

Amendment No. 1 (for drafter's use only)

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

ORIGINAL STAMP BELOW

The Committee on Natural Resources & Environmental Protection offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 370.021, Florida Statutes, is amended to read:

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

(1) PENALTIES.--Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, or any rule of the Fish and Wildlife Conservation Commission relating to the conservation of marine resources, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12

Amendment No. 1 (for drafter's use only)

1 months, by imprisonment for not more than 6 months or by a
2 fine of not less than \$250 nor more than \$1,000, or by both
3 such fine and imprisonment.

4
5 Upon final disposition of any alleged offense for which a
6 citation for any violation of this chapter or the rules of the
7 commission has been issued, the court shall, within 10 days,
8 certify the disposition to the commission.

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

13 (a) For a violation involving more than 100 illegal
14 blue crabs, crawfish, or stone crabs, an additional penalty of
15 \$10 for each illegal blue crab, crawfish, stone crab, or part
16 thereof.

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

22 (c) For a violation involving the taking or harvesting
23 of oysters from nonapproved areas or the taking or possession
24 of unculled oysters, an additional penalty of \$10 for each
25 bushel of illegal oysters.

26 (d) For a violation involving the taking or harvesting
27 of clams from nonapproved areas, an additional penalty of \$100
28 for each 500 count bag of illegal clams.

29 (e) For a violation involving the taking, harvesting,
30 or possession of any of the following species, which are
31 endangered, threatened, or of special concern:

Amendment No. 1 (for drafter's use only)

- 1 1. Shortnose sturgeon (*Acipenser brevirostrum*);
2 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
3 3. Common snook (*Centropomus undecimalis*);
4 4. Atlantic loggerhead turtle (*Caretta caretta*
5 *caretta*);
6 5. Atlantic green turtle (*Chelonia mydas mydas*);
7 6. Leatherback turtle (*Dermochelys coriacea*);
8 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
9 *imbricata*);
10 8. Atlantic ridley turtle (*Lepidochelys kempi*); or
11 9. West Indian manatee (*Trichechus manatus*
12 *latirostris*),
13
14 an additional penalty of \$100 for each unit of marine life or
15 part thereof.
16 (f) For a second or subsequent conviction within 24
17 months for any violation of the same law or rule involving the
18 taking or harvesting of more than 100 pounds of any finfish,
19 an additional penalty of \$5 for each pound of illegal finfish.
20 (g) For any violation involving the taking,
21 harvesting, or possession of more than 1,000 pounds of any
22 illegal finfish, an additional penalty equivalent to the
23 wholesale value of the illegal finfish.
24 ~~(h) The proceeds from the penalties assessed pursuant~~
25 ~~to this subsection shall be deposited into the Marine~~
26 ~~Resources Conservation Trust Fund to be used for marine~~
27 ~~fisheries research or into the commission's Federal Law~~
28 ~~Enforcement Trust Fund as provided in s. 372.107, as~~
29 ~~applicable.~~
30 (h)(i) Permits issued to any person, firm, or
31 corporation by the commission to take or harvest saltwater

Amendment No. 1 (for drafter's use only)

1 products, or any license issued pursuant to s. 370.06 or s.
2 370.07 may be suspended or revoked by the commission, pursuant
3 to the provisions and procedures of s. 120.60, for any major
4 violation prescribed in this subsection:

5 1. Upon a first conviction ~~for a major violation~~, for
6 up to 30 calendar days.

7 2. Upon a second conviction ~~for a violation~~ which
8 occurs within 12 months after a prior violation, for up to 90
9 calendar days.

10 3. Upon a third conviction ~~for a violation~~ which
11 occurs within 24 months after a prior conviction ~~violation~~,
12 for up to 180 calendar days.

13 4. Upon a fourth conviction ~~for a violation~~ which
14 occurs within 36 months after a prior conviction ~~violation~~,
15 for a period of 6 months to 3 years.

16 ~~(i)~~(j) Upon the arrest and conviction for a major
17 violation involving stone crabs, the licenseholder must show
18 just cause why his or her license should not be suspended or
19 revoked. For the purposes of this paragraph, a "major
20 violation" means a major violation as prescribed for illegal
21 stone crabs; any single violation involving possession of more
22 than 25 stone crabs during the closed season or possession of
23 25 or more whole-bodied or egg-bearing stone crabs; any
24 violation for trap molestation, trap robbing, or pulling traps
25 at night; or any combination of violations in any
26 3-consecutive-year period wherein more than 75 illegal stone
27 crabs in the aggregate are involved.

28 ~~(j)~~(k) Upon the arrest and conviction for a major
29 violation involving crawfish, the licenseholder must show just
30 cause why his or her license should not be suspended or
31 revoked. For the purposes of this paragraph, a "major

Amendment No. 1 (for drafter's use only)

1 violation" means a major violation as prescribed for illegal
2 crawfish; any single violation involving possession of more
3 than 25 crawfish during the closed season or possession of
4 more than 25 wrung crawfish tails or more than 25 egg-bearing
5 or stripped crawfish; any violation for trap molestation, trap
6 robbing, or pulling traps at night; or any combination of
7 violations in any 3-consecutive-year period wherein more than
8 75 illegal crawfish in the aggregate are involved.

9 ~~(k)~~(l) Upon the arrest and conviction for a major
10 violation involving blue crabs, the licenseholder shall show
11 just cause why his or her saltwater products license should
12 not be suspended or revoked. This paragraph shall not apply
13 to an individual fishing with no more than five traps. For
14 the purposes of this paragraph, a "major violation" means a
15 major violation as prescribed for illegal blue crabs, any
16 single violation wherein 50 or more illegal blue crabs are
17 involved; any violation for trap molestation, trap robbing, or
18 pulling traps at night; or any combination of violations in
19 any 3-consecutive-year period wherein more than 100 illegal
20 blue crabs in the aggregate are involved.

21 ~~(l)~~(m) Upon the conviction for a major violation
22 involving finfish, the licenseholder must show just cause why
23 his or her saltwater products license should not be suspended
24 or revoked. For the purposes of this paragraph, a major
25 violation is prescribed for the taking and harvesting of
26 illegal finfish, any single violation involving the possession
27 of more than 100 pounds of illegal finfish, or any combination
28 of violations in any 3-consecutive-year period wherein more
29 than 200 pounds of illegal finfish in the aggregate are
30 involved.

31 ~~(n) Upon final disposition of any alleged offense for~~

Amendment No. 1 (for drafter's use only)

1 ~~which a citation for any violation of this chapter or the~~
2 ~~rules of the Fish and Wildlife Conservation Commission has~~
3 ~~been issued, the court shall, within 10 days, certify the~~
4 ~~disposition to the commission.~~

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

16
17 Notwithstanding the provisions of s. 948.01, no court may
18 suspend, defer, or withhold adjudication of guilt or
19 imposition of sentence for any major violation prescribed in
20 this subsection. The proceeds from the penalties assessed
21 pursuant to this subsection shall be deposited into the Marine
22 Resources Conservation Trust Fund to be used for marine
23 fisheries research or into the commission's Federal Law
24 Enforcement Trust Fund as provided in s. 372.107, as
25 applicable.

26 (3) PENALTIES FOR USE OF ILLEGAL NETS.--

27 (a) It is ~~shall be~~ a major violation pursuant to this
28 section, punishable subsection (3) and shall be punished as
29 provided in paragraph (b) below for any person, firm, or
30 corporation to be simultaneously in possession of any species
31 of mullet in excess of the recreational daily bag limit and

Amendment No. 1 (for drafter's use only)

1 any gill or other entangling net as defined in s. 16(c), Art.
2 X of the State Constitution. Simultaneous possession under
3 this provision shall include possession of mullet and gill or
4 other entangling nets on separate vessels or vehicles where
5 such vessels or vehicles are operated in coordination with one
6 another including vessels towed behind a main vessel. This
7 subsection does not prohibit a resident of this state from
8 transporting on land, from Alabama to this state, a commercial
9 quantity of mullet together with a gill net if:

10 1. The person possesses a valid commercial fishing
11 license that is issued by the State of Alabama and that allows
12 the person to use a gill net to legally harvest mullet in
13 commercial quantities from Alabama waters.

14 2. The person possesses a trip ticket issued in
15 Alabama and filled out to match the quantity of mullet being
16 transported, and the person is able to present such trip
17 ticket immediately upon entering this state.

18 3. The mullet are to be sold to a wholesale saltwater
19 products dealer located in Escambia County or Santa Rosa
20 County, which dealer also possesses a valid seafood dealer's
21 license issued by the State of Alabama. The dealer's name must
22 be clearly indicated on the trip ticket.

