

1                                   A bill to be entitled  
2           An act relating to marine resources; amending  
3           s. 253.72, F.S.; amending s. 370.01, F.S.;  
4           defining food fish for human consumption;  
5           providing restrictions for certain areas for  
6           harvesting shellfish; amending s. 370.06, F.S.;  
7           providing an exemption for totally disabled  
8           residents for a restricted species endorsement;  
9           providing qualifications for the issuance of a  
10          marine life endorsement on a saltwater products  
11          license; providing for a moratorium on the  
12          issuance of endorsements; providing for the  
13          transfer and reissuance of endorsements;  
14          providing for a report; amending s. 370.0608,  
15          F.S.; revising the distribution of funds  
16          collected from the sale of recreational  
17          saltwater fishing licenses; amending s.  
18          370.092, F.S.; creating a major violation for  
19          the possession of specified nets on certain  
20          vessels; providing specific rulemaking  
21          authority for the regulation of nets on boats  
22          of a specific length; directing the Marine  
23          Fisheries Commission to adopt rules prohibiting  
24          the possession and sale of mullet taken in  
25          illegal gill or entangling nets; providing a  
26          penalty for violations; prohibiting the use of  
27          certain nets composed of specified materials;  
28          providing a definition; amending s. 370.093,  
29          F.S.; authorizing the Marine Fisheries  
30          Commission to adopt rules implementing s.  
31          370.093, F.S.; amending s. 370.1405, F.S.;

1 authorizing the Department of Environmental  
2 Protection to adopt certain rules; amending s.  
3 370.142, F.S.; providing for a surcharge to be  
4 assessed upon the initial transfer of a  
5 transferable crawfish trap certificate outside  
6 the original transferor's immediate family;  
7 prohibiting the lease of lobster trap  
8 certificates after July 1, 1998; providing  
9 additional penalties for violations relating to  
10 traps; providing for the continuation of the  
11 Marine Fisheries Commission notwithstanding its  
12 scheduled abolition; amending s. 370.13, F.S.;  
13 restricting the issuance of stone crab trap  
14 numbers until July 1, 2000; providing for  
15 renewal under certain circumstances; amending  
16 s. 370.135, F.S.; restricting the issuance of  
17 new blue crab endorsements for a certain period  
18 of time; providing for renewal or replacement  
19 under certain circumstances; amending s.  
20 370.021, F.S.; providing additional penalties  
21 for violations involving buying saltwater  
22 products from an unlicensed seller or the sale  
23 of saltwater products by an unlicensed seller;  
24 authorizing the suspension, revocation, or  
25 denial of renewal of licenses for specified  
26 major violations involving finfish, shrimp,  
27 marine life species, crawfish, stone crabs, and  
28 blue crabs; requiring clerks of courts to  
29 certify the final disposition of specified  
30 court proceedings to the Department of  
31 Environmental Protection; amending s. 370.07,

1 F.S.; authorizing the sharing of wholesale  
2 saltwater products dealer reports with other  
3 states under specified conditions; providing  
4 civil penalties for violation of recordkeeping  
5 and reporting requirements; prohibiting a  
6 licensed retail dealer or a licensed restaurant  
7 from buying saltwater products from any person  
8 other than a licensed wholesale or retail  
9 dealer; repealing s. 370.1127, F.S., relating  
10 to mullet regulation west of the Ochlockonee  
11 River; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

15 Section 1. Subsection (3) is added to section 253.72,  
16 Florida Statutes, to read:

17 253.72 Marking of leased areas; restrictions on public  
18 use.--

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

26 Section 2. Subsection (12) of section 370.01, Florida  
27 Statutes, is amended to read:

28 370.01 Definitions.--In construing these statutes,  
29 where the context does not clearly indicate otherwise, the  
30 word, phrase, or term:  
31

1           (12) "Food fish" shall include mullet, trout, redfish,  
2 sheepshead, pompano, mackerel, bluefish, red snapper, grouper,  
3 black drum, jack crevalle,and all other fish generally used  
4 for human consumption.

