

hbd-02

Bill No. CS/HB 3779, 1st Eng.

Amendment No. ____ (TECHNICAL AMENDMENT)

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

The Committee on Rules, Resolutions, & Ethics offered the following:

Technical Amendment

On page 3, line 30,
remove from the bill: all of said line

and insert in lieu thereof:

Section 3. Subsection (11) is added to section

On page 4, line 3,
remove from the bill: (4)
and insert in lieu thereof: (11) PENALTIES.--

On page 4, line 11
remove from the bill: 1.

and insert in lieu thereof: (a)

On page 4, line 15,

hbd-02

Bill No. CS/HB 3779, 1st Eng.

Amendment No. ____ (TECHNICAL AMENDMENT)

1 remove from the bill: 2.

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3 and insert in lieu thereof: (b)

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5 On page 4, line 20,

6 remove from the bill: 3.

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8 and insert in lieu thereof: (c)

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10 On page 25, lines 24-27,

11 remove from the bill: all of said lines

12

13 and insert in lieu thereof:

14 Section 13. Paragraphs (a) and (c) of subsection (2)
15 of section 370.142, Florida Statutes, are amended to read:

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17 On page 28, between lines 2 and 3,

18

19 insert:

20 2. No person, firm, corporation, or other business
21 entity may control, directly or indirectly, more than 1.5
22 percent of the total available certificates in any license
23 year.

24 3. The department shall maintain records of all
25 certificates and their transfers and shall annually provide
26 each licenseholder with a statement of certificates held.

27 4. The number of trap tags issued annually to each
28 licenseholder shall not exceed the number of certificates held
29 by the licenseholder at the time of issuance, and such tags
30 and a statement of certificates held shall be issued
31 simultaneously.

hbd-02

Bill No. CS/HB 3779, 1st Eng.

Amendment No. ____ (TECHNICAL AMENDMENT)

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On page 28, line 3,
remove from the bill: 5.

and insert in lieu thereof: 5.

On page 28, line 10,
insert:

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

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

On page 29, line 16,
insert:

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

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

c. It is unlawful for any person to barter, trade,

hbd-02

Bill No. CS/HB 3779, 1st Eng.

Amendment No. ____ (TECHNICAL AMENDMENT)

1 sell, supply, agree to supply, aid in supplying, or give away
2 a spiny lobster trap tag or certificate or to conspire to
3 barter, trade, sell, supply, aid in supplying, or give away a
4 spiny lobster trap tag or certificate unless such action is
5 duly authorized by the department as provided in this chapter
6 or in the rules of the department.

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

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

21 6. Any certificates for which the annual certificate
22 fee is not paid for a period of 3 years shall be considered
23 abandoned and shall revert to the department. During any
24 period of trap reduction, any certificates reverting to the
25 department shall become permanently unavailable and be
26 considered in that amount to be reduced during the next
27 license-year period. Otherwise, any certificates that revert
28 to the department are to be reallocated in such manner as
29 provided by the department.

30 7. The proceeds of all civil penalties collected
31 pursuant to subparagraph 3. and all fines collected pursuant

hbd-02

Bill No. CS/HB 3779, 1st Eng.

Amendment No. ____ (TECHNICAL AMENDMENT)

1 to sub-subparagraph 5.b. shall be deposited into the Marine
2 Resources Conservation Trust Fund.

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

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