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CHAMBER ACTION

The Committee on Appropriations 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. 327.73, F.S.; correcting a reference; authorizing the clerk of the circuit court to dismiss a citation for expired boating registration under certain circumstances; 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,



29 F.S.; revising penalties for unlawful possession of
 30 registered blue crab traps or removal of trap contents;
 31 amending s. 370.142, F.S.; prohibiting willful molestation
 32 or possession of spiny lobster traps; revising penalties
 33 for unlawful possession of spiny lobster traps or removal
 34 of trap contents; amending 370.15, F.S.; deleting license
 35 requirement for live bait shrimping; amending s. 370.153,
 36 F.S.; deleting provisions requiring certain equipment
 37 while live bait shrimping; amending ss. 370.1535 and
 38 370.154, F.S.; correcting cross references; reenacting ss.
 39 370.0603(2)(d), 370.07(5)(c) and (6)(b), and 372.5704(5),
 40 F.S., to incorporate amendments made by the act in
 41 references thereto; providing an effective date.

42
 43 Be It Enacted by the Legislature of the State of Florida:

44
 45 Section 1. Subsection (2) of section 327.30, Florida
 46 Statutes, is amended to read:

47 327.30 Collisions, accidents, and casualties.--

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



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57 give notice of the accident to one of the following agencies:
58 the Division of Law Enforcement of the Fish and Wildlife
59 Conservation Commission; the sheriff of the county within which
60 the accident occurred; or the police chief of the municipality
61 within which the accident occurred, if applicable.

62 Section 2. Section 327.43, Florida Statutes, is amended to
63 read:

64 327.43 Silver Glen Run and Silver Glen Springs; navigation
65 channel; ~~anchorage buoys; violations.~~--

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

70 ~~(2) The commission is further directed to establish~~
71 ~~permanent anchorage buoys within Silver Glen Run and Silver Glen~~
72 ~~Springs.~~

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

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



84 Section 3. Paragraph (g) of subsection (1) and subsection
85 (4) of section 327.73, Florida Statutes, are amended to read:

86 327.73 Noncriminal infractions.--

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

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

91

92 Any person cited for a violation of any such provision shall be
93 deemed to be charged with a noncriminal infraction, shall be
94 cited for such an infraction, and shall be cited to appear
95 before the county court. The civil penalty for any such
96 infraction is \$50, except as otherwise provided in this section.

97 Any person who fails to appear or otherwise properly respond to
98 a uniform boating citation shall, in addition to the charge
99 relating to the violation of the boating laws of this state, be
100 charged with the offense of failing to respond to such citation
101 and, upon conviction, be guilty of a misdemeanor of the second
102 degree, punishable as provided in s. 775.082 or s. 775.083. A
103 written warning to this effect shall be provided at the time
104 such uniform boating citation is issued.

105 (4) Any person charged with a noncriminal infraction under
106 this section may:

107 (a) Pay the civil penalty, either by mail or in person,
108 within 30 days of the date of receiving the citation; or~~7~~

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

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112 If the person cited follows either of the above procedures, he
113 or she shall be deemed to have admitted the noncriminal
114 infraction and to have waived the right to a hearing on the
115 issue of commission of the infraction. Such admission shall not
116 be used as evidence in any other proceedings. If a person who is
117 cited for a violation of s. 327.395 can show a boating safety
118 identification card issued to that person and valid at the time
119 of the citation, the clerk of the court may dismiss the case and
120 may assess a \$5 dismissal fee. If a person who is cited for a
121 violation of s. 328.72(13) can show proof of having a
122 registration for that vessel that was valid at the time of the
123 citation, the clerk can dismiss the case and assess a \$5
124 dismissal fee.

125 Section 4. Subsections (15) through (27) of section
126 370.01, Florida Statutes, are redesignated as subsections (16)
127 through (28), respectively, and a new subsection (15) is added
128 to said section to read:

129 370.01 Definitions.--In construing these statutes, where
130 the context does not clearly indicate otherwise, the word,
131 phrase, or term:

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

135 Section 5. Section 370.021, Florida Statutes, is amended
136 to read:

137 370.021 Administration; rules, publications, records;
138 penalties; injunctions.--



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

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

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

151
 152 Upon final disposition of any alleged offense for which a
 153 citation for any violation of this chapter or the rules of the
 154 commission has been issued, the court shall, within 10 days,
 155 certify the disposition to the commission.

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

160 (a) For a violation involving more than 100 illegal blue
 161 crabs, crawfish, or stone crabs, an additional penalty of \$10
 162 for each illegal blue crab, crawfish, stone crab, or part
 163 thereof.

164 (b) For a violation involving the taking or harvesting of
 165 shrimp from a nursery or other prohibited area, or any two
 166 violations within a 12-month period involving shrimping gear,



167 minimum size (count), or season, an additional penalty of \$10
168 for each pound of illegal shrimp or part thereof.

169 (c) For a violation involving the taking or harvesting of
170 oysters from nonapproved areas or the taking or possession of
171 unculled oysters, an additional penalty of \$10 for each bushel
172 of illegal oysters.

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

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

- 179 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 180 2. Atlantic sturgeon (*Acipenser oxyrhynchus*);
- 181 3. Common snook (*Centropomus undecimalis*);
- 182 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 183 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 184 6. Leatherback turtle (*Dermochelys coriacea*);
- 185 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
186 *imbracata*);
- 187 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 188 9. West Indian manatee (*Trichechus manatus latirostris*),

189
190 an additional penalty of \$100 for each unit of marine life or
191 part thereof.

