

1 fees under certain conditions; amending s.
2 370.142, F.S.; providing administrative
3 penalties for certain violations of the spiny
4 lobster trap certificate program; authorizing
5 the waiver of spiny lobster trap replacement
6 tag fees under certain conditions; amending s.
7 370.143, F.S.; revising provisions for certain
8 trap retrieval programs and fees; amending s.
9 370.0603, F.S.; authorizing the deposit of
10 certain funds into the Marine Resources
11 Conservation Trust Fund; providing purposes for
12 which funds may be used; amending s. 921.0022,
13 F.S.; conforming a cross-reference; providing
14 an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (1) of section 370.135, Florida
19 Statutes, is amended, and subsections (3), (4), and (5) are
20 added to that section, to read:

21 370.135 Blue crab; regulation.--

22 (1) No person, firm, or corporation shall transport on
23 the water, fish with or cause to be fished with, set, or place
24 any trap designed for taking blue crabs unless such person,
25 firm, or corporation is the holder of a valid saltwater
26 products license issued pursuant to s. 370.06 and the trap has
27 a current state number permanently attached to the buoy. The
28 trap number shall be affixed in legible figures at least 1
29 inch high on each buoy used. The saltwater products license
30 must be on board the boat, and both the license and the crabs
31 shall be subject to inspection at all times. Only one trap

1 | number may be issued for each boat by the commission upon
2 | receipt of an application on forms prescribed by it. This
3 | subsection shall not apply to an individual fishing with no
4 | more than five traps. ~~It is a felony of the third degree,~~
5 | ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
6 | ~~775.084, for any person willfully to molest any traps, lines,~~
7 | ~~or buoys, as defined herein, belonging to another without the~~
8 | ~~express written consent of the trap owner. Any person~~
9 | ~~receiving a judicial disposition other than dismissal or~~
10 | ~~acquittal on a charge of willful molestation of a trap, in~~
11 | ~~addition to the penalties specified in s. 370.021, shall lose~~
12 | ~~all saltwater fishing privileges for a period of 24 calendar~~
13 | ~~months. It is unlawful for any person to remove the contents~~
14 | ~~of or take possession of another harvester's trap without the~~
15 | ~~express written consent of the trap owner available for~~
16 | ~~immediate inspection. Unauthorized possession of another's~~
17 | ~~trap gear or removal of trap contents constitutes theft. Any~~
18 | ~~person receiving a judicial disposition other than dismissal~~
19 | ~~or acquittal on a charge of theft of or from a trap pursuant~~
20 | ~~to this section or s. 370.1107 shall, in addition to the~~
21 | ~~penalties specified in s. 370.021 and the provisions of this~~
22 | ~~section, permanently lose all his or her saltwater fishing~~
23 | ~~privileges including his or her saltwater products license and~~
24 | ~~blue crab endorsement. In such cases endorsements, landings~~
25 | ~~history, and trap certificates are nontransferable. In~~
26 | ~~addition, any person, firm, or corporation receiving a~~
27 | ~~judicial disposition other than dismissal or acquittal for~~
28 | ~~violating this subsection or s. 370.1107 shall also be~~
29 | ~~assessed an administrative penalty of up to \$5,000.~~
30 | ~~Immediately upon receiving a citation for a violation~~
31 | ~~involving theft of or from a trap and until adjudicated for~~

1 ~~such a violation, or receiving a judicial disposition other~~
2 ~~than dismissal or acquittal for such a violation, the person,~~
3 ~~firm, or corporation committing the violation is prohibited~~
4 ~~from transferring any blue crab endorsements, landings~~
5 ~~history, or trap certificates.~~

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

7 1. The fee for a hard-shell blue crab endorsement for
8 the taking of hard-shell blue crabs, as authorized by rule of
9 the commission, is \$125, \$25 of which must be used solely for
10 the trap-retrieval program authorized under s. 370.143 and in
11 commission rules.

12 2. The fee for a soft-shell blue crab endorsement for
13 the taking of soft-shell blue crabs, as authorized by rule of
14 the commission, is \$250, \$25 of which must be used solely for
15 the trap-retrieval program authorized under s. 370.143 and in
16 commission rules.

