Land  
439 Acquisition Trust Fund to pay all necessary expenses to carry  
440 out the purposes of this act. The department shall disburse  
441 moneys from the Land Acquisition Trust Fund to the Fish and  
442 Wildlife Conservation Commission for the purpose of funding law  
443 enforcement services on state lands.

444 Section 15. Subsection (5) of section 376.065, Florida  
445 Statutes, is amended to read:

446 376.065 Operation of terminal facility without discharge  
447 prevention and response certificate prohibited; penalty.—

448 (5) (a) A ~~Any~~ person who violates this section or the terms  
449 and requirements of such certification commits a noncriminal  
450 infraction. The civil penalty for any such infraction shall be  
451 \$500, except as otherwise provided in this section.

452 (b) A ~~Any~~ person cited for an infraction under this  
453 section may:

- 454 1. Pay the civil penalty;
- 455 2. Post a bond equal to the amount of the applicable civil  
456 penalty; or
- 457 3. Sign and accept a citation indicating a promise to  
458 appear before the county court.

459  
460 The department employee officer authorized to issue these  
461 citations may indicate on the citation the time and location of  
462 the scheduled hearing and shall indicate the applicable civil  
463 penalty.

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464 (c) A Any person who willfully refuses to post bond or  
465 accept and sign a citation commits a misdemeanor of the second  
466 degree, punishable as provided in s. 775.082 or s. 775.083.

467 (d) After compliance with ~~the provisions of~~ subparagraph  
468 (b)2. or subparagraph (b)3., a any person charged with a  
469 noncriminal infraction under this section may:

470 1. Pay the civil penalty, either by mail or in person,  
471 within 30 days after the date of receiving the citation; or

472 2. If the person has posted bond, forfeit the bond by not  
473 appearing at the designated time and location.

474

475 A person cited for an infraction under this section who pays the  
476 civil penalty or forfeits the bond has admitted the infraction  
477 and waives the right to a hearing on the issue of commission of  
478 the infraction. Such admission may not be used as evidence in  
479 any other proceedings.

480 (e) A Any person who elects to appear before the county  
481 court or who is required to so appear waives the limitations of  
482 the civil penalty specified in paragraph (a). The court, after a  
483 hearing, shall make a determination as to whether an infraction  
484 has been committed. If the commission of the infraction is  
485 proved, the court shall impose a civil penalty of \$500.

486 (f) At a hearing under this subsection, the commission of  
487 a charged infraction must be proved by the greater weight of the  
488 evidence.

489 (g) A person who is found by the hearing official to have  
490 committed an infraction may appeal that finding to the circuit  
491 court.

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492 (h) A ~~Any~~ person who has not posted bond and who fails  
493 either to pay the fine specified in paragraph (a) within 30 days  
494 after receipt of the citation or to appear before the court  
495 commits a misdemeanor of the second degree, punishable as  
496 provided in s. 775.082 or s. 775.083.

497 Section 16. Subsection (3) of section 376.07, Florida  
498 Statutes, is amended to read:

499 376.07 Regulatory powers of department; penalties for  
500 inadequate booming by terminal facilities.—

501 (3) The department shall not require vessels to maintain  
502 discharge prevention gear, holding tanks, and containment gear  
503 which exceed federal requirements. However, a terminal facility  
504 transferring heavy oil to or from a vessel with a heavy oil  
505 storage capacity greater than 10,000 gallons shall be required,  
506 considering existing weather and tidal conditions, to adequately  
507 boom or seal off the transfer area during a transfer, including,  
508 but not limited to, a bunkering operation, to minimize the  
509 escape of such pollutants from the containment area. As used in  
510 this subsection, the term "adequate booming" means booming with  
511 proper containment equipment which is employed and located for  
512 the purpose of preventing, for the most likely discharge, as  
513 much of the pollutant as possible from escaping out of the  
514 containment area.

515 (a) The owner or operator of a terminal facility involved  
516 in the transfer of such pollutant to or from a vessel which is  
517 not adequately boomed commits a noncriminal infraction and shall  
518 be cited for such infraction. The civil penalty for such an

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519 | infraction shall be \$2,500, except as otherwise provided in this  
520 | section.

521 |       (b) A ~~Any~~ person cited for an infraction under this  
522 | section may:

523 |       1. Pay the civil penalty;

524 |       2. Post bond equal to the amount of the applicable civil  
525 | penalty; or

526 |       3. Sign and accept a citation indicating a promise to  
527 | appear before the county court.

528 |

529 | The department employee ~~officer~~ authorized to issue these  
530 | citations may indicate on the citation the time and location of  
531 | the scheduled hearing and shall indicate the applicable civil  
532 | penalty.

