

By the Committee on Natural Resources and Senator Bronson

312-1937A-99

1 A bill to be entitled
2 An act relating to marine resources; amending
3 s. 370.021, F.S.; providing penalties for
4 illegal buying and selling of marine products;
5 amending s. 370.13, F.S.; providing for the
6 display of endorsements for the taking of stone
7 crabs on vessels; providing a fee for a stone
8 crab endorsement on a saltwater products
9 license; providing a fee for trap retrieval;
10 providing for the disposition of fees; creating
11 s. 370.1322, F.S.; providing for a stone crab
12 trap certificate program; providing legislative
13 intent; providing for transferable trap
14 certificates, trap tags, and fees; providing
15 prohibitions and penalties; providing for trap
16 reduction; providing for stone crab trap
17 certificate technical, advisory, and appeals
18 boards; providing powers and duties; providing
19 for the disposition of fees; providing for
20 rulemaking authority; providing appropriations
21 and positions; amending s. 370.143, F.S.;
22 waiving a fee; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (6) of section 370.021, Florida
27 Statutes, 1998 Supplement, is amended to read:

28 370.021 Administration; rules, publications, records;
29 penalties; injunctions.--

30 (6) BUYING SALTWATER PRODUCTS FROM UNLICENSED
31 SELLER.--In addition to being subject to other penalties

1 provided in this chapter, any violation of s. 370.06 or s.
2 370.07, or rules of the department implementing s. 370.06 or
3 s. 370.07, involving buying saltwater products from an
4 unlicensed person, firm, or corporation by a commercial
5 wholesale dealer, retail dealer, or restaurant facility for
6 public consumption, or selling saltwater products by an
7 unlicensed person, firm, or corporation to a commercial
8 wholesale dealer, retail dealer, or restaurant facility for
9 public consumption, shall be a major violation, and the
10 department may assess the following penalties:

11 (a) For a first violation, the department may assess a
12 civil penalty of up to \$2,500 and may suspend the wholesale
13 and/or retail dealer's license privileges for up to 90
14 calendar days.

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

20 (c) For a third or subsequent violation occurring
21 within a 24-month period, the department shall assess a civil
22 penalty of \$5,000 and shall suspend the wholesale and/or
23 retail dealer's license privileges for up to 24 months.

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25 Any proceeds from the civil penalties assessed pursuant to
26 this subsection shall be deposited into the Marine Resources
27 Conservation Trust Fund and shall be used as follows: 40
28 percent for administration and processing purposes and 60
29 percent for law enforcement purposes.

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1 Section 2. Paragraph (a) of subsection (5) of section
2 370.13, Florida Statutes, 1998 Supplement, is amended, and
3 subsection (8) is added to that section, to read:

4 370.13 Stone crab; regulation.--

5 (5)(a) Effective July 1, 1995, and until July 1, 2000,
6 no stone crab trap numbers issued pursuant to rule
7 46-13.002(2)(e), Florida Administrative Code, except those
8 numbers that are active during the 1994-1995 fiscal year,
9 shall be renewed or replaced. The fee for a stone crab
10 endorsement for the taking of stone crabs as set forth in this
11 paragraph shall be \$125, \$100 of which shall be used by the
12 department for administration, enforcement, management, and
13 research costs related to stone crabs and \$25 of which shall
14 be used for trap retrieval pursuant to s. 370.143(2).

15 (8) With respect to the stone crab trap certificate
16 program, as set forth in s. 370.1322, no more than two
17 endorsements for the taking of stone crabs may be displayed on
18 one vessel and more than one vessel may display the same
19 endorsement.

