

1                                   A bill to be entitled  
2           An act relating to the Fish and Wildlife  
3           Conservation Commission; amending s. 370.021,  
4           F.S.; providing additional penalties for the  
5           unlicensed sale or purchase of a saltwater  
6           product or the harvest or attempted harvest  
7           with intent to sell of a saltwater product;  
8           provides for civil penalties, imprisonment,  
9           permanent revocation of license privileges, and  
10          forfeiture of property involved in the offense;  
11          amending s. 327.30, F.S.; increasing the  
12          threshold amount at which a boating accident  
13          resulting in property damage only must be  
14          reported to the Division of Law Enforcement of  
15          the commission and certain other law  
16          enforcement agencies; amending s. 327.43, F.S.;  
17          deleting certain restrictions and penalties for  
18          anchoring or mooring a vessel within Silver  
19          Glen Run and Silver Glen Springs; repealing ss.  
20          370.15(6) and 370.153(3)(c), F.S., relating to  
21          live bait shrimping; amending ss. 370.1535 and  
22          370.154, F.S., relating to the regulation of  
23          shrimp fishing; conforming provisions to  
24          changes made by the act; amending s. 370.01,  
25          F.S.; defining the term "molest" for purposes  
26          of saltwater fisheries; amending s. 370.061,  
27          F.S.; conforming a cross-reference; amending s.  
28          370.1107, F.S.; providing additional penalties  
29          for offenses involving unlawful possession of  
30          or interference with saltwater fisheries traps;  
31          amending s. 370.13, F.S.; revising penalties

1 for theft from, and providing penalties for  
2 theft of, stone crab traps; amending s.  
3 370.135, F.S.; revising penalties for theft  
4 from, and providing penalties for theft of,  
5 blue crab traps; amending s. 370.142, F.S.;  
6 revising penalties for theft from, and  
7 providing penalties for theft or molestation  
8 of, spiny lobster traps; amending s. 327.73,  
9 F.S.; correcting a cross-reference; authorizing  
10 the clerk of the court to dismiss expired  
11 vessel registration citations upon proof of  
12 valid registration at the time of the offense;  
13 authorizing a dismissal fee; repealing s. 5(4),  
14 ch. 99-245, Laws of Florida, relating to the  
15 assignment of bureaus within the commission;  
16 providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Present subsections (6) through (12) of  
21 section 370.021, Florida Statutes, are redesignated as  
22 subsections (7) through (13), respectively, and a new  
23 subsection (6) is added to that section to read:

24 370.021 Administration; rules, publications, records;  
25 penalties; injunctions.--

26 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR  
27 HARVEST.--It is a major violation and punishable as provided  
28 in this subsection for an unlicensed person who is required to  
29 be licensed under this chapter to sell or purchase any  
30 saltwater product or to harvest or attempt to harvest any  
31 saltwater product with intent to sell the saltwater product.

1           (a) Any person who sells or purchases any saltwater  
2 product without having purchased the licenses required by this  
3 chapter for such sale is subject to additional penalties as  
4 follows:

5           1. A first violation is a misdemeanor of the second  
6 degree, punishable as provided in s. 775.082 or s. 775.083.

7           2. A second violation is a misdemeanor of the first  
8 degree, punishable as provided in s. 775.082 or s. 775.083,  
9 and such person may also be assessed a civil penalty of up to

10 \$2,500 and is subject to a suspension of all license  
11 privileges under chapters 370 and 372 for a period not  
12 exceeding 90 days.

13           3. A third violation is a misdemeanor of the first  
14 degree, punishable as provided in s. 775.082 or s. 775.083,  
15 with a mandatory minimum term of imprisonment of 6 months, and  
16 such person may also be assessed a civil penalty of up to  
17 \$5,000 and is subject to a suspension of all license  
18 privileges under chapters 370 and 372 for a period not  
19 exceeding 6 months.