192 (f) For a second or subsequent conviction within 24 months
193 for any violation of the same law or rule involving the taking



194 or harvesting of more than 100 pounds of any finfish, an
195 additional penalty of \$5 for each pound of illegal finfish.

196 (g) For any violation involving the taking, harvesting, or
197 possession of more than 1,000 pounds of any illegal finfish, an
198 additional penalty equivalent to the wholesale value of the
199 illegal finfish.

200 (h) Permits issued to any person, firm, or corporation by
201 the commission to take or harvest saltwater products, or any
202 license issued pursuant to s. 370.06 or s. 370.07 may be
203 suspended or revoked by the commission, pursuant to the
204 provisions and procedures of s. 120.60, for any major violation
205 prescribed in this subsection:

- 206 1. Upon a first conviction, for up to 30 calendar days.
- 207 2. Upon a second conviction which occurs within 12 months
208 after a prior violation, for up to 90 calendar days.
- 209 3. Upon a third conviction which occurs within 24 months
210 after a prior conviction, for up to 180 calendar days.
- 211 4. Upon a fourth conviction which occurs within 36 months
212 after a prior conviction, for a period of 6 months to 3 years.

213 (i) Upon the arrest and conviction for a major violation
214 involving stone crabs, the licenseholder must show just cause
215 why his or her license should not be suspended or revoked. For
216 the purposes of this paragraph, a "major violation" means a
217 major violation as prescribed for illegal stone crabs; any
218 single violation involving possession of more than 25 stone
219 crabs during the closed season or possession of 25 or more
220 whole-bodied or egg-bearing stone crabs; any violation for trap
221 molestation, trap robbing, or pulling traps at night; or any



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222 combination of violations in any 3-consecutive-year period
223 wherein more than 75 illegal stone crabs in the aggregate are
224 involved.

225 (j) Upon the arrest and conviction for a major violation
226 involving crawfish, the licenseholder must show just cause why
227 his or her license should not be suspended or revoked. For the
228 purposes of this paragraph, a "major violation" means a major
229 violation as prescribed for illegal crawfish; any single
230 violation involving possession of more than 25 crawfish during
231 the closed season or possession of more than 25 wrung crawfish
232 tails or more than 25 egg-bearing or stripped crawfish; any
233 violation for trap molestation, trap robbing, or pulling traps
234 at night; or any combination of violations in any 3-consecutive-
235 year period wherein more than 75 illegal crawfish in the
236 aggregate are involved.

237 (k) Upon the arrest and conviction for a major violation
238 involving blue crabs, the licenseholder shall show just cause
239 why his or her saltwater products license should not be
240 suspended or revoked. This paragraph shall not apply to an
241 individual fishing with no more than five traps. For the
242 purposes of this paragraph, a "major violation" means a major
243 violation as prescribed for illegal blue crabs, any single
244 violation wherein 50 or more illegal blue crabs are involved;
245 any violation for trap molestation, trap robbing, or pulling
246 traps at night; or any combination of violations in any 3-
247 consecutive-year period wherein more than 100 illegal blue crabs
248 in the aggregate are involved.



249 (1) Upon the conviction for a major violation involving
 250 finfish, the licenseholder must show just cause why his or her
 251 saltwater products license should not be suspended or revoked.
 252 For the purposes of this paragraph, a major violation is
 253 prescribed for the taking and harvesting of illegal finfish, any
 254 single violation involving the possession of more than 100
 255 pounds of illegal finfish, or any combination of violations in
 256 any 3-consecutive-year period wherein more than 200 pounds of
 257 illegal finfish in the aggregate are involved.

258 (m) For a violation involving the taking or harvesting of
 259 any marine life species, as those species are defined by rule of
 260 the commission, the harvest of which is prohibited, or the
 261 taking or harvesting of such a species out of season, or with an
 262 illegal gear or chemical, or any violation involving the
 263 possession of 25 or more individual specimens of marine life
 264 species, or any combination of violations in any 3-year period
 265 involving more than 70 such specimens in the aggregate, the
 266 suspension or revocation of the licenseholder's marine life
 267 endorsement as provided in paragraph (h).

268
 269 Notwithstanding the provisions of s. 948.01, no court may
 270 suspend, defer, or withhold adjudication of guilt or imposition
 271 of sentence for any major violation prescribed in this
 272 subsection. The proceeds from the penalties assessed pursuant to
 273 this subsection shall be deposited into the Marine Resources
 274 Conservation Trust Fund to be used for marine fisheries research
 275 or into the commission's Federal Law Enforcement Trust Fund as
 276 provided in s. 372.107, as applicable.



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

278 (a) It is a major violation pursuant to this section,
 279 punishable as provided in paragraph (b) for any person, firm, or
 280 corporation to be simultaneously in possession of any species of
 281 mullet in excess of the recreational daily bag limit and any
 282 gill or other entangling net as defined in s. 16(c), Art. X of
 283 the State Constitution. Simultaneous possession under this
 284 provision shall include possession of mullet and gill or other
 285 entangling nets on separate vessels or vehicles where such
 286 vessels or vehicles are operated in coordination with one
 287 another including vessels towed behind a main vessel. This
 288 subsection does not prohibit a resident of this state from
 289 transporting on land, from Alabama to this state, a commercial
 290 quantity of mullet together with a gill net if:

291 1. The person possesses a valid commercial fishing license
 292 that is issued by the State of Alabama and that allows the
 293 person to use a gill net to legally harvest mullet in commercial
 294 quantities from Alabama waters.