23 4. The mullet being transported are totally removed
24 from any net also being transported.

25 (b) In addition to being subject to the other
26 penalties provided in this chapter, any violation of s. 16(b),
27 Art. X of the State Constitution, or any rules of the ~~Fish and~~
28 ~~Wildlife Conservation~~ commission which implement the gear
29 prohibitions and restrictions specified therein shall be
30 considered a major violation; and any person, firm, or
31 corporation receiving any judicial disposition other than

Amendment No. 1 (for drafter's use only)

1 acquittal or dismissal of such violation shall be subject to
2 the following additional penalties:

3 1. For a first major violation within a 7-year period,
4 a civil penalty of \$2,500 and suspension of all saltwater
5 products license privileges for 90 calendar days following
6 final disposition shall be imposed.

7 2. For a second major violation under this paragraph
8 charged within 7 years of a previous judicial disposition,
9 which results in a second judicial disposition other than
10 acquittal or dismissal, a civil penalty of \$5,000 and
11 suspension of all saltwater products license privileges for 12
12 months shall be imposed.

13 3. For a third ~~or~~ and subsequent major violation under
14 this paragraph, charged within a 7-year period, resulting in a
15 third or subsequent judicial disposition other than acquittal
16 or dismissal, a civil penalty of \$5,000, lifetime revocation
17 of the saltwater products license, and forfeiture of all gear
18 and equipment used in the violation shall be imposed.

19
20 A court may suspend, defer, or withhold adjudication of guilt
21 or imposition of sentence only for any first violation of s.
22 16, Art. X of the State Constitution, or any rule or statute
23 implementing its restrictions, determined by a court only
24 after consideration of competent evidence of mitigating
25 circumstances to be a nonflagrant or minor violation of those
26 restrictions upon the use of nets. Any violation of s. 16,
27 Art. X of the State Constitution, or any rule or statute
28 implementing its restrictions, occurring within a 7-year
29 period commencing upon the conclusion of any judicial
30 proceeding resulting in any outcome other than acquittal shall
31 be punished as a second, third, or subsequent violation

Amendment No. 1 (for drafter's use only)

1 accordingly.

2 (c) During the period of suspension or revocation of
3 saltwater license privileges under this subsection, the
4 licensee shall ~~may~~ not participate in the taking or
5 harvesting, or attempt the taking or harvesting, of saltwater
6 products from any vessel within the waters of the state; be
7 aboard any vessel on which a commercial quantity of saltwater
8 products is possessed through an activity requiring a license
9 pursuant to this section, or engage in, ~~or~~ any other activity
10 requiring a license, permit, or certificate issued pursuant to
11 this chapter. Any person who is convicted of violating
12 ~~violates~~ this paragraph is:

13 1. Upon a first or second conviction, is guilty of a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.082 or s. 775.083 ~~to be punished as provided by paragraph~~
16 ~~(1)(a) or paragraph (1)(b).~~

17 2. Upon a third or subsequent conviction, is guilty of
18 a felony of the third degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 (d) Upon reinstatement of saltwater license privileges
21 suspended pursuant to a violation of this subsection ~~section~~,
22 a licensee owning or operating a vessel containing or
23 otherwise transporting in or on Florida waters any gill net or
24 other entangling net, or containing or otherwise transporting
25 in nearshore and inshore Florida waters any net containing
26 more than 500 square feet of mesh area shall remain restricted
27 for a period of 12 months following reinstatement, to
28 operating ~~operation~~ under the following conditions:

29 1. Vessels subject to this reinstatement period shall
30 be restricted to the corridors established by commission rule.

31 2. A violation of the reinstatement period provisions

Amendment No. 1 (for drafter's use only)

1 shall be punishable pursuant to paragraphs (1)(a) and (b).

2 ~~(e) Rescission and revocation proceedings under this~~
3 ~~section shall be governed by chapter 120.~~

4 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS
5 INVOLVING CERTAIN FINFISH.--It is ~~shall be~~ a major violation
6 pursuant to this section, and punishable as provided in
7 ~~pursuant to~~ paragraph (3)(b), for any person to be in
8 possession of any species of trout, snook, or redfish which is
9 three fish in excess of the recreational or commercial daily
10 bag limit.

11 (5) BUYING SALTWATER PRODUCTS; UNLICENSED SELLERS;
12 ILLEGALLY HARVESTED PRODUCTS FROM UNLICENSED SELLER.--In
13 addition ~~to being subject~~ to other penalties authorized
14 ~~provided~~ in this chapter, any violation of s. 370.06 or s.
15 370.07, or rules of the commission implementing s. 370.06 or
16 s. 370.07, involving the purchase of saltwater products by a
17 commercial wholesale dealer, retail dealer, or restaurant
18 facility, for public consumption from an unlicensed person,
19 firm, or corporation, or the sale of saltwater products by an
20 unlicensed person, firm, or corporation or the purchase or
21 sale of any saltwater product known to be taken in violation
22 of s. 16, Art. X of the State Constitution, or rule or statute
23 implementing the provisions thereof, by a commercial wholesale
24 dealer, retail dealer, or restaurant facility, for public
25 consumption, is ~~shall be~~ a major violation, and the commission
26 may assess the following penalties:

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

30 (b) For a second violation occurring within 12 months
31 of a prior violation, the commission may assess a civil

Amendment No. 1 (for drafter's use only)

1 penalty of up to \$5,000 and may suspend the wholesale or
2 retail dealer's license privileges for up to 180 calendar
3 days.

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

8
9 Any proceeds from the civil penalties assessed pursuant to
10 this subsection shall be deposited into the Marine Resources
11 Conservation Trust Fund and shall be used as follows: 40
12 percent for administration and processing purposes and 60
13 percent for law enforcement purposes.

14 (6) PUBLICATIONS BY COMMISSION.--The ~~Fish and Wildlife~~
15 ~~Conservation~~ commission is given authority, from time to time
16 in its discretion, to cause the statutory laws under its
17 jurisdiction, together with any rules ~~and regulations~~
18 promulgated by it, to be published in pamphlet form for free
19 distribution in this state. The commission is authorized to
20 make charges for technical and educational publications and
21 mimeographed material of use for educational or reference
22 purposes. Such charges shall be made at the discretion of the
23 commission. Such charges may be sufficient to cover cost of
24 preparation, printing, publishing, and distribution. All
25 moneys received for publications shall be deposited into the
26 fund from which the cost of the publication was paid. The
27 commission is further authorized to enter into agreements with
28 persons, firms, corporations, governmental agencies, and other
29 institutions whereby publications may be exchanged
30 reciprocally in lieu of payments for said publications.

31 (7) POWERS OF OFFICERS.--

Amendment No. 1 (for drafter's use only)

1 (a) Law enforcement officers of the ~~Fish and Wildlife~~
2 ~~Conservation~~ commission are constituted law enforcement
3 officers of this state with full power to investigate and
4 arrest for any violation of the laws of this state and the
5 rules ~~and regulations~~ of the commission under their
6 jurisdiction. The general laws applicable to arrests by peace
7 officers of this state shall also be applicable to law
8 enforcement officers of the commission. Such law enforcement
9 officers may enter upon any land or waters of the state for
10 performance of their lawful duties and may take with them any
11 necessary equipment, and such entry will not constitute a
12 trespass. It is lawful for any boat, motor vehicle, or
13 aircraft owned or chartered by the commission or its agents or
14 employees to land on and depart from any of the beaches or
15 waters of the state. Such law enforcement officers have the
16 authority, without warrant, to board, inspect, and search any
17 boat, fishing appliance, storage or processing plant,
18 fishhouse, spongehouse, oysterhouse, or other warehouse,
19 building, or vehicle engaged in transporting or storing any
20 fish or fishery products. Such authority to search and inspect
21 without a search warrant is limited to those cases in which
22 such law enforcement officers have reason to believe that fish
23 or any saltwater products are taken or kept for sale, barter,
24 transportation, or other purposes in violation of laws or
25 rules promulgated under this law. Any such law enforcement
26 officer may at any time seize or take possession of any
27 saltwater products or contraband which have been unlawfully
28 caught, taken, or processed or which are unlawfully possessed
29 or transported in violation of any of the laws of this state
30 or any rule ~~or regulation~~ of the commission. Such law
31 enforcement officers may arrest any person in the act of

Amendment No. 1 (for drafter's use only)

1 violating any of the provisions of this law, the rules ~~or~~
2 ~~regulations~~ of the commission, or any of the laws of this
3 state. It is hereby declared unlawful for any person to resist
4 such arrest or in any manner interfere, either by abetting or
5 assisting such resistance or otherwise interfering, with any
6 such law enforcement officer while engaged in the performance
7 of the duties imposed upon him or her by law or rule
8 ~~regulation~~ of the commission.