20           4. A third violation within 1 year after a second  
21 violation is a felony of the third degree, punishable as  
22 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
23 term of imprisonment of 1 year, and such person shall be  
24 assessed a civil penalty of \$5,000 and all license privileges  
25 under chapters 370 and 372 shall be permanently revoked.

26           5. A fourth or subsequent violation is a felony of the  
27 third degree, punishable as provided in s. 775.082 or s.  
28 775.083, with a mandatory minimum term of imprisonment of 1  
29 year, and such person shall be assessed a civil penalty of  
30 \$5,000 and all license privileges under chapters 370 and 372  
31 shall be permanently revoked.

1           (b) Any person whose license privileges under chapter  
2 370 have been permanently revoked and who thereafter sells or  
3 purchases or who attempts to sell or purchase any saltwater  
4 product commits a felony of the third degree, punishable as  
5 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
6 term of imprisonment of 1 year, and such person shall also be  
7 assessed a civil penalty of \$5,000. All property involved in  
8 such offense shall be forfeited pursuant to s. 370.061.

9           (c) Any person whose license privileges under chapter  
10 370 are under suspension and who during such period of  
11 suspension sells or purchases or attempts to sell or purchase  
12 any saltwater product shall be assessed the following  
13 penalties:

14           1. A first violation, or a second violation occurring  
15 more than 12 months after a first violation, is a first degree  
16 misdemeanor, punishable as provided in ss. 775.082 and  
17 775.083, and such person may be assessed a civil penalty of up  
18 to \$2,500 and an additional suspension of all license  
19 privileges under chapters 370 and 372 for a period not  
20 exceeding 90 days.

21           2. A second violation occurring within 12 months of a  
22 first violation is a third degree felony, punishable as  
23 provided in ss. 775.082 and 775.083, with a mandatory minimum  
24 term of imprisonment of 1 year, and such person may be  
25 assessed a civil penalty of up to \$5,000 and an additional  
26 suspension of all license privileges under chapters 370 and  
27 372 for a period not exceeding 180 days. All property involved  
28 in such offense shall be forfeited pursuant to s. 370.061.

29           3. A third violation within 24 months of the second  
30 violation or subsequent violation is a third degree felony,  
31 punishable as provided in ss. 775.082 and 775.083, with a

1 mandatory minimum term of imprisonment of 1 year, and such  
2 person shall be assessed a mandatory civil penalty of up to  
3 \$5,000 and an additional suspension of all license privileges  
4 under chapters 370 and 372 for a period not exceeding 24  
5 months. All property involved in such offense shall be  
6 forfeited pursuant to s. 370.061.

7 (d) Any person who harvests or attempts to harvest any  
8 saltwater product with intent to sell the saltwater product  
9 without having purchased a saltwater products license with the  
10 requisite endorsements is subject to penalties as follows:

11 1. A first violation is a misdemeanor of the second  
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 2. A second violation is a misdemeanor of the first  
14 degree, punishable as provided in s. 775.082 or s. 775.083,  
15 and such person may also be assessed a civil penalty of up to  
16 \$2,500 and is subject to a suspension of all license  
17 privileges under chapters 370 and 372 for a period not  
18 exceeding 90 days.

19 3. A third violation is a misdemeanor of the first  
20 degree, punishable as provided in s. 775.082 or s. 775.083,  
21 with a mandatory minimum term of imprisonment of 6 months, and  
22 such person may also be assessed a civil penalty of up to  
23 \$5,000 and is subject to a suspension of all license  
24 privileges under chapters 370 and 372 for a period not  
25 exceeding 6 months.

26 4. A third violation within 1 year after a second  
27 violation is a felony of the third degree, punishable as  
28 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
29 term of imprisonment of 1 year, and such person shall also be  
30 assessed a civil penalty of \$5,000 and all license privileges  
31 under chapters 370 and 372 shall be permanently revoked.

