

1 A bill to be entitled  
2 An act relating to the Fish and Wildlife Conservation  
3 Commission; transferring and reassigning functions and  
4 responsibilities of the Division of Law Enforcement,  
5 excluding the Bureau of Emergency Response, within the  
6 Department of Environmental Protection to the Division  
7 of Law Enforcement within the Fish and Wildlife  
8 Conservation Commission; reassigning the Bureau of  
9 Emergency Response within the Department of  
10 Environmental Protection to the Division of Waste  
11 Management within the Department of Environmental  
12 Protection; providing for the transfer of additional  
13 positions to the commission; providing for a  
14 memorandum of agreement between the department and the  
15 commission regarding the responsibilities of the  
16 commission to the department; transferring and  
17 reassigning functions and responsibilities of sworn  
18 positions funded by the Conservation and Recreation  
19 Lands Program and assigned to the Florida Forest  
20 Service within the Department of Agriculture and  
21 Consumer Services and the investigator responsible for  
22 the enforcement of aquaculture violations at the  
23 Department of Agriculture and Consumer Services to the  
24 Division of Law Enforcement within the Fish and  
25 Wildlife Conservation Commission; providing for a  
26 memorandum of agreement between the department and the  
27 commission regarding the responsibilities between the  
28 commission and the department; providing for

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,

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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

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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.

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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

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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

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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

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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

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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~~

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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

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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

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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

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,



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

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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,

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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.