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1 A bill to be entitled

2 An act relating to saltwater products; amending s.
3 253.035, F.S.; requiring the Department of Environmental
4 Protection to place permanent anchorage buoys in Silver
5 Glen Run and Silver Glen Springs; prohibiting described
6 anchorage in such areas upon placement of said buoys;
7 providing penalties for violation; amending s. 327.30,
8 F.S.; revising notification requirements for described
9 boating accidents; amending s. 327.43, F.S.; removing
10 requirement that the Fish and Wildlife Conservation
11 Commission place said buoys; deleting certain
12 prohibitions; deleting penalties for violation; amending
13 s. 370.021, F.S.; revising penalties for described
14 violations of saltwater products licensing requirements;
15 amending 370.15, F.S.; deleting license requirement for
16 live bait shrimping; amending s. 370.153, F.S.; deleting
17 provisions requiring certain equipment while live bait
18 shrimping; amending s. 370.1535, F.S.; correcting a cross
19 reference; amending s. 370.154, F.S.; correcting a cross
20 reference; reenacting ss. 370.0603(2)(d), 370.07(5)(c) and
21 (6)(b), 370.13(2)(a) and (b), 370.135(1), 370.142(2)(c),
22 and 372.5704(5), F.S., to incorporate amendments made by
23 the act in references thereto; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 253.035, Florida Statutes, is amended
29 to read:

30 253.035 ~~Coastal~~ Anchorage areas.--



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31 (1) On or after January 1, 1993, if an anchorage area at a
 32 deepwater port has been formally designated by the United States
 33 Coast Guard, it shall be unlawful for commercial vessels waiting
 34 to enter the port to anchor outside the anchorage area.

35 (2) The Department of Environmental Protection is hereby
 36 directed to establish permanent anchorage buoys within Silver
 37 Glen Run and Silver Glen Springs. If permanent anchorage buoys
 38 are established, it shall be unlawful for any vessel to anchor
 39 or otherwise attach, temporarily or permanently, to the bottom
 40 within Silver Glen Run or Silver Glen Springs. The provisions of
 41 this subsection shall not be construed to limit the existing
 42 authority of the Board of Trustees of the Internal Improvement
 43 Trust Fund to regulate anchoring or mooring under s.
 44 253.03(7)(b).

45 (3) In addition to the provisions of s. 253.04, any
 46 violation of this section shall constitute a violation of the
 47 boating laws of this state, punishable as provided in s. 327.73.

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

50 327.30 Collisions, accidents, and casualties.--

51 (2) In the case of collision, accident, or other casualty
 52 involving a vessel in or upon or entering into or exiting from
 53 the water, including capsizing, collision with another vessel or
 54 object, sinking, personal injury requiring medical treatment
 55 beyond immediate first aid, death, disappearance of any person
 56 from on board under circumstances which indicate the possibility
 57 of death or injury, or damage to any vessel or other property in
 58 an apparent aggregate amount of at least \$2,000 ~~\$500~~, the
 59 operator shall without delay, by the quickest means available
 60 give notice of the accident to one of the following agencies:



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61 the Division of Law Enforcement of the Fish and Wildlife
62 Conservation Commission; the sheriff of the county within which
63 the accident occurred; or the police chief of the municipality
64 within which the accident occurred, if applicable.

65 Section 3. Section 327.43, Florida Statutes, is amended to
66 read:

67 327.43 Silver Glen Run and Silver Glen Springs; navigation
68 channel; ~~anchorage buoys; violations.~~--

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

73 ~~(2) The commission is further directed to establish~~
74 ~~permanent anchorage buoys within Silver Glen Run and Silver Glen~~
75 ~~Springs.~~

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

80 ~~(4) Any violation of this act shall constitute a violation~~
81 ~~of the boating laws of this state and shall be punishable by~~
82 ~~issuance of a uniform boating citation as provided in s. 327.74.~~
83 ~~Any person who refuses to post a bond or accept and sign a~~
84 ~~uniform boating citation, as provided in s. 327.73(3), commits a~~
85 ~~misdemeanor of the second degree, punishable as provided in s.~~
86 ~~775.082 or s. 775.083.~~

87 Section 4. Section 370.021, Florida Statutes, is amended
88 to read:

89 370.021 Administration; rules, publications, records;
90 penalties; injunctions.--



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

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

99 (b) On a second or subsequent conviction within 12 months,
100 by imprisonment for not more than 6 months or by a fine of not
101 less than \$250 nor more than \$1,000, or by both such fine and
102 imprisonment.

103

104 Upon final disposition of any alleged offense for which a
105 citation for any violation of this chapter or the rules of the
106 commission has been issued, the court shall, within 10 days,
107 certify the disposition to the commission.

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

112 (a) For a violation involving more than 100 illegal blue
113 crabs, crawfish, or stone crabs, an additional penalty of \$10
114 for each illegal blue crab, crawfish, stone crab, or part
115 thereof.

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



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121 (c) For a violation involving the taking or harvesting of
122 oysters from nonapproved areas or the taking or possession of
123 unculled oysters, an additional penalty of \$10 for each bushel
124 of illegal oysters.

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

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

- 131 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 132 2. Atlantic sturgeon (*Acipenser oxyrhynchus*);
- 133 3. Common snook (*Centropomus undecimalis*);
- 134 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 135 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 136 6. Leatherback turtle (*Dermochelys coriacea*);
- 137 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
138 *imbracata*);
- 139 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 140 9. West Indian manatee (*Trichechus manatus latirostris*),

141
142 an additional penalty of \$100 for each unit of marine life or
143 part thereof.

144 (f) For a second or subsequent conviction within 24 months
145 for any violation of the same law or rule involving the taking
146 or harvesting of more than 100 pounds of any finfish, an
147 additional penalty of \$5 for each pound of illegal finfish.

