

CHAMBER ACTION

1 The Agriculture & Environment Appropriations Committee
2 recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6
7 A bill to be entitled
8 An act relating to saltwater fisheries; amending s.
9 370.0603, F.S.; authorizing use of the Marine Resources
10 Conservation Trust Fund to fund the stone crab reduction,
11 blue crab effort management, spiny lobster trap
12 certificate, and trap retrieval programs; requiring
13 proceeds from certain fees, fines, and penalties to be
14 deposited in the Marine Resources Conservation Trust Fund;
15 amending s. 370.13, F.S., relating to stone crab
16 regulation; authorizing the Fish and Wildlife Conservation
17 Commission to waive or defer replacement tag fees under
18 certain circumstances; amending s. 370.135, F.S., relating
19 to blue crab regulation; establishing certain endorsement
20 fees for the taking of blue crabs; establishing an annual
21 trap tag fee; authorizing the commission to waive or defer
22 replacement tag fees under certain circumstances;
23 authorizing the commission to establish by rule an amount

HB 1345

2006
CS

24 | of equitable rent for access to state natural resources;
25 | requiring approval of such rule by the Governor and
26 | Cabinet; requiring the deposit of certain proceeds into
27 | the Marine Resources Conservation Trust Fund; specifying
28 | the use of such proceeds; requiring the commission to
29 | waive endorsement and tag fees for certain program
30 | participants; providing administrative penalties for
31 | certain violations; prohibiting the unauthorized
32 | possession of trap gear or removal of trap contents and
33 | providing penalties therefor; providing penalties for
34 | certain other prohibited activities relating to traps,
35 | lines, buoys, and trap tags; providing penalties for
36 | fraudulent reports related to endorsement transfers;
37 | prohibiting certain activities during endorsement
38 | suspension and revocation; preserving state jurisdiction
39 | for certain convictions; providing requirements for
40 | certain license renewal; appropriating certain fee
41 | revenues to the commission for blue crab effort management
42 | program costs; requiring the commission to create an
43 | advisory board; amending s. 370.142, F.S., relating to the
44 | spiny lobster trap certificate program; authorizing the
45 | commission to waive or defer replacement tag fees under
46 | certain circumstances; providing administrative penalties
47 | for certain violations of the spiny lobster trap
48 | certificate program; amending s. 370.143, F.S.; revising
49 | provisions for certain trap retrieval programs and fees;
50 | providing a recurring appropriation; providing an
51 | effective date.

HB 1345

2006
CS

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

Section 1. Paragraph (j) is added to subsection (1) of section 370.0603, Florida Statutes, and paragraphs (c) and (d) of subsection (2) of that section are amended, to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.--

(1) The Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission shall serve as a broad-based depository for funds from various marine-related and boating-related activities and shall be administered by the commission for the purposes of:

(j) Funding the stone crab trap reduction program under s. 370.13, the blue crab effort management program under s. 370.135, the spiny lobster trap certificate program under s. 370.142, and the trap retrieval program under s. 370.143.

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

(c) All fees collected pursuant to ss. 370.063, 370.13, 370.135, 370.142, 370.143, and 372.5704.

(d) All fines and penalties pursuant to ss. ~~s.~~ 370.021, 370.13, 370.135, and 370.142.

Section 2. Paragraph (b) of subsection (1) of section 370.13, Florida Statutes, is amended to read:

370.13 Stone crab; regulation.--

(1) FEES AND EQUITABLE RENT.--

(b) Certificate fees.--

HB 1345

2006
CS

80 | 1. For each trap certificate issued by the commission
81 | under the requirements of the stone crab trap limitation program
82 | established by commission rule, there is an annual fee of 50
83 | cents per certificate. Replacement tags for lost or damaged tags
84 | cost 50 cents each. In the event of a major natural disaster,
85 | such as a hurricane or major storm, which causes massive trap
86 | losses within an area declared by the Governor to be a disaster
87 | emergency area, the commission may temporarily defer or
88 | permanently waive replacement tag fees, ~~except that tags lost in~~
89 | ~~the event of a major natural disaster declared as an emergency~~
90 | ~~disaster by the Governor shall be replaced for the cost of the~~
91 | ~~tag as incurred by the commission.~~

92 | 2. The fee for transferring trap certificates is \$1 per
93 | certificate transferred, except that the fee for eligible crew
94 | members is 50 cents per certificate transferred. Eligible crew
95 | members shall be determined according to criteria established by
96 | rule of the commission. Payment must be made by money order or
97 | cashier's check, submitted with the certificate transfer form
98 | developed by the commission.

