



CHAMBER ACTION

The Committee on Natural Resources recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to state waters and marine resources; amending s. 327.30, F.S.; revising notification requirements for described boating accidents; amending s. 327.43, F.S.; removing requirement that the Fish and Wildlife Conservation Commission place certain buoys; deleting certain prohibitions; deleting penalties for violation; amending s. 370.01, F.S.; defining "molest"; amending s. 370.021, F.S.; revising penalties for described violations of saltwater products licensing requirements; amending s. 370.061, F.S.; correcting a cross reference; amending s. 370.1107, F.S.; revising penalties for unlawful possession of registered saltwater fisheries traps; amending s. 370.13, F.S.; revising penalties for unlawful possession of registered stone crab traps or removal of trap contents; amending s. 370.135, F.S.; revising penalties for unlawful possession of registered blue crab traps or removal of trap contents; amending s. 370.142, F.S.; prohibiting willful molestation



29 | or possession of spiny lobster traps; revising penalties
 30 | for unlawful possession of spiny lobster traps or removal
 31 | of trap contents; amending 370.15, F.S.; deleting license
 32 | requirement for live bait shrimping; amending s. 370.153,
 33 | F.S.; deleting provisions requiring certain equipment
 34 | while live bait shrimping; amending ss. 370.1535 and
 35 | 370.154, F.S.; correcting cross references; reenacting ss.
 36 | 370.0603(2)(d), 370.07(5)(c) and (6)(b), and 372.5704(5),
 37 | F.S., to incorporate amendments made by the act in
 38 | references thereto; providing an effective date.
 39 |

40 | Be It Enacted by the Legislature of the State of Florida:
 41 |

42 | Section 1. Subsection (2) of section 327.30, Florida
 43 | Statutes, is amended to read:

44 | 327.30 Collisions, accidents, and casualties.--

45 | (2) In the case of collision, accident, or other casualty
 46 | involving a vessel in or upon or entering into or exiting from
 47 | the water, including capsizing, collision with another vessel or
 48 | object, sinking, personal injury requiring medical treatment
 49 | beyond immediate first aid, death, disappearance of any person
 50 | from on board under circumstances which indicate the possibility
 51 | of death or injury, or damage to any vessel or other property in
 52 | an apparent aggregate amount of at least \$2,000 ~~\$500~~, the
 53 | operator shall without delay, by the quickest means available
 54 | give notice of the accident to one of the following agencies:
 55 | the Division of Law Enforcement of the Fish and Wildlife
 56 | Conservation Commission; the sheriff of the county within which



HB 1639

2003
CS

57 the accident occurred; or the police chief of the municipality
58 within which the accident occurred, if applicable.

59 Section 2. Section 327.43, Florida Statutes, is amended to
60 read:

61 327.43 Silver Glen Run and Silver Glen Springs; navigation
62 channel; ~~anchorage buoys; violations.~~--

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

67 ~~(2) The commission is further directed to establish
68 permanent anchorage buoys within Silver Glen Run and Silver Glen
69 Springs.~~

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

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

81 Section 3. Subsections (15) through (27) of section
82 370.01, Florida Statutes, are redesignated as subsections (16)
83 through (28), respectively, and a new subsection (15) is added
84 to said section to read:



HB 1639

2003
CS

85 370.01 Definitions.--In construing these statutes, where
86 the context does not clearly indicate otherwise, the word,
87 phrase, or term:

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

91 Section 4. Section 370.021, Florida Statutes, is amended
92 to read:

93 370.021 Administration; rules, publications, records;
94 penalties; injunctions.--

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

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

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

107

108 Upon final disposition of any alleged offense for which a
109 citation for any violation of this chapter or the rules of the
110 commission has been issued, the court shall, within 10 days,
111 certify the disposition to the commission.



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

116 (a) For a violation involving more than 100 illegal blue
117 crabs, crawfish, or stone crabs, an additional penalty of \$10
118 for each illegal blue crab, crawfish, stone crab, or part
119 thereof.

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

125 (c) For a violation involving the taking or harvesting of
126 oysters from nonapproved areas or the taking or possession of
127 unculled oysters, an additional penalty of \$10 for each bushel
128 of illegal oysters.

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

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

- 135 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 136 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 137 3. Common snook (*Centropomus undecimalis*);
- 138 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 139 5. Atlantic green turtle (*Chelonia mydas mydas*);



HB 1639

2003
CS

- 140 6. Leatherback turtle (*Dermochelys coriacea*);
- 141 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
- 142 *imbracata*);
- 143 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 144 9. West Indian manatee (*Trichechus manatus latirostris*),

145
146 an additional penalty of \$100 for each unit of marine life or
147 part thereof.

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

152 (g) For any violation involving the taking, harvesting, or
153 possession of more than 1,000 pounds of any illegal finfish, an
154 additional penalty equivalent to the wholesale value of the
155 illegal finfish.