148 (g) For any violation involving the taking, harvesting, or
149 possession of more than 1,000 pounds of any illegal finfish, an



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150 additional penalty equivalent to the wholesale value of the
 151 illegal finfish.

152 (h) Permits issued to any person, firm, or corporation by
 153 the commission to take or harvest saltwater products, or any
 154 license issued pursuant to s. 370.06 or s. 370.07 may be
 155 suspended or revoked by the commission, pursuant to the
 156 provisions and procedures of s. 120.60, for any major violation
 157 prescribed in this subsection:

- 158 1. Upon a first conviction, for up to 30 calendar days.
- 159 2. Upon a second conviction which occurs within 12 months
 160 after a prior violation, for up to 90 calendar days.
- 161 3. Upon a third conviction which occurs within 24 months
 162 after a prior conviction, for up to 180 calendar days.
- 163 4. Upon a fourth conviction which occurs within 36 months
 164 after a prior conviction, for a period of 6 months to 3 years.

165 (i) Upon the arrest and conviction for a major violation
 166 involving stone crabs, the licenseholder must show just cause
 167 why his or her license should not be suspended or revoked. For
 168 the purposes of this paragraph, a "major violation" means a
 169 major violation as prescribed for illegal stone crabs; any
 170 single violation involving possession of more than 25 stone
 171 crabs during the closed season or possession of 25 or more
 172 whole-bodied or egg-bearing stone crabs; any violation for trap
 173 molestation, trap robbing, or pulling traps at night; or any
 174 combination of violations in any 3-consecutive-year period
 175 wherein more than 75 illegal stone crabs in the aggregate are
 176 involved.

177 (j) Upon the arrest and conviction for a major violation
 178 involving crawfish, the licenseholder must show just cause why
 179 his or her license should not be suspended or revoked. For the



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180 purposes of this paragraph, a "major violation" means a major
181 violation as prescribed for illegal crawfish; any single
182 violation involving possession of more than 25 crawfish during
183 the closed season or possession of more than 25 wrung crawfish
184 tails or more than 25 egg-bearing or stripped crawfish; any
185 violation for trap molestation, trap robbing, or pulling traps
186 at night; or any combination of violations in any 3-consecutive-
187 year period wherein more than 75 illegal crawfish in the
188 aggregate are involved.

189 (k) Upon the arrest and conviction for a major violation
190 involving blue crabs, the licenseholder shall show just cause
191 why his or her saltwater products license should not be
192 suspended or revoked. This paragraph shall not apply to an
193 individual fishing with no more than five traps. For the
194 purposes of this paragraph, a "major violation" means a major
195 violation as prescribed for illegal blue crabs, any single
196 violation wherein 50 or more illegal blue crabs are involved;
197 any violation for trap molestation, trap robbing, or pulling
198 traps at night; or any combination of violations in any 3-
199 consecutive-year period wherein more than 100 illegal blue crabs
200 in the aggregate are involved.

201 (l) Upon the conviction for a major violation involving
202 finfish, the licenseholder must show just cause why his or her
203 saltwater products license should not be suspended or revoked.
204 For the purposes of this paragraph, a major violation is
205 prescribed for the taking and harvesting of illegal finfish, any
206 single violation involving the possession of more than 100
207 pounds of illegal finfish, or any combination of violations in
208 any 3-consecutive-year period wherein more than 200 pounds of
209 illegal finfish in the aggregate are involved.



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210 (m) For a violation involving the taking or harvesting of
 211 any marine life species, as those species are defined by rule of
 212 the commission, the harvest of which is prohibited, or the
 213 taking or harvesting of such a species out of season, or with an
 214 illegal gear or chemical, or any violation involving the
 215 possession of 25 or more individual specimens of marine life
 216 species, or any combination of violations in any 3-year period
 217 involving more than 70 such specimens in the aggregate, the
 218 suspension or revocation of the licenseholder's marine life
 219 endorsement as provided in paragraph (h).

220
 221 Notwithstanding the provisions of s. 948.01, no court may
 222 suspend, defer, or withhold adjudication of guilt or imposition
 223 of sentence for any major violation prescribed in this
 224 subsection. The proceeds from the penalties assessed pursuant to
 225 this subsection shall be deposited into the Marine Resources
 226 Conservation Trust Fund to be used for marine fisheries research
 227 or into the commission's Federal Law Enforcement Trust Fund as
 228 provided in s. 372.107, as applicable.

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

230 (a) It is a major violation pursuant to this section,
 231 punishable as provided in paragraph (b) for any person, firm, or
 232 corporation to be simultaneously in possession of any species of
 233 mullet in excess of the recreational daily bag limit and any
 234 gill or other entangling net as defined in s. 16(c), Art. X of
 235 the State Constitution. Simultaneous possession under this
 236 provision shall include possession of mullet and gill or other
 237 entangling nets on separate vessels or vehicles where such
 238 vessels or vehicles are operated in coordination with one
 239 another including vessels towed behind a main vessel. This



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240 subsection does not prohibit a resident of this state from
241 transporting on land, from Alabama to this state, a commercial
242 quantity of mullet together with a gill net if:

243 1. The person possesses a valid commercial fishing license
244 that is issued by the State of Alabama and that allows the
245 person to use a gill net to legally harvest mullet in commercial
246 quantities from Alabama waters.

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

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

256 4. The mullet being transported are totally removed from
257 any net also being transported.