20 Section 3. Section 370.1322, Florida Statutes, is
21 created to read:

22 370.1322 Stone crab trap certificate program.--

23 (1) INTENT.--Due to rapid growth, the stone crab
24 fishery is experiencing increased congestion and conflict on
25 the water, a declining yield per trap, and public concern over
26 debris pollution from existing traps. In an effort to solve
27 these and related problems, the Legislature intends to develop
28 pursuant to the provisions of this section a stone crab trap
29 certificate program the principal goal of which is to
30 stabilize the fishery by reducing the total number of traps,
31 which should increase the yield per trap and therefore

1 maintain or increase overall catch levels. Under the
2 passive-trap-reduction program a reduction in traps will occur
3 at the time of sale or transfer of traps. The Legislature
4 seeks to preserve as much flexibility in the program as
5 possible for the fishery's various constituents.

6 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
7 PENALTIES.--The Fish and Wildlife Conservation Commission
8 shall establish a trap certificate program for the stone crab
9 fishery of this state and shall be responsible for its
10 administration and enforcement as follows:

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

16 1. The commission shall initially allot such
17 certificates to each licenseholder with a current stone crab
18 trap number who uses traps. Anyone who holds a current stone
19 crab endorsement on his or her saltwater products license for
20 the 1998-1999 license year is eligible for a certificate. In
21 addition, in order to be eligible the applicant must show
22 that, pursuant to trip ticket records generated under the
23 provisions of s. 370.06(2)(a), he or she had at least 300
24 pounds of stone crab claw landings during one of the five
25 1-year license periods between July 1993 through June 1998.
26 The number of certificates allotted to each endorsement holder
27 shall be equal to the maximum number of traps stated on the
28 endorsement holder's saltwater products license application or
29 multiple applications as determined by the endorsement
30 holder's social security number or federal employer
31 identification number during the 1996-1997 or 1997-1998

1 fishing season or, the endorsement holder's highest annual
2 stone crab claw landings during the 1996-1997 or 1997-1998
3 fishing seasons, divided by 2 pounds per trap, whichever is
4 less. However, certificates may only be issued to individuals;
5 therefore, all licenseholders other than individual
6 licenseholders shall designate the individual or individuals
7 to whom their certificates will be allotted and the number
8 thereof to each, if more than one.

9 2. After initial issuance, trap certificates are
10 transferable on a market basis and may be transferred from one
11 licenseholder to another for a fair market value agreed upon
12 between the transferor and transferee. Upon the sale or
13 transfer of certificates outside the immediate family of the
14 certificateholder, the commission shall reduce the number of
15 certificates received by the purchaser by the following
16 percentages depending on the overall number of certificates
17 available to individual harvesters throughout the state at the
18 time of sale:

19 a. If more than 1 1/2 million certificates are
20 available, there shall be a 25 percent reduction in the number
21 of certificates received by the purchaser.

22 b. If more than 1 1/4 million, but less than 1 1/2
23 million certificates are available, there shall be a 22 1/2
24 percent reduction in the number of certificates received by
25 the purchaser.

26 c. If more than 1 million, but less than 1 1/4 million
27 certificates are available, there shall be an 18 1/2 percent
28 reduction in the number of certificates received by the
29 purchaser.

30 d. If more than 3/4 of a million, but less than 1
31 million certificates are available, there shall be a 15

1 percent reduction in the number of certificates received by
2 the purchaser.

3 e. If more than 600,000, but less than 3/4 of a
4 million certificates are available, there shall be a 10
5 percent reduction in the number of certificates received by
6 the purchaser.

7 f. When 600,000 certificates or less are available,
8 there shall be no percentage reduction in the number of
9 certificates received by the purchaser.

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11 Within 72 hours of transferring certificates, the transfer
12 shall be recorded on a notarized form provided for that
13 purpose by the commission and hand delivered or sent by
14 certified mail, return receipt requested, to the commission
15 for recordkeeping purposes. In addition, in order to cover the
16 added administrative costs of the program, a transfer fee of
17 \$2 per certificate transferred shall be assessed against the
18 purchasing licenseholder and sent by money order or cashier's
19 check with the certificate transfer form. Also, in addition to
20 the transfer fee, a surcharge of \$2 per certificate
21 transferred or 25 percent of the actual market value,
22 whichever is greater, given to the transferor shall be
23 assessed the first time a certificate is transferred outside
24 the original transferor's immediate family. Transfer fees and
25 surcharges shall only apply to the actual number of
26 certificates received by the purchaser. No transfer of a
27 certificate shall be effective until the commission receives
28 the notarized transfer form and the transfer fee, including
29 any surcharge, is paid. The commission may establish by rule
30 an amount of equitable rent per trap certificate that shall be
31 recovered as partial compensation to the state for the

