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Bill No. CS/HB 797

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Sorensen offered the following:

13 **Substitute Amendment for Amendment (285405) (with title**  
14 **amendment)**

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

18 Section 1. Paragraphs (b) and (i) of subsection (2)  
19 and subsection (5) of section 370.021, Florida Statutes, are  
20 amended, and paragraph (o) is added to subsection (2) of that  
21 section to read:

22 370.021 Administration; rules, publications, records;  
23 penalties; injunctions.--

24 (2) MAJOR VIOLATIONS.--In addition to the penalties  
25 provided in paragraphs (1)(a) and (b), the court shall assess  
26 additional penalties against any person, firm, or corporation  
27 convicted of major violations as follows:

28 (b) For a violation involving the taking or harvesting  
29 of shrimp from a nursery or other prohibited area, or any two  
30 violations within a 12-month period involving shrimping gear,  
31 minimum size (count), or season, an additional penalty of \$10

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1 for each pound of illegal shrimp or part thereof.

2 (i) Permits issued to any person, firm, or corporation  
3 by the commission to take or harvest saltwater products, or  
4 any license issued pursuant to s. 370.06 or s. 370.07 may be  
5 suspended or revoked by the commission, pursuant to the  
6 provisions and procedures of s. 120.60, for any major  
7 violation prescribed in this subsection:

8 1. Upon a first conviction for a major violation, for  
9 up to 30 calendar days.

10 2.1. Upon a second conviction for a violation which  
11 occurs within 12 months after a prior violation, for up to 90  
12 calendar ~~60~~ days.

13 3.2. Upon a third conviction for a violation which  
14 occurs within 24 months after a prior violation, for up to 180  
15 calendar days.

16 4.3. Upon a fourth conviction for a violation which  
17 occurs within 36 months after a prior violation, for a period  
18 of 6 months to 3 years.

19 (o) For a violation involving the taking or harvesting  
20 of any marine life species, as those species are defined by  
21 rule of the commission, the harvest of which is prohibited, or  
22 the taking or harvesting of such a species out of season, or  
23 with an illegal gear or chemical, or any violation involving  
24 the possession of 25 or more individual specimens of marine  
25 life species, or any combination of violations in any 3-year  
26 period involving more than 70 such specimens in the aggregate,  
27 the suspension or revocation of the license holder's marine  
28 life endorsement as provided in paragraph (i).

29 (5) BUYING SALTWATER PRODUCTS FROM UNLICENSED  
30 SELLER.--In addition to being subject to other penalties  
31 provided in this chapter, any violation of s. 370.06 or s.

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1 370.07, or rules of the commission implementing s. 370.06 or  
 2 s. 370.07, involving the purchase of ~~buying~~ saltwater products  
 3 by a commercial wholesale dealer, retail dealer, or restaurant  
 4 facility for public consumption from an unlicensed person,  
 5 firm, or corporation, or the sale of saltwater products by an  
 6 unlicensed person, firm, or corporation, shall be a major  
 7 violation, and the commission may assess the following  
 8 penalties:

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

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

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

21  
 22 Any proceeds from the civil penalties assessed pursuant to  
 23 this subsection shall be deposited into the Marine Resources  
 24 Conservation Trust Fund and shall be used as follows: 40  
 25 percent for administration and processing purposes and 60  
 26 percent for law enforcement purposes.

27 Section 2. Subsection (8) of section 370.06, Florida  
 28 Statutes, is amended, and subsection (9) is added to that  
 29 section, to read:

30 370.06 Licenses.--

31 (8) COLLECTION OF LICENSES, FEES.--Unless otherwise

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1 provided by law, all license taxes or fees provided for in  
 2 this chapter shall be collected by the commission or its duly  
 3 authorized agents or deputies to be deposited by the  
 4 Comptroller in the Marine Resources Conservation Trust Fund.  
 5 The commission may by rule establish a reasonable processing  
 6 fee for any free license or permit required under this  
 7 chapter. The commission is authorized to accept payment by  
 8 credit card for fees, fines, and civil penalties levied  
 9 pursuant to this chapter.

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

15 Section 3. Section 370.13, Florida Statutes, is  
 16 amended to read:

17 (Substantial rewording of section. See  
 18 s. 370.13, F.S., for present text.)  
 19 370.13 Stone crab; regulation.--

20 (1) FEES AND EQUITABLE RENT.--

21 (a) Endorsement fee.--The fee for a stone crab  
 22 endorsement for the taking of stone crabs as required by rule  
 23 of the Fish and Wildlife Conservation Commission, is \$125, \$25  
 24 of which must be used solely for trap retrieval under s.  
 25 370.143.