258 (b) In addition to being subject to the other penalties
259 provided in this chapter, any violation of s. 16(b), Art. X of
260 the State Constitution, or any rules of the commission which
261 implement the gear prohibitions and restrictions specified
262 therein shall be considered a major violation; and any person,
263 firm, or corporation receiving any judicial disposition other
264 than acquittal or dismissal of such violation shall be subject
265 to the following additional penalties:

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



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

276 3. For a third or subsequent major violation under this
277 paragraph, charged within a 7-year period, resulting in a third
278 or subsequent judicial disposition other than acquittal or
279 dismissal, a civil penalty of \$5,000, lifetime revocation of the
280 saltwater products license, and forfeiture of all gear and
281 equipment used in the violation shall be imposed.

282

283 A court may suspend, defer, or withhold adjudication of guilt or
284 imposition of sentence only for any first violation of s. 16,
285 Art. X of the State Constitution, or any rule or statute
286 implementing its restrictions, determined by a court only after
287 consideration of competent evidence of mitigating circumstances
288 to be a nonflagrant or minor violation of those restrictions
289 upon the use of nets. Any violation of s. 16, Art. X of the
290 State Constitution, or any rule or statute implementing its
291 restrictions, occurring within a 7-year period commencing upon
292 the conclusion of any judicial proceeding resulting in any
293 outcome other than acquittal shall be punished as a second,
294 third, or subsequent violation accordingly.

295 (c) During the period of suspension or revocation of
296 saltwater license privileges under this subsection, the licensee
297 shall not participate in the taking or harvesting, or attempt
298 the taking or harvesting, of saltwater products from any vessel
299 within the waters of the state; be aboard any vessel on which a



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300 commercial quantity of saltwater products is possessed through
301 an activity requiring a license pursuant to this section; or
302 engage in any other activity requiring a license, permit, or
303 certificate issued pursuant to this chapter. Any person who is
304 convicted of violating this paragraph:

305 1. Upon a first or second conviction, is guilty of a
306 misdemeanor of the first degree, punishable as provided in s.
307 775.082 or s. 775.083.

308 2. Upon a third or subsequent conviction, is guilty of a
309 felony of the third degree, punishable as provided in s.
310 775.082, s. 775.083, or s. 775.084.

311 (d) Upon reinstatement of saltwater license privileges
312 suspended pursuant to a violation of this subsection, a licensee
313 owning or operating a vessel containing or otherwise
314 transporting in or on Florida waters any gill net or other
315 entangling net, or containing or otherwise transporting in
316 nearshore and inshore Florida waters any net containing more
317 than 500 square feet of mesh area shall remain restricted for a
318 period of 12 months following reinstatement, to operating under
319 the following conditions:

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

322 2. A violation of the reinstatement period provisions
323 shall be punishable pursuant to paragraphs (1)(a) and (b).

324 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
325 CERTAIN FINFISH.--It is a major violation pursuant to this
326 section, punishable as provided in paragraph (3)(b), for any
327 person to be in possession of any species of trout, snook, or
328 redfish which is three fish in excess of the recreational or
329 commercial daily bag limit.



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330 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
331 HARVESTED PRODUCTS.--In addition to other penalties authorized
332 in this chapter, any violation of s. 370.06 or s. 370.07, or
333 rules of the commission implementing s. 370.06 or s. 370.07,
334 involving the purchase of saltwater products by a commercial
335 wholesale dealer, retail dealer, or restaurant facility for
336 public consumption from an unlicensed person, firm, or
337 corporation, or the sale of saltwater products by an unlicensed
338 person, firm, or corporation or the purchase or sale of any
339 saltwater product known to be taken in violation of s. 16, Art.
340 X of the State Constitution, or rule or statute implementing the
341 provisions thereof, by a commercial wholesale dealer, retail
342 dealer, or restaurant facility, for public consumption, is a
343 major violation, and the commission may assess the following
344 penalties:

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

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

352 (c) For a third or subsequent violation occurring within a
353 24-month period, the commission shall assess a civil penalty of
354 \$5,000 and shall suspend the wholesale or retail dealer's
355 license privileges for up to 24 months.

356

357 Any proceeds from the civil penalties assessed pursuant to this
358 subsection shall be deposited into the Marine Resources

359 Conservation Trust Fund and shall be used as follows: 40 percent



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360 for administration and processing purposes and 60 percent for
361 law enforcement purposes.

362 (6) SALTWATER PRODUCTS LICENSE; LICENSE VIOLATIONS.--It is
363 a major violation pursuant to this section for any person
364 required to be licensed under this chapter to sell or purchase
365 any saltwater product or harvest or attempt to harvest any
366 saltwater product with intent to sell without the required
367 licenses, punishable as follows:

368 (a) In addition to being subject to other penalties
369 provided in this chapter, upon a second or subsequent violation,
370 any person who sells or purchases any saltwater product without
371 having purchased the licenses and permits required by this
372 chapter for such sale shall be subject to the following
373 additional penalties:

374 1. A second violation is a first degree misdemeanor,
375 punishable as provided in ss. 775.082 and 775.083, and such
376 person may also be assessed a civil penalty of up to \$2,500 and
377 a suspension of all license privileges under this chapter and
378 chapter 372 for a period not exceeding 90 days.

379 2. A third violation is a first degree misdemeanor,
380 punishable as provided in ss. 775.082 and 775.083, with a
381 mandatory minimum term of imprisonment of 6 months, and such
382 person may also be assessed a civil penalty of up to \$5,000 and
383 a suspension of all license privileges under this chapter and
384 chapter 372 for a period not exceeding 6 months.

385 3. A third violation within 1 year of a second violation
386 is a third degree felony, punishable as provided in ss. 775.082
387 and 775.083, with a mandatory minimum term of imprisonment of 1
388 year, and such person shall be assessed a civil penalty of



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389 \$5,000 and a permanent revocation of all license privileges
 390 under this chapter and chapter 372.