533 |       (c) A ~~Any~~ person who willfully refuses to post bond or  
534 | accept and sign a citation commits a misdemeanor of the second  
535 | degree, punishable as provided in s. 775.082 or s. 775.083.

536 |       (d) After compliance with subparagraph (b)2. or  
537 | subparagraph (b)3., a ~~any~~ person charged with a noncriminal  
538 | infraction under this section may:

539 |       1. Pay the civil penalty, either by mail or in person,  
540 | within 30 days after the date of receiving the citation; or

541 |       2. If the person has posted bond, forfeit the bond by not  
542 | appearing at the designated time and location.

543 |

544 | A person cited for an infraction under this section who pays the  
545 | civil penalty or forfeits the bond has admitted the infraction  
546 | and waives the right to a hearing on the issue of commission of

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547 the infraction. Such admission may not be used as evidence in  
548 any other proceedings.

549 (e) A ~~Any~~ person who elects to appear before the county  
550 court or who is required to appear waives the limitations of the  
551 civil penalty specified in paragraph (a). The issue of whether  
552 an infraction has been committed and the severity of the  
553 infraction shall be determined by a hearing official at a  
554 hearing. If the commission of the infraction is proved by the  
555 greater weight of the evidence, the court shall impose a civil  
556 penalty of \$2,500. If the court determines that the owner or  
557 operator of the terminal facility failed to deploy any boom  
558 equipment during such a transfer, including, but not limited to,  
559 a bunkering operation, the civil penalty shall be \$5,000.

560 (f) A person who is found by the hearing official to have  
561 committed an infraction may appeal that finding to the circuit  
562 court.

563 (g) A ~~Any~~ person who has not posted bond and who fails  
564 either to pay the civil penalty specified in paragraph (a)  
565 within 30 days after receipt of the citation or to appear before  
566 the court commits a misdemeanor of the second degree, punishable  
567 as provided in s. 775.082 or s. 775.083.

568 Section 17. Subsection (2) of section 376.071, Florida  
569 Statutes, is amended to read:

570 376.071 Discharge contingency plan for vessels.—

571 (2) (a) A ~~Any~~ master of a vessel that ~~which~~ violates  
572 subsection (1) commits a noncriminal infraction and shall be  
573 cited for such infraction. The civil penalty for such an

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574 infraction shall be \$5,000, except as otherwise provided in this  
575 subsection.

576 (b) A ~~Any~~ person charged with a noncriminal infraction  
577 under this section may:

578 1. Pay the civil penalty;

579 2. Post bond equal to the amount of the applicable civil  
580 penalty; or

581 3. Sign and accept a citation indicating a promise to  
582 appear before the county court for the county in which the  
583 violation occurred or the county closest to the location at  
584 which the violation occurred.

585

586 The department employee officer authorized to issue these  
587 citations may indicate on the citation the time and location of  
588 the scheduled hearing and shall indicate the applicable civil  
589 penalty.

590 (c) A ~~Any~~ person who willfully refuses to post bond or  
591 accept and sign a citation commits a misdemeanor of the second  
592 degree, punishable as provided in s. 775.082 or s. 775.083.

593 (d) After complying with the provisions of subparagraph  
594 (b)2. or subparagraph (b)3., a ~~any~~ person charged with a  
595 noncriminal infraction under this section may:

596 1. Pay the civil penalty, either by mail or in person,  
597 within 30 days after the date of receiving the citation; or

598 2. If the person has posted bond, forfeit the bond by not  
599 appearing at the designated time and location.

600



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601 A person cited for an infraction under this section who pays the  
602 civil penalty or forfeits the bond has admitted the infraction  
603 and waives the right to a hearing on the issue of commission of  
604 the infraction. Such admission may not be used as evidence in  
605 any other proceedings.

606 (e) A ~~Any~~ person who elects to appear before the county  
607 court or who is required to appear waives the limitations of the  
608 civil penalty specified in paragraph (a). The court, after a  
609 hearing, shall make a determination as to whether an infraction  
610 has been committed. If the commission of the infraction is  
611 proved, the court shall impose a civil penalty of \$5,000.

612 (f) At a hearing under this subsection, the commission of  
613 a charged infraction must be proved by the greater weight of the  
614 evidence.

615 (g) A person who is found by the hearing official to have  
616 committed an infraction may appeal that finding to the circuit  
617 court.

618 (h) A ~~Any~~ person who has not posted bond and who fails  
619 either to pay the civil penalty specified in paragraph (a)  
620 within 30 days after receipt of the citation or to appear before  
621 the court commits a misdemeanor of the second degree, punishable  
622 as provided in s. 775.082 or s. 775.083.

