

By the Committee on Natural Resources and Senator Latvala

312-2002B-98

1 A bill to be entitled
2 An act relating to marine resources; amending
3 s. 253.72, F.S.; providing restrictions for
4 certain areas for harvesting shellfish;
5 amending s. 370.06, F.S.; providing an
6 exemption for totally disabled residents for a
7 restricted species endorsement; providing
8 qualifications for the issuance of a marine
9 life endorsement on a saltwater products
10 license; providing for a moratorium on the
11 issuance of endorsements; providing for the
12 transfer and reissuance of endorsements;
13 providing for a report; amending s. 370.0608,
14 F.S.; revising the distribution of funds
15 collected from the sale of recreational
16 saltwater fishing licenses; amending s.
17 370.092, F.S.; providing specific rulemaking
18 authority for the regulation of nets on boats
19 of a specific length; directing the Marine
20 Fisheries Commission to adopt rules prohibiting
21 the possession and sale of mullet taken in
22 illegal gill or entangling nets; providing a
23 penalty for violations; amending s. 370.093,
24 F.S.; authorizing the Marine Fisheries
25 Commission to adopt rules implementing s.
26 370.093, F.S.; amending s. 370.142, F.S.;
27 providing for a surcharge to be assessed upon
28 the initial transfer of a transferable crawfish
29 trap certificate outside the original
30 transferor's immediate family; prohibiting the
31 lease of lobster trap certificates after July

1 1, 1998; providing additional penalties for
2 violations relating to traps; providing for the
3 continuation of the Marine Fisheries Commission
4 notwithstanding its scheduled abolition;
5 amending s. 370.13, F.S.; restricting the
6 issuance of stone crab trap numbers until July
7 1, 2000; providing for renewal under certain
8 circumstances; amending s. 370.135, F.S.;
9 restricting the issuance of new blue crab
10 endorsements for a certain period of time;
11 providing for renewal or replacement under
12 certain circumstances; amending s. 370.021,
13 F.S.; providing additional penalties for
14 violations involving buying saltwater products
15 from an unlicensed seller or the sale of
16 saltwater products by an unlicensed seller;
17 authorizing the suspension, revocation, or
18 denial of renewal of licenses for specified
19 major violations involving finfish, shrimp,
20 marine life species, crawfish, stone crabs, and
21 blue crabs; requiring clerks of courts to
22 certify the final disposition of specified
23 court proceedings to the Department of
24 Environmental Protection; amending s. 370.07,
25 F.S.; authorizing the sharing of wholesale
26 saltwater products dealer reports with other
27 states under specified conditions; providing
28 civil penalties for violation of recordkeeping
29 and reporting requirements; prohibiting a
30 licensed retail dealer or a licensed restaurant
31 from buying saltwater products from any person

1 other than a licensed wholesale or retail
2 dealer; repealing s. 370.08(7), F.S., relating
3 to the use of gear and other equipment;
4 repealing s. 370.0821(3), F.S., relating to the
5 use of nets in St. Johns County; repealing s.
6 370.11(2) and (3), F.S., relating to the length
7 of saltwater fish and the use of nets to
8 harvest shad; repealing s. 370.1125, F.S.,
9 relating to the harvest of permits; repealing
10 s. 370.114, F.S., relating to the taking of
11 corals and sea fans; repealing s. 370.135(2)
12 and (3), F.S., relating to the harvest and sale
13 of blue crabs; repealing s. 370.15(2) and (3),
14 F.S., relating to the harvest of shrimp;
15 repealing s. 370.151(2), F.S., relating to the
16 Tortugas shrimp beds; repealing s.
17 370.153(4)(c), (d), and (e) and (5)(b) and (d),
18 F.S., relating to the harvest of shrimp in
19 Clay, Duval, Nassau, Putnam, Flagler, and St.
20 Johns Counties; repealing s. 370.156, F.S.,
21 relating to the Florida East Coast Shrimp Bed;
22 repealing s. 370.157, F.S., relating to the
23 harvest of shrimp in the Cedar Key closed area;
24 repealing s. 370.1127, F.S., relating to mullet
25 regulation west of the Ochlockonee River;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Subsection (3) is added to section 253.72,
31 Florida Statutes, to read:

1 253.72 Marking of leased areas; restrictions on public
2 use.--

3 (3) To assist in protecting shellfish aquaculture
4 products produced on leases authorized pursuant to this
5 chapter and chapter 370, harvesting shellfish is prohibited
6 within a distance of 25 feet outside lawfully marked lease
7 boundaries or within setback and access corridors within
8 specifically designated high-density aquaculture lease areas
9 and aquaculture use zones.

10 Section 2. Subsection (2) of section 370.06, Florida
11 Statutes, is amended to read:

12 370.06 Licenses.--

13 (2) SALTWATER PRODUCTS LICENSE.--

14 (a) Every person, firm, or corporation that sells,
15 offers for sale, barter, or exchanges for merchandise any
16 saltwater products, or which harvests saltwater products with
17 certain gear or equipment as specified by law, must have a
18 valid saltwater products license, except that the holder of an
19 aquaculture certificate is not required to purchase and
20 possess a saltwater products license in order to possess,
21 transport, or sell marine aquaculture products. Each
22 saltwater products license allows the holder to engage in any
23 of the activities for which the license is required. The
24 license must be in the possession of the licenseholder or
25 aboard the vessel and shall be subject to inspection at any
26 time that harvesting activities for which a license is
27 required are being conducted. A restricted species endorsement
28 on the saltwater products license is required to sell to a
29 licensed wholesale dealer those species which the state, by
30 law or rule, has designated as "restricted species." This
31 endorsement may be issued only to a person who is at least 16

1 years of age, or to a firm certifying that over 25 percent of
2 its income or \$5,000 of its income, whichever is less, is
3 attributable to the sale of saltwater products pursuant to a
4 license issued under this paragraph or a similar license from
5 another state. This endorsement may also be issued to a
6 for-profit corporation if it certifies that at least \$5,000 of
7 its income is attributable to the sale of saltwater products
8 pursuant to a license issued under this paragraph or a similar
9 license from another state. However, if at least 50 percent of
10 the annual income of a person, firm, or for-profit corporation
11 is derived from charter fishing, the person, firm, or
12 for-profit corporation must certify that at least \$2,500 of
13 the income of the person, firm, or corporation is attributable
14 to the sale of saltwater products pursuant to a license issued
15 under this paragraph or a similar license from another state,
16 in order to be issued the endorsement. Such income attribution
17 must apply to at least 1 year out of the last 3 years. For the
18 purpose of this section "income" means that income which is
19 attributable to work, employment, entrepreneurship, pensions,
20 retirement benefits, and social security benefits.

21 1. The department is authorized to require
22 verification of such income. Acceptable proof of income earned
23 from the sale of saltwater products shall be:

24 a. Copies of trip ticket records generated pursuant to
25 this subsection (marine fisheries information system),
26 documenting qualifying sale of saltwater products;

27 b. Copies of sales records from locales other than
28 Florida documenting qualifying sale of saltwater products;

29 c. A copy of the applicable federal income tax return,
30 including Form 1099 attachments, verifying income earned from
31 the sale of saltwater products;

1 d. Crew share statements verifying income earned from
2 the sale of saltwater products; or

3 e. A certified public accountant's notarized statement
4 attesting to qualifying source and amount of income.