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

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



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304 4. The mullet being transported are totally removed from
305 any net also being transported.

306 (b) In addition to being subject to the other penalties
307 provided in this chapter, any violation of s. 16(b), Art. X of
308 the State Constitution, or any rules of the commission which
309 implement the gear prohibitions and restrictions specified
310 therein shall be considered a major violation; and any person,
311 firm, or corporation receiving any judicial disposition other
312 than acquittal or dismissal of such violation shall be subject
313 to the following additional penalties:

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

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

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

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331 A court may suspend, defer, or withhold adjudication of guilt or
332 imposition of sentence only for any first violation of s. 16,
333 Art. X of the State Constitution, or any rule or statute
334 implementing its restrictions, determined by a court only after
335 consideration of competent evidence of mitigating circumstances
336 to be a nonflagrant or minor violation of those restrictions
337 upon the use of nets. Any violation of s. 16, Art. X of the
338 State Constitution, or any rule or statute implementing its
339 restrictions, occurring within a 7-year period commencing upon
340 the conclusion of any judicial proceeding resulting in any
341 outcome other than acquittal shall be punished as a second,
342 third, or subsequent violation accordingly.

343 (c) During the period of suspension or revocation of
344 saltwater license privileges under this subsection, the licensee
345 shall not participate in the taking or harvesting, or attempt
346 the taking or harvesting, of saltwater products from any vessel
347 within the waters of the state; be aboard any vessel on which a
348 commercial quantity of saltwater products is possessed through
349 an activity requiring a license pursuant to this section; or
350 engage in any other activity requiring a license, permit, or
351 certificate issued pursuant to this chapter. Any person who is
352 convicted of violating this paragraph:

353 1. Upon a first or second conviction, is guilty of a
354 misdemeanor of the first degree, punishable as provided in s.
355 775.082 or s. 775.083.

356 2. Upon a third or subsequent conviction, is guilty of a
357 felony of the third degree, punishable as provided in s.
358 775.082, s. 775.083, or s. 775.084.



359 (d) Upon reinstatement of saltwater license privileges
 360 suspended pursuant to a violation of this subsection, a licensee
 361 owning or operating a vessel containing or otherwise
 362 transporting in or on Florida waters any gill net or other
 363 entangling net, or containing or otherwise transporting in
 364 nearshore and inshore Florida waters any net containing more
 365 than 500 square feet of mesh area shall remain restricted for a
 366 period of 12 months following reinstatement, to operating under
 367 the following conditions:

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

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

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

378 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
 379 HARVESTED PRODUCTS.--In addition to other penalties authorized
 380 in this chapter, any violation of s. 370.06 or s. 370.07, or
 381 rules of the commission implementing s. 370.06 or s. 370.07,
 382 involving the purchase of saltwater products by a commercial
 383 wholesale dealer, retail dealer, or restaurant facility for
 384 public consumption from an unlicensed person, firm, or
 385 corporation, or the sale of saltwater products by an unlicensed
 386 person, firm, or corporation or the purchase or sale of any



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387 saltwater product known to be taken in violation of s. 16, Art.
388 X of the State Constitution, or rule or statute implementing the
389 provisions thereof, by a commercial wholesale dealer, retail
390 dealer, or restaurant facility, for public consumption, is a
391 major violation, and the commission may assess the following
392 penalties:

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

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

400 (c) For a third or subsequent violation occurring within a
401 24-month period, the commission shall assess a civil penalty of
402 \$5,000 and shall suspend the wholesale or retail dealer's
403 license privileges for up to 24 months.

404
405 Any proceeds from the civil penalties assessed pursuant to this
406 subsection shall be deposited into the Marine Resources
407 Conservation Trust Fund and shall be used as follows: 40 percent
408 for administration and processing purposes and 60 percent for
409 law enforcement purposes.

410 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
411 HARVEST.--It is a major violation and punishable as provided in
412 this subsection for an unlicensed person who is required to be
413 licensed under this chapter to sell or purchase any saltwater



414 product or to harvest or attempt to harvest any saltwater
415 product with intent to sell the saltwater product.

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

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

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

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

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

438 5. A fourth or subsequent violation is a felony of the
439 third degree, punishable as provided in s. 775.082 or s.
440 775.083, with a mandatory minimum term of imprisonment of 1
441 year, and such person shall also be assessed a civil penalty of



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442 \$5,000 and all license privileges under this chapter and chapter
443 372 shall be permanently revoked.

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

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

456 1. A first violation, or a second violation occurring more
457 than 12 months after a first violation, is a first degree
458 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
459 and such person may also be assessed a civil penalty of up to
460 \$2,500 and an additional suspension of all license privileges
461 under this chapter and chapter 372 for a period not exceeding 90
462 days.

463 2. A second violation occurring within 12 months of a
464 first violation is a third degree felony, punishable as provided
465 in ss. 775.082 and 775.083, with a mandatory minimum term of
466 imprisonment of 1 year, and such person may also be assessed a
467 civil penalty of up to \$5,000 and an additional suspension of
468 all license privileges under this chapter and chapter 372 for a



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469 period not exceeding 180 days. All property involved in such
470 offense shall be forfeited pursuant to s. 370.061.

