

By Senator McKay

26-1052A-00

See HB 4031

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; repealing s.
7 370.031, F.S., relating to a use study of
8 Choctawhatchee Bay; repealing s. 370.033, F.S.,
9 relating to intent with respect to obsolete
10 regulation of dredge and fill activities;
11 amending ss. 370.037 and 370.038, F.S.;
12 conforming cross-references; repealing s.
13 370.0805, F.S., relating to the net ban
14 assistance program; amending s. 370.135, F.S.;
15 deleting a provision relating to renewal of
16 active blue crab endorsements in 1998;
17 repealing s. 370.14(12), F.S., relating to the
18 2-day crawfish sport season; amending s.
19 370.142, F.S.; deleting obsolete provisions
20 relating to implementation of the spiny lobster
21 trap certificate program; conforming
22 cross-references; repealing s. 373.029, F.S.,
23 relating to the Southeast River Basins
24 Resources Advisory Board; repealing s. 373.191,
25 F.S., relating to county water conservation
26 projects; amending s. 373.033, F.S.; removing a
27 cross-reference, to conform; repealing s.
28 373.2295(11), F.S., relating to applications
29 for interdistrict transfer and use of
30 groundwater which were pending on a specified
31 date; repealing s. 373.415(3), F.S., relating

1 to development of a groundwater basin resource
2 availability inventory for the Wekiva River
3 Protection Area; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Section 370.031, Florida Statutes, is
8 repealed.

9 Section 2. Section 370.033, Florida Statutes, is
10 repealed.

11 Section 3. Paragraph (b) of subsection (1) of section
12 370.037, Florida Statutes, is amended to read:

13 370.037 Denial, suspension, or revocation of
14 certificate.--

15 (1) The department may refuse to issue or renew or may
16 suspend or revoke any certificate on any of the following
17 grounds:

18 (b) Willful disregard or violation of any of the
19 provisions of ss. 370.034 and 370.036 ~~370.033-370.036~~ or of
20 any rule or regulation promulgated thereunder.

21 Section 4. Section 370.038, Florida Statutes, is
22 amended to read:

23 370.038 Rules and regulations.--The department is
24 authorized to make and adopt reasonable rules, regulations,
25 and orders necessary to carry out the provisions of ss.
26 370.034-370.037 ~~370.033-370.037~~.

27 Section 5. Section 370.0805, Florida Statutes, is
28 repealed.

29 Section 6. Subsection (2) of section 370.135, Florida
30 Statutes, is amended to read:

31 370.135 Blue crab; regulation.--

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

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

11 ~~(b) In 1998, persons holding an endorsement that was~~
12 ~~active in the 1997-1998 fiscal year, or an immediate family~~
13 ~~member of that person, must request approval of the~~
14 ~~endorsement prior to December 31, 1998.~~

15 (b)(c) Effective January 1, 1999, ~~in subsequent years~~
16 and until July 1, 2002, a trap number holder, or members of
17 his or her immediate family, must request renewal of the
18 endorsement prior to September 30 of each year.

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

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

29 (e)(f) Persons who hold saltwater products licenses
30 with blue crab endorsements issued to their boat registration
31 numbers and who subsequently replace their existing vessels

1 with new vessels shall be permitted to transfer the existing
2 licenses to the new boat registration numbers.

3 Section 7. Subsection (12) of section 370.14, Florida
4 Statutes, is repealed.

5 Section 8. Subsection (4) of section 370.142, Florida
6 Statutes, is amended to read:

7 370.142 Spiny lobster trap certificate program.--

8 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS
9 BOARD.--There is hereby established the Trap Certificate
10 Technical Advisory and Appeals Board. Such board shall
11 consider and advise the commission on disputes and other
12 problems arising from the implementation of the spiny lobster
13 trap certificate program. The board may also provide
14 information to the commission on the operation of the trap
15 certificate program.

16 (a) The board shall consist of the executive director
17 of the commission or designee and nine other members appointed
18 by the executive director, according to the following
19 criteria:

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

26 2. At least one member each shall come from Broward,
27 Dade, and Palm Beach Counties; and five members shall come
28 from the various regions of the Florida Keys.

29 3. At least one appointed member shall be a person of
30 Hispanic origin capable of speaking English and Spanish.