9 (b) The Legislature finds that the checking and
10 inspection of saltwater products aboard vessels is critical to
11 good fishery management and conservation and that, because
12 almost all saltwater products are either iced or cooled in
13 closed areas or containers, the enforcement of seasons, size
14 limits, and bag limits can only be effective when inspection
15 of saltwater products so stored is immediate and routine.
16 Therefore, in addition to the authority granted in paragraph
17 (a), a law enforcement officer of the commission who has
18 probable cause to believe that the vessel has been used for
19 fishing prior to the inspection shall have full authority to
20 open and inspect all containers or areas where saltwater
21 products are normally kept aboard vessels while such vessels
22 are on the water, such as refrigerated or iced locations,
23 coolers, fish boxes, and bait wells, but specifically
24 excluding such containers that are located in sleeping or
25 living areas of the vessel.

26 (8) RETENTION, DESTRUCTION, AND REPRODUCTION OF
27 RECORDS.--Records and documents of the ~~Fish and Wildlife~~
28 ~~Conservation~~ commission created in compliance with and in the
29 implementation of this chapter or former chapter 371 shall be
30 retained by the commission as specified in record retention
31 schedules established under the general provisions of chapters

Amendment No. 1 (for drafter's use only)

1 119 and 257. Such records retained by the Department of
2 Environmental Protection on July 1, 1999, shall be transferred
3 to the commission. Further, the commission is authorized to:
4 (a) Destroy, or otherwise dispose of, those records
5 and documents in conformity with the approved retention
6 schedules.
7 (b) Photograph, microphotograph, or reproduce such
8 records and documents on film, as authorized and directed by
9 the approved retention schedules, whereby each page will be
10 exposed in exact conformity with the original records and
11 documents retained in compliance with the provisions of this
12 section. Photographs or microphotographs in the form of film
13 or print of any records, made in compliance with the
14 provisions of this section, shall have the same force and
15 effect as the originals thereof would have and shall be
16 treated as originals for the purpose of their admissibility in
17 evidence. Duly certified or authenticated reproductions of
18 such photographs or microphotographs shall be admitted in
19 evidence equally with the original photographs or
20 microphotographs. The impression of the seal of the ~~Fish and~~
21 ~~Wildlife Conservation~~ commission on a certificate made
22 pursuant to the provisions hereof and signed by the executive
23 director of the ~~Fish and Wildlife Conservation~~ commission
24 shall entitle the same to be received in evidence in all
25 courts and in all proceedings in this state and shall be prima
26 facie evidence of all factual matters set forth in the
27 certificate. A certificate may relate to one or more records,
28 as set forth in the certificate, or in a schedule continued on
29 an attachment to the certificate.
30 (c) Furnish certified copies of such records for a fee
31 of \$1 which shall be deposited in the Marine Resources

Amendment No. 1 (for drafter's use only)

1 Conservation Trust Fund.

2 (9) COURTS OF EQUITY MAY ENJOIN.--Courts of equity in
3 this state have jurisdiction to enforce the conservation laws
4 of this state by injunction.

5 (10) BOND OF EMPLOYEES.--The commission department may
6 require, as it determines, that bond be given by any employee
7 of the commission department or divisions thereof, payable to
8 the Governor of the state and the Governor's successor in
9 office, for the use and benefit of those whom it may concern,
10 in such penal sums with good and sufficient surety or sureties
11 approved by the commission department conditioned for the
12 faithful performance of the duties of such employee.

13 (11) REVOCATION OF LICENSES.--Any person licensed
14 under this chapter who has been convicted of taking
15 aquaculture species raised at a certified facility shall have
16 his or her license revoked for 5 years by the ~~Fish and~~
17 ~~Wildlife Conservation~~ commission pursuant to the provisions
18 and procedures of s. 120.60.

19 (12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
20 purposes of imposing license or permit suspensions or
21 revocations authorized by this chapter, the license or permit
22 under which the violation was committed is subject to
23 suspension or revocation by the commission. For purposes of
24 assessing monetary civil or administrative penalties
25 authorized by this chapter, the person, firm, or corporation
26 cited and subsequently receiving a judicial disposition of
27 other than dismissal or acquittal in a court of law is subject
28 to the monetary penalty assessment by the commission. However,
29 if the license or permit holder of record is not the person,
30 firm, or corporation receiving the citation and judicial
31 disposition, the license or permit may be suspended or revoked

Amendment No. 1 (for drafter's use only)

1 only after the license or permit holder has been notified by
2 the commission that the license or permit has been cited in a
3 major violation and is now subject to suspension or revocation
4 should the license or permit be cited for subsequent major
5 violations.

6 Section 2. Subsection (2) of section 370.06, Florida
7 Statutes, is amended to read:

8 370.06 Licenses.--

9 (2) SALTWATER PRODUCTS LICENSE.--

10 (a) Every person, firm, or corporation that sells,
11 offers for sale, barter, or exchanges for merchandise any
12 saltwater products, or which harvests saltwater products with
13 certain gear or equipment as specified by law, must have a
14 valid saltwater products license, except that the holder of an
15 aquaculture certificate under s. 597.004 is not required to
16 purchase and possess a saltwater products license in order to
17 possess, transport, or sell marine aquaculture products. Each
18 saltwater products license allows the holder to engage in any
19 of the activities for which the license is required. The
20 license must be in the possession of the licenseholder or
21 aboard the vessel and is ~~shall be~~ subject to inspection at any
22 time that harvesting activities for which a saltwater products
23 license is required are being conducted.

24 (b)1. A restricted species endorsement on the
25 saltwater products license is required to sell to a licensed
26 wholesale dealer those species which the state, by law or
27 rule, has designated as "restricted species." This endorsement
28 may be issued only to a person who is at least 16 years of
29 age, or to a firm certifying that over 25 percent of its
30 income or \$5,000 of its income, whichever is less, is
31 attributable to the sale of saltwater products pursuant to a

Amendment No. 1 (for drafter's use only)

1 saltwater products license issued under this paragraph or a
2 similar license from another state. This endorsement may also
3 be issued to a for-profit corporation if it certifies that at
4 least \$5,000 of its income is attributable to the sale of
5 saltwater products pursuant to a saltwater products license
6 issued under this paragraph or a similar license from another
7 state. However, if at least 50 percent of the annual income of
8 a person, firm, or for-profit corporation is derived from
9 charter fishing, the person, firm, or for-profit corporation
10 must certify that at least \$2,500 of the income of the person,
11 firm, or corporation is attributable to the sale of saltwater
12 products pursuant to a saltwater products license issued under
13 this paragraph or a similar license from another state, in
14 order to be issued the endorsement. Such income attribution
15 must apply to at least 1 ~~year out~~ of the last 3 years. For the
16 purpose of this section, "income" means that income that ~~which~~
17 is attributable to work, employment, entrepreneurship,
18 pensions, retirement benefits, and social security benefits.

19 2. To renew an existing restricted species
20 endorsement, a marine aquaculture producer possessing a valid
21 saltwater products license with a restricted species
22 endorsement may apply income from the sale of marine
23 aquaculture products to licensed wholesale dealers.

24 3.1. ~~The~~ commission is authorized to require
25 verification of such income for all restricted species
26 endorsements issued pursuant to this paragraph. Acceptable
27 proof of income earned from the sale of saltwater products
28 shall be:

29 a. Copies of trip ticket records generated pursuant to
30 this subsection (marine fisheries information system),
31 documenting qualifying sale of saltwater products;

Amendment No. 1 (for drafter's use only)

1 b. Copies of sales records from locales other than
2 Florida documenting qualifying sale of saltwater products;

3 c. A copy of the applicable federal income tax return,
4 including Form 1099 attachments, verifying income earned from
5 the sale of saltwater products;

6 d. Crew share statements verifying income earned from
7 the sale of saltwater products; or

8 e. A certified public accountant's notarized statement
9 attesting to qualifying source and amount of income.

10

11 ~~Notwithstanding any other provision of law Any provision of~~
12 ~~this section or any other section of the Florida Statutes to~~
13 ~~the contrary notwithstanding~~, any person who owns a retail
14 seafood market or restaurant at a fixed location for at least
15 3 years, who has had an occupational license for 3 years prior
16 to January 1, 1990, who harvests saltwater products to supply
17 his or her retail store, and who has had a saltwater products
18 license for 1 of the past 3 license years prior to January 1,
19 1990, may provide proof of his or her verification of income
20 and sales value at the person's retail seafood market or
21 restaurant and in his or her saltwater products enterprise by
22 affidavit and shall thereupon be issued a restricted species
23 endorsement.