471 3. A third or subsequent violation is a third degree
472 felony, punishable as provided in ss. 775.082 and 775.083, with
473 a mandatory minimum term of imprisonment of 1 year, and such
474 person shall also be assessed a mandatory civil penalty of up to
475 \$5,000 and an additional suspension of all license privileges
476 under this chapter and chapter 372 for a period not exceeding 24
477 months. All property involved in such offense shall be forfeited
478 pursuant to s. 370.061.

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

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

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

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



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

502 5. A fourth or subsequent violation is a felony of the
 503 third degree, punishable as provided in s. 775.082 or s.
 504 775.083, with a mandatory minimum term of imprisonment of 1
 505 year, and such person shall also be assessed a mandatory civil
 506 penalty of \$5,000 and all license privileges under this chapter
 507 and chapter 372 shall be permanently revoked.

508
 509 For purposes of this subsection, a violation means any judicial
 510 disposition other than acquittal or dismissal.

511 (7)(6) PUBLICATIONS BY COMMISSION.--The commission is
 512 given authority, from time to time in its discretion, to cause
 513 the statutory laws under its jurisdiction, together with any
 514 rules promulgated by it, to be published in pamphlet form for
 515 free distribution in this state. The commission is authorized to
 516 make charges for technical and educational publications and
 517 mimeographed material of use for educational or reference
 518 purposes. Such charges shall be made at the discretion of the
 519 commission. Such charges may be sufficient to cover cost of
 520 preparation, printing, publishing, and distribution. All moneys
 521 received for publications shall be deposited into the fund from
 522 which the cost of the publication was paid. The commission is
 523 further authorized to enter into agreements with persons, firms,



524 corporations, governmental agencies, and other institutions
 525 whereby publications may be exchanged reciprocally in lieu of
 526 payments for said publications.

527 (8)~~(7)~~ POWERS OF OFFICERS.--

528 (a) Law enforcement officers of the commission are
 529 constituted law enforcement officers of this state with full
 530 power to investigate and arrest for any violation of the laws of
 531 this state and the rules of the commission under their
 532 jurisdiction. The general laws applicable to arrests by peace
 533 officers of this state shall also be applicable to law
 534 enforcement officers of the commission. Such law enforcement
 535 officers may enter upon any land or waters of the state for
 536 performance of their lawful duties and may take with them any
 537 necessary equipment, and such entry will not constitute a
 538 trespass. It is lawful for any boat, motor vehicle, or aircraft
 539 owned or chartered by the commission or its agents or employees
 540 to land on and depart from any of the beaches or waters of the
 541 state. Such law enforcement officers have the authority, without
 542 warrant, to board, inspect, and search any boat, fishing
 543 appliance, storage or processing plant, fishhouse, spongehouse,
 544 oysterhouse, or other warehouse, building, or vehicle engaged in
 545 transporting or storing any fish or fishery products. Such
 546 authority to search and inspect without a search warrant is
 547 limited to those cases in which such law enforcement officers
 548 have reason to believe that fish or any saltwater products are
 549 taken or kept for sale, barter, transportation, or other
 550 purposes in violation of laws or rules promulgated under this
 551 law. Any such law enforcement officer may at any time seize or



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552 take possession of any saltwater products or contraband which
553 have been unlawfully caught, taken, or processed or which are
554 unlawfully possessed or transported in violation of any of the
555 laws of this state or any rule of the commission. Such law
556 enforcement officers may arrest any person in the act of
557 violating any of the provisions of this law, the rules of the
558 commission, or any of the laws of this state. It is hereby
559 declared unlawful for any person to resist such arrest or in any
560 manner interfere, either by abetting or assisting such
561 resistance or otherwise interfering, with any such law
562 enforcement officer while engaged in the performance of the
563 duties imposed upon him or her by law or rule of the commission.

564 (b) The Legislature finds that the checking and inspection
565 of saltwater products aboard vessels is critical to good fishery
566 management and conservation and that, because almost all
567 saltwater products are either iced or cooled in closed areas or
568 containers, the enforcement of seasons, size limits, and bag
569 limits can only be effective when inspection of saltwater
570 products so stored is immediate and routine. Therefore, in
571 addition to the authority granted in paragraph (a), a law
572 enforcement officer of the commission who has probable cause to
573 believe that the vessel has been used for fishing prior to the
574 inspection shall have full authority to open and inspect all
575 containers or areas where saltwater products are normally kept
576 aboard vessels while such vessels are on the water, such as
577 refrigerated or iced locations, coolers, fish boxes, and bait
578 wells, but specifically excluding such containers that are
579 located in sleeping or living areas of the vessel.



580 (9)~~(8)~~ RETENTION, DESTRUCTION, AND REPRODUCTION OF
581 RECORDS.--Records and documents of the commission created in
582 compliance with and in the implementation of this chapter or
583 former chapter 371 shall be retained by the commission as
584 specified in record retention schedules established under the
585 general provisions of chapters 119 and 257. Such records
586 retained by the Department of Environmental Protection on July
587 1, 1999, shall be transferred to the commission. Further, the
588 commission is authorized to:

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

591 (b) Photograph, microphotograph, or reproduce such records
592 and documents on film, as authorized and directed by the
593 approved retention schedules, whereby each page will be exposed
594 in exact conformity with the original records and documents
595 retained in compliance with the provisions of this section.
596 Photographs or microphotographs in the form of film or print of
597 any records, made in compliance with the provisions of this
598 section, shall have the same force and effect as the originals
599 thereof would have and shall be treated as originals for the
600 purpose of their admissibility in evidence. Duly certified or
601 authenticated reproductions of such photographs or
602 microphotographs shall be admitted in evidence equally with the
603 original photographs or microphotographs. The impression of the
604 seal of the commission on a certificate made pursuant to the
605 provisions hereof and signed by the executive director of the
606 commission shall entitle the same to be received in evidence in
607 all courts and in all proceedings in this state and shall be



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608 prima facie evidence of all factual matters set forth in the
609 certificate. A certificate may relate to one or more records, as
610 set forth in the certificate, or in a schedule continued on an
611 attachment to the certificate.