99 | 3. In addition to the transfer fee, a surcharge of \$1 per
100 | certificate transferred, or 25 percent of the actual value of
101 | the transferred certificate, whichever is greater, will be
102 | assessed the first time a certificate is transferred outside the
103 | original holder's immediate family.

104 | 4. Transfer fees and surcharges only apply to the actual
105 | number of certificates received by the purchaser. A transfer of
106 | a certificate is not effective until the commission receives a
107 | notarized copy of the bill of sale as proof of the actual value

HB 1345

2006
CS

108 | of the transferred certificate or certificates, which must also
109 | be submitted with the transfer form and payment.

110 | 5. A transfer fee will not be assessed or required when
111 | the transfer is within a family as a result of the death or
112 | disability of the certificate owner. A surcharge will not be
113 | assessed for any transfer within an individual's immediate
114 | family.

115 | 6. The fees and surcharge amounts in this paragraph apply
116 | in the 2005-2006 license year and subsequent years.

117 | Section 3. Subsection (1) of section 370.135, Florida
118 | Statutes, is amended, and subsections (3), (4), (5), and (6) are
119 | added to that section, to read:

120 | 370.135 Blue crab; regulation.--

121 | (1) No person, firm, or corporation shall transport on the
122 | water, fish with or cause to be fished with, set, or place any
123 | trap designed for taking blue crabs unless such person, firm, or
124 | corporation is the holder of a valid saltwater products license
125 | issued pursuant to s. 370.06 and the trap has a current state
126 | number permanently attached to the buoy. The trap number shall
127 | be affixed in legible figures at least 1 inch high on each buoy
128 | used. The saltwater products license must be on board the boat,
129 | and both the license and the crabs shall be subject to
130 | inspection at all times. Only one trap number may be issued for
131 | each boat by the commission upon receipt of an application on
132 | forms prescribed by it. This subsection shall not apply to an
133 | individual fishing with no more than five traps. ~~It is a felony~~
134 | ~~of the third degree, punishable as provided in s. 775.082, s.~~
135 | ~~775.083, or s. 775.084, for any person willfully to molest any~~

HB 1345

2006
CS

136 ~~traps, lines, or buoys, as defined herein, belonging to another~~
137 ~~without the express written consent of the trap owner. Any~~
138 ~~person receiving a judicial disposition other than dismissal or~~
139 ~~acquittal on a charge of willful molestation of a trap, in~~
140 ~~addition to the penalties specified in s. 370.021, shall lose~~
141 ~~all saltwater fishing privileges for a period of 24 calendar~~
142 ~~months. It is unlawful for any person to remove the contents of~~
143 ~~or take possession of another harvester's trap without the~~
144 ~~express written consent of the trap owner available for~~
145 ~~immediate inspection. Unauthorized possession of another's trap~~
146 ~~gear or removal of trap contents constitutes theft. Any person~~
147 ~~receiving a judicial disposition other than dismissal or~~
148 ~~acquittal on a charge of theft of or from a trap pursuant to~~
149 ~~this section or s. 370.1107 shall, in addition to the penalties~~
150 ~~specified in s. 370.021 and the provisions of this section,~~
151 ~~permanently lose all his or her saltwater fishing privileges~~
152 ~~including his or her saltwater products license and blue crab~~
153 ~~endorsement. In such cases endorsements, landings history, and~~
154 ~~trap certificates are nontransferable. In addition, any person,~~
155 ~~firm, or corporation receiving a judicial disposition other than~~
156 ~~dismissal or acquittal for violating this subsection or s.~~
157 ~~370.1107 shall also be assessed an administrative penalty of up~~
158 ~~to \$5,000. Immediately upon receiving a citation for a violation~~
159 ~~involving theft of or from a trap and until adjudicated for such~~
160 ~~a violation, or receiving a judicial disposition other than~~
161 ~~dismissal or acquittal for such a violation, the person, firm,~~
162 ~~or corporation committing the violation is prohibited from~~

HB 1345

2006
CS

163 ~~transferring any blue crab endorsements, landings history, or~~
164 ~~trap certificates.~~

165 (3) (a) Endorsement fees.--

166 1. The fee for a hard-shell blue crab endorsement for the
167 taking of hard-shell blue crabs, as required by rule of the
168 commission, is \$125, \$25 of which must be used solely for trap
169 retrieval under s. 370.143 and rule 68B-55, Florida
170 Administrative Code.