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

- 162 1. Upon a first conviction, for up to 30 calendar days.
- 163 2. Upon a second conviction which occurs within 12 months
- 164 after a prior violation, for up to 90 calendar days.
- 165 3. Upon a third conviction which occurs within 24 months
- 166 after a prior conviction, for up to 180 calendar days.



167 4. Upon a fourth conviction which occurs within 36 months
168 after a prior conviction, for a period of 6 months to 3 years.

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

181 (j) Upon the arrest and conviction for a major violation
182 involving crawfish, the licenseholder must show just cause why
183 his or her license should not be suspended or revoked. For the
184 purposes of this paragraph, a "major violation" means a major
185 violation as prescribed for illegal crawfish; any single
186 violation involving possession of more than 25 crawfish during
187 the closed season or possession of more than 25 wrung crawfish
188 tails or more than 25 egg-bearing or stripped crawfish; any
189 violation for trap molestation, trap robbing, or pulling traps
190 at night; or any combination of violations in any 3-consecutive-
191 year period wherein more than 75 illegal crawfish in the
192 aggregate are involved.

193 (k) Upon the arrest and conviction for a major violation
194 involving blue crabs, the licenseholder shall show just cause



HB 1639

2003
CS

195 why his or her saltwater products license should not be
196 suspended or revoked. This paragraph shall not apply to an
197 individual fishing with no more than five traps. For the
198 purposes of this paragraph, a "major violation" means a major
199 violation as prescribed for illegal blue crabs, any single
200 violation wherein 50 or more illegal blue crabs are involved;
201 any violation for trap molestation, trap robbing, or pulling
202 traps at night; or any combination of violations in any 3-
203 consecutive-year period wherein more than 100 illegal blue crabs
204 in the aggregate are involved.

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

214 (m) For a violation involving the taking or harvesting of
215 any marine life species, as those species are defined by rule of
216 the commission, the harvest of which is prohibited, or the
217 taking or harvesting of such a species out of season, or with an
218 illegal gear or chemical, or any violation involving the
219 possession of 25 or more individual specimens of marine life
220 species, or any combination of violations in any 3-year period
221 involving more than 70 such specimens in the aggregate, the



HB 1639

2003
CS

222 suspension or revocation of the licenseholder's marine life
223 endorsement as provided in paragraph (h).

224

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

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

234 (a) It is a major violation pursuant to this section,
235 punishable as provided in paragraph (b) for any person, firm, or
236 corporation to be simultaneously in possession of any species of
237 mullet in excess of the recreational daily bag limit and any
238 gill or other entangling net as defined in s. 16(c), Art. X of
239 the State Constitution. Simultaneous possession under this
240 provision shall include possession of mullet and gill or other
241 entangling nets on separate vessels or vehicles where such
242 vessels or vehicles are operated in coordination with one
243 another including vessels towed behind a main vessel. This
244 subsection does not prohibit a resident of this state from
245 transporting on land, from Alabama to this state, a commercial
246 quantity of mullet together with a gill net if:

247 1. The person possesses a valid commercial fishing license
248 that is issued by the State of Alabama and that allows the



HB 1639

2003
CS

249 person to use a gill net to legally harvest mullet in commercial
250 quantities from Alabama waters.

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

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

260 4. The mullet being transported are totally removed from
261 any net also being transported.

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

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

274 2. For a second major violation under this paragraph
275 charged within 7 years of a previous judicial disposition, which
276 results in a second judicial disposition other than acquittal or



HB 1639

2003
CS

277 dismissal, a civil penalty of \$5,000 and suspension of all
278 saltwater products license privileges for 12 months shall be
279 imposed.

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

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

299 (c) During the period of suspension or revocation of
300 saltwater license privileges under this subsection, the licensee
301 shall not participate in the taking or harvesting, or attempt
302 the taking or harvesting, of saltwater products from any vessel
303 within the waters of the state; be aboard any vessel on which a
304 commercial quantity of saltwater products is possessed through



305 an activity requiring a license pursuant to this section; or
 306 engage in any other activity requiring a license, permit, or
 307 certificate issued pursuant to this chapter. Any person who is
 308 convicted of violating this paragraph:

309 1. Upon a first or second conviction, is guilty of a
 310 misdemeanor of the first degree, punishable as provided in s.
 311 775.082 or s. 775.083.

312 2. Upon a third or subsequent conviction, is guilty of a
 313 felony of the third degree, punishable as provided in s.
 314 775.082, s. 775.083, or s. 775.084.

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

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

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

328 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
 329 CERTAIN FINFISH.--It is a major violation pursuant to this
 330 section, punishable as provided in paragraph (3)(b), for any
 331 person to be in possession of any species of trout, snook, or



HB 1639

2003
CS

332 | redfish which is three fish in excess of the recreational or
333 | commercial daily bag limit.

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

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

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

356 | (c) For a third or subsequent violation occurring within a
357 | 24-month period, the commission shall assess a civil penalty of
358 | \$5,000 and shall suspend the wholesale or retail dealer's
359 | license privileges for up to 24 months.



