

# **Fish and Wildlife Conservation Commission**

## **2009 Session Report**

Legislative Affairs Office  
Updated June 15, 2009

The Legislature passed the FWC's legislative package for the 2009 Session, May 1, and the Governor signed the legislation into law, May 27.

Huge thanks go to the sponsors of the FWC bills – Rep. Baxter Troutman and Sen. Lee Constantine – and their district and committee staffs. It is not easy passing legislation - just in terms of time (Session lasts two months) and competition (approximately 2500-3000 bills are filed every year). The sponsors must be committed to get the bills heard and passed in each committee of reference, as well as on the Floor. Sen. Constantine and Rep. Troutman worked tirelessly on this legislation.

Passage also does not happen without the support of the various stakeholders affected by the legislation. Since the FWC package had numerous issues this Session, there were many interested stakeholders - the boating/marine industry, recreational fishing organizations, commercial fishing organizations, conservation organizations, and environmental organizations - who worked hard to get the package passed. They were there every step of the way. Huge thanks go to them for their efforts.

Huge thanks go to the Governor, and his staff. It takes constant communication with the Governor's office during Session to discuss how the legislation is changing. Without the Governor's approval, all of the work during Session would have been stopped cold.

Clearly, there is a multitude of moving parts when a bill is under consideration. For a bill to pass, they must work together and come together at the right time. FWC is truly appreciative of the successful efforts of the whole team, working together, to get this important legislation passed.

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Following is a synopsis of some of the legislation that FWC followed during the 2009 Session. Bills highlighted in bold indicate passage. This report will be updated as the Governor takes action.

### **FWC's Legislative Package**

**CS/CS/HB 1423 by Rep. Troutman/Sen. Constantine** CS/CS/SB 2536 by Sen. Constantine (SB 2618 by Sen. Constantine) – FWC

This legislation includes the bulk of FWC's legislative package: *Boating/Law Enforcement Issues* - Establishes penalties for seagrass damage in a saltwater

aquatic preserve, when carelessly operating a boat: 1<sup>st</sup> violation, non-criminal infraction (\$50 fine); 2<sup>nd</sup> violation within 12 months, \$250 fine; 3<sup>rd</sup> violation within 36 months, \$500 fine; 4<sup>th</sup> and subsequent violations within 72 months, \$1000 fine. Creates a pilot program at five locations in Florida (two off of east coast, two off of west coast, one in Monroe County) to test various anchoring/mooring regulations. Clarifies local governments' authorities on Florida's waterways. Codifies a 2<sup>nd</sup> District Court of Appeals ruling stating that FWC shall verify that a local ordinance establishing a boating restricted area has been done for boating safety purposes; also establishes certain types of local boating restricted areas that are authorized by law. Modifies the signage exemption requirements on inland waterways to apply to informational signage. Clarifies vessel registration requirements on Florida's waterways. Modifies Florida's mandatory boating safety education course requirement by establishing a born after date of Jan. 1, 1988 for those who have to pass the course; the effective date for the change is Jan. 1, 2010; names this section of law after Osmany "Ozzie" Castellanos, a Miami lifeguard who died in a boating accident. Prohibits vessels from carrying gasoline in unapproved containers and in compartments with unapproved ventilation; creates a 2<sup>nd</sup> degree misdemeanor penalty for violating the statute; creates an exemption for foreign vessels that are in compliance with federal regulations. Makes the Boating under the Influence blood alcohol threshold for increased penalties, currently at .20 or more, the same as for Driving under the Influence, which is .15 or more. Clarifies and provides consistency in the confiscation and disposition of evidence in saltwater fish, freshwater fish, and wildlife cases; specifies how evidence shall be photographed and documented in order for the photograph to be used in court in place of the evidence in saltwater fish, freshwater fish, and wildlife cases. Financial Issues - Increases the portion of the original title fee that is directed to FWC's non-game program, from \$4 to \$10, for vehicles that were previously registered outside of Florida. Increases the price for the Save the Manatee specialty license plate from \$20 to \$25. Increases the price for the Conserve Wildlife (bear) specialty license plate from \$15 to \$25. Effective July 1, 2010: increases the waterfowl permit from \$3 to \$5; increases the resident turkey permit from \$5 to \$10; increases the non-resident turkey permit from \$100 to \$125; moves modified provisions of s. 379.2211 and s. 379.2212, F.S., regarding how revenues from waterfowl and turkey permits are to be used and the requirement of annual reports, to the license/permit section of law, s. 379.354, F.S., and then repeals s. 379.2211 and s. 379.2212, F.S.; creates an annual deer permit for \$5; increases the permit for limited entry or special-opportunity hunting/ fishing activities not to exceed \$150/day or \$300/week; increases the Wildlife Management Area Permit on lands for which it is the lead manager, for all uses, from \$25 to \$30/year, and also allows the Commission to charge up to \$5/day, for non-hunting and fishing uses; increases the snook permit from \$2 to \$10; increases the lobster permit from \$2 to \$5; directs monies from species permits to benefit the species for which they are purchased; allows up to 10% of permit fees to be used for promoting hunting and sportfishing, with an emphasis on youth programs. Habitat and Species Conservation Issues - Completes the transfer of the Bureau of Invasive Plant Management from DEP to FWC by transferring the Invasive Plant Control Trust Fund from DEP to FWC, providing a Type II transfer of the program from DEP to FWC, and establishing within FWC the judicial and administrative remedies for violations of the invasive plant management program that were authorized for DEP. Hunting and