26 (b) Certificate fees.--

27 1. For each trap certificate issued by the commission  
 28 under the requirements of the stone crab trap limitation  
 29 program established by commission rule, there is an annual fee  
 30 of \$.50 per certificate. Replacement tags for lost or damaged  
 31 tags cost \$.50 each, except that tags lost in the event of a

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1 major natural disaster declared as an emergency disaster by  
2 the Governor shall be replaced for the cost of the tag as  
3 incurred by the commission.

4 2. Except for transfers to eligible crew members as  
5 determined according to criteria established by rule of the  
6 commission, the fee for transferring certificates is \$2 per  
7 certificate transferred to be paid by the purchaser of the  
8 certificate or certificates. The transfer fee for eligible  
9 crew members is \$1 per certificate. Payment must be made by  
10 money order or cashier's check, submitted with the certificate  
11 transfer form developed by the commission. In addition to the  
12 transfer fee, a surcharge of \$2 per certificate transferred,  
13 or 25 percent of the actual value of the transferred  
14 certificate, whichever is greater, will be assessed the first  
15 time a certificate is transferred outside the original  
16 holder's immediate family. Transfer fees and surcharges only  
17 apply to the actual number of certificates received by the  
18 purchaser. A transfer of a certificate is not effective until  
19 the commission receives a notarized copy of the bill of sale  
20 as proof of the actual value of the transferred certificate or  
21 certificates, which must also be submitted with the transfer  
22 form and payment. A transfer fee will 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. A surcharge  
25 will not be assessed for any transfer within an individual's  
26 immediate family.

27 (c) Incidental take endorsement.--The cost of an  
28 incidental take endorsement, as established by commission  
29 rule, is \$25.

30 (d) Equitable rent.--The commission may establish by  
31 rule an amount of equitable rent per trap certificate that may

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

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

27 (f) Program to be self-supporting.--The stone crab  
28 trap limitation program is intended to be a self-supporting  
29 program funded from proceeds generated under this section.

30 (g) No vested rights.--The stone crab trap limitation  
31 program does not create any vested rights for endorsement or

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1 certificateholders and may be altered or terminated by the  
2 commission as necessary to protect the stone crab resource,  
3 the participants in the fishery, or the public interest.

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

8 (a) In addition to any other penalties provided in s.  
9 370.021, for any person, firm, or corporation who violates  
10 Rule 68B-13.010(2), F.A.C., or Rule 68B-13.011(5), (6), (7),  
11 (8), or (11), F.A.C., the following administrative penalties  
12 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. A fourth violation that occurs within 48 months of  
28 any three previous such violations, shall result in permanent  
29 revocation of all of the violator's saltwater fishing  
30 privileges, including having the commission proceed against  
31 the endorsement holder's saltwater products license in

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1 accordance with s. 370.021.

2

3 Any person assessed an administrative penalty under this  
4 paragraph shall, within 30 calendar days after notification,  
5 pay the administrative penalty to the commission, or request  
6 an administrative hearing under s. 120.569 and s. 120.57. The  
7 proceeds of all administrative penalties collected under this  
8 paragraph shall be deposited in the Marine Resource  
9 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 all his or her saltwater  
17 fishing privileges, including saltwater products licenses,  
18 stone crab or incidental take endorsements, and all trap  
19 certificates allotted to him or her by the commission. In such  
20 cases, trap certificates and endorsements are nontransferable.  
21 In addition, any person, firm, or corporation convicted of  
22 violating the prohibitions referenced in this paragraph shall  
23 also be assessed an administrative penalty of up to \$5,000.  
24 Immediately upon receiving a citation for a violation  
25 involving theft from a trap and until adjudicated for such a  
26 violation, or if convicted of such a violation, the violator  
27 is prohibited from transferring any stone crab or lobster  
28 certificates.

29 (c) Any person, firm, or corporation convicted of  
30 violating commission rules that prohibit any of the following,  
31 commits a felony of the third degree, punishable as provided



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1 in s. 775.082, s. 775.083, or s. 775.084.

2 1. The willful molestation of any stone crab trap,  
3 line, or buoy that is the property of any licenseholder,  
4 without the permission of that licenseholder.

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

10 3. The making, altering, forging, counterfeiting, or  
11 reproducing of stone crab trap tags.

12 4. Possession of forged, counterfeit, or imitation  
13 stone crab trap tags.

14 5. Engaging in the commercial harvest of stone crabs  
15 during the time either of the endorsements is under suspension  
16 or revocation.