HB 1639

2003
CS

360
361 Any proceeds from the civil penalties assessed pursuant to this
362 subsection shall be deposited into the Marine Resources
363 Conservation Trust Fund and shall be used as follows: 40 percent
364 for administration and processing purposes and 60 percent for
365 law enforcement purposes.

366 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
367 HARVEST.--It is a major violation and punishable as provided in
368 this subsection for an unlicensed person who is required to be
369 licensed under this chapter to sell or purchase any saltwater
370 product or to harvest or attempt to harvest any saltwater
371 product with intent to sell the saltwater product.

372 (a) Any person who sells or purchases any saltwater
373 product without having purchased the licenses required by this
374 chapter for such sale is subject to penalties as follows:

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

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

382 3. A third violation is a misdemeanor of the first degree,
383 punishable as provided in s. 775.082 or s. 775.083, with a
384 mandatory minimum term of imprisonment of 6 months, and such
385 person may also be assessed a civil penalty of up to \$5,000 and
386 is subject to a suspension of all license privileges under this
387 chapter and chapter 372 for a period not exceeding 180 days.



388 4. A third violation within 1 year after a second
 389 violation is a felony of the third degree, punishable as
 390 provided in s. 775.082 or s. 775.083, with a mandatory minimum
 391 term of imprisonment of 1 year, and such person shall also be
 392 assessed a civil penalty of \$5,000 and all license privileges
 393 under this chapter and chapter 372 shall be permanently revoked.

394 5. A fourth or subsequent violation is a felony of the
 395 third degree, punishable as provided in s. 775.082 or s.
 396 775.083, with a mandatory minimum term of imprisonment of 1
 397 year, and such person shall also be assessed a civil penalty of
 398 \$5,000 and all license privileges under this chapter and chapter
 399 372 shall be permanently revoked.

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

408 (c) Any person whose license privileges under this chapter
 409 are under suspension and who during such period of suspension
 410 sells or purchases or attempts to sell or purchase any saltwater
 411 product shall be assessed the following penalties:

412 1. A first violation, or a second violation occurring more
 413 than 12 months after a first violation, is a first degree
 414 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
 415 and such person may also be assessed a civil penalty of up to



HB 1639

2003
CS

416 \$2,500 and an additional suspension of all license privileges
417 under this chapter and chapter 372 for a period not exceeding 90
418 days.

419 2. A second violation occurring within 12 months of a
420 first violation is a third degree felony, punishable as provided
421 in ss. 775.082 and 775.083, with a mandatory minimum term of
422 imprisonment of 1 year, and such person may also be assessed a
423 civil penalty of up to \$5,000 and an additional suspension of
424 all license privileges under this chapter and chapter 372 for a
425 period not exceeding 180 days. All property involved in such
426 offense shall be forfeited pursuant to s. 370.061.

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

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

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

441 2. A second violation is a misdemeanor of the first
442 degree, punishable as provided in s. 775.082 or s. 775.083, and
443 such person may also be assessed a civil penalty of up to \$2,500



HB 1639

2003
CS

444 and is subject to a suspension of all license privileges under
445 this chapter and chapter 372 for a period not exceeding 90 days.

446 3. A third violation is a misdemeanor of the first degree,
447 punishable as provided in s. 775.082 or s. 775.083, with a
448 mandatory minimum term of imprisonment of 6 months, and such
449 person may also be assessed a civil penalty of up to \$5,000 and
450 is subject to a suspension of all license privileges under this
451 chapter and chapter 372 for a period not exceeding 180 days.

452 4. A third violation within 1 year after a second
453 violation is a felony of the third degree, punishable as
454 provided in s. 775.082 or s. 775.083, with a mandatory minimum
455 term of imprisonment of 1 year, and such person shall also be
456 assessed a civil penalty of \$5,000 and all license privileges
457 under this chapter and chapter 372 shall be permanently revoked.

458 5. A fourth or subsequent violation is a felony of the
459 third degree, punishable as provided in s. 775.082 or s.
460 775.083, with a mandatory minimum term of imprisonment of 1
461 year, and such person shall also be assessed a mandatory civil
462 penalty of \$5,000 and all license privileges under this chapter
463 and chapter 372 shall be permanently revoked.

464
465 For purposes of this subsection, a violation means any judicial
466 disposition other than acquittal or dismissal.

467 (7)(6) PUBLICATIONS BY COMMISSION.--The commission is
468 given authority, from time to time in its discretion, to cause
469 the statutory laws under its jurisdiction, together with any
470 rules promulgated by it, to be published in pamphlet form for
471 free distribution in this state. The commission is authorized to



HB 1639

2003
CS

472 make charges for technical and educational publications and
473 mimeographed material of use for educational or reference
474 purposes. Such charges shall be made at the discretion of the
475 commission. Such charges may be sufficient to cover cost of
476 preparation, printing, publishing, and distribution. All moneys
477 received for publications shall be deposited into the fund from
478 which the cost of the publication was paid. The commission is
479 further authorized to enter into agreements with persons, firms,
480 corporations, governmental agencies, and other institutions
481 whereby publications may be exchanged reciprocally in lieu of
482 payments for said publications.