171 2. The fee for a soft-shell blue crab endorsement for the
172 taking of soft-shell blue crabs, as required by rule of the
173 commission, is \$250, \$25 of which must be used solely for trap
174 retrieval under s. 370.143 and rule 68B-55, Florida
175 Administrative Code.

176 3. The fee for a nontransferable blue crab endorsement for
177 the taking of hard-shell blue crabs, as required by rule of the
178 commission, is \$125, \$25 of which must be used solely for trap
179 retrieval under s. 370.143 and rule 68B-55, Florida
180 Administrative Code.

181 4. The fee for an incidental-take blue crab endorsement
182 for the taking of blue crabs as bycatch in shrimp trawls and
183 stone crab traps, as established by commission rule, is \$25.

184 (b) Trap tag fees.--For each trap tag issued by the
185 commission under the requirements of the blue crab effort
186 management program established by commission rule, there is an
187 annual fee of 50 cents per tag. The fee for replacement tags for
188 lost or damaged tags is 50 cents each plus shipping. In the
189 event of a major natural disaster, such as a hurricane or major
190 storm, which causes massive trap losses within an area declared

HB 1345

2006
CS

191 by the Governor to be a disaster emergency area, the commission
 192 may temporarily defer or permanently waive replacement tag fees.

193 (c) Equitable rent.--The commission may establish by rule
 194 an amount of equitable rent that may be recovered as partial
 195 compensation to the state for the enhanced access to its natural
 196 resources. In determining whether to establish such a rent and
 197 the amount thereof, the commission may consider the amount of
 198 revenues annually generated by endorsement fees, trap tag fees,
 199 replacement trap tag fees, trap retrieval fees, and the
 200 continued economic viability of the commercial blue crab
 201 industry. Final approval of such a rule shall be by the Governor
 202 and Cabinet sitting as the Board of Trustees of the Internal
 203 Improvement Trust Fund.

204 (d) Disposition of fees, surcharges, civil penalties and
 205 finances, and equitable rent.--Endorsement fees, trap tag fees,
 206 civil penalties and fines, replacement trap tag fees, trap
 207 retrieval fees, and equitable rent, if any, shall be deposited
 208 in the Marine Resources Conservation Trust Fund. Not more than
 209 50 percent of the revenues generated under this section may be
 210 used for the operation and administration of the blue crab
 211 effort management program. The remaining revenues generated
 212 under this section shall be used for trap retrieval, management
 213 of the blue crab fishery, public education activities, research,
 214 and enforcement activities in support of the blue crab effort
 215 management program.

216 (e) Waiver of fees.--For the 2006-2007 license year, the
 217 commission shall waive all fees under this subsection for all
 218 persons who qualify by September 30, 2006, to participate in the

HB 1345

2006
CS

219 | blue crab effort management program established by commission
220 | rule.

221 | (4) (a) Untagged trap penalties.--In addition to any other
222 | penalties provided in s. 370.021 for any person, firm, or
223 | corporation that violates rule 68B-45.007(6) (b), Florida
224 | Administrative Code, the following administrative penalties
225 | apply:

226 | 1. For a first violation, the commission shall assess an
227 | administrative penalty of up to \$1,000 and the blue crab
228 | endorsement holder's blue crab fishing privileges may be
229 | suspended for the remainder of the current license year.

230 | 2. For a second violation that occurs within 24 months
231 | after any previous such violation, the commission shall assess
232 | an administrative penalty of up to \$2,000 and the blue crab
233 | endorsement holder's blue crab fishing privileges may be
234 | suspended for 12 calendar months.

235 | 3. For a third violation that occurs within 36 months
236 | after any two previous such violations, the commission shall
237 | assess an administrative penalty of up to \$5,000 and the blue
238 | crab endorsement holder's blue crab fishing privileges may be
239 | suspended for 24 calendar months.

240 | 4. A fourth violation that occurs within 48 months after
241 | any three previous such violations shall result in permanent
242 | revocation of all of the violator's saltwater fishing
243 | privileges, including having the commission proceed against the
244 | endorsement holder's saltwater products license in accordance
245 | with s. 370.021.

246 |

HB 1345

2006
CS

247 Any person assessed an administrative penalty under this
248 paragraph shall, within 30 calendar days after notification, pay
249 the administrative penalty to the commission or request an
250 administrative hearing under ss. 120.569 and 120.57. The
251 proceeds of all administrative penalties collected under this
252 paragraph shall be deposited in the Marine Resources
253 Conservation Trust Fund.

