

Amendment No. ____ (for drafter's use only)

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

11 The Committee on General Government Appropriations offered the
12 following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Section 370.13, Florida Statutes, is
19 amended to read:

20 (Substantial rewording of section. See
21 s. 370.13, F.S., for present text.)

22 370.13 Stone crab; regulation.--

23 (1) FEES AND EQUITABLE RENT.--

24 (a) Endorsement fee.--The fee for a stone crab
25 endorsement for the taking of stone crabs, as required by rule
26 of the Fish and Wildlife Conservation Commission, shall be
27 \$125, \$25 of which shall be used solely for trap retrieval
28 pursuant to s. 370.143.

29 (b) Certificate fees.--

30 1. For all trap certificates issued by the commission
31 pursuant to the requirements of the stone crab trap limitation

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1 program established by commission rule, there shall be an
2 annual fee of 50 cents per certificate. Replacement tags for
3 lost or damaged tags shall cost 50 cents each, except that
4 tags lost in the event of a major natural disaster declared as
5 an emergency disaster by the Governor, shall be replaced for
6 the cost of the tag as incurred by the commission.

7 2. Except for transfers to eligible crew members, as
8 determined according to criteria established by rule of the
9 commission, the fee for transferring certificates shall be \$2
10 per certificate transferred to be paid by the purchaser of the
11 certificate or certificates. The transfer fee for eligible
12 crew members shall be \$1 per certificate. Payment shall be
13 made by money order or cashier's check, submitted with the
14 certificate transfer form developed by the commission. In
15 addition to the transfer fee, a surcharge of \$2 per
16 certificate transferred, or 25 percent of the actual value of
17 the transferred certificate, whichever is greater, shall be
18 assessed the first time a certificate is transferred outside
19 the original holder's immediate family. Transfer fees and
20 surcharges shall only apply to the actual number of
21 certificates received by the purchaser. No transfer of a
22 certificate shall be effective until the commission receives a
23 notarized copy of the bill of sale as proof of the actual
24 value of the transferred certificate or certificates, which
25 shall also be submitted with the transfer form and payment. A
26 transfer fee shall not be assessed or required when the
27 transfer is within a family as a result of the death or
28 disability of the certificate owner. No surcharge shall be
29 assessed for any transfer within an individual's immediate
30 family.

31 (c) Incidental take endorsement.--The cost of an

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1 incidental take endorsement, as established by commission
2 rule, shall be \$25.

3 (d) Equitable rent.--The commission may establish by
4 rule an amount of equitable rent per trap certificate that
5 shall be recovered as partial compensation to the state for
6 the enhanced access to its natural resources. In determining
7 whether to establish such a rent and the amount thereof, the
8 commission may consider the amount of revenues annually
9 generated by endorsement fees, trap certificate fees, transfer
10 fees, surcharges, replacement trap tag fees, trap retrieval
11 fees, incidental take endorsement fees, and the continued
12 economic viability of the commercial stone crab industry.
13 Final approval of such a rule shall be by the Governor and
14 Cabinet sitting as the Board of Trustees of the Internal
15 Improvement Trust Fund.

16 (e) Disposition of fees, surcharges, civil penalties
17 and fines, and equitable rent.--Endorsement fees, trap
18 certificate fees, transfer fees, civil penalties and fines,
19 surcharges, replacement trap tag fees, trap retrieval fees,
20 incidental take endorsement fees, and equitable rent, if any,
21 shall be deposited in the Marine Resources Conservation Trust
22 Fund. Not more than 50 percent of the revenues generated
23 pursuant to the provisions of this act may be used for the
24 operation and administration of the stone crab trap limitation
25 program. The remaining revenues generated under this program
26 are to be used for trap retrieval, management of the stone
27 crab fishery, public education activities, evaluation of the
28 impact of trap reductions on the stone crab fishery, and
29 enforcement activities in support of the stone crab trap
30 limitation program.

31 (f) Program self-supporting.--The stone crab trap

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1 limitation program is intended to be a self-supporting program
2 funded from proceeds generated pursuant to this act.

3 (2) PENALTIES.--For purposes of this subsection,
4 conviction is any disposition other than acquittal or
5 dismissal, regardless of whether the violation was adjudicated
6 under any state or federal law.

7 (a) In addition to any other penalties provided in s.
8 370.021, for any person, firm, or corporation who violates the
9 provisions of rule 68B-13.010(2), Florida Administrative Code,
10 or rule 68B-13.011(5), (6), (7), (8), or (11), Florida
11 Administrative Code, the following administrative penalties
12 shall apply:

13 1. For a first violation, the commission shall assess
14 an administrative penalty of up to \$1,000 and the stone crab
15 endorsement under which the violation was committed may be
16 suspended for the remainder of the current license year.