623 Section 18. Subsection (4) of section 376.16, Florida  
624 Statutes, is amended to read:

625 376.16 Enforcement and penalties.—

626 (4) A ~~Any~~ person charged with a noncriminal infraction  
627 pursuant to subsection (2) or subsection (3) may:

628 (a) Pay the civil penalty;

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629 (b) Post a bond equal to the amount of the applicable  
630 civil penalty; or

631 (c) Sign and accept a citation indicating a promise to  
632 appear before the county court.

633

634 The department employee officer authorized to issue these  
635 citations may indicate on the citation the time and location of  
636 the scheduled hearing and shall indicate the applicable civil  
637 penalty.

638 Section 19. Paragraph (q) is added to subsection (4) of  
639 section 376.3071, Florida Statutes, to read:

640 376.3071 Inland Protection Trust Fund; creation; purposes;  
641 funding.—

642 (4) USES.—Whenever, in its determination, incidents of  
643 inland contamination related to the storage of petroleum or  
644 petroleum products may pose a threat to the environment or the  
645 public health, safety, or welfare, the department shall obligate  
646 moneys available in the fund to provide for:

647 (q) Enforcement of this section and ss. 376.30-376.317 by  
648 the Fish and Wildlife Conservation Commission. The department  
649 shall disburse moneys to the commission for such purpose.

650

651 The Inland Protection Trust Fund may only be used to fund the  
652 activities in ss. 376.30-376.317 except ss. 376.3078 and  
653 376.3079. Amounts on deposit in the Inland Protection Trust Fund  
654 in each fiscal year shall first be applied or allocated for the  
655 payment of amounts payable by the department pursuant to  
656 paragraph (o) under a service contract entered into by the

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657 department pursuant to s. 376.3075 and appropriated in each year  
658 by the Legislature prior to making or providing for other  
659 disbursements from the fund. Nothing in this subsection shall  
660 authorize the use of the Inland Protection Trust Fund for  
661 cleanup of contamination caused primarily by a discharge of  
662 solvents as defined in s. 206.9925(6), or polychlorinated  
663 biphenyls when their presence causes them to be hazardous  
664 wastes, except solvent contamination which is the result of  
665 chemical or physical breakdown of petroleum products and is  
666 otherwise eligible. Facilities used primarily for the storage of  
667 motor or diesel fuels as defined in ss. 206.01 and 206.86 shall  
668 be presumed not to be excluded from eligibility pursuant to this  
669 section.

670 Section 20. Section 379.3311, Florida Statutes, is amended  
671 to read:

672 379.3311 Police powers of commission and its agents.-

673 (1) ~~The Fish and Wildlife Conservation~~ commission, the  
674 executive director and the executive director's assistants  
675 designated by her or him, and each commission wildlife officer  
676 are constituted peace officers with the power to make arrests  
677 for violations of the laws of this state when committed in the  
678 presence of the officer or when committed on lands under the  
679 supervision and management of the commission, the department,  
680 the Board of Trustees of the Internal Improvement Trust Fund, or  
681 the Department of Agricultural and Consumer Services, including  
682 state parks, coastal and aquatic managed areas, and greenways  
683 and trails. The general laws applicable to arrests by peace  
684 officers of this state shall also be applicable to such said

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685 director, assistants, and commission ~~wildlife~~ officers. Such  
686 persons may enter upon any land or waters of the state for  
687 performance of their lawful duties and may take with them any  
688 necessary equipment, and such entry does ~~shall~~ not constitute a  
689 trespass.

690 (2) Such officers may ~~shall have power and authority to~~  
691 enforce throughout the state all laws relating to game, nongame  
692 birds, fish, and fur-bearing animals and all rules and  
693 regulations of the ~~Fish and Wildlife Conservation~~ commission  
694 relating to wild animal life, marine life, and freshwater  
695 aquatic life, and in connection with such ~~said~~ laws, rules, and  
696 regulations, in the enforcement thereof and in the performance  
697 of their duties thereunder, to:

698 (a) Go upon all premises, posted or otherwise;

699 (b) Execute warrants and search warrants for the violation  
700 of such ~~said~~ laws;

701 (c) Serve subpoenas issued for the examination,  
702 investigation, and trial of all offenses against such ~~said~~ laws;

703 (d) Carry firearms or other weapons, concealed or  
704 otherwise, in the performance of their duties;