5           Section 3. Subsection (2) of section 370.06, Florida  
6 Statutes, is amended to read:

7           370.06 Licenses.--

8           (2) SALTWATER PRODUCTS LICENSE.--

9           (a) Every person, firm, or corporation that sells,  
10 offers for sale, barter, or exchanges for merchandise any  
11 saltwater products, or which harvests saltwater products with  
12 certain gear or equipment as specified by law, must have a  
13 valid saltwater products license, except that the holder of an  
14 aquaculture certificate is not required to purchase and  
15 possess a saltwater products license in order to possess,  
16 transport, or sell marine aquaculture products. Each  
17 saltwater products license allows the holder to engage in any  
18 of the activities for which the license is required. The  
19 license must be in the possession of the licenseholder or  
20 aboard the vessel and shall be subject to inspection at any  
21 time that harvesting activities for which a license is  
22 required are being conducted. A restricted species endorsement  
23 on the saltwater products license is required to sell to a  
24 licensed wholesale dealer those species which the state, by  
25 law or rule, has designated as "restricted species." This  
26 endorsement may be issued only to a person who is at least 16  
27 years of age, or to a firm certifying that over 25 percent of  
28 its income or \$5,000 of its income, whichever is less, is  
29 attributable to the sale of saltwater products pursuant to a  
30 license issued under this paragraph or a similar license from  
31 another state. This endorsement may also be issued to a

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

16 1. The department is authorized to require  
17 verification of such income. Acceptable proof of income earned  
18 from the sale of saltwater products shall be:

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

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

24 c. A copy of the applicable federal income tax return,  
25 including Form 1099 attachments, verifying income earned from  
26 the sale of saltwater products;

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

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

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

13 2. Exceptions from income requirements shall be as  
14 follows:

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

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

21 c. Upon the sale of a used commercial fishing vessel  
22 owned by a person, firm, or corporation possessing or eligible  
23 for a restricted species endorsement, the purchaser of such  
24 vessel shall be exempted from the qualifying income  
25 requirement for the purpose of obtaining a restricted species  
26 endorsement for a period of 1 year after purchase of the  
27 vessel.

28 d. Upon the death or permanent disablement of a person  
29 possessing a restricted species endorsement, an immediate  
30 family member wishing to carry on the fishing operation shall  
31 be exempted from the qualifying income requirement for the

1 purpose of obtaining a restricted species endorsement for a  
2 period of 1 year after the death or disablement.

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

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

12 g. Any resident who is certified to be totally and  
13 permanently disabled by a verified written statement, based  
14 upon the criteria for permanent total disability in chapter  
15 440 from a physician licensed in this state, by any branch of  
16 the United States Armed Services, by the Social Security  
17 Administration, or by the United States Department of Veterans  
18 Affairs or its predecessor, or any resident who holds a valid  
19 identification card issued by the Department of Veterans'  
20 Affairs pursuant to s. 295.17, shall be exempted from the  
21 income requirements if he or she also has held a saltwater  
22 products license for at least 3 of the last 5 license years  
23 prior to the date of the disability. A Disability Award Notice  
24 issued by the United States Social Security Administration is  
25 not sufficient certification for a resident to obtain the  
26 income exemption unless the notice certifies that the resident  
27 is totally and permanently disabled.

28  
29 At least one saltwater products license bearing a restricted  
30 species endorsement shall be aboard any vessel harvesting  
31 restricted species in excess of any bag limit or when fishing