17 2. For a second violation that occurs within 24 months
18 of any previous such violation, the commission shall assess an
19 administrative penalty of up to \$2,000 and the stone crab
20 endorsement under which the violation was committed may be
21 suspended for 12 calendar months.

22 3. For a third violation that occurs within 36 months
23 of any previous two such violations, the commission shall
24 assess an administrative penalty of up to \$5,000 and the stone
25 crab endorsement under which the violation was committed may
26 be suspended for 24 calendar months.

27 4. For a fourth violation that occurs within 48 months
28 of any three previous such violations shall result in
29 permanent revocation of all of the violator's saltwater
30 fishing privileges, including having the commission proceed
31 against the endorsement holder's saltwater products license in

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1 accordance with the provisions of s. 370.021.

2
3 Any person assessed an administrative penalty pursuant to this
4 paragraph shall, within 30 calendar days after notification,
5 pay the administrative penalty to the commission or request an
6 administrative hearing pursuant to the provisions of ss.
7 120.569 and 120.57. The proceeds of all administrative
8 penalties collected pursuant to this paragraph shall be
9 deposited in the Marine Resource Conservation Trust Fund.

10 (b) It is unlawful for any person to remove the
11 contents of another harvester's trap without the express
12 written consent of the trap owner available for immediate
13 inspection. Such unauthorized removal constitutes theft. Any
14 person convicted of theft from a trap shall, in addition to
15 the penalties specified in s. 370.021 and the provisions of
16 this section, permanently lose his or her saltwater products
17 license, stone crab or incidental take endorsement, and all
18 trap certificates allotted to him or her by the commission. In
19 such cases, trap certificates and endorsements are
20 nontransferable. In addition, any person, firm, or corporation
21 convicted of violating the prohibitions referenced in this
22 paragraph shall also be assessed an administrative penalty of
23 up to \$5,000. Immediately prior to and during the period of
24 revocation of the endorsement, that person, firm, or
25 corporation is prohibited from transferring any stone crab
26 certificates.

27 (c) Any person, firm, or corporation convicted of
28 violating commission rules that prohibit any of the following,
29 commits a felony of the third degree, punishable as provided
30 in s. 775.082, s. 775.083, or s. 775.084.

31 1. The willful molestation of any stone crab trap,

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1 line, or buoy that is the property of any licenseholder,
2 without the permission of that licenseholder.

3 2. The bartering, trading, or sale, or conspiring or
4 aiding in such barter, trade, or sale, or supplying, agreeing
5 to supply, aiding in supplying, or giving away stone crab trap
6 tags or certificates unless such action is duly authorized by
7 the commission as provided by commission rules.

8 3. The making, altering, forging, counterfeiting, or
9 reproducing of stone crab trap tags.

10 4. Possession of forged, counterfeit, or imitation
11 stone crab trap tags.

12 5. Engaging in the commercial harvest of stone crabs
13 during such time as either of such endorsements are under
14 suspension or revocation.

15 (d) For any person, firm, or corporation convicted of
16 fraudulently reporting the actual value of transferred stone
17 crab certificates, the commission may automatically suspend or
18 permanently revoke the seller's and, or, the purchaser's stone
19 crab endorsements. If the endorsement is permanently revoked,
20 the commission shall also permanently deactivate the
21 endorsement holder's stone crab certificate accounts. Whether
22 an endorsement is suspended or revoked, the commission may
23 also levy a fine against the holder of the endorsement of up
24 to twice the appropriate surcharge to be paid based on the
25 fair market value of the transferred certificates.

26 (e) During any period of suspension or revocation of
27 an endorsement holder's endorsement, he or she shall remove
28 all traps subject to that endorsement from the water within 15
29 days of notice provided by the commission. Failure to do so
30 will extend the period of suspension or revocation for an
31 addition 6 calendar months.

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1 (f) No endorsement will be renewed until all fees and
2 administrative penalties imposed pursuant to this section are
3 paid.

4 (3) The Fish and Wildlife Conservation Commission
5 shall issue a depredation endorsement on the saltwater
6 products license, which shall entitle the license holder to
7 possess and use up to 75 stone crab traps and up to 75 blue
8 crab traps, notwithstanding any other provisions of law, for
9 the incidental take of destructive or nuisance stone crabs or
10 blue crabs within one mile of aquaculture shellfish beds. Any
11 marine aquaculture producer as defined by s. 370.26 F.S., who
12 raises shellfish may obtain a depredation endorsement by
13 providing an aquaculture registration certificate to the
14 Commission. No stone crabs or blue crabs taken under this
15 provision may be sold or offered for sale.