5
6 Any provision of this section or any other section of the
7 Florida Statutes to the contrary notwithstanding, any person
8 who owns a retail seafood market and/or restaurant at a fixed
9 location for at least 3 years who has had an occupational
10 license for 3 years prior to January 1, 1990, who harvests
11 saltwater products to supply his or her retail store and has
12 had a saltwater products license for 1 of the past 3 years
13 prior to January 1, 1990, may provide proof of his or her
14 verification of income and sales value at the person's retail
15 seafood market and/or restaurant and in his or her saltwater
16 products enterprise by affidavit and shall thereupon be issued
17 a restricted species endorsement.

18 2. Exceptions from income requirements shall be as
19 follows:

20 a. A permanent restricted species endorsement shall be
21 available to those persons age 62 and older who have qualified
22 for such endorsement for at least 3 out of the last 5 years.

23 b. Active military duty time shall be excluded from
24 consideration of time necessary to qualify and shall not be
25 counted against the applicant for purposes of qualifying.

26 c. Upon the sale of a used commercial fishing vessel
27 owned by a person, firm, or corporation possessing or eligible
28 for a restricted species endorsement, the purchaser of such
29 vessel shall be exempted from the qualifying income
30 requirement for the purpose of obtaining a restricted species
31

1 endorsement for a period of 1 year after purchase of the
2 vessel.

3 d. Upon the death or permanent disablement of a person
4 possessing a restricted species endorsement, an immediate
5 family member wishing to carry on the fishing operation shall
6 be exempted from the qualifying income requirement for the
7 purpose of obtaining a restricted species endorsement for a
8 period of 1 year after the death or disablement.

9 e. A restricted species endorsement may be issued on
10 an individual saltwater products license to a person age 62 or
11 older who documents that at least \$2,500 is attributable to
12 the sale of saltwater products pursuant to the provisions of
13 this paragraph.

14 f. A permanent restricted species endorsement may also
15 be issued on an individual saltwater products license to a
16 person age 70 or older who has held a saltwater products
17 license for at least 3 of the last 5 license years.

18 g. Any resident who is certified to be totally and
19 permanently disabled by a verified written statement, based
20 upon the criteria for permanent total disability in chapter
21 440 from a physician licensed in this state, by any branch of
22 the United States Armed Services, by the Social Security
23 Administration, or by the United States Department of Veterans
24 Affairs or its predecessor, or any resident who holds a valid
25 identification card issued by the Department of Veterans'
26 Affairs pursuant to s. 295.17, shall be exempted from the
27 income requirements if he or she also has held a saltwater
28 products license for at least 3 of the last 5 license years
29 prior to the date of the disability. A Disability Award Notice
30 issued by the United States Social Security Administration is
31 not sufficient certification for a resident to obtain the

1 income exemption unless the notice certifies that the resident
2 is totally and permanently disabled.

3
4 At least one saltwater products license bearing a restricted
5 species endorsement shall be aboard any vessel harvesting
6 restricted species in excess of any bag limit or when fishing
7 under a commercial quota or in commercial quantities, and such
8 vessel shall have a commercial vessel registration. This
9 subsection does not apply to any person, firm, or corporation
10 licensed under s. 370.07(1)(a)1. or (b) for activities
11 pursuant to such licenses. A saltwater products license may be
12 issued in the name of an individual or a valid boat
13 registration number. Such license is not transferable. A decal
14 shall be issued with each saltwater products license issued to
15 a valid boat registration number. The saltwater products
16 license decal shall be the same color as the vessel
17 registration decal issued each year pursuant to s. 327.11(7)
18 and shall indicate the period of time such license is valid.
19 The saltwater products license decal shall be placed beside
20 the vessel registration decal and, in the case of an
21 undocumented vessel, shall be placed so that the vessel
22 registration decal lies between the vessel registration number
23 and the saltwater products license decal. Any saltwater
24 products license decal for a previous year shall be removed
25 from a vessel operating on the waters of the state. A resident
26 shall pay an annual license fee of \$50 for a saltwater
27 products license issued in the name of an individual or \$100
28 for a saltwater products license issued to a valid boat
29 registration number. A nonresident shall pay an annual license
30 fee of \$200 for a saltwater products license issued in the
31 name of an individual or \$400 for a saltwater products license

1 issued to a valid boat registration number. An alien shall pay
2 an annual license fee of \$300 for a saltwater products license
3 issued in the name of an individual or \$600 for a saltwater
4 products license issued to a valid boat registration number.
5 Any person who sells saltwater products pursuant to this
6 license may sell only to a licensed wholesale dealer. A
7 saltwater products license must be presented to the licensed
8 wholesale dealer each time saltwater products are sold, and an
9 imprint made thereof. The wholesale dealer shall keep records
10 of each transaction in such detail as may be required by rule
11 of the Department of Environmental Protection not in conflict
12 with s. 370.07(6), and shall provide the holder of the
13 saltwater products license with a copy of the record. It is
14 unlawful for any licensed wholesale dealer to buy saltwater
15 products from any unlicensed person under the provisions of
16 this section, except that a licensed wholesale dealer may buy
17 from another licensed wholesale dealer. It is unlawful for any
18 licensed wholesale dealer to buy saltwater products designated
19 as "restricted species" from any person, firm, or corporation
20 not possessing a restricted species endorsement on his or her
21 saltwater products license under the provisions of this
22 section, except that a licensed wholesale dealer may buy from
23 another licensed wholesale dealer. The Department of
24 Environmental Protection shall be the licensing agency, may
25 contract with private persons or entities to implement aspects
26 of the licensing program, and shall establish by rule a marine
27 fisheries information system in conjunction with the licensing
28 program to gather fisheries data.

29 (b) Any person who sells, offers for sale, barter, or
30 exchanges for merchandise saltwater products must have a
31 method of catch preservation which meets the requirements and

1 standards of the seafood quality control code promulgated by
2 the Department of Environmental Protection.

3 (c) A saltwater products license is required to
4 harvest commercial quantities of saltwater products. Any
5 vessel from which commercial quantities of saltwater products
6 are harvested must have a commercial vessel registration.
7 Commercial quantities of saltwater products shall be defined
8 as:

9 1. With respect to those species for which no bag
10 limit has been established, more than 100 pounds per person
11 per day, provided that the harvesting of two fish or less per
12 person per day shall not be considered commercial quantities
13 regardless of aggregate weight; and

14 2. With respect to those species for which a bag limit
15 has been established, more than the bag limit allowed by law
16 or rule.

17 (d)1. In addition to the saltwater products license, a
18 marine life fishing endorsement ~~is shall be~~ required for the
19 harvest of marine life species as defined by rule of the
20 Marine Fisheries Commission. This endorsement may be issued
21 only to a person who is at least 16 years of age or older or
22 to a corporation holding a valid restricted species
23 endorsement.

24 2.a. Effective July 1, 1998, and until July 1, 2002, a
25 marine life endorsement may not be issued under this
26 paragraph, except that those endorsements that are active
27 during the 1997-1998 fiscal year may be renewed.

28 b. In 1998 persons or corporations holding a marine
29 life endorsement that was active in the 1997-1998 fiscal year
30 or an immediate family member of that person must request
31

1 renewal of the marine life endorsement before December 31,
2 1998.

3 c. In subsequent years and until July 1, 2002, a
4 marine life endorsement holder or member of his or her
5 immediate family must request renewal of the marine life
6 endorsement before September 30 of each year.