Game Management Issue - Allows alligator trapper agents to work with any alligator trapper, allow alligator farm agents to work with any alligator farmer, and allow alligator agents to possess, process, or sell hides and meat. Marine Fisheries Issues - Reduces the time from three years to two years that spiny lobster trap certificates, for which the annual fee of \$1 is not paid, would be considered abandoned and would revert back to the State. Repeals the sunset provision for commercial blue crab license fees and penalties. Other Issue - Corrects cross-referencing mistakes that were made in combining chapters 370 and 372, Florida Statutes, into Chapter 379, during the 2008 Session. *Note - the following issue was part of the DEP legislative package, and was amended onto HB 1423:* Protects coral reefs in Monroe, Miami-Dade, Broward, Palm Beach, and Martin counties; requires those damaging coral reefs to report themselves to the Dept. of Environmental Protection; allows for the first incident affecting a coral reef under one square meter to be issued a warning by FWC; establishes fines depending on the location and extent of damage; authorizes increased fines for repeat offenders.

SB 2536 was referred to the committees on Environmental Preservation & Conservation, Criminal Justice, Judiciary, and General Government Appropriations; it passed out of Environmental Preservation & Conservation as a CS; the reference to Criminal Justice was dropped from CS/SB 2536; it passed Judiciary as a CS, and General Government Appropriations; CS/CS/SB 2536 was considered by the full Senate, substituted by CS/CS/HB 1423, and was laid on the table, April 29; refer to CS/CS/HB 1423.

SB 2618 was referred to the Senate committees on Environmental Preservation & Conservation, Criminal Justice, Judiciary, Finance & Tax, and General Government Appropriations; its issues were amended into SB 2536 and SB 2618 was then temporarily postponed by Environmental Preservation & Conservation, March 24; refer to CS/CS/HB 1423.

HB 1423 was referred to the Agriculture & Natural Resources Committee, and the councils on General Government Policy, Finance & Tax, and General Government & Health Care Full Appropriations; it passed out of Agriculture & Natural Resources Policy, General Government Policy Council as a Committee Substitute (CS), and Finance & Tax Council as a CS/CS; CS/CS/HB 1423 passed the House, April 27, and passed the Senate, May 1, as amended; the House concurred in the Senate amendments, May 1. The Governor signed the bill into law, May 27, as Chapter No. 2009-86.