1 enhanced access to its natural resources. In determining
2 whether to establish such a rent and, if so, the amount
3 thereof, the commission shall consider the amount of revenues
4 annually generated by certificate fees, transfer fees,
5 surcharges, trap license fees, and sales taxes; the
6 demonstrated fair market value of transferred certificates;
7 and the continued economic viability of the commercial stone
8 crab industry. Final approval of such a rule shall be by the
9 Governor and Cabinet sitting as the Board of Trustees of the
10 Internal Improvement Trust Fund. The proceeds of equitable
11 rent recovered shall be deposited in the Marine Resources
12 Conservation Trust Fund and used for research, management,
13 enforcement, and protection of the stone crab fishery and
14 habitat. No transfer fee shall be assessed or required when
15 the transfer is within a family as a result of the death or
16 disability of the certificate owner.

17 3. No person, firm, corporation, or other business
18 entity may control, directly or indirectly, more than 1.0
19 percent of the total available certificates in any license
20 year.

21 4. The commission shall maintain records of all
22 certificates and their transfers and shall annually provide
23 each licenseholder with a statement of certificates held.

24 5. The number of trap tags issued annually to each
25 licenseholder shall not exceed the number of certificates held
26 by the licenseholder at the time of issuance, and such tags
27 and a statement of certificates held shall be issued
28 simultaneously.

29 6. It is unlawful for any person to lease stone crab
30 trap tags or certificates.

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1 7. Any person who holds a crawfish or blue crab
2 endorsement on his or her saltwater products license is
3 eligible to purchase a stone crab incidental take endorsement
4 pursuant to rules of the commission. This endorsement shall
5 be limited to a daily trip limit of 5 gallons of stone crab
6 claws per day, which may be sold pursuant to law. The fee for
7 the endorsement shall be \$25.

8 (b) Trap tags.--Effective October 1, 2000, each trap
9 used for the commercial harvest of stone crabs in state waters
10 or adjacent federal waters shall, in addition to the stone
11 crab trap number, have firmly affixed thereto an annual trap
12 tag issued by the commission. Each such tag shall be made of
13 durable plastic or similar material and shall, beginning with
14 those tags issued for the 2000-2001 season based on the number
15 of certificates held, have stamped thereon the owner's license
16 number. To facilitate enforcement and recordkeeping, such tags
17 shall be issued each year in a color different from that of
18 each of the previous 3 years. In order to recover
19 administrative costs of the tag and the certificate program,
20 the annual fee shall be 50 cents per certificate. Replacement
21 tags for lost or damaged tags shall cost 50 cents each, and
22 may be obtained as provided by rule of the commission.

23 (c) Endorsement transferable.--After initial issuance,
24 endorsements are transferable on a market basis and may be
25 transferred for fair market value agreed upon between the
26 transferor and transferee.

27 (d) Prohibitions; penalties.--

28 1. It is unlawful for a commercial harvester to
29 possess or use a stone crab trap in or on state waters or
30 adjacent federal waters without having firmly affixed thereto
31 the trap tag required by this section. It is unlawful for a

1 person to possess or use any other gear or device designed to
2 attract and enclose or otherwise aid in the taking of stone
3 crabs with a trap that does not meet the requirements of rule
4 46-13.002, F.A.C. This paragraph does not apply to persons who
5 possess a valid stone crab incidental take endorsement and who
6 use traps for the directed harvest of crawfish or blue crabs
7 in accordance with rules of the commission, in which stone
8 crabs are harvested as an incidental take of these fisheries,
9 provided that the number of stone crabs so harvested and in
10 possession of such person does not exceed 5 gallons of stone
11 crab claws per day.