7 d. If a person or corporation holding an active marine
8 life fishing endorsement or a member of that person's
9 immediate family does not request renewal of the endorsement
10 before the applicable dates specified in this paragraph, the
11 department shall deactivate that marine life fishing
12 endorsement.

13 e. In the event of the death or disability of a person
14 holding an active marine life fishing endorsement, the
15 endorsement may be transferred by the person to a member of
16 his or her immediate family or may be renewed by any person so
17 designated by the executor of the person's estate.

18 f. Persons or corporations who hold saltwater product
19 licenses with marine life fishing endorsements issued to their
20 vessel registration numbers and who subsequently replace their
21 existing vessels with new vessels may transfer the existing
22 marine life fishing endorsement to the new boat registration
23 numbers.

24 g. Persons or corporations who hold saltwater product
25 licenses with marine life fishing endorsements issued to their
26 name and who subsequently incorporate or unincorporate may
27 transfer the existing marine life fishing endorsement to the
28 new corporation or person.

29 h. By July 1, 2000, the Marine Fisheries Commission
30 shall prepare a report regarding options for the establishment
31 of a limited-entry program for the marine life fishery and

1 submit the report to the Governor, the President of the
2 Senate, the Speaker of the House of Representatives, and the
3 chairs of the Senate and House committees having jurisdiction
4 over marine resources.

5 ~~3.2.~~ The fee for a marine life fishery endorsement on
6 a saltwater products license shall be \$75. These license fees
7 shall be collected and deposited in the Marine Resources
8 Conservation Trust Fund and used for the purchase and
9 installation of vessel mooring buoys at coral reef sites and
10 for research related to marine fisheries.

11 Section 3. Subsection (1) of section 370.0608, Florida
12 Statutes, is amended to read:

13 370.0608 Deposit of license fees; allocation of
14 federal funds.--

15 (1) All license fees collected pursuant to s. 370.0605
16 shall be deposited into the Marine Resources Conservation
17 Trust Fund, to be used as follows:

18 (a) Not more than 5 ~~2.5~~ percent of the total fees
19 collected shall be for the Marine Fisheries Commission to be
20 used to carry out the responsibilities of the commission and
21 to provide for the award of funds to marine research
22 institutions in this state for the purposes of enabling such
23 institutions to conduct worthy marine research projects.

24 (b) Not less than 2.5 percent of the total fees
25 collected shall be used for aquatic education purposes.

26 (c)1. The remainder of such fees shall be used by the
27 department for the following program functions:

28 a. Not more than 5 percent of the total fees
29 collected, for administration of the licensing program and for
30 information and education.

31

1 b. Not more than 30 percent of the total fees
2 collected, for law enforcement.

3 c. Not less than 30 percent of the total fees
4 collected, for marine research.

5 d. Not less than 27.5 ~~30~~ percent of the total fees
6 collected, for fishery enhancement, including, but not limited
7 to, fishery statistics development, artificial reefs, and fish
8 hatcheries.

9 2. The Legislature shall annually appropriate to the
10 Department of Environmental Protection from the General
11 Revenue Fund for the activities and programs specified in
12 subparagraph 1. at least the same amount of money as was
13 appropriated to the department from the General Revenue Fund
14 for such activities and programs for fiscal year 1988-1989,
15 and the amounts appropriated to the department for such
16 activities and programs from the Marine Resources Conservation
17 Trust Fund shall be in addition to the amount appropriated to
18 the department for such activities and programs from the
19 General Revenue Fund. The proceeds from recreational saltwater
20 fishing license fees paid by fishers shall only be
21 appropriated to the Department of Environmental Protection.

22 Section 4. Subsection (3) of section 370.092, Florida
23 Statutes, is amended to read:

24 370.092 Carriage of proscribed nets across Florida
25 waters.--

26 (3)(a) Notwithstanding subsections (1) and (2), unless
27 authorized by rule of the Marine Fisheries Commission, it is a
28 major violation under this section, punishable as provided in
29 subsection (4), for any person, firm, or corporation to
30 possess any gill or entangling net, or any seine net larger
31 than 500 square feet in mesh area, on any airboat or on any

1 other vessel less than 22 feet in length or less than 25 feet
2 in length if primary power of the vessel is mounted forward of
3 the vessel center point. Gill or entangling nets shall be as
4 defined in s. 16, Art. X of the State Constitution, s.
5 370.093(2)(b), or in a rule of the Marine Fisheries Commission
6 implementing s. 16, Art. X of the State Constitution. Vessel
7 length shall be determined in accordance with current U.S.
8 Coast Guard regulations specified in the Code of Federal
9 Regulations or as titled by the State of Florida. The Marine
10 Fisheries Commission may adjust by rule the use of gear on
11 vessels of lengths different than those specified in this
12 section in order to prevent the illegal use of gill and
13 entangling nets in state waters and to provide reasonable
14 opportunities for the use of legal net gear in adjacent
15 federal waters.

16 (b)~~(a)~~ It shall be a major violation pursuant to this
17 section and shall be punished as provided in subsection (4)
18 for any person, firm, or corporation to be simultaneously in
19 possession of any species of mullet in excess of the
20 recreational daily bag limit and any gill or other entangling
21 net as defined in s. 16(c), Art. X of the State Constitution.
22 Simultaneous possession under this provision shall include
23 possession of mullet and gill or other entangling nets on
24 separate vessels or vehicles where such vessels or vehicles
25 are operated in coordination with one another including
26 vessels towed behind a main vessel. This subsection does not
27 prohibit a resident of this state from transporting on land,
28 from Alabama to this state, a commercial quantity of mullet
29 together with a gill net if:

30 1. The person possesses a valid commercial fishing
31 license that is issued by the State of Alabama and that allows

1 the person to use a gill net to legally harvest mullet in
2 commercial quantities from Alabama waters.

3 2. The person possesses a trip ticket issued in
4 Alabama and filled out to match the quantity of mullet being
5 transported, and the person is able to present such trip
6 ticket immediately upon entering this state.

7 3. The mullet are to be sold to a wholesale saltwater
8 products dealer located in Escambia County or Santa Rosa
9 County, which dealer also possesses a valid seafood dealer's
10 license issued by the State of Alabama. The dealer's name must
11 be clearly indicated on the trip ticket.

12 4. The mullet being transported are totally removed
13 from any net also being transported.

14 (c)~~(b)~~ It shall be a major violation pursuant to this
15 section for any person to be in possession of any species of
16 trout, snook, or redfish which is three fish in excess of the
17 recreational or commercial daily bag limit.

18 (d) The Marine Fisheries Commission shall adopt rules
19 to prohibit the possession and sale of mullet taken in illegal
20 gill or entangling nets. Violations of such rules shall be
21 punishable as provided in subsection (4).

22 Section 5. Subsection (6) of section 370.093, Florida
23 Statutes, is amended to read:

24 370.093 Illegal use of nets.--

25 (6) The Marine Fisheries Commission is granted
26 authority to adopt rules pursuant to ss. 370.025 and 370.027
27 implementing this section and the prohibitions and
28 restrictions of s. 16, Art. X of the State Constitution.