391 4. A fourth violation is a third degree felony, punishable
 392 as provided in ss. 775.082 and 775.083, with a mandatory minimum
 393 term of imprisonment of 1 year, and such person shall be
 394 assessed a civil penalty of \$5,000 and a permanent revocation of
 395 all license privileges under this chapter and chapter 372.

396 (b) In addition to being subject to other penalties
 397 provided in this chapter, any person whose license privileges
 398 under this chapter have been permanently revoked and who
 399 thereafter sells or purchases or attempts to sell or purchase
 400 any saltwater product is guilty of a third degree felony,
 401 punishable as provided in ss. 775.082 and 775.083, with a
 402 mandatory minimum term of imprisonment of 1 year, and such
 403 person shall also be assessed a civil penalty of \$5,000. All
 404 property involved in such offense shall be forfeited pursuant to
 405 s. 370.061.

406 (c) In addition to being subject to other penalties
 407 provided in this chapter, any person whose license privileges
 408 under this chapter are under suspension and who during such
 409 period of suspension sells or purchases or attempts to sell or
 410 purchase any saltwater product shall be assessed the following
 411 additional penalties:

412 1. A first violation is a first degree misdemeanor,
 413 punishable as provided in ss. 775.082 and 775.083, and such
 414 person may be assessed a civil penalty of up to \$2,500 and a
 415 suspension of all license privileges under this chapter and
 416 chapter 372 for a period not exceeding 90 days.

417 2. A second violation occurring within 12 months of a
 418 first violation is a third degree felony, punishable as provided



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419 in ss. 775.082 and 775.083, with a mandatory minimum term of
420 imprisonment of 1 year, and such person may be assessed a civil
421 penalty of up to \$5,000 and an additional suspension of all
422 license privileges under this chapter and chapter 372 for a
423 period not exceeding 6 months. All property involved in such
424 offense shall be forfeited pursuant to s. 370.061.

425 3. A third or subsequent violation occurring within 2
426 years of a second violation is a third degree felony, punishable
427 as provided in ss. 775.082 and 775.083, with a mandatory minimum
428 term of imprisonment of 1 year, and such person shall be
429 assessed a civil penalty of up to \$5,000 and an additional
430 suspension of all license privileges under this chapter and
431 chapter 372 for a period not exceeding 24 months. All property
432 involved in such offense shall be forfeited pursuant to s.
433 370.061.

434 (d) In addition to being subject to other penalties
435 provided in this chapter, upon a second or subsequent violation,
436 any person who harvests or attempts to harvest any saltwater
437 product with intent to sell, without a saltwater products
438 license and the requisite endorsements, shall be subject to the
439 following additional penalties:

440 1. A second violation is a first degree misdemeanor,
441 punishable as provided in ss. 775.082 and 775.083, and such
442 person may also be assessed a civil penalty of up to \$2,500 and
443 a suspension of all license privileges under this chapter and
444 chapter 372 for a period not exceeding 90 days.

445 2. A third violation is a first degree misdemeanor,
446 punishable as provided in ss. 775.082 and 775.083, with a
447 mandatory minimum term of imprisonment of 6 months, and such
448 person may also be assessed a civil penalty of up to \$5,000 and



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449 a suspension of all license privileges under this chapter and
450 chapter 372 for a period not exceeding 6 months.

451 3. A third violation within 1 year of a second violation
452 is a third degree felony, punishable as provided in ss. 775.082
453 and 775.083, with a mandatory minimum term of imprisonment of 1
454 year, and such person shall also be assessed a civil penalty of
455 \$5,000 and a permanent revocation of all license privileges
456 under this chapter and chapter 372.

457 4. A fourth violation is a third degree felony, punishable
458 as provided in ss. 775.082 and 775.083, with a mandatory minimum
459 term of imprisonment of 1 year, and such person shall also be
460 assessed a civil penalty of \$5,000 and a permanent revocation of
461 all license privileges under this chapter and chapter 372.

462
463 For purposes of this subsection, violation means any judicial
464 disposition other than acquittal or dismissal.

465 (7)(6) PUBLICATIONS BY COMMISSION.--The commission is
466 given authority, from time to time in its discretion, to cause
467 the statutory laws under its jurisdiction, together with any
468 rules promulgated by it, to be published in pamphlet form for
469 free distribution in this state. The commission is authorized to
470 make charges for technical and educational publications and
471 mimeographed material of use for educational or reference
472 purposes. Such charges shall be made at the discretion of the
473 commission. Such charges may be sufficient to cover cost of
474 preparation, printing, publishing, and distribution. All moneys
475 received for publications shall be deposited into the fund from
476 which the cost of the publication was paid. The commission is
477 further authorized to enter into agreements with persons, firms,
478 corporations, governmental agencies, and other institutions



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479 whereby publications may be exchanged reciprocally in lieu of
480 payments for said publications.

481 (8)~~(7)~~ POWERS OF OFFICERS.--

482 (a) Law enforcement officers of the commission are
483 constituted law enforcement officers of this state with full
484 power to investigate and arrest for any violation of the laws of
485 this state and the rules of the commission under their
486 jurisdiction. The general laws applicable to arrests by peace
487 officers of this state shall also be applicable to law
488 enforcement officers of the commission. Such law enforcement
489 officers may enter upon any land or waters of the state for
490 performance of their lawful duties and may take with them any
491 necessary equipment, and such entry will not constitute a
492 trespass. It is lawful for any boat, motor vehicle, or aircraft
493 owned or chartered by the commission or its agents or employees
494 to land on and depart from any of the beaches or waters of the
495 state. Such law enforcement officers have the authority, without
496 warrant, to board, inspect, and search any boat, fishing
497 appliance, storage or processing plant, fishhouse, spongehouse,
498 oysterhouse, or other warehouse, building, or vehicle engaged in
499 transporting or storing any fish or fishery products. Such
500 authority to search and inspect without a search warrant is
501 limited to those cases in which such law enforcement officers
502 have reason to believe that fish or any saltwater products are
503 taken or kept for sale, barter, transportation, or other
504 purposes in violation of laws or rules promulgated under this
505 law. Any such law enforcement officer may at any time seize or
506 take possession of any saltwater products or contraband which
507 have been unlawfully caught, taken, or processed or which are
508 unlawfully possessed or transported in violation of any of the