17  
18 In addition, any person, firm, or corporation convicted of  
19 violating this paragraph shall also be assessed an  
20 administrative penalty of up to \$5,000, and the incidental  
21 take endorsement and/or the stone crab endorsement under which  
22 the violation was committed may be suspended for up to 24  
23 calendar months. Immediately upon receiving a citation  
24 involving a violation of this paragraph and until adjudicated  
25 for such a violation, or if convicted of such a violation, the  
26 person, firm, or corporation committing the violation is  
27 prohibited from transferring any stone crab certificates or  
28 endorsements.

29 (d) For any person, firm, or corporation convicted of  
30 fraudulently reporting the actual value of transferred stone  
31 crab certificates, the commission may automatically suspend or

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1 permanently revoke the seller's or the purchaser's stone crab  
2 endorsements. If the endorsement is permanently revoked, the  
3 commission shall also permanently deactivate the endorsement  
4 holder's stone crab certificate accounts. Whether an  
5 endorsement is suspended or revoked, the commission may also  
6 levy a fine against the holder of the endorsement of up to  
7 twice the appropriate surcharge to be paid based on the fair  
8 market value of the transferred certificates.

9 (e) During any period of suspension or revocation of  
10 an endorsement holder's endorsement, he or she shall remove  
11 all traps subject to that endorsement from the water within 15  
12 days after notice provided by the commission. Failure to do so  
13 will extend the period of suspension or revocation for an  
14 additional 6 calendar months.

15 (f) An endorsement will not be renewed until all fees  
16 and administrative penalties imposed under this section are  
17 paid.

18 (3) DEPREDATION ENDORSEMENTS.--The Fish and Wildlife  
19 Conservation Commission shall issue a depredation endorsement  
20 on the saltwater products license, which shall entitle the  
21 license holder to possess and use up to 75 stone crab traps  
22 and up to 75 blue crab traps, notwithstanding any other  
23 provisions of law, for the incidental take of destructive or  
24 nuisance stone crabs or blue crabs within 1 mile of  
25 aquaculture shellfish beds. Any marine aquaculture producer  
26 as defined by s. 370.26 who raises shellfish may obtain a  
27 depredation endorsement by providing an aquaculture  
28 registration certificate to the commission. No stone crabs or  
29 blue crabs taken under this subsection may be sold or offered  
30 for sale.

31 Section 4. Subsection (1) of section 370.135, Florida

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1 Statutes, is amended to read:

2 370.135 Blue crab; regulation.--

3 (1) No person, firm, or corporation shall transport on  
4 the water, fish with or cause to be fished with, set, or place  
5 any trap designed for taking blue crabs unless such person,  
6 firm, or corporation is the holder of a valid saltwater  
7 products license issued pursuant to s. 370.06 and the trap has  
8 a current state number permanently attached to the buoy. The  
9 trap number shall be affixed in legible figures at least 1  
10 inch high on each buoy used. The saltwater products license  
11 must be on board the boat, and both the license and the crabs  
12 shall be subject to inspection at all times. Only one trap  
13 number may be issued for each boat by the commission upon  
14 receipt of an application on forms prescribed by it. This  
15 subsection shall not apply to an individual fishing with no  
16 more than five traps. It is a felony of the third degree,  
17 punishable as provided in s. 775.082, s. 775.083, or s.  
18 775.084, for any person willfully to molest any traps, lines,  
19 or buoys, as defined herein, belonging to another without  
20 permission of the licenseholder. It is unlawful for any person  
21 to remove the contents of another harvester's trap without the  
22 express written consent of the trap owner available for  
23 immediate inspection. Such unauthorized removal constitutes  
24 theft. Any person convicted of theft from a trap shall, in  
25 addition to the penalties specified in s. 370.021 and the  
26 provisions of this section, permanently lose all his or her  
27 saltwater fishing privileges including his or her saltwater  
28 products license and blue crab endorsement. In such cases  
29 endorsements are nontransferable. In addition, any person,  
30 firm, or corporation convicted of violating this paragraph  
31 shall also be assessed an administrative penalty of up to

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1 \$5,000. Immediately upon receiving a citation for a violation  
 2 involving theft from a trap and until adjudicated for such a  
 3 violation, or if convicted of such a violation, the person,  
 4 firm, or corporation committing the violation is prohibited  
 5 from transferring any blue crab endorsements.