29 Section 6. Subsection (2) of section 370.142, Florida
30 Statutes, is amended to read:

31 370.142 Spiny lobster trap certificate program.--

1 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
2 PENALTIES.--The Department of Environmental Protection shall
3 establish a trap certificate program for the spiny lobster
4 fishery of this state and shall be responsible for its
5 administration and enforcement as follows:

6 (a) Transferable trap certificates.--Each holder of a
7 saltwater products license who uses traps for taking or
8 attempting to take spiny lobsters shall be required to have a
9 certificate on record for each trap possessed or used
10 therefor, except as otherwise provided in this section.

11 1. The department shall initially allot such
12 certificates to each licenseholder with a current crawfish
13 trap number who uses traps. The number of such certificates
14 allotted to each such licenseholder shall be based on the
15 trap/catch coefficient established pursuant to trip ticket
16 records generated under the provisions of s. 370.06(2)(a) over
17 a 3-year base period ending June 30, 1991. The trap/catch
18 coefficient shall be calculated by dividing the sum of the
19 highest reported single license-year landings up to a maximum
20 of 30,000 pounds for each such licenseholder during the base
21 period by 700,000. Each such licenseholder shall then be
22 allotted the number of certificates derived by dividing his or
23 her highest reported single license-year landings up to a
24 maximum of 30,000 pounds during the base period by the
25 trap/catch coefficient. Nevertheless, no licenseholder with a
26 current crawfish trap number shall be allotted fewer than 10
27 certificates. However, certificates may only be issued to
28 individuals; therefore, all licenseholders other than
29 individual licenseholders shall designate the individual or
30 individuals to whom their certificates will be allotted and
31 the number thereof to each, if more than one. After initial

1 issuance, trap certificates are transferable on a market basis
2 and may be transferred from one licenseholder to another for a
3 fair market value agreed upon between the transferor and
4 transferee. Each such transfer shall, within 72 hours thereof,
5 be recorded on a notarized form provided for that purpose by
6 the department and hand delivered or sent by certified mail,
7 return receipt requested, to the department for recordkeeping
8 purposes. In addition, in order to cover the added
9 administrative costs of the program and to recover an
10 equitable natural resource rent for the people of the state, a
11 transfer fee of \$2 per certificate transferred shall be
12 assessed against the purchasing licenseholder and sent by
13 money order or cashier's check with the certificate transfer
14 form. Also, in addition to the transfer fee, a surcharge of \$5
15 per certificate transferred or 25 percent of the actual fair
16 market value, whichever is greater, given to the transferor
17 shall be assessed the first time a certificate is transferred
18 outside the original transferor's immediate family. No
19 transfer of a certificate shall be effective until the
20 department receives the notarized transfer form and the
21 transfer fee, including any surcharge, is paid. The
22 department may establish by rule an amount of equitable rent
23 per trap certificate that shall be recovered as partial
24 compensation to the state for the enhanced access to its
25 natural resources. In determining whether to establish such a
26 rent and, if so, the amount thereof, the department shall
27 consider the amount of revenues annually generated by
28 certificate fees, transfer fees, surcharges, trap license
29 fees, and sales taxes, the demonstrated fair market value of
30 transferred certificates, and the continued economic viability
31 of the commercial lobster industry. The proceeds of equitable

1 rent recovered shall be deposited in the Marine Resources
2 Conservation Trust Fund and used by the department for
3 research, management, and protection of the spiny lobster
4 fishery and habitat.

5 2. No person, firm, corporation, or other business
6 entity may control, directly or indirectly, more than 1.5
7 percent of the total available certificates in any license
8 year.

9 3. The department shall maintain records of all
10 certificates and their transfers and shall annually provide
11 each licenseholder with a statement of certificates held.

12 4. The number of trap tags issued annually to each
13 licenseholder shall not exceed the number of certificates held
14 by the licenseholder at the time of issuance, and such tags
15 and a statement of certificates held shall be issued
16 simultaneously.

17 5. Beginning July 1, 2003, and applicable to the
18 2003-2004 lobster season and thereafter, it is unlawful for
19 any person to lease lobster trap tags or certificates.

20 (b) Trap tags.--Each trap used to take or attempt to
21 take spiny lobsters in state waters or adjacent federal waters
22 shall, in addition to the crawfish trap number required by s.
23 370.14(2), have affixed thereto an annual trap tag issued by
24 the department. Each such tag shall be made of durable plastic
25 or similar material and shall, beginning with those tags
26 issued for the 1993-1994 season based on the number of
27 certificates held, have stamped thereon the owner's license
28 number. To facilitate enforcement and recordkeeping, such tags
29 shall be issued each year in a color different from that of
30 each of the previous 3 years. A fee of 50 cents per tag issued
31 other than on the basis of a certificate held shall be

1 assessed through March 31, 1993. Until 1995, an annual fee of
2 50 cents per certificate shall be assessed, and thereafter,
3 until 1998, an annual fee of 75 cents per certificate shall be
4 assessed upon issuance in order to recover administrative
5 costs of the tags and the certificate program. Beginning in
6 1998, the annual certificate fee shall be \$1 per certificate.
7 Replacement tags for lost or damaged tags may be obtained as
8 provided by rule of the department.

9 (c) Prohibitions; penalties.--

10 1. It is unlawful for a person to possess or use a
11 spiny lobster trap in or on state waters or adjacent federal
12 waters without having affixed thereto the trap tag required by
13 this section. It is unlawful for a person to possess or use
14 any other gear or device designed to attract and enclose or
15 otherwise aid in the taking of spiny lobster by trapping that
16 is not a trap as defined in rule 46-24.006(2), Florida
17 Administrative Code.

18 2. It is unlawful for a person to possess or use spiny
19 lobster trap tags without having the necessary number of
20 certificates on record as required by this section.

21 3. In addition to any other penalties provided in s.
22 370.021 ~~Unless otherwise provided in this section,~~ a
23 commercial harvester, as defined by rule 46-24.002(1), Florida
24 Administrative Code, who violates the provisions of this
25 section, or the provisions relating to traps of chapter 46-24,
26 Florida Administrative Code, shall be punished as follows:

27 a. If the first violation is for violation of
28 subparagraph 1. or subparagraph 2., the department shall
29 assess an additional ~~a~~ civil penalty of up to \$1,000 and the
30 crawfish trap number issued pursuant to s. 370.14(2) or (7)
31 may be suspended for the remainder of the current license

1 year. For all other first violations, the department shall
2 assess an additional ~~a~~ civil penalty of up to \$500.

3 b. For a second violation of subparagraph 1. or
4 subparagraph 2. which occurs within 24 months of any previous
5 such violation, the department shall assess an additional ~~a~~
6 civil penalty of up to \$2,000 and the crawfish trap number
7 issued pursuant to s. 370.14(2) or (7) may be suspended for
8 the remainder of the current license year.

9 c. For a third or subsequent violation of subparagraph
10 1. or subparagraph 2. which occurs within 36 months of any
11 previous two such violations, the department shall assess an
12 additional ~~a~~ civil penalty of up to \$5,000 and may suspend the
13 crawfish trap number issued pursuant to s. 370.14(2) or (7)
14 for a period of up to 24 months or may revoke the crawfish
15 trap number and, if revoking the crawfish trap number, may
16 also proceed against the licenseholder's saltwater products
17 license in accordance with the provisions of s. 370.021(2)(e).

18 d. Any person assessed an additional ~~a~~ civil penalty
19 pursuant to this section shall within 30 calendar days after
20 notification:

21 (I) Pay the civil penalty to the department; or

22 (II) Request an administrative hearing pursuant to the
23 provisions of s. 120.60.