612 (c) Furnish certified copies of such records for a fee of
613 \$1 which shall be deposited in the Marine Resources Conservation
614 Trust Fund.

615 (10)~~(9)~~ COURTS OF EQUITY MAY ENJOIN.--Courts of equity in
616 this state have jurisdiction to enforce the conservation laws of
617 this state by injunction.

618 (11)~~(10)~~ BOND OF EMPLOYEES.--The commission may require,
619 as it determines, that bond be given by any employee of the
620 commission or divisions thereof, payable to the Governor of the
621 state and the Governor's successor in office, for the use and
622 benefit of those whom it may concern, in such penal sums with
623 good and sufficient surety or sureties approved by the
624 commission conditioned for the faithful performance of the
625 duties of such employee.

626 (12)~~(11)~~ REVOCATION OF LICENSES.--Any person licensed
627 under this chapter who has been convicted of taking aquaculture
628 species raised at a certified facility shall have his or her
629 license revoked for 5 years by the commission pursuant to the
630 provisions and procedures of s. 120.60.

631 (13)~~(12)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
632 purposes of imposing license or permit suspensions or
633 revocations authorized by this chapter, the license or permit
634 under which the violation was committed is subject to suspension
635 or revocation by the commission. For purposes of assessing



636 monetary civil or administrative penalties authorized by this
 637 chapter, the person, firm, or corporation cited and subsequently
 638 receiving a judicial disposition of other than dismissal or
 639 acquittal in a court of law is subject to the monetary penalty
 640 assessment by the commission. However, if the license or
 641 permitholder of record is not the person, firm, or corporation
 642 receiving the citation and judicial disposition, the license or
 643 permit may be suspended or revoked only after the license or
 644 permitholder has been notified by the commission that the
 645 license or permit has been cited in a major violation and is now
 646 subject to suspension or revocation should the license or permit
 647 be cited for subsequent major violations.

648 Section 6. Paragraph (d) of subsection (5) of section
 649 370.061, Florida Statutes, is amended to read:

650 370.061 Confiscation, seizure, and forfeiture of property
 651 and products.--

652 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
 653 PRODUCTS; PROCEDURE.--

654 (d) For purposes of confiscation under this subsection,
 655 the term "saltwater products" has the meaning set out in s.
 656 370.01(26)(~~25~~), except that the term does not include saltwater
 657 products harvested under the authority of a recreational license
 658 unless the amount of such harvested products exceeds three times
 659 the applicable recreational bag limit for trout, snook, or
 660 redfish.

661 Section 7. Paragraph (c) of subsection (2) of section
 662 370.1107, Florida Statutes, is amended to read:



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663 370.1107 Definition; possession of certain licensed traps
664 prohibited; penalties; exceptions; consent.--

665 (2) It is unlawful for any person, firm, corporation, or
666 association to be in actual or constructive possession of a
667 licensed saltwater fisheries trap registered with the Fish and
668 Wildlife Conservation Commission in another person's, firm's,
669 corporation's, or association's name.

670 (c) Upon receipt of any judicial disposition other than
671 dismissal or acquittal on a charge of violating the arrest and
672 conviction for violation of this section, or any provision of
673 law or rule making unlawful the possession of another person's
674 saltwater fisheries trap, a person shall permanently lose all
675 saltwater fishing privileges, including licenses, trap
676 certificates, and the ability to transfer trap certificates any
677 licenseholder shall show just cause why his or her license shall
678 not be suspended or permanently revoked.

679 Section 8. Paragraph (b) of subsection (2) of section
680 370.13, Florida Statutes, is amended to read:

681 370.13 Stone crab; regulation.--

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

686 (b) It is unlawful for any person to remove the contents
687 of another harvester's trap or take possession of such trap
688 without the express written consent of the trap owner available
689 for immediate inspection. ~~Such~~ Unauthorized possession of
690 another person's trap gear or removal of trap contents



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691 | constitutes theft. Any person convicted of theft of or from a
 692 | trap pursuant to this subsection or s. 370.1107 shall, in
 693 | addition to the penalties specified in s. 370.021 and the
 694 | provisions of this section, permanently lose all his or her
 695 | saltwater fishing privileges, including saltwater products
 696 | licenses, stone crab or incidental take endorsements, and all
 697 | trap certificates allotted to him or her by the commission. In
 698 | such cases, trap certificates and endorsements are
 699 | nontransferable. In addition, any person, firm, or corporation
 700 | convicted of violating the prohibitions referenced in this
 701 | paragraph shall also be assessed an administrative penalty of up
 702 | to \$5,000. Immediately upon receiving a citation for a violation
 703 | involving theft of or from a trap and until adjudicated for such
 704 | a violation, or, upon receipt of a judicial disposition other
 705 | than dismissal or acquittal on ~~if convicted of~~ such a violation,
 706 | the violator is prohibited from transferring any stone crab or
 707 | lobster certificates.

