

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Kelly offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

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

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

370.01 Definitions.--In construing these statutes,
where the context does not clearly indicate otherwise, the

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1 word, phrase, or term:

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

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

8 370.06 Licenses.--

9 (2) SALTWATER PRODUCTS LICENSE.--

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

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

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

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

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

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

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

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

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

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

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

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

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

29 d. Upon the death or permanent disablement of a person
30 possessing a restricted species endorsement, an immediate
31 family member wishing to carry on the fishing operation shall

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1 be exempted from the qualifying income requirement for the
2 purpose of obtaining a restricted species endorsement for a
3 period of 1 year after the death or disablement.

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

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

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

29
30 At least one saltwater products license bearing a restricted
31 species endorsement shall be aboard any vessel harvesting

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

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

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

29 (c) A saltwater products license is required to
30 harvest commercial quantities of saltwater products. Any
31 vessel from which commercial quantities of saltwater products

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1 are harvested must have a commercial vessel registration.
2 Commercial quantities of saltwater products shall be defined
3 as:

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

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

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

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

23 b. In 1998 persons or corporations holding a marine
24 life endorsement that was active in the 1997-1998 fiscal year
25 or an immediate family member of that person must request
26 renewal of the marine life endorsement before December 31,
27 1998.

28 c. In subsequent years and until July 1, 2002, a
29 marine life endorsement holder or member of his or her
30 immediate family must request renewal of the marine life
31 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

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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 30 percent of the total fees
28 collected, for marine research.

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

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1 hatcheries.

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

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

17 370.092 Carriage of proscribed nets across Florida
18 waters.--

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

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1 Coast Guard regulations specified in the Code of Federal
2 Regulations or as titled by the State of Florida. The Marine
3 Fisheries Commission may adjust by rule the use of gear on
4 vessels of lengths different than those specified in this
5 section in order to prevent the illegal use of gill and
6 entangling nets in state waters and to provide reasonable
7 opportunities for the use of legal net gear in adjacent
8 federal waters.

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

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

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

31 3. The mullet are to be sold to a wholesale saltwater

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1 products dealer located in Escambia County or Santa Rosa
2 County, which dealer also possesses a valid seafood dealer's
3 license issued by the State of Alabama. The dealer's name must
4 be clearly indicated on the trip ticket.

5 4. The mullet being transported are totally removed
6 from any net also being transported.

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

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

15 Section 6. Section 370.093, Florida Statutes, is
16 amended to read:

17 370.093 Illegal use of nets.--

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

22 (2)(a) Beginning July 1, 1998, it is also unlawful to
23 take or harvest, or to attempt to take or harvest, any marine
24 life in Florida waters with any net, as defined in subsection
25 (3) and any attachments to such net, that combined are larger
26 than 500 square feet and have not been expressly authorized
27 for such use by rule of the Marine Fisheries Commission under
28 s. 370.027. The use of currently legal shrimp trawls and
29 purse seines outside nearshore and inshore Florida waters
30 shall continue to be legal until the commission implements
31 rules regulating those types of gear.

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

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

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

19 (4) Upon the arrest of any person for violation of
20 this subsection, the arresting officer shall seize the nets
21 illegally used. Upon conviction of the offender, the arresting
22 authority shall destroy the nets.

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

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

31 370.142 Spiny lobster trap certificate program.--

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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

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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

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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 Leasing of lobster trap tags or certificates is allowable up
21 until July 1, 2003, provided that each transaction is
22 documented and each leased tag number is reported to the
23 department.

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

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

13 (c) Prohibitions; penalties.--

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

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

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

31 a. If the first violation is for violation of

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

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

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

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

25 (I) Pay the civil penalty to the department; or
26 (II) Request an administrative hearing pursuant to the
27 provisions of s. 120.60.

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

31 4.a. It is unlawful for any person to make, alter,

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1 forge, counterfeit, or reproduce a spiny lobster trap tag or
2 certificate.

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

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

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

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

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

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

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

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

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

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

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

24 370.13 Stone crab; regulation.--

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

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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

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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 10. 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.

31 (2) A buoy or a time release buoy shall be attached to

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

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

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

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

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

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

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

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

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

24 (5)(4) Upon the arrest and conviction for a major
25 violation involving blue crabs, the licenseholder shall show
26 just cause why his or her saltwater products license should
27 not be suspended or revoked. This subsection shall not apply
28 to an individual fishing with no more than five traps. For
29 the purposes of this subsection, a "major violation" means a
30 major violation as prescribed in s. 370.021(2)(c) for illegal
31 blue crabs, any single violation wherein 50 or more illegal

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1 blue crabs are involved, or any combination of violations in
2 any 3-consecutive-year period wherein more than 100 illegal
3 blue crabs in the aggregate are involved.