483 (8)~~(7)~~ POWERS OF OFFICERS.--

484 (a) Law enforcement officers of the commission are
485 constituted law enforcement officers of this state with full
486 power to investigate and arrest for any violation of the laws of
487 this state and the rules of the commission under their
488 jurisdiction. The general laws applicable to arrests by peace
489 officers of this state shall also be applicable to law
490 enforcement officers of the commission. Such law enforcement
491 officers may enter upon any land or waters of the state for
492 performance of their lawful duties and may take with them any
493 necessary equipment, and such entry will not constitute a
494 trespass. It is lawful for any boat, motor vehicle, or aircraft
495 owned or chartered by the commission or its agents or employees
496 to land on and depart from any of the beaches or waters of the
497 state. Such law enforcement officers have the authority, without
498 warrant, to board, inspect, and search any boat, fishing
499 appliance, storage or processing plant, fishhouse, spongehouse,



HB 1639

2003
CS

500 oysterhouse, or other warehouse, building, or vehicle engaged in
501 transporting or storing any fish or fishery products. Such
502 authority to search and inspect without a search warrant is
503 limited to those cases in which such law enforcement officers
504 have reason to believe that fish or any saltwater products are
505 taken or kept for sale, barter, transportation, or other
506 purposes in violation of laws or rules promulgated under this
507 law. Any such law enforcement officer may at any time seize or
508 take possession of any saltwater products or contraband which
509 have been unlawfully caught, taken, or processed or which are
510 unlawfully possessed or transported in violation of any of the
511 laws of this state or any rule of the commission. Such law
512 enforcement officers may arrest any person in the act of
513 violating any of the provisions of this law, the rules of the
514 commission, or any of the laws of this state. It is hereby
515 declared unlawful for any person to resist such arrest or in any
516 manner interfere, either by abetting or assisting such
517 resistance or otherwise interfering, with any such law
518 enforcement officer while engaged in the performance of the
519 duties imposed upon him or her by law or rule of the commission.

520 (b) The Legislature finds that the checking and inspection
521 of saltwater products aboard vessels is critical to good fishery
522 management and conservation and that, because almost all
523 saltwater products are either iced or cooled in closed areas or
524 containers, the enforcement of seasons, size limits, and bag
525 limits can only be effective when inspection of saltwater
526 products so stored is immediate and routine. Therefore, in
527 addition to the authority granted in paragraph (a), a law



HB 1639

2003
CS

528 enforcement officer of the commission who has probable cause to
529 believe that the vessel has been used for fishing prior to the
530 inspection shall have full authority to open and inspect all
531 containers or areas where saltwater products are normally kept
532 aboard vessels while such vessels are on the water, such as
533 refrigerated or iced locations, coolers, fish boxes, and bait
534 wells, but specifically excluding such containers that are
535 located in sleeping or living areas of the vessel.

536 (9)~~(8)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF
537 RECORDS.--Records and documents of the commission created in
538 compliance with and in the implementation of this chapter or
539 former chapter 371 shall be retained by the commission as
540 specified in record retention schedules established under the
541 general provisions of chapters 119 and 257. Such records
542 retained by the Department of Environmental Protection on July
543 1, 1999, shall be transferred to the commission. Further, the
544 commission is authorized to:

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

547 (b) Photograph, microphotograph, or reproduce such records
548 and documents on film, as authorized and directed by the
549 approved retention schedules, whereby each page will be exposed
550 in exact conformity with the original records and documents
551 retained in compliance with the provisions of this section.
552 Photographs or microphotographs in the form of film or print of
553 any records, made in compliance with the provisions of this
554 section, shall have the same force and effect as the originals
555 thereof would have and shall be treated as originals for the



HB 1639

2003
CS

556 purpose of their admissibility in evidence. Duly certified or
557 authenticated reproductions of such photographs or
558 microphotographs shall be admitted in evidence equally with the
559 original photographs or microphotographs. The impression of the
560 seal of the commission on a certificate made pursuant to the
561 provisions hereof and signed by the executive director of the
562 commission shall entitle the same to be received in evidence in
563 all courts and in all proceedings in this state and shall be
564 prima facie evidence of all factual matters set forth in the
565 certificate. A certificate may relate to one or more records, as
566 set forth in the certificate, or in a schedule continued on an
567 attachment to the certificate.

568 (c) Furnish certified copies of such records for a fee of
569 \$1 which shall be deposited in the Marine Resources Conservation
570 Trust Fund.

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

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

582 (12)~~(11)~~ REVOCATION OF LICENSES.--Any person licensed
583 under this chapter who has been convicted of taking aquaculture



584 species raised at a certified facility shall have his or her
585 license revoked for 5 years by the commission pursuant to the
586 provisions and procedures of s. 120.60.