17 3. The fee for a nontransferable hard-shell blue crab
18 endorsement for the taking of hard-shell blue crabs, as
19 authorized by rule of the commission, is \$125, \$25 of which
20 must be used solely for the trap-retrieval program authorized
21 under s. 370.143 and in commission rules.

22 4. The fee for an incidental-take blue crab
23 endorsement for the taking of blue crabs as bycatch in shrimp
24 trawls and stone crab traps, as authorized in commission
25 rules, is \$25.

26 (b) Trap tag fees.--The annual fee for each trap tag
27 issued by the commission under the requirements of the blue
28 crab effort management program established by rule of the
29 commission is 50 cents per tag. The fee for replacement tags
30 for lost or damaged tags is 50 cents per tag plus the cost of
31 shipping. In the event of a major natural disaster, such as a

1 hurricane or major storm, which causes massive trap losses in
2 an area declared by the Governor to be a disaster emergency
3 area, the commission is authorized to temporarily defer or
4 permanently waive replacement tag fees.

5 (c) Disposition of fees and fines for civil or
6 criminal penalties.--The fees generated from the sale of blue
7 crab endorsements, trap tags, and replacement trap tags, and
8 fines assessed with civil or criminal penalties authorized
9 under this section, shall be deposited into the Marine
10 Resources Conservation Trust Fund. Not more than 50 percent of
11 the revenue generated by the sale of endorsements and trap
12 tags and the assessment of fines may be used for the operation
13 and administration of the blue crab effort management program.
14 The remaining 50 percent of revenues generated from the sale
15 of endorsements and trap tags and the assessment of fines may
16 be used for trap retrieval; management of the blue crab
17 fishery; and public-education activities, research, and
18 enforcement activities in support of the blue crab effort
19 management program.

20 (d) Waiver of fees.--For the 2006-2007 license year,
21 the commission may waive all fees under this subsection for
22 all persons who qualify by September 30, 2006, to participate
23 in the blue crab effort management program established by
24 commission rule.

25 (4)(a) Untagged trap penalties.--In addition to any
26 other penalties provided in s. 370.021 for any person, firm,
27 or corporation that violates commission rules requiring the
28 placement of trap tags for each trap used for the directed
29 harvest of blue crabs, the following administrative penalties
30 apply:

31

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

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

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

15 4. A fourth violation that occurs within 48 months
16 after any three previous such violations shall result in
17 permanent revocation of all of the violator's saltwater
18 fishing privileges, including having the commission proceed
19 against the endorsement holder's saltwater products license in
20 accordance with s. 370.021.

21
22 Any person assessed an administrative penalty under this
23 paragraph shall, within 30 calendar days after notification,
24 pay the administrative penalty to the commission or request an
25 administrative hearing under ss. 120.569 and 120.57. The
26 proceeds of all administrative penalties collected under this
27 paragraph shall be deposited in the Marine Resources
28 Conservation Trust Fund.

29 (b) Trap theft; prohibitions and penalties.--It is
30 unlawful for any person to remove or take possession of the
31 contents of another harvester's blue crab trap without the

1 express written consent of the trap owner, which must be
2 available for immediate inspection. Unauthorized possession of
3 another harvester's blue crab trap gear or removal of trap
4 contents constitutes theft. Any person convicted of theft of
5 or from a blue crab trap pursuant to this paragraph shall, in
6 addition to the penalties specified in s. 370.021 and the
7 provisions of this section, permanently lose all of his or her
8 saltwater fishing privileges, including saltwater products
9 licenses, blue crab endorsements, and all blue crab trap tags
10 allotted to him or her by the commission. In such cases, blue
11 crab endorsements are nontransferable. In addition, any
12 person, firm, or corporation convicted of a violation of this
13 paragraph shall also be assessed an administrative penalty of
14 up to \$5,000. Immediately upon receiving a citation for a
15 violation involving theft of or from a trap and until
16 adjudicated for such a violation or upon receipt of a judicial
17 disposition other than dismissal or acquittal on such a
18 violation, the violator is prohibited from transferring any
19 blue crab endorsement.