708 | Section 9. Subsection (1) of section 370.135, Florida
 709 | Statutes, is amended to read:

710 | 370.135 Blue crab; regulation.--

711 | (1) No person, firm, or corporation shall transport on the
 712 | water, fish with or cause to be fished with, set, or place any
 713 | trap designed for taking blue crabs unless such person, firm, or
 714 | corporation is the holder of a valid saltwater products license
 715 | issued pursuant to s. 370.06 and the trap has a current state
 716 | number permanently attached to the buoy. The trap number shall
 717 | be affixed in legible figures at least 1 inch high on each buoy
 718 | used. The saltwater products license must be on board the boat,



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719 and both the license and the crabs shall be subject to
720 inspection at all times. Only one trap number may be issued for
721 each boat by the commission upon receipt of an application on
722 forms prescribed by it. This subsection shall not apply to an
723 individual fishing with no more than five traps. It is a felony
724 of the third degree, punishable as provided in s. 775.082, s.
725 775.083, or s. 775.084, for any person willfully to molest any
726 traps, lines, or buoys, as defined herein, belonging to another
727 without the express written consent of the trap owner ~~permission~~
728 ~~of the licenseholder~~. Any person receiving a judicial
729 disposition other than dismissal or acquittal on a charge of
730 willful molestation of a trap, in addition to the penalties
731 specified in s. 370.021, shall lose all saltwater fishing
732 privileges for a period of 24 calendar months. It is unlawful
733 for any person to remove the contents of or take possession of
734 another harvester's trap without the express written consent of
735 the trap owner available for immediate inspection. ~~Such~~
736 ~~Unauthorized~~ possession of another's trap gear or removal of
737 trap contents constitutes theft. Any person receiving a judicial
738 disposition other than dismissal or acquittal on a charge
739 ~~convicted~~ of theft of or from a trap pursuant to this subsection
740 or s. 370.1107 shall, in addition to the penalties specified in
741 s. 370.021 and the provisions of this section, permanently lose
742 all his or her saltwater fishing privileges including his or her
743 saltwater products license and blue crab endorsement. In such
744 cases endorsements, landings history, and trap certificates are
745 nontransferable. In addition, any person, firm, or corporation
746 receiving a judicial disposition other than dismissal or



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747 acquittal for ~~convicted of~~ violating this subsection or s.
 748 370.1107 shall also be assessed an administrative penalty of up
 749 to \$5,000. Immediately upon receiving a citation for a violation
 750 involving theft of or from a trap and until adjudicated for such
 751 a violation, or receiving a judicial disposition other than
 752 dismissal or acquittal for ~~if convicted of~~ such a violation, the
 753 person, firm, or corporation committing the violation is
 754 prohibited from transferring any blue crab endorsements,
 755 landings history, or trap certificates.

756 Section 10. Paragraph (c) of subsection (2) of section
 757 370.142, Florida Statutes, is amended to read:

758 370.142 Spiny lobster trap certificate program.--

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

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

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

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



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775 3. It is unlawful for any person to willfully molest or
776 take possession of, or remove the contents of, another
777 harvester's trap without the express written consent of the trap
778 owner available for immediate inspection. ~~Such~~ Unauthorized
779 possession of another's trap gear or removal of trap contents
780 constitutes theft. Any person receiving a judicial disposition
781 other than dismissal or acquittal on a charge ~~convicted~~ of theft
782 of or from a trap pursuant to this subparagraph or s. 370.1107
783 shall, in addition to the penalties specified in ss. 370.021 and
784 370.14 and the provisions of this section, permanently lose all
785 his or her saltwater fishing privileges, including his or her
786 saltwater products license, crawfish endorsement, and all trap
787 certificates allotted to him or her through this program. In
788 such cases, trap certificates and endorsements are
789 nontransferable. Any person receiving a judicial disposition
790 other than dismissal or acquittal on a charge of willful
791 molestation of a trap, in addition to the penalties specified in
792 ss. 370.021 and 370.14, shall lose all saltwater fishing
793 privileges for a period of 24 calendar months. In addition, any
794 person, firm, or corporation charged with violating this
795 paragraph and receiving a judicial disposition other than
796 dismissal or acquittal for violating this subparagraph or s.
797 370.1107 ~~convicted of violating this paragraph~~ shall also be
798 assessed an administrative penalty of up to \$5,000. Immediately
799 upon receiving a citation for a violation involving theft of or
800 from a trap, or molestation of a trap, and until adjudicated for
801 such a violation or, upon receipt of a judicial disposition
802 other than dismissal or acquittal on ~~if convicted of~~ such a



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803 violation, the person, firm, or corporation committing the
804 violation is prohibited from transferring any crawfish trap
805 certificates and endorsements.

806 4. In addition to any other penalties provided in s.
807 370.021, a commercial harvester, as defined by rule 68B-
808 24.002(1), Florida Administrative Code, who violates the
809 provisions of this section, or the provisions relating to traps
810 of chapter 68B-24, Florida Administrative Code, shall be
811 punished as follows:

812 a. If the first violation is for violation of subparagraph
813 1. or subparagraph 2., the commission shall assess an additional
814 civil penalty of up to \$1,000 and the crawfish trap number
815 issued pursuant to s. 370.14(2) or (6) may be suspended for the
816 remainder of the current license year. For all other first
817 violations, the commission shall assess an additional civil
818 penalty of up to \$500.