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

604 Section 5. Paragraph (d) of subsection (5) of section
605 370.061, Florida Statutes, is amended to read:

606 370.061 Confiscation, seizure, and forfeiture of property
607 and products.--

608 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
609 PRODUCTS; PROCEDURE.--

610 (d) For purposes of confiscation under this subsection,
611 the term "saltwater products" has the meaning set out in s.



HB 1639

2003
CS

612 370.01(26)~~(25)~~, except that the term does not include saltwater
 613 products harvested under the authority of a recreational license
 614 unless the amount of such harvested products exceeds three times
 615 the applicable recreational bag limit for trout, snook, or
 616 redfish.

617 Section 6. Paragraph (c) of subsection (2) of section
 618 370.1107, Florida Statutes, is amended to read:

619 370.1107 Definition; possession of certain licensed traps
 620 prohibited; penalties; exceptions; consent.--

621 (2) It is unlawful for any person, firm, corporation, or
 622 association to be in actual or constructive possession of a
 623 licensed saltwater fisheries trap registered with the Fish and
 624 Wildlife Conservation Commission in another person's, firm's,
 625 corporation's, or association's name.

626 (c) Upon receipt of any judicial disposition other than
 627 dismissal or acquittal on a charge of violating the arrest and
 628 conviction for violation of this section, or any provision of
 629 law or rule making unlawful the possession of another person's
 630 saltwater fisheries trap, a person shall permanently lose all
 631 saltwater fishing privileges, including licenses, trap
 632 certificates, and the ability to transfer trap certificates any
 633 licenseholder shall show just cause why his or her license shall
 634 not be suspended or permanently revoked.

635 Section 7. Paragraph (b) of subsection (2) of section
 636 370.13, Florida Statutes, is amended to read:

637 370.13 Stone crab; regulation.--

638 (2) PENALTIES.--For purposes of this subsection,
 639 conviction is any disposition other than acquittal or dismissal,



HB 1639

2003
CS

640 regardless of whether the violation was adjudicated under any
641 state or federal law.

642 (b) It is unlawful for any person to remove the contents
643 of another harvester's trap or take possession of such trap
644 without the express written consent of the trap owner available
645 for immediate inspection. ~~Such~~ Unauthorized possession of
646 another person's trap gear or removal of trap contents
647 constitutes theft. Any person convicted of theft of or from a
648 trap pursuant to this subsection or s. 370.1107 shall, in
649 addition to the penalties specified in s. 370.021 and the
650 provisions of this section, permanently lose all his or her
651 saltwater fishing privileges, including saltwater products
652 licenses, stone crab or incidental take endorsements, and all
653 trap certificates allotted to him or her by the commission. In
654 such cases, trap certificates and endorsements are
655 nontransferable. In addition, any person, firm, or corporation
656 convicted of violating the prohibitions referenced in this
657 paragraph shall also be assessed an administrative penalty of up
658 to \$5,000. Immediately upon receiving a citation for a violation
659 involving theft of or from a trap and until adjudicated for such
660 a violation, or, upon receipt of a judicial disposition other
661 than dismissal or acquittal on ~~if convicted of~~ such a violation,
662 the violator is prohibited from transferring any stone crab or
663 lobster certificates.

664 Section 8. Subsection (1) of section 370.135, Florida
665 Statutes, is amended to read:

666 370.135 Blue crab; regulation.--



HB 1639

2003
CS

667 (1) No person, firm, or corporation shall transport on the
668 water, fish with or cause to be fished with, set, or place any
669 trap designed for taking blue crabs unless such person, firm, or
670 corporation is the holder of a valid saltwater products license
671 issued pursuant to s. 370.06 and the trap has a current state
672 number permanently attached to the buoy. The trap number shall
673 be affixed in legible figures at least 1 inch high on each buoy
674 used. The saltwater products license must be on board the boat,
675 and both the license and the crabs shall be subject to
676 inspection at all times. Only one trap number may be issued for
677 each boat by the commission upon receipt of an application on
678 forms prescribed by it. This subsection shall not apply to an
679 individual fishing with no more than five traps. It is a felony
680 of the third degree, punishable as provided in s. 775.082, s.
681 775.083, or s. 775.084, for any person willfully to molest any
682 traps, lines, or buoys, as defined herein, belonging to another
683 without the express written consent of the trap owner ~~permission~~
684 ~~of the licenseholder~~. Any person receiving a judicial
685 disposition other than dismissal or acquittal on a charge of
686 willful molestation of a trap, in addition to the penalties
687 specified in s. 370.021, shall lose all saltwater fishing
688 privileges for a period of 24 calendar months. It is unlawful
689 for any person to remove the contents of or take possession of
690 another harvester's trap without the express written consent of
691 the trap owner available for immediate inspection. ~~Such~~
692 Unauthorized possession of another's trap gear or removal of
693 trap contents constitutes theft. Any person receiving a judicial
694 disposition other than dismissal or acquittal on a charge



