

By the Committee on Water & Resource Management and  
Representative Kelly

1                                   A bill to be entitled  
2           An act relating to saltwater fisheries;  
3           amending s. 253.72, F.S.; prohibiting shellfish  
4           harvesting in certain areas adjacent to  
5           aquaculture lease boundaries or within certain  
6           aquaculture lease areas or use zones; amending  
7           s. 370.06, F.S.; exempting certain totally and  
8           permanently disabled persons from income  
9           requirements imposed to qualify for a  
10          restricted species endorsement on a saltwater  
11          products license; providing restrictions on the  
12          issuance of marine life fishing endorsements  
13          and renewal and transfer thereof during a  
14          specified period; directing the Marine  
15          Fisheries Commission to report on options for  
16          establishment of a limited-entry program for  
17          the marine life fishery; providing requirements  
18          with respect to sale of red snapper; providing  
19          a penalty; amending s. 370.0608, F.S.;  
20          increasing the maximum percentage of saltwater  
21          fishing license fees designated for the  
22          commission's use and decreasing the minimum  
23          percentage of such fees designated for marine  
24          research; amending s. 370.092, F.S.; providing  
25          penalties for possession of gill or entangling  
26          nets or certain seines on certain vessels  
27          unless authorized by commission rule; providing  
28          for definition of such nets; directing the  
29          commission to adopt rules prohibiting the  
30          possession and sale of mullet taken in illegal  
31          gill or entangling nets; providing penalties

1 applicable to violation of such rules; amending  
2 s. 370.093, F.S.; revising the definition of  
3 "entangling net" for purposes of the  
4 prohibition against use thereof contained in s.  
5 16, Art. X of the State Constitution; providing  
6 that no seine or part thereof shall have a mesh  
7 size smaller than 3 inches stretched mesh,  
8 unless authorized by commission rule; repealing  
9 s. 370.1127, F.S., which provides for  
10 regulation of mullet west of the Ochlocknee  
11 River; amending s. 370.13, F.S.; extending the  
12 period during which the renewal or replacement  
13 of stone crab trap numbers is restricted;  
14 providing for transfer of an active stone crab  
15 endorsement if the holder becomes disabled;  
16 prohibiting certain harvesting and sale of  
17 stone crabs without a saltwater products  
18 license and specified endorsements; amending s.  
19 370.135, F.S.; prohibiting certain harvesting  
20 and sale of blue crabs without a saltwater  
21 products license and specified endorsements;  
22 restricting the renewal or replacement of blue  
23 crab endorsements during a specified period;  
24 providing an effective date.

25

26 Be It Enacted by the Legislature of the State of Florida:

27

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

30 253.72 Marking of leased areas; restrictions on public  
31 use.--

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

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

10           370.06 Licenses.--

11           (2) SALTWATER PRODUCTS LICENSE.--

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

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

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

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

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

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

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

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

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

16 2. Exceptions from income requirements shall be as  
17 follows:

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

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

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

31

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

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

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

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

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

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

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



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

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

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

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

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

26 b. In 1998, a person or corporation holding a marine  
27 life fishing endorsement that was active in the 1997-1998  
28 fiscal year or an immediate family member of that person must  
29 request renewal of the marine life fishing endorsement before  
30 December 31, 1998.

31

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

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

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

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

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

27           h. By July 1, 2000, the Marine Fisheries Commission  
28 shall prepare a report regarding options for the establishment  
29 of a limited-entry program for the marine life fishery and  
30 submit the report to the Governor, the President of the  
31 Senate, the Speaker of the House of Representatives, and the

1 chairs of the Senate and House committees having jurisdiction  
2 over marine resources.

3 3.2. The fee for a marine life fishery endorsement on  
4 a saltwater products license shall be \$75. These license fees  
5 shall be collected and deposited in the Marine Resources  
6 Conservation Trust Fund and used for the purchase and  
7 installation of vessel mooring buoys at coral reef sites and  
8 for research related to marine fisheries.

