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A bill to be entitled  
 An act relating to trust funds; terminating the Florida  
 Preservation 2000 Trust Fund and the Federal Law  
 Enforcement Trust Fund within the Fish and Wildlife  
 Conservation Commission; providing for the disposition of  
 balances in and revenues of the trust funds; prescribing  
 procedures for the termination of the trust funds;  
 amending ss. 370.021, 370.061, 372.73, 372.9901, 372.9904,  
 and 932.7055, F.S.; correcting cross references; repealing  
 s. 372.107, F.S., relating to the Federal Law Enforcement  
 Trust Fund within the Fish and Wildlife Conservation  
 Commission; providing an effective date.

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

Section 1. (1) The Florida Preservation 2000 Trust Fund  
 within the Fish and Wildlife Conservation Commission, FLAIR  
 number 77-2-332, is terminated.

(2) All current balances remaining in, and all revenues  
 of, the trust fund shall be transferred to the Florida Forever  
 Program Trust Fund within the Fish and Wildlife Conservation  
 Commission, FLAIR number 77-2-349.

(3) The Fish and Wildlife Conservation Commission shall  
 pay any outstanding debts and obligations of the terminated fund  
 as soon as practicable, and the Chief Financial Officer shall  
 close out and remove the terminated fund from the various state  
 accounting systems using generally accepted accounting  
 principles concerning warrants outstanding, assets, and

29 | liabilities.

30 |       Section 2. (1) The Federal Law Enforcement Trust Fund  
 31 | within the Fish and Wildlife Conservation Commission, FLAIR  
 32 | number 77-2-719, is terminated.

33 |       (2) All current balances remaining in, and all revenues  
 34 | of, the trust fund shall be transferred to the Federal Grants  
 35 | Trust Fund within the Fish and Wildlife Conservation Commission.

36 |       (3) The Fish and Wildlife Conservation Commission shall  
 37 | pay any outstanding debts and obligations of the terminated fund  
 38 | as soon as practicable, and the Chief Financial Officer shall  
 39 | close out and remove the terminated fund from the various state  
 40 | accounting systems using generally accepted accounting  
 41 | principles concerning warrants outstanding, assets, and  
 42 | liabilities.

43 |       Section 3. Subsection (2) of section 370.021, Florida  
 44 | Statutes, is amended to read:

45 |       370.021 Administration; rules, publications, records;  
 46 | penalties; injunctions.--

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

51 |       (a) For a violation involving more than 100 illegal blue  
 52 | crabs, crawfish, or stone crabs, an additional penalty of \$10  
 53 | for each illegal blue crab, crawfish, stone crab, or part  
 54 | thereof.

55 |       (b) For a violation involving the taking or harvesting of  
 56 | shrimp from a nursery or other prohibited area, or any two

57 | violations within a 12-month period involving shrimping gear,  
 58 | minimum size (count), or season, an additional penalty of \$10  
 59 | for each pound of illegal shrimp or part thereof.

60 | (c) For a violation involving the taking or harvesting of  
 61 | oysters from nonapproved areas or the taking or possession of  
 62 | unculled oysters, an additional penalty of \$10 for each bushel  
 63 | of illegal oysters.

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

67 | (e) For a violation involving the taking, harvesting, or  
 68 | possession of any of the following species, which are  
 69 | endangered, threatened, or of special concern:

- 70 | 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 71 | 2. Atlantic sturgeon (*Acipenser oxyrhynchus*);
- 72 | 3. Common snook (*Centropomus undecimalis*);
- 73 | 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 74 | 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 75 | 6. Leatherback turtle (*Dermochelys coriacea*);
- 76 | 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
- 77 | *imbracata*);
- 78 | 8. Atlantic ridley turtle (*Lepidochelys kemp*); or
- 79 | 9. West Indian manatee (*Trichechus manatus latirostris*),

80 |  
 81 | an additional penalty of \$100 for each unit of marine life or  
 82 | part thereof.

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

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

87 (g) For any violation involving the taking, harvesting, or  
 88 possession of more than 1,000 pounds of any illegal finfish, an  
 89 additional penalty equivalent to the wholesale value of the  
 90 illegal finfish.

91 (h) Permits issued to any person, firm, or corporation by  
 92 the commission to take or harvest saltwater products, or any  
 93 license issued pursuant to s. 370.06 or s. 370.07 may be  
 94 suspended or revoked by the commission, pursuant to the  
 95 provisions and procedures of s. 120.60, for any major violation  
 96 prescribed in this subsection:

97 1. Upon a first conviction, for up to 30 calendar days.

98 2. Upon a second conviction which occurs within 12 months  
 99 after a prior violation, for up to 90 calendar days.