16 Section 2. Subsections (2), (3), and (4) of section
17 370.143, Florida Statutes, are amended to read:

18 370.143 Retrieval of lobster and stone crab traps
19 during closed season; commission authority; fees.--

20 (2) A retrieval fee of \$10 per trap retrieved shall be
21 assessed trap owners. However, for persons holding a stone
22 crab endorsement issued pursuant to rule of the Fish and
23 Wildlife Conservation Commission, the retrieval fee shall be
24 waived for the first five stone crab traps retrieved. Traps
25 recovered under this program shall become the property of the
26 commission ~~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 solely for operation of the trap retrieval
30 program.

31 (3) Payment of all ~~the~~ assessed retrieval fees ~~fee~~

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1 shall be required prior to renewal of the trap owner's
2 saltwater products license, and stone crab and or crawfish
3 endorsements trap number as a condition of number renewal.
4 Retrieval fees assessed under this program shall stand in lieu
5 of other penalties imposed for such trap violations.

6 (4) In the event of a major natural disaster, as
7 declared by the Governor to be a disaster emergency area, such
8 as a hurricane or major storm causing massive trap losses, the
9 commission shall waive the trap retrieval fee.

10 Section 3. Subsection (4) of section 370.15, Florida
11 Statutes, is amended to read:

12 370.15 Shrimp; regulation.--

13 (4) SHRIMP TRAWLING.--All persons, firms, and
14 corporations desiring to trawl for shrimp within areas in
15 which trawling is permitted shall ~~have a noncommercial trawl~~
16 ~~or net registration or~~ purchase a saltwater products license
17 issued to a valid boat registration or in the name of an
18 individual pursuant to s. 370.06. The saltwater products
19 license shall remain on board at all times and is subject to
20 immediate revocation upon conviction for violation of this
21 section or when it becomes apparent that the best interests of
22 saltwater conservation will be served by such action. ~~A~~
23 ~~noncommercial trawl or net registration must be issued to each~~
24 ~~net used to take shrimp for noncommercial purposes. Such net~~
25 ~~or trawl shall have a corkline measurement of 16 feet or less.~~
26 ~~Possession of shrimp under a noncommercial registration is~~
27 ~~limited to 25 pounds while on the water.~~ Due to the varied
28 habitats and types of bottoms and hydrographic conditions
29 embraced by the open fishing area, the commission shall have
30 the authority to specify and regulate the types of gear that
31 may be used in the different sections of the open areas.

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1 Section 4. Paragraph (d) of subsection (4), and
2 subsection (5) of section 370.153, Florida Statutes, are
3 amended to read:

4 370.153 Regulation of shrimp fishing; Clay, Duval,
5 Nassau, Putnam, Flagler, and St. Johns Counties.--

6 (4) DEAD SHRIMP PRODUCTION.--Any person may operate as
7 a commercial dead shrimp producer provided that:

8 (d) No person holding a dead shrimp production permit
9 issued pursuant to this subsection shall simultaneously hold a
10 permit for noncommercial trawling under the provisions of
11 subsection (5). The number of permits issued by the
12 commission for commercial trawling or dead shrimp production
13 in any one year shall be limited to those active the number
14 issued in the base year, 1976, and renewed annually since
15 1976. All permits for dead shrimp production issued pursuant
16 to this subsection shall be inheritable or transferable to an
17 immediate family member and annually renewable by the holder
18 thereof. Such inheritance or transfer shall be valid upon
19 being registered with the commission. Each permit ~~All permits~~
20 not renewed shall expire and shall not be renewed under any
21 circumstances.

22 (5) NONCOMMERCIAL TRAWLING.--If noncommercial trawling
23 is authorized by the Fish and Wildlife Conservation
24 Commission, any person may trawl for harvest shrimp in the St.
25 Johns River for his or her own use as food ~~and may trawl for~~
26 ~~such shrimp~~ under the following conditions:

27 (a) Each person who desires to trawl for shrimp for
28 use as food shall obtain a noncommercial trawling permit from
29 the local office of the Fish and Wildlife Conservation
30 Commission upon filling out an application on a form
31 prescribed by the commission and upon paying a fee for the

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1 permit, which shall cost \$50.

2 (b) All trawling shall be restricted to the confines
3 of the St. Johns River proper in the area north of the Acosta
4 Bridge in Jacksonville and at least 100 yards from the nearest
5 shoreline.

6 (c) No shrimp caught by a person licensed under the
7 provisions of this subsection may be sold or offered for sale.

8 Section 5. Section 370.25, Florida Statutes, is
9 amended to read:

10 (Substantial Rewording of section. See s. 370.25,
11 F.S., for present text.)

12 370.25 Artificial reef program; grants, financial, and
13 technical assistance to local governments.--

14 (1) An artificial reef program is created within the
15 Fish and Wildlife Conservation Commission to enhance saltwater
16 opportunities and to promote proper management of fisheries
17 resources associated with artificial reefs for the public
18 interest. Under the program, the commission may provide
19 grants, financial, and technical assistance to coastal local
20 governments, and nonprofit corporations qualified under s.
21 501(c)(3) of the Internal Revenue Code, for the siting and
22 development of artificial reefs as well as monitoring and
23 evaluating their recreational, economic, and biological
24 effectiveness. The program may be funded from state, federal,
25 and private contributions.