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

25 1. The willful molestation of any blue crab trap,
26 line, or buoy that is the property of any licenseholder,
27 without the permission of that licenseholder.

28 2. The bartering, trading, leasing, or sale, or
29 conspiring or aiding in such barter, trade, lease, or sale, or
30 supplying, agreeing to supply, aiding in supplying, or giving
31

1 away blue crab trap tags unless the action is duly authorized
2 by commission rules.

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

5 4. Possession of altered, forged, counterfeit, or
6 imitation blue crab trap tags.

7 5. Possession of original trap tags and replacement
8 trap tags, the sum of which exceeds by 1 percent the number of
9 traps allowed by rule of the commission.

10 6. Engaging in the commercial harvest of blue crabs
11 during the time the licenseholder's blue crab endorsements are
12 under suspension or revocation.

13
14 In addition, any person, firm, or corporation convicted of a
15 violation of this paragraph shall be assessed an
16 administrative penalty of up to \$5,000, and all of the blue
17 crab endorsements possessed by the person, firm, or
18 corporation may be suspended for up to 24 calendar months.
19 Immediately upon receiving a citation involving a violation of
20 this paragraph and until adjudicated for such a violation, or
21 if convicted of such a violation, the person, firm, or
22 corporation committing the violation is prohibited from
23 transferring any blue crab endorsements.

24 (d) Endorsement transfers; fraudulent reports;
25 penalties.--For any person, firm, or corporation convicted of
26 fraudulently reporting the actual value of transferred blue
27 crab endorsements, the commission may automatically suspend or
28 permanently revoke the seller's or the purchaser's blue crab
29 endorsements. If the endorsement is permanently revoked, the
30 commission shall also permanently deactivate the endorsement
31 holder's blue crab trap tag accounts.

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

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

10 (6) A blue crab endorsement may not be renewed until
11 all fees and administrative penalties imposed under this
12 section are paid.

13 Section 2. For the 2006-2007 fiscal year, the sum of
14 \$132,000 is appropriated from the Marine Resources
15 Conservation Trust Fund to the Fish and Wildlife Conservation
16 Commission for the purpose of implementing the blue crab
17 effort management program pursuant to s. 370.135(3)(b),
18 Florida Statutes, and administrative costs of the Blue Crab
19 Advisory Board as created by commission rule.

20 Section 3. Subsection (1) of section 370.13, Florida
21 Statutes, is amended to read:

22 370.13 Stone crab; regulation.--

23 (1) ~~FEES AND EQUITABLE RENT.~~--

24 (a) Endorsement fee.--The fee for a stone crab
25 endorsement for the taking of stone crabs, as required by rule
26 of the Fish and Wildlife Conservation Commission, is \$125, \$25
27 of which must be used solely for trap retrieval under s.
28 370.143.

29 (b) Certificate fees.--

30 1. For each trap certificate issued by the commission
31 under the requirements of the stone crab trap limitation

1 | program established by commission rule, there is an annual fee
2 | of 50 cents per certificate. Replacement tags for lost or
3 | damaged tags cost 50 cents each. In the event of a major
4 | natural disaster, such as a hurricane or major storm, which
5 | causes massive trap losses in an area declared by the Governor
6 | to be a disaster emergency area, the commission may
7 | temporarily defer or permanently waive replacement tag fees.
8 | ~~except that tags lost in the event of a major natural disaster~~
9 | ~~declared as an emergency disaster by the Governor shall be~~
10 | ~~replaced for the cost of the tag as incurred by the~~
11 | ~~commission.~~

12 | 2. The fee for transferring trap certificates is \$1
13 | per certificate transferred, except that the fee for eligible
14 | crew members is 50 cents per certificate transferred. Eligible
15 | crew members shall be determined according to criteria
16 | established by rule of the commission. Payment must be made by
17 | money order or cashier's check, submitted with the certificate
18 | transfer form developed by the commission.

19 | 3. In addition to the transfer fee, a surcharge of \$1
20 | per certificate transferred, or 25 percent of the actual value
21 | of the transferred certificate, whichever is greater, will be
22 | assessed the first time a certificate is transferred outside
23 | the original holder's immediate family.

