

By Senator Posey

24-1140-03

See HB 655

1 A bill to be entitled
2 An act relating to Brevard County; amending
3 chapter 94-419, Laws of Florida, as amended by
4 chapter 2000-451, Laws of Florida; revising
5 provisions relating to license term; revising
6 provisions relating to fees; revising
7 provisions relating to the limitation on the
8 issuance of licenses; revising provisions
9 relating to the use of proceeds from the
10 collection of licensing fees; providing an
11 expiration date; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsections (1), (3), (4), and (7) of
16 section 2 and sections 5 and 12 of section 1 of chapter
17 2000-451, Laws of Florida, are amended to read:

18 Section 2. (1) The Fish and Wildlife Conservation
19 Commission shall issue a resident or nonresident clam license
20 during a 61-day period beginning June 1 of each year, except
21 that in 1994 the 61-day period shall begin on the effective
22 date of this act. The term of the license begins on July 1 of
23 the purchase year and ends on June 30 of the following ~~third~~
24 ~~succeeding~~ year. The fee for a resident license is \$100 ~~\$300~~,
25 and the fee for a nonresident license is \$400 ~~\$1,200~~. The
26 license is valid only for the individual licensee to whom it
27 is issued. The nonresident license must be readily
28 distinguishable from the resident license.

29 (3) A license may be purchased after the annual 61-day
30 license issuance period upon the payment of an additional \$400
31 ~~\$1,200~~ late fee to the commission.

1 (4) Beginning June 1, 1996, no new clam licenses shall
2 be issued by the Department of Environmental Protection or the
3 Fish and Wildlife Conservation Commission until the total
4 number of active and renewed clam licenses for Brevard County
5 falls below 400 ~~500~~ for the previous license year. In any year
6 thereafter, the commission may issue such additional new
7 licenses to bring the total number of licenses issued for
8 Brevard County up to a maximum of 400 ~~500~~.

9 (7) On July 1 of each year, the Fish and Wildlife
10 Conservation Commission will determine if the total number of
11 licenses has fallen below 400 ~~500~~. If so, the commission may
12 issue new licenses under the following stipulations:

13 (a) First priority will be given to current Brevard
14 County Hard Clam License holders who have missed one of the
15 required educational seminars. Applicants will have a 60-day
16 period beginning July 1 to apply for a new license and
17 complete the missed educational seminar.

18 (b) Second priority will be given to past Brevard
19 County Hard Clam License holders under this act. Applicants
20 will have a 60-day period beginning September 1 to apply for a
21 new license and complete all missed educational seminars.

22 (c) Final priority will be on a first-come
23 first-served basis. Applicants will have a 60-day period
24 beginning November 1 to apply for a new license and complete
25 all educational seminars.

26 (d) New licenses will not be issued between January 1
27 and June 30 of any year.

28 Section 5. The Fish and Wildlife Conservation
29 Commission shall remit the proceeds from the clam license to
30 the Department of Agriculture and Consumer Services less any
31 reasonable administrative costs associated with the issuance

1 of said license.The proceeds from the collection of license
2 fees or civil penalties under this act, including any late
3 fees, are to be deposited in the General Inspection Trust Fund
4 of the Department of Agriculture and Consumer Services and,
5 less reasonable administrative and educational costs, must be
6 appropriated for the initial testing and reclassification of
7 shellfish-harvesting waters in Brevard County. A portion of
8 the proceeds, not more than 40 percent, must be used to mark
9 those open and closed waters of Brevard County until all such
10 waters are so marked. An additional portion of the proceeds
11 must be used for clam resource restoration and enhancement
12 projects in various areas of benefit to and in coordination
13 with the Brevard County clamming industry.

14 Section 12. This act shall expire July 1, 2008 ~~2003~~.

15 Section 2. This act shall take effect upon becoming a
16 law.

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