24 ~~4.2.~~ Exceptions from income requirements shall be as
25 follows:

26 a. A permanent restricted species endorsement shall be
27 available to those persons age 62 and older who have qualified
28 for such endorsement for at least 3 ~~out~~ of the last 5 years.

29 b. Active military duty time shall be excluded from
30 consideration of time necessary to qualify and shall not be
31 counted against the applicant for purposes of qualifying.

Amendment No. 1 (for drafter's use only)

1 c. Upon the sale of a used commercial fishing vessel
2 owned by a person, firm, or corporation possessing or eligible
3 for a restricted species endorsement, the purchaser of such
4 vessel shall be exempted from the qualifying income
5 requirement for the purpose of obtaining a restricted species
6 endorsement for a period of 1 year after purchase of the
7 vessel.

8 d. Upon the death or permanent disablement of a person
9 possessing a restricted species endorsement, an immediate
10 family member wishing to carry on the fishing operation shall
11 be exempted from the qualifying income requirement for the
12 purpose of obtaining a restricted species endorsement for a
13 period of 1 year after the death or disablement.

14 e. A restricted species endorsement may be issued on
15 an individual saltwater products license to a person age 62 or
16 older who documents that at least \$2,500 of such person's
17 income is attributable to the sale of saltwater products
18 ~~pursuant to the provisions of this paragraph.~~

19 f. A permanent restricted species endorsement may also
20 be issued on an individual saltwater products license to a
21 person age 70 or older who has held a saltwater products
22 license for at least 3 of the last 5 license years.

23 g. Any resident who is certified to be totally and
24 permanently disabled by the Railroad Retirement Board, by the
25 United States Department of Veterans Affairs or its
26 predecessor, or by any branch of the United States Armed
27 Forces, or who holds a valid identification card issued by the
28 Department of Veterans' Affairs pursuant to s. 295.17, upon
29 proof of the same, or any resident certified to be disabled by
30 the United States Social Security Administration or a licensed
31 physician, upon proof of the same, shall be exempted from the

Amendment No. 1 (for drafter's use only)

1 income requirements if he or she also has held a saltwater
2 products license for at least 3 of the last 5 license years
3 prior to the date of the disability. A restricted species
4 endorsement issued under this paragraph may be issued only on
5 an individual saltwater products license.

6 (d) At least one saltwater products license bearing a
7 restricted species endorsement shall be aboard any vessel
8 harvesting restricted species in excess of any bag limit or
9 when fishing under a commercial quota or in commercial
10 quantities, and such vessel shall have a commercial vessel
11 registration. This subsection does not apply to any person,
12 firm, or corporation licensed under s. 370.07(1)(a)1. or (b)
13 for activities pursuant to such licenses.

14 (e) A saltwater products license may be issued in the
15 name of an individual or a valid boat registration number.
16 Such license is not transferable. A decal shall be issued with
17 each saltwater products license issued to a valid boat
18 registration number. The saltwater products license decal
19 shall be the same color as the vessel registration decal
20 issued each year pursuant to s. 328.48(5) and shall indicate
21 the period of time such license is valid. The saltwater
22 products license decal shall be placed beside the vessel
23 registration decal and, in the case of an undocumented vessel,
24 shall be placed so that the vessel registration decal lies
25 between the vessel registration number and the saltwater
26 products license decal. Any saltwater products license decal
27 for a previous year shall be removed from a vessel operating
28 on the waters of the state.

29 (f) A resident shall pay an annual license fee of \$50
30 for a saltwater products license issued in the name of an
31 individual or \$100 for a saltwater products license issued to

Amendment No. 1 (for drafter's use only)

1 a valid boat registration number. A nonresident shall pay an
2 annual license fee of \$200 for a saltwater products license
3 issued in the name of an individual or \$400 for a saltwater
4 products license issued to a valid boat registration number.
5 An alien shall pay an annual license fee of \$300 for a
6 saltwater products license issued in the name of an individual
7 or \$600 for a saltwater products license issued to a valid
8 boat registration number.

9 (g) Any person who sells saltwater products pursuant
10 to a saltwater products ~~this~~ license may sell only to a
11 licensed wholesale dealer. A saltwater products license must
12 be presented to the licensed wholesale dealer each time
13 saltwater products are sold, and an imprint made thereof. The
14 wholesale dealer shall keep records of each transaction in
15 such detail as may be required by rule of the commission not
16 in conflict with s. 370.07(6), and shall provide the holder of
17 the saltwater products license with a copy of the record. It
18 is unlawful for any licensed wholesale dealer to buy saltwater
19 products from any unlicensed person under the provisions of
20 this section, except that a licensed wholesale dealer may buy
21 from another licensed wholesale dealer. It is unlawful for any
22 licensed wholesale dealer to buy saltwater products designated
23 as "restricted species" from any person, firm, or corporation
24 not possessing a restricted species endorsement on his or her
25 saltwater products license under the provisions of this
26 section, except that a licensed wholesale dealer may buy from
27 another licensed wholesale dealer. For purposes of this
28 subsection, any saltwater products delivered to the premises
29 of a wholesale dealer are presumed to have been purchased.

30 (h) The commission shall be the licensing agency, may
31 contract with private persons or entities to implement aspects

Amendment No. 1 (for drafter's use only)

1 of the licensing program, and shall establish by rule a marine
2 fisheries information system in conjunction with the licensing
3 program to gather fisheries data.

4 (i)~~(b)~~ Any person who sells, offers for sale, barter,
5 or exchanges for merchandise saltwater products must have a
6 method of catch preservation which meets the requirements and
7 standards of the seafood quality control code promulgated by
8 the commission.

9 (j)~~(c)~~ A saltwater products license is required to
10 harvest commercial quantities of saltwater products. Any
11 vessel from which commercial quantities of saltwater products
12 are harvested must have a commercial vessel registration.
13 Commercial quantities of saltwater products shall be defined
14 as:

15 1. With respect to those species for which no bag
16 limit has been established, more than 100 pounds per person
17 per day, provided that the harvesting of two fish or less per
18 person per day shall not be considered commercial quantities
19 regardless of aggregate weight; and

20 2. With respect to those species for which a bag limit
21 has been established, more than the bag limit allowed by law
22 or rule.

23 (k)~~(d)~~1. In addition to the saltwater products
24 license, a marine life fishing endorsement is required for the
25 harvest of marine life species as defined by rule of the Fish
26 and Wildlife Conservation Commission. This endorsement may be
27 issued only to a person who is at least 16 years of age or
28 older or to a corporation holding a valid restricted species
29 endorsement.

30 2.a. Effective July 1, 1998, and until July 1, 2002, a
31 marine life endorsement may not be issued under this

Amendment No. 1 (for drafter's use only)

1 paragraph, except that those endorsements that are active
2 during the 1997-1998 fiscal year may be renewed.

3 b. In 1998 persons or corporations holding a marine
4 life endorsement that was active in the 1997-1998 fiscal year
5 or an immediate family member of that person must request
6 renewal of the marine life endorsement before December 31,
7 1998.

8 c. In subsequent years and until July 1, 2002, a
9 marine life endorsement holder or member of his or her
10 immediate family must request renewal of the marine life
11 endorsement before September 30 of each year.

12 d. If a person or corporation holding an active marine
13 life fishing endorsement or a member of that person's
14 immediate family does not request renewal of the endorsement
15 before the applicable dates specified in this paragraph, the
16 commission shall deactivate that marine life fishing
17 endorsement.

18 e. In the event of the death or disability of a person
19 holding an active marine life fishing endorsement, the
20 endorsement may be transferred by the person to a member of
21 his or her immediate family or may be renewed by any person so
22 designated by the executor of the person's estate.

23 f. Persons or corporations who hold saltwater product
24 licenses with marine life fishing endorsements issued to their
25 vessel registration numbers and who subsequently replace their
26 existing vessels with new vessels may transfer the existing
27 marine life fishing endorsement to the new boat registration
28 numbers.

29 g. Persons or corporations who hold saltwater product
30 licenses with marine life fishing endorsements issued to their
31 name and who subsequently incorporate or unincorporate may

Amendment No. 1 (for drafter's use only)

1 transfer the existing marine life fishing endorsement to the
2 new corporation or person.

3 3. The fee for a marine life fishery endorsement on a
4 saltwater products license shall be \$75. These license fees
5 shall be collected and deposited in the Marine Resources
6 Conservation Trust Fund and used for the purchase and
7 installation of vessel mooring buoys at coral reef sites and
8 for research related to marine fisheries.