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509 laws of this state or any rule of the commission. Such law
510 enforcement officers may arrest any person in the act of
511 violating any of the provisions of this law, the rules of the
512 commission, or any of the laws of this state. It is hereby
513 declared unlawful for any person to resist such arrest or in any
514 manner interfere, either by abetting or assisting such
515 resistance or otherwise interfering, with any such law
516 enforcement officer while engaged in the performance of the
517 duties imposed upon him or her by law or rule of the commission.

518 (b) The Legislature finds that the checking and inspection
519 of saltwater products aboard vessels is critical to good fishery
520 management and conservation and that, because almost all
521 saltwater products are either iced or cooled in closed areas or
522 containers, the enforcement of seasons, size limits, and bag
523 limits can only be effective when inspection of saltwater
524 products so stored is immediate and routine. Therefore, in
525 addition to the authority granted in paragraph (a), a law
526 enforcement officer of the commission who has probable cause to
527 believe that the vessel has been used for fishing prior to the
528 inspection shall have full authority to open and inspect all
529 containers or areas where saltwater products are normally kept
530 aboard vessels while such vessels are on the water, such as
531 refrigerated or iced locations, coolers, fish boxes, and bait
532 wells, but specifically excluding such containers that are
533 located in sleeping or living areas of the vessel.

534 (9)~~(8)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF
535 RECORDS.--Records and documents of the commission created in
536 compliance with and in the implementation of this chapter or
537 former chapter 371 shall be retained by the commission as
538 specified in record retention schedules established under the



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539 general provisions of chapters 119 and 257. Such records
540 retained by the Department of Environmental Protection on July
541 1, 1999, shall be transferred to the commission. Further, the
542 commission is authorized to:

543 (a) Destroy, or otherwise dispose of, those records and
544 documents in conformity with the approved retention schedules.

545 (b) Photograph, microphotograph, or reproduce such records
546 and documents on film, as authorized and directed by the
547 approved retention schedules, whereby each page will be exposed
548 in exact conformity with the original records and documents
549 retained in compliance with the provisions of this section.
550 Photographs or microphotographs in the form of film or print of
551 any records, made in compliance with the provisions of this
552 section, shall have the same force and effect as the originals
553 thereof would have and shall be treated as originals for the
554 purpose of their admissibility in evidence. Duly certified or
555 authenticated reproductions of such photographs or
556 microphotographs shall be admitted in evidence equally with the
557 original photographs or microphotographs. The impression of the
558 seal of the commission on a certificate made pursuant to the
559 provisions hereof and signed by the executive director of the
560 commission shall entitle the same to be received in evidence in
561 all courts and in all proceedings in this state and shall be
562 prima facie evidence of all factual matters set forth in the
563 certificate. A certificate may relate to one or more records, as
564 set forth in the certificate, or in a schedule continued on an
565 attachment to the certificate.

566 (c) Furnish certified copies of such records for a fee of
567 \$1 which shall be deposited in the Marine Resources Conservation
568 Trust Fund.



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569 (10)~~(9)~~ COURTS OF EQUITY MAY ENJOIN.--Courts of equity in
 570 this state have jurisdiction to enforce the conservation laws of
 571 this state by injunction.

572 (11)~~(10)~~ BOND OF EMPLOYEES.--The commission may require,
 573 as it determines, that bond be given by any employee of the
 574 commission or divisions thereof, payable to the Governor of the
 575 state and the Governor's successor in office, for the use and
 576 benefit of those whom it may concern, in such penal sums with
 577 good and sufficient surety or sureties approved by the
 578 commission conditioned for the faithful performance of the
 579 duties of such employee.

580 (12)~~(11)~~ REVOCATION OF LICENSES.--Any person licensed
 581 under this chapter who has been convicted of taking aquaculture
 582 species raised at a certified facility shall have his or her
 583 license revoked for 5 years by the commission pursuant to the
 584 provisions and procedures of s. 120.60.

585 (13)~~(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
 586 purposes of imposing license or permit suspensions or
 587 revocations authorized by this chapter, the license or permit
 588 under which the violation was committed is subject to suspension
 589 or revocation by the commission. For purposes of assessing
 590 monetary civil or administrative penalties authorized by this
 591 chapter, the person, firm, or corporation cited and subsequently
 592 receiving a judicial disposition of other than dismissal or
 593 acquittal in a court of law is subject to the monetary penalty
 594 assessment by the commission. However, if the license or
 595 permitholder of record is not the person, firm, or corporation
 596 receiving the citation and judicial disposition, the license or
 597 permit may be suspended or revoked only after the license or
 598 permitholder has been notified by the commission that the



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599 license or permit has been cited in a major violation and is now
 600 subject to suspension or revocation should the license or permit
 601 be cited for subsequent major violations.