6 Section 5. Subsection (2) of section 370.14, Florida  
 7 Statutes, is amended to read:

8 370.14 Crawfish; regulation.--

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

23 (b) Fees collected pursuant to paragraph (a) shall be  
 24 deposited as follows:

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

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

31 Section 6. Subsection (2) of section 370.142, Florida

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1 Statutes, is amended, to read:

2 370.142 Spiny lobster trap certificate program.--

3 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;

4 PENALTIES.--The Fish and Wildlife Conservation Commission  
5 shall establish a trap certificate program for the spiny  
6 lobster fishery of this state and shall be responsible for its  
7 administration and enforcement as follows:

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

13 1. The Department of Environmental Protection shall  
14 initially allot such certificates to each licenseholder with a  
15 current crawfish trap number who uses traps. The number of  
16 such certificates allotted to each such licenseholder shall be  
17 based on the trap/catch coefficient established pursuant to  
18 trip ticket records generated under the provisions of s.  
19 370.06(2)(a) over a 3-year base period ending June 30, 1991.  
20 The trap/catch coefficient shall be calculated by dividing the  
21 sum of the highest reported single license-year landings up to  
22 a maximum of 30,000 pounds for each such licenseholder during  
23 the base period by 700,000. Each such licenseholder shall then  
24 be allotted the number of certificates derived by dividing his  
25 or her highest reported single license-year landings up to a  
26 maximum of 30,000 pounds during the base period by the  
27 trap/catch coefficient. Nevertheless, no licenseholder with a  
28 current crawfish trap number shall be allotted fewer than 10  
29 certificates. However, certificates may only be issued to  
30 individuals; therefore, all licenseholders other than  
31 individual licenseholders shall designate the individual or

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1 individuals to whom their certificates will be allotted and  
2 the number thereof to each, if more than one. After initial  
3 issuance, trap certificates are transferable on a market basis  
4 and may be transferred from one licenseholder to another for a  
5 fair market value agreed upon between the transferor and  
6 transferee. Each such transfer shall, within 72 hours thereof,  
7 be recorded on a notarized form provided for that purpose by  
8 the Fish and Wildlife Conservation Commission and hand  
9 delivered or sent by certified mail, return receipt requested,  
10 to the commission for recordkeeping purposes. In addition, in  
11 order to cover the added administrative costs of the program  
12 and to recover an equitable natural resource rent for the  
13 people of the state, a transfer fee of \$2 per certificate  
14 transferred shall be assessed against the purchasing  
15 licenseholder and sent by money order or cashier's check with  
16 the certificate transfer form. Also, in addition to the  
17 transfer fee, a surcharge of \$5 per certificate transferred or  
18 25 percent of the actual market value, whichever is greater,  
19 given to the transferor shall be assessed the first time a  
20 certificate is transferred outside the original transferor's  
21 immediate family. No transfer of a certificate shall be  
22 effective until the commission receives the notarized transfer  
23 form and the transfer fee, including any surcharge, is paid.  
24 The commission may establish by rule an amount of equitable  
25 rent per trap certificate that shall be recovered as partial  
26 compensation to the state for the enhanced access to its  
27 natural resources. Final approval of such a rule shall be by  
28 the Governor and Cabinet sitting as the Board of Trustees of  
29 the Internal Improvement Trust Fund.In determining whether to  
30 establish such a rent and, if so, the amount thereof, the  
31 commission shall consider the amount of revenues annually

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1 generated by certificate fees, transfer fees, surcharges, trap  
2 license fees, and sales taxes, the demonstrated fair market  
3 value of transferred certificates, and the continued economic  
4 viability of the commercial lobster industry. The proceeds of  
5 equitable rent recovered shall be deposited in the Marine  
6 Resources Conservation Trust Fund and used by the commission  
7 for research, management, and protection of the spiny lobster  
8 fishery and habitat. A transfer fee may not be assessed or  
9 required when the transfer is within a family as a result of  
10 the death or disability of the certificate owner. A surcharge  
11 will not be assessed for any transfer within an individual's  
12 immediate family.

13 2. No person, firm, corporation, or other business  
14 entity may control, directly or indirectly, more than 1.5  
15 percent of the total available certificates in any license  
16 year.

17 3. The commission shall maintain records of all  
18 certificates and their transfers and shall annually provide  
19 each licenseholder with a statement of certificates held.

20 4. The number of trap tags issued annually to each  
21 licenseholder shall not exceed the number of certificates held  
22 by the licenseholder at the time of issuance, and such tags  
23 and a statement of certificates held shall be issued  
24 simultaneously.

25 5. Beginning July 1, 2003, and applicable to the  
26 2003-2004 lobster season and thereafter, it is unlawful for  
27 any person to lease lobster trap tags or certificates.

28 (b) Trap tags.--Each trap used to take or attempt to  
29 take spiny lobsters in state waters or adjacent federal waters  
30 shall, in addition to the crawfish trap number required by s.  
31 370.14(2), have affixed thereto an annual trap tag issued by

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1 the commission. Each such tag shall be made of durable plastic  
2 or similar material and shall, based on the number of  
3 certificates held, have stamped thereon the owner's license  
4 number. To facilitate enforcement and recordkeeping, such tags  
5 shall be issued each year in a color different from that of  
6 each of the previous 3 years. The annual certificate fee shall  
7 be \$1 per certificate. Replacement tags for lost or damaged  
8 tags may be obtained as provided by rule of the commission.