26 (2) The commission may adopt by rule procedures for
27 submitting an application for financial assistance and
28 criteria for allocating available funds.

29 (3) The commission may adopt by rule criteria for
30 siting, constructing, managing, and evaluating the
31 effectiveness of artificial reefs placed in state or adjacent

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1 federal waters, consistent with this section. All artificial
2 reefs constructed in state or adjacent federal waters must be
3 highly stable and durable, and shall only be constructed of
4 concrete, natural rock, prefabricated modules constructed
5 primarily of concrete or natural rock, or vessels comprised
6 primarily of ferrous metals. No material shall be permitted
7 to be used as an artificial reef under conditions where
8 50-year return interval storm events in the geographic region
9 of the state where the artificial reef is to be constructed
10 could be expected to cause the underwater lateral movement of
11 the material off the permitted reef site, or cause substantial
12 structural failure of the material. Each artificial reef must
13 be constructed in a manner that is consistent with the public
14 interest, will not harm the marine environment, or impede
15 navigation or other traditional uses.

16 (4) The commission may adopt by rule criteria for
17 determining the eligibility of nonprofit corporations
18 qualified under s. 501(c)(3) of the Internal Revenue Code to
19 apply for and receive available artificial reef development or
20 evaluation funds. The criteria must include, but are not
21 limited to:

22 (a) The corporation must show proof that it is a
23 nonprofit corporation qualified under s. 501(c)(3) of the
24 Internal Revenue Code.

25 (b) The corporation must state in its articles of
26 incorporation or bylaws that one of its objectives is the
27 development or monitoring of artificial reefs.

28 (5) The commission's artificial reef program shall
29 track all artificial reef development activities statewide,
30 and maintain a computer database of this activity for the
31 public interest and to facilitate long-range planning and

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1 coordination within the commission and among local
2 governments. Any entity that constructs an artificial reef in
3 state or adjacent federal waters must submit documentation of
4 the reef's materials, water depth, vertical relief, and
5 location, within 30 days following such construction, to the
6 commission. The location of the artificial reef must be
7 documented with a differential global positioning receiver
8 system.

9 (6) It is unlawful for any person to:

10 (a) Place artificial-reef-construction materials in
11 state water outside zones permitted under the terms and
12 conditions defined in any artificial reef permits issued by
13 the United States Army Corps of Engineers or by the Fish and
14 Wildlife Conservation Commission.

15 (b) Store, possess, or transport on or across state
16 waters any materials reasonably suited for artificial reef
17 construction and stored in a manner providing ready access for
18 use and placement as an artificial reef, unless a valid cargo
19 manifest issued by the commission or a commission-certified
20 inspector is onboard the transporting vessel. The manifest
21 will serve as authorization to use a valid permitted site or
22 land-based staging area, will validate that the type of
23 artificial reef construction material being transported is
24 permissible for use at the permitted site, and will describe
25 and quantify the artificial reef material being
26 transported. The manifest will also include the latitude and
27 longitude coordinates of the proposed deployment location, the
28 valid permit number, and a copy of the permit conditions for
29 the permitted site. The manifest must be available for
30 inspection by any authorized law enforcement officer or
31 commission employee.

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1 (7)(a) An initial violation of subsection (6) is a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082 or s. 775.083. A subsequent violation of subsection
4 (6) which is committed within 12 months after a previous
5 violation of that subsection is a felony of the third degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (b) If a violation of subsection (6) occurs, a law
9 enforcement officer may terminate a vessel's voyage and order
10 the vessel operator to return immediately to port. Failure or
11 refusal to comply with an order to return to port shall
12 constitute a felony of the third degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084. The vessel
14 operator must immediately dispose of the materials on shore
15 according to applicable waste disposal laws.

16 (c) If, at the time of the violation, the vessel that
17 is involved in the violation:

18 1. Is moored at a land-based facility, the registered
19 owner of the vessel is responsible for the violation.

20 2. Is underway or anchored, the captain or operator of
21 the vessel and the registered owner of the vessel are jointly
22 responsible for the violation.

23 (d) In addition to the penalties imposed in this
24 subsection, the commission shall assess civil penalties of up
25 to \$5,000 against any person convicted of violating subsection
26 (6) and may seek the suspension or revocation of the vessel
27 registration, existing reef-construction permits, or other
28 state marine licenses held by the violator. For the purposes
29 of this section, conviction includes any judicial disposition
30 other than acquittal or dismissal.