9 Section 3. Section 370.061, Florida Statutes, is
10 amended to read:

11 370.061 Confiscation of property and products.--

12 (1) CONFISCATION; PROCEDURE.--Property used in
13 connection with a violation resulting in a ~~in all cases of~~
14 ~~arrest and~~ conviction for the illegal taking, or attempted
15 taking, sale, possession, or transportation of ~~saltwater fish~~
16 ~~or other~~ saltwater products is subject to forfeiture as part
17 of the commission's efforts to protect the state's marine
18 life., ~~such~~ Saltwater products and seines, nets, boats,
19 motors, other fishing devices or equipment, and vehicles or
20 other means of transportation used or attempted to be used in
21 connection with, as an instrumentality of, or in aiding and
22 abetting such illegal taking or attempted taking are ~~hereby~~
23 declared to be nuisances, and may be seized and carried before
24 the court having jurisdiction over the criminal of such
25 offense, notwithstanding any jurisdictional limitations on the
26 amount in controversy, and said court may make a finding that
27 the property was used in connection with a saltwater products
28 violation and may order such nuisances forfeited to the Fish
29 ~~and Wildlife Conservation~~ commission immediately after a trial
30 ~~and~~ conviction of the person or persons in whose possession
31 they were found. The requirement of a conviction before

Amendment No. 1 (for drafter's use only)

1 forfeiture establishes, to the exclusion of any reasonable
2 doubt, that the property was used in connection with the
3 violation. The procedures of chapter 932 do not apply to any
4 forfeiture under this section. For purposes of this section, a
5 conviction, except with respect to a first-time offender under
6 this chapter for whom adjudication is withheld, is any
7 disposition other than acquittal or dismissal. Nothing in this
8 subsection affects the commission's authority to confiscate in
9 any case illegally taken saltwater products in accordance with
10 subsection (5) or illegal fishing gear in accordance with this
11 subsection. For purposes of confiscation under this
12 subsection, the term "saltwater products" has the meaning set
13 out in s. 370.01(25), except that the term does not include
14 saltwater products harvested under the authority of a
15 recreational license unless the amount of such harvested
16 products exceeds three times the applicable recreational bag
17 limit for trout, snook, or redfish.

18 (2) SEIZURE AND NOTICE.--Prior to the issuance of a
19 forfeiture order for any vessel, vehicle, or other property
20 under subsection (1), the commission shall seize the property
21 and notify the registered owner, if any, that the property has
22 been seized by the commission. Notification must be sent
23 within 14 days after the seizure of the property. If the
24 commission, after diligent inquiry, cannot ascertain the
25 registered owner, the notice is satisfied. Any property seized
26 under this section that is not otherwise unlawful may be
27 returned to the person or persons holding title thereto at the
28 time of the illegal act causing the seizure if such person
29 proves by a preponderance of the evidence before the court
30 having jurisdiction over the criminal offense that he or she
31 in no way aided, abetted, participated in, gave consent to, or

Amendment No. 1 (for drafter's use only)

1 knew or had reason to know of the act. A request for such a
2 hearing from a person holding title and asserting that he or
3 she is an innocent owner must be received by the assistant
4 state attorney who prosecuted the case and the commission's
5 Division of Law Enforcement within 15 days after receipt of
6 the notice of seizure. If a request for a hearing is not
7 timely received, the court may forfeit to the commission the
8 right to, title to, and interest in the property seized,
9 subject only to the rights and interests of bona fide
10 lienholders., ~~except that,~~ If a motor vehicle is seized under
11 ~~the provisions of this section act~~ and is subject to any
12 existing liens recorded under ~~the provisions of~~ s. 319.27, all
13 further proceedings shall be governed by the expressed intent
14 of the Legislature not to divest any innocent person, firm, or
15 corporation holding such a recorded lien of any of its
16 reversionary rights in such motor vehicle or of any of its
17 rights as prescribed in s. 319.27, and ~~that,~~ upon any default
18 by the violator purchaser, the ~~said~~ lienholder may foreclose
19 its lien and take possession of the motor vehicle involved.

20 (3) COURT ORDER OF FORFEITURE.--When any illegal or
21 illegally used seine, net, trap, or other fishing device or
22 equipment, or illegally taken, possessed, or transported
23 saltwater products, are found and taken into custody, and the
24 owner thereof is shall not be known to the officer finding the
25 item or items, the same, such officer shall immediately
26 procure from the county court judge of the county wherein the
27 item or items they were found an order forfeiting the said
28 saltwater products, seines, nets, traps, boats, motors, or
29 other fishing devices to the commission.

30 (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All
31 things forfeited under this section ~~the provisions of this law~~

Amendment No. 1 (for drafter's use only)

1 may be destroyed, used by the commission, disposed of by gift
2 to charitable or state institutions, or sold, with ~~and~~ the
3 proceeds derived from the said sale deposited into ~~in~~ the
4 Marine Resources Conservation Trust Fund to be used for law
5 enforcement purposes or into the commission's Federal Law
6 Enforcement Trust Fund as provided in s. 372.107, as
7 applicable. ~~However, forfeited boats, motors, and legal~~
8 ~~fishing devices only, may be purchased from the commission for~~
9 ~~\$1 by the person or persons holding title thereto at the time~~
10 ~~of the illegal act causing the forfeiture, if such person~~
11 ~~shall prove that he or she in no way participated in, gave~~
12 ~~consent to, or had knowledge of such act.~~

13 (5)(2) CONFISCATION AND SALE OF PERISHABLE PRODUCTS;
14 PROCEDURE.--When an arrest is made pursuant to the provisions
15 of this chapter and illegal, perishable products, or
16 perishable products illegally taken or landed, are
17 apprehended, the defendant may post bond or cash deposit in an
18 amount determined by the judge to be the fair value of such
19 products. The, ~~and said~~ defendant shall have 24 hours to
20 transport the said products outside the limits of Florida for
21 sale or other disposition. Should no bond or cash deposit be
22 given within the time fixed by the judge, the judge shall
23 order the sale of such products at the highest price
24 obtainable, and, when feasible, at least three bids shall be
25 requested. In either event, the amounts received by the judge
26 shall be remitted to the commission to be deposited into a
27 special escrow account in the State Treasury and held in trust
28 pending the outcome of the trial of the accused. If a bond is
29 posted by the defendant, it shall also be remitted to the
30 commission to be held in escrow pending the outcome of the
31 trial of the accused. In the event of acquittal, the bond or

Amendment No. 1 (for drafter's use only)

1 cash deposit shall be returned to the defendant, or the
2 proceeds of the sale shall be paid over to the defendant. In
3 the event of conviction, the proceeds of the sale, or proceeds
4 of the bond or cash deposit, shall be deposited by the said
5 commission into the Marine Resources Conservation Trust Fund
6 to be used for law enforcement purposes or into the
7 commission's Federal Law Enforcement Trust Fund as provided in
8 s. 372.107, as applicable. Such deposit into the Marine
9 Resources Conservation Trust Fund or the commission's Federal
10 Law Enforcement Trust Fund shall constitute confiscation.

11 ~~(6)(3)~~ MUNICIPAL OR COUNTY ENFORCEMENT; SUPPLEMENTAL
12 FUNDING.--

13 (a) Any municipal or county law enforcement agency
14 that enforces, or assists the commission in enforcing, the
15 provisions of this chapter resulting in a forfeiture of
16 property as provided in this section shall be entitled to
17 receive all or a share of any such property based upon its
18 ~~their~~ participation in such enforcement.

19 (b) Any property delivered to any municipal or county
20 law enforcement agency as provided in paragraph (a) may be
21 retained or sold by the law enforcement agency, and the
22 property or any proceeds shall, if the agency operates a
23 marine enforcement unit, be used ~~utilized~~ to enforce the
24 provisions of this chapter and chapters 327 and 328. In the
25 event the law enforcement agency does not operate a marine
26 enforcement unit, any such property or proceeds shall be
27 disposed of under ~~pursuant to~~ the Florida Contraband
28 Forfeiture Act.

29 (c) Any funds received by a municipal or county law
30 enforcement agency pursuant to this subsection shall be
31 supplemental funds and may not be used as replacement funds by

Amendment No. 1 (for drafter's use only)

1 the municipality or county.

2 Section 4. Subsections (4) and (8) of section 370.07,
3 Florida Statutes, are amended and, for the purpose of
4 incorporating the amendment to section 370.021, Florida
5 Statutes, in a reference thereto, paragraph (c) of subsection
6 (5) of section 370.07, Florida Statutes, is reenacted, to
7 read:

8 370.07 Wholesale and retail saltwater products
9 dealers; regulation.--

10 (4) TRANSPORTATION OF SALTWATER PRODUCTS.--

11 (a) A person transporting in this state saltwater
12 products that were produced in this state, regardless of
13 destination, shall have in his or her possession invoices,
14 bills of lading, or other similar instruments showing the
15 number of packages, boxes, or containers and the number of
16 pounds of each species and the name, physical address, and the
17 Florida wholesale dealer number of the dealer of origin.