4 Section 11. Subsection (2) of section 370.021, Florida
5 Statutes, is amended to read:

6 370.021 Administration; rules, publications, records;
7 penalty for violation of chapter; injunctions.--

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

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

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

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

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

29 2. For a violation involving the taking or harvesting
30 of shrimp from a nursery or other prohibited area, an
31 additional penalty of \$10 for each pound of illegal shrimp or

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1 part thereof.

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

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

9 5. For a violation involving the taking, harvesting,
10 or possession of any of the following species, which are
11 endangered, threatened, or of special concern:

12 a. Shortnose sturgeon (*Acipenser brevirostrum*);

13 b. Atlantic sturgeon (*Acipenser oxyrinchus*);

14 c. Common snook (*Centropomus undecimalis*);

15 d. Atlantic loggerhead turtle (*Caretta caretta*
16 *caretta*);

17 e. Atlantic green turtle (*Chelonia mydas mydas*);

18 f. Leatherback turtle (*Dermochelys coriacea*);

19 g. Atlantic hawksbill turtle (*Eretmochelys imbricata*
20 *imbricata*);

21 h. Atlantic ridley turtle (*Lepidochelys kemp*); or

22 i. West Indian manatee (*Trichechus manatus*
23 *latirostris*),

24
25 an additional penalty of \$100 for each unit of marine life or
26 part thereof.

27 6. For a second or subsequent conviction within 24
28 months for any violation of the same law or rule involving the
29 taking or harvesting of more than 100 pounds of any finfish,
30 an additional penalty of \$5 for each pound of illegal finfish.

31 7. For any violation involving the taking, harvesting,

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1 or possession of more than 1,000 pounds of any illegal
2 finfish, an additional penalty equivalent to the wholesale
3 value of the illegal finfish.

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

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

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

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

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

22 c. The Department of Environmental Protection may
23 bring a civil action to enforce the civil penalties prescribed
24 in this section.

25 9. In addition to being subject to other penalties
26 provided in this chapter, any violation of s. 370.06 or s.
27 370.07, or rules of the department implementing those
28 sections, which involves buying saltwater products from an
29 unlicensed person, firm, or corporation by a commercial
30 wholesale dealer, retail dealer, or restaurant facility for
31 public consumption or selling saltwater products by an

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

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

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

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

17
18 However, upon demonstration of just cause by the
19 licenseholder, the department may waive or reduce the assessed
20 penalties. Any proceeds from the civil penalties assessed
21 pursuant to this subparagraph shall be deposited into the
22 Marine Resources Conservation Trust Fund.

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

27 a. Any violation described elsewhere in paragraph
28 (2)(c) for the taking or harvesting or the attempted taking or
29 harvesting of finfish; any single violation involving the
30 possession of more than 100 pounds of illegal finfish, or any
31 combination of violations in any 3-consecutive-year period

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1 wherein more than 200 pounds of illegal finfish in the
2 aggregate are involved.

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

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

25 d. Any violation described elsewhere in paragraph
26 (2)(c) or in s. 370.14(6) involving the taking or harvesting
27 or the attempted taking or harvesting of crawfish.

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

31 f. Any violation described elsewhere in paragraph

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1 (2)(c) or in s. 370.135(4) involving the taking or harvesting
2 or the attempted taking or harvesting of blue crabs.

3
4 Notwithstanding the provisions of s. 948.01, no court may
5 suspend, defer, or withhold adjudication of guilt or
6 imposition of sentence for any major violation prescribed in
7 this paragraph. For purposes of subparagraphs 9. and 10.,
8 conviction includes any disposition other than acquittal or
9 dismissal.

10 (d) The proceeds from the penalties assessed pursuant
11 to paragraph (c) shall be deposited into the Marine Resources
12 Conservation Trust Fund ~~to be used for marine fisheries~~
13 ~~research.~~

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

20 1. Upon a second conviction for a violation which
21 occurs within 12 months after a prior violation, for up to 60
22 days.

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

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

29 (f)1. In cases involving the intentional or
30 unintentional killing of any species of tarpon, snook in
31 excess of five fish per person, sailfish, or bonefish during a

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

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

20 3. All moneys collected by the department pursuant to
21 this paragraph shall be deposited into the Marine Resources
22 Conservation Trust Fund.

23 (g) Upon final disposition of any alleged violation of
24 s. 16 of Art. X of the State Constitution, this chapter, or
25 rules of the department or the Marine Fisheries Commission
26 implementing s. 16 of Art. X of the State Constitution or this
27 chapter, the clerk of the court shall, within 10 days, certify
28 the disposition to the department.