602 Section 5. Subsections (6) and (7) of section 370.15,
 603 Florida Statutes, are amended to read:

604 370.15 Shrimp; regulation.--

605 ~~(6) LIVE BAIT SHRIMPING; LICENSES.-- Live bait shrimp may~~
 606 ~~be caught at any time but only under license issued by the~~
 607 ~~commission. Licensees must fish with gear and under those~~
 608 ~~conditions specified by the commission. Application for such~~
 609 ~~licenses shall be on forms supplied by the commission. A live~~
 610 ~~bait shrimping license shall be revocable when the holder does~~
 611 ~~not comply with the laws and regulations applicable to saltwater~~
 612 ~~conservation. All vessels fishing for live bait shrimp must be~~
 613 ~~equipped with live bait shrimp tanks, and no more than 5 pounds~~
 614 ~~of dead shrimp will be allowed on board such vessel per day.~~

615 (6)~~(7)~~ CLOSED AREA FOR SHRIMPING.--

616 (a) No shrimping except for live bait shrimp shall be
 617 permitted in all waters within the following described area:
 618 Begin at a point of latitude 24°41'54" North and longitude
 619 81°40'30" West near Snipe Point in Monroe County; thence go
 620 North 35°53'16" West approximately 9 nautical miles to a point
 621 of approximate latitude 24°41'55" North and longitude 81°46'15"
 622 West, 3 marine leagues seaward of Snipe Point; thence easterly
 623 and northerly following a line which is 3 marine leagues seaward
 624 of the mean low-water line of the seawardmost points in Florida
 625 Bay and the Gulf of Mexico to a point at latitude 26°00'00"
 626 North and approximate longitude 81°56'30" West; thence east to a
 627 point on the mean high-water line at latitude 26°00'00" North
 628 and approximate longitude 81°44'06" West; thence southerly and



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629 easterly along the mean high-water line of the Florida mainland
 630 to its intersection with the westerly right-of-way of the U.S.
 631 Highway 1 bridge in Long Sound; thence follow the westerly and
 632 northern right-of-way of U.S. Highway 1 to a point on
 633 Saddlebunch Key latitude 24°37'06" North and approximate
 634 longitude 81°36'42" West; thence on a straight line to the point
 635 of beginning.

636 (b) A second or any subsequent violation by any person of
 637 this subsection is a felony of the third degree, punishable as
 638 provided in s. 775.082 or s. 775.083.

639 Section 6. Subsection (3) of section 370.153, Florida
 640 Statutes, is amended to read:

641 370.153 Regulation of shrimp fishing; Clay, Duval, Nassau,
 642 Putnam, Flagler, and St. Johns Counties.--

643 (3) LIVE BAIT SHRIMP PRODUCTION.--

644 (a) A live bait shrimp production license shall be issued
 645 by the Fish and Wildlife Conservation Commission upon the
 646 receipt of an application by a person intending to use a boat,
 647 not to exceed 35 feet in length in Duval, St. Johns, Putnam,
 648 Flagler, and Clay Counties and not to exceed 45 feet in length
 649 in Nassau County, for live shrimp production within the inland
 650 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
 651 Counties and the payment of a fee of \$250. The annual fee of
 652 \$250 shall be collected by the commission for the issuance of
 653 the license during a 60-day period beginning June 1 of each
 654 year. The design of the application and permit shall be
 655 determined by the commission. The proceeds of the fee imposed by
 656 this paragraph shall be used by the Fish and Wildlife
 657 Conservation Commission for the purposes of enforcement of
 658 marine resource laws.



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659 (b) The Executive Director of the Fish and Wildlife
660 Conservation Commission, or his or her designated
661 representative, may by order close certain areas to live bait
662 shrimp production when sampling procedures justify the closing
663 based upon sound conservation practices. The revocation of any
664 order to close has the effect of opening the area.

665 ~~(c) Every live bait shrimp producer shall produce evidence~~
666 ~~satisfactory to the commission that he or she has the necessary~~
667 ~~equipment to maintain the shrimp alive while aboard the shrimp~~
668 ~~fishing vessel. All vessels fishing for live bait shrimp must be~~
669 ~~equipped with live bait shrimp tanks of a type and capacity~~
670 ~~satisfactory to the commission, and no more than 5 pounds of~~
671 ~~dead shrimp will be allowed on board such vessel per day.~~

672 (c)~~(d)~~1. Each licensed live bait shrimp producer who
673 stores his or her catch for sale or sells his or her catch shall
674 either:

675 a. Maintain onshore facilities which have been annually
676 checked and approved by the local commission office to assure
677 the facilities' ability to maintain the catch alive when the
678 live bait shrimp producer produces for his or her own facility;
679 or

680 b. Sell his or her catch only to persons who have onshore
681 facilities that have been annually checked and approved by the
682 local commission office to assure the facilities' ability to
683 maintain the catch alive, when the producer sells his or her
684 catch to an onshore facility. The producer shall provide the
685 commission with the wholesale number of the facility to which
686 the shrimp have been sold and shall submit this number on a form
687 designed and approved by the commission.



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688 2. All persons who maintain onshore facilities as
689 described in this paragraph, whether the facilities are
690 maintained by the licensed live bait shrimp producer or by
691 another party who purchases shrimp from live bait shrimp
692 producers, shall keep records of their transactions in
693 conformance with the provisions of s. 370.07(6).

694 (d)~~(e)~~ All commercial trawling in Clay, Duval, and St.
695 Johns Counties shall be restricted to the inland waters of the
696 St. Johns River proper in the area north of the Acosta Bridge in
697 Jacksonville and at least 100 yards from the nearest shoreline.

698 (e)~~(f)~~ A live shrimp producer must also be a licensed
699 wholesale dealer. Such person shall not sell live bait shrimp
700 unless he or she produces a live bait shrimp production license
701 at the time of sale.

702 (f)~~(g)~~ The commission shall rename the Live Bait Shrimp
703 Production License as the Commercial Live Shrimp Production
704 License.