24 | 4. Transfer fees and surcharges only apply to the
25 | actual number of certificates received by the purchaser. A
26 | transfer of a certificate is not effective until the
27 | commission receives a notarized copy of the bill of sale as
28 | proof of the actual value of the transferred certificate or
29 | certificates, which must also be submitted with the transfer
30 | form and payment.

31 |

1 5. A transfer fee will not be assessed or required
2 when the transfer is within a family as a result of the death
3 or disability of the certificate owner. A surcharge will not
4 be assessed for any transfer within an individual's immediate
5 family.

6 ~~6. The fees and surcharge amounts in this paragraph~~
7 ~~apply in the 2005-2006 license year and subsequent years.~~

8 (c) Incidental take endorsement.--The cost of an
9 incidental take endorsement, as established by commission
10 rule, is \$25.

11 ~~(d) Equitable rent. The commission may establish by~~
12 ~~rule an amount of equitable rent per trap certificate that may~~
13 ~~be recovered as partial compensation to the state for the~~
14 ~~enhanced access to its natural resources. In determining~~
15 ~~whether to establish such a rent and the amount thereof, the~~
16 ~~commission may consider the amount of revenues annually~~
17 ~~generated by endorsement fees, trap certificate fees, transfer~~
18 ~~fees, surcharges, replacement trap tag fees, trap retrieval~~
19 ~~fees, incidental take endorsement fees, and the continued~~
20 ~~economic viability of the commercial stone crab industry.~~
21 ~~Final approval of such a rule shall be by the Governor and~~
22 ~~Cabinet sitting as the Board of Trustees of the Internal~~
23 ~~Improvement Trust Fund.~~

24 (d)(e) Disposition of fees, surcharges, civil
25 penalties and fines, and equitable rent.--Endorsement fees,
26 trap certificate fees, transfer fees, civil penalties and
27 fines, surcharges, replacement trap tag fees, trap retrieval
28 fees, incidental take endorsement fees, and equitable rent, if
29 any, must be deposited in the Marine Resources Conservation
30 Trust Fund. Not more than 50 percent of the revenues
31 generated under this section may be used for operation and

1 administration of the stone crab trap limitation program. The
2 remaining revenues generated under this program are to be used
3 for trap retrieval, management of the stone crab fishery,
4 public education activities, evaluation of the impact of trap
5 reductions on the stone crab fishery, and enforcement
6 activities in support of the stone crab trap limitation
7 program.

8 ~~(e)~~(f) Program to be self-supporting.--The stone crab
9 trap limitation program is intended to be a self-supporting
10 program funded from proceeds generated under this section.

11 ~~(f)~~(g) No vested rights.--The stone crab trap
12 limitation program does not create any vested rights for
13 endorsement or certificateholders and may be altered or
14 terminated by the commission as necessary to protect the stone
15 crab resource, the participants in the fishery, or the public
16 interest.

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

19 370.142 Spiny lobster trap certificate program.--

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

25 (b) Trap tags.--Each trap used to take or attempt to
26 take spiny lobsters in state waters or adjacent federal waters
27 shall, in addition to the crawfish trap number required by s.
28 370.14(2), have affixed thereto an annual trap tag issued by
29 the commission. Each such tag shall be made of durable plastic
30 or similar material and shall, based on the number of
31 certificates held, have stamped thereon the owner's license

1 number. To facilitate enforcement and recordkeeping, such tags
2 shall be issued each year in a color different from that of
3 each of the previous 3 years. The annual certificate fee shall
4 be \$1 per certificate. Replacement tags for lost or damaged
5 tags may be obtained as provided by rule of the commission. In
6 the event of a major natural disaster, such as a hurricane or
7 major storm, which causes massive trap losses in an area
8 declared by the Governor to be a disaster emergency area, the
9 commission may temporarily defer or permanently waive
10 replacement tag fees.