705 (e) Arrest upon probable cause without warrant any person  
706 found in the act of violating any such ~~of the provisions of said~~  
707 laws or, in pursuit immediately following such violations, to  
708 examine any person, boat, conveyance, vehicle, game bag, game  
709 coat, or other receptacle for wild animal life, marine life, or  
710 freshwater aquatic life, or any camp, tent, cabin, or roster, in  
711 the presence of any person stopping at or belonging to such  
712 camp, tent, cabin, or roster, when such ~~said~~ officer has reason

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713 to believe, and has exhibited her or his authority and stated to  
714 the suspected person in charge the officer's reason for  
715 believing, that any of the aforesaid laws have been violated at  
716 such camp;

717 (f) Secure and execute search warrants and in pursuance  
718 thereof to enter any building, enclosure, or car and to break  
719 open, when found necessary, any apartment, chest, locker, box,  
720 trunk, crate, basket, bag, package, or container and examine the  
721 contents thereof;

722 (g) Seize and take possession of all wild animal life,  
723 marine life, or freshwater aquatic life taken or in possession  
724 or under control of, or shipped or about to be shipped by, any  
725 person at any time in any manner contrary to such said laws.

726 (3) It is unlawful for any person to resist an arrest  
727 authorized by this section or in any manner to interfere, either  
728 by abetting, assisting such resistance, or otherwise interfering  
729 with such said executive director, assistants, or commission  
730 ~~wildlife~~ officers while engaged in the performance of the duties  
731 imposed upon them by law or regulation of the ~~Fish and Wildlife~~  
732 ~~Conservation~~ commission, the department, the Board of Trustees  
733 of the Internal Improvement Trust Fund, or the Department of  
734 Agriculture and Consumer Services.

735 (4) Upon final disposition of any alleged offense for  
736 which a citation for any violation of this chapter or the rules  
737 of the commission has been issued, the court shall, within 10  
738 days after the final disposition of the action, certify the  
739 disposition to the commission.

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740 Section 21. Section 379.3312, Florida Statutes, is amended  
741 to read:

742 379.3312 Powers of arrest by agents of ~~Department of~~  
743 ~~Environmental Protection or Fish and Wildlife Conservation~~  
744 commission.—Any certified law enforcement officer of the  
745 ~~Department of Environmental Protection or the Fish and Wildlife~~  
746 ~~Conservation~~ commission, upon receiving information, relayed to  
747 her or him from any law enforcement officer stationed on the  
748 ground, on the water, or in the air, that a driver, operator, or  
749 occupant of any vehicle, boat, or airboat has violated any  
750 section of chapter 327, chapter 328, or this chapter, or s.  
751 597.010 or s. 597.020, may arrest the driver, operator, or  
752 occupant for violation of such ~~said~~ laws when reasonable and  
753 proper identification of the vehicle, boat, or airboat and  
754 reasonable and probable grounds to believe that the driver,  
755 operator, or occupant has committed or is committing any such  
756 offense have been communicated to the arresting officer by the  
757 other officer stationed on the ground, on the water, or in the  
758 air.

759 Section 22. Subsection (1) of section 379.3313, Florida  
760 Statutes, is amended to read:

761 379.3313 Powers of commission law enforcement officers.—

762 (1) Law enforcement officers of the commission are  
763 constituted law enforcement officers of this state with full  
764 power to investigate and arrest for any violation of the laws of  
765 this state and the rules of the commission, the department, the  
766 Board of Trustees of the Internal Improvement Trust Fund, and  
767 the Department of Agriculture and Consumer Services under their

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768 jurisdiction. The general laws applicable to arrests by peace  
769 officers of this state shall also be applicable to law  
770 enforcement officers of the commission. Such law enforcement  
771 officers may enter upon any land or waters of the state for  
772 performance of their lawful duties and may take with them any  
773 necessary equipment, and such entry will not constitute a  
774 trespass. It is lawful for any boat, motor vehicle, or aircraft  
775 owned or chartered by the commission or its agents or employees  
776 to land on and depart from any of the beaches or waters of the  
777 state. Such law enforcement officers have the authority, without  
778 warrant, to board, inspect, and search any boat, fishing  
779 appliance, storage or processing plant, fishhouse, spongehouse,  
780 oysterhouse, or other warehouse, building, or vehicle engaged in  
781 transporting or storing any fish or fishery products. Such  
782 authority to search and inspect without a search warrant is  
783 limited to those cases in which such law enforcement officers  
784 have reason to believe that fish or any saltwater products are  
785 taken or kept for sale, barter, transportation, or other  
786 purposes in violation of laws or rules adopted ~~promulgated~~ under  
787 this law. ~~Any~~ Such law enforcement officers ~~officer~~ may at any  
788 time seize or take possession of any saltwater products or  
789 contraband which have been unlawfully caught, taken, or  
790 processed or which are unlawfully possessed or transported in  
791 violation of any of the laws of this state or any rule of the  
792 commission. Such law enforcement officers may arrest any person  
793 in the act of violating ~~any of the provisions of~~ this law, the  
794 rules of the commission, or any of the laws of this state. It is  
795 ~~hereby declared~~ unlawful for a ~~any~~ person to resist such arrest