705 Section 7. Paragraph (d) of subsection (2) of section
706 370.1535, Florida Statutes, is amended to read:

707 370.1535 Regulation of shrimp fishing in Tampa Bay;
708 licensing requirements.--

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

712 (d) No person shall be issued a permit or be allowed to
713 renew a permit if such person is registered for noncommercial
714 trawling pursuant to s. 370.15(4) ~~or if such person holds a live~~
715 ~~bait shrimping license issued pursuant to s. 370.15(6).~~

716 Section 8. Section 370.154, Florida Statutes, is amended
717 to read:



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718 370.154 Shrimp regulations; closed areas; suspension of
719 license, etc.--Any person convicted of taking shrimp in a closed
720 area who is punishable under s. 370.15(5) ~~or (6)~~ shall, in
721 addition to the penalties set forth therein, have his or her
722 permit and the permit of the boat involved in the violation,
723 issued pursuant to s. 370.15(4), revoked, if the person holds
724 such a permit, and he or she shall be ineligible to make
725 application for such a permit for a period of 2 years from the
726 date of such conviction. If a person not having a permit is
727 convicted hereunder, that person and the boat involved in the
728 violation shall not be eligible for such a permit for 5 years.

729 Section 9. For the purpose of incorporating the amendment
730 made by this act to section 370.021, Florida Statutes, in
731 references therein, the following subdivisions of the Florida
732 Statutes are reenacted to read:

733 370.0603 Marine Resources Conservation Trust Fund;
734 purposes.--

735 (2) The Marine Resources Conservation Trust Fund shall
736 receive the proceeds from:

737 (d) All fines and penalties pursuant to s. 370.021.

738 370.07 Wholesale and retail saltwater products dealers;
739 regulation.--

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

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

744 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

745 (b) The commission may revoke, suspend, or deny the
746 renewal of the license of any dealer for failure to make and
747 keep required records, for failure to make required reports, for



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748 failure or refusal to permit the examination of required
749 records, or for falsifying any such record. In addition to, or
750 in lieu of, the penalties imposed pursuant to this paragraph and
751 s. 370.021, the commission may impose against any person, firm,
752 or corporation who is determined to have violated any provision
753 of this paragraph or any provisions of any commission rules
754 adopted pursuant to s. 370.0607, the following additional
755 penalties:

- 756 1. For the first violation, a civil penalty of up to
757 \$1,000;
- 758 2. For a second violation committed within 24 months of
759 any previous violation, a civil penalty of up to \$2,500; and
- 760 3. For a third or subsequent violation committed within 36
761 months of any previous two violations, a civil penalty of up to
762 \$5,000.

763

764 The proceeds of all civil penalties collected pursuant to this
765 subsection shall be deposited into the Marine Resources
766 Conservation Trust Fund and shall be used for administration,
767 auditing, and law enforcement purposes.

768 370.13 Stone crab; regulation.--

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

773 (a) In addition to any other penalties provided in s.
774 370.021, for any person, firm, or corporation who violates rule
775 68B-13.010(2), Florida Administrative Code, or rule 68B-
776 13.011(5), (6), (7), (8), or (11), Florida Administrative Code,
777 the following administrative penalties apply.



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

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

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

792 4. A fourth violation that occurs within 48 months of any
793 three previous such violations, shall result in permanent
794 revocation of all of the violator's saltwater fishing
795 privileges, including having the commission proceed against the
796 endorsement holder's saltwater products license in accordance
797 with s. 370.021.

798
799 Any person assessed an administrative penalty under this
800 paragraph shall, within 30 calendar days after notification, pay
801 the administrative penalty to the commission, or request an
802 administrative hearing under ss. 120.569 and 120.57. The
803 proceeds of all administrative penalties collected under this
804 paragraph shall be deposited in the Marine Resources
805 Conservation Trust Fund.

806 (b) It is unlawful for any person to remove the contents
807 of another harvester's trap without the express written consent



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808 of the trap owner available for immediate inspection. Such
809 unauthorized removal constitutes theft. Any person convicted of
810 theft from a trap shall, in addition to the penalties specified
811 in s. 370.021 and the provisions of this section, permanently
812 lose all his or her saltwater fishing privileges, including
813 saltwater products licenses, stone crab or incidental take
814 endorsements, and all trap certificates allotted to him or her
815 by the commission. In such cases, trap certificates and
816 endorsements are nontransferable. In addition, any person, firm,
817 or corporation convicted of violating the prohibitions
818 referenced in this paragraph shall also be assessed an
819 administrative penalty of up to \$5,000. Immediately upon
820 receiving a citation for a violation involving theft from a trap
821 and until adjudicated for such a violation, or if convicted of
822 such a violation, the violator is prohibited from transferring
823 any stone crab or lobster certificates.

824 370.135 Blue crab; regulation.--

825 (1) No person, firm, or corporation shall transport on the
826 water, fish with or cause to be fished with, set, or place any
827 trap designed for taking blue crabs unless such person, firm, or
828 corporation is the holder of a valid saltwater products license
829 issued pursuant to s. 370.06 and the trap has a current state
830 number permanently attached to the buoy. The trap number shall
831 be affixed in legible figures at least 1 inch high on each buoy
832 used. The saltwater products license must be on board the boat,
833 and both the license and the crabs shall be subject to
834 inspection at all times. Only one trap number may be issued for
835 each boat by the commission upon receipt of an application on
836 forms prescribed by it. This subsection shall not apply to an
837 individual fishing with no more than five traps. It is a felony



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838 of the third degree, punishable as provided in s. 775.082, s.
839 775.083, or s. 775.084, for any person willfully to molest any
840 traps, lines, or buoys, as defined herein, belonging to another
841 without permission of the licenseholder. It is unlawful for any
842 person to remove the contents of another harvester's trap
843 without the express written consent of the trap owner available
844 for immediate inspection. Such unauthorized removal constitutes
845 theft. Any person convicted of theft from a trap shall, in
846 addition to the penalties specified in s. 370.021 and the
847 provisions of this section, permanently lose all his or her
848 saltwater fishing privileges including his or her saltwater
849 products license and blue crab endorsement. In such cases
850 endorsements are nontransferable. In addition, any person, firm,
851 or corporation convicted of violating this subsection shall also
852 be assessed an administrative penalty of up to \$5,000.
853 Immediately upon receiving a citation for a violation involving
854 theft from a trap and until adjudicated for such a violation, or
855 if convicted of such a violation, the person, firm, or
856 corporation committing the violation is prohibited from
857 transferring any blue crab endorsements.