24 e. The department shall suspend the crawfish trap
25 number issued pursuant to s. 370.14(2) or (7) for any person
26 failing to comply with the provisions of sub-subparagraph d.

27 4.a. It is unlawful for any person to make, alter,
28 forge, counterfeit, or reproduce a spiny lobster trap tag or
29 certificate.

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1 b. It is unlawful for any person to knowingly have in
2 his or her possession a forged, counterfeit, or imitation
3 spiny lobster trap tag or certificate.

4 c. It is unlawful for any person to barter, trade,
5 sell, supply, agree to supply, aid in supplying, or give away
6 a spiny lobster trap tag or certificate or to conspire to
7 barter, trade, sell, supply, aid in supplying, or give away a
8 spiny lobster trap tag or certificate unless such action is
9 duly authorized by the department as provided in this chapter
10 or in the rules of the department.

11 5.a. Any person who violates the provisions of
12 subparagraph 4., or any person who engages in the commercial
13 harvest, trapping, or possession of spiny lobster without a
14 crawfish trap number as required by s. 370.14(2) or (7) or
15 during any period while such crawfish trap number is under
16 suspension or revocation, commits a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or
18 s. 775.084.

19 b. In addition to any penalty imposed pursuant to
20 sub-subparagraph a., the department shall levy a fine of up to
21 twice the amount of the appropriate surcharge to be paid on
22 the fair market value of the transferred certificates, as
23 provided in subparagraph (a)1., on any person who violates the
24 provisions of sub-subparagraph 4.c.

25 6. Any certificates for which the annual certificate
26 fee is not paid for a period of 3 years shall be considered
27 abandoned and shall revert to the department. During any
28 period of trap reduction, any certificates reverting to the
29 department shall become permanently unavailable and be
30 considered in that amount to be reduced during the next
31 license-year period. Otherwise, any certificates that revert

1 to the department are to be reallocated in such manner as
2 provided by the department.

3 7. The proceeds of all civil penalties collected
4 pursuant to subparagraph 3. and all fines collected pursuant
5 to sub-subparagraph 5.b. shall be deposited into the Marine
6 Resources Conservation Trust Fund.

7 8. All traps shall be removed from the water during
8 any period of suspension or revocation.

9 (d) No vested rights.--The trap certificate program
10 shall not create vested rights in licenseholders whatsoever
11 and may be altered or terminated as necessary to protect the
12 spiny lobster resource, the participants in the fishery, or
13 the public interest.

14 Section 7. Notwithstanding the provisions of section 2
15 of chapter 94-247, Laws of Florida, the statutory
16 authorization for the creation and functions of the Marine
17 Fisheries Commission contained in sections 370.025-370.028,
18 Florida Statutes, shall not stand repealed as scheduled by
19 those provisions, but shall continue in full force and effect.

20 Section 8. Section 370.13, Florida Statutes, is
21 amended to read:

22 370.13 Stone crab; regulation.--

23 (1)(a) It is unlawful for any person, firm, or
24 corporation to catch or have in his or her possession,
25 regardless of where taken, for his or her own use or to sell
26 or offer for sale, any stone crab, or parts thereof, of any
27 size between May 15 and October 15 of each year, except for
28 stone crabs, or parts thereof, placed in inventory prior to
29 May 15 of each year.

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1 (b) "Stone crab" means the species *Menippe mercenaria*
2 or any other species of the family Xanthidae as the Marine
3 Fisheries Commission may define by rule.

4 (2) Upon the arrest and conviction for a major
5 violation involving stone crabs, the licenseholder must show
6 just cause why his or her license should not be suspended or
7 revoked. For the purposes of this subsection, a "major
8 violation" means a major violation as prescribed in s.
9 370.021(2)(c) for illegal stone crabs; any single violation
10 involving possession of more than 25 stone crabs during the
11 closed season or possession of 25 or more whole-bodied or
12 egg-bearing stone crabs; any violation for trap molestation,
13 trap robbing, or pulling traps at night; or any combination of
14 violations in any 3-consecutive-year period wherein more than
15 75 illegal stone crabs in the aggregate are involved.

16 (3) Any law, general or special, in conflict with
17 provisions of this section is hereby expressly repealed to the
18 extent of such conflict.

19 (4)(a) It is unlawful for any person to willfully
20 molest any stone crab trap, line, or buoy that is the property
21 of any licenseholder, without the permission of that
22 licenseholder.

23 (b) Any person who violates paragraph (a) is guilty of
24 a felony of the third degree, punishable as provided in s.
25 775.082 or s. 775.083.

26 (5) Any gear, equipment, boat, vehicle, or item used
27 in the violation of this section is subject to confiscation.
28 In addition, the Department of Environmental Protection shall
29 revoke the permit of any permit holder convicted of a violation
30 of paragraph (1)(a) for a period of 1 year from the date of
31 the conviction, and he or she is prohibited during that period

1 from catching or having in his or her possession any stone
2 crab for the person's own use or to sell or offer to sell,
3 whether or not he or she is accompanied by the holder of a
4 valid permit and regardless of where taken.

5 (6)(a) Effective July 1, 1995, and until July 1, 2000
6 ~~1999~~, no stone crab trap numbers issued pursuant to rule
7 46-13.002(2)(e)~~46-3.002(2)(f)~~, Florida Administrative Code,
8 except those numbers that are active during the 1994-1995
9 fiscal year, shall be renewed or replaced.

10 (b) In 1995, persons holding a trap number that was
11 active in the 1994-1995 fiscal year, or an immediate family
12 member of that person, must request renewal of the number
13 prior to December 31, 1995.

14 (c) In subsequent years and until July 1, 2000 ~~1999~~, a
15 trap number holder, or members of his or her immediate family,
16 must request renewal of the number prior to September 30 of
17 each year.

18 (d) If a person holding an active trap number, or a
19 member of that person's immediate family, does not request
20 renewal of the number before the applicable dates as specified
21 in this subsection, the department shall deactivate that trap
22 number.

23 (e) In the event of the death or disability of a
24 person holding an active stone crab endorsement ~~trap number~~,
25 the endorsement may be transferred by the person to a member
26 of his or her immediate family or ~~trap number~~ may be renewed
27 by any person so designated by the executor of the person's
28 estate.

29 (f) Persons who hold saltwater products licenses with
30 stone crab endorsements issued to their boat registration
31 numbers and who subsequently replace their existing vessels

1 with new vessels shall be permitted to transfer the existing
2 licenses to the new boat registration numbers.

3 (7) No person shall harvest stone crabs with more than
4 five traps, harvest stone crabs in commercial quantities, or
5 sell stone crabs unless such person holds a valid saltwater
6 products license with a restricted species endorsement and a
7 stone crab endorsement issued pursuant to this section.

8 (8)~~(7)~~ Beginning October 1995, stone crabs shall be
9 designated as a restricted species pursuant to s. 370.01(20).