254 (b) Trap theft; prohibitions and penalties.--It is
255 unlawful for any person to remove or take possession of the
256 contents of another harvester's trap without the express written
257 consent of the trap owner, which must be available for immediate
258 inspection. Unauthorized possession of another harvester's trap
259 gear or removal of trap contents constitutes theft. Any person
260 convicted of theft of or from a trap pursuant to this paragraph
261 shall, in addition to the penalties specified in s. 370.021 and
262 the provisions of this section, permanently lose all of his or
263 her saltwater fishing privileges, including saltwater products
264 licenses, blue crab endorsements, and all trap tags allotted to
265 him or her by the commission. In such cases, endorsements are
266 nontransferable. In addition, any person, firm, or corporation
267 convicted of a violation of this paragraph shall also be
268 assessed an administrative penalty of up to \$5,000. Immediately
269 upon receiving a citation for a violation involving theft of or
270 from a trap and until adjudicated for such a violation or upon
271 receipt of a judicial disposition other than dismissal or
272 acquittal on such a violation, the violator is prohibited from
273 transferring any blue crab endorsement.

HB 1345

2006
CS

274 (c) Criminal activities.--Any person, firm, or corporation
275 convicted of violating commission rules that prohibit any of the
276 following commits a felony of the third degree, punishable as
277 provided in s. 775.082, s. 775.083, or s. 775.084:

278 1. The willful molestation of any blue crab trap, line, or
279 buoy that is the property of any licenseholder, without the
280 permission of that licenseholder.

281 2. The bartering, trading, leasing, or sale, or conspiring
282 or aiding in such barter, trade, lease, or sale, or supplying,
283 agreeing to supply, aiding in supplying, or giving away blue
284 crab trap tags unless the action is duly authorized by the
285 commission as provided by commission rules.

286 3. The making, altering, forging, counterfeiting, or
287 reproducing of blue crab trap tags.

288 4. Possession of altered, forged, counterfeit, or
289 imitation blue crab trap tags.

290 5. Possession of commission-issued original trap tags and
291 commission-issued replacement trap tags, the sum of which
292 exceeds by 1 percent the number of traps allowed by rule of the
293 commission.

294 6. Engaging in the commercial harvest of blue crabs during
295 the time the licenseholder's blue crab endorsements are under
296 suspension or revocation.

297
298 Any person, firm, or corporation convicted of a violation of
299 this paragraph shall be assessed an administrative penalty of up
300 to \$5,000, and all of the blue crab endorsements possessed by
301 the person, firm, or corporation may be suspended for up to 24

HB 1345

2006
CS

302 calendar months. Immediately upon receiving a citation involving
303 a violation of this paragraph and until adjudicated for such a
304 violation, or if convicted of such a violation, the person,
305 firm, or corporation committing the violation is prohibited from
306 transferring any blue crab endorsements.

307 (d) Endorsement transfers; fraudulent reports;
308 penalties.--For any person, firm, or corporation convicted of
309 fraudulently reporting the actual value of transferred blue crab
310 endorsements, the commission may automatically suspend or
311 permanently revoke the seller's or the purchaser's blue crab
312 endorsements. If the endorsement is permanently revoked, the
313 commission shall also permanently deactivate the endorsement
314 holder's blue crab trap tag accounts.

315 (e) Prohibitions during endorsement suspension and
316 revocation.--During any period of suspension or revocation of a
317 blue crab endorsement holder's endorsements, he or she shall,
318 within 15 days after notice provided by the commission, remove
319 from the water all traps subject to that endorsement. Failure to
320 do so shall extend the period of suspension or revocation for an
321 additional 6 calendar months.

322 (5) For purposes of this section, a conviction is any
323 disposition other than acquittal or dismissal.

324 (6) An endorsement may not be renewed until all fees and
325 administrative penalties imposed under this section are paid.

326 Section 4. Paragraphs (b) and (c) of subsection (2) of
327 section 370.142, Florida Statutes, are amended to read:

328 370.142 Spiny lobster trap certificate program.--

HB 1345

2006
CS

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

334 (b) Trap tags.--Each trap used to take or attempt to take
335 spiny lobsters in state waters or adjacent federal waters shall,
336 in addition to the crawfish trap number required by s.
337 370.14(2), have affixed thereto an annual trap tag issued by the
338 commission. Each such tag shall be made of durable plastic or
339 similar material and shall, based on the number of certificates
340 held, have stamped thereon the owner's license number. To
341 facilitate enforcement and recordkeeping, such tags shall be
342 issued each year in a color different from that of each of the
343 previous 3 years. The annual certificate fee shall be \$1 per
344 certificate. Replacement tags for lost or damaged tags may be
345 obtained as provided by rule of the commission. In the event of
346 a major natural disaster, such as a hurricane or major storm,
347 which causes massive trap losses within an area declared by the
348 Governor to be a disaster emergency area, the commission may
349 temporarily defer or permanently waive replacement tag fees.