858 370.142 Spiny lobster trap certificate program.--

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

864 (c) *Prohibitions; penalties*.--

865 1. It is unlawful for a person to possess or use a spiny
866 lobster trap in or on state waters or adjacent federal waters
867 without having affixed thereto the trap tag required by this



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868 section. It is unlawful for a person to possess or use any other
869 gear or device designed to attract and enclose or otherwise aid
870 in the taking of spiny lobster by trapping that is not a trap as
871 defined in rule 68B-24.006(2), Florida Administrative Code.

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

875 3. It is unlawful for any person to remove the contents of
876 another harvester's trap without the express written consent of
877 the trap owner available for immediate inspection. Such
878 unauthorized removal constitutes theft. Any person convicted of
879 theft from a trap shall, in addition to the penalties specified
880 in ss. 370.021 and 370.14 and the provisions of this section,
881 permanently lose all his or her saltwater fishing privileges,
882 including his or her saltwater products license, crawfish
883 endorsement, and all trap certificates allotted to him or her
884 through this program. In such cases, trap certificates and
885 endorsements are nontransferable. In addition, any person, firm,
886 or corporation convicted of violating this paragraph shall also
887 be assessed an administrative penalty of up to \$5,000.

888 Immediately upon receiving a citation for a violation involving
889 theft from a trap and until adjudicated for such a violation or,
890 if convicted of such a violation, the person, firm, or
891 corporation committing the violation is prohibited from
892 transferring any crawfish trap certificates and endorsements.

893 4. In addition to any other penalties provided in s.
894 370.021, a commercial harvester, as defined by rule 68B-
895 24.002(1), Florida Administrative Code, who violates the
896 provisions of this section, or the provisions relating to traps



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897 of chapter 68B-24, Florida Administrative Code, shall be
 898 punished as follows:

899 a. If the first violation is for violation of subparagraph
 900 1. or subparagraph 2., the commission shall assess an additional
 901 civil penalty of up to \$1,000 and the crawfish trap number
 902 issued pursuant to s. 370.14(2) or (6) may be suspended for the
 903 remainder of the current license year. For all other first
 904 violations, the commission shall assess an additional civil
 905 penalty of up to \$500.

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

912 c. For a third or subsequent violation of subparagraph 1.,
 913 subparagraph 2., or subparagraph 3. which occurs within 36
 914 months of any previous two such violations, the commission shall
 915 assess an additional civil penalty of up to \$5,000 and may
 916 suspend the crawfish trap number issued pursuant to s. 370.14(2)
 917 or (6) for a period of up to 24 months or may revoke the
 918 crawfish trap number and, if revoking the crawfish trap number,
 919 may also proceed against the licenseholder's saltwater products
 920 license in accordance with the provisions of s. 370.021(2)(h).

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

- 924 (I) Pay the civil penalty to the commission; or
- 925 (II) Request an administrative hearing pursuant to the
- 926 provisions of s. 120.60.



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

930 5.a. It is unlawful for any person to make, alter, forge,
931 counterfeit, or reproduce a spiny lobster trap tag or
932 certificate.

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

936 c. It is unlawful for any person to barter, trade, sell,
937 supply, agree to supply, aid in supplying, or give away a spiny
938 lobster trap tag or certificate or to conspire to barter, trade,
939 sell, supply, aid in supplying, or give away a spiny lobster
940 trap tag or certificate unless such action is duly authorized by
941 the commission as provided in this chapter or in the rules of
942 the commission.

943 6.a. Any person who violates the provisions of
944 subparagraph 5., or any person who engages in the commercial
945 harvest, trapping, or possession of spiny lobster without a
946 crawfish trap number as required by s. 370.14(2) or (6) or
947 during any period while such crawfish trap number is under
948 suspension or revocation, commits a felony of the third degree,
949 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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



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956 7. Any certificates for which the annual certificate fee
957 is not paid for a period of 3 years shall be considered
958 abandoned and shall revert to the commission. During any period
959 of trap reduction, any certificates reverting to the commission
960 shall become permanently unavailable and be considered in that
961 amount to be reduced during the next license-year period.
962 Otherwise, any certificates that revert to the commission are to
963 be reallocated in such manner as provided by the commission.

964 8. The proceeds of all civil penalties collected pursuant
965 to subparagraph 4. and all fines collected pursuant to sub-
966 subparagraph 6.b. shall be deposited into the Marine Resources
967 Conservation Trust Fund.

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

970 372.5704 Fish and Wildlife Conservation Commission license
971 program for tarpon; fees; penalties.--

972 (5) Any individual including a taxidermist who possesses a
973 tarpon which does not have a tag securely attached as required
974 by this section shall be subject to penalties as prescribed in
975 s. 370.021. Provided, however, a taxidermist may remove the tag
976 during the process of mounting a tarpon. The removed tag shall
977 remain with the fish during any subsequent storage or shipment.

978 Section 10. This act shall take effect upon becoming a
979 law.