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796 or in any manner interfere, either by abetting or assisting such  
797 resistance or otherwise interfering, with any such law  
798 enforcement officer while engaged in the performance of the  
799 duties imposed upon him or her by law or rule of the commission.

800 Section 23. Subsections (1) and (2) of section 379.333,  
801 Florida Statutes, are amended to read:

802 379.333 Arrest by officers of the ~~Fish and Wildlife~~  
803 ~~Conservation~~ commission; recognizance; cash bond; citation.-

804 (1) In all cases of arrest by officers of the ~~Fish and~~  
805 ~~Wildlife Conservation~~ commission and the ~~Department of~~  
806 ~~Environmental Protection~~, the person arrested shall be delivered  
807 forthwith by such ~~said~~ officer to the sheriff of the county, or  
808 shall obtain from such person arrested a recognizance or, if  
809 deemed necessary, a cash bond or other sufficient security  
810 conditioned for her or his appearance before the proper tribunal  
811 of such county to answer the charge for which the person has  
812 been arrested.

813 (2) All officers of the commission shall ~~and the~~  
814 ~~department are hereby directed to~~ deliver all bonds accepted and  
815 approved by them to the sheriff of the county in which the  
816 offense is alleged to have been committed.

817 Section 24. Subsection (1) of section 379.341, Florida  
818 Statutes, is amended to read:

819 379.341 Disposition of illegal fishing devices; exercise  
820 of police power.-

821 (1) In all cases of arrest and conviction for use of  
822 illegal nets or traps or fishing devices, as provided in this  
823 chapter, such illegal net, trap, or fishing device is declared



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824 to be a nuisance and shall be seized and carried before the  
825 court having jurisdiction of such offense and such ~~said~~ court  
826 shall order such illegal trap, net, or fishing device forfeited  
827 to the commission immediately after trial and conviction of the  
828 person in whose possession they were found. When any illegal  
829 net, trap, or fishing device is found in the fresh waters of the  
830 state, and its ~~the~~ owner is ~~of same shall~~ not be known to the  
831 officer finding it ~~the same~~, such officer shall immediately  
832 procure from the county court judge an order forfeiting such  
833 ~~said~~ illegal net, trap, or fishing device to the commission. The  
834 commission may destroy such illegal net, trap, or fishing  
835 device, if in its judgment such ~~said~~ net, trap, or fishing  
836 device is not of value in the work of the commission ~~department~~.

837 Section 25. Section 379.343, Florida Statutes, is amended  
838 to read:

839 379.343 Rewards.—The Fish and Wildlife Conservation  
840 Commission is authorized to offer rewards in amounts of up to  
841 \$500 to any person furnishing information leading to the arrest  
842 and conviction of any person who has inflicted or attempted to  
843 inflict bodily injury upon any commission ~~wildlife~~ officer  
844 engaged in the enforcement of the provisions of this chapter or  
845 the rules and regulations of the Fish and Wildlife Conservation  
846 Commission.

847 Section 26. Subsection (2) of section 403.413, Florida  
848 Statutes, is amended to read:

849 403.413 Florida Litter Law.—

850 (2) DEFINITIONS.—As used in this section:

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851        ~~(f)(a)~~ "Litter" means any garbage; rubbish; trash; refuse;  
852        can; bottle; box; container; paper; tobacco product; tire;  
853        appliance; mechanical equipment or part; building or  
854        construction material; tool; machinery; wood; motor vehicle or  
855        motor vehicle part; vessel; aircraft; farm machinery or  
856        equipment; sludge from a waste treatment facility, water supply  
857        treatment plant, or air pollution control facility; or substance  
858        in any form resulting from domestic, industrial, commercial,  
859        mining, agricultural, or governmental operations.

860        ~~(h)(b)~~ "Person" means any individual, firm, sole  
861        proprietorship, partnership, corporation, or unincorporated  
862        association.