9 (e) No person may sell red snapper in this state  
10 without a saltwater products license bearing a restricted  
11 species endorsement and a federal reef fish permit with a  
12 class 1 or class 2 red snapper endorsement, unless the red  
13 snapper were legally harvested in federal waters or in waters  
14 of another state and have entered this state in interstate  
15 commerce. Any person selling red snapper without the state  
16 and federal permits or endorsements must establish a chain of  
17 possession from the initial transaction after harvest by  
18 receipts, by bills of sale, or bills of lading, to show that  
19 such red snapper originated from a point outside of the state  
20 and entered the state in interstate commerce. Failure to  
21 maintain such documentation or promptly produce the  
22 documentation at the request of any duly authorized law  
23 enforcement officer shall constitute a violation of this  
24 paragraph. Any person who violates the provisions of this  
25 paragraph commits a misdemeanor of the first degree,  
26 punishable as provided in s. 775.082 or s. 775.083.

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

29 370.0608 Deposit of license fees; allocation of  
30 federal funds.--  
31

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

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

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

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

14           a. Not more than 5 percent of the total fees  
15 collected, for administration of the licensing program and for  
16 information and education.

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

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

21           d. Not less than 30 percent of the total fees  
22 collected, for fishery enhancement, including, but not limited  
23 to, fishery statistics development, artificial reefs, and fish  
24 hatcheries.

25           2. The Legislature shall annually appropriate to the  
26 Department of Environmental Protection from the General  
27 Revenue Fund for the activities and programs specified in  
28 subparagraph 1. at least the same amount of money as was  
29 appropriated to the department from the General Revenue Fund  
30 for such activities and programs for fiscal year 1988-1989,  
31 and the amounts appropriated to the department for such

1 activities and programs from the Marine Resources Conservation  
2 Trust Fund shall be in addition to the amount appropriated to  
3 the department for such activities and programs from the  
4 General Revenue Fund. The proceeds from recreational saltwater  
5 fishing license fees paid by fishers shall only be  
6 appropriated to the Department of Environmental Protection.

7 Section 4. Section 370.092, Florida Statutes, is  
8 amended to read:

9 370.092 Carriage of proscribed nets across Florida  
10 waters.--

11 (1) This section applies to all vessels containing or  
12 otherwise transporting in or on Florida waters any gill net or  
13 other entangling net and to all vessels containing or  
14 otherwise transporting in or on Florida waters any net  
15 containing more than 500 square feet of mesh area the use of  
16 which is restricted or prohibited by s. 16, Art. X of the  
17 State Constitution. This section does not apply to vessels  
18 containing or otherwise transporting in or on Florida waters  
19 dry nets which are rolled, folded, or otherwise properly  
20 stowed in sealed containers so as to make their immediate use  
21 as fishing implements impracticable.

22 (2) Every vessel containing or otherwise transporting  
23 in or on Florida waters any gill net or other entangling net  
24 and every vessel containing or otherwise transporting in or on  
25 nearshore and inshore Florida waters any net containing more  
26 than 500 square feet of mesh area shall proceed as directly,  
27 continuously, and expeditiously as possible from the place  
28 where the vessel is regularly docked, moored, or otherwise  
29 stored to waters where the use of said nets is lawful and from  
30 waters where the use of said nets is lawful back to the place  
31 where the vessel is regularly docked, moored, or otherwise

1 stored or back to the licensed wholesale dealer where the  
2 catch is to be sold. Exceptions shall be provided for docked  
3 vessels, for vessels which utilize nets in a licensed  
4 aquaculture operation, and for vessels containing trawl nets  
5 as long as the trawl's doors or frame are not deployed in the  
6 water. Otherwise, hovering, drifting, and other similar  
7 activities inconsistent with the direct, continuous, and  
8 expeditious transit of such vessels shall be evidence of the  
9 unlawful use of such nets. The presence of fish in such a net  
10 is not evidence of the unlawful use of the net if the vessel  
11 is otherwise in compliance with this section.

12 (3) Notwithstanding subsections (1) and (2), unless  
13 authorized by rule of the Marine Fisheries Commission, it  
14 shall be a major violation pursuant to this section and shall  
15 be punished as provided in subsection (5) for any person,  
16 firm, or corporation to possess any gill or entangling net, or  
17 seine net larger than 500 square feet in mesh area, on any  
18 vessel less than 22 feet in length on the west coast of  
19 Florida, or 22 feet in length on the east coast of Florida if  
20 the primary power of the vessel is a stern-mounted outboard  
21 engine. Gill or entangling nets shall be defined in s. 16,  
22 Art. X of the State Constitution, s. 370.093(2)(b), or in a  
23 rule of the Marine Fisheries Commission implementing s. 16,  
24 Art. X of the State Constitution. Vessel length shall be  
25 determined in accordance with current United States Coast  
26 Guard regulations specified in the Code of Federal  
27 Regulations, or as titled by the State of Florida.