11 (c) Prohibitions; penalties.--

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

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

23 3. It is unlawful for any person to willfully molest,
24 take possession of, or remove the contents of another
25 harvester's trap without the express written consent of the
26 trap owner available for immediate inspection. Unauthorized
27 possession of another's trap gear or removal of trap contents
28 constitutes theft.

29 a. Any person receiving a judicial disposition other
30 than dismissal or acquittal on a charge of theft of or from a
31 trap pursuant to this subparagraph or s. 370.1107 shall, in

1 addition to the penalties specified in ss. 370.021 and 370.14
2 and the provisions of this section, permanently lose all his
3 or her saltwater fishing privileges, including his or her
4 saltwater products license, crawfish endorsement, and all trap
5 certificates allotted to him or her through this program. In
6 such cases, trap certificates and endorsements are
7 nontransferable.

8 **b.** Any person receiving a judicial disposition other
9 than dismissal or acquittal on a charge of willful molestation
10 of a trap, in addition to the penalties specified in ss.
11 370.021 and 370.14, shall lose all saltwater fishing
12 privileges for a period of 24 calendar months.

13 **c.** In addition, any person, firm, or corporation
14 charged with violating this paragraph and receiving a judicial
15 disposition other than dismissal or acquittal for violating
16 this subparagraph or s. 370.1107 shall also be assessed an
17 administrative penalty of up to \$5,000.

18
19 Immediately upon receiving a citation for a violation
20 involving theft of or from a trap, or molestation of a trap,
21 and until adjudicated for such a violation or, upon receipt of
22 a judicial disposition other than dismissal or acquittal of
23 such a violation, the person, firm, or corporation committing
24 the violation is prohibited from transferring any crawfish
25 trap certificates and endorsements.

26 4. In addition to any other penalties provided in s.
27 370.021, a commercial harvester, as defined by commission rule
28 ~~68B-24.002(1), Florida Administrative Code~~, who violates the
29 provisions of this section, or the provisions relating to
30 spiny lobster traps established by commission rule of chapter
31

1 ~~68B-24, Florida Administrative Code~~, shall be punished as
2 follows:

3 a. If the first violation is for violation of
4 subparagraph 1. or subparagraph 2., the commission shall
5 assess an additional administrative ~~civil~~ penalty of up to
6 \$1,000 and the crawfish trap number issued pursuant to s.
7 370.14(2) or (6) may be suspended for the remainder of the
8 current license year. For all other first violations, the
9 commission shall assess an additional administrative ~~civil~~
10 penalty of up to \$500.

11 b. For a second violation of subparagraph 1. or
12 subparagraph 2. which occurs within 24 months of any previous
13 such violation, the commission shall assess an additional
14 administrative ~~civil~~ penalty of up to \$2,000 and the crawfish
15 trap number issued pursuant to s. 370.14(2) or (6) may be
16 suspended for the remainder of the current license year.

17 c. For a third or subsequent violation of subparagraph
18 1., subparagraph 2., or subparagraph 3. which occurs within 36
19 months of any previous two such violations, the commission
20 shall assess an additional administrative ~~civil~~ penalty of up
21 to \$5,000 and may suspend the crawfish trap number issued
22 pursuant to s. 370.14(2) or (6) for a period of up to 24
23 months or may revoke the crawfish trap number and, if revoking
24 the crawfish trap number, may also proceed against the
25 licenseholder's saltwater products license in accordance with
26 the provisions of s. 370.021(2)(h).

27 d. Any person assessed an additional administrative
28 ~~civil~~ penalty pursuant to this section shall within 30
29 calendar days after notification:

30 (I) Pay the administrative ~~civil~~ penalty to the
31 commission; or

1 (II) Request an administrative hearing pursuant to the
2 provisions of s. 120.60.

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

6 5.a. It is unlawful for any person to make, alter,
7 forge, counterfeit, or reproduce a spiny lobster trap tag or
8 certificate.

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

12 c. It is unlawful for any person to barter, trade,
13 sell, supply, agree to supply, aid in supplying, or give away
14 a spiny lobster trap tag or certificate or to conspire to
15 barter, trade, sell, supply, aid in supplying, or give away a
16 spiny lobster trap tag or certificate unless such action is
17 duly authorized by the commission as provided in this chapter
18 or in the rules of the commission.