1           5. A fourth or subsequent violation is a felony of the  
2 third degree, punishable as provided in s. 775.082 or s.  
3 775.083, with a mandatory minimum term of imprisonment of 1  
4 year, and such person shall also be assessed a mandatory civil  
5 penalty of \$5,000 and all license privileges under chapters  
6 370 and 372 shall be permanently revoked.

7  
8 For purposes of this subsection, a violation means any  
9 judicial disposition other than acquittal or dismissal.

10           Section 2. Subsection (2) of section 327.30, Florida  
11 Statutes, is amended to read:

12           327.30 Collisions, accidents, and casualties.--

13           (2) In the case of collision, accident, or other  
14 casualty involving a vessel in or upon or entering into or  
15 exiting from the water, including capsizing, collision with  
16 another vessel or object, sinking, personal injury requiring  
17 medical treatment beyond immediate first aid, death,  
18 disappearance of any person from on board under circumstances  
19 which indicate the possibility of death or injury, or damage  
20 to any vessel or other property in an apparent aggregate  
21 amount of at least ~~\$2,000~~\$500, the operator shall without  
22 delay, by the quickest means available give notice of the  
23 accident to one of the following agencies: the Division of Law  
24 Enforcement of the Fish and Wildlife Conservation Commission;  
25 the sheriff of the county within which the accident occurred;  
26 or the police chief of the municipality within which the  
27 accident occurred, if applicable.

28           Section 3. Section 327.43, Florida Statutes, is  
29 amended to read:

30           327.43 Silver Glen Run and Silver Glen Springs;  
31 navigation channel; ~~anchorage buoys; violations.~~--

1           ~~(1)~~ The Fish and Wildlife Conservation Commission is  
2 hereby directed to mark a navigation channel within Silver  
3 Glen Run and Silver Glen Springs, located on the western shore  
4 of Lake George on the St. Johns River.

5           ~~(2) The commission is further directed to establish~~  
6 ~~permanent anchorage buoys within Silver Glen Run and Silver~~  
7 ~~Glen Springs.~~

8           ~~(3) Vessel anchorage or mooring shall only be allowed~~  
9 ~~utilizing permanently established anchorage buoys. No vessel~~  
10 ~~shall anchor or otherwise attach, temporarily or permanently,~~  
11 ~~to the bottom within Silver Glen Run or Silver Glen Springs.~~

12           ~~(4) Any violation of this act shall constitute a~~  
13 ~~violation of the boating laws of this state and shall be~~  
14 ~~punishable by issuance of a uniform boating citation as~~  
15 ~~provided in s. 327.74. Any person who refuses to post a bond~~  
16 ~~or accept and sign a uniform boating citation, as provided in~~  
17 ~~s. 327.73(3), commits a misdemeanor of the second degree,~~  
18 ~~punishable as provided in s. 775.082 or s. 775.083.~~

19           Section 4. Subsection (6) of section 370.15, Florida  
20 Statutes, and paragraph (c) of subsection (3) of section  
21 370.153, Florida Statutes, are repealed.

22           Section 5. Paragraph (d) of subsection (2) of section  
23 370.1535, Florida Statutes, is amended to read:

24           370.1535 Regulation of shrimp fishing in Tampa Bay;  
25 licensing requirements.--

26           (2) The Fish and Wildlife Conservation Commission is  
27 authorized to issue a dead shrimp production permit to persons  
28 qualified pursuant to the following criteria:

29           (d) No person shall be issued a permit or be allowed  
30 to renew a permit if such person is registered for  
31 noncommercial trawling pursuant to s. 370.15(4) ~~or if such~~

1 ~~person holds a live bait shrimping license issued pursuant to~~  
2 ~~s. 370.15(6).~~

3 Section 6. Section 370.154, Florida Statutes, is  
4 amended to read:

5 370.154 Shrimp regulations; closed areas; suspension  
6 of license, etc.--Any person convicted of taking shrimp in a  
7 closed area who is punishable under s. 370.15(5) ~~or (6)~~ shall,  
8 in addition to the penalties set forth therein, have his or  
9 her permit and the permit of the boat involved in the  
10 violation, issued pursuant to s. 370.15(4), revoked, if the  
11 person holds such a permit, and he or she shall be ineligible  
12 to make application for such a permit for a period of 2 years  
13 from the date of such conviction. If a person not having a  
14 permit is convicted hereunder, that person and the boat  
15 involved in the violation shall not be eligible for such a  
16 permit for 5 years.

