

By the Committee on Water & Resource Management and
Representatives Sorensen, Sembler, Sanderson and Greenstein

1 A bill to be entitled
2 An act relating to marine resources; amending
3 s. 370.13, F.S.; providing for fees and
4 equitable rent related to stone crabs;
5 providing penalties for violations; amending s.
6 370.143, F.S.; waiving trap retrieval fees for
7 first five stone crab traps retrieved;
8 requiring fee payment prior to saltwater
9 products license and stone crab and crawfish
10 endorsement renewal; providing for trap
11 retrieval fee waiver; amending s. 370.153,
12 F.S.; providing that noncommercial trawling in
13 the St. Johns River must be authorized by the
14 Fish and Wildlife Conservation Commission;
15 amending s. 370.021, F.S.; providing for
16 license suspension for major violations;
17 providing for multiple violations involving
18 harvesting of shrimp from prohibited areas;
19 providing penalties for violations involving
20 the harvest of marine life species; providing
21 penalties for illegal buying and selling of
22 saltwater products; amending s. 370.06, F.S.;
23 providing for the denial of license renewal or
24 issuance for unpaid fees; amending s. 370.135,
25 F.S.; providing penalties for removal of blue
26 crab trap contents; amending s. 370.142, F.S.;
27 providing for approval of crawfish equitable
28 rent by Governor and Cabinet; waiving
29 certificate transfer fee when transfer is due
30 to death or disability; providing penalties for
31 removal of crawfish trap contents; providing

1 appropriations and positions; providing an
2 effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 370.13, Florida Statutes, is
7 amended to read:

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

10 370.13 Stone crab; regulation.--

11 (1) FEES AND EQUITABLE RENT.--

12 (a) Endorsement fee.--The fee for a stone crab
13 endorsement for the taking of stone crabs, as required by rule
14 of the Fish and Wildlife Conservation Commission, shall be
15 \$125, \$25 of which shall be used solely for trap retrieval
16 pursuant to s. 370.143.

17 (b) Certificate fees.--

18 1. For all trap certificates issued by the commission
19 pursuant to the requirements of the stone crab trap limitation
20 program established by commission rule, there shall be an
21 annual fee of 50 cents per certificate. Replacement tags for
22 lost or damaged tags shall cost 50 cents each, except that
23 tags lost because of a major storm emergency, as declared by
24 the Governor, shall be replaced for the cost of the tag as
25 incurred by the commission.

26 2. Except for transfers to eligible crew members, as
27 determined according to criteria established by rule of the
28 commission, the fee for transferring certificates shall be \$2
29 per certificate transferred to be paid by the purchaser of the
30 certificate or certificates. The transfer fee for eligible
31 crew members shall be \$1 per certificate. Payment shall be

1 made by money order or cashier's check, submitted with the
2 certificate transfer form developed by the commission. In
3 addition to the transfer fee, a surcharge of \$2 per
4 certificate transferred, or 25 percent of the actual value of
5 the transferred certificate, whichever is greater, shall be
6 assessed the first time a certificate is transferred outside
7 the original holder's immediate family. Transfer fees and
8 surcharges shall only apply to the actual number of
9 certificates received by the purchaser. No transfer of a
10 certificate shall be effective until the commission receives a
11 notarized copy of the bill of sale as proof of the actual
12 value of the transferred certificate or certificates, which
13 shall also be submitted with the transfer form and payment. A
14 transfer fee shall not be assessed or required when the
15 transfer is within a family as a result of the death or
16 disability of the certificate owner. No surcharge shall be
17 assessed for any transfer within an individual's immediate
18 family.

19 (c) Incidental take endorsement.--The cost of an
20 incidental take endorsement, as established by commission
21 rule, shall be \$25.

22 (d) Equitable rent.--The commission may establish by
23 rule an amount of equitable rent per trap certificate that
24 shall be recovered as partial compensation to the state for
25 the enhanced access to its natural resources. In determining
26 whether to establish such a rent and the amount thereof, the
27 commission may consider the amount of revenues annually
28 generated by endorsement fees, trap certificate fees, transfer
29 fees, surcharges, replacement trap tag fees, trap retrieval
30 fees, incidental take endorsement fees, and the continued
31 economic viability of the commercial stone crab industry.