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

15 3. It is unlawful for any person to remove the
16 contents of another harvester's trap without the express
17 written consent of the trap's owner available for immediate
18 inspection. Such unauthorized removal shall constitute theft.
19 Any person convicted of theft from a trap shall, in addition
20 to the penalties specified in ss. 370.021 and 370.13 and the
21 provisions of this section, permanently lose his or her
22 saltwater products license, stone crab endorsement, and all
23 trap certificates allotted to him or her through this program.
24 In such cases, trap certificates and endorsements are
25 nontransferable.

26 4. In addition to any other penalties provided in s.
27 370.021, a commercial stone crab harvester who violates the
28 provisions of this section or the provisions relating to stone
29 crab traps shall be punished as follows:

30 a. If the first violation is for violation of
31 subparagraph 1., subparagraph 2., or subparagraph 3., the

1 commission shall assess an additional civil penalty of up to
2 \$1,000, and the stone crab trap number issued may be suspended
3 for the remainder of the current license year. For all other
4 first violations, the commission shall assess an additional
5 civil penalty of up to \$500.

6 b. For a second violation of subparagraph 1.,
7 subparagraph 2., or subparagraph 3., which occurs within 24
8 months of any previous such violation, the commission shall
9 assess an additional civil penalty of up to \$2,000, and the
10 stone crab trap number may be suspended for the remainder of
11 the current license year.

12 c. For a third or subsequent violation of subparagraph
13 1., subparagraph 2., or subparagraph 3., which occurs within
14 36 months of any previous two such violations, the commission
15 shall assess an additional civil penalty of up to \$5,000 and
16 may suspend the stone crab trap number for a period of up to
17 24 months or may revoke the stone crab trap number and, if
18 revoking the stone crab trap number, may also proceed against
19 the licenseholder's saltwater products license in accordance
20 with the provisions of s. 370.021.

21 d. For a fourth violation of subparagraph 1.,
22 subparagraph 2., or subparagraph 3., which occurs within 48
23 months of any three such violations, the commission shall
24 permanently revoke the violator's saltwater fishing
25 privileges, and shall also proceed against the licenseholder's
26 saltwater products license in accordance with s. 370.021.

27 e. For the purposes of subparagraph 4, the term
28 "violation" refers to the prohibitions proscribed by
29 subparagraphs 1, 2, or 3, above, without regard to whether the
30 violation was adjudicated pursuant to any state or federal
31 law.

1 f. Any person assessed an additional civil penalty
2 pursuant to this section shall within 30 calendar days after
3 notification:

4 (I) Pay the civil penalty to the commission; or

5 (II) Request an administrative hearing pursuant to the
6 provisions of s. 120.60.

7 g. The commission shall suspend the stone crab trap
8 number for any person failing to comply with the provisions of
9 sub-subparagraph f.

10 5.a. It is unlawful for any person to make, alter,
11 forge, counterfeit, or reproduce a stone crab trap tag or
12 certificate.

13 b. It is unlawful for any person to knowingly have in
14 his or her possession a forged, counterfeit, or imitation
15 stone crab trap tag or certificate.

16 c. It is unlawful for any person to barter, trade,
17 sell, supply, agree to supply, aid in supplying, or give away
18 a stone crab trap tag or certificate or to conspire to barter,
19 trade, sell, supply, aid in supplying, or give away a stone
20 crab trap tag or certificate unless such action is duly
21 authorized by the commission as provided in this chapter or in
22 the rules of the commission.

23 6.a. Any person who violates the provisions of
24 subparagraph 5., or any person who engages in the commercial
25 harvest, trapping, or possession of stone crabs without a
26 stone crab trap number or during any period while such stone
27 crab trap number is under suspension or revocation, commits a
28 felony of the third degree, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084.

30 b. In addition to any penalty imposed pursuant to
31 sub-subparagraph a., the commission shall levy a fine of up to

1 twice the amount of the appropriate surcharge to be paid on
2 the fair market value of the transferred certificates, as
3 provided in subparagraph (a)1., on any person who violates the
4 provisions of sub-subparagraph 5.c.