19 6.a. Any person who violates the provisions of
20 subparagraph 5., or any person who engages in the commercial
21 harvest, trapping, or possession of spiny lobster without a
22 crawfish trap number as required by s. 370.14(2) or (6) or
23 during any period while such crawfish trap number is under
24 suspension or revocation, commits a felony of the third
25 degree, punishable as provided in s. 775.082, s. 775.083, or
26 s. 775.084.

27 b. In addition to any penalty imposed pursuant to
28 sub-subparagraph a., the commission shall levy a fine of up to
29 twice the amount of the appropriate surcharge to be paid on
30 the fair market value of the transferred certificates, as
31

1 provided in subparagraph (a)1., on any person who violates the
2 provisions of sub-subparagraph 5.c.

3 c. In addition to any penalty imposed pursuant to
4 sub-subparagraph a., any person receiving any judicial
5 disposition other than acquittal or dismissal for a violation
6 of subparagraph 5. shall be assessed an administrative penalty
7 of up to \$5,000, and the crawfish endorsement under which the
8 violation was committed may be suspended for up to 24 calendar
9 months. Immediately upon issuance of a citation involving a
10 violation of subparagraph 5. and until adjudication of such a
11 violation, and after receipt of any judicial disposition other
12 than acquittal or dismissal for such a violation, the person
13 holding the crawfish endorsement listed on the citation is
14 prohibited from transferring any spiny lobster trap
15 certificates.

16 7. Any certificates for which the annual certificate
17 fee is not paid for a period of 3 years shall be considered
18 abandoned and shall revert to the commission. During any
19 period of trap reduction, any certificates reverting to the
20 commission shall become permanently unavailable and be
21 considered in that amount to be reduced during the next
22 license-year period. Otherwise, any certificates that revert
23 to the commission are to be reallocated in such manner as
24 provided by the commission.

25 8. The proceeds of all administrative ~~civil~~ penalties
26 collected pursuant to subparagraph 4. and all fines collected
27 pursuant to sub-subparagraph 6.b. shall be deposited into the
28 Marine Resources Conservation Trust Fund.

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

31

1 Section 5. Section 370.143, Florida Statutes, is
2 amended to read:

3 370.143 Retrieval of spiny lobster, ~~crawfish,~~ and
4 stone crab, blue crab, and black sea bass traps during closed
5 season; commission authority; fees.--

6 (1) The Fish and Wildlife Conservation Commission is
7 authorized to implement a trap retrieval program for retrieval
8 of spiny lobster, ~~crawfish,~~ and stone crab, blue crab, and
9 black sea bass traps remaining in the water during the closed
10 season for each species. The commission is authorized to
11 contract with outside agents for the program operation.

12 (2) A retrieval fee of \$10 per trap retrieved shall be
13 assessed trap owners. However, for each person holding a spiny
14 lobster endorsement, ~~crawfish stamp number~~ or a stone crab
15 endorsement, or a blue crab endorsement issued under rule of
16 the commission, the retrieval fee shall be waived for the
17 first five traps retrieved. Traps recovered under this program
18 shall become the property of the commission or its contract
19 agent, as determined by the commission, and shall be either
20 destroyed or resold to the original owner. Revenue from
21 retrieval fees shall be deposited in the Marine Resources
22 Conservation Trust Fund and used solely for operation of the
23 trap retrieval program.

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

29 (4) In the event of a major natural disaster in an
30 area declared by the Governor to be a disaster emergency area,
31

1 such as a hurricane or major storm causing massive trap
2 losses, the commission shall waive the trap retrieval fee.

3 Section 6. Paragraph (j) is added to subsection (1) of
4 section 370.0603, Florida Statutes, and paragraphs (c) and (d)
5 of subsection (2) of that section are amended, to read:

6 370.0603 Marine Resources Conservation Trust Fund;
7 purposes.--

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

13 (j) Funding for the stone crab trap reduction program
14 under s. 370.13, the blue crab effort management program under
15 s. 370.135, and the spiny lobster trap certificate program
16 under s. 370.142.