**CS/SB 1742 by General Government Appropriations HB 5123 by Natural Resources Appropriations – FWC, Repeal of Shoreline Exemption**

CS/SB 1742 is a conforming bill to the Senate budget; it repeals the saltwater shoreline exemption and creates a reduced fee, \$7.50, license that would be required for Florida residents recreationally fishing from the shoreline; creates a new exemption for shoreline fishing for those on food stamps, temporary cash assistance, and Medicaid from having to purchase a recreational saltwater fishing license; extends the “cane pole” exemption that exists for freshwater fishing to saltwater fishing – those recreationally fishing with a pole or line not equipped with a retrieval

mechanism, in their county of residence are not required to get a recreational fishing license; current exemptions would still apply (children under 16, seniors 65 years of age and older, etc.); transfers the Invasive Plant Control Trust Fund (IPCTF) to FWC from DEP and provides for a Type II transfer of the invasive plant management program from DEP to FWC; a conforming bill to the budget means that the issues in the bill are tied to spending in the budget – so if the budget negotiators agree to use these revenues, the conforming bill has to pass too. HB 5123 is a conforming bill to the House budget; it transfers IPCTF to FWC from DEP and provides for a Type II transfer of the invasive plant management program from DEP to FWC. SB 1742 was referred to the Senate committees on General Government Appropriations, Governmental Oversight & Accountability, Ways & Means, and Rules; it passed General Government Appropriations as a Committee Substitute, the references to Governmental Oversight & Accountability was dropped; it passed Ways & Means, the full Senate, and will be part of the budget negotiations. HB 5123 was referred to the Appropriations Council on General Government & Health Care; it passed Appropriations Council on General Government & Health Care, the full House, and will be part of the budget negotiations. The Governor signed the bill into law, May 27, as Chapter No. 2009-65.

**HB 5121 by Natural Resources Appropriations CS/SB 1750 by General Government Appropriations - Documentary Stamps**

CS/SB 1750 is a conforming bill to the budget; among other provisions, it deletes documentary stamps as a funding source for marine mammal care; a conforming bill to the budget means that the issues are tied to the spending in the budget – so if the budget negotiators agree to use these revenues, the conforming bill has to pass too. HB 5121 was referred to the Appropriations Council on General Government & Health Care; it passed Appropriations Council on General Government & Health Care, the full House, and will be part of the budget negotiations. HB 5121 was laid on the table and substituted for SB 1750. SB 1750 was referred to the committees on General Government Appropriations, Governmental Oversight and Accountability, Ways & Means, and Rules; it passed General Government Appropriations, the references to Governmental Oversight and Rules were dropped, and passed Ways & Means. SB 1750 was signed by the Governor, May 27, as Chapter No. 2009-68.

**Other Bills of Interest to FWC**

**HB 155 by Rep. Kiar/ CS/SB 306 by Sen. Rich - Personal Watercraft**

Revises the requirements for operating personal watercraft (PWC); increases the minimum age for operating a PWC from 14 to 16 years of age; prohibits the owner of, or any person having control of, a PWC from allowing a person who is between 16 and 21 years of age to operate the PWC, if the individual does not have a boater safety identification card; requires persons who provide instruction in the safe handling of PWC to (physically) attend and pass a boating safety education course. CS/SB 306 grandfathers in 14-16 year olds, if they have passed the boater safety education course by July 1, 2009. HB 155 was referred to the House committees on Agriculture & Natural Resources Policy, Public Safety & Domestic Security Policy,

General Government Policy Council, Natural Resources Appropriations, and General Government & Health Care Appropriations Council; it passed out of Agriculture and Natural Resources Policy, Public Safety & Domestic Security Policy, and General Government Policy Council, April 14; it is now in Natural Resources Appropriations. SB 306 was referred to the Senate committees on Environmental Preservation and Conservation, Commerce, and General Government Appropriations; it passed out of Environmental Preservation and Conservation, Commerce as a Committee Substitute, and General Government Appropriations; it was heard on its 2<sup>nd</sup> Reading, April 23, heard for its 3<sup>rd</sup> Reading, April 24, an amendment was adopted, but the bill failed passage with an 18-15 vote.

