

Bill No. CS for SB 1980

Barcode 651684

CHAMBER ACTION

Senate

House

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Comm: RCS  
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The Committee on Governmental Operations (Lawson) recommended  
the following amendment:

**Senate Amendment (with title amendment)**

On page 20, between lines 26 and 27,

insert:

Section 10. Section 370.1405, Florida Statutes, is  
amended to read:

370.1405 Spiny lobster ~~Crawfish~~ reports by dealers  
during closed season required.--

(1) Within 3 days after the commencement of the closed  
season for the taking of spiny lobster ~~saltwater crawfish~~,  
each and every seafood dealer, either retail or wholesale,  
intending to possess whole spiny lobster ~~crawfish~~, spiny  
lobster ~~crawfish~~ tails, or spiny lobster ~~crawfish~~ meat during  
closed season shall submit to the Fish and Wildlife  
Conservation Commission, on forms provided by the commission,  
a sworn report of the quantity, in pounds, of ~~saltwater~~ whole  
spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~ tails, and  
spiny lobster ~~crawfish~~ meat in the dealer's name or possession

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1 as of the date the season closed. This report shall state the  
2 location and number of pounds of whole spiny lobster ~~crawfish~~,  
3 spiny lobster ~~crawfish~~ tails, and spiny lobster ~~crawfish~~ meat.  
4 The commission shall not accept any reports not delivered or  
5 postmarked by midnight of the 3rd calendar day after the  
6 commencement of the closed season, and any stocks of spiny  
7 lobster ~~crawfish~~ reported therein are declared a nuisance and  
8 may be seized by the commission.

9 (2) Failure to submit a report as described in  
10 subsection (1) or reporting a greater or lesser amount of  
11 whole spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~ tails, or  
12 spiny lobster ~~crawfish~~ meat than is actually in the dealer's  
13 possession or name is a major violation of this chapter,  
14 punishable as provided in s. 370.021(1), s. 370.07(6)(b), or  
15 both. The commission shall seize the entire supply of  
16 unreported or falsely reported whole spiny lobster ~~crawfish~~,  
17 spiny lobster ~~crawfish~~ tails, or spiny lobster ~~crawfish~~ meat,  
18 and shall carry the same before the court for disposal. The  
19 dealer shall post a cash bond in the amount of the fair value  
20 of the entire quantity of unreported or falsely reported spiny  
21 lobster ~~crawfish~~ as determined by the judge. After posting the  
22 cash bond, the dealer shall have 24 hours to transport said  
23 products outside the limits of Florida for sale as provided by  
24 s. 370.061. Otherwise, the product shall be declared a  
25 nuisance and disposed of by the commission according to law.

26 (3) All dealers having reported stocks of spiny  
27 lobster ~~crawfish~~ may sell or offer to sell such stocks of  
28 spiny lobster ~~crawfish~~; however, such dealers shall submit an  
29 additional report on the last day of each month during the  
30 duration of the closed season. Reports shall be made on forms  
31 supplied by the commission. Each dealer shall state on this

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1 report the number of pounds brought forward from the previous  
2 report period, the number of pounds sold during the report  
3 period, the number of pounds, if any, acquired from a licensed  
4 wholesale dealer during the report period, and the number of  
5 pounds remaining on hand. In every case, the amount of spiny  
6 lobster ~~crawfish~~ sold plus the amount reported on hand shall  
7 equal the amount acquired plus the amount reported remaining  
8 on hand in the last submitted report. Copies of records or  
9 invoices documenting the number of pounds acquired during the  
10 closed season must be maintained by the wholesale or retail  
11 dealer and shall be kept available for inspection by the  
12 commission for a period not less than 3 years from the date of  
13 the recorded transaction. Reports postmarked later than  
14 midnight on the 3rd calendar day of each month during the  
15 duration of the closed season will not be accepted by the  
16 commission. Dealers for which late supplementary reports are  
17 not accepted by the commission must show just cause why their  
18 entire stock of whole spiny lobster ~~crawfish~~, spiny lobster  
19 ~~crawfish~~ tails, or spiny lobster ~~crawfish~~ meat should not be  
20 seized by the commission. Whenever a dealer fails to timely  
21 submit the monthly supplementary report as described in this  
22 subsection, the dealer may be subject to the following civil  
23 penalties:

24 (a) For a first violation, the commission shall assess  
25 a civil penalty of \$500.

26 (b) For a second violation within the same spiny  
27 lobster ~~crawfish~~ closed season, the commission shall assess a  
28 civil penalty of \$1,000.

29 (c) For a third violation within the same spiny  
30 lobster ~~crawfish~~ closed season, the commission shall assess a  
31 civil penalty of \$2,500 and may seize said dealer's entire

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1 stock of whole spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~  
2 tails, or spiny lobster ~~crawfish~~ meat and carry the same  
3 before the court for disposal. The dealer shall post a cash  
4 bond in the amount of the fair value of the entire remaining  
5 quantity of spiny lobster ~~crawfish~~ as determined by the judge.  
6 After posting the cash bond, a dealer shall have 24 hours to  
7 transport said products outside the limits of Florida for sale  
8 as provided by s. 370.061. Otherwise, the product shall be  
9 declared a nuisance and disposed of by the commission  
10 according to law.

11 (4) All seafood dealers shall at all times during the  
12 closed season make their stocks of whole spiny lobster  
13 ~~crawfish~~, spiny lobster ~~crawfish~~ tails, or spiny lobster  
14 ~~crawfish~~ meat available for inspection by the commission.

15 (5) Each wholesale and retail dealer in whole spiny  
16 lobster ~~crawfish~~, spiny lobster ~~crawfish~~ tails, or spiny  
17 lobster ~~crawfish~~ meat shall keep throughout the period of the  
18 spiny lobster ~~crawfish~~ closed season copies of the bill of  
19 sale or invoice covering each transaction involving whole  
20 spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~ tails, or spiny  
21 lobster ~~crawfish~~ meat. Such invoices and bills shall be kept  
22 available at all times for inspection by the commission.

23 (6) The Fish and Wildlife Conservation Commission may  
24 adopt rules incorporating by reference such forms as are  
25 necessary to administer this section.

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 2, line 24 and 25, delete those lines

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1 and insert:

2 management program costs; amending ss. 370.14,  
3 370.1405, and 370.142, F.S.; clarifying  
4 provisions

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