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

19 (c) All fees collected pursuant to ss. 370.063,
20 370.13, 370.135, 370.142, and 372.5704.

21 (d) All fines and penalties pursuant to ~~ss. s-~~
22 370.021, 370.13, 370.135, and 370.142.

23 Section 7. Paragraph (a) of subsection (3) of section
24 921.0022, Florida Statutes, is amended to read:

25 921.0022 Criminal Punishment Code; offense severity
26 ranking chart.--

27 (3) OFFENSE SEVERITY RANKING CHART

28
29 Florida Felony
30 Statute Degree Description
31

| | | | |
|----|---------------|-----|------------------------------------|
| 1 | | | (a) LEVEL 1 |
| 2 | 24.118(3)(a) | 3rd | Counterfeit or altered state |
| 3 | | | lottery ticket. |
| 4 | 212.054(2)(b) | 3rd | Discretionary sales surtax; |
| 5 | | | limitations, administration, and |
| 6 | | | collection. |
| 7 | 212.15(2)(b) | 3rd | Failure to remit sales taxes, |
| 8 | | | amount greater than \$300 but less |
| 9 | | | than \$20,000. |
| 10 | 316.1935(1) | 3rd | Fleeing or attempting to elude |
| 11 | | | law enforcement officer. |
| 12 | 319.30(5) | 3rd | Sell, exchange, give away |
| 13 | | | certificate of title or |
| 14 | | | identification number plate. |
| 15 | 319.35(1)(a) | 3rd | Tamper, adjust, change, etc., an |
| 16 | | | odometer. |
| 17 | 320.26(1)(a) | 3rd | Counterfeit, manufacture, or sell |
| 18 | | | registration license plates or |
| 19 | | | validation stickers. |
| 20 | 322.212 | | |
| 21 | (1)(a)-(c) | 3rd | Possession of forged, stolen, |
| 22 | | | counterfeit, or unlawfully issued |
| 23 | | | driver's license; possession of |
| 24 | | | simulated identification. |
| 25 | 322.212(4) | 3rd | Supply or aid in supplying |
| 26 | | | unauthorized driver's license or |
| 27 | | | identification card. |
| 28 | 322.212(5)(a) | 3rd | False application for driver's |
| 29 | | | license or identification card. |
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| 1 | 370.13(2)(c)1. | 3rd | Molest any stone crab trap, line, |
| 2 | | | or buoy which is property of |
| 3 | | | licenseholder. |
| 4 | 370.135(<u>4</u>)(1) | 3rd | Molest any blue crab trap, line, |
| 5 | | | or buoy which is property of |
| 6 | | | licenseholder. |
| 7 | 372.663(1) | 3rd | Poach any alligator or |
| 8 | | | crocodilia. |
| 9 | 414.39(2) | 3rd | Unauthorized use, possession, |
| 10 | | | forgery, or alteration of food |
| 11 | | | stamps, Medicaid ID, value |
| 12 | | | greater than \$200. |
| 13 | 414.39(3)(a) | 3rd | Fraudulent misappropriation of |
| 14 | | | public assistance funds by |
| 15 | | | employee/official, value more |
| 16 | | | than \$200. |
| 17 | 443.071(1) | 3rd | False statement or representation |
| 18 | | | to obtain or increase |
| 19 | | | unemployment compensation |
| 20 | | | benefits. |
| 21 | 509.151(1) | 3rd | Defraud an innkeeper, food or |
| 22 | | | lodging value greater than \$300. |
| 23 | 517.302(1) | 3rd | Violation of the Florida |
| 24 | | | Securities and Investor |
| 25 | | | Protection Act. |
| 26 | 562.27(1) | 3rd | Possess still or still apparatus. |
| 27 | 713.69 | 3rd | Tenant removes property upon |
| 28 | | | which lien has accrued, value |
| 29 | | | more than \$50. |
| 30 | | | |
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| 1 | 812.014(3)(c) | 3rd | Petit theft (3rd conviction); |
| 2 | | | theft of any property not |
| 3 | | | specified in subsection (2). |
| 4 | 812.081(2) | 3rd | Unlawfully makes or causes to be |
| 5 | | | made a reproduction of a trade |
| 6 | | | secret. |
| 7 | 815.04(4)(a) | 3rd | Offense against intellectual |
| 8 | | | property (i.e., computer |
| 9 | | | programs, data). |
| 10 | 817.52(2) | 3rd | Hiring with intent to defraud, |
| 11 | | | motor vehicle services. |
| 12 | 817.569(2) | 3rd | Use of public record or public |
| 13 | | | records information to facilitate |
| 14 | | | commission of a felony. |
| 15 | 826.01 | 3rd | Bigamy. |
| 16 | 828.122(3) | 3rd | Fighting or baiting animals. |
| 17 | 831.04(1) | 3rd | Any erasure, alteration, etc., of |
| 18 | | | any replacement deed, map, plat, |
| 19 | | | or other document listed in s. |
| 20 | | | 92.28. |
| 21 | 831.31(1)(a) | 3rd | Sell, deliver, or possess |
| 22 | | | counterfeit controlled |
| 23 | | | substances, all but s. 893.03(5) |
| 24 | | | drugs. |
| 25 | 832.041(1) | 3rd | Stopping payment with intent to |
| 26 | | | defraud \$150 or more. |
| 27 | 832.05 | | |
| 28 | (2)(b)&(4)(c) | 3rd | Knowing, making, issuing |
| 29 | | | worthless checks \$150 or more or |
| 30 | | | obtaining property in return for |
| 31 | | | worthless check \$150 or more. |