**CS/CS/HB 271 by Rep. Nehr/Sen. Fasano CS/CS/SB 604 by Sen. Fasano – Confidential Informants**

Creates the standards set forth in the “Guidelines to be used by Florida State and Local Law Enforcement Agencies in Dealing with Confidential Informants” that was adopted by the Florida Police Chiefs Association, the Florida Sheriffs Association, the State Law Enforcement and Chiefs Association, and the Florida Department of Law Enforcement; names the law, “Rachel’s Law” (based on the death of Rachel Hoffman, a confidential informant to the City of Tallahassee). Requires law enforcement agencies that use informants to: not promise inducements such as immunity, reduced charges, and others; inform the informant that only the appropriate legal authority can approve such inducements; allow the informant to consult with an attorney; trains its staff on proper informant procedures; adopt policies and procedures to ensure safety of all involved is paramount; adopt policies and procedures addressing the recruitment, control and use of informants; adopt policies and procedures addressing the suitability in selecting an informant; establish written security procedures pertaining to informant records; and conduct a periodic review of the agency’s informant practices. Specifies that no right or entitlement is granted to an informant; creates definitions. SB 604 was referred to the Senate committees on Criminal Justice, Judiciary, Criminal & Civic Justice Appropriations; it passed Criminal Justice as a CS, and passed Judiciary as a CS, April 6; it was withdrawn from Criminal & Civil Justice Appropriations, placed on Special Order Calendar, April 28, was substituted by CS/CS/HB 271, April 29, and was laid on table; refer to CS/CS/HB 271. HB 271 was referred to the House committees on Public Safety & Domestic Security Policy, Criminal & Civil Justice Policy Council, Criminal & Civil Justice Appropriations, and General Government & Health Care Appropriations Council; it passed out of Public Safety & Domestic Security Policy as a Committee Substitute (CS), and Criminal & Civil Justice Policy Council as a CS/CS, Criminal & Civil Justice Appropriations, General Government & Health Care Appropriations, the full House, April 27, and the full Senate, April 30. HB 271 was approved by the Governor, May 7, as Chapter No. 2009-33.

**CS/CS/HB 333 by Rep. Workman/ Sen. Baker CS/SB 798 by Sen. Baker – Off-Highway Vehicles**

Redefines a “recreational off-highway vehicle” as up to 1200 pounds, up to 60 inches in length, and no restriction on passengers; excludes a golf cart; allows for use on public lands along with all-terrain vehicles (ATV); increases the allowable weight for an ATV for up to 1200 pounds. SB 798 was referred to the Senate committees on

Agriculture, Transportation, and Ways & Means; it passed Agriculture as a CS, Transportation as a CS/CS, Ways & Means, placed on the Special Order Calendar, was substituted by CS/CS/HB 333, April 28, and was laid on table. Refer to CS/CS/HB 333. HB 333 was referred to the House committees on Roads, Bridges & Ports Policy, Economic Development & Community Affairs Policy Council, and Policy Council; it passed Roads, Bridges & Ports Policy as a Committee Substitute (CS), Economic Development & Community Affairs Policy Council as a CS/CS, Policy Council, the full House, was substituted for CS/SB 798 in the full Senate, April 28, and passed the full Senate, April 29.. HB 333 was signed into law by the Governor, June 10 as Chapter No. 2009-137.

CS/HB 363 by Rep. Horner/ CS/SB 886 by Sen. Oelrich – Liability of Private Landowners/ Parental Authority to Waive Liability

Authorizes parents/guardians, on behalf of their minor children, to waive and release from liability a service provider in exchange for a child's participation in a specified activity. This is in response to a recent Florida Supreme Court case (Kirton v. Fields) ruling that stated, absent specific authorization from the Legislature, a parent does not have the authority to release a service provider from liability when an injury to a child occurs. CS/SB 886 also does not waive liability if negligence or intentional conduct results in injury to the minor, and waives liability for motorsport events when guardians sign a release for minors who are participants in the event, not including spectators (this latter provision was the subject of SB 2268). HB 363 was referred to the House committees on Insurance, Business & Financial Affairs Policy, Civil Justice & Courts Policy, and General Government Policy Council; it passed out of Insurance, Business & Financial Affairs Policy, and Civil Justice & Courts Policy as a Committee Substitute (CS); the reference to General Government Policy Council was dropped; it was temporarily postponed on its 2<sup>nd</sup> Reading, April 24, with amendments pending. SB 886 was referred to the Senate committees on Judiciary, Children, Families & Elder Affairs, and Rules; it passed Judiciary as a CS, combined with SB 2268 (waiving liability in motorsport events), and was sent to Children, Families & Elder Affairs.