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

825 c. For a third or subsequent violation of subparagraph 1.,
826 subparagraph 2., or subparagraph 3. which occurs within 36
827 months of any previous two such violations, the commission shall
828 assess an additional civil penalty of up to \$5,000 and may
829 suspend the crawfish trap number issued pursuant to s. 370.14(2)
830 or (6) for a period of up to 24 months or may revoke the



831 | crawfish trap number and, if revoking the crawfish trap number,
832 | may also proceed against the licenseholder's saltwater products
833 | license in accordance with the provisions of s. 370.021(2)(h).

834 | d. Any person assessed an additional civil penalty
835 | pursuant to this section shall within 30 calendar days after
836 | notification:

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

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

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

843 | 5.a. It is unlawful for any person to make, alter, forge,
844 | counterfeit, or reproduce a spiny lobster trap tag or
845 | certificate.

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

849 | c. It is unlawful for any person to barter, trade, sell,
850 | supply, agree to supply, aid in supplying, or give away a spiny
851 | lobster trap tag or certificate or to conspire to barter, trade,
852 | sell, supply, aid in supplying, or give away a spiny lobster
853 | trap tag or certificate unless such action is duly authorized by
854 | the commission as provided in this chapter or in the rules of
855 | the commission.

856 | 6.a. Any person who violates the provisions of
857 | subparagraph 5., or any person who engages in the commercial
858 | harvest, trapping, or possession of spiny lobster without a



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859 | crawfish trap number as required by s. 370.14(2) or (6) or
860 | during any period while such crawfish trap number is under
861 | suspension or revocation, commits a felony of the third degree,
862 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

869 | 7. Any certificates for which the annual certificate fee
870 | is not paid for a period of 3 years shall be considered
871 | abandoned and shall revert to the commission. During any period
872 | of trap reduction, any certificates reverting to the commission
873 | shall become permanently unavailable and be considered in that
874 | amount to be reduced during the next license-year period.
875 | Otherwise, any certificates that revert to the commission are to
876 | be reallocated in such manner as provided by the commission.

877 | 8. The proceeds of all civil penalties collected pursuant
878 | to subparagraph 4. and all fines collected pursuant to sub-
879 | subparagraph 6.b. shall be deposited into the Marine Resources
880 | Conservation Trust Fund.

881 | 9. All traps shall be removed from the water during any
882 | period of suspension or revocation.

883 | Section 11. Subsections (6) and (7) of section 370.15,
884 | Florida Statutes, are amended to read:

885 | 370.15 Shrimp; regulation.--



886 ~~(6) LIVE BAIT SHRIMPING; LICENSES. Live bait shrimp may~~
 887 ~~be caught at any time but only under license issued by the~~
 888 ~~commission. Licensees must fish with gear and under those~~
 889 ~~conditions specified by the commission. Application for such~~
 890 ~~licenses shall be on forms supplied by the commission. A live~~
 891 ~~bait shrimping license shall be revocable when the holder does~~
 892 ~~not comply with the laws and regulations applicable to saltwater~~
 893 ~~conservation. All vessels fishing for live bait shrimp must be~~
 894 ~~equipped with live bait shrimp tanks, and no more than 5 pounds~~
 895 ~~of dead shrimp will be allowed on board such vessel per day.~~

896 (6)(7) CLOSED AREA FOR SHRIMPING.--

897 (a) No shrimping except for live bait shrimp shall be
 898 permitted in all waters within the following described area:
 899 Begin at a point of latitude 24°41'54" North and longitude
 900 81°40'30" West near Snipe Point in Monroe County; thence go
 901 North 35°53'16" West approximately 9 nautical miles to a point
 902 of approximate latitude 24°41'55" North and longitude 81°46'15"
 903 West, 3 marine leagues seaward of Snipe Point; thence easterly
 904 and northerly following a line which is 3 marine leagues seaward
 905 of the mean low-water line of the seawardmost points in Florida
 906 Bay and the Gulf of Mexico to a point at latitude 26°00'00"
 907 North and approximate longitude 81°56'30" West; thence east to a
 908 point on the mean high-water line at latitude 26°00'00" North
 909 and approximate longitude 81°44'06" West; thence southerly and
 910 easterly along the mean high-water line of the Florida mainland
 911 to its intersection with the westerly right-of-way of the U.S.
 912 Highway 1 bridge in Long Sound; thence follow the westerly and
 913 northern right-of-way of U.S. Highway 1 to a point on



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914 Saddlebunch Key latitude 24°37'06" North and approximate
915 longitude 81°36'42" West; thence on a straight line to the point
916 of beginning.

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

920 Section 12. Subsection (3) of section 370.153, Florida
921 Statutes, is amended to read:

922 370.153 Regulation of shrimp fishing; Clay, Duval, Nassau,
923 Putnam, Flagler, and St. Johns Counties.--

924 (3) LIVE BAIT SHRIMP PRODUCTION.--

925 (a) A live bait shrimp production license shall be issued
926 by the Fish and Wildlife Conservation Commission upon the
927 receipt of an application by a person intending to use a boat,
928 not to exceed 35 feet in length in Duval, St. Johns, Putnam,
929 Flagler, and Clay Counties and not to exceed 45 feet in length
930 in Nassau County, for live shrimp production within the inland
931 waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay
932 Counties and the payment of a fee of \$250. The annual fee of
933 \$250 shall be collected by the commission for the issuance of
934 the license during a 60-day period beginning June 1 of each
935 year. The design of the application and permit shall be
936 determined by the commission. The proceeds of the fee imposed by
937 this paragraph shall be used by the Fish and Wildlife
938 Conservation Commission for the purposes of enforcement of
939 marine resource laws.