1 Final approval of such a rule shall be by the Governor and
2 Cabinet sitting as the Board of Trustees of the Internal
3 Improvement Trust Fund.
4 (e) Disposition of fees, surcharges, civil penalties
5 and fines, and equitable rent.--Endorsement fees, trap
6 certificate fees, transfer fees, civil penalties and fines,
7 surcharges, replacement trap tag fees, trap retrieval fees,
8 incidental take endorsement fees, and equitable rent, if any,
9 shall be deposited in the Marine Resources Conservation Trust
10 Fund. Not more than 50 percent of the revenues generated
11 pursuant to the provisions of this act may be used for the
12 operation and administration of the stone crab trap limitation
13 program. The remaining revenues generated under this program
14 are to be used for trap retrieval, management of the stone
15 crab fishery, public education activities, evaluation of the
16 impact of trap reductions on the stone crab fishery, and
17 enforcement activities in support of the stone crab trap
18 limitation program.
19 (f) Program self-supporting.--The stone crab trap
20 limitation program is intended to be a self-supporting program
21 funded from proceeds generated pursuant to this act.
22 (2) PENALTIES.--For purposes of this subsection,
23 conviction is any disposition other than acquittal or
24 dismissal, regardless of whether the violation was adjudicated
25 under any state or federal law.
26 (a) In addition to any other penalties provided in s.
27 370.021, for any person, firm, or corporation convicted of
28 violating rule 68B-13.010(2), Florida Administrative Code, or
29 rule 68B-13.011(5), (6), (7), or (8), Florida Administrative
30 Code, the following administrative penalties shall apply:
31

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

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

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

15 4. For a fourth violation that occurs within 48 months
16 of any three previous such violations shall result in
17 permanent revocation of all of the violator's saltwater
18 fishing privileges, including having the commission proceed
19 against the endorsement holder's saltwater products license in
20 accordance with the provisions of s. 370.021.

21
22 Any person assessed an administrative penalty pursuant to this
23 paragraph shall, within 30 calendar days after notification,
24 pay the administrative penalty to the commission or request an
25 administrative hearing pursuant to the provisions of ss.
26 120.569 and 120.57. The proceeds of all administrative
27 penalties collected pursuant to this paragraph shall be
28 deposited in the Marine Resource Conservation Trust Fund.

29 (b) It is unlawful for any person to remove the
30 contents of another harvester's trap without the express
31 written consent of the trap owner available for immediate

1 inspection. Such unauthorized removal constitutes theft. Any
2 person convicted of theft from a trap shall, in addition to
3 the penalties specified in s. 370.021 and the provisions of
4 this section, permanently lose his or her saltwater products
5 license, stone crab or incidental take endorsement, and all
6 trap certificates allotted to him or her by the commission. In
7 such cases, trap certificates and endorsements are
8 nontransferable. In addition, any person, firm, or corporation
9 convicted of violating the prohibitions referenced in this
10 paragraph shall also be assessed an administrative penalty of
11 up to \$5,000. Immediately prior to and during the period of
12 suspension of the endorsement, that person, firm, or
13 corporation is prohibited from transferring any stone crab
14 certificates.

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

19 1. The willful molestation of any stone crab trap,
20 line, or buoy that is the property of any licenseholder,
21 without the permission of that licenseholder.

22 2. The bartering, trading, or sale, or conspiring or
23 aiding in such barter, trade, or sale, or supplying, agreeing
24 to supply, aiding in supplying, or giving away stone crab trap
25 tags or certificates unless such action is duly authorized by
26 the commission as provided by commission rules.

27 3. The making, altering, forging, counterfeiting, or
28 reproducing of stone crab trap tags.

29 4. Possession of forged, counterfeit, or imitation
30 stone crab trap tags.

31

1 5. Engaging in the commercial harvest of stone crabs
2 during such time as either of such endorsements are under
3 suspension or revocation.