10 Section 9. Section 370.135, Florida Statutes, is
11 amended to read:

12 370.135 Blue crab; regulation.--

13 (1) No person, firm, or corporation shall transport on
14 the water, fish with or cause to be fished with, set, or place
15 any trap designed for taking blue crabs unless such person,
16 firm, or corporation is the holder of a valid saltwater
17 products license issued pursuant to s. 370.06 and the trap has
18 a current state number permanently attached to the buoy. The
19 trap number shall be affixed in legible figures at least 1
20 inch high on each buoy used. The saltwater products license
21 must be on board the boat, and both the license and the crabs
22 shall be subject to inspection at all times. Only one trap
23 number may be issued for each boat by the department upon
24 receipt of an application on forms prescribed by it. This
25 subsection shall not apply to an individual fishing with no
26 more than five traps. It is a felony of the third degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084, for any person willfully to molest any traps, lines,
29 or buoys, as defined herein, belonging to another without
30 permission of the licenseholder.

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1 (2) A buoy or a time release buoy shall be attached to
2 each trap or at each end of a weighted trot line and shall be
3 of sufficient strength and buoyancy to float and of such
4 color, hue, and brilliancy to be easily distinguished, seen,
5 and located. Such color and trap number shall also be
6 permanently and conspicuously displayed on the boat used for
7 setting and collecting said traps and buoys, in the manner
8 prescribed by the Division of Law Enforcement, so as to be
9 readily identifiable from the air and water. This subsection
10 shall not apply to an individual fishing with no more than
11 five traps.

12 (3) It is unlawful for any person to sell or offer for
13 sale any eggbearing blue crabs. Except when authorized by a
14 special activity license issued by the department pursuant to
15 s. 370.06 for the soft-shell crab or bait trade, it is
16 unlawful for any person to possess for sale blue crabs
17 measuring less than 5 inches from point to point across the
18 carapace in an amount greater than 10 percent of the total
19 number of blue crabs in that person's possession. Traps may
20 be worked during daylight hours only, and the pulling of traps
21 from 1 hour after official sunset until 1 hour before official
22 sunrise is prohibited.

23 (4) No person shall harvest blue crabs with more than
24 five traps, harvest blue crabs in commercial quantities, or
25 sell blue crabs unless such person holds a valid saltwater
26 products license with a restricted species endorsement and a
27 blue crab endorsement (trap number) issued pursuant to this
28 subsection.

29 (a) Effective June 1, 1998, and until July 1, 2002, no
30 blue crab endorsement (trap number), except those endorsements
31

1 that are active during the 1997-1998 fiscal year, shall be
2 renewed or replaced.

3 (b) In 1998, persons holding an endorsement that was
4 active in the 1997-1998 fiscal year, or an immediate family
5 member of that person, must request approval of the
6 endorsement prior to December 31, 1998.

7 (c) In subsequent years and until July 1, 2002, a trap
8 number holder, or members of his or her immediate family, must
9 request renewal of the endorsement prior to September 30 of
10 each year.

11 (d) If a person holding an active blue crab
12 endorsement, or a member of that person's immediate family,
13 does not request renewal of the endorsement before the
14 applicable dates as specified in this subsection, the
15 department shall deactivate that endorsement.

16 (e) In the event of the death or disability of a
17 person holding an active blue crab endorsement, the
18 endorsement may be transferred by the person to a member of
19 his or her immediate family or may be renewed by any person so
20 designated by the executor of the person's estate.

21 (f) Persons who hold saltwater products licenses with
22 blue crab endorsements issued to their boat registration
23 numbers and who subsequently replace their existing vessels
24 with new vessels shall be permitted to transfer the existing
25 licenses to the new boat registration numbers.

26 (5)(4) Upon the arrest and conviction for a major
27 violation involving blue crabs, the licenseholder shall show
28 just cause why his or her saltwater products license should
29 not be suspended or revoked. This subsection shall not apply
30 to an individual fishing with no more than five traps. For
31 the purposes of this subsection, a "major violation" means a

1 major violation as prescribed in s. 370.021(2)(c) for illegal
2 blue crabs, any single violation wherein 50 or more illegal
3 blue crabs are involved, or any combination of violations in
4 any 3-consecutive-year period wherein more than 100 illegal
5 blue crabs in the aggregate are involved.

6 Section 10. Subsection (2) of section 370.021, Florida
7 Statutes, is amended to read:

8 370.021 Administration; rules, publications, records;
9 penalty for violation of chapter; injunctions.--

10 (2) PENALTY FOR VIOLATION.--Unless otherwise provided
11 by law, any person, firm, or corporation who is convicted for
12 violating any provision of this chapter, any rule of the
13 department adopted pursuant to this chapter, or any rule of
14 the Marine Fisheries Commission, shall be punished:

15 (a) Upon a first conviction, by imprisonment for a
16 period of not more than 60 days or by a fine of not less than
17 \$100 nor more than \$500, or by both such fine and
18 imprisonment.

19 (b) On a second or subsequent conviction within 12
20 months, by imprisonment for not more than 6 months or by a
21 fine of not less than \$250 nor more than \$1,000, or by both
22 such fine and imprisonment.

23 (c) In addition to the penalties provided in
24 paragraphs (a) and (b), the court shall assess additional
25 penalties against any person, firm, or corporation convicted
26 of major violations as follows:

27 1. For a violation involving more than 100 illegal
28 blue crabs, crawfish, or stone crabs, an additional penalty of
29 \$10 for each illegal blue crab, crawfish, stone crab, or part
30 thereof.

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1 2. For a violation involving the taking or harvesting
2 of shrimp from a nursery or other prohibited area, an
3 additional penalty of \$10 for each pound of illegal shrimp or
4 part thereof.

5 3. For a violation involving the taking or harvesting
6 of oysters from nonapproved areas or the taking or possession
7 of unculled oysters, an additional penalty of \$10 for each
8 bushel of illegal oysters.

9 4. For a violation involving the taking or harvesting
10 of clams from nonapproved areas, an additional penalty of \$100
11 for each 500 count bag of illegal clams.

12 5. For a violation involving the taking, harvesting,
13 or possession of any of the following species, which are
14 endangered, threatened, or of special concern:

- 15 a. Shortnose sturgeon (*Acipenser brevirostrum*);
16 b. Atlantic sturgeon (*Acipenser oxyrinchus*);
17 c. Common snook (*Centropomus undecimalis*);
18 d. Atlantic loggerhead turtle (*Caretta caretta*
19 *caretta*);
20 e. Atlantic green turtle (*Chelonia mydas mydas*);
21 f. Leatherback turtle (*Dermochelys coriacea*);
22 g. Atlantic hawksbill turtle (*Eretmochelys imbricata*
23 *imbricata*);
24 h. Atlantic ridley turtle (*Lepidochelys kempfi*); or
25 i. West Indian manatee (*Trichechus manatus*
26 *latirostris*),

27
28 an additional penalty of \$100 for each unit of marine life or
29 part thereof.

30 6. For a second or subsequent conviction within 24
31 months for any violation of the same law or rule involving the

1 taking or harvesting of more than 100 pounds of any finfish,
2 an additional penalty of \$5 for each pound of illegal finfish.

3 7. For any violation involving the taking, harvesting,
4 or possession of more than 1,000 pounds of any illegal
5 finfish, an additional penalty equivalent to the wholesale
6 value of the illegal finfish.

7 8.a. In addition to being subject to the other
8 penalties provided in this chapter, any intentional violation
9 of rule 46-4.007(1), Florida Administrative Code, shall be
10 considered a major violation, and any person, firm, or
11 corporation committing such violation shall be subject to the
12 following additional penalties:

13 (I) For a first violation within a 7-year period,
14 suspension of the saltwater products license for 90 days.