HB 1639

2003
CS

695 ~~convicted~~ of theft of or from a trap pursuant to this subsection
 696 or s. 370.1107 shall, in addition to the penalties specified in
 697 s. 370.021 and the provisions of this section, permanently lose
 698 all his or her saltwater fishing privileges including his or her
 699 saltwater products license and blue crab endorsement. In such
 700 cases endorsements, landings history, and trap certificates are
 701 nontransferable. In addition, any person, firm, or corporation
 702 receiving a judicial disposition other than dismissal or
 703 acquittal for ~~convicted of~~ violating this subsection or s.
 704 370.1107 shall also be assessed an administrative penalty of up
 705 to \$5,000. Immediately upon receiving a citation for a violation
 706 involving theft of or from a trap and until adjudicated for such
 707 a violation, or receiving a judicial disposition other than
 708 dismissal or acquittal for ~~if convicted of~~ such a violation, the
 709 person, firm, or corporation committing the violation is
 710 prohibited from transferring any blue crab endorsements,
 711 landings history, or trap certificates.

712 Section 9. Paragraph (c) of subsection (2) of section
 713 370.142, Florida Statutes, is amended to read:

714 370.142 Spiny lobster trap certificate program.--

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

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

721 1. It is unlawful for a person to possess or use a spiny
 722 lobster trap in or on state waters or adjacent federal waters



HB 1639

2003
CS

723 without having affixed thereto the trap tag required by this
724 section. It is unlawful for a person to possess or use any other
725 gear or device designed to attract and enclose or otherwise aid
726 in the taking of spiny lobster by trapping that is not a trap as
727 defined in rule 68B-24.006(2), Florida Administrative Code.

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

731 3. It is unlawful for any person to willfully molest or
732 take possession of, or remove the contents of, another
733 harvester's trap without the express written consent of the trap
734 owner available for immediate inspection. ~~Such~~ Unauthorized
735 possession of another's trap gear or removal of trap contents
736 constitutes theft. Any person receiving a judicial disposition
737 other than dismissal or acquittal on a charge ~~convicted~~ of theft
738 of or from a trap pursuant to this subparagraph or s. 370.1107
739 shall, in addition to the penalties specified in ss. 370.021 and
740 370.14 and the provisions of this section, permanently lose all
741 his or her saltwater fishing privileges, including his or her
742 saltwater products license, crawfish endorsement, and all trap
743 certificates allotted to him or her through this program. In
744 such cases, trap certificates and endorsements are
745 nontransferable. Any person receiving a judicial disposition
746 other than dismissal or acquittal on a charge of willful
747 molestation of a trap, in addition to the penalties specified in
748 ss. 370.021 and 370.14, shall lose all saltwater fishing
749 privileges for a period of 24 calendar months. In addition, any
750 person, firm, or corporation charged with violating this



HB 1639

2003
CS

751 paragraph and receiving a judicial disposition other than
752 dismissal or acquittal for violating this subparagraph or s.
753 370.1107 ~~convicted of violating this paragraph~~ shall also be
754 assessed an administrative penalty of up to \$5,000. Immediately
755 upon receiving a citation for a violation involving theft of or
756 from a trap, or molestation of a trap, and until adjudicated for
757 such a violation or, upon receipt of a judicial disposition
758 other than dismissal or acquittal on ~~if convicted of~~ such a
759 violation, the person, firm, or corporation committing the
760 violation is prohibited from transferring any crawfish trap
761 certificates and endorsements.

762 4. In addition to any other penalties provided in s.
763 370.021, a commercial harvester, as defined by rule 68B-
764 24.002(1), Florida Administrative Code, who violates the
765 provisions of this section, or the provisions relating to traps
766 of chapter 68B-24, Florida Administrative Code, shall be
767 punished as follows:

768 a. If the first violation is for violation of subparagraph
769 1. or subparagraph 2., the commission shall assess an additional
770 civil penalty of up to \$1,000 and the crawfish trap number
771 issued pursuant to s. 370.14(2) or (6) may be suspended for the
772 remainder of the current license year. For all other first
773 violations, the commission shall assess an additional civil
774 penalty of up to \$500.

775 b. For a second violation of subparagraph 1. or
776 subparagraph 2. which occurs within 24 months of any previous
777 such violation, the commission shall assess an additional civil
778 penalty of up to \$2,000 and the crawfish trap number issued



779 | pursuant to s. 370.14(2) or (6) may be suspended for the
780 | remainder of the current license year.

781 | c. For a third or subsequent violation of subparagraph 1.,
782 | subparagraph 2., or subparagraph 3. which occurs within 36
783 | months of any previous two such violations, the commission shall
784 | assess an additional civil penalty of up to \$5,000 and may
785 | suspend the crawfish trap number issued pursuant to s. 370.14(2)
786 | or (6) for a period of up to 24 months or may revoke the
787 | crawfish trap number and, if revoking the crawfish trap number,
788 | may also proceed against the licenseholder's saltwater products
789 | license in accordance with the provisions of s. 370.021(2)(h).

790 | d. Any person assessed an additional civil penalty
791 | pursuant to this section shall within 30 calendar days after
792 | notification:

793 | (I) Pay the civil penalty to the commission; or

794 | (II) Request an administrative hearing pursuant to the
795 | provisions of s. 120.60.