17 Section 7. Present subsections (15) through (27) of  
18 section 370.01, Florida Statutes, are renumbered as  
19 subsections (16) through (28), respectively, and a new  
20 subsection (15) is added to that section, to read:

21 370.01 Definitions.--In construing these statutes,  
22 where the context does not clearly indicate otherwise, the  
23 word, phrase, or term:

24 (15) "Molest," in connection with any fishing trap or  
25 its buoy or buoy line, means to touch, bother, disturb, or  
26 interfere or tamper with, in any manner.

27 Section 8. Paragraph (d) of subsection (5) of section  
28 370.061, Florida Statutes, is amended to read:

29 370.061 Confiscation, seizure, and forfeiture of  
30 property and products.--

31



1 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER  
2 PRODUCTS; PROCEDURE.--

3 (d) For purposes of confiscation under this  
4 subsection, the term "saltwater products" has the meaning set  
5 out in s. 370.01(26)~~s. 370.01(25)~~, except that the term does  
6 not include saltwater products harvested under the authority  
7 of a recreational license unless the amount of such harvested  
8 products exceeds three times the applicable recreational bag  
9 limit for trout, snook, or redfish.

10 Section 9. Paragraph (c) of subsection (2) of section  
11 370.1107, Florida Statutes, is amended to read:

12 370.1107 Definition; possession of certain licensed  
13 traps prohibited; penalties; exceptions; consent.--

14 (2) It is unlawful for any person, firm, corporation,  
15 or association to be in actual or constructive possession of a  
16 licensed saltwater fisheries trap registered with the Fish and  
17 Wildlife Conservation Commission in another person's, firm's,  
18 corporation's, or association's name.

19 (c) Upon receipt of any judicial disposition other  
20 than dismissal or acquittal on a charge of violating the  
21 arrest and conviction for violation of this section or any  
22 provision of law or rule making unlawful the possession of  
23 another's saltwater fishing trap, a person shall permanently  
24 lose all saltwater fishing privileges, including licenses,  
25 trap certificates, and the ability to transfer trap  
26 certificates,~~any licenseholder shall show just cause why his~~  
27 ~~or her license shall not be suspended or permanently revoked.~~

28 Section 10. Paragraph (b) of subsection (2) of section  
29 370.13, Florida Statutes, is amended to read:

30 370.13 Stone crab; regulation.--

31

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

5 (b) It is unlawful for any person to remove the  
6 contents of another harvester's trap or take possession of  
7 such without the express written consent of the trap owner  
8 available for immediate inspection. ~~Such~~ Unauthorized  
9 possession of another's trap gear or removal of trap contents  
10 constitutes theft. Any person convicted of theft of or from a  
11 trap pursuant to this subsection or s. 370.1107 shall, in  
12 addition to the penalties specified in s. 370.021 and the  
13 provisions of this section, permanently lose all his or her  
14 saltwater fishing privileges, including saltwater products  
15 licenses, stone crab or incidental take endorsements, and all  
16 trap certificates allotted to him or her by the commission. In  
17 such cases, trap certificates and endorsements are  
18 nontransferable. In addition, any person, firm, or corporation  
19 convicted of violating the prohibitions referenced in this  
20 paragraph shall also be assessed an administrative penalty of  
21 up to \$5,000. Immediately upon receiving a citation for a  
22 violation involving theft of or from a trap and until  
23 adjudicated for such a violation, or, upon receipt of a  
24 judicial disposition other than dismissal or acquittal on if  
25 ~~convicted of~~ such a violation, the violator is prohibited from  
26 transferring any stone crab or lobster certificates.