15 (II) For a second major violation within a 7-year
16 period, a civil penalty of \$5,000 and suspension of the
17 saltwater products license for 12 months.

18 (III) For a third or subsequent major violation within
19 a 7-year period, a civil penalty of \$5,000, lifetime
20 revocation of the saltwater products license, and forfeiture
21 of all gear and equipment used in the violation.

22 b. During any period of license suspension or
23 revocation under this section, the licensee may not fish from
24 any vessel that is harvesting saltwater products.

25 c. The Department of Environmental Protection may
26 bring a civil action to enforce the civil penalties prescribed
27 in this section.

28 9. In addition to being subject to other penalties
29 provided in this chapter, any violation of s. 370.06 or s.
30 370.07, or rules of the department implementing those
31 sections, which involves buying saltwater products from an

1 unlicensed person, firm, or corporation by a commercial
2 wholesale dealer, retail dealer, or restaurant facility for
3 public consumption or selling saltwater products by an
4 unlicensed person, firm, or corporation to a commercial
5 wholesale dealer, retail dealer, or restaurant facility for
6 public consumption is a major violation, and the department
7 may assess the following penalties:

8 a. For a first violation, the department may assess a
9 civil penalty of up to \$2,500 and may suspend the wholesale or
10 retail dealer's license privileges for up to 90 calendar days.

11 b. For a second violation occurring within 12 months
12 of a prior violation, the department may assess a civil
13 penalty of up to \$5,000 and may suspend the wholesale or
14 retail dealer's license privileges for up to 180 calendar
15 days.

16 c. For a third or subsequent violation occurring
17 within a 24-month period, the department shall assess a civil
18 penalty of \$5,000 and shall suspend the wholesale or retail
19 dealer's license privileges for up to 24 months.

20
21 However, upon demonstration of just cause by the
22 licenseholder, the department may waive or reduce the assessed
23 penalties. Any proceeds from the civil penalties assessed
24 pursuant to this subparagraph shall be deposited into the
25 Marine Resources Conservation Trust Fund.

26 10. The licenseholder must show just cause why his or
27 her license or licenses should not be suspended, revoked, or
28 denied renewal upon conviction for any of the following major
29 violations:

30 a. Any violation described elsewhere in paragraph
31 (2)(c) for the taking or harvesting or the attempted taking or

1 harvesting of finfish; any single violation involving the
2 possession of more than 10 percent over the legal amount of
3 finfish prescribed by law; or any combination of violations in
4 any 3-consecutive-year period in which more than 25 percent of
5 the annual aggregate of the legal amount of finfish prescribed
6 by law are involved.

7 b. Any violation described elsewhere in paragraph
8 (2)(c) for the taking or harvesting or the attempted taking or
9 harvesting of shrimp from a nursery or other prohibited area;
10 or any two violations occurring within a 12 month period,
11 involving gear, size count, or season.

12 c. Any violation described elsewhere in paragraph
13 (2)(c) for the taking or harvesting or the attempted taking or
14 harvesting of marine life species; any violation involving use
15 of chemicals or gear not authorized by rule of the Marine
16 Fisheries Commission; any violation involving the taking or
17 harvesting or the attempted taking or harvesting of marine
18 life species from a closed area or during a closed season; any
19 violation involving the taking or harvesting or the attempted
20 taking or harvesting of marine life species prohibited by rule
21 of the Marine Fisheries Commission; any violation involving
22 the possession of 25 or more illegal specimens of marine life
23 in the aggregate; or any combination of violations in any
24 3-consecutive-year period in which more than 70 illegal
25 specimens of marine life species in the aggregate are
26 involved. For purposes of this sub-subparagraph, the term
27 "marine life species" has the meaning ascribed by rule of the
28 Marine Fisheries Commission.

29 d. Any violation described elsewhere in paragraph
30 (2)(c) or in s. 370.14(6) involving the taking or harvesting
31 or the attempted taking or harvesting of crawfish.

1 e. Any violation described elsewhere in paragraph
2 (2)(c) or in s. 370.13(2) involving the taking or harvesting
3 or the attempted taking or harvesting of stone crabs.

4 f. Any violation described elsewhere in paragraph
5 (2)(c) or in s. 370.135(4) involving the taking or harvesting
6 or the attempted taking or harvesting of blue crabs.

7
8 Notwithstanding the provisions of s. 948.01, no court may
9 suspend, defer, or withhold adjudication of guilt or
10 imposition of sentence for any major violation prescribed in
11 this paragraph. For purposes of subparagraphs 9. and 10.,
12 conviction includes any disposition other than acquittal or
13 dismissal.

14 (d) The proceeds from the penalties assessed pursuant
15 to paragraph (c) shall be deposited into the Marine Resources
16 Conservation Trust Fund ~~to be used for marine fisheries~~
17 ~~research.~~

18 (e) Permits issued to any person, firm, or corporation
19 by the department to take or harvest saltwater products, or
20 any license issued pursuant to s. 370.06 or s. 370.07 may be
21 suspended or revoked by the department, pursuant to the
22 provisions and procedures of s. 120.60, for any major
23 violation prescribed in paragraph (c):

24 1. Upon a second conviction for a violation which
25 occurs within 12 months after a prior violation, for up to 60
26 days.

27 2. Upon a third conviction for a violation which
28 occurs within 24 months after a prior violation, for up to 180
29 days.

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1 3. Upon a fourth conviction for a violation which
2 occurs within 36 months after a prior violation, for a period
3 of 6 months to 3 years.

4 (f)1. In cases involving the intentional or
5 unintentional killing of any species of tarpon, snook in
6 excess of five fish per person, sailfish, or bonefish during a
7 fishing operation wherein the targeted species is legal to
8 harvest, the method of fishing and type of gear used are
9 legal, and the fish are killed as a direct result of such
10 otherwise legal fishing operations, the department shall
11 assess a civil penalty of \$100 for each snook killed in excess
12 of five fish per person, or tarpon, sailfish, or bonefish
13 killed in excess of any bag limit. In collecting penalties,
14 the department shall assess an equal share of the applicable
15 penalty to each fisher actually involved in the fishing
16 operation.

17 2. The civil penalty shall be paid in full to the
18 department within 30 calendar days of official notification.
19 The department may suspend the saltwater products license or
20 other saltwater fishing license of any person or boat not
21 paying the required civil penalty within the specified time
22 period. Persons contesting the assessment of any civil
23 penalties or any license suspension pursuant to this section
24 shall be entitled to a hearing pursuant to the provisions of
25 chapter 120.

26 3. All moneys collected by the department pursuant to
27 this paragraph shall be deposited into the Marine Resources
28 Conservation Trust Fund.

29 (g) Upon final disposition of any alleged violation of
30 s. 16 of Art. X of the State Constitution, this chapter, or
31 rules of the department or the Marine Fisheries Commission

1 implementing s. 16 of Art. X of the State Constitution or this
2 chapter, the clerk of the court shall, within 10 days, certify
3 the disposition to the department.