863        ~~(e)(e)~~ "Law enforcement officer" means any officer of the  
864        Florida Highway Patrol, a county sheriff's department, a  
865        municipal law enforcement department, a law enforcement  
866        department of any other political subdivision, ~~the department,~~  
867        or the Fish and Wildlife Conservation Commission. In addition,  
868        and solely for the purposes of this section, "law enforcement  
869        officer" means any employee of a county or municipal park or  
870        recreation department designated by the department head as a  
871        litter enforcement officer.

872        ~~(a)(d)~~ "Aircraft" means a motor vehicle or other vehicle  
873        that is used or designed to fly but does not include a parachute  
874        or any other device used primarily as safety equipment.

875        ~~(b)(e)~~ "Commercial purpose" means for the purpose of  
876        economic gain.

877        ~~(c)(f)~~ "Commercial vehicle" means a vehicle that is owned  
878        or used by a business, corporation, association, partnership, or

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879 sole proprietorship or any other entity conducting business for  
880 a commercial purpose.

881 ~~(d)-(g)~~ "Dump" means to dump, throw, discard, place,  
882 deposit, or dispose of.

883 ~~(g)-(h)~~ "Motor vehicle" means an automobile, motorcycle,  
884 truck, trailer, semitrailer, truck tractor, or semitrailer  
885 combination or any other vehicle that is powered by a motor.

886 (i) "Vessel" means a boat, barge, or airboat or any other  
887 vehicle used for transportation on water.

888 Section 27. Paragraph (d) of subsection (1) of section  
889 784.07, Florida Statutes, is amended to read:

890 784.07 Assault or battery of law enforcement officers,  
891 firefighters, emergency medical care providers, public transit  
892 employees or agents, or other specified officers;  
893 reclassification of offenses; minimum sentences.—

894 (1) As used in this section, the term:

895 (d) "Law enforcement officer" includes a law enforcement  
896 officer, a correctional officer, a correctional probation  
897 officer, a part-time law enforcement officer, a part-time  
898 correctional officer, an auxiliary law enforcement officer, and  
899 an auxiliary correctional officer, as those terms are  
900 respectively defined in s. 943.10, and any county probation  
901 officer; an employee or agent of the Department of Corrections  
902 who supervises or provides services to inmates; an officer of  
903 the Parole Commission; a federal law enforcement officer as  
904 defined in s. 901.1505; and law enforcement personnel of the  
905 Fish and Wildlife Conservation Commission, ~~the Department of~~  
906 ~~Environmental Protection~~, or the Department of Law Enforcement.

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907 Section 28. Section 843.08, Florida Statutes, is amended  
908 to read:

909 843.08 Falsely personating officer, etc.—A person who  
910 falsely assumes or pretends to be a sheriff, officer of the  
911 Florida Highway Patrol, officer of the Fish and Wildlife  
912 Conservation Commission, ~~officer of the Department of~~  
913 ~~Environmental Protection~~, officer of the Department of  
914 Transportation, officer of the Department of Financial Services,  
915 officer of the Department of Corrections, correctional probation  
916 officer, deputy sheriff, state attorney or assistant state  
917 attorney, statewide prosecutor or assistant statewide  
918 prosecutor, state attorney investigator, coroner, police  
919 officer, lottery special agent or lottery investigator, beverage  
920 enforcement agent, or watchman, or any member of the Parole  
921 Commission and any administrative aide or supervisor employed by  
922 the commission, or any personnel or representative of the  
923 Department of Law Enforcement, or a federal law enforcement  
924 officer as defined in s. 901.1505, and takes upon himself or  
925 herself to act as such, or to require any other person to aid or  
926 assist him or her in a matter pertaining to the duty of any such  
927 officer, commits a felony of the third degree, punishable as  
928 provided in s. 775.082, s. 775.083, or s. 775.084. ~~†~~ However, a  
929 person who falsely personates any such officer during the course  
930 of the commission of a felony commits a felony of the second  
931 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
932 775.084. ~~†~~ ~~except that~~ If the commission of the felony results in  
933 the death or personal injury of another human being, the person

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934 commits a felony of the first degree, punishable as provided in  
935 s. 775.082, s. 775.083, or s. 775.084.