27 Section 11. Subsection (1) of section 370.135, Florida  
28 Statutes, is amended to read:

29 370.135 Blue crab; regulation.--

30 (1) No person, firm, or corporation shall transport on  
31 the water, fish with or cause to be fished with, set, or place

1 any trap designed for taking blue crabs unless such person,  
2 firm, or corporation is the holder of a valid saltwater  
3 products license issued pursuant to s. 370.06 and the trap has  
4 a current state number permanently attached to the buoy. The  
5 trap number shall be affixed in legible figures at least 1  
6 inch high on each buoy used. The saltwater products license  
7 must be on board the boat, and both the license and the crabs  
8 shall be subject to inspection at all times. Only one trap  
9 number may be issued for each boat by the commission upon  
10 receipt of an application on forms prescribed by it. This  
11 subsection shall not apply to an individual fishing with no  
12 more than five traps. It is a felony of the third degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s.  
14 775.084, for any person willfully to molest any traps, lines,  
15 or buoys, as defined herein, belonging to another without the  
16 express written consent of the trap owner ~~permission of the~~  
17 ~~licenseholder~~. Any person receiving a judicial disposition  
18 other than dismissal or acquittal on a charge of willful  
19 molestation of a trap, in addition to the penalties specified  
20 in s. 370.021, shall lose all saltwater fishing privileges for  
21 a period of 24 calendar months. It is unlawful for any person  
22 to remove the contents of or take possession of another  
23 harvester's trap without the express written consent of the  
24 trap owner available for immediate inspection. ~~Such~~  
25 Unauthorized possession of another's trap gear or removal of  
26 trap contents constitutes theft. Any person receiving a  
27 judicial disposition other than dismissal or acquittal on a  
28 charge convicted of theft of or from a trap pursuant to this  
29 section or s. 370.1107 shall, in addition to the penalties  
30 specified in s. 370.021 and the provisions of this section,  
31 permanently lose all his or her saltwater fishing privileges

1 including his or her saltwater products license and blue crab  
2 endorsement. In such cases endorsements, landings history, and  
3 trap certificates are nontransferable. In addition, any  
4 person, firm, or corporation receiving a judicial disposition  
5 other than dismissal or acquittal for ~~convicted of~~ violating  
6 this subsection or s. 370.1107 shall also be assessed an  
7 administrative penalty of up to \$5,000. Immediately upon  
8 receiving a citation for a violation involving theft of or  
9 from a trap and until adjudicated for such a violation, or  
10 receiving a judicial disposition other than dismissal or  
11 acquittal for ~~if convicted of~~ such a violation, the person,  
12 firm, or corporation committing the violation is prohibited  
13 from transferring any blue crab endorsements, landings  
14 history, or trap certificates.

15 Section 12. Paragraph (c) of subsection (2) of section  
16 370.142, Florida Statutes, is amended to read:

17 370.142 Spiny lobster trap certificate program.--

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

23 (c) Prohibitions; penalties.--

24 1. It is unlawful for a person to possess or use a  
25 spiny lobster trap in or on state waters or adjacent federal  
26 waters without having affixed thereto the trap tag required by  
27 this section. It is unlawful for a person to possess or use  
28 any other gear or device designed to attract and enclose or  
29 otherwise aid in the taking of spiny lobster by trapping that  
30 is not a trap as defined in rule 68B-24.006(2), Florida  
31 Administrative Code.