CS/HB 451 by Rep. Randolph/ SB 2706 by Sen. Rich – Animal Control CS/SB 992 by Sen. Rich/HB 1337 by Rep. Skidmore – Sterilization of Dogs and Cats

CS/HB 451 authorizes a local government to collect penalty fees for violating animal control or cruelty ordinances; requires the fee to be used primarily for spaying and neutering. SB 2706 requires a local government that enacts an animal control or cruelty ordinance to collect a \$5 civil penalty for each violation of the ordinance; the proceeds are to be used for spaying and neutering. HB 1337 modifies the sterilization requirement of dogs and cats released from animal control agencies, animal shelters, or animal adoption groups if a veterinarian certifies that the procedure would likely cause death or would aggravate an existing condition; repeals provisions pertaining to written sterilization agreements between animal shelters and new owners, including the penalties for violating the agreements. CS/SB 992 modifies the sterilization requirement of dogs and cats released from animal control agencies, the humane society, and animal rescue groups to include animal adoption organizations, if a veterinarian certifies that the procedure would likely cause death or would aggravate an existing condition; defines "animal adoption organization" and prohibits

them from using public funds for sterilization; extends the timeframe in the written sterilization agreement from 30 days to 60 days that the new owner has to sterilize the dog or cat; retains the penalties for violation of the agreement. HB 451 was referred to the House committees on Agriculture & Natural Resources Policy, Military & Local Affairs Policy, Public Safety & Domestic Security Policy, and General Government Policy; it passed out of Agriculture & Natural Resources Policy, as a Committee Substitute (CS), and is in Military & Local Affairs Policy. SB 2706 was referred to the Senate committees on Community Affairs and Judiciary. CS/SB 992 was referred to the Senate committees on Community Affairs and Judiciary; it was passed in Community Affairs as a Committee Substitute (CS), and is now in Judiciary. HB 1337 was referred to the committees on Agriculture & Natural Resources Policy, Military & Local Affairs Policy, General Government Policy Council, and Policy Council.

**CS/CS/HB 479 by Rep. Schenck/Sen. Fasano CS/CS/SB 1182 by Sen. Fasano – Florida Retirement System**

Among other provisions, effective July 1, 2010, retired employees (including employees exiting DROP) may be reemployed after six-months and receive both a salary and retirement benefit; rehired retirees are prohibited from reenrollment in the FRS (i.e. reemployed retirees would no longer earn a second retirement benefit). Agencies will continue to pay retirement contributions for the unfunded liability portion of positions occupied by rehired retirees. SB 1182 was referred to the Senate committees on Community Affairs, Ethics & Elections, Governmental Oversight & Accountability, and Ways & Means; it passed out of Community Affairs, and Ethics & Elections as a CS; it failed passage in Governmental Oversight & Accountability, was reconsidered and passed as a CS/CS/CS; it was placed on the Special Order Calendar, substituted by CS/CS/CS/HB 479, April 30, and was laid on table; refer to CS/CS/CS/HB 479. HB 479 was referred to the committees on Governmental Affairs Policy, Economic Development & Community Affairs Policy Council, General Government Appropriations Committee, and full Appropriations Council on General Government & Health Care; it was passed by the Governmental Affairs Policy as a CS, the reference to Full Appropriations Council on General Government & Health Care was dropped, passed Economic Development & Community Affairs Policy Council as a CS/CS, the full House, and the full Senate as amended, May 1; the House concurred with the amendments and passed the bill as amended, May 1. CS/CS/HB 479 was presented to the Governor on June 9; he has until June 24 to act.

**SB 594 by Sen. Aronberg/HB 1421 by Rep. Bembry; SB 1972 by Sen. Storms – Transparency in Government Spending/Government Spending Provided on Web; CS/CS/HB 971 by Rep. Hukill/ CS/CS/SB 1796 by Sen. Alexander – Transparency Florida Act**