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1 (b) The term of each appointed member shall be for 4
2 years, and any vacancy shall be filled for the balance of the
3 unexpired term with a person of the qualifications necessary
4 to maintain the requirements of paragraph (a). There shall be
5 no limitation on successive appointments to the board.

6 (c) The executive director of the commission or
7 designee shall serve as a member and shall call the
8 organizational meeting of the board. The board shall annually
9 elect a chair and a vice chair. There shall be no limitation
10 on successive terms that may be served by a chair or vice
11 chair. The board shall meet at the call of its chair, at the
12 request of a majority of its membership, at the request of the
13 commission, or at such times as may be prescribed by its
14 rules. A majority of the board shall constitute a quorum, and
15 official action of the board shall require a majority vote of
16 the total membership of the board present at the meeting.

17 (d) The procedural rules adopted by the board shall
18 conform to the requirements of chapter 120.

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

21 (f) Upon reaching a decision on any dispute or problem
22 brought before it, ~~including any decision involving the~~
23 ~~allotment of certificates under paragraph (g),~~ the board shall
24 submit such decision to the executive director of the
25 commission for final approval. The executive director of the
26 commission may alter or disapprove any decision of the board,
27 with notice thereof given in writing to the board and to each
28 party in the dispute explaining the reasons for the
29 disapproval. The action of the executive director of the
30 commission constitutes final agency action.

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1 ~~(g) In addition to those certificates allotted~~
2 ~~pursuant to the provisions of subparagraph (2)(a)1., up to~~
3 ~~125,000 certificates may be allotted by the board to settle~~
4 ~~disputes or other problems arising from implementation of the~~
5 ~~trap certificate program during the 1992-1993 and 1993-1994~~
6 ~~license years. Any certificates not allotted by March 31,~~
7 ~~1994, shall become permanently unavailable and shall be~~
8 ~~considered as part of the 1994-1995 reduction schedule. All~~
9 ~~appeals for additional certificates or other disputes must be~~
10 ~~filed with the board before October 1, 1993.~~

11 (g)(h) Any trap certificates issued by the Department
12 of Environmental Protection and, effective July 1, 1999, the
13 commission as a result of the appeals process must be added to
14 the existing number of trap certificates for the purposes of
15 determining the total number of certificates from which the
16 subsequent season's trap reduction is calculated.

17 ~~(i) On and after July 1, 1994, the board shall no~~
18 ~~longer consider and advise the Fish and Wildlife Conservation~~
19 ~~Commission on disputes and other problems arising from~~
20 ~~implementation of the trap certificate program nor allot any~~
21 ~~certificates with respect thereto.~~

22 Section 9. Section 373.029, Florida Statutes, is
23 repealed.

24 Section 10. Section 373.191, Florida Statutes, is
25 repealed.

26 Section 11. Subsection (5) of section 373.033, Florida
27 Statutes, is amended to read:

28 373.033 Saltwater barrier line.--

29 ~~(5) The provisions of s. 373.191 shall apply~~
30 ~~specifically to the authority of The board of county~~
31 ~~commissioners of a county, or to the governing board of a~~

1 water management district, a municipality, or a water district
2 having jurisdiction over an area in which a saltwater barrier
3 line is established, may to expend funds from any available
4 ~~whatever source may be available to them~~ for the purpose of
5 constructing saltwater barrier dams, dikes, and spillways
6 within existing canals and streams in conformity with the
7 purpose and intent of the board in establishing the saltwater
8 barrier line.

9 Section 12. Subsection (11) of section 373.2295,
10 Florida Statutes, is repealed.

11 Section 13. Subsection (3) of section 373.415, Florida
12 Statutes, is repealed.

13 Section 14. This act shall take effect upon becoming a
14 law.

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17 LEGISLATIVE SUMMARY

18 Repeals various statutory provisions that have become
19 obsolete, have had their effect, have served their
20 purpose, or have been impliedly repealed or superseded.
21 Repeals or deletes provisions relating to a use study of
22 Choctawhatchee Bay; intent with respect to obsolete
23 regulation of dredge and fill activities; the net ban
24 assistance program; renewal of active blue crab
25 endorsements in 1998; the 2-day crawfish sport season;
26 implementation of the spiny lobster trap certificate
27 program; the Southeast River Basins Resources Advisory
28 Board; county water conservation projects; applications
29 for interdistrict transfer and use of groundwater which
30 were pending on July 11, 1987; and development of a
31 groundwater basin resource availability inventory for the
Wekiva River Protection Area.