18 (b) A person transporting in this state saltwater
19 products that were produced outside this state to be delivered
20 to a destination in this state shall have in his or her
21 possession invoices, bills of lading, or other similar
22 instruments showing the number of packages, boxes, or
23 containers and the number of pounds of each species, the name
24 and physical address of the dealer of origin, and the name,
25 physical address, and Florida wholesale dealer number of the
26 Florida dealer to whom the shipment is to be delivered.

27 (c) A person transporting in this state saltwater
28 products that were produced outside this state which are to be
29 delivered to a destination outside this state shall have in
30 his or her possession invoices, bills of lading, or other
31 similar instruments showing the number of packages, boxes, or

Amendment No. 1 (for drafter's use only)

1 containers and the number of pounds of each species, the name
2 and physical address of the dealer of origin, and the name and
3 physical address of the dealer to whom the shipment is to be
4 delivered.

5 (d) If the saltwater products in transit ~~come~~ came
6 from more than one dealer, distributor, or producer, each lot
7 from each dealer shall be covered by invoices, bills of
8 lading, and other similar instruments showing the number of
9 boxes or containers and the number of pounds of each species.
10 Each invoice, bill of lading, and other similar instrument
11 shall display the wholesale dealer license number and the name
12 and physical address of the dealer, distributor, or producer
13 of the lot covered by the instrument.

14 (e) It is unlawful to sell, deliver, ship, or
15 transport, or to possess for the purpose of selling,
16 delivering, shipping, or transporting, any saltwater products
17 without all invoices concerning the ~~of such~~ products having
18 thereon the wholesale dealer license number in the ~~such~~ form
19 ~~as may be prescribed under the provisions of this subsection~~
20 ~~and the rules and regulations of the Fish and Wildlife~~
21 ~~Conservation~~ commission. Any saltwater products found in the
22 possession of any person who is in violation of this paragraph
23 ~~provision~~ may be seized by the commission and disposed of in
24 the manner provided by law.

25 (f) Nothing contained in this subsection may be
26 construed to apply to the sale and delivery to a consumer of
27 saltwater products in an ordinary retail transaction by a
28 licensed retail dealer who has purchased such products from a
29 licensed wholesale dealer, or to the sale and delivery of the
30 catch or products of a saltwater products licensee to a
31 Florida-licensed wholesale dealer.

Amendment No. 1 (for drafter's use only)

1 (g) Wholesale dealers' licenses shall be issued only
2 to applicants who furnish to the commission satisfactory
3 evidence of law-abiding reputation and who pledge themselves
4 to faithfully observe all of the laws, rules, and regulations
5 of this state relating to the conservation of, dealing in, or
6 taking, selling, transporting, or possession of saltwater
7 products, and to cooperate in the enforcement of all such laws
8 to every reasonable extent. This pledge may be included in the
9 application for license.

10 (h) A wholesale dealer, retail dealer, or restaurant
11 facility shall not purchase or sell for public consumption any
12 saltwater products known to be taken illegally, or known to be
13 taken in violation of s. 16, Art. X of the State Constitution,
14 or any rule or statute implementing its provisions.

15 (i) ~~(h)~~ Any person who violates the provisions of this
16 subsection commits is guilty of a misdemeanor of the first
17 degree, punishable as provided in s. 775.082 or s. 775.083.

18 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

19 (c) In addition to, or in lieu of, the penalty imposed
20 pursuant to this subsection, the commission may impose
21 penalties pursuant to s. 370.021.

22 (8) UNLAWFUL PURCHASE OF SALTWATER PRODUCTS.--It is
23 unlawful for any licensed retail dealer or any restaurant
24 licensed by the Division of Hotels and Restaurants of the
25 Department of Business and Professional Regulation to buy
26 saltwater products from any person other than a licensed
27 wholesale or retail dealer. For purposes of this subsection,
28 any saltwater products delivered to the premises of a retail
29 dealer or a restaurant are presumed to have been purchased.

30 Section 5. For purposes of incorporating the amendment
31 to section 370.021, Florida Statutes, in references thereto,

Amendment No. 1 (for drafter's use only)

1 subsections (3) and (4) of section 370.092, Florida Statutes,
2 are reenacted to read:

3 370.092 Carriage of proscribed nets across Florida
4 waters.--

5 (3) Notwithstanding subsections (1) and (2), unless
6 authorized by rule of the Fish and Wildlife Conservation
7 Commission, it is a major violation under this section,
8 punishable as provided in s. 370.021(3), for any person, firm,
9 or corporation to possess any gill or entangling net, or any
10 seine net larger than 500 square feet in mesh area, on any
11 airboat or on any other vessel less than 22 feet in length and
12 on any vessel less than 25 feet if primary power of the vessel
13 is mounted forward of the vessel center point. Gill or
14 entangling nets shall be as defined in s. 16, Art. X of the
15 State Constitution, s. 370.093(2)(b), or in a rule of the Fish
16 and Wildlife Conservation Commission implementing s. 16, Art.
17 X of the State Constitution. Vessel length shall be determined
18 in accordance with current United States Coast Guard
19 regulations specified in the Code of Federal Regulations or as
20 titled by the State of Florida. The Marine Fisheries
21 Commission is directed to initiate by July 1, 1998, rulemaking
22 to adjust by rule the use of gear on vessels longer than 22
23 feet where the primary power of the vessel is mounted forward
24 of the vessel center point in order to prevent the illegal use
25 of gill and entangling nets in state waters and to provide
26 reasonable opportunities for the use of legal net gear in
27 adjacent federal waters.

28 (4) The Fish and Wildlife Conservation Commission
29 shall adopt rules to prohibit the possession and sale of
30 mullet taken in illegal gill or entangling nets. Violations of
31 such rules shall be punishable as provided in s. 370.021(3).

Amendment No. 1 (for drafter's use only)

1 Section 6. For purposes of incorporating the amendment
2 to section 370.021, in a reference thereto, subsection (5) of
3 section 370.093, Florida Statutes, is reenacted to read:

4 370.093 Illegal use of nets.--

5 (5) Any person who violates this section shall be
6 punished as provided in s. 370.021(3).

7 Section 7. Paragraphs (a) and (c) of subsection (2) of
8 section 370.142, Florida Statutes, are amended to read:

9 370.142 Spiny lobster trap certificate program.--

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

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

20 1. The Department of Environmental Protection shall
21 initially allot such certificates to each licenseholder with a
22 current crawfish trap number who uses traps. The number of
23 such certificates allotted to each such licenseholder shall be
24 based on the trap/catch coefficient established pursuant to
25 trip ticket records generated under the provisions of s.
26 370.06(2)(a) over a 3-year base period ending June 30, 1991.
27 The trap/catch coefficient shall be calculated by dividing the
28 sum of the highest reported single license-year landings up to
29 a maximum of 30,000 pounds for each such licenseholder during
30 the base period by 700,000. Each such licenseholder shall then
31 be allotted the number of certificates derived by dividing his

Amendment No. 1 (for drafter's use only)

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

Amendment No. 1 (for drafter's use only)

1 rent per trap certificate that shall be recovered as partial
2 compensation to the state for the enhanced access to its
3 natural resources. Final approval of such a rule shall be by
4 the Governor and Cabinet sitting as the Board of Trustees of
5 the Internal Improvement Trust Fund. In determining whether to
6 establish such a rent and, if so, the amount thereof, the
7 commission shall consider the amount of revenues annually
8 generated by certificate fees, transfer fees, surcharges, trap
9 license fees, and sales taxes, the demonstrated fair market
10 value of transferred certificates, and the continued economic
11 viability of the commercial lobster industry. The proceeds of
12 equitable rent recovered shall be deposited in the Marine
13 Resources Conservation Trust Fund and used by the commission
14 for research, management, and protection of the spiny lobster
15 fishery and habitat. A transfer fee may not be assessed or
16 required when the transfer is within a family as a result of
17 the death or disability of the certificate owner. A surcharge
18 will not be assessed for any transfer within an individual's
19 immediate family.

20 2. No person, firm, corporation, or other business
21 entity may control, directly or indirectly, more than 1.5
22 percent of the total available certificates in any license
23 year.

24 3. The commission shall maintain records of all
25 certificates and their transfers and shall annually provide
26 each licenseholder with a statement of certificates held.