These five bills are similar in intent to provide the public access to Florida government spending by posting all expenditures on a searchable website. SB 594 and HB 1421 are linked, naming the legislation the “Taxpayer Transparency Act”; they require the Governor’s budget office to establish a website that allows the public to view the State’s budget and expenditures; they require the website to allow for searchable categories including, but not limited to state agency funding and

expenditures, budget and expenditure information of funding recipients, and performance measures and audits tied to state funding; State agencies are required to provide the information to the Governor's budget office. SB 1972 names the legislation the "Track Your Taxes – the Florida budget Openness Act"; it requires the Department of Financial Services (DFS) to establish a website that allows the public to view not only all Florida Government expenditures, but also those of regional and local governments, special districts, school districts, and any associated boards; the searchable categories include, but are not limited to, all disbursements, salaries and wages, contractual services, capital outlay, aid to local governments, etc.; all expenditures are to include the recipient's name, date, amount, and purpose; all contracts are to be linked; all revenues for each governmental entity are to be posted including, but not limited to, receipts or deposits, taxes, licenses and permits, leases, grants, etc.; the revenues are to list the name of the payor, date, amount, and purpose; all bond indebtedness information is to be posted; a counter to show the number of times the website has been accessed is required; each government entity is required to provide the information to DFS; governmental entities under 10,000 are exempt from the website; the Legislature's Office of Program Policy analysis and Government Accountability is required to prepare an annual report for the Governor and Legislature on the progress and recommendation for improvement, beginning in 2011. SB 594 was referred to the Senate committees on Governmental Oversight & Accountability, General Government Appropriations, and Ways & Means; a workshop was held in Governmental Oversight & Accountability. HB 1421 was referred to Government Accountability Act Council, Governmental Affairs Policy Committee, Economic Development & Community Affairs Policy Council, and General Government & Health Care Appropriations Council. SB 1972 was referred to the committees on Community Affairs, Governmental Oversight & Accountability, Finance & Tax, and Ways & Means.

CS/CS/HB 971 and CS/CS/SB 1796 are named the "Transparency Florida Act"; they require the Governor in consultation with the House and Senate to establish a website to provide information for each governmental entity, defined as any state, regional or local government of the executive, judicial, or legislative branches; the Joint Legislative Auditing Committee will oversee the website; the website shall provide payment information on expenditures by object code for each line item appropriation, all appropriations including budget amendments and the status of the spending associated with them, and position and rate information for positions authorized in the budget, trust fund balance reports, General Revenue balance reports, fixed capital outlay project information, a 10-year history of legislative appropriations, and other information recommended by the Joint Legislative Auditing Committee; this same information will be required for schools, community colleges, state universities, and other governmental entities receiving state appropriations; it requires a March 2010 report to be submitted to the Governor and Legislature on a plan to provide access for expenditures, revenues, and bond indebtedness for all other governmental entities; governmental entities under 10,000 are exempt; a counter to show the number of times the website has been accessed is required; an annual report of the detailing the progress in implementing the website is required beginning November 2011; requires information for the website to be currently available, to have links to state audits or reports related to expenditures and links to

program/activity descriptions for which funds may be expended; it also require, by Aug. 31 of each year, each state entity to establish allotments for planned expenditures of appropriations. HB 971 was referred to the House committees on Government Accountability Act Council, Governmental Affairs Policy, Economic Development & Community Affairs Policy Council, and General Government & Health Care Appropriations Council; it passed out of Government Accountability Act Council as a Committee Substitute (CS), was referred to the Economic Development & Community Affairs Policy Council, passed this Council as a CS/CS, placed on Special Order Calendar, was substituted by CS/CS/CS/SB 1796, and was laid on table, April 29. CS/CS/SB 1796 was referred to the committees on Ways & Means, Governmental Oversight & Accountability, and Rules; it passed out of Ways & Means as a CS, the Rules Committee reference was dropped, passed out of Governmental Oversight & Accountability as a CS, passed the full Senate, amended in full House (striking everything after the enacting clause to force a conference committee to be established to work out differences), April 29, was sent back to the Senate, who appointed a conference committee, April 29.

SB 692, Exposed Lake Beds – by Sen. Lynn

Prohibits the operation of motor vehicles on lake beds located on public lands or accessible to the public; requires FWC to enforce the prohibition. SB 692 was referred to the Senate committees on Environmental Preservation & Conservation, and General Government Appropriations.

