

Bill No. CS for SB 1980

Barcode 834174

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/13/2007 08:21 AM

.
. .
. .
. .
. .
. .

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

Senate Amendment (with directory and title amendments)

On page 9, between lines 26 and 27,

insert:

(2) PENALTIES.--For purposes of this subsection,
conviction is any disposition other than acquittal or
dismissal, regardless of whether the violation was adjudicated
under any state or federal law.

(a) It is unlawful to violate commission rules
regulating stone crab trap certificates and trap tags. No
person may use an expired tag or a stone crab trap tag not
issued by the commission or possess or use a stone crab trap
in or on state waters or adjacent federal waters without
having a trap tag required by the commission firmly attached
thereto.

1. In addition to any other penalties provided in s.
370.021, for any commercial harvester who violates this
paragraph, the following administrative penalties apply.

Bill No. CS for SB 1980

Barcode 834174

1 a. For a first violation, the commission shall assess
 2 an administrative penalty of up to \$1,000. ~~and the stone crab~~
 3 ~~endorsement under which the violation was committed may be~~
 4 ~~suspended for the remainder of the current license year.~~

5 b. For a second violation that occurs within 24 months
 6 of any previous such violation, the commission shall assess an
 7 administrative penalty of up to \$2,000 and the stone crab
 8 endorsement under which the violation was committed may be
 9 suspended for 12 calendar months.

10 c. For a third violation that occurs within 36 months
 11 of any previous two such violations, the commission shall
 12 assess an administrative penalty of up to \$5,000 and the stone
 13 crab endorsement under which the violation was committed may
 14 be suspended for 24 calendar months.

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

21 2. Any other person who violates the provisions of
 22 this paragraph commits a Level Two violation under s. 372.83.

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

31 (b) It is unlawful for any commercial harvester to

Bill No. CS for SB 1980

Barcode 834174

1 remove the contents of another harvester's stone crab trap or
2 take possession of such without the express written consent of
3 the trap owner available for immediate inspection.

4 Unauthorized possession of another's trap gear or removal of
5 trap contents constitutes theft.

6 1. Any commercial harvester convicted of theft of or
7 from a trap pursuant to this subsection or s. 370.1107 shall,
8 in addition to the penalties specified in s. 370.021 and the
9 provisions of this section, permanently lose all saltwater
10 fishing privileges, including saltwater products licenses,
11 stone crab or incidental take endorsements, and all trap
12 certificates allotted to such commercial harvester by the
13 commission. In such cases, trap certificates and endorsements
14 are nontransferable.

15 2. In addition, any commercial harvester convicted of
16 violating the prohibitions referenced in this paragraph shall
17 also be assessed an administrative penalty of up to \$5,000.
18 Immediately upon receiving a citation for a violation
19 involving theft of or from a trap and until adjudicated for
20 such a violation, or, upon receipt of a judicial disposition
21 other than dismissal or acquittal on such a violation, the
22 violator is prohibited from transferring any stone crab or
23 spiny lobster certificates.

24 3. Any other person who violates the provisions of
25 this paragraph commits a Level Two violation under s. 372.83.

26 (c)1. It is unlawful to violate commission rules that
27 prohibit any of the following:

28 a. The willful molestation of any stone crab trap,
29 line, or buoy that is the property of any licenseholder,
30 without the permission of that licenseholder.

31 b. The bartering, trading, or sale, or conspiring or

Bill No. CS for SB 1980

Barcode 834174

1 aiding in such barter, trade, or sale, or supplying, agreeing
2 to supply, aiding in supplying, or giving away stone crab trap
3 tags or certificates unless the action is duly authorized by
4 the commission as provided by commission rules.

5 c. The making, altering, forging, counterfeiting, or
6 reproducing of stone crab trap tags.

7 d. Possession of forged, counterfeit, or imitation
8 stone crab trap tags.

9 e. Engaging in the commercial harvest of stone crabs
10 during the time either of the endorsements is under suspension
11 or revocation.

12 2. Any commercial harvester who violates this
13 paragraph commits a felony of the third degree, punishable as
14 provided in s. 775.082, s. 775.083, or s. 775.084.

15 3. Any other person who violates this paragraph
16 commits a Level Four violation under s. 372.83.

17

18 In addition, any commercial harvester convicted of violating
19 this paragraph shall also be assessed an administrative
20 penalty of up to \$5,000, and the incidental take endorsement
21 and/or the stone crab endorsement under which the violation
22 was committed may be suspended for up to 24 calendar months.
23 Immediately upon receiving a citation involving a violation of
24 this paragraph and until adjudicated for such a violation, or
25 if convicted of such a violation, the person, firm, or
26 corporation committing the violation is prohibited from
27 transferring any stone crab certificates or endorsements.

28 (d) For any commercial harvester convicted of
29 fraudulently reporting the actual value of transferred stone
30 crab certificates, the commission may automatically suspend or
31 permanently revoke the seller's or the purchaser's stone crab

Bill No. CS for SB 1980

Barcode 834174

1 | endorsements. If the endorsement is permanently revoked, the
 2 | commission shall also permanently deactivate the endorsement
 3 | holder's stone crab certificate accounts. Whether an
 4 | endorsement is suspended or revoked, the commission may also
 5 | levy a fine against the holder of the endorsement of up to
 6 | twice the appropriate surcharge to be paid based on the fair
 7 | market value of the transferred certificates.

8 | (e) During any period of suspension or revocation of
 9 | an endorsement holder's endorsement, he or she shall remove
 10 | all traps subject to that endorsement from the water within 15
 11 | days after notice provided by the commission. Failure to do so
 12 | will extend the period of suspension or revocation for an
 13 | additional 6 calendar months.

14 | (f) An endorsement will not be renewed until all fees
 15 | and administrative penalties imposed under this section are
 16 | paid.

17 |
 18 |

19 | ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

20 | And the directory clause is amended as follows:

21 | On page 6, line 30 through 31, delete those lines

22 |

23 | and insert: Subsections (1) and (2) of section 370.13,

24 | Florida Statutes, are amended to read:

25 |
 26 |

27 | ===== T I T L E A M E N D M E N T =====

28 | And the title is amended as follows:

29 | On page 1, line 25, after the semicolon

30 |

31 | insert:

Bill No. CS for SB 1980

Barcode 834174

1 deleting the suspension of stone crab
2 endorsements for first violations;
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31