9 (c) Prohibitions; penalties.--

10 1. It is unlawful for a person to possess or use a  
11 spiny lobster trap in or on state waters or adjacent federal  
12 waters without having affixed thereto the trap tag required by  
13 this section. It is unlawful for a person to possess or use  
14 any other gear or device designed to attract and enclose or  
15 otherwise aid in the taking of spiny lobster by trapping that  
16 is not a trap as defined in rule 68B-24.006(2)~~46-24.006(2)~~,  
17 Florida Administrative Code.

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

21 3. It is unlawful for any person to remove the  
22 contents of another harvester's trap without the express  
23 written consent of the trap owner available for immediate  
24 inspection. Such unauthorized removal constitutes theft. Any  
25 person convicted of theft from a trap shall, in addition to  
26 the penalties specified in ss. 370.021 and 370.14 and the  
27 provisions of this section, permanently lose all his or her  
28 saltwater fishing privileges, including his or her saltwater  
29 products license, crawfish endorsement, and all trap  
30 certificates allotted to him or her through this program. In  
31 such cases, trap certificates and endorsements are



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1 nontransferable. In addition, any person, firm, or corporation  
 2 convicted of violating this paragraph shall also be assessed  
 3 an administrative penalty of up to \$5,000. Immediately upon  
 4 receiving a citation for a violation involving theft from a  
 5 trap and until adjudicated for such a violation or, if  
 6 convicted of such a violation, the person, firm, or  
 7 corporation committing the violation is prohibited from  
 8 transferring any crawfish trap certificates and endorsements.

9       ~~4.3.~~ In addition to any other penalties provided in s.  
 10 370.021, a commercial harvester, as defined by rule  
 11 ~~68B-24.002(1)~~~~46-24.002(1)~~, Florida Administrative Code, who  
 12 violates the provisions of this section, or the provisions  
 13 relating to traps of chapter ~~68B-24~~ ~~46-24~~, Florida  
 14 Administrative Code, shall be punished as follows:

15       a. If the first violation is for violation of  
 16 subparagraph 1. or subparagraph 2., the commission shall  
 17 assess an additional civil penalty of up to \$1,000 and the  
 18 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
 19 may be suspended for the remainder of the current license  
 20 year. For all other first violations, the commission shall  
 21 assess an additional civil penalty of up to \$500.

22       b. For a second violation of subparagraph 1. or  
 23 subparagraph 2. which occurs within 24 months of any previous  
 24 such violation, the commission shall assess an additional  
 25 civil penalty of up to \$2,000 and the crawfish trap number  
 26 issued pursuant to s. 370.14(2) or (6) may be suspended for  
 27 the remainder of the current license year.

28       c. For a third or subsequent violation of subparagraph  
 29 1. or subparagraph 2. which occurs within 36 months of any  
 30 previous two such violations, the commission shall assess an  
 31 additional civil penalty of up to \$5,000 and may suspend the

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1 crawfish trap number issued pursuant to s. 370.14(2) or (6)  
2 for a period of up to 24 months or may revoke the crawfish  
3 trap number and, if revoking the crawfish trap number, may  
4 also proceed against the licenseholder's saltwater products  
5 license in accordance with the provisions of s. 370.021(2)(i).

6 d. Any person assessed an additional civil penalty  
7 pursuant to this section shall within 30 calendar days after  
8 notification:

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

10 (II) Request an administrative hearing pursuant to the  
11 provisions of s. 120.60.

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

15 ~~5.4~~a. It is unlawful for any person to make, alter,  
16 forge, counterfeit, or reproduce a spiny lobster trap tag or  
17 certificate.

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

21 c. It is unlawful for any person to barter, trade,  
22 sell, supply, agree to supply, aid in supplying, or give away  
23 a spiny lobster trap tag or certificate or to conspire to  
24 barter, trade, sell, supply, aid in supplying, or give away a  
25 spiny lobster trap tag or certificate unless such action is  
26 duly authorized by the commission as provided in this chapter  
27 or in the rules of the commission.

28 ~~6.5~~a. Any person who violates the provisions of  
29 ~~subparagraph 5.~~~~subparagraph 4.~~, or any person who engages in  
30 the commercial harvest, trapping, or possession of spiny  
31 lobster without a crawfish trap number as required by s.