**CS/HB 1065 by Rep. Plakon/Sen. Baker SB 1864 by Sen. Baker – Aircraft Safety**

Exempts airports from penalties, restrictions, liabilities, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defines authorized actions as those specified in the airport's wildlife hazard management plan that is approved by the Federal Aviation Administration, a depredation permit or standing order of the U.S. Fish and Wildlife Service, an authorization in FWC rules 68A-9.010(4) or 68A-27.002, or an FWC permit authorizing the harassment of wildlife; further defines what is not an authorized action that includes specified dredge and fill activities and trespass; defines "airport" as per statute. SB 1864 was referred to the Senate committees on Transportation, Community Affairs, Judiciary, and General Government Appropriations; it passed out of Transportation, Community Affairs, Judiciary as a CS, was withdrawn from General Government Appropriations, heard by the full Senate and substituted by CS/HB 1065, April 29, and was laid on table; refer to CS/HB 1065. HB 1065 was referred to Roads, Bridges & Ports Policy Committee and the Economic Development & Community Affairs Policy Council; it passed Roads, Bridges & Ports Policy as Committee Substitute (CS), Economic Development & Community Affairs Policy Council, the full House, April 27, and the full Senate, April 30. The Governor signed the bill into law, June 11, as Chapter No. 2009-167.

HB 1249 by Reps Soto and Jenne / CS/SB 2002 by Sen. Constantine – Commercial Dog Breeding

Prohibits anyone from owning, possessing, controlling, or have custody of more than 50 dogs that are capable of breeding and that are 4 months old or older; requires anyone owning, possessing, controlling, or having custody of 10 dogs or more that

are 4 months old or older to adhere to specified requirements pertaining to enclosures, exercise, housing and kennels, sanitation, food and water, and veterinary services; health services, breeding, surgical procedures, and euthanasia, which may only be provided by a veterinarian; investigation procedures are authorized for animal control officers, health officers, and law enforcement; exclusions are provided for animal control shelters, not-for-profit adoption or rescue facilities, veterinary facilities, retail pet stores, research facilities, or boarding facilities; provides a first degree misdemeanor for violating the provisions of the bill. CS/SB 2002 prohibits anyone from owning, possessing, controlling, or have custody of more than 50 dogs that are capable of breeding, that are 4 months old or older, and that are intended for breeding and selling the offspring as household pets; requires anyone owning, possessing, controlling, or having custody of 20 dogs or more that are 4 months old or older to adhere to specified requirements pertaining to housing/shelter, exercise, bathing, temperature control, flooring, stacking of kennel crates, compatibility of dogs including those that are aggressive, breeding, or young, feeding, and veterinary services; provides a 1<sup>st</sup> degree misdemeanor for violating the provisions of the bill. HB 1249 was referred to the committees on Agriculture & Natural Resources Policy, Military & Local Affairs Policy, Public Safety & Domestic Security Policy, and the General Government Policy Council. SB 2002 was referred to the committees on Community Affairs, Agriculture, and General Government Appropriations; it passed Community Affairs as a CS, April 14, and is now in Agriculture.

**CS/CS/HB 1271 by Rep. Frishe CS/CS/SB 2150 by Sen. Bennett/Rep. Frishe – Voluntary Contributions for Southeastern Guide Dogs**

Requires anyone purchasing a recreational hunting or fishing license to be offered the opportunity to make a voluntary \$2 donation to the Southeastern Guide Dogs, Inc.; the funds are to be used to breed, raise, and train guide dogs for the company's "Paws to Patriots" program; FWC is authorized to retain \$.90 of each donation to cover costs associated with administering the donation. HB 1271 was referred to Agriculture & Natural Resources Policy Committee, General Government Policy Council, Natural Resources Appropriations Committee, and Full Appropriations Council on General Government & Health Care; it passed out of Agriculture & Natural Resources Policy as a Committee Substitute (CS), General Government Policy Council, Natural Resources Appropriations as a CS/CS, Full Appropriations Council on General Government & Health Care, heard by the full House and substituted by CS/CS/SB 2150, April 28. SB 2150 was referred to the Senate committees on Environmental Preservation & Conservation, and General Government Appropriations; it passed Environmental Preservation & Conservation as a CS, General Government Appropriations as a CS/CS, the full Senate, was substituted for CS/CS/HB 1271, April 28, and passed the full House, April 29. The bill was presented to the Governor, June 15; he has until June 30 to act.