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| 1 | 838.15(2) | 3rd | Commercial bribe receiving. |
| 2 | 838.16 | 3rd | Commercial bribery. |
| 3 | 843.18 | 3rd | Fleeing by boat to elude a law |
| 4 | | | enforcement officer. |
| 5 | 847.011(1)(a) | 3rd | Sell, distribute, etc., obscene, |
| 6 | | | lewd, etc., material (2nd |
| 7 | | | conviction). |
| 8 | 849.01 | 3rd | Keeping gambling house. |
| 9 | 849.09(1)(a)-(d) | 3rd | Lottery; set up, promote, etc., |
| 10 | | | or assist therein, conduct or |
| 11 | | | advertise drawing for prizes, or |
| 12 | | | dispose of property or money by |
| 13 | | | means of lottery. |
| 14 | 849.23 | 3rd | Gambling-related machines; |
| 15 | | | "common offender" as to property |
| 16 | | | rights. |
| 17 | 849.25(2) | 3rd | Engaging in bookmaking. |
| 18 | 860.08 | 3rd | Interfere with a railroad signal. |
| 19 | 860.13(1)(a) | 3rd | Operate aircraft while under the |
| 20 | | | influence. |
| 21 | 893.13(2)(a)2. | 3rd | Purchase of cannabis. |
| 22 | 893.13(6)(a) | 3rd | Possession of cannabis (more than |
| 23 | | | 20 grams). |
| 24 | 934.03(1)(a) | 3rd | Intercepts, or procures any other |
| 25 | | | person to intercept, any wire or |
| 26 | | | oral communication. |

27 Section 8. This act shall take effect July 1, 2006.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2490

The committee substitute clarifies provisions relating to endorsement fees, trap tag fees, and replacement trap tag fees for the blue crab effort management program. The committee substitute repeals the authority of the Fish and Wildlife Conservation Commission to establish equitable rent for enhanced access into the stone crab fishery, and deletes provisions providing the Fish and Wildlife Conservation Commission with that same authority for the blue crab effort management program. The committee substitute authorizes the Fish and Wildlife Conservation Commission to temporarily waive or permanently defer replacement trap tag costs in areas where massive trap losses have occurred due to a major natural disaster such as a hurricane or a major storm. The committee substitute amends the Marine Resources Conservation Trust Fund to provide for the deposit of endorsement and trap tag fees into the trust fund, and specifies that those fees must be used for the blue crab effort management program. The committee substitute clarifies appropriations to the Fish and Wildlife Conservation Commission for implementation of the blue crab effort management program.