31 Section 6. Subsection (2) of section 370.14, Florida

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1 Statutes, is amended to read:

2 370.14 Crawfish; regulation.--

3 (2)(a) Each trap used for taking or attempting to take
4 crawfish must have a trap number permanently attached to the
5 trap and the buoy. This trap number may be issued by the Fish
6 and Wildlife Conservation Commission upon the receipt of
7 application by the owner of the traps and accompanied by the
8 payment of a fee of \$100. The design of the applications and
9 of the trap number shall be determined by the commission. Any
10 trap or device used in taking or attempting to take crawfish,
11 other than a trap with the trap number attached as prescribed
12 in this paragraph, shall be seized and destroyed by the
13 commission. The proceeds of the fees imposed by this paragraph
14 shall be deposited and used as provided in paragraph (b). The
15 commission may adopt ~~is authorized to promulgate~~ rules and
16 ~~regulations~~ to carry out the intent of this section.

17 (b) Fees collected pursuant to paragraph (a) shall be
18 deposited as follows:

19 1. Fifty percent of the fees collected shall be
20 deposited in the Marine Resources Conservation Trust Fund for
21 use in enforcing the provisions of paragraph (a) through
22 aerial and other surveillance and trap retrieval.

23 2. Fifty percent of the fees collected shall be
24 deposited as provided in s. 370.142(6)~~370.142(5)~~.

25 Section 7. Paragraphs (b) and (i) of subsection (2)
26 and subsection (5) of section 370.021, Florida Statutes, are
27 amended, and paragraph (o) is added to subsection (2), to
28 read:

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

31 (2) MAJOR VIOLATIONS.--In addition to the penalties

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1 provided in paragraphs (1)(a) and (b), the court shall assess
2 additional penalties against any person, firm, or corporation
3 convicted of major violations as follows:

4 (b) For a violation involving the taking or harvesting
5 of shrimp from a nursery or other prohibited area, or any two
6 violations within a 12-month period involving shrimping gear,
7 minimum size (count), or season, an additional penalty of \$10
8 for each pound of illegal shrimp or part thereof.

9 (i) Permits issued to any person, firm, or corporation
10 by the commission to take or harvest saltwater products, or
11 any license issued pursuant to s. 370.06 or s. 370.07 may be
12 suspended or revoked by the commission, pursuant to the
13 provisions and procedures of s. 120.60, for any major
14 violation prescribed in this subsection:

15 1. Upon a first conviction for a major violation, for
16 up to 30 calendar days.

17 2.1. Upon a second conviction for a violation which
18 occurs within 12 months after a prior violation, for up to 90
19 calendar ~~60~~ days.

20 3.2. Upon a third conviction for a violation which
21 occurs within 24 months after a prior violation, for up to 180
22 calendar days.

23 4.3. Upon a fourth conviction for a violation which
24 occurs within 36 months after a prior violation, for a period
25 up of 6 months to 3 years.

26 (o) For a violation involving the taking or harvesting
27 of any marine life species as defined by the commission, the
28 harvest of which is prohibited, or the taking or harvest of
29 such a species out of season, or with an illegal gear or
30 chemical, or any violation involving the possession of 25 or
31 more individual specimens of marine life species, or any

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1 combination of violations in any 3-year period involving more
2 than 70 such specimens in the aggregate, suspension or
3 revocation of the licenseholder's marine life endorsement as
4 provided in paragraph (i).

5
6 Notwithstanding the provisions of s. 948.01, no court may
7 suspend, defer, or withhold adjudication of guilt or
8 imposition of sentence for any major violation prescribed in
9 this subsection.

10 (5) BUYING SALTWATER PRODUCTS FROM UNLICENSED
11 SELLER.--In addition to being subject to other penalties
12 provided in this chapter, any violation of s. 370.06 or s.
13 370.07, or rules of the commission implementing s. 370.06 or
14 s. 370.07, involving the purchase of buying saltwater products
15 by a commercial wholesale dealer, retail dealer, or restaurant
16 facility for public consumption from an unlicensed person,
17 firm, or corporation, or the sale of saltwater products by an
18 unlicensed person, firm, or corporation shall be a major
19 violation, and the commission may assess the following
20 penalties:

21 (a) For a first violation, the commission may assess a
22 civil penalty of up to \$2,500 and may suspend the wholesale or
23 retail dealer's license privileges for up to 90 calendar days.

24 (b) For a second violation occurring within 12 months
25 of a prior violation, the commission may assess a civil
26 penalty of up to \$5,000 and may suspend the wholesale or
27 retail dealer's license privileges for up to 180 calendar
28 days.

29 (c) For a third or subsequent violation occurring
30 within a 24-month period, the commission shall assess a civil
31 penalty of \$5,000 and shall suspend the wholesale or retail

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1 dealer's license privileges for up to 24 months.