100 3. Upon a third conviction which occurs within 24 months  
 101 after a prior conviction, for up to 180 calendar days.

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

104 (i) Upon the arrest and conviction for a major violation  
 105 involving stone crabs, the licenseholder must show just cause  
 106 why his or her license should not be suspended or revoked. For  
 107 the purposes of this paragraph, a "major violation" means a  
 108 major violation as prescribed for illegal stone crabs; any  
 109 single violation involving possession of more than 25 stone  
 110 crabs during the closed season or possession of 25 or more  
 111 whole-bodied or egg-bearing stone crabs; any violation for trap  
 112 molestation, trap robbing, or pulling traps at night; or any

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113 combination of violations in any 3-consecutive-year period  
114 wherein more than 75 illegal stone crabs in the aggregate are  
115 involved.

116 (j) Upon the arrest and conviction for a major violation  
117 involving crawfish, the licenseholder must show just cause why  
118 his or her license should not be suspended or revoked. For the  
119 purposes of this paragraph, a "major violation" means a major  
120 violation as prescribed for illegal crawfish; any single  
121 violation involving possession of more than 25 crawfish during  
122 the closed season or possession of more than 25 wrung crawfish  
123 tails or more than 25 egg-bearing or stripped crawfish; any  
124 violation for trap molestation, trap robbing, or pulling traps  
125 at night; or any combination of violations in any 3-consecutive-  
126 year period wherein more than 75 illegal crawfish in the  
127 aggregate are involved.

128 (k) Upon the arrest and conviction for a major violation  
129 involving blue crabs, the licenseholder shall show just cause  
130 why his or her saltwater products license should not be  
131 suspended or revoked. This paragraph shall not apply to an  
132 individual fishing with no more than five traps. For the  
133 purposes of this paragraph, a "major violation" means a major  
134 violation as prescribed for illegal blue crabs, any single  
135 violation wherein 50 or more illegal blue crabs are involved;  
136 any violation for trap molestation, trap robbing, or pulling  
137 traps at night; or any combination of violations in any 3-  
138 consecutive-year period wherein more than 100 illegal blue crabs  
139 in the aggregate are involved.

140 (l) Upon the conviction for a major violation involving

141 finfish, the licenseholder must show just cause why his or her  
 142 saltwater products license should not be suspended or revoked.  
 143 For the purposes of this paragraph, a major violation is  
 144 prescribed for the taking and harvesting of illegal finfish, any  
 145 single violation involving the possession of more than 100  
 146 pounds of illegal finfish, or any combination of violations in  
 147 any 3-consecutive-year period wherein more than 200 pounds of  
 148 illegal finfish in the aggregate are involved.

149 (m) For a violation involving the taking or harvesting of  
 150 any marine life species, as those species are defined by rule of  
 151 the commission, the harvest of which is prohibited, or the  
 152 taking or harvesting of such a species out of season, or with an  
 153 illegal gear or chemical, or any violation involving the  
 154 possession of 25 or more individual specimens of marine life  
 155 species, or any combination of violations in any 3-year period  
 156 involving more than 70 such specimens in the aggregate, the  
 157 suspension or revocation of the licenseholder's marine life  
 158 endorsement as provided in paragraph (h).

159  
 160 Notwithstanding the provisions of s. 948.01, no court may  
 161 suspend, defer, or withhold adjudication of guilt or imposition  
 162 of sentence for any major violation prescribed in this  
 163 subsection. The proceeds from the penalties assessed pursuant to  
 164 this subsection shall be deposited into the Marine Resources  
 165 Conservation Trust Fund to be used for marine fisheries research  
 166 ~~or into the commission's Federal Law Enforcement Trust Fund as~~  
 167 ~~provided in s. 372.107, as applicable.~~

168 Section 4. Subsection (4) and paragraph (c) of subsection

169 (5) of section 370.061, Florida Statutes, are amended to read:

170 370.061 Confiscation, seizure, and forfeiture of property  
 171 and products.--

172 (4) DESTRUCTION OR DISPOSITION OF PROPERTY.--All property  
 173 forfeited under this section may be destroyed, used by the  
 174 commission, disposed of by gift to charitable or state  
 175 institutions, or sold, with the proceeds derived from the sale  
 176 deposited into the Marine Resources Conservation Trust Fund to  
 177 be used for law enforcement purposes, ~~or into the commission's~~  
 178 ~~Federal Law Enforcement Trust Fund as provided in s. 372.107, as~~  
 179 ~~applicable.~~

180 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER  
 181 PRODUCTS; PROCEDURE.--

182 (c) In the event of acquittal, the proceeds of a sale or  
 183 the bond or cash deposit required by this subsection shall be  
 184 returned to the defendant. In the event of a conviction, the  
 185 proceeds of a sale or the bond or cash deposit required by this  
 186 subsection shall be deposited into the Marine Resources  
 187 Conservation Trust Fund to be used for law enforcement purposes  
 188 ~~or into the commission's Federal Law Enforcement Trust Fund as~~  
 189 ~~provided in s. 372.107, as applicable.~~ Such deposit into the  
 190 Marine Resources Conservation Trust Fund ~~or the Federal Law~~  
 191 ~~Enforcement Trust Fund~~ shall constitute confiscation.

