

By the Committee on Rules & Calendar and Representative  
Constantine

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6           impliedly repealed or superseded; repealing s.  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           327.53(2)(b) and (8), F.S., relating to  
8           obsolete deadlines for houseboats and nonprofit  
9           corporations to comply with marine sanitation  
10          device requirements; repealing s. 370.031,  
11          F.S., relating to a use study of Choctawhatchee  
12          Bay; repealing s. 370.033, F.S., relating to  
13          intent with respect to obsolete regulation of  
14          dredge and fill activities; amending ss.  
15          370.037 and 370.038, F.S.; revising cross  
16          references, to conform; repealing s. 370.0805,  
17          F.S., relating to the net ban assistance  
18          program; amending s. 370.135, F.S.; deleting a  
19          provision relating to renewal of active blue  
20          crab endorsements in 1998; repealing s.  
21          370.14(12), F.S., relating to the 2-day  
22          crawfish sport season; amending s. 370.142,  
23          F.S.; deleting obsolete provisions relating to  
24          implementation of the spiny lobster trap  
25          certificate program; revising cross references,  
26          to conform; repealing s. 373.029, F.S.,  
27          relating to the Southeast River Basins  
28          Resources Advisory Board; repealing s.  
29          373.0735, F.S., relating to the staggering of  
30          terms of the members of the governing board of  
31          the Southwest Florida Water Management

1 District; repealing s. 373.191, F.S., relating  
2 to county water conservation projects; amending  
3 s. 373.033, F.S.; removing a cross reference,  
4 to conform; repealing s. 373.2295(11), F.S.,  
5 relating to applications for interdistrict  
6 transfer and use of groundwater which were  
7 pending on a specified date; repealing s.  
8 373.415(3), F.S., relating to development of a  
9 groundwater basin resource availability  
10 inventory for the Wekiva River Protection Area;  
11 providing an effective date.

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

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15 Section 1. Paragraph (b) of subsection (2) and  
16 subsection (8) of section 327.53, Florida Statutes, are  
17 repealed.

18 Section 2. Section 370.031, Florida Statutes, is  
19 repealed.

20 Section 3. Section 370.033, Florida Statutes, is  
21 repealed.

22 Section 4. Paragraph (b) of subsection (1) of section  
23 370.037, Florida Statutes, is amended to read:

24 370.037 Denial, suspension, or revocation of  
25 certificate.--

26 (1) The department may refuse to issue or renew or may  
27 suspend or revoke any certificate on any of the following  
28 grounds:

29 (b) Willful disregard or violation of any of the  
30 provisions of ss. 370.034 and 370.036 ~~370.033-370.036~~ or of  
31 any rule or regulation promulgated thereunder.

1           Section 5. Section 370.038, Florida Statutes, is  
2 amended to read:

3           370.038 Rules and regulations.--The department is  
4 authorized to make and adopt reasonable rules, regulations,  
5 and orders necessary to carry out the provisions of ss.  
6 370.034-370.037 ~~370.033-370.037~~.

7           Section 6. Section 370.0805, Florida Statutes, is  
8 repealed.

9           Section 7. Subsection (2) of section 370.135, Florida  
10 Statutes, is amended to read:

11           370.135 Blue crab; regulation.--

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

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

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

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

30           (c)(d) If a person holding an active blue crab  
31 endorsement, or a member of that person's immediate family,

1 does not request renewal of the endorsement before the  
2 applicable dates as specified in this subsection, the  
3 commission shall deactivate that endorsement.

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

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

14 Section 8. Subsection (12) of section 370.14, Florida  
15 Statutes, is repealed.

16 Section 9. Subsection (4) of section 370.142, Florida  
17 Statutes, is amended to read:

18 370.142 Spiny lobster trap certificate program.--

19 (4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS  
20 BOARD.--There is hereby established the Trap Certificate  
21 Technical Advisory and Appeals Board. Such board shall  
22 consider and advise the commission on disputes and other  
23 problems arising from the implementation of the spiny lobster  
24 trap certificate program. The board may also provide  
25 information to the commission on the operation of the trap  
26 certificate program.