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

4           3. It is unlawful for any person to willfully molest,  
5 take possession of, or remove the contents of another  
6 harvester's trap without the express written consent of the  
7 trap owner available for immediate inspection. ~~Such~~  
8 Unauthorized possession of another's trap gear or removal of  
9 trap contents constitutes theft. Any person receiving a  
10 judicial disposition other than dismissal or acquittal on a  
11 charge convicted of theft of or from a trap pursuant to this  
12 subparagraph or s. 370.1107 shall, in addition to the  
13 penalties specified in ss. 370.021 and 370.14 and the  
14 provisions of this section, permanently lose all his or her  
15 saltwater fishing privileges, including his or her saltwater  
16 products license, crawfish endorsement, and all trap  
17 certificates allotted to him or her through this program. In  
18 such cases, trap certificates and endorsements are  
19 nontransferable. Any person receiving a judicial disposition  
20 other than dismissal or acquittal on a charge of willful  
21 molestation of a trap, in addition to the penalties specified  
22 in ss. 370.021 and 370.14, shall lose all saltwater fishing  
23 privileges for a period of 24 calendar months.In addition,  
24 any person, firm, or corporation charged with ~~convicted of~~  
25 violating this paragraph and receiving a judicial disposition  
26 other than dismissal or acquittal for violating this  
27 subparagraph or s. 370.1107 shall also be assessed an  
28 administrative penalty of up to \$5,000. Immediately upon  
29 receiving a citation for a violation involving theft of or  
30 from a trap, or molestation of a trap,and until adjudicated  
31 for such a violation or, upon receipt of a judicial

1 disposition other than dismissal or acquittal ~~if convicted~~ of  
2 such a violation, the person, firm, or corporation committing  
3 the violation is prohibited from transferring any crawfish  
4 trap certificates and endorsements.

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

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

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

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

1 products license in accordance with the provisions of s.  
2 370.021(2)(h).

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

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

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

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

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

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

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

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

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

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

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

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

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

24           Section 13. Paragraph (g) of subsection (1) and  
25 subsection (4) of section 327.73, Florida Statutes, are  
26 amended to read:

27           327.73 Noncriminal infractions.--

28           (1) Violations of the following provisions of the  
29 vessel laws of this state are noncriminal infractions:

30           (g) Section 328.72(13)(~~14~~), relating to operation with  
31 an expired registration.



1  
2 Any person cited for a violation of any such provision shall  
3 be deemed to be charged with a noncriminal infraction, shall  
4 be cited for such an infraction, and shall be cited to appear  
5 before the county court. The civil penalty for any such  
6 infraction is \$50, except as otherwise provided in this  
7 section. Any person who fails to appear or otherwise properly  
8 respond to a uniform boating citation shall, in addition to  
9 the charge relating to the violation of the boating laws of  
10 this state, be charged with the offense of failing to respond  
11 to such citation and, upon conviction, be guilty of a  
12 misdemeanor of the second degree, punishable as provided in s.  
13 775.082 or s. 775.083. A written warning to this effect shall  
14 be provided at the time such uniform boating citation is  
15 issued.

16 (4) Any person charged with a noncriminal infraction  
17 under this section may:

18 (a) Pay the civil penalty, either by mail or in  
19 person, within 30 days of the date of receiving the citation;  
20 or,

21 (b) If he or she has posted bond, forfeit bond by not  
22 appearing at the designated time and location.

23  
24 If the person cited follows either of the above procedures, he  
25 or she shall be deemed to have admitted the noncriminal  
26 infraction and to have waived the right to a hearing on the  
27 issue of commission of the infraction. Such admission shall  
28 not be used as evidence in any other proceedings. If a person  
29 who is cited for a violation of s. 327.395 can show a boating  
30 safety identification card issued to that person and valid at  
31 the time of the citation, the clerk of the court may dismiss

1 the case and may assess a \$5 dismissal fee. If a person who is  
2 cited for a violation of s. 328.72(13) can show proof of  
3 having a registration for that vessel which was valid at the  
4 time of the citation, the clerk may dismiss the case and may  
5 assess a \$5 dismissal fee.

6 Section 14. Subsection (4) of section 5 of chapter  
7 99-245, Laws of Florida, is repealed.

8 Section 15. This act shall take effect July 1, 2003.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31