1 under a commercial quota or in commercial quantities, and such  
2 vessel shall have a commercial vessel registration. This  
3 subsection does not apply to any person, firm, or corporation  
4 licensed under s. 370.07(1)(a)1. or (b) for activities  
5 pursuant to such licenses. A saltwater products license may be  
6 issued in the name of an individual or a valid boat  
7 registration number. Such license is not transferable. A decal  
8 shall be issued with each saltwater products license issued to  
9 a valid boat registration number. The saltwater products  
10 license decal shall be the same color as the vessel  
11 registration decal issued each year pursuant to s. 327.11(7)  
12 and shall indicate the period of time such license is valid.  
13 The saltwater products license decal shall be placed beside  
14 the vessel registration decal and, in the case of an  
15 undocumented vessel, shall be placed so that the vessel  
16 registration decal lies between the vessel registration number  
17 and the saltwater products license decal. Any saltwater  
18 products license decal for a previous year shall be removed  
19 from a vessel operating on the waters of the state. A resident  
20 shall pay an annual license fee of \$50 for a saltwater  
21 products license issued in the name of an individual or \$100  
22 for a saltwater products license issued to a valid boat  
23 registration number. A nonresident shall pay an annual license  
24 fee of \$200 for a saltwater products license issued in the  
25 name of an individual or \$400 for a saltwater products license  
26 issued to a valid boat registration number. An alien shall pay  
27 an annual license fee of \$300 for a saltwater products license  
28 issued in the name of an individual or \$600 for a saltwater  
29 products license issued to a valid boat registration number.  
30 Any person who sells saltwater products pursuant to this  
31 license may sell only to a licensed wholesale dealer. A

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

23 (b) Any person who sells, offers for sale, barter, or  
24 exchanges for merchandise saltwater products must have a  
25 method of catch preservation which meets the requirements and  
26 standards of the seafood quality control code promulgated by  
27 the Department of Environmental Protection.

28 (c) A saltwater products license is required to  
29 harvest commercial quantities of saltwater products. Any  
30 vessel from which commercial quantities of saltwater products  
31 are harvested must have a commercial vessel registration.

1 Commercial quantities of saltwater products shall be defined  
2 as:

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

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

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

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

22 b. In 1998 persons or corporations holding a marine  
23 life endorsement that was active in the 1997-1998 fiscal year  
24 or an immediate family member of that person must request  
25 renewal of the marine life endorsement before December 31,  
26 1998.

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

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1 d. If a person or corporation holding an active marine  
2 life fishing endorsement or a member of that person's  
3 immediate family does not request renewal of the endorsement  
4 before the applicable dates specified in this paragraph, the  
5 department shall deactivate that marine life fishing  
6 endorsement.

7 e. In the event of the death or disability of a person  
8 holding an active marine life fishing endorsement, the  
9 endorsement may be transferred by the person to a member of  
10 his or her immediate family or may be renewed by any person so  
11 designated by the executor of the person's estate.

12 f. Persons or corporations who hold saltwater product  
13 licenses with marine life fishing endorsements issued to their  
14 vessel registration numbers and who subsequently replace their  
15 existing vessels with new vessels may transfer the existing  
16 marine life fishing endorsement to the new boat registration  
17 numbers.

18 g. Persons or corporations who hold saltwater product  
19 licenses with marine life fishing endorsements issued to their  
20 name and who subsequently incorporate or unincorporate may  
21 transfer the existing marine life fishing endorsement to the  
22 new corporation or person.

23 h. By July 1, 2000, the Marine Fisheries Commission  
24 shall prepare a report regarding options for the establishment  
25 of a limited-entry program for the marine life fishery and  
26 submit the report to the Governor, the President of the  
27 Senate, the Speaker of the House of Representatives, and the  
28 chairs of the Senate and House committees having jurisdiction  
29 over marine resources.

30 ~~3.2.~~ The fee for a marine life fishery endorsement on  
31 a saltwater products license shall be \$75. These license fees

1 shall be collected and deposited in the Marine Resources  
2 Conservation Trust Fund and used for the purchase and  
3 installation of vessel mooring buoys at coral reef sites and  
4 for research related to marine fisheries.

5 Section 4. Subsection (1) of section 370.0608, Florida  
6 Statutes, is amended to read:

7 370.0608 Deposit of license fees; allocation of  
8 federal funds.--

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

12 (a) Not more than 5 ~~2.5~~ percent of the total fees  
13 collected shall be for the Marine Fisheries Commission to be  
14 used to carry out the responsibilities of the commission and  
15 to provide for the award of funds to marine research  
16 institutions in this state for the purposes of enabling such  
17 institutions to conduct worthy marine research projects.

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

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

22 a. Not more than 5 percent of the total fees  
23 collected, for administration of the licensing program and for  
24 information and education.

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

27 c. Not less than 27.5 ~~30~~ percent of the total fees  
28 collected, for marine research.

