

returned at the conclusion of the period set pursuant to this subsection shall no longer be exempt from s. 119.07(1), unless the natural gas transmission company or affected person shows, and the commission finds, that the records continue to contain proprietary confidential business information. Upon such finding, the commission may extend the period for confidential treatment for a period not to exceed 18 months unless the commission finds, for good cause, that the protection from disclosure shall be for a specified longer period. During commission consideration of an extension, the records in question will remain confidential and exempt from s. 119.07(1). The commission shall adopt rules to implement this provision which shall include notice to the natural gas transmission company or affected person regarding the expiration of confidential treatment.

History.—s. 9, ch. 92-284; s. 170, ch. 96-406.

CHAPTER 369

CONSERVATION

PART I

CONSERVATION, GENERALLY

369.105 Florida Youth Conservation Corps.

369.105 Florida Youth Conservation Corps.—
[Repealed by s. 17, ch. 96-423.]

PART II

AQUATIC PLANT CONTROL

369.20 Florida Aquatic Weed Control Act.

369.252 Invasive exotic plant control on public lands.

369.20 Florida Aquatic Weed Control Act.—

(1) This act shall be known as the "Florida Aquatic Weed Control Act."

(2) The Department of Environmental Protection shall direct the control, eradication, and regulation of noxious aquatic weeds and direct the research and planning related to these activities, as provided in this section, excluding the authority to use fish as a biological control agent, so as to protect human health, safety, and recreation and, to the greatest degree practicable, prevent injury to plant and animal life and property.

(3) It shall be the duty of the department to guide and coordinate the activities of all public bodies, authorities, agencies, and special districts charged with the control or eradication of aquatic weeds and plants. It may delegate all or part of such functions to the Game and Fresh Water Fish Commission.

(4) The department shall also promote, develop, and support research activities directed toward the more effective and efficient control of aquatic plants. In the furtherance of this purpose, the department is authorized to:

(a) Accept donations and grants of funds and services from both public and private sources;

(b) Contract or enter into agreements with public or private agencies or corporations for research and development of aquatic plant control methods or for the performance of aquatic plant control activities;

(c) Construct, acquire, operate, and maintain facilities and equipment; and

(d) Enter upon, or authorize the entry upon, private property for purposes of making surveys and examinations and to engage in aquatic plant control activities; and such entry shall not be deemed a trespass.

(5) The Department of Environmental Protection may disburse funds to any special district or other local authority charged with the responsibility of controlling or eradicating aquatic plants, upon:

(a) Receipt of satisfactory proof that such district or authority has sufficient funds on hand to match the state funds herein referred to on an equal basis;

(b) Approval by the department of the control techniques to be used by the district or authority; and

(c) Review and approval of the program of the district or authority by the department to be in conformance with the state control plan.

(6) The department shall adopt, amend, or repeal all rules as necessary to carry out the duties, obligations, and powers set forth in this section and perform any other acts necessary for the proper administration, enforcement, or interpretation of this section, including creating general permits and exemptions and adopting rules and forms governing reports.

(7) No person or public agency shall control, eradicate, remove, or otherwise alter any aquatic weeds or plants in waters of the state unless a permit for such activity has been issued by the department, or unless the activity is in waters expressly exempted by department rule. The department shall develop standards by rule which shall address, at a minimum, chemical, biological, and mechanical control activities; an evaluation of the benefits of such activities to the public; specific criteria recognizing the differences between natural and artificially created waters; and the different amount and quality of littoral vegetation on various waters. Applications for a permit to engage in aquatic plant control activities shall be made to the department. In reviewing such applications, the department shall consider the criteria set forth in subsection (2).

History.—ss. 1, 2, ch. 70-203; s. 3, ch. 80-129; s. 32, ch. 85-81; s. 1, ch. 89-151; s. 187, ch. 94-356; s. 2, ch. 96-238.

Note.—Former s. 372.925.