4 (d) For any person, firm, or corporation convicted of
5 fraudulently reporting the actual value of transferred stone
6 crab certificates, the commission may automatically suspend or
7 permanently revoke the seller's and, or, the purchaser's stone
8 crab endorsements. If the endorsement is permanently revoked,
9 the commission shall also permanently deactivate the
10 endorsement holder's stone crab certificate accounts. Whether
11 an endorsement is suspended or revoked, the commission may
12 also levy a fine against the holder of the endorsement of up
13 to twice the appropriate surcharge to be paid based on the
14 fair market value of the transferred certificates.

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

21 (f) No endorsement will be renewed until all fees and
22 administrative penalties imposed pursuant to this section are
23 paid.

24 Section 2. Subsections (2), (3), and (4) of section
25 370.143, Florida Statutes, are amended to read:

26 370.143 Retrieval of lobster and stone crab traps
27 during closed season; commission authority; fees.--

28 (2) A retrieval fee of \$10 per trap retrieved shall be
29 assessed trap owners. However, for persons holding a stone
30 crab endorsement issued pursuant to rule of the Fish and
31 Wildlife Conservation Commission, the retrieval fee shall be

1 waived for the first five stone crab traps retrieved. Traps
2 recovered under this program shall become the property of the
3 commission ~~or its contract agent~~ and shall be either destroyed
4 or resold to the original owner. Revenue from retrieval fees
5 shall be deposited in the Marine Resources Conservation Trust
6 Fund and used solely for operation of the trap retrieval
7 program.

8 (3) Payment of all ~~the~~ assessed retrieval fees ~~fee~~
9 shall be required prior to renewal of the trap owner's
10 saltwater products license, and stone crab and or crawfish
11 endorsements ~~trap number as a condition of number renewal.~~
12 Retrieval fees assessed under this program shall stand in lieu
13 of other penalties imposed for such trap violations.

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

18 Section 3. Subsection (5) of section 370.153, Florida
19 Statutes, is amended to read:

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

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

1 prescribed by the commission and upon paying a fee for the
2 permit, which shall cost \$50.

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

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

9 Section 4. Paragraphs (b) and (i) of subsection (2)
10 and subsection (5) of section 370.021, Florida Statutes, are
11 amended, and paragraph (o) is added to subsection (2), to
12 read:

13 370.021 Administration; rules, publications, records;
14 penalties; injunctions.--

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

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

24 (i) Permits issued to any person, firm, or corporation
25 by the commission to take or harvest saltwater products, or
26 any license issued pursuant to s. 370.06 or s. 370.07 may be
27 suspended or revoked by the commission, pursuant to the
28 provisions and procedures of s. 120.60, for any major
29 violation prescribed in this subsection:

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

1 ~~2.1.~~ Upon a second conviction for a violation which
2 occurs within 12 months after a prior violation, for up to 90
3 calendar ~~60~~ days.

4 ~~3.2.~~ Upon a third conviction for a violation which
5 occurs within 24 months after a prior violation, for up to 180
6 calendar days.

7 ~~4.3.~~ Upon a fourth conviction for a violation which
8 occurs within 36 months after a prior violation, for a period
9 of 6 months to 3 years.

10 (o) For a violation involving the taking or harvesting
11 of any marine life species as defined by the commission, the
12 harvest of which is prohibited, or the taking or harvest of
13 such a species out of season, or with an illegal gear or
14 chemical, or any violation involving the possession of 25 or
15 more individual specimens of marine life species, or any
16 combination of violations in any 3-year period involving more
17 than 70 such specimens in the aggregate, suspension or
18 revocation of the licenseholder's marine life endorsement as
19 provided in paragraph (i).

20
21 Notwithstanding the provisions of s. 948.01, no court may
22 suspend, defer, or withhold adjudication of guilt or
23 imposition of sentence for any major violation prescribed in
24 this subsection.