5 7. Any certificates for which the annual certificate
6 fee is not paid for a period of 3 consecutive years shall be
7 considered abandoned and shall revert to the commission.
8 During any period of trap reduction, any certificates
9 reverting to the commission shall become permanently
10 unavailable. Otherwise, any certificates that revert to the
11 commission are to be reallocated in such manner as provided by
12 the commission.

13 8. The proceeds of all civil penalties collected
14 pursuant to subparagraph 4. and all fines collected pursuant
15 to sub-subparagraph 6.b. shall be deposited into the Marine
16 Resources Conservation Trust Fund and used only for the
17 purposes of s. 370.1322.

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

20 (e) No vested rights.--The trap certificate program
21 shall not create vested rights in licenseholders whatsoever
22 and may be altered or terminated as necessary to protect the
23 stone crab resource, the participants in the fishery, or the
24 public interest.

25 (3) PASSIVE TRAP REDUCTION.--The objective of the
26 overall trap certificate program is to reduce the number of
27 traps used in the stone crab fishery to the lowest number that
28 will maintain or increase overall catch levels, promote
29 economic efficiency in the fishery, and conserve natural
30 resources. Therefore, the Fish and Wildlife Conservation
31 Commission shall set an overall trap reduction goal based on

1 maintaining or maximizing a sustained harvest from the stone
2 crab fishery.

3 (4) STONE CRAB TRAP CERTIFICATE TECHNICAL ADVISORY AND
4 APPEALS BOARDS.--There are hereby established the regional
5 stone crab trap certificate technical advisory and appeals
6 boards. Such boards shall consider and advise the commission
7 on disputes and other problems arising from the implementation
8 of the stone crab trap certificate program. The boards may
9 also provide information to the commission on the operation of
10 the trap certificate program. Regional board number one shall
11 consist of the area of Pasco County north to the Alabama State
12 line. Regional board number two shall consist of the area of
13 Pinellas County south through Lee County. Regional board
14 number 3 shall consist of Collier and Monroe Counties and
15 north up the east coast of the state.

16 (a)1. Each board shall consist of the executive
17 director of the commission or his or her designee and 9
18 members appointed by the executive director according to the
19 following criteria:

20 a. All appointed members shall be certificateholders,
21 but at least one shall be a holder of fewer than 100
22 certificates, two shall be holders of at least 100 but no more
23 than 750 certificates, two shall be holders of more than 750
24 but not more than 2,000 certificates, and two shall be holders
25 of more than 2,000 certificates.

26 b. Members shall be appointed to represent all
27 geographic areas in the district.

28 2. The executive director of the commission may fill
29 any position on the initial board with a member who does not
30 fulfill the requirements of subparagraph 1. if there are not
31 enough qualified individuals available to meet those

1 requirements. However, as soon as enough qualified individuals
2 are available to meet those requirements, the executive
3 director must replace all nonqualified appointees with
4 qualified appointees.

5 (b) The term of each appointed member shall be for 4
6 years, and any vacancy shall be filled for the balance of the
7 unexpired term with a person of the qualifications necessary
8 to maintain the requirements of subparagraph (a)1. However,
9 of the initial appointees on each board, three shall serve for
10 terms of 4 years, three shall serve for terms of 3 years, and
11 three shall serve for terms of 2 years. There shall be no
12 limitation on successive appointments to the board.

13 (c) The executive director of the commission or his or
14 her designee shall serve as a member and shall call the
15 organizational meeting of the boards. Each board shall
16 annually elect a chair and a vice chair. There shall be no
17 limitation on successive terms that may be served by a chair
18 or vice chair. A board shall meet at the request of the
19 commission, or with the commission's concurrence at the call
20 of its chair or at the request of a majority of its
21 membership, but in no case less than once yearly. A majority
22 of the board shall constitute a quorum, and official action of
23 the board shall require a majority vote of the total
24 membership of the board present at the meeting.