29 d. Not less than 30 percent of the total fees  
30 collected, for fishery enhancement, including, but not limited  
31

1 to, fishery statistics development, artificial reefs, and fish  
2 hatcheries.

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

16           Section 5. Subsection (3) of section 370.092, Florida  
17 Statutes, is amended to read:

18           370.092 Carriage of proscribed nets across Florida  
19 waters.--

20           (3)(a) Notwithstanding subsections (1) and (2), unless  
21 authorized by rule of the Marine Fisheries Commission, it is a  
22 major violation under this section, punishable as provided in  
23 subsection (4), for any person, firm, or corporation to  
24 possess any gill or entangling net, or any seine net larger  
25 than 500 square feet in mesh area, on any airboat or on any  
26 other vessel less than 22 feet in length and on any vessel  
27 less than 25 feet if primary power of the vessel is mounted  
28 forward of the vessel center point. Gill or entangling nets  
29 shall be as defined in s. 16, Art. X of the State  
30 Constitution, s. 370.093(2)(b), or in a rule of the Marine  
31 Fisheries Commission implementing s. 16, Art. X of the State

1 Constitution. Vessel length shall be determined in accordance  
2 with current U.S. Coast Guard regulations specified in the  
3 Code of Federal Regulations or as titled by the State of  
4 Florida. The Marine Fisheries Commission is directed to  
5 initiate by July 1, 1998, rulemaking to adjust by rule the use  
6 of gear on vessels longer than 22 feet where the primary power  
7 of the vessel is mounted forward of the vessel center point in  
8 order to prevent the illegal use of gill and entangling nets  
9 in state waters and to provide reasonable opportunities for  
10 the use of legal net gear in adjacent federal waters.

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

25 1. The person possesses a valid commercial fishing  
26 license that is issued by the State of Alabama and that allows  
27 the person to use a gill net to legally harvest mullet in  
28 commercial quantities from Alabama waters.

29 2. The person possesses a trip ticket issued in  
30 Alabama and filled out to match the quantity of mullet being  
31

1 transported, and the person is able to present such trip  
2 ticket immediately upon entering this state.

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

8           4. The mullet being transported are totally removed  
9 from any net also being transported.

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

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

18           Section 6. Section 370.093, Florida Statutes, is  
19 amended to read:

20           370.093 Illegal use of nets.--

21           (1) It is unlawful to take or harvest, or to attempt  
22 to take or harvest, any marine life in Florida waters with any  
23 net that is not consistent with the provisions of s. 16, Art.  
24 X of the State Constitution.

25           (2)(a) Beginning July 1, 1998, it is also unlawful to  
26 take or harvest, or to attempt to take or harvest, any marine  
27 life in Florida waters with any net, as defined in subsection  
28 (3) and any attachments to such net, that combined are larger  
29 than 500 square feet and have not been expressly authorized  
30 for such use by rule of the Marine Fisheries Commission under  
31 s. 370.027. The use of currently legal shrimp trawls and

1 purse seines outside nearshore and inshore Florida waters  
2 shall continue to be legal until the commission implements  
3 rules regulating those types of gear.

4 (b) The use of gill or entangling nets of any size is  
5 prohibited, as such nets are defined in s. 16, Art. X of the  
6 State Constitution. Any net constructed wholly or partially  
7 of monofilament or multistrand monofilament ~~multifilament~~  
8 material, other than a hand thrown cast net, or a handheld  
9 landing or dip net, shall be considered to be an entangling  
10 net within the prohibition of s. 16, Art. X of the State  
11 Constitution unless specifically authorized by rule of the  
12 commission. Multistrand monofilament ~~Multifilament~~ material  
13 shall not be defined to include nets constructed of braided or  
14 twisted nylon, cotton, linen twine, or polypropylene twine.

15 (c) This subsection shall not be construed to apply to  
16 aquaculture activities licenses issued pursuant to s. 370.26.

17 (3) As used in s. 16, Art. X of the State Constitution  
18 and this subsection, the term "net" or "netting" must be  
19 broadly construed to include all manner or combination of mesh  
20 or webbing or any other solid or semisolid fabric or other  
21 material used to comprise a device that is used to take or  
22 harvest marine life.