936 Section 29. Section 843.085, Florida Statutes, is amended  
937 to read:

938 843.085 Unlawful use of police badges or other indicia of  
939 authority.—It is unlawful for any person:

940 (1) Unless appointed by the Governor pursuant to chapter  
941 354, authorized by the appropriate agency, or displayed in a  
942 closed or mounted case as a collection or exhibit, to wear or  
943 display any authorized indicia of authority, including any  
944 badge, insignia, emblem, identification card, or uniform, or any  
945 colorable imitation thereof, of any federal, state, county, or  
946 municipal law enforcement agency, or other criminal justice  
947 agency as now or hereafter defined in s. 943.045, which could  
948 deceive a reasonable person into believing that such item is  
949 authorized by any of the agencies described above for use by the  
950 person displaying or wearing it, or which displays in any manner  
951 or combination the word or words "police," "patrolman," "agent,"  
952 "sheriff," "deputy," "trooper," "highway patrol," "commission  
953 officer," "Wildlife Officer," "Marine Patrol Officer," "state  
954 attorney," "public defender," "marshal," "constable," or  
955 "bailiff," which could deceive a reasonable person into  
956 believing that such item is authorized by any of the agencies  
957 described above for use by the person displaying or wearing it.

958 (2) To own or operate a motor vehicle marked or identified  
959 in any manner or combination by the word or words "police,"  
960 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"  
961 "commission officer," "Wildlife Officer," "Marine Patrol

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962 Officer," "marshal," "constable," or "bailiff," or by any  
963 lettering, marking, or insignia, or colorable imitation thereof,  
964 including, but not limited to, stars, badges, or shields,  
965 officially used to identify the vehicle as a federal, state,  
966 county, or municipal law enforcement vehicle or a vehicle used  
967 by a criminal justice agency as now or hereafter defined in s.  
968 943.045, which could deceive a reasonable person into believing  
969 that such vehicle is authorized by any of the agencies described  
970 above for use by the person operating the motor vehicle, unless  
971 such vehicle is owned or operated by the appropriate agency and  
972 its use is authorized by such agency, or the local law  
973 enforcement agency authorizes the use of such vehicle or unless  
974 the person is appointed by the Governor pursuant to chapter 354.

975 (3) To sell, transfer, or give away the authorized badge,  
976 or colorable imitation thereof, including miniatures, of any  
977 criminal justice agency as now or hereafter defined in s.  
978 943.045, or bearing in any manner or combination the word or  
979 words "police," "patrolman," "sheriff," "deputy," "trooper,"  
980 "highway patrol," "commission officer," "Wildlife Officer,"  
981 "Marine Patrol Officer," "marshal," "constable," "agent," "state  
982 attorney," "public defender," or "bailiff," which could deceive  
983 a reasonable person into believing that such item is authorized  
984 by any of the agencies described above, except for agency  
985 purchases or upon the presentation and recordation of both a  
986 driver's license and other identification showing any transferee  
987 to actually be a member of such criminal justice agency or  
988 unless the person is appointed by the Governor pursuant to  
989 chapter 354. A transferor of an item covered by this subsection

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990 is required to maintain for 2 years a written record of such  
991 transaction, including records showing compliance with this  
992 subsection, and if such transferor is a business, it shall make  
993 such records available during normal business hours for  
994 inspection by any law enforcement agency having jurisdiction in  
995 the area where the business is located.

996 (4) Nothing in this section shall prohibit a fraternal,  
997 benevolent, or labor organization or association, or their  
998 chapters or subsidiaries, from using the following words, in any  
999 manner or in any combination, if those words appear in the  
1000 official name of the organization or association: "police,"  
1001 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"  
1002 "commission officer," "Wildlife Officer," "Marine Patrol  
1003 Officer," "marshal," "constable," or "bailiff."

1004 (5) Violation of any provision of this section is a  
1005 misdemeanor of the first degree, punishable as provided in s.  
1006 775.082 or s. 775.083. This section is cumulative to any law now  
1007 in force in the state.

1008 Section 30. Section 870.04, Florida Statutes, is amended  
1009 to read:

1010 870.04 Specified officers to disperse riotous assembly.—If  
1011 any number of persons, whether armed or not, are unlawfully,  
1012 riotously, or tumultuously assembled in any county, city, or  
1013 municipality, the sheriff or the sheriff's deputies, or the  
1014 mayor, or any commissioner, council member, alderman, or police  
1015 officer of the said city or municipality, or any officer or  
1016 member of the Florida Highway Patrol, or any officer or agent of  
1017 the Fish and Wildlife Conservation Commission, ~~Department of~~

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1018 ~~Environmental Protection~~, any ~~or~~ beverage enforcement agent, any  
1019 personnel or representatives of the Department of Law  
1020 Enforcement or its successor, or any other peace officer, shall  
1021 go among the persons so assembled, or as near to them as may be  
1022 done with safety, and shall in the name of the state command all  
1023 the persons so assembled immediately and peaceably to disperse. ~~+~~  
1024 ~~and~~ If such persons do not thereupon immediately and peaceably  
1025 disperse, such ~~said~~ officers shall command the assistance of all  
1026 such persons in seizing, arresting, and securing such persons in  
1027 custody. ~~+~~ ~~and~~ If any person present being so commanded to aid  
1028 and assist in seizing and securing such rioter or persons so  
1029 unlawfully assembled, or in suppressing such riot or unlawful  
1030 assembly, refuses or neglects to obey such command, or, when  
1031 required by such officers to depart from the place, refuses and  
1032 neglects to do so, the person shall be deemed one of the rioters  
1033 or persons unlawfully assembled, and may be prosecuted and  
1034 punished accordingly.