25 (d) The procedural rules adopted by the boards shall
26 conform to the requirements of chapter 120.

27 (e) Members of the board shall be reimbursed for per
28 diem and travel expenses as provided in s. 112.061.

29 (f) Upon reaching a decision on any dispute or problem
30 brought before it, including any decision involving the
31 allotment of certificates under paragraph (g), the boards

1 shall submit such decision to the commission for final
2 approval. The commission may alter or disapprove any decision
3 of a board, with notice thereof given in writing to the board
4 and to each party in the dispute, explaining the reasons for
5 the disapproval. The action of the commission constitutes
6 final agency action.

7 (g) In addition to those certificates allotted
8 pursuant to the provisions of subparagraph (2)(a)1., up to a
9 total of 150,000 certificates may be allotted by the
10 commission to settle disputes or other problems arising from
11 implementation of the trap certificate program.

12 (h) Each board may recommend the issuance of
13 additional certificates:

14 1. To solve disputes arising from the initial
15 allocation of certificates.

16 2. For persons who were adversely affected by chapter
17 73-432, Laws of Florida.

18 3. For displaced netters who were adversely affected
19 by Article X, section 16, of the State Constitution.

20 4. For inefficient harvesting of stone crabs (less
21 than 2-pound claw landings per trap) to a person who can
22 demonstrate a need for more traps to maintain operation.

23 5. For persons with claw landings, but with no traps
24 listed on their saltwater products license application during
25 license years 1996-1997 or 1997-1998.

26 6. For persons with no claw landings during license
27 years 1996-1997 or 1997-1998 who can demonstrate an investment
28 in the stone crab fishery by the 1998-1999 season.

29 7. For nonreporting by dealers.

30 (i) With respect to persons displaced by Article X,
31 section 16 of the State Constitution and who do not otherwise

1 qualify for the stone crab trap certificate program provided
2 by this section, the board may recommend issuance of
3 certificates to any person who:

4 1. Can demonstrate that he or she received net
5 buy-back money or unemployment compensation as provided in s.
6 370.0805(5);

7 2. Can demonstrate that he or she invested in the
8 stone crab industry by the 1998-1999 season; and

9 3. Has no record of net violations since July 1, 1995.

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11 The provisions of this paragraph are limited to persons who
12 can demonstrate through claw landings that their fishing
13 occurred in the area from Wakulla through Monroe counties.

14 Persons who qualify pursuant to this paragraph shall be issued
15 a minimum number of 100 trap certificates.

16 (5) DISPOSITION OF FEES.--All funds collected pursuant
17 to s. 370.1322, including civil penalties and fines shall be
18 deposited in the Marine Resources Conservation Trust Fund and
19 used only for administration of the trap certificate program,
20 research and monitoring of the stone crab fishery, enforcement
21 and public education activities in support of the purposes of
22 this section, and for evaluating the impact of trap reduction
23 on the stone crab fishery. Because the Legislature intends
24 that the stone crab trap reduction program be funded solely
25 from proceeds generated pursuant to this act, no such revenues
26 shall be made available for other purposes.

27 (6) RULEMAKING AUTHORITY.--The Fish and Wildlife
28 Conservation Commission may adopt rules, including rules
29 pursuant to ss. 120.536(1) and 120.54, as appropriate, to
30 implement the provisions of this section.

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1 Section 4. (1) There is hereby appropriated from the
2 commercial saltwater license fee revenues in the Marine
3 Resources Conservation Trust Fund to the Division of Marine
4 Fisheries in the Florida Fish and Wildlife Conservation
5 Commission the sum of \$97,049 for fiscal year 1999-2000 for
6 four career service positions which are herein authorized for
7 the commission to implement the stone crab trap certificate
8 program.