23 (4) Upon the arrest of any person for violation of  
24 this subsection, the arresting officer shall seize the nets  
25 illegally used. Upon conviction of the offender, the arresting  
26 authority shall destroy the nets.

27 (5) Any person who violates this section shall be  
28 punished as provided in s. 370.092(4).

29 (6) The Marine Fisheries Commission is granted  
30 authority to adopt rules pursuant to ss. 370.025 and 370.027

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1 implementing this section and the prohibitions and  
2 restrictions of s. 16, Art. X of the State Constitution.

3 Section 7. Subsection (2) of section 370.142, Florida  
4 Statutes, is amended to read:

5 370.142 Spiny lobster trap certificate program.--

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

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

16 1. The department shall initially allot such  
17 certificates to each licenseholder with a current crawfish  
18 trap number who uses traps. The number of such certificates  
19 allotted to each such licenseholder shall be based on the  
20 trap/catch coefficient established pursuant to trip ticket  
21 records generated under the provisions of s. 370.06(2)(a) over  
22 a 3-year base period ending June 30, 1991. The trap/catch  
23 coefficient shall be calculated by dividing the sum of the  
24 highest reported single license-year landings up to a maximum  
25 of 30,000 pounds for each such licenseholder during the base  
26 period by 700,000. Each such licenseholder shall then be  
27 allotted the number of certificates derived by dividing his or  
28 her highest reported single license-year landings up to a  
29 maximum of 30,000 pounds during the base period by the  
30 trap/catch coefficient. Nevertheless, no licenseholder with a  
31 current crawfish trap number shall be allotted fewer than 10

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

1 consider the amount of revenues annually generated by  
2 certificate fees, transfer fees, surcharges, trap license  
3 fees, and sales taxes, the demonstrated fair market value of  
4 transferred certificates, and the continued economic viability  
5 of the commercial lobster industry. The proceeds of equitable  
6 rent recovered shall be deposited in the Marine Resources  
7 Conservation Trust Fund and used by the department for  
8 research, management, and protection of the spiny lobster  
9 fishery and habitat.

10 2. No person, firm, corporation, or other business  
11 entity may control, directly or indirectly, more than 1.5  
12 percent of the total available certificates in any license  
13 year.

14 3. The department shall maintain records of all  
15 certificates and their transfers and shall annually provide  
16 each licenseholder with a statement of certificates held.

17 4. The number of trap tags issued annually to each  
18 licenseholder shall not exceed the number of certificates held  
19 by the licenseholder at the time of issuance, and such tags  
20 and a statement of certificates held shall be issued  
21 simultaneously.

22 5. Beginning July 1, 2003, and applicable to the  
23 2003-2004 lobster season and thereafter, it is unlawful for  
24 any person to lease lobster trap tags or certificates.

25 (b) Trap tags.--Each trap used to take or attempt to  
26 take spiny lobsters in state waters or adjacent federal waters  
27 shall, in addition to the crawfish trap number required by s.  
28 370.14(2), have affixed thereto an annual trap tag issued by  
29 the department. Each such tag shall be made of durable plastic  
30 or similar material and shall, beginning with those tags  
31 issued for the 1993-1994 season based on the number of

1 certificates held, have stamped thereon the owner's license  
2 number. To facilitate enforcement and recordkeeping, such tags  
3 shall be issued each year in a color different from that of  
4 each of the previous 3 years. A fee of 50 cents per tag issued  
5 other than on the basis of a certificate held shall be  
6 assessed through March 31, 1993. Until 1995, an annual fee of  
7 50 cents per certificate shall be assessed, and thereafter,  
8 until 1998, an annual fee of 75 cents per certificate shall be  
9 assessed upon issuance in order to recover administrative  
10 costs of the tags and the certificate program. Beginning in  
11 1998, the annual certificate fee shall be \$1 per certificate.  
12 Replacement tags for lost or damaged tags may be obtained as  
13 provided by rule of the department.