940 (b) The Executive Director of the Fish and Wildlife
941 Conservation Commission, or his or her designated



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942 representative, may by order close certain areas to live bait
943 shrimp production when sampling procedures justify the closing
944 based upon sound conservation practices. The revocation of any
945 order to close has the effect of opening the area.

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

953 (c)(d)1. Each licensed live bait shrimp producer who
954 stores his or her catch for sale or sells his or her catch shall
955 either:

956 a. Maintain onshore facilities which have been annually
957 checked and approved by the local commission office to assure
958 the facilities' ability to maintain the catch alive when the
959 live bait shrimp producer produces for his or her own facility;
960 or

961 b. Sell his or her catch only to persons who have onshore
962 facilities that have been annually checked and approved by the
963 local commission office to assure the facilities' ability to
964 maintain the catch alive, when the producer sells his or her
965 catch to an onshore facility. The producer shall provide the
966 commission with the wholesale number of the facility to which
967 the shrimp have been sold and shall submit this number on a form
968 designed and approved by the commission.



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969 2. All persons who maintain onshore facilities as
970 described in this paragraph, whether the facilities are
971 maintained by the licensed live bait shrimp producer or by
972 another party who purchases shrimp from live bait shrimp
973 producers, shall keep records of their transactions in
974 conformance with the provisions of s. 370.07(6).

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

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

983 (f)~~(g)~~ The commission shall rename the Live Bait Shrimp
984 Production License as the Commercial Live Shrimp Production
985 License.

986 Section 13. Paragraph (d) of subsection (2) of section
987 370.1535, Florida Statutes, is amended to read:

988 370.1535 Regulation of shrimp fishing in Tampa Bay;
989 licensing requirements.--

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

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



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997 Section 14. Section 370.154, Florida Statutes, is amended
998 to read:

999 370.154 Shrimp regulations; closed areas; suspension of
1000 license, etc.--Any person convicted of taking shrimp in a closed
1001 area who is punishable under s. 370.15(5) ~~or (6)~~ shall, in
1002 addition to the penalties set forth therein, have his or her
1003 permit and the permit of the boat involved in the violation,
1004 issued pursuant to s. 370.15(4), revoked, if the person holds
1005 such a permit, and he or she shall be ineligible to make
1006 application for such a permit for a period of 2 years from the
1007 date of such conviction. If a person not having a permit is
1008 convicted hereunder, that person and the boat involved in the
1009 violation shall not be eligible for such a permit for 5 years.

1010 Section 15. For the purpose of incorporating the amendment
1011 made by this act to section 370.021, Florida Statutes, in
1012 references therein, the following subdivisions of the Florida
1013 Statutes are reenacted to read:

1014 370.0603 Marine Resources Conservation Trust Fund;
1015 purposes.--

1016 (2) The Marine Resources Conservation Trust Fund shall
1017 receive the proceeds from:

1018 (d) All fines and penalties pursuant to s. 370.021.

1019 370.07 Wholesale and retail saltwater products dealers;
1020 regulation.--

1021 (5) LICENSE DENIAL, SUSPENSION, OR REVOCATION.--

1022 (c) In addition to, or in lieu of, the penalty imposed
1023 pursuant to this subsection, the commission may impose penalties
1024 pursuant to s. 370.021.



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1025 (6) RECORDS TO BE KEPT ON SALTWATER PRODUCTS.--

1026 (b) The commission may revoke, suspend, or deny the

1027 renewal of the license of any dealer for failure to make and

1028 keep required records, for failure to make required reports, for

1029 failure or refusal to permit the examination of required

1030 records, or for falsifying any such record. In addition to, or

1031 in lieu of, the penalties imposed pursuant to this paragraph and

1032 s. 370.021, the commission may impose against any person, firm,

1033 or corporation who is determined to have violated any provision

1034 of this paragraph or any provisions of any commission rules

1035 adopted pursuant to s. 370.0607, the following additional

1036 penalties:

1037 1. For the first violation, a civil penalty of up to

1038 \$1,000;

1039 2. For a second violation committed within 24 months of

1040 any previous violation, a civil penalty of up to \$2,500; and

1041 3. For a third or subsequent violation committed within 36

1042 months of any previous two violations, a civil penalty of up to

1043 \$5,000.

1044

1045 The proceeds of all civil penalties collected pursuant to this

1046 subsection shall be deposited into the Marine Resources

1047 Conservation Trust Fund and shall be used for administration,

1048 auditing, and law enforcement purposes.

1049 372.5704 Fish and Wildlife Conservation Commission license

1050 program for tarpon; fees; penalties.--

1051 (5) Any individual including a taxidermist who possesses a

1052 tarpon which does not have a tag securely attached as required



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1053 | by this section shall be subject to penalties as prescribed in
1054 | s. 370.021. Provided, however, a taxidermist may remove the tag
1055 | during the process of mounting a tarpon. The removed tag shall
1056 | remain with the fish during any subsequent storage or shipment.

1057 | Section 16. This act shall take effect upon becoming a
1058 | law.