192 Section 5. Section 372.73, Florida Statutes, is amended to  
 193 read:

194 372.73 Confiscation and disposition of illegally taken  
 195 game.--All game and freshwater fish seized under the authority  
 196 of this chapter shall, upon conviction of the offender or sooner

197 | if the court so orders, be forfeited and given to some hospital  
 198 | or charitable institution and receipt therefor sent to the Fish  
 199 | and Wildlife Conservation Commission. All furs or hides or fur-  
 200 | bearing animals seized under the authority of this chapter  
 201 | shall, upon conviction of the offender, be forfeited and sent to  
 202 | the commission, which shall sell the same and deposit the  
 203 | proceeds of such sale to the credit of the State Game Trust Fund  
 204 | ~~or into the commission's Federal Law Enforcement Trust Fund as~~  
 205 | ~~provided in s. 372.107, as applicable.~~ If any such hides or furs  
 206 | are seized and the offender is unknown, the court shall order  
 207 | such hides or furs sent to the Fish and Wildlife Conservation  
 208 | Commission, which shall sell such hides and furs and deposit the  
 209 | proceeds of such sale to the credit of the State Game Trust Fund  
 210 | ~~or into the commission's Federal Law Enforcement Trust Fund as~~  
 211 | ~~provided in s. 372.107, as applicable.~~

212 |       Section 6. Subsection (5) of section 372.9901, Florida  
 213 | Statutes, is amended to read:

214 |       372.9901 Seizure of illegal hunting devices; disposition;  
 215 | notice; forfeiture.--In order to protect the state's wildlife  
 216 | resources, any vehicle, vessel, animal, gun, light, or other  
 217 | hunting device used or attempted to be used in connection with,  
 218 | as an instrumentality of, or in aiding and abetting in the  
 219 | commission of an offense prohibited by s. 372.99 is subject to  
 220 | seizure and forfeiture. The provisions of chapter 932 do not  
 221 | apply to any seizure or forfeiture under this section. For  
 222 | purposes of this section, a conviction is any disposition other  
 223 | than acquittal or dismissal.

224 |       (5) All amounts received from the sale or other



225 disposition of the property shall be paid into the State Game  
 226 Trust Fund ~~or into the commission's Federal Law Enforcement~~  
 227 ~~Trust Fund as provided in s. 372.107, as applicable.~~ If the  
 228 property is not sold or converted, it shall be delivered to the  
 229 executive director of the commission.

230 Section 7. Subsection (3) of section 372.9904, Florida  
 231 Statutes, is amended to read:

232 372.9904 Seizure of illegal transportation devices;  
 233 disposition; appraisal; forfeiture.--

234 (3) Upon conviction of the violator, the property, if  
 235 owned by the person convicted, shall be forfeited to the state  
 236 under the procedure set forth in ss. 370.061 and 370.07, when  
 237 not inconsistent with this section. All amounts received from  
 238 the sale or other disposition of the property shall be paid into  
 239 the State Game Trust Fund ~~or into the commission's Federal Law~~  
 240 ~~Enforcement Trust Fund as provided in s. 372.107, as applicable.~~  
 241 If the property is not sold or converted, it shall be delivered  
 242 to the director of the Fish and Wildlife Conservation  
 243 Commission.

244 Section 8. Paragraph (e) of subsection (6) of section  
 245 932.7055, Florida Statutes, is amended to read:

246 932.7055 Disposition of liens and forfeited property.--

247 (6) If the seizing agency is a state agency, all remaining  
 248 proceeds shall be deposited into the General Revenue Fund.  
 249 However, if the seizing agency is:

250 (e) The Fish and Wildlife Conservation Commission, the  
 251 proceeds accrued pursuant to the provisions of the Florida  
 252 Contraband Forfeiture Act shall be deposited into the State Game

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253 Trust Fund as provided in ss. 372.73, 372.9901, and 372.9904 or  
 254 into the Marine Resources Conservation Trust Fund as provided in  
 255 s. 370.061, ~~or into the commission's Federal Law Enforcement~~  
 256 ~~Trust Fund as provided in s. 372.107, as applicable.~~

257 Section 9. Section 372.107, Florida Statutes, is repealed.

258 Section 10. This act shall take effect July 1, 2005.