27 4. The number of trap tags issued annually to each
28 licenseholder shall not exceed the number of certificates held
29 by the licenseholder at the time of issuance, and such tags
30 and a statement of certificates held shall be issued
31 simultaneously.

Amendment No. 1 (for drafter's use only)

1 5. Beginning July 1, 2003, and applicable to the
2 2003-2004 lobster season and thereafter, it is unlawful for
3 any person to lease lobster trap tags or certificates.

4 (c) Prohibitions; penalties.--

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

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

16 3. It is unlawful for any person to remove the
17 contents of another harvester's trap without the express
18 written consent of the trap owner available for immediate
19 inspection. Such unauthorized removal constitutes theft. Any
20 person convicted of theft from a trap shall, in addition to
21 the penalties specified in ss. 370.021 and 370.14 and the
22 provisions of this section, permanently lose all his or her
23 saltwater fishing privileges, including his or her saltwater
24 products license, crawfish endorsement, and all trap
25 certificates allotted to him or her through this program. In
26 such cases, trap certificates and endorsements are
27 nontransferable. In addition, any person, firm, or corporation
28 convicted of violating this paragraph shall also be assessed
29 an administrative penalty of up to \$5,000. Immediately upon
30 receiving a citation for a violation involving theft from a
31 trap and until adjudicated for such a violation or, if

Amendment No. 1 (for drafter's use only)

1 convicted of such a violation, the person, firm, or
2 corporation committing the violation is prohibited from
3 transferring any crawfish trap certificates and endorsements.

4 4. In addition to any other penalties provided in s.
5 370.021, a commercial harvester, as defined by rule
6 68B-24.002(1), Florida Administrative Code, who violates the
7 provisions of this section, or the provisions relating to
8 traps of chapter 68B-24, Florida Administrative Code, shall be
9 punished as follows:

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

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

23 c. For a third or subsequent violation of subparagraph
24 1., subparagraph 2., or subparagraph 3. which occurs within 36
25 months of any previous two such violations, the commission
26 shall assess an additional civil penalty of up to \$5,000 and
27 may suspend the crawfish trap number issued pursuant to s.
28 370.14(2) or (6) for a period of up to 24 months or may revoke
29 the crawfish trap number and, if revoking the crawfish trap
30 number, may also proceed against the licenseholder's saltwater
31 products license in accordance with the provisions of s.

Amendment No. 1 (for drafter's use only)

1 370.021(2)(h)~~(i)~~.

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

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

6 (II) Request an administrative hearing pursuant to the
7 provisions of s. 120.60.

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

11 5.a. It is unlawful for any person to make, alter,
12 forge, counterfeit, or reproduce a spiny lobster trap tag or
13 certificate.

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

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

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

Amendment No. 1 (for drafter's use only)

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

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

16 8. The proceeds of all civil penalties collected
17 pursuant to subparagraph 4. and all fines collected pursuant
18 to sub-subparagraph 6.b. shall be deposited into the Marine
19 Resources Conservation Trust Fund.

20 9. All traps shall be removed from the water during
21 any period of suspension or revocation.

22 Section 8. Section 372.70, Florida Statutes, is
23 amended to read:

24 372.70 Prosecutions; state attorney to represent
25 state.--

26 (1) The prosecuting officers of the several courts of
27 criminal jurisdiction of this state shall investigate and
28 prosecute all violations of the laws relating to game,
29 freshwater fish, nongame birds, and fur-bearing animals which
30 may be brought to their attention by the ~~Fish and Wildlife~~
31 ~~Conservation~~ commission or its conservation officers, or which

Amendment No. 1 (for drafter's use only)

1 may otherwise come to their knowledge.

2 (2) The state attorney shall represent the state in
3 any forfeiture proceeding under this chapter. The Department
4 of Legal Affairs shall represent the state in all appeals from
5 judgments of forfeiture to the Supreme Court. The state may
6 appeal any judgement denying forfeiture in whole or in part
7 that may be otherwise adverse to the state.

8 Section 9. Section 372.9901, Florida Statutes, is
9 amended to read:

10 372.9901 Seizure of illegal hunting devices;
11 disposition; ~~appraisal~~ forfeiture.--

12 (1) In order to protect the state's wildlife
13 resources, any vehicle, vessel, animal, gun, light, or other
14 hunting device used or attempted to be used in connection
15 with, as an instrumentality of, or in aiding and abetting in
16 the commission of an offense prohibited by s. 372.99 is
17 subject to forfeiture., shall be seized by the arresting
18 officer, who shall promptly make return of the seizure and
19 deliver the property to the director of the Fish and Wildlife
20 Conservation Commission. The return shall describe the
21 property seized and recite in detail the facts and
22 circumstances under which it was seized, together with the
23 reason that the property was subject to seizure. The return
24 shall also contain the names of all persons known to the
25 officer to be interested in the property.

26 ~~(2) The director of the commission, upon receipt of~~
27 ~~the property, shall promptly fix its value and make return~~
28 ~~thereof to the clerk of the circuit court of the county~~
29 ~~wherein the article was seized; after which on proper showing~~
30 ~~of ownership of the property by someone other than the person~~
31 ~~arrested the property shall be returned to the said owner.~~

Amendment No. 1 (for drafter's use only)

1 ~~(2)~~(3) Upon conviction of the person in whose
2 possession the property was found, the court having
3 jurisdiction over the criminal offense, notwithstanding any
4 jurisdictional limitations on the amount in controversy, may
5 make a finding that the property was used in connection with a
6 violation of s. 372.99 and, upon such finding, order the
7 property forfeited to the commission. Upon a second or
8 subsequent conviction for a violation of s. 372.99, the court
9 shall order the forfeiture to the commission of any property
10 used in connection with that violation. The requirement for a
11 conviction before forfeiture establishes, to the exclusion of
12 any reasonable doubt, that the property was used in connection
13 with a violation. The procedures of chapter 932 do not apply to
14 any forfeiture under this section. For purposes of this
15 section, a conviction is any disposition other than acquittal
16 or dismissal.

17 (3) Prior to the issuance of a forfeiture order for
18 any vessel, vehicle, or other property under subsection (2),
19 the commission shall seize the property and notify the
20 registered owner, if any, that the property has been seized by
21 the commission. Notification must be sent within 14 days after
22 the seizure of the property. If the commission, after diligent
23 inquiry, cannot ascertain the registered owner, the notice
24 requirement is satisfied. Any property seized under this
25 section that is not otherwise unlawful may be returned to the
26 person or persons holding title thereto at the time of the
27 illegal act causing the seizure if such person proves by a
28 preponderance of the evidence before the court having
29 jurisdiction over the criminal offense that he or she in no
30 way aided, abetted, participated in, gave consent to, or knew
31 or had reason to know of the act. A request for such a hearing

Amendment No. 1 (for drafter's use only)

1 from a person holding title and asserting that he or she is an
2 innocent owner must be received by the assistant state
3 attorney who prosecuted the case and the commission's Division
4 of Law Enforcement within 15 days after receipt of the notice
5 of seizure. If a request for a hearing is not timely received,
6 the court shall forfeit to the commission the right to, title
7 to, and interest in the property seized, subject only to the
8 rights and interests of bona fide lien holders.~~violation, the~~
9 ~~property, if owned by the person convicted, shall be forfeited~~
10 ~~to the state under the procedure set forth in ss.~~
11 ~~372.312-372.318, where not inconsistent with this section.~~

12 (4) All amounts received from the sale or other
13 disposition of the property shall be paid into the State Game
14 Trust Fund or into the commission's Federal Law Enforcement
15 Trust Fund as provided in s. 372.107, as applicable. If the
16 property is not sold or converted, it shall be delivered to
17 the executive director of the ~~Fish and Wildlife Conservation~~
18 commission.

19 Section 10. Section 372.31, Florida Statutes, is
20 renumbered as section 372.99021, Florida Statutes, and amended
21 to read:

22 372.99021 ~~372.31~~ Disposition of illegal fishing
23 devices; exercise of police power.--

24 (1) In all cases of arrest and conviction for use of
25 illegal nets or traps or fishing devices, as provided in this
26 chapter, such illegal net, trap, or fishing device is declared
27 to be a nuisance and shall be seized and carried before the
28 court having jurisdiction of such offense and said court shall
29 order such illegal trap, net, or fishing device forfeited to
30 the ~~Fish and Wildlife Conservation~~ commission immediately
31 after trial and conviction of the person in whose possession

Amendment No. 1 (for drafter's use only)

1 they were found. When any illegal net, trap, or fishing
2 device is found in the fresh waters of the state, and the
3 owner of same shall not be known to the officer finding the
4 same, such officer shall immediately procure from the county
5 court judge an order forfeiting said illegal net, trap, or
6 fishing device to the ~~Fish and Wildlife Conservation~~
7 commission. The ~~Fish and Wildlife Conservation~~ commission may
8 destroy such illegal net, trap, or fishing device, if in its
9 judgment said net, trap, or fishing device is not of value in
10 the work of the department.