25 (5) BUYING SALTWATER PRODUCTS FROM UNLICENSED
26 SELLER.--In addition to being subject to other penalties
27 provided in this chapter, any violation of s. 370.06 or s.
28 370.07, or rules of the commission implementing s. 370.06 or
29 s. 370.07, involving the purchase of ~~buying~~ saltwater products
30 by a commercial wholesale dealer, retail dealer, or restaurant
31 facility for public consumption from an unlicensed person,

1 firm, or corporation, or the sale of saltwater products by an
2 unlicensed person, firm, or corporation to a commercial
3 wholesale dealer, retail dealer, or restaurant facility for
4 public consumption , shall be a major violation, and the
5 commission may assess the following penalties:
6 (a) For a first violation, the commission may assess a
7 civil penalty of up to \$2,500 and may suspend the wholesale or
8 retail dealer's license privileges for up to 90 calendar days.
9 (b) For a second violation occurring within 12 months
10 of a prior violation, the commission may assess a civil
11 penalty of up to \$5,000 and may suspend the wholesale or
12 retail dealer's license privileges for up to 180 calendar
13 days.
14 (c) For a third or subsequent violation occurring
15 within a 24-month period, the commission shall assess a civil
16 penalty of \$5,000 and shall suspend the wholesale or retail
17 dealer's license privileges for up to 24 months.
18
19 Any proceeds from the civil penalties assessed pursuant to
20 this subsection shall be deposited into the Marine Resources
21 Conservation Trust Fund and shall be used as follows: 40
22 percent for administration and processing purposes and 60
23 percent for law enforcement purposes.
24 Section 5. Subsection (9) is added to section 370.06,
25 Florida Statutes, to read:
26 370.06 Licenses.--
27 (9) DENIAL OF LICENSE RENEWAL OR ISSUANCE.--The
28 commission shall deny the renewal or issuance of any saltwater
29 products license, wholesale dealer license, or retail dealer
30 license, to anyone that has unpaid fees, civil assessments, or
31 finances owed to the commission.

1 Section 6. Subsection (1) of section 370.135, Florida
2 Statutes, is amended to read:

3 370.135 Blue crab; regulation.--

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

30 Section 7. Subsection (2) of section 370.142, Florida
31 Statutes, is amended to read:

1 370.142 Spiny lobster trap certificate program.--
2 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
3 PENALTIES.--The Fish and Wildlife Conservation Commission
4 shall establish a trap certificate program for the spiny
5 lobster fishery of this state and shall be responsible for its
6 administration and enforcement as follows:
7 (a) Transferable trap certificates.--Each holder of a
8 saltwater products license who uses traps for taking or
9 attempting to take spiny lobsters shall be required to have a
10 certificate on record for each trap possessed or used
11 therefor, except as otherwise provided in this section.
12 1. The Department of Environmental Protection shall
13 initially allot such certificates to each licenseholder with a
14 current crawfish trap number who uses traps. The number of
15 such certificates allotted to each such licenseholder shall be
16 based on the trap/catch coefficient established pursuant to
17 trip ticket records generated under the provisions of s.
18 370.06(2)(a) over a 3-year base period ending June 30, 1991.
19 The trap/catch coefficient shall be calculated by dividing the
20 sum of the highest reported single license-year landings up to
21 a maximum of 30,000 pounds for each such licenseholder during
22 the base period by 700,000. Each such licenseholder shall then
23 be allotted the number of certificates derived by dividing his
24 or her highest reported single license-year landings up to a
25 maximum of 30,000 pounds during the base period by the
26 trap/catch coefficient. Nevertheless, no licenseholder with a
27 current crawfish trap number shall be allotted fewer than 10
28 certificates. However, certificates may only be issued to
29 individuals; therefore, all licenseholders other than
30 individual licenseholders shall designate the individual or
31 individuals to whom their certificates will be allotted and

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

1 license fees, and sales taxes, the demonstrated fair market
2 value of transferred certificates, and the continued economic
3 viability of the commercial lobster industry. The proceeds of
4 equitable rent recovered shall be deposited in the Marine
5 Resources Conservation Trust Fund and used by the commission
6 for research, management, and protection of the spiny lobster
7 fishery and habitat. A transfer fee may not be assessed or
8 required when the transfer is within a family as a result of
9 the death or disability of the certificate owner. No surcharge
10 will be assessed for any transfer within an individual's
11 immediate family.