1035 Section 31. Paragraphs (c) through (n) of subsection (6)  
1036 of section 932.7055, Florida Statutes, are redesignated as  
1037 paragraphs (b) through (m), respectively, and present paragraph  
1038 (b) of that subsection is amended to read:

1039 932.7055 Disposition of liens and forfeited property.—

1040 (6) If the seizing agency is a state agency, all remaining  
1041 proceeds shall be deposited into the General Revenue Fund.

1042 However, if the seizing agency is:

1043 ~~(b) The Department of Environmental Protection, the~~  
1044 ~~proceeds accrued pursuant to the provisions of the Florida~~



Amendment No.

1045 ~~Contraband Forfeiture Act shall be deposited into the Internal~~  
1046 ~~Improvement Trust Fund.~~

1047 Section 32. This act shall take effect July 1, 2012.

1048

1049

1050 -----

1051

**T I T L E A M E N D M E N T**

1052

Remove the entire title and insert:

1053

A bill to be entitled

1054

An act relating to the Fish and Wildlife Conservation

1055

Commission; transferring and reassigning functions and

1056

responsibilities of the Division of Law Enforcement,

1057

excluding the Bureau of Emergency Response, within the

1058

Department of Environmental Protection to the Division

1059

of Law Enforcement within the Fish and Wildlife

1060

Conservation Commission; reassigning the Bureau of

1061

Emergency Response within the Department of

1062

Environmental Protection to the Secretary of

1063

Environmental Protection as the Office of Emergency

1064

Response within the Department of Environmental

1065

Protection; providing for the transfer of additional

1066

positions to the commission; providing for a

1067

memorandum of agreement between the department and the

1068

commission regarding the responsibilities of the

1069

commission to the department; transferring and

1070

reassigning functions and responsibilities of sworn

1071

positions funded by the Conservation and Recreation

1072

Lands Program and assigned to the Florida Forest

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1383 (2012)

Amendment No.

1073 Service within the Department of Agriculture and  
1074 Consumer Services and the investigator responsible for  
1075 the enforcement of aquaculture violations at the  
1076 Department of Agriculture and Consumer Services to the  
1077 Division of Law Enforcement within the Fish and  
1078 Wildlife Conservation Commission; providing for a  
1079 memorandum of agreement between the department and the  
1080 commission regarding the responsibilities between the  
1081 commission and the department; providing for  
1082 transition advisory working groups; assigning powers,  
1083 duties, responsibilities, and functions for  
1084 enforcement of the laws and rules governing certain  
1085 lands managed by the Department of Environmental  
1086 Protection and certain lands and aquaculture managed  
1087 by the Department of Agriculture and Consumer Services  
1088 to the Fish and Wildlife Conservation Commission;  
1089 conferring full power to the law enforcement officers  
1090 of the Fish and Wildlife Conservation Commission to  
1091 investigate and arrest for violations of rules of the  
1092 Department of Agriculture and Consumer Services, the  
1093 Department of Environmental Protection, and the Board  
1094 of Trustees of the Internal Improvement Trust Fund;  
1095 authorizing salary parity and other pay adjustments  
1096 for positions transferred by this act; providing for  
1097 the retention and transfer of specified benefits for  
1098 employees that are transferred from the Department of  
1099 Environmental Protection and the Department of  
1100 Agriculture and Consumer Services to fill positions

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1383 (2012)

Amendment No.

1101 transferred to the Fish and Wildlife Conservation  
1102 Commission; creating s. 258.601, F.S.; specifying  
1103 powers and duties of the commission relating to state  
1104 parks and preserves and wild and scenic rivers;  
1105 amending ss. 20.255, 258.008, 258.501, 282.709,  
1106 316.003, 316.2397, 316.640, 375.041, 376.065, 376.07,  
1107 376.071, 376.16, 376.3071, 379.3311, 379.3312,  
1108 379.3313, 379.333, 379.341, 379.343, 403.413, 784.07,  
1109 843.08, 843.085, 870.04, and 932.7055, F.S.;;  
1110 conforming provisions to changes made by the act;  
1111 providing an effective date.