369.252 Invasive exotic plant control on public lands.—The department shall establish a program to:

(1) Achieve eradication or maintenance control of invasive exotic plants on public lands when the scientific data indicate that they are detrimental to the state's natural environment;

(2) Assist state and local government agencies in the development and implementation of coordinated management plans for the control of invasive exotic plant species on public lands;

(3) Contract, or enter into agreements, with entities in the State University System or other governmental entities for research concerning biological control agents; production and growth of biological control agents; and development of workable methods for the

management of invasive exotic plants on public lands; and

(4) Use funds in the Aquatic Plant Control Trust Fund as authorized by the Legislature for carrying out activities under this section on public lands.

History.—s. 3, ch. 96-238.

CHAPTER 370

SALTWATER FISHERIES

- 370.01 Definitions.
- 370.0205 Citizen support organizations; use of property; audit; public records.
- 370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.
- 370.027 Rulemaking authority with respect to marine life.
- 370.029 Marine Fisheries Commission Trust Fund.
- 370.06 Licenses.
- 370.0603 Marine Resources Conservation Trust Fund; purposes.
- 370.0605 Saltwater fishing license required; fees.
- 370.0606 Appointment of subagents for sale of saltwater fishing licenses and permits.
- 370.0608 Deposit of license fees; allocation of federal funds.
- 370.0609 Expenditure of funds.
- 370.061 Confiscation of property and products.
- 370.0615 Lifetime licenses.
- 370.062 Department of Environmental Protection license program for tarpon; fees; penalties.
- 370.063 Special recreational crawfish license.
- 370.07 Wholesale and retail saltwater products dealers; regulation.
- 370.071 Shellfish processors; regulation.
- 370.092 Carriage of proscribed nets across Florida waters.
- 370.1111 Snook; regulation.
- 370.12 Marine animals; regulation.
- 370.14 Crawfish; regulation.
- 370.142 Spiny lobster trap certificate program.
- 370.143 Retrieval of lobster and stone crab traps during closed season; department authority; fees.
- 370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.
- 370.1535 Regulation of shrimp fishing in Tampa Bay; licensing requirements.
- 370.16 Oysters and shellfish; regulation.
- 370.26 Aquaculture definitions; marine aquaculture products and producers.
- 370.28 Enterprise zone designation; communities adversely impacted by net limitations.
- 370.31 Commercial production of sturgeon.

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(1) "Resident" or "resident of Florida" includes citizens of the United States who have continuously resided in this state, next preceding the making of their application for hunting, fishing, or other license, for the following period of time, to wit: For 1 year in the state and 6 months in the county when applied to all fish and game laws not related to freshwater fish and game.

(2) "Saltwater fish" shall include all classes of pisces, shellfish, sponges, and crustacea indigenous to salt water.

(3) "Open season" shall be that portion of the year wherein the laws of Florida for the preservation of fish and game permit the taking of particular species of game or varieties of fish.

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

(5) "Salt water," except where otherwise provided by law, shall be all of the territorial waters of Florida excluding all lakes, rivers, canals, and other waterways of Florida from such point or points where the fresh and salt waters commingle to such an extent as to become unpalatable because of the saline content, or from such point or points as may be fixed for conservation purposes by the Division of Marine Resources of the Department of Environmental Protection and the Game and Fresh Water Fish Commission, with the consent and advice of the board of county commissioners of the county or counties to be affected.

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

(7) "Transport" shall include shipping, transporting, carrying, importing, exporting, receiving or delivering for shipment, transportation or carriage or export.

(8) "Guide" shall include any person engaged in the business of guiding hunters or hunting parties, fishers or fishing parties, for compensation.

(9) "Shellfish" shall include oysters, clams, and whelks.

(10) "Coon oysters" are oysters found growing in bunches along the shore between high-water mark and low-water mark.

(11) "Reef bunch oysters" are oysters found growing on the bars or reefs in the open bay and exposed to the air between high and low tide.

(12) "Food fish" shall include mullet, trout, redbfish, sheepshead, pompano, mackerel, bluefish, red snapper, grouper, and all other fish generally used for human consumption.

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

(14) "Department" shall mean the Department of Environmental Protection.

(15) "Beaches" and "shores" shall mean the coastal and intracoastal shoreline of this state bordering upon the waters of the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida, and any part thereof, and any other