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3 Any proceeds from the civil penalties assessed pursuant to
4 this subsection shall be deposited into the Marine Resources
5 Conservation Trust Fund and shall be used as follows: 40
6 percent for administration and processing purposes and 60
7 percent for law enforcement purposes.

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

10 370.06 Licenses.--

11 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The
12 commission shall deny the renewal or issuance of any saltwater
13 products license, wholesale dealer license, or retail dealer
14 license, to anyone that has unpaid fees, civil assessments, or
15 finances owed to the commission.

16 Section 9. Subsection (1) of section 370.135, Florida
17 Statutes, is amended to read:

18 370.135 Blue crab; regulation.--

19 (1) No person, firm, or corporation shall transport on
20 the water, fish with or cause to be fished with, set, or place
21 any trap designed for taking blue crabs unless such person,
22 firm, or corporation is the holder of a valid saltwater
23 products license issued pursuant to s. 370.06 and the trap has
24 a current state number permanently attached to the buoy. The
25 trap number shall be affixed in legible figures at least 1
26 inch high on each buoy used. The saltwater products license
27 must be on board the boat, and both the license and the crabs
28 shall be subject to inspection at all times. Only one trap
29 number may be issued for each boat by the commission upon
30 receipt of an application on forms prescribed by it. This
31 subsection shall not apply to an individual fishing with no

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1 more than five traps. It is a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084, for any person willfully to molest any traps, lines,
4 or buoys, as defined herein, belonging to another without
5 permission of the licenseholder. It is unlawful for any person
6 to remove the contents of another harvester's trap without the
7 express written consent of the trap owner available for
8 immediate inspection. Such unauthorized removal constitutes
9 theft. Any person convicted of theft from a trap shall, in
10 addition to the penalties specified in s. 370.021 and the
11 provisions of this section, permanently lose his or her
12 saltwater products license and blue crab endorsement. In such
13 cases endorsements are nontransferable.

14 Section 10. Subsection (2) of section 370.142, Florida
15 Statutes, is amended to read:

16 370.142 Spiny lobster trap certificate program.--

17 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
18 PENALTIES.--The Fish and Wildlife Conservation Commission
19 shall establish a trap certificate program for the spiny
20 lobster fishery of this state and shall be responsible for its
21 administration and enforcement as follows:

22 (a) Transferable trap certificates.--Each holder of a
23 saltwater products license who uses traps for taking or
24 attempting to take spiny lobsters shall be required to have a
25 certificate on record for each trap possessed or used
26 therefor, except as otherwise provided in this section.

27 1. The Department of Environmental Protection shall
28 initially allot such certificates to each licenseholder with a
29 current crawfish trap number who uses traps. The number of
30 such certificates allotted to each such licenseholder shall be
31 based on the trap/catch coefficient established pursuant to

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1 trip ticket records generated under the provisions of s.
2 370.06(2)(a) over a 3-year base period ending June 30, 1991.
3 The trap/catch coefficient shall be calculated by dividing the
4 sum of the highest reported single license-year landings up to
5 a maximum of 30,000 pounds for each such licenseholder during
6 the base period by 700,000. Each such licenseholder shall then
7 be allotted the number of certificates derived by dividing his
8 or her highest reported single license-year landings up to a
9 maximum of 30,000 pounds during the base period by the
10 trap/catch coefficient. Nevertheless, no licenseholder with a
11 current crawfish trap number shall be allotted fewer than 10
12 certificates. However, certificates may only be issued to
13 individuals; therefore, all licenseholders other than
14 individual licenseholders shall designate the individual or
15 individuals to whom their certificates will be allotted and
16 the number thereof to each, if more than one. After initial
17 issuance, trap certificates are transferable on a market basis
18 and may be transferred from one licenseholder to another for a
19 fair market value agreed upon between the transferor and
20 transferee. Each such transfer shall, within 72 hours thereof,
21 be recorded on a notarized form provided for that purpose by
22 the Fish and Wildlife Conservation Commission and hand
23 delivered or sent by certified mail, return receipt requested,
24 to the commission for recordkeeping purposes. In addition, in
25 order to cover the added administrative costs of the program
26 and to recover an equitable natural resource rent for the
27 people of the state, a transfer fee of \$2 per certificate
28 transferred shall be assessed against the purchasing
29 licenseholder and sent by money order or cashier's check with
30 the certificate transfer form. Also, in addition to the
31 transfer fee, a surcharge of \$5 per certificate transferred or