14 (c) Prohibitions; penalties.--

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

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

26 3. In addition to any other penalties provided in s.  
27 370.021 ~~Unless otherwise provided in this section,~~ a  
28 commercial harvester, as defined by rule 46-24.002(1), Florida  
29 Administrative Code, who violates the provisions of this  
30 section, or the provisions relating to traps of chapter 46-24,  
31 Florida Administrative Code, shall be punished as follows:

1           a. If the first violation is for violation of  
2 subparagraph 1. or subparagraph 2., the department shall  
3 assess an additional ~~a~~ civil penalty of up to \$1,000 and the  
4 crawfish trap number issued pursuant to s. 370.14(2) or (7)  
5 may be suspended for the remainder of the current license  
6 year. For all other first violations, the department shall  
7 assess an additional ~~a~~ civil penalty of up to \$500.

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

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

23           d. Any person assessed an additional ~~a~~ civil penalty  
24 pursuant to this section shall within 30 calendar days after  
25 notification:

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

27           (II) Request an administrative hearing pursuant to the  
28 provisions of s. 120.60.

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

1           4.a. It is unlawful for any person to make, alter,  
2 forge, counterfeit, or reproduce a spiny lobster trap tag or  
3 certificate.

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

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

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

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

28           6. Any certificates for which the annual certificate  
29 fee is not paid for a period of 3 years shall be considered  
30 abandoned and shall revert to the department. During any  
31 period of trap reduction, any certificates reverting to the

1 department shall become permanently unavailable and be  
2 considered in that amount to be reduced during the next  
3 license-year period. Otherwise, any certificates that revert  
4 to the department are to be reallocated in such manner as  
5 provided by the department.

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

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

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

17 Section 8. Notwithstanding the provisions of section 2  
18 of chapter 94-247, Laws of Florida, the statutory  
19 authorization for the creation and functions of the Marine  
20 Fisheries Commission contained in sections 370.025-370.028,  
21 Florida Statutes, shall not stand repealed as scheduled by  
22 those provisions, but shall continue in full force and effect.

23 Section 9. Section 370.13, Florida Statutes, is  
24 amended to read:

25 370.13 Stone crab; regulation.--

26 (1)(a) It is unlawful for any person, firm, or  
27 corporation to catch or have in his or her possession,  
28 regardless of where taken, for his or her own use or to sell  
29 or offer for sale, any stone crab, or parts thereof, of any  
30 size between May 15 and October 15 of each year, except for  
31

1 stone crabs, or parts thereof, placed in inventory prior to  
2 May 15 of each year.

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

6 (2) Upon the arrest and conviction for a major  
7 violation involving stone crabs, the licenseholder must show  
8 just cause why his or her license should not be suspended or  
9 revoked. For the purposes of this subsection, a "major  
10 violation" means a major violation as prescribed in s.  
11 370.021(2)(c) for illegal stone crabs; any single violation  
12 involving possession of more than 25 stone crabs during the  
13 closed season or possession of 25 or more whole-bodied or  
14 egg-bearing stone crabs; any violation for trap molestation,  
15 trap robbing, or pulling traps at night; or any combination of  
16 violations in any 3-consecutive-year period wherein more than  
17 75 illegal stone crabs in the aggregate are involved.

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

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

25 (b) Any person who violates paragraph (a) is guilty of  
26 a felony of the third degree, punishable as provided in s.  
27 775.082 or s. 775.083.

28 (5) Any gear, equipment, boat, vehicle, or item used  
29 in the violation of this section is subject to confiscation.  
30 In addition, the Department of Environmental Protection shall  
31 revoke the permit of any permit holder convicted of a violation

1 of paragraph (1)(a) for a period of 1 year from the date of  
2 the conviction, and he or she is prohibited during that period  
3 from catching or having in his or her possession any stone  
4 crab for the person's own use or to sell or offer to sell,  
5 whether or not he or she is accompanied by the holder of a  
6 valid permit and regardless of where taken.

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

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

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

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

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

31

1 (f) Persons who hold saltwater products licenses with  
2 stone crab endorsements issued to their boat registration  
3 numbers and who subsequently replace their existing vessels  
4 with new vessels shall be permitted to transfer the existing  
5 licenses to the new boat registration numbers.