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

799 | 5.a. It is unlawful for any person to make, alter, forge,
800 | counterfeit, or reproduce a spiny lobster trap tag or
801 | certificate.

802 | b. It is unlawful for any person to knowingly have in his
803 | or her possession a forged, counterfeit, or imitation spiny
804 | lobster trap tag or certificate.

805 | c. It is unlawful for any person to barter, trade, sell,
806 | supply, agree to supply, aid in supplying, or give away a spiny



HB 1639

2003
CS

807 lobster trap tag or certificate or to conspire to barter, trade,
808 sell, supply, aid in supplying, or give away a spiny lobster
809 trap tag or certificate unless such action is duly authorized by
810 the commission as provided in this chapter or in the rules of
811 the commission.

812 6.a. Any person who violates the provisions of
813 subparagraph 5., or any person who engages in the commercial
814 harvest, trapping, or possession of spiny lobster without a
815 crawfish trap number as required by s. 370.14(2) or (6) or
816 during any period while such crawfish trap number is under
817 suspension or revocation, commits a felony of the third degree,
818 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

825 7. Any certificates for which the annual certificate fee
826 is not paid for a period of 3 years shall be considered
827 abandoned and shall revert to the commission. During any period
828 of trap reduction, any certificates reverting to the commission
829 shall become permanently unavailable and be considered in that
830 amount to be reduced during the next license-year period.
831 Otherwise, any certificates that revert to the commission are to
832 be reallocated in such manner as provided by the commission.

833 8. The proceeds of all civil penalties collected pursuant
834 to subparagraph 4. and all fines collected pursuant to sub-



HB 1639

2003
CS

835 subparagraph 6.b. shall be deposited into the Marine Resources
836 Conservation Trust Fund.

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

839 Section 10. Subsections (6) and (7) of section 370.15,
840 Florida Statutes, are amended to read:

841 370.15 Shrimp; regulation.--

842 ~~(6) LIVE BAIT SHRIMPING; LICENSES.--Live bait shrimp may~~
843 ~~be caught at any time but only under license issued by the~~
844 ~~commission. Licensees must fish with gear and under those~~
845 ~~conditions specified by the commission. Application for such~~
846 ~~licenses shall be on forms supplied by the commission. A live~~
847 ~~bait shrimping license shall be revocable when the holder does~~
848 ~~not comply with the laws and regulations applicable to saltwater~~
849 ~~conservation. All vessels fishing for live bait shrimp must be~~
850 ~~equipped with live bait shrimp tanks, and no more than 5 pounds~~
851 ~~of dead shrimp will be allowed on board such vessel per day.~~

852 (6)(7) CLOSED AREA FOR SHRIMPING.--

853 (a) No shrimping except for live bait shrimp shall be
854 permitted in all waters within the following described area:
855 Begin at a point of latitude 24°41'54" North and longitude
856 81°40'30" West near Snipe Point in Monroe County; thence go
857 North 35°53'16" West approximately 9 nautical miles to a point
858 of approximate latitude 24°41'55" North and longitude 81°46'15"
859 West, 3 marine leagues seaward of Snipe Point; thence easterly
860 and northerly following a line which is 3 marine leagues seaward
861 of the mean low-water line of the seawardmost points in Florida
862 Bay and the Gulf of Mexico to a point at latitude 26°00'00"



HB 1639

2003
CS

863 North and approximate longitude 81°56'30" West; thence east to a
864 point on the mean high-water line at latitude 26°00'00" North
865 and approximate longitude 81°44'06" West; thence southerly and
866 easterly along the mean high-water line of the Florida mainland
867 to its intersection with the westerly right-of-way of the U.S.
868 Highway 1 bridge in Long Sound; thence follow the westerly and
869 northern right-of-way of U.S. Highway 1 to a point on
870 Saddlebunch Key latitude 24°37'06" North and approximate
871 longitude 81°36'42" West; thence on a straight line to the point
872 of beginning.

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

876 Section 11. Subsection (3) of section 370.153, Florida
877 Statutes, is amended to read:

878 370.153 Regulation of shrimp fishing; Clay, Duval, Nassau,
879 Putnam, Flagler, and St. Johns Counties.--

880 (3) LIVE BAIT SHRIMP PRODUCTION.--

881 (a) A live bait shrimp production license shall be issued
882 by the Fish and Wildlife Conservation Commission upon the
883 receipt of an application by a person intending to use a boat,
884 not to exceed 35 feet in length in Duval, St. Johns, Putnam,
885 Flagler, and Clay Counties and not to exceed 45 feet in length
886 in Nassau County, for live shrimp production within the inland
887 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
888 Counties and the payment of a fee of \$250. The annual fee of
889 \$250 shall be collected by the commission for the issuance of
890 the license during a 60-day period beginning June 1 of each



HB 1639

2003
CS

891 year. The design of the application and permit shall be
892 determined by the commission. The proceeds of the fee imposed by
893 this paragraph shall be used by the Fish and Wildlife
894 Conservation Commission for the purposes of enforcement of
895 marine resource laws.