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1 25 percent of the actual market value, whichever is greater,
2 given to the transferor shall be assessed the first time a
3 certificate is transferred outside the original transferor's
4 immediate family. No transfer of a certificate shall be
5 effective until the commission receives the notarized transfer
6 form and the transfer fee, including any surcharge, is paid.
7 The commission may establish by rule an amount of equitable
8 rent per trap certificate that shall be recovered as partial
9 compensation to the state for the enhanced access to its
10 natural resources. Final approval of such a rule shall be by
11 the Governor and Cabinet sitting as the Board of Trustees of
12 the Internal Improvement Fund.In determining whether to
13 establish such a rent and, if so, the amount thereof, the
14 commission shall consider the amount of revenues annually
15 generated by certificate fees, transfer fees, surcharges, trap
16 license fees, and sales taxes, the demonstrated fair market
17 value of transferred certificates, and the continued economic
18 viability of the commercial lobster industry. The proceeds of
19 equitable rent recovered shall be deposited in the Marine
20 Resources Conservation Trust Fund and used by the commission
21 for research, management, and protection of the spiny lobster
22 fishery and habitat. A transfer fee may not be assessed or
23 required when the transfer is within a family as a result of
24 the death or disability of the certificate owner. No surcharge
25 will be assessed for any transfer within an individual's
26 immediate family.

27 2. No person, firm, corporation, or other business
28 entity may control, directly or indirectly, more than 1.5
29 percent of the total available certificates in any license
30 year.

31 3. The commission shall maintain records of all

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1 certificates and their transfers and shall annually provide
2 each licenseholder with a statement of certificates held.

3 4. The number of trap tags issued annually to each
4 licenseholder shall not exceed the number of certificates held
5 by the licenseholder at the time of issuance, and such tags
6 and a statement of certificates held shall be issued
7 simultaneously.

8 5. Beginning July 1, 2003, and applicable to the
9 2003-2004 lobster season and thereafter, it is unlawful for
10 any person to lease lobster trap tags or certificates.

11 (b) Trap tags.--Each trap used to take or attempt to
12 take spiny lobsters in state waters or adjacent federal waters
13 shall, in addition to the crawfish trap number required by s.
14 370.14(2), have affixed thereto an annual trap tag issued by
15 the commission. Each such tag shall be made of durable plastic
16 or similar material and shall, based on the number of
17 certificates held, have stamped thereon the owner's license
18 number. To facilitate enforcement and recordkeeping, such tags
19 shall be issued each year in a color different from that of
20 each of the previous 3 years. The annual certificate fee shall
21 be \$1 per certificate. Replacement tags for lost or damaged
22 tags may be obtained as provided by rule of the commission.

23 (c) Prohibitions; penalties.--

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

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

4 3. It is unlawful for any person to remove the
5 contents of another harvester's trap without the express
6 written consent of the trap owner available for immediate
7 inspection. Such unauthorized removal constitutes theft. Any
8 person convicted of theft from a trap shall, in addition to
9 the penalties specified in ss. 370.021 and 370.14 and the
10 provisions of this section, permanently lose his or her
11 saltwater products license, crawfish endorsement, and all trap
12 certificates allotted to him or her through this program. In
13 such cases, trap certificates and endorsements are
14 nontransferable.

15 ~~4.3.~~ In addition to any other penalties provided in s.
16 370.021, a commercial harvester, as defined by rule
17 46-24.002(1), Florida Administrative Code, who violates the
18 provisions of this section, or the provisions relating to
19 traps of chapter 46-24, Florida Administrative Code, shall be
20 punished as follows:

21 a. If the first violation is for violation of
22 subparagraph 1. ~~or~~ subparagraph 2., or subparagraph 3., the
23 commission shall assess an additional civil penalty of up to
24 \$1,000 and the crawfish trap number issued pursuant to s.
25 370.14(2) or (6) may be suspended for the remainder of the
26 current license year. For all other first violations, the
27 commission shall assess an additional civil penalty of up to
28 \$500.

29 b. For a second violation of subparagraph 1. ~~or~~
30 subparagraph 2., or subparagraph 3., which occurs within 24
31 months of any previous such violation, the commission shall

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1 assess an additional civil penalty of up to \$2,000 and the
2 crawfish trap number issued pursuant to s. 370.14(2) or (6)
3 may be suspended for the remainder of the current license
4 year.

5 c. For a third or subsequent violation of subparagraph
6 ~~1.~~ or subparagraph 2., or subparagraph 3., which occurs
7 within 36 months of any previous two such violations, the
8 commission shall assess an additional civil penalty of up to
9 \$5,000 and may suspend the crawfish trap number issued
10 pursuant to s. 370.14(2) or (6) for a period of up to 24
11 months or may revoke the crawfish trap number and, if revoking
12 the crawfish trap number, may also proceed against the
13 licenseholder's saltwater products license in accordance with
14 the provisions of s. 370.021(2)(i).

15 d. Any person assessed an additional civil penalty
16 pursuant to this section shall within 30 calendar days after
17 notification:

- 18 (I) Pay the civil penalty to the commission; or
19 (II) Request an administrative hearing pursuant to the
20 provisions of s. 120.60.