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

11 (8)~~(7)~~ Beginning October 1995, stone crabs shall be  
12 designated as a restricted species pursuant to s. 370.01(20).

13 Section 10. Section 370.135, Florida Statutes, is  
14 amended to read:

15 370.135 Blue crab; regulation.--

16 (1) No person, firm, or corporation shall transport on  
17 the water, fish with or cause to be fished with, set, or place  
18 any trap designed for taking blue crabs unless such person,  
19 firm, or corporation is the holder of a valid saltwater  
20 products license issued pursuant to s. 370.06 and the trap has  
21 a current state number permanently attached to the buoy. The  
22 trap number shall be affixed in legible figures at least 1  
23 inch high on each buoy used. The saltwater products license  
24 must be on board the boat, and both the license and the crabs  
25 shall be subject to inspection at all times. Only one trap  
26 number may be issued for each boat by the department upon  
27 receipt of an application on forms prescribed by it. This  
28 subsection shall not apply to an individual fishing with no  
29 more than five traps. It is a felony of the third degree,  
30 punishable as provided in s. 775.082, s. 775.083, or s.  
31 775.084, for any person willfully to molest any traps, lines,

1 or buoys, as defined herein, belonging to another without  
2 permission of the licenseholder.

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

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

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

31

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

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

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

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

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

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

28           (5)~~(4)~~ Upon the arrest and conviction for a major  
29 violation involving blue crabs, the licenseholder shall show  
30 just cause why his or her saltwater products license should  
31 not be suspended or revoked. This subsection shall not apply

1 to an individual fishing with no more than five traps. For  
2 the purposes of this subsection, a "major violation" means a  
3 major violation as prescribed in s. 370.021(2)(c) for illegal  
4 blue crabs, any single violation wherein 50 or more illegal  
5 blue crabs are involved, or any combination of violations in  
6 any 3-consecutive-year period wherein more than 100 illegal  
7 blue crabs in the aggregate are involved.

8 Section 11. Subsection (4) is added to section  
9 370.021, Florida Statutes, to read:

10 370.021 Administration; rules, publications, records;  
11 penalty for violation of chapter; injunctions.--

12 (4) In addition to being subject to other penalties  
13 provided in this chapter, any violation of ss. 370.06 or  
14 370.07, or rules of the department implementing ss. 370.06 or  
15 370.07, involving buying saltwater products from an unlicensed  
16 person, firm, or corporation, shall be a major violation, and  
17 the department may assess the following penalties:

18 1. For a first violation, the department may assess a  
19 civil penalty of up to \$2,500 and may suspend the wholesale  
20 and/or retail dealer's license privileges for up to 90  
21 calendar days.

22 2. For a second violation occurring within 12 months  
23 of a prior violation, the department may assess a civil  
24 penalty of up to \$5,000 and may suspend the wholesale and/or  
25 retail dealer's license privileges for up to 180 calendar  
26 days.

27 3. For a third or subsequent violation occurring  
28 within a 24 month period, the department shall assess a civil  
29 penalty of \$5,000 and shall suspend the wholesale and/or  
30 retail dealer's license privileges for up to 24 months.

31

1 Any proceeds from the civil penalties assessed pursuant to  
2 this subsection shall be deposited into the Marine Resources  
3 Conservation Trust Fund and shall be used as follows: 40  
4 percent for administration and processing purposes; and 60  
5 percent for law enforcement purposes.

6 Section 12. Subsection (6) of section 370.07, Florida  
7 Statutes, is amended, and subsection (8) is added to that  
8 section to read:

9 370.07 Wholesale and retail saltwater products  
10 dealers; regulation.--

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

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

31

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 13. Subsection (6) is added to section  
2 370.1405, Florida Statutes, to read:  
3           370.1405 Crawfish reports by dealers during closed  
4 season required.--  
5           (6) The Department of Environmental Protection is  
6 authorized to adopt rules incorporating by reference such  
7 forms as are necessary to implement the provisions of this  
8 section.  
9           Section 14. Section 370.1127, Florida Statutes, is  
10 repealed.  
11           Section 15. This act shall take effect upon becoming a  
12 law.  
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