28 (4)(3)(a) It shall be a major violation pursuant to  
29 this section and shall be punished as provided in subsection  
30 (5)(4) for any person, firm, or corporation to be  
31 simultaneously in possession of any species of mullet in

1 excess of the recreational daily bag limit and any gill or  
2 other entangling net as defined in s. 16(c), Art. X of the  
3 State Constitution. Simultaneous possession under this  
4 provision shall include possession of mullet and gill or other  
5 entangling nets on separate vessels or vehicles where such  
6 vessels or vehicles are operated in coordination with one  
7 another including vessels towed behind a main vessel. This  
8 subsection does not prohibit a resident of this state from  
9 transporting on land, from Alabama to this state, a commercial  
10 quantity of mullet together with a gill net if:

11         1. The person possesses a valid commercial fishing  
12 license that is issued by the State of Alabama and that allows  
13 the person to use a gill net to legally harvest mullet in  
14 commercial quantities from Alabama waters.

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

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

24         4. The mullet being transported are totally removed  
25 from any net also being transported.

26         (b) It shall be a major violation pursuant to this  
27 section for any person to be in possession of any species of  
28 trout, snook, or redfish which is three fish in excess of the  
29 recreational or commercial daily bag limit.

30         (c) The Marine Fisheries Commission shall adopt rules  
31 to prohibit the possession and sale of mullet taken in illegal

1 gill or entangling nets. Violation of these rules shall be  
2 punishable as provided in subsection (5).

3 (5)~~(4)~~(a) In addition to being subject to the other  
4 penalties provided in this chapter, any violation of s. 16,  
5 Art. X of the State Constitution, paragraph~~(4)~~~~(3)~~(a), or any  
6 rules of the Marine Fisheries Commission which implement the  
7 gear prohibitions and restrictions specified therein shall be  
8 considered a major violation; and any person, firm, or  
9 corporation receiving any judicial disposition other than  
10 acquittal or dismissal of such violation shall be subject to  
11 the following additional penalties:

12 1. For a first major violation within a 7-year period,  
13 a civil penalty of \$2,500 and suspension of all saltwater  
14 products license privileges for 90 calendar days following  
15 final disposition shall be imposed.

16 2. For a second major violation under this paragraph  
17 charged within 7 years of a previous judicial disposition,  
18 which results in a second judicial disposition other than  
19 acquittal or dismissal, a civil penalty of \$5,000 and  
20 suspension of all saltwater products license privileges for 12  
21 months shall be imposed.

22 3. For a third and subsequent major violation under  
23 this paragraph, charged within a 7-year period, resulting in a  
24 third or subsequent judicial disposition other than acquittal  
25 or dismissal, a civil penalty of \$5,000, lifetime revocation  
26 of the saltwater products license, and forfeiture of all gear  
27 and equipment used in the violation shall be imposed.

28  
29 A court may suspend, defer or withhold adjudication of guilt  
30 or imposition of sentence only for any first violation of s.  
31 16, Art. X of the State Constitution, or any rule or statute



1 implementing its restrictions, determined by a court only  
2 after consideration of competent evidence of mitigating  
3 circumstances to be a nonflagrant or minor violation of those  
4 restrictions upon the use of nets. Any violation of s. 16,  
5 Art. X of the State Constitution, or any rule or statute  
6 implementing its restrictions, occurring within a 7-year  
7 period commencing upon the conclusion of any judicial  
8 proceeding resulting in any outcome other than acquittal shall  
9 be punished as a second, third, or subsequent violation  
10 accordingly.

11 (b) During the period of suspension or revocation of  
12 saltwater license privileges under this section, the licensee  
13 may not participate in the taking or harvesting or attempt the  
14 taking or harvesting of saltwater products from any vessel  
15 within the waters of the state, or any other activity  
16 requiring a license, permit, or certificate issued pursuant to  
17 this chapter. Any person who violates this paragraph is:

18 1. Upon a first or second conviction, to be punished  
19 as provided by s. 370.021(2)(a) and (b).

20 2. Upon a third or subsequent conviction, guilty of a  
21 felony of the third degree, punishable as provided in s.  
22 775.082, s. 775.083, or s. 775.084.