21 e. The commission shall suspend the crawfish trap
22 number issued pursuant to s. 370.14(2) or (6) for any person
23 failing to comply with the provisions of sub-subparagraph d.

24 ~~5.4~~.a. It is unlawful for any person to make, alter,
25 forge, counterfeit, or reproduce a spiny lobster trap tag or
26 certificate.

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

30 c. It is unlawful for any person to barter, trade,
31 sell, supply, agree to supply, aid in supplying, or give away

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

6 ~~6.5.a.~~ Any person who violates the provisions of
7 ~~subparagraph 5.subparagraph 4.~~, or any person who engages in
8 the commercial harvest, trapping, or possession of spiny
9 lobster without a crawfish trap number as required by s.
10 370.14(2) or (6) or during any period while such crawfish trap
11 number is under suspension or revocation, commits a felony of
12 the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 b. In addition to any penalty imposed pursuant to
15 sub-subparagraph a., the commission shall levy a fine of up to
16 twice the amount of the appropriate surcharge to be paid on
17 the fair market value of the transferred certificates, as
18 provided in subparagraph (a)1., on any person who violates the
19 provisions of sub-subparagraph ~~5.c.4.c.~~

20 ~~7.6.~~ Any certificates for which the annual certificate
21 fee is not paid for a period of 3 years shall be considered
22 abandoned and shall revert to the commission. During any
23 period of trap reduction, any certificates reverting to the
24 commission shall become permanently unavailable and be
25 considered in that amount to be reduced during the next
26 license-year period. Otherwise, any certificates that revert
27 to the commission are to be reallocated in such manner as
28 provided by the commission.

29 ~~8.7.~~ The proceeds of all civil penalties collected
30 pursuant to ~~subparagraph 4.subparagraph 3.~~ and all fines
31 collected pursuant to ~~sub-subparagraph 6.b.sub-subparagraph~~

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1 ~~5.b.~~ shall be deposited into the Marine Resources Conservation
2 Trust Fund.

3 ~~9.8.~~ All traps shall be removed from the water during
4 any period of suspension or revocation.

5 (d) No vested rights.--The trap certificate program
6 shall not create vested rights in licenseholders whatsoever
7 and may be altered or terminated as necessary to protect the
8 spiny lobster resource, the participants in the fishery, or
9 the public interest.

10 Section 11. (1) There is hereby appropriated from the
11 commercial revenues in the Marine Resources Conservation Trust
12 Fund to the Fish and Wildlife Conservation Commission the sum
13 of \$97,049, for fiscal year 2000-2001 for four career service
14 positions that are authorized for the commission to implement
15 the stone crab trap limitation program. This appropriation
16 shall be made after funds have been distributed pursuant to s.
17 328.76(2)(b).

18 (2) There is hereby appropriated from the commercial
19 revenues in the Marine Resources Conservation Trust Fund to
20 the Fish and Wildlife Conservation Commission the sum of
21 \$254,408, for program operation, plus \$130,000, to cover the
22 cost of stone crab trap tags in fiscal year 2000-2001, in
23 order to implement the stone crab trap limitation program in
24 fiscal year 2001-2002. This appropriation shall be made after
25 funds have been distributed pursuant to s. 328.76(2)(b).

26 Section 12. This act shall take effect July 1, 2000.

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28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, lines 2-14,

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1 remove from the title of the bill: all of said lines
2
3 and insert in lieu thereof:
4 An act relating to marine resources; amending
5 s. 370.13, F.S.; providing for fees and
6 equitable rent related to stone crabs;
7 providing penalties for violations; providing
8 for a permit to take stone crabs due to damage
9 caused to aquaculture crops; amending s.
10 370.143, F.S.; waiving trap retrieval fees for
11 first five stone crab traps retrieved;
12 requiring fee payment prior to saltwater
13 products license and stone crab and crawfish
14 endorsement renewal; providing for trap
15 retrieval fee waiver; amending s. 370.06, F.S.;
16 providing for licenses; amending s. 370.14,
17 F.S.; providing for the regulation of crawfish;
18 conforming a statutory cross-reference;
19 amending s. 370.15, F.S.; providing for the
20 regulation of shrimp; eliminating registration
21 requirements for certain shrimp nets; amending
22 s. 370.153, F.S.; providing for the regulation
23 of shrimp fishing in certain counties;
24 clarifying criteria for the issuance of dead
25 shrimp production permits; providing that
26 noncommercial shrimp trawling must be
27 authorized by the Fish and Wildlife
28 Conservation Commission; amending s. 370.25,
29 F.S.; relating to the artificial reef program;
30 transferring said program to the Fish and
31 Wildlife Conservation Commission; revising

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1 requirements for the funding, management,
2 tracking and construction of artificial reefs;
3 providing penalties;
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