4 Section 11. Subsection (6) of section 370.07, Florida
5 Statutes, is amended, and subsection (8) is added to that
6 section to read:

7 370.07 Wholesale and retail saltwater products
8 dealers; regulation.--

9 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

10 (a) Wholesale dealers shall be required by the
11 department to make and preserve a record of the names and
12 addresses of persons from whom or to whom saltwater products
13 are purchased or sold, the quantity so purchased or sold from
14 or to each vendor or purchaser, and the date of each such
15 transaction. Retail dealers shall be required to make and
16 preserve a record from whom all saltwater products are
17 purchased. Such record shall be open to inspection at all
18 times by the department. A report covering the sale of
19 saltwater products shall be made monthly or as often as
20 required by rule to the department by each wholesale dealer.
21 All reports required under this subsection are confidential
22 and shall be exempt from the provisions of s. 119.07(1) except
23 that, pursuant to authority related to interstate fishery
24 compacts as provided by s. 370.19(3) and s. 370.20(3), reports
25 may be shared with another state if that state is a member of
26 an interstate fisheries compact, and if that state has signed
27 a Memorandum of Agreement or a similar instrument agreeing to
28 preserve confidentiality as established by Florida law. Any
29 breach of the confidentiality provisions of any such
30 instrument will result in the immediate termination of the
31 subject agreement by the State of Florida.

1 (b) The department may revoke, suspend, or deny the
2 renewal of the license of any dealer for failure to make and
3 keep required records, for failure to make required reports,
4 for failure or refusal to permit the examination of required
5 records, or for falsifying any such record. In addition to,
6 or in lieu of, the penalties ~~penalty~~ imposed pursuant to this
7 paragraph and s. 370.021, the department may impose against
8 any person, firm, or corporation who is determined to have
9 violated any provision of this paragraph or any provisions of
10 any department rules promulgated pursuant to s. 370.0607, the
11 following additional penalties:

12 1. For the first violation, a civil penalty of up to
13 \$1,000;

14 2. For a second violation committed within 24 months
15 of any previous violation, a civil penalty of up to \$2,500;
16 and

17 3. For a third or subsequent violation committed
18 within 36 months of any previous two violations, a civil
19 penalty of up to \$5,000.

20
21 The proceeds of all civil penalties collected pursuant to this
22 subsection shall be deposited into the Marine Resources
23 Conservation Trust Fund and shall be used for administration,
24 auditing, and law enforcement purposes ~~penalties pursuant to~~
25 ~~s. 370.021.~~

26 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
27 unlawful for any licensed retail dealer or any restaurant
28 licensed by the Division of Hotels and Restaurants of the
29 Department of Business and Professional Regulation to buy
30 saltwater products from any person other than a licensed
31 wholesale or retail dealer.

- 1 Section 12. Subsection (7) of section 370.08, Florida
2 Statutes, is repealed.
- 3 Section 13. Subsection (3) of section 370.0821,
4 Florida Statutes, is repealed.
- 5 Section 14. Subsections (2) and (3) of section 370.11,
6 Florida Statutes, are repealed.
- 7 Section 15. Section 370.1125, Florida Statutes, is
8 repealed.
- 9 Section 16. Section 370.114, Florida Statutes, is
10 repealed.
- 11 Section 17. Subsections (2) and (3) of section
12 370.135, Florida Statutes, are repealed.
- 13 Section 18. Subsections (2) and (3) of section 370.15,
14 Florida Statutes, are repealed.
- 15 Section 19. Subsection (2) of section 370.151, Florida
16 Statutes, is repealed.
- 17 Section 20. Paragraphs (c), (d), and (e) of subsection
18 (4) and paragraphs (b) and (d) of subsection (5) of section
19 370.153, Florida Statutes, are repealed.
- 20 Section 21. Section 370.156, Florida Statutes, is
21 repealed.
- 22 Section 22. Section 370.157, Florida Statutes, is
23 repealed.
- 24 Section 23. Section 370.1127, Florida Statutes, is
25 repealed.
- 26 Section 24. This act shall take effect upon becoming a
27 law.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1506

4 The committee substitute combines the provisions of SB 1506
5 and SB 1084, with the following changes or additions:

- 6 - Section 253.72, F.S., is amended to prohibit the harvest
7 of shellfish within 25 feet of a lawfully marked
8 aquaculture leased area, or within setback and access
9 corridors within specifically designated high density
10 aquaculture lease areas and use zones.
11
12 - Section 370.06, F.S., is amended to allow any resident
13 who is certified to be totally and permanently disabled
14 to be exempt from the income requirements for a
15 restricted species endorsement on a saltwater products
16 license.
17
18 - Rather than reducing the funding from recreational
19 saltwater fishing license fees for marine research, the
20 reduction of 2.5 percent will be from funding for fish
21 enhancement projects.

22 The amendments to s. 370.092, F.S., have been deleted and
23 replaced by provisions providing that it is a major
24 violation for any person, firm or corporation to possess
25 any gill or entangling net or seine net larger than 500
26 square feet in mesh area, on any airboat or any other
27 vessel less than 22 feet in length, or 25 feet in length
28 if primary power of the vessel is mounted forward of the
29 vessel center point. The MFC may adjust by rule the use
30 of gear on vessels of lengths different than those
31 specified in this section in order to prevent the illegal
use of gill and entangling nets in state waters and to
provide reasonable opportunities for the use of legal net
gear in adjacent federal waters.

The MFC is directed to adopt rules to prohibit the
possession and sale of mullet taken in illegal gill or
entangling nets.

- 23 - Section 370.13, F.S., is amended to extend the moratorium
24 period for issuing new stone crab trap numbers from 1999
25 to 2000. In the event of death or disability of a person
26 holding an active stone crab endorsement, the endorsement
27 may be transferred to a member of his or her immediate
28 family or may be renewed by any person so designated by
29 the executor of the person's estate.

No person may harvest stone crabs with more than 5 traps,
harvest stone crabs in commercial quantities, or sell
stone crabs unless such person holds a valid saltwater
products license with a restricted species endorsement
and stone crab endorsement.

- 30 - Section 370.135, F.S., is amended to provide that no
31 person may harvest blue crabs with more than 5 traps,
harvest blue crabs in commercial quantities, or sell blue
crabs unless such person holds a valid saltwater products

1 license with a restricted species endorsement and a blue
2 crab endorsement (trap number).

3 The bill establishes a moratorium on the issuance of blue crab
4 endorsements as follows:

5 - Effective June 1, 1998, and until July 1, 2002, no blue
6 crab endorsement (trap number), except those endorsements
7 that are active during the 1997-1998 fiscal year, shall
8 be renewed or replaced.

9 - In 1998, persons holding an endorsement that was active
10 in the 1997-1998 fiscal year, or an immediate family
11 member of that person, must request approval of the
12 endorsement prior to December 31, 1998.

13 - In subsequent years and until July 1, 2002, a trap number
14 holder, or members of his or her immediate family, must
15 request renewal of the endorsement prior to September 30
16 of each year.

17 - If a person holding an active blue crab endorsement, or a
18 member of that person's immediate family, does not
19 request renewal of the endorsement before the applicable
20 dates as specified, the department shall deactivate that
21 endorsement.

22 - In the event of the death or disability of a person
23 holding an active blue crab endorsement, the endorsement
24 may be transferred by the person to a member of his or
25 her immediate family or may be renewed by any person so
26 designated by the executor of the person's estate.

27 - Persons who hold saltwater products licenses with blue
28 crab endorsements issued to their boat registration
29 numbers and who subsequently replace their existing
30 vessels with new vessels shall be permitted to transfer
31 the existing licenses to the new boat registration
numbers.

The bill repeals section 370.1127, F.S., relating to mullet
regulation west of the Ochlockonee River.