27 (a) The board shall consist of the executive director  
28 of the commission or designee and nine other members appointed  
29 by the executive director, according to the following  
30 criteria:

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1           1. All appointed members shall be certificateholders,  
2 but two shall be holders of fewer than 100 certificates, two  
3 shall be holders of at least 100 but no more than 750  
4 certificates, three shall be holders of more than 750 but not  
5 more than 2,000 certificates, and two shall be holders of more  
6 than 2,000 certificates.

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

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

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

17           (c) The executive director of the commission or  
18 designee shall serve as a member and shall call the  
19 organizational meeting of the board. The board shall annually  
20 elect a chair and a vice chair. There shall be no limitation  
21 on successive terms that may be served by a chair or vice  
22 chair. The board shall meet at the call of its chair, at the  
23 request of a majority of its membership, at the request of the  
24 commission, or at such times as may be prescribed by its  
25 rules. A majority of the board shall constitute a quorum, and  
26 official action of the board shall require a majority vote of  
27 the total membership of the board present at the meeting.

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

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

1           (f) Upon reaching a decision on any dispute or problem  
2 brought before it, ~~including any decision involving the~~  
3 ~~allotment of certificates under paragraph (g),~~ the board shall  
4 submit such decision to the executive director of the  
5 commission for final approval. The executive director of the  
6 commission may alter or disapprove any decision of the board,  
7 with notice thereof given in writing to the board and to each  
8 party in the dispute explaining the reasons for the  
9 disapproval. The action of the executive director of the  
10 commission constitutes final agency action.

11           ~~(g) In addition to those certificates allotted~~  
12 ~~pursuant to the provisions of subparagraph (2)(a)1., up to~~  
13 ~~125,000 certificates may be allotted by the board to settle~~  
14 ~~disputes or other problems arising from implementation of the~~  
15 ~~trap certificate program during the 1992-1993 and 1993-1994~~  
16 ~~license years. Any certificates not allotted by March 31,~~  
17 ~~1994, shall become permanently unavailable and shall be~~  
18 ~~considered as part of the 1994-1995 reduction schedule. All~~  
19 ~~appeals for additional certificates or other disputes must be~~  
20 ~~filed with the board before October 1, 1993.~~

21           (g)(h) Any trap certificates issued by the Department  
22 of Environmental Protection and, effective July 1, 1999, the  
23 commission as a result of the appeals process must be added to  
24 the existing number of trap certificates for the purposes of  
25 determining the total number of certificates from which the  
26 subsequent season's trap reduction is calculated.

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

1           Section 10. Section 373.029, Florida Statutes, is  
2 repealed.  
3           Section 11. Section 373.0735, Florida Statutes, is  
4 repealed.  
5           Section 12. Section 373.191, Florida Statutes, is  
6 repealed.  
7           Section 13. Subsection (5) of section 373.033, Florida  
8 Statutes, is amended to read:  
9           373.033 Saltwater barrier line.--  
10           (5) ~~The provisions of s. 373.191 shall apply~~  
11 ~~specifically to the authority of~~ The board of county  
12 commissioners of a county, or ~~to~~ the governing board of a  
13 water management district, a municipality, or a water district  
14 having jurisdiction over an area in which a saltwater barrier  
15 line is established, may ~~to~~ expend funds from any available  
16 ~~whatever~~ source ~~may be available to them~~ for the purpose of  
17 constructing saltwater barrier dams, dikes, and spillways  
18 within existing canals and streams in conformity with the  
19 purpose and intent of the board in establishing the saltwater  
20 barrier line.  
21           Section 14. Subsection (11) of section 373.2295,  
22 Florida Statutes, is repealed.  
23           Section 15. Subsection (3) of section 373.415, Florida  
24 Statutes, is repealed.  
25           Section 16. This act shall take effect upon becoming a  
26 law.  
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HOUSE SUMMARY

Repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Repeals or deletes provisions relating to obsolete deadlines for houseboats and nonprofit corporations to comply with marine sanitation device requirements; a use study of Choctawhatchee Bay; intent with respect to obsolete regulation of dredge and fill activities; the net ban assistance program; renewal of active blue crab endorsements in 1998; the 2-day crawfish sport season; implementation of the spiny lobster trap certificate program; the Southeast River Basins Resources Advisory Board; the staggering of terms of the members of the governing board of the Southwest Florida Water Management District; county water conservation projects; applications for interdistrict transfer and use of groundwater which were pending on July 11, 1987; and development of a groundwater basin resource availability inventory for the Wekiva River Protection Area.