896 (b) The Executive Director of the Fish and Wildlife
897 Conservation Commission, or his or her designated
898 representative, may by order close certain areas to live bait
899 shrimp production when sampling procedures justify the closing
900 based upon sound conservation practices. The revocation of any
901 order to close has the effect of opening the area.

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

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

912 a. Maintain onshore facilities which have been annually
913 checked and approved by the local commission office to assure
914 the facilities' ability to maintain the catch alive when the
915 live bait shrimp producer produces for his or her own facility;
916 or

917 b. Sell his or her catch only to persons who have onshore
918 facilities that have been annually checked and approved by the



HB 1639

2003
CS

919 local commission office to assure the facilities' ability to
920 maintain the catch alive, when the producer sells his or her
921 catch to an onshore facility. The producer shall provide the
922 commission with the wholesale number of the facility to which
923 the shrimp have been sold and shall submit this number on a form
924 designed and approved by the commission.

925 2. All persons who maintain onshore facilities as
926 described in this paragraph, whether the facilities are
927 maintained by the licensed live bait shrimp producer or by
928 another party who purchases shrimp from live bait shrimp
929 producers, shall keep records of their transactions in
930 conformance with the provisions of s. 370.07(6).

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

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

939 (f)~~(g)~~ The commission shall rename the Live Bait Shrimp
940 Production License as the Commercial Live Shrimp Production
941 License.

942 Section 12. Paragraph (d) of subsection (2) of section
943 370.1535, Florida Statutes, is amended to read:

944 370.1535 Regulation of shrimp fishing in Tampa Bay;
945 licensing requirements.--



HB 1639

2003
CS

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

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

953 Section 13. Section 370.154, Florida Statutes, is amended
954 to read:

955 370.154 Shrimp regulations; closed areas; suspension of
956 license, etc.--Any person convicted of taking shrimp in a closed
957 area who is punishable under s. 370.15(5) ~~or (6)~~ shall, in
958 addition to the penalties set forth therein, have his or her
959 permit and the permit of the boat involved in the violation,
960 issued pursuant to s. 370.15(4), revoked, if the person holds
961 such a permit, and he or she shall be ineligible to make
962 application for such a permit for a period of 2 years from the
963 date of such conviction. If a person not having a permit is
964 convicted hereunder, that person and the boat involved in the
965 violation shall not be eligible for such a permit for 5 years.

966 Section 14. For the purpose of incorporating the amendment
967 made by this act to section 370.021, Florida Statutes, in
968 references therein, the following subdivisions of the Florida
969 Statutes are reenacted to read:

970 370.0603 Marine Resources Conservation Trust Fund;
971 purposes.--

972 (2) The Marine Resources Conservation Trust Fund shall
973 receive the proceeds from:



HB 1639

2003
CS

974 (d) All fines and penalties pursuant to s. 370.021.
 975 370.07 Wholesale and retail saltwater products dealers;
 976 regulation.--
 977 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--
 978 (c) In addition to, or in lieu of, the penalty imposed
 979 pursuant to this subsection, the commission may impose penalties
 980 pursuant to s. 370.021.
 981 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--
 982 (b) The commission may revoke, suspend, or deny the
 983 renewal of the license of any dealer for failure to make and
 984 keep required records, for failure to make required reports, for
 985 failure or refusal to permit the examination of required
 986 records, or for falsifying any such record. In addition to, or
 987 in lieu of, the penalties imposed pursuant to this paragraph and
 988 s. 370.021, the commission may impose against any person, firm,
 989 or corporation who is determined to have violated any provision
 990 of this paragraph or any provisions of any commission rules
 991 adopted pursuant to s. 370.0607, the following additional
 992 penalties:
 993 1. For the first violation, a civil penalty of up to
 994 \$1,000;
 995 2. For a second violation committed within 24 months of
 996 any previous violation, a civil penalty of up to \$2,500; and
 997 3. For a third or subsequent violation committed within 36
 998 months of any previous two violations, a civil penalty of up to
 999 \$5,000.

1000



HB 1639

2003
CS

1001 The proceeds of all civil penalties collected pursuant to this
 1002 subsection shall be deposited into the Marine Resources
 1003 Conservation Trust Fund and shall be used for administration,
 1004 auditing, and law enforcement purposes.

1005 372.5704 Fish and Wildlife Conservation Commission license
 1006 program for tarpon; fees; penalties.--

1007 (5) Any individual including a taxidermist who possesses a
 1008 tarpon which does not have a tag securely attached as required
 1009 by this section shall be subject to penalties as prescribed in
 1010 s. 370.021. Provided, however, a taxidermist may remove the tag
 1011 during the process of mounting a tarpon. The removed tag shall
 1012 remain with the fish during any subsequent storage or shipment.

1013 Section 15. This act shall take effect upon becoming a
 1014 law.