350 (c) Prohibitions; penalties.--

351 1. It is unlawful for a person to possess or use a spiny
352 lobster trap in or on state waters or adjacent federal waters
353 without having affixed thereto the trap tag required by this
354 section. It is unlawful for a person to possess or use any other
355 gear or device designed to attract and enclose or otherwise aid

HB 1345

2006
CS

356 | in the taking of spiny lobster by trapping that is not a trap as
357 | defined in rule 68B-24.006(2), Florida Administrative Code.

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

361 | 3. It is unlawful for any person to willfully molest, take
362 | possession of, or remove the contents of another harvester's
363 | trap without the express written consent of the trap owner
364 | available for immediate inspection. Unauthorized possession of
365 | another's trap gear or removal of trap contents constitutes
366 | theft. Any person receiving a judicial disposition other than
367 | dismissal or acquittal on a charge of theft of or from a trap
368 | pursuant to this subparagraph or s. 370.1107 shall, in addition
369 | to the penalties specified in ss. 370.021 and 370.14 and the
370 | provisions of this section, permanently lose all his or her
371 | saltwater fishing privileges, including his or her saltwater
372 | products license, crawfish endorsement, and all trap
373 | certificates allotted to him or her through this program. In
374 | such cases, trap certificates and endorsements are
375 | nontransferable. Any person receiving a judicial disposition
376 | other than dismissal or acquittal on a charge of willful
377 | molestation of a trap, in addition to the penalties specified in
378 | ss. 370.021 and 370.14, shall lose all saltwater fishing
379 | privileges for a period of 24 calendar months. In addition, any
380 | person, firm, or corporation charged with violating this
381 | paragraph and receiving a judicial disposition other than
382 | dismissal or acquittal for violating this subparagraph or s.
383 | 370.1107 shall also be assessed an administrative penalty of up

HB 1345

2006
CS

384 to \$5,000. Immediately upon receiving a citation for a violation
385 involving theft of or from a trap, or molestation of a trap, and
386 until adjudicated for such a violation or, upon receipt of a
387 judicial disposition other than dismissal or acquittal of such a
388 violation, the person, firm, or corporation committing the
389 violation is prohibited from transferring any crawfish trap
390 certificates and endorsements.

391 4. In addition to any other penalties provided in s.
392 370.021, a commercial harvester, as defined by rule 68B-
393 24.002(1), Florida Administrative Code, who violates the
394 provisions of this section, or the provisions relating to traps
395 of chapter 68B-24, Florida Administrative Code, shall be
396 punished as follows:

397 a. If the first violation is for violation of subparagraph
398 1. or subparagraph 2., the commission shall assess an additional
399 civil penalty of up to \$1,000 and the crawfish trap number
400 issued pursuant to s. 370.14(2) or (6) may be suspended for the
401 remainder of the current license year. For all other first
402 violations, the commission shall assess an additional civil
403 penalty of up to \$500.

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

410 c. For a third or subsequent violation of subparagraph 1.,
411 subparagraph 2., or subparagraph 3. which occurs within 36

HB 1345

2006
CS

412 months of any previous two such violations, the commission shall
 413 assess an additional civil penalty of up to \$5,000 and may
 414 suspend the crawfish trap number issued pursuant to s. 370.14(2)
 415 or (6) for a period of up to 24 months or may revoke the
 416 crawfish trap number and, if revoking the crawfish trap number,
 417 may also proceed against the licenseholder's saltwater products
 418 license in accordance with the provisions of s. 370.021(2)(h).

419 d. Any person assessed an additional civil penalty
 420 pursuant to this section shall within 30 calendar days after
 421 notification:

422 (I) Pay the civil penalty to the commission; or

423 (II) Request an administrative hearing pursuant to the
 424 provisions of s. 120.60.

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

428 5.a. It is unlawful for any person to make, alter, forge,
 429 counterfeit, or reproduce a spiny lobster trap tag or
 430 certificate.