9 (2) There is hereby appropriated from the commercial
10 saltwater license fee revenues in the Marine Resources
11 Conservation Trust Fund to the Division of Marine Fisheries in
12 the Florida Fish and Wildlife Conservation Commission the sum
13 of \$254,408 for program operation, plus \$130,000 to cover the
14 cost of tags for fiscal year 1999-2000, in order to implement
15 the stone crab trap certificate program in fiscal year
16 2000-2001.

17 Section 5. Subsection (2) of section 370.143, Florida
18 Statutes, is amended to read:

19 370.143 Retrieval of lobster and stone crab traps
20 during closed season; department authority; fees.--

21 (2) A retrieval fee of \$10 per trap retrieved shall be
22 assessed trap owners. However, for persons holding a stone
23 crab endorsement pursuant to s. 370.13(5)(a), the retrieval
24 fee shall be waived for the first five traps retrieved.Traps
25 recovered under this program shall become the property of the
26 department or its contract agent and shall be either destroyed
27 or resold to the original owner. Revenue from retrieval fees
28 shall be deposited in the Marine Resources Conservation Trust
29 Fund and used for operation of the trap retrieval program.

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1 Section 6. Except for section 2 and this section,
2 which shall take effect upon becoming a law, this act shall
3 take effect July 1, 1999.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2146

4 The amendment deletes everything after the enacting clause.
5 Changes are as follows:

- 6 - Section 370.021, F.S., is amended to prohibit the buying
7 of saltwater products from an unlicensed person, firm,
8 or corporation by a commercial wholesale dealer, retail
9 dealer, or restaurant facility for public consumption,
10 or selling saltwater products by an unlicensed person,
11 firm, or corporation to a commercial wholesale dealer,
12 retail dealer, or restaurant facility for public
13 consumption. In addition to existing penalties, the
14 offense is a major violation.
- 15 - The fee for a stone crab endorsement is \$125, \$25 of
16 which will be used for trap retrieval pursuant to s.
17 370.143, F.S. The retrieval fee will be waived for the
18 first five traps retrieved which are owned by a holder
19 of a stone crab endorsement.
- 20 - The stone crab trap certificate program will be under
21 the authority of the FWCC.
- 22 - Provisions determining the number of trap certificates
23 to be allocated to persons have been revised. The number
24 of certificates allotted to each endorsement holder will
25 be equal to the maximum number of traps stated on the
26 endorsement holder's SPL application or multiple
27 applications as determined by the endorsement holder's
28 social security number or federal employer
29 identification number during the 1996-1997 or 1997-1998
30 fishing season or, the endorsement holder's highest
31 annual stone crab claw landings during the 1996-1997 or
1997-1998 fishing seasons, divided by 2 pounds per trap,
whichever is less.
- Provisions determining the amount of trap certificate
reduction have been revised.
- If more than 1 1/2 million certificates are available,
there will be a 25 percent reduction in the number of
certificates received by the purchaser.
- If more than 1 1/4 million, but less than 1 1/2 million
certificates are available, there will be a 22 1/2
percent reduction in the number of certificates received
by the purchaser.
- If more than 1 million, but less than 1 1/4 million
certificates are available, there will be an 18 1/2
percent reduction in the number of certificates received
by the purchaser.
- If more than 3/4 of a million, but less than 1 million
certificates are available, there will be a 15 percent
reduction in the number of certificates received by the
purchaser.

- 1 - If more than 600,000 but less than 3/4 of a million
2 certificates are available, there will be a 10 percent
3 reduction in the number of certificates received by the
4 purchaser.
- 5 - When 600,000 certificates or less are available, there
6 will be no percentage reduction in the number of
7 certificates received by the purchaser.
- 8 - The membership of the technical advisory and appeals
9 boards has been reduced from 12 to 9 members. The boards
10 will meet at the request of the commission, or with the
11 commission's concurrence at the call of the chair or at
12 the request of a majority of its membership.
- 13 - All funds collected, including civil penalties and
14 fines, must be used solely for the trap certificate
15 program.
- 16 - The bill now includes appropriations from the Marine
17 Resources Conservation Trust Fund totalling \$481,457 and
18 authorizes four positions.
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