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1 370.14(2) or (6) or during any period while such crawfish trap  
2 number is under suspension or revocation, commits a felony of  
3 the third degree, punishable as provided in s. 775.082, s.  
4 775.083, or s. 775.084.

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

11 ~~7.6~~. Any certificates for which the annual certificate  
12 fee is not paid for a period of 3 years shall be considered  
13 abandoned and shall revert to the commission. During any  
14 period of trap reduction, any certificates reverting to the  
15 commission shall become permanently unavailable and be  
16 considered in that amount to be reduced during the next  
17 license-year period. Otherwise, any certificates that revert  
18 to the commission are to be reallocated in such manner as  
19 provided by the commission.

20 ~~8.7~~. The proceeds of all civil penalties collected  
21 pursuant to subparagraph 4 ~~subparagraph 3~~ and all fines  
22 collected pursuant to sub-subparagraph 6.b ~~sub-subparagraph~~  
23 ~~5.b~~ shall be deposited into the Marine Resources Conservation  
24 Trust Fund.

25 ~~9.8~~. All traps shall be removed from the water during  
26 any period of suspension or revocation.

27 (d) No vested rights.--The trap certificate program  
28 shall not create vested rights in licenseholders whatsoever  
29 and may be altered or terminated as necessary to protect the  
30 spiny lobster resource, the participants in the fishery, or  
31 the public interest.

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1 Section 7. Subsections (2), (3), and (4) of section  
2 370.143, Florida Statutes, are amended to read:

3 370.143 Retrieval of lobster and stone crab traps  
4 during closed season; commission authority; fees.--

5 (2) A retrieval fee of \$10 per trap retrieved shall be  
6 assessed trap owners. However, for persons holding a stone  
7 crab endorsement issued under rule of the Fish and Wildlife  
8 Conservation Commission, the retrieval fee shall be waived for  
9 the first five traps retrieved. Traps recovered under this  
10 program shall become the property of the commission or its  
11 contract agent, as determined by the commission, and shall be  
12 either destroyed or resold to the original owner. Revenue  
13 from retrieval fees shall be deposited in the Marine Resources  
14 Conservation Trust Fund and used solely for operation of the  
15 trap retrieval program.

16 (3) Payment of all the assessed retrieval fees ~~fee~~  
17 shall be required prior to renewal of the trap owner's  
18 saltwater products license and stone crab and or crawfish  
19 endorsements ~~trap number as a condition of number renewal.~~  
20 Retrieval fees assessed under this program shall stand in lieu  
21 of other penalties imposed for such trap violations.

22 (4) In the event of a major natural disaster in an  
23 area declared by the Governor to be a disaster emergency area,  
24 such as a hurricane or major storm causing massive trap  
25 losses, the commission shall waive the trap retrieval fee.

26 Section 8. Subsection (4) of section 370.15, Florida  
27 Statutes, is amended to read:

28 370.15 Shrimp; regulation.--

29 (4) SHRIMP TRAWLING.--All persons, firms, and  
30 corporations desiring to trawl for shrimp within areas in  
31 which trawling is permitted shall ~~have a noncommercial trawl~~

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1 ~~or net registration or purchase a saltwater products license~~  
2 issued to a valid boat registration or in the name of an  
3 individual pursuant to s. 370.06. The saltwater products  
4 license shall remain on board at all times and is subject to  
5 immediate revocation upon conviction for violation of this  
6 section or when it becomes apparent that the best interests of  
7 saltwater conservation will be served by such action. ~~A~~  
8 ~~noncommercial trawl or net registration must be issued to each~~  
9 ~~net used to take shrimp for noncommercial purposes. Such net~~  
10 ~~or trawl shall have a corkline measurement of 16 feet or less.~~  
11 ~~Possession of shrimp under a noncommercial registration is~~  
12 ~~limited to 25 pounds while on the water. Due to the varied~~  
13 habitats and types of bottoms and hydrographic conditions  
14 embraced by the open fishing area, the commission shall have  
15 the authority to specify and regulate the types of gear that  
16 may be used in the different sections of the open areas.

17 Section 9. Subsections (4) and (5) of section 370.153,  
18 Florida Statutes, are amended to read:

19 370.153 Regulation of shrimp fishing; Clay, Duval,  
20 Nassau, Putnam, Flagler, and St. Johns Counties.--

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

23 (a) A dead shrimp production permit is procured from  
24 the Fish and Wildlife Conservation Commission upon the receipt  
25 by the commission of a properly filled out and approved  
26 application by a person intending to use a boat, not to exceed  
27 35 feet in length in Duval, St. Johns, Putnam, and Clay  
28 Counties, and not to exceed 45 feet in length in Nassau  
29 County, for dead shrimp production within the inland waters of  
30 Nassau County and the inland waters of the St. Johns River of  
31 Duval, Putnam, St. Johns, Flagler, or Clay Counties, which

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1 permit shall cost \$250 and shall be required for each vessel  
2 used for dead shrimp production. The design of the application  
3 and permit shall be determined by the Fish and Wildlife  
4 Conservation Commission. The proceeds of the fees imposed by  
5 this paragraph shall be deposited into the account of the  
6 Marine Resources Conservation Trust Fund to be used by the  
7 commission for the purpose of enforcement of marine resource  
8 laws.