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

434 c. It is unlawful for any person to barter, trade, sell,
 435 supply, agree to supply, aid in supplying, or give away a spiny
 436 lobster trap tag or certificate or to conspire to barter, trade,
 437 sell, supply, aid in supplying, or give away a spiny lobster
 438 trap tag or certificate unless such action is duly authorized by

HB 1345

2006
CS

439 the commission as provided in this chapter or in the rules of
440 the commission.

441 6.a. Any person who violates the provisions of
442 subparagraph 5., or any person who engages in the commercial
443 harvest, trapping, or possession of spiny lobster without a
444 crawfish trap number as required by s. 370.14(2) or (6) or
445 during any period while such crawfish trap number is under
446 suspension or revocation, commits a felony of the third degree,
447 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

448 b. In addition to any penalty imposed pursuant to sub-
449 subparagraph a., the commission shall levy a fine of up to twice
450 the amount of the appropriate surcharge to be paid on the fair
451 market value of the transferred certificates, as provided in
452 subparagraph (a)1., on any person who violates the provisions of
453 sub-subparagraph 5.c.

454 c. In addition to any penalty imposed pursuant to sub-
455 subparagraph a., any person receiving any judicial disposition
456 other than acquittal or dismissal for a violation of
457 subparagraph 5. shall be assessed an administrative penalty of
458 up to \$5,000, and the crawfish endorsement under which the
459 violation was committed may be suspended for up to 24 calendar
460 months. Immediately upon issuance of a citation involving a
461 violation of subparagraph 5. and until adjudication of such a
462 violation, and after receipt of any judicial disposition other
463 than acquittal or dismissal for such a violation, the person
464 holding the crawfish endorsement listed on the citation is
465 prohibited from transferring any spiny lobster trap
466 certificates.

HB 1345

2006
CS

467 7. Any certificates for which the annual certificate fee
468 is not paid for a period of 3 years shall be considered
469 abandoned and shall revert to the commission. During any period
470 of trap reduction, any certificates reverting to the commission
471 shall become permanently unavailable and be considered in that
472 amount to be reduced during the next license-year period.
473 Otherwise, any certificates that revert to the commission are to
474 be reallocated in such manner as provided by the commission.

475 8. The proceeds of all civil penalties collected pursuant
476 to subparagraph 4. and all fines collected pursuant to sub-
477 subparagraph 6.b. shall be deposited into the Marine Resources
478 Conservation Trust Fund.

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

481 Section 5. Subsections (1), (2), and (3) of section
482 370.143, Florida Statutes, are amended to read:

483 370.143 Retrieval of spiny lobster, ~~crawfish,~~ and stone
484 crab, blue crab, and black sea bass traps during closed season;
485 commission authority; fees.--

486 (1) The Fish and Wildlife Conservation Commission is
487 authorized to implement a trap retrieval program for retrieval
488 of spiny lobster, ~~crawfish,~~ and stone crab, blue crab, and black
489 sea bass traps remaining in the water during the closed season
490 for each species. The commission is authorized to contract with
491 outside agents for the program operation.

492 (2) A retrieval fee of \$10 per trap retrieved shall be
493 assessed trap owners. However, for each person holding a spiny
494 lobster endorsement, ~~crawfish stamp number~~ or a stone crab

HB 1345

2006
CS

495 | endorsement, or a blue crab endorsement issued under rule of the
496 | commission, the retrieval fee shall be waived for the first five
497 | traps retrieved. Traps recovered under this program shall become
498 | the property of the commission or its contract agent, as
499 | determined by the commission, and shall be either destroyed or
500 | resold to the original owner. Revenue from retrieval fees shall
501 | be deposited in the Marine Resources Conservation Trust Fund and
502 | used solely for operation of the trap retrieval program.

503 | (3) Payment of all assessed retrieval fees shall be
504 | required prior to renewal of the trap owner's saltwater products
505 | license ~~and stone crab and or crawfish endorsements~~. Retrieval
506 | fees assessed under this program shall stand in lieu of other
507 | penalties imposed for such trap violations.

508 | Section 6. Beginning in the 2006-2007 fiscal year, the sum
509 | of \$132,000 is appropriated from the Marine Resources
510 | Conservation Trust Fund to the Fish and Wildlife Conservation
511 | Commission on a recurring basis for the purposes of implementing
512 | the blue crab effort management program pursuant to s.
513 | 370.135(3)(b), Florida Statutes, and providing for the
514 | administrative costs of the Blue Crab Advisory Board as created
515 | by commission rule.

516 | Section 7. This act shall take effect July 1, 2006.