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

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1 370.07 Wholesale and retail saltwater products
2 dealers; regulation.--
3 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--
4 (a) Wholesale dealers shall be required by the
5 department to make and preserve a record of the names and
6 addresses of persons from whom or to whom saltwater products
7 are purchased or sold, the quantity so purchased or sold from
8 or to each vendor or purchaser, and the date of each such
9 transaction. Retail dealers shall be required to make and
10 preserve a record from whom all saltwater products are
11 purchased. Such record shall be open to inspection at all
12 times by the department. A report covering the sale of
13 saltwater products shall be made monthly or as often as
14 required by rule to the department by each wholesale dealer.
15 All reports required under this subsection are confidential
16 and shall be exempt from the provisions of s. 119.07(1) except
17 that, pursuant to authority related to interstate fishery
18 compacts as provided by s. 370.19(3) and s. 370.20(3), reports
19 may be shared with another state if that state is a member of
20 an interstate fisheries compact, and if that state has signed
21 a Memorandum of Agreement or a similar instrument agreeing to
22 preserve confidentiality as established by Florida law. Any
23 breach of the confidentiality provisions of any such
24 instrument will result in the immediate termination of the
25 subject agreement by the State of Florida.
26 (b) The department may revoke, suspend, or deny the
27 renewal of the license of any dealer for failure to make and
28 keep required records, for failure to make required reports,
29 for failure or refusal to permit the examination of required
30 records, or for falsifying any such record. In addition to,
31 or in lieu of, the penalties ~~penalty~~ imposed pursuant to this

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1 paragraph and s. 370.021, the department may impose against
2 any person, firm, or corporation who is determined to have
3 violated any provision of this paragraph or any provisions of
4 any department rules promulgated pursuant to s. 370.0607, the
5 following additional penalties:

6 1. For the first violation, a civil penalty of up to
7 \$1,000;

8 2. For a second violation committed within 24 months
9 of any previous violation, a civil penalty of up to \$2,500;
10 and

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

14
15 The proceeds of all civil penalties collected pursuant to this
16 subsection shall be deposited into the Marine Resources
17 Conservation Trust Fund and shall be used for administration,
18 auditing, and law enforcement purposes ~~penalties pursuant to~~
19 ~~s. 370.021.~~

20 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
21 unlawful for any licensed retail dealer or any restaurant
22 licensed by the Division of Hotels and Restaurants of the
23 Department of Business and Professional Regulation to buy
24 saltwater products from any person other than a licensed
25 wholesale or retail dealer.

26 Section 13. Subsection (7) of section 370.08, Florida
27 Statutes, is repealed.

28 Section 14. Subsection (3) of section 370.0821,
29 Florida Statutes, is repealed.

30 Section 15. Subsections (2) and (3) of section 370.11,
31 Florida Statutes, are repealed.

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1 Section 16. Section 370.1125, Florida Statutes, is
2 repealed.

3 Section 17. Section 370.114, Florida Statutes, is
4 repealed.

5 Section 18. Subsections (2) and (3) of section
6 370.135, Florida Statutes, are repealed.

7 Section 19. Subsections (2) and (3) of section 370.15,
8 Florida Statutes, are repealed.

9 Section 20. Subsection (2) of section 370.151, Florida
10 Statutes, is repealed.

11 Section 21. Paragraphs (c), (d), and (e) of subsection
12 (4) and paragraphs (b) and (d) of subsection (5) of section
13 370.153, Florida Statutes, are repealed.

14 Section 22. Section 370.156, Florida Statutes, is
15 repealed.

16 Section 23. Section 370.157, Florida Statutes, is
17 repealed.

18 Section 24. Section 370.1127, Florida Statutes, is
19 repealed.

20 Section 25. This act shall take effect upon becoming a
21 law.

22

23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, lines 2, through page 3, lines 26,
27 remove from the title of the bill: all of said lines

28

29 and insert in lieu thereof:

30 An act relating to marine resources; amending

31 s. 253.72, F.S.; providing restrictions for

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1 certain areas for harvesting shellfish;
2 amending s. 370.01, F.S.; adding blackdrum and
3 jack crevalle to the list of fish considered
4 food fish; amending s. 370.06, F.S.; providing
5 an exemption for totally disabled residents for
6 a restricted species endorsement; providing
7 qualifications for the issuance of a marine
8 life endorsement on a saltwater products
9 license; providing for a moratorium on the
10 issuance of endorsements; providing for the
11 transfer and reissuance of endorsements;
12 providing for a report; amending s. 370.0608,
13 F.S.; revising the distribution of funds
14 collected from the sale of recreational
15 saltwater fishing licenses; amending s.
16 370.092, F.S.; providing specific rulemaking
17 authority for the regulation of nets on boats
18 of a specific length; directing the Marine
19 Fisheries Commission to adopt rules prohibiting
20 the possession and sale of mullet taken in
21 illegal gill or entangling nets; providing a
22 penalty for violations; amending s. 370.093,
23 F.S.; authorizing the Marine Fisheries
24 Commission to adopt rules implementing s.
25 370.093, F.S.; amending s. 370.142, F.S.;
26 providing for a surcharge to be assessed upon
27 the initial transfer of a transferable crawfish
28 trap certificate outside the original
29 transferor's immediate family; prohibiting the
30 lease of lobster trap certificates after July
31 1, 1998; providing additional penalties for

Amendment No. 1 (for drafter's use only)

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

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

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