**CS/CS/HB 1355 by Rep. Mayfield/ CS/SB 2636 by Sen. Dean – Land Management**

Both bills require the Legislature's Office of Program Policy analysis and Government Accountability (OPPAGA) to conduct a study on the most efficient means of centralizing the land management activities of the Department of Environmental Protection (DEP), Department of Agriculture and Consumer Services (DACCS), and FWC; law enforcement and land acquisition are to be considered as well; OPPAGA is

to submit a report to the House Speaker and Senate President by December 1, 2009. Both bills require DEP, in consultation with FWC and the Department of Agriculture and Consumer Services, to award a five-year public-private conservation land management pilot project on 200,000 acres of DEP, DACS, and FWC lands in close proximity to one another; \$4.5 million, annually, is authorized for the contract; CS/SB 2636 requires the contract to be awarded by December 31, 2009; CS/CS/HB 1355 requires the contract to be awarded by December in the year that an appropriation is authorized. Both bills express intent that the pilot project is to determine how a contractor accounts for costs, activities, achievements, and innovative development and implementation of land management plans; the contractor will be responsible for all land management except law enforcement, wildfire suppression, manatee surveys, derelict vessel removal, water sampling surveys, and other regulatory activities not specifically related to the management of State conservation lands; the land management plan must be approved by ARC; a plan for expenditure of funds must be approved by the Legislative Budget Commission (LBC) before payments are made to the contractor; a Forest Stewardship Council third-party auditor shall review the effectiveness of the pilot project and submit a report to the Governor, Legislature, ARC, and the LBC. CS/CS/HB 1355 requires the contractor to give first preference in hiring to state employees who worked on the properties and requires the agencies to make all reasonable efforts to find employment for those employees who wish to continue working for the State. HB 1355 was referred to Government Accountability Act Council, Agriculture & Natural Resources Policy Committee, General Government Policy Council, and Natural Resources Appropriations Committee; it was passed out of the Government Accountability Act Council as a Committee Substitute (CS), March 17; CS/HB 1355 was referred to the General Government Policy Council and the Natural Resources Appropriations Committee; it passed General Government Policy. SB 2636 was referred to the committees on Environmental Preservation & Conservation, Governmental Oversight & Accountability, and General Government Appropriations; it passed Environmental Preservation & Conservation as a CS, and was not considered by Governmental Oversight & Accountability, April 16.

**CS/CS/CS/SB 2244 by Sen. Altman HB 7157 by House Finance & Tax Council/Sen. Altman – Implementation of Amendment #4, Ad Valorem Tax Exemptions for Conservation Lands**

Exempts lands dedicated in perpetuity for conservation purposes from ad valorem taxation and allows those lands to derive income if consistent with the implementation of the management plan; land dedicated in perpetuity for conservation and that is used for approved commercial activities is tax exempt at 50% of the assessed value; does not allow for acreage less than 40 acres to qualify for a reduced assessment, unless the Acquisition and Restoration Council approves, and a manager, to implement a management plan; and maintenance land management measures are specified; approved agricultural commercial uses must comply with the most recent best management practices if approved by Dept. of Agriculture rules; third party enforcement of conservation easements is authorized, including water management districts for lands within their boundary jurisdictions, as well as non profit organizations; provides application requirements for obtaining an exemption and provides payment of back taxes, interest, and administrative

penalties/fines for violating the provisions of the exemption; requires the Dept. of Revenue to adopt rules providing for the administration of the exemption; authorizes the State to make payments in lieu of taxes to fiscally constrained counties. SB 2244 was referred to the committees on Community Affairs, Agriculture, Environmental Preservation & Conservation, Finance & Tax, and Ways & Means; it passed Community Affairs with an amendment, Agriculture with an amendment, Environmental Preservation & Conservation as a Committee Substitute (CS), Finance & Tax as a CS/CS, Ways & Means as a CS/CS/CS, April 28, and was substituted by HB 7157, April 29. The House Finance & Tax Council discussed a proposed council bill (PCB), April 7; it was scheduled on the April 16 agenda, but the Council postponed its meeting until April 20; the PCB was passed by Finance & Tax, April 20; HB 7157 was filed, introduced, and placed on the Calendar, April 22; it was passed by the full House, April 29, substituted for CS/CS/CS/SB 2244 and passed as amended by the full Senate, April 30, passed as amended again by the full House, May 1, and the Senate concurred, May 1. The bill was signed into law by the Governor on June 10 as Chapter No. 2009-157.