23 (c) Upon reinstatement of saltwater license privileges  
24 suspended pursuant to a violation of this section, a licensee  
25 owning or operating a vessel containing or otherwise  
26 transporting in or on Florida waters any gill net or other  
27 entangling net, or containing or otherwise transporting in  
28 nearshore and inshore Florida waters any net containing more  
29 than 500 square feet of mesh area shall remain restricted for  
30 a period of 12 months following reinstatement, to operation  
31 under the following conditions:

1           1. Vessels subject to this reinstatement period shall  
2 be restricted to the corridors established by department rule.

3           2. A violation of the reinstatement period provisions  
4 shall be punishable pursuant to s. 370.021(2)(a) and (b).

5           (d) Rescission and revocation proceedings under this  
6 section shall be governed by chapter 120.

7           (6)~~(5)~~ The department is authorized to make and adopt  
8 reasonable rules, regulations, and orders, including emergency  
9 rules, to implement this section. The department shall adopt  
10 emergency rules to implement the provisions of subparagraph  
11 (4)(c)1. by August 1, 1996.

12           Section 5. Section 370.093, Florida Statutes, is  
13 amended to read:

14           370.093 Illegal use of nets.--

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

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

29           (b) The use of gill or entangling nets of any size is  
30 prohibited, as such nets are defined in s. 16, Art. X of the  
31 State Constitution. Any net constructed wholly or partially

1 of monofilament or multistrand monofilament ~~multifilament~~  
2 material, other than a hand thrown cast net, or a handheld  
3 landing or dip net, shall be considered to be an entangling  
4 net within the prohibition of s. 16, Art. X of the State  
5 Constitution unless specifically authorized by rule of the  
6 commission. Multistrand monofilament ~~Multifilament~~ material  
7 shall not be defined to include nets constructed of braided or  
8 twisted nylon, cotton, linen twine, or polypropylene twine.  
9 Unless authorized by rule of the Marine Fisheries Commission  
10 adopted after July 1, 1995, no seine or part of any seine  
11 shall have a mesh size smaller than 3 inches stretched mesh.

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

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

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

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

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

30 Section 6. Section 370.1127, Florida Statutes, is  
31 hereby repealed.

1           Section 7. Subsection (6) of section 370.13, Florida  
2 Statutes, is amended, subsection (7) is renumbered as  
3 subsection (8), and a new subsection (7) is added to said  
4 section, to read:

5           370.13 Stone crab; regulation.--

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

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

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

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

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

30           (f) Persons who hold saltwater products licenses with  
31 stone crab endorsements issued to their boat registration

1 numbers and who subsequently replace their existing vessels  
2 with new vessels shall be permitted to transfer the existing  
3 licenses to the new boat registration numbers.

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

10 Section 8. Subsection (4) of section 370.135, Florida  
11 Statutes, is renumbered as subsection (5), and a new  
12 subsection (4) is added to said section to read:

13 370.135 Blue crab; regulation.--

14 (4) No person shall harvest blue crabs with more than  
15 five traps, harvest blue crabs in commercial quantities, or  
16 sell blue crabs unless such person holds a valid saltwater  
17 products license with a restricted species endorsement and a  
18 blue crab endorsement (trap number) issued pursuant to this  
19 subsection.

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

24 (b) In 1998, a person holding an endorsement that was  
25 active in the 1997-1998 fiscal year, or an immediate family  
26 member of that person, must request renewal of the endorsement  
27 prior to December 31, 1998.

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

1       (d) If a person holding an active blue crab  
2 endorsement, or a member of that person's immediate family,  
3 does not request renewal of the endorsement before the  
4 applicable dates as specified in this subsection, the  
5 department shall deactivate that endorsement.

6       (e) In the event of the death or disability of a  
7 person holding an active blue crab endorsement, the  
8 endorsement may be transferred by the person to a member of  
9 his or her immediate family or may be renewed by any person so  
10 designated by the executor of the persons's estate.

11       (f) Persons who hold saltwater products licenses with  
12 blue crab endorsements issued to their boat registration  
13 numbers and who subsequently replace their existing vessels  
14 with new vessels shall be permitted to transfer the existing  
15 licenses to the new boat registration numbers.

16       Section 9. This act shall take effect upon becoming a  
17 law.