9 (b) All commercial trawling in the St. Johns River  
10 proper shall be restricted to the area north of the Acosta  
11 Bridge in Jacksonville and at least 100 yards from the nearest  
12 shoreline.

13 (c) All commercial shrimping activities shall be  
14 allowed during daylight hours from Tuesday through Friday each  
15 week.

16 (d) No person holding a dead shrimp production permit  
17 issued pursuant to this subsection shall simultaneously hold a  
18 permit for noncommercial trawling under the provisions of  
19 subsection (5). The number of permits issued by the  
20 commission for commercial trawling or dead shrimp production  
21 in any one year shall be limited to those active ~~the number~~  
22 ~~issued~~ in the base year, 1976, and renewed annually since  
23 1976. All permits for dead shrimp production issued pursuant  
24 to this section shall be inheritable or transferable to an  
25 immediate family member and annually renewable by the holder  
26 thereof. Such inheritance or transfer shall be valid upon  
27 being registered with the commission. Each permit ~~All permits~~  
28 not renewed shall expire and shall not be renewed under any  
29 circumstances.

30 (e) It is illegal for any person to sell dead shrimp  
31 caught in the inland waters of Nassau, Duval, Clay, Putnam,

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1 and St. Johns Counties, unless the seller is in possession of  
2 a dead shrimp production license issued pursuant to this  
3 subsection.

4 (f) It is illegal for any person to purchase shrimp  
5 for consumption or bait from any seller (with respect to  
6 shrimp caught in the inland waters of Nassau, Duval, Clay,  
7 Putnam, and St. Johns Counties (St. Johns River)) who does not  
8 produce his or her dead shrimp production license prior to the  
9 sale of the shrimp.

10 (g) In addition to any other penalties provided for in  
11 this section, any person who violates the provisions of this  
12 subsection shall have his or her license revoked by the  
13 commission.

14 (h) The commission shall rename the Dead Shrimp  
15 Production License as the Commercial Food Shrimp Production  
16 License.

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

22 (a) Each person who desires to trawl for shrimp for  
23 use as food shall obtain a noncommercial trawling permit from  
24 the local office of the Fish and Wildlife Conservation  
25 Commission upon filling out an application on a form  
26 prescribed by the commission and upon paying a fee for the  
27 permit, which shall cost \$50.

28 (b) All trawling shall be restricted to the confines  
29 of the St. Johns River proper in the area north of the Acosta  
30 Bridge in Jacksonville and at least 100 yards from the nearest  
31 shoreline.

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

3 Section 10. Section 370.25, Florida Statutes, is  
4 amended to read:

5 (Substantial rewording of section. See  
6 s. 370.25, F.S., for present text.)

7 370.25 Artificial reef program; grants and financial  
8 and technical assistance to local governments.--

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

21 (2) The commission may adopt by rule procedures for  
22 submitting an application for financial assistance and  
23 criteria for allocating available funds.

24 (3) The commission may adopt by rule criteria for  
25 siting, constructing, managing, and evaluating the  
26 effectiveness of artificial reefs placed in state or adjacent  
27 federal waters, consistent with this section.

28 (4) The commission may adopt by rule criteria for  
29 determining the eligibility of nonprofit corporations  
30 qualified under s. 501(c)(3) of the Internal Revenue Code to  
31 apply for and receive funds available for artificial reef



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1 development or evaluation. The criteria must include, but are  
2 not limited to, the following:  
3 (a) The corporation must show proof that it is a  
4 nonprofit corporation qualified under s. 501(c)(3) of the  
5 Internal Revenue Code.  
6 (b) The corporation must state in its articles of  
7 incorporation or bylaws that one of its objectives is the  
8 development or monitoring of artificial reefs.  
9 (5) The commission's artificial reef program shall  
10 track all artificial-reef-development activities statewide,  
11 and maintain a computer database of these activities for the  
12 public interest and to facilitate long-range planning and  
13 coordination within the commission and among local  
14 governments.  
15 (6) It is unlawful for any person to:  
16 (a) Place artificial-reef-construction materials in  
17 state water outside zones permitted under the terms and  
18 conditions defined in any artificial-reef permits issued by  
19 the United States Army Corps of Engineers or by the Fish and  
20 Wildlife Conservation Commission.  
21 (b) Store, possess, or transport on or across state  
22 waters any materials reasonably suited for artificial-reef  
23 construction and stored in a manner providing ready access for  
24 use and placement as an artificial reef, unless a valid cargo  
25 manifest issued by the commission or a commission-certified  
26 inspector is onboard the transporting vessel. The manifest  
27 will serve as authorization to use a valid permitted site or  
28 land-based staging area, will validate that the type of  
29 artificial-reef construction material being transported is  
30 permissible for use at the permitted site, and will describe  
31 and quantify the artificial-reef material being