11 (2) When any nets, traps, or fishing devices are found
12 being used illegally as provided in this chapter, the same
13 shall be seized and forfeited to the ~~Fish and Wildlife~~
14 ~~Conservation~~ commission as provided in this chapter.

15 (3) This section is necessary for the more efficient
16 and proper enforcement of the statutes and laws of this state
17 prohibiting the illegal use of nets, traps, or fishing devices
18 and is a lawful exercise of the police power of the state for
19 the protection of the public welfare, health, and safety of
20 the people of the state. All the provisions of this section
21 shall be liberally construed for the accomplishment of these
22 purposes.

23 Section 11. Section 372.99022, Florida Statutes, is
24 created to read:

25 372.99022 Illegal molestation of or theft from
26 freshwater gear.--

27 (1)(a) Any person, firm, or corporation that willfully
28 molests any authorized and lawfully permitted freshwater
29 fishing gear belonging to another without the express written
30 consent of the owner commits a felony of the third degree,
31 punishable as provided in s. 775.082, s. 775.083, or s.

Amendment No. 1 (for drafter's use only)

1 775.084. Any written consent must be available for immediate
2 inspection.

3 (b) Any person, firm, or corporation that willfully
4 removes the contents of any authorized and lawfully permitted
5 freshwater fishing gear belonging to another without the
6 express written consent of the owner commits a felony of the
7 third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084. Any written consent must be available
9 for immediate inspection.

10

11 A person, firm, or corporation that receives a citation for a
12 violation of this subsection is prohibited, immediately upon
13 receipt of such citation and until adjudicated or convicted of
14 a felony under this subsection, from transferring any
15 endorsements.

16 (2) Any person, firm, or corporation convicted
17 pursuant to subsection (1) of removing the contents of
18 freshwater fishing gear without the express written consent of
19 the owner shall permanently lose all of his or her freshwater
20 and saltwater fishing privileges, including his or her
21 recreational and commercial licenses and endorsements, and
22 shall be assessed an administrative penalty of not more than
23 \$5,000. The endorsements of such person, firm, or corporation
24 are not transferable.

25 (3) For purposes of this section, the term "freshwater
26 fishing gear" means haul seines, slat baskets, wire traps,
27 hoop nets, or pound nets, and includes the lines or buoys
28 attached thereto.

29 Section 12. Subsection (3) of section 372.9904,
30 Florida Statutes, is amended to read:

31 372.9904 Seizure of illegal transportation devices;

Amendment No. 1 (for drafter's use only)

1 disposition; appraisal; forfeiture.--

2 (3) Upon conviction of the violator, the property, if
3 owned by the person convicted, shall be forfeited to the state
4 under the procedure set forth in ss. 370.061 and 370.07
5 ~~372.312-372.318~~, when not inconsistent with this section. All
6 amounts received from the sale or other disposition of the
7 property shall be paid into the State Game Trust Fund or into
8 the commission's Federal Law Enforcement Trust Fund as
9 provided in s. 372.107, as applicable. If the property is not
10 sold or converted, it shall be delivered to the director of
11 the Fish and Wildlife Conservation Commission.

12 Section 13. Section 372.9905, Florida Statutes, is
13 amended to read:

14 372.9905 Applicability of ss. 372.99, 372.9901,
15 372.9903,and 372.9904.--The provisions of ss. 372.99,
16 372.9901,372.9903,and 372.9904 relating to seizure and
17 forfeiture of animals or of vehicles, vessels, or other
18 transportation devices ~~do shall not apply when such vehicles,~~
19 ~~vessels, or other transportation devices are owned by, or~~
20 ~~titled in the name of, innocent parties. The provisions of~~
21 ~~said sections shall not vitiate any valid lien, retain title~~
22 contract, or chattel mortgage on such animals or vehicles,
23 vessels, or other transportation devices if such lien, retain
24 title contract, or chattel mortgage is properly of public
25 record at the time of the seizure.

26 Section 14. Paragraph (b) of subsection (4) of section
27 323.001, Florida Statutes, is amended to read:

28 323.001 Wrecker operator storage facilities; vehicle
29 holds.--

30 (4) The requirements for a written hold apply when the
31 following conditions are present:

Amendment No. 1 (for drafter's use only)

1 (b) The officer has probable cause to believe the
2 vehicle should be seized and forfeited under s. 370.061 or s.
3 370.07 ~~372.312~~;

4 Section 15. Sections 372.311, 372.312, 372.313,
5 372.314, 372.315, 372.316, 372.317, 372.318, 372.319, 372.321,
6 and 372.9902, Florida Statutes, are repealed.

7 Section 16. This act shall take effect July 1, 2002.
8
9

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

11 And the title is amended as follows:

12 On page ,
13 remove:

14
15 and insert:

16 An act relating to the Fish and Wildlife
17 Conservation Commission; amending s. 370.021,
18 F.S.; revising violations and penalties
19 relating to saltwater fisheries; revising
20 grounds and penalties for violation of
21 restrictions imposed upon a saltwater products
22 licensee during the period of license
23 suspension or revocation; creating penalties
24 for purchase or sale of illegally harvested
25 saltwater products taken in violation of s. 16,
26 Article X of the State Constitution; clarifying
27 that licenses or permits under which a
28 violation is committed may be subject to
29 suspension or revocation; clarifying that
30 persons, firms, or corporations cited for
31 violations are subject to monetary penalties

Amendment No. 1 (for drafter's use only)

1 assessed by the commission; amending s. 370.06,
2 F.S.; revising and clarifying requirements for
3 saltwater products licenses and endorsements;
4 clarifying the saltwater products license
5 income exemption for disabled persons; limiting
6 the restricted species endorsement available to
7 such persons; providing that saltwater products
8 delivered to a wholesale dealer are presumed to
9 have been purchased; amending s. 370.061, F.S.;
10 revising and clarifying requirements and
11 procedures for confiscation and forfeiture of
12 property used in a saltwater products
13 violation; requiring notice of seizure to the
14 registered owner of the property prior to
15 issuance of a forfeiture order; authorizing the
16 courts to order property forfeited to the
17 commission for second or subsequent
18 convictions; revising procedure for return of
19 property to an innocent owner; amending s.
20 370.07, F.S.; prohibiting purchase or sale of
21 illegally taken saltwater products; providing a
22 penalty; providing that saltwater products
23 delivered to a retail dealer or restaurant are
24 presumed to have been purchased; reenacting ss.
25 370.07(5), 370.092(3) and (4), and 370.093(5),
26 F.S., to incorporate the amendment to s.
27 370.021, F.S., in references; amending s.
28 370.142, F.S.; correcting cross references;
29 amending s. 372.70, F.S.; providing that the
30 state attorney shall represent the state in
31 prosecutions of violations of hunting and

Amendment No. 1 (for drafter's use only)

1 fishing laws; amending s. 372.9901, F.S. ;
2 revising procedures for seizure and forfeiture
3 of property used in the illegal taking of deer
4 or wild turkey; requiring notice of seizure to
5 the registered owner of the property prior to
6 issuance of a forfeiture order; authorizing the
7 courts to order property forfeited to the
8 commission for second or subsequent
9 convictions; revising procedure for return of
10 property to an innocent owner; amending and
11 renumbering s. 372.31, F.S.; providing for
12 exercise of the police power of the state in
13 cases relating to illegal fishing; creating s.
14 372.99022, F.S.; providing penalties for
15 molestation of or theft from certain freshwater
16 fishing gear; prohibiting transfer of
17 endorsements under certain circumstances;
18 amending s. 372.9904, F.S.; correcting a cross
19 reference; amending s. 372.9905, F.S. ;
20 combining and conforming provisions relating to
21 applicability of seizure and forfeiture
22 requirements; amending s. 323.001, F.S. ;
23 correcting a cross reference; repealing ss.
24 372.311, 372.312, 372.313, 372.314, 372.315,
25 372.316, 372.317, 372.318, 372.319, 372.321,
26 and 372.9902, F.S., relating to forfeiture
27 proceedings, delivery of property to a
28 claimant, proceedings when no claim is filed or
29 a claim is filed, representation of the state
30 by the state attorney, judgments of forfeiture,
31 service charges, disposition of proceeds of

Amendment No. 1 (for drafter's use only)

1 forfeiture, exercise of police power, and
2 applicability of certain seizure and forfeiture
3 requirements; providing an effective date.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31