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

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

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

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

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

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

8 (c) Prohibitions; penalties.--

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

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

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

31

1 ~~4.3.~~ In addition to any other penalties provided in s.
2 370.021, a commercial harvester, as defined by rule
3 46-24.002(1), Florida Administrative Code, who violates the
4 provisions of this section, or the provisions relating to
5 traps of chapter 46-24, Florida Administrative Code, shall be
6 punished as follows:

7 a. If the first violation is for violation of
8 subparagraph 1. or subparagraph 2., the commission shall
9 assess an additional civil penalty of up to \$1,000 and the
10 crawfish trap number issued pursuant to s. 370.14(2) or (6)
11 may be suspended for the remainder of the current license
12 year. For all other first violations, the commission shall
13 assess an additional civil penalty of up to \$500.

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

20 c. For a third or subsequent violation of subparagraph
21 1. or subparagraph 2. which occurs within 36 months of any
22 previous two such violations, the commission shall assess an
23 additional civil penalty of up to \$5,000 and may suspend the
24 crawfish trap number issued pursuant to s. 370.14(2) or (6)
25 for a period of up to 24 months or may revoke the crawfish
26 trap number and, if revoking the crawfish trap number, may
27 also proceed against the licenseholder's saltwater products
28 license in accordance with the provisions of s. 370.021(2)(i).

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

1 (I) Pay the civil penalty to the commission; or
2 (II) Request an administrative hearing pursuant to the
3 provisions of s. 120.60.

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

7 5.4.a. It is unlawful for any person to make, alter,
8 forge, counterfeit, or reproduce a spiny lobster trap tag or
9 certificate.

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

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

20 6.5.a. Any person who violates the provisions of
21 subparagraph 5.~~subparagraph 4~~, or any person who engages in
22 the commercial harvest, trapping, or possession of spiny
23 lobster without a crawfish trap number as required by s.
24 370.14(2) or (6) or during any period while such crawfish trap
25 number is under suspension or revocation, commits a felony of
26 the third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 b. In addition to any penalty imposed pursuant to
29 sub-subparagraph a., the commission shall levy a fine of up to
30 twice the amount of the appropriate surcharge to be paid on
31 the fair market value of the transferred certificates, as

1 provided in subparagraph (a)1., on any person who violates the
2 provisions of sub-subparagraph ~~5.c.4.c.~~

3 ~~7.6.~~ Any certificates for which the annual certificate
4 fee is not paid for a period of 3 years shall be considered
5 abandoned and shall revert to the commission. During any
6 period of trap reduction, any certificates reverting to the
7 commission shall become permanently unavailable and be
8 considered in that amount to be reduced during the next
9 license-year period. Otherwise, any certificates that revert
10 to the commission are to be reallocated in such manner as
11 provided by the commission.

12 ~~8.7.~~ The proceeds of all civil penalties collected
13 pursuant to ~~subparagraph 4.subparagraph 3~~ and all fines
14 collected pursuant to ~~sub-subparagraph 6.b.sub-subparagraph~~
15 ~~5.b.~~ shall be deposited into the Marine Resources Conservation
16 Trust Fund.

17 ~~9.8.~~ All traps shall be removed from the water during
18 any period of suspension or revocation.

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

24 Section 8. (1) There is hereby appropriated from the
25 commercial saltwater license fee revenues in the Marine
26 Resources Conservation Trust Fund to the Fish and Wildlife
27 Conservation Commission the sum of \$97,049, for fiscal year
28 2000-2001 for four career service positions that are
29 authorized for the commission to implement the stone crab trap
30 limitation program.

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1 (2) There is hereby appropriated from the commercial
2 saltwater license fee revenues in the Marine Resources
3 Conservation Trust Fund to the Fish and Wildlife Conservation
4 Commission the sum of \$254,408, for program operation, plus
5 \$130,000, to cover the cost of stone crab trap tags in fiscal
6 year 2000-2001, in order to implement the stone crab trap
7 limitation program in fiscal year 2001-2002.

8 Section 9. This act shall take effect July 1, 2000.

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