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1 transported. The manifest will also include the latitude and  
2 longitude coordinates of the proposed deployment location, the  
3 valid permit number, and a copy of the permit conditions for  
4 the permitted site. The manifest must be available for  
5 inspection by any authorized law enforcement officer or  
6 commission employee.

7 (7)(a) An initial violation of subsection (6) is a  
8 misdemeanor of the first degree, punishable as provided in s.  
9 775.082 or s. 775.083. A subsequent violation of subsection  
10 (6) which is committed within 12 months after a previous  
11 violation of that subsection is a felony of the third degree,  
12 punishable as provided in s. 775.082, s. 775.083, or s.  
13 775.084.

14 (b) If a violation of subsection (6) occurs, a law  
15 enforcement officer may terminate a vessel's voyage and order  
16 the vessel operator to return immediately to port. Failure or  
17 refusal to comply with an order to return to port constitutes  
18 a felony of the third degree, punishable as provided in s.  
19 775.082, s. 775.083, or s. 775.084. The vessel operator must  
20 immediately dispose of the materials on shore according to  
21 applicable waste disposal laws.

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

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

26 2. Is underway or anchored, the captain or operator of  
27 the vessel and the registered owner of the vessel are jointly  
28 responsible for the violation.

29 (d) In addition to the penalties imposed in this  
30 subsection, the commission shall assess civil penalties of up  
31 to \$5,000 against any person convicted of violating subsection

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1 (6) and may seek the suspension or revocation of the vessel  
2 registration, existing reef-construction permits, or other  
3 state marine licenses held by the violator. For the purposes  
4 of this section, conviction includes any judicial disposition  
5 other than acquittal or dismissal.

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

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

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

24

25

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

27 And the title is amended as follows:

28 remove from the title of the bill: the entire title

29

30 and insert in lieu thereof:

31 A bill to be entitled

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1 An act relating to marine resources; amending  
2 s. 370.021, F.S.; providing penalties for  
3 illegal buying and selling of marine products;  
4 revising violations and penalties; amending s.  
5 370.06, F.S.; authorizing the Fish and Wildlife  
6 Conservation Commission to accept credit cards  
7 for specified charges; requiring the denial of  
8 license renewal or issuance to those having  
9 unpaid fees, assessments, or fines; amending s.  
10 370.13, F.S.; providing for fees and equitable  
11 rent related to stone crabs; prohibiting the  
12 acquisition of vested rights; providing  
13 penalties; amending s. 370.135, F.S.; providing  
14 penalties for theft from a blue crab trap;  
15 amending s. 370.14, F.S.; conforming a  
16 statutory cross-reference; amending s. 370.142,  
17 F.S.; requiring the Board of Trustees of the  
18 Internal Improvement Trust Fund to approve a  
19 rule establishing equitable rent in the  
20 crawfish fishing if the rule is developed;  
21 waiving certificate transfer fees and  
22 surcharges when the transfer is within the  
23 immediate family due to death or disability;  
24 providing a penalty for theft from a crawfish  
25 trap; providing penalties; conforming  
26 cross-references; amending s. 370.143, F.S.;  
27 waiving a trap retrieval fee for specified  
28 licenseholders; requiring the payment of fees  
29 before license and endorsement renewal; waiving  
30 trap retrieval fees if the Governor declares a  
31 disaster emergency area; amending s. 370.15,

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1 F.S.; eliminating a requirement for  
2 noncommercial net registration; amending s.  
3 370.153, F.S.; providing that noncommercial  
4 trawling must be authorized by the Fish and  
5 Wildlife Conservation Commission; amending s.  
6 370.25, F.S.; providing that the artificial  
7 reef program is created within the Fish and  
8 Wildlife Conservation Commission; eliminating  
9 criteria for allocation of funds; limiting  
10 funding to specified corporations; providing  
11 requirements for the storage, possession, and  
12 transport of artificial reef materials;  
13 revising permit requirements; providing a  
14 felony penalty; providing appropriations;  
15 providing an effective date.

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