

By the Committees on Governmental Operations; and
Environmental Preservation and Conservation

585-2429-07

1 A bill to be entitled

2 An act relating to the management of wildlife

3 and saltwater fisheries; amending s. 320.08056,

4 F.S.; increasing the annual use fee for the Sea

5 Turtle specialty license plate; amending s.

6 320.08058, F.S.; authorizing the use of certain

7 annual fees for specialty license plates to

8 promote and market the plates; incorporating

9 the amendments made to s. 370.12, F.S., in a

10 reference thereto; amending s. 370.0603, F.S.;

11 authorizing the deposit of certain funds into

12 the Marine Resources Conservation Trust Fund;

13 providing purposes for which funds may be used;

14 amending s. 370.1105, F.S.; correcting a

15 reference; amending s. 370.12, F.S.;

16 authorizing use of certain annual use fees for

17 specialty license plates to promote and market

18 the plates; authorizing the Fish and Wildlife

19 Conservation Commission to use certain annual

20 use fees to buy back certain specialty license

21 plates; amending s. 370.13, F.S.; authorizing

22 the waiver of replacement tag fees for stone

23 crab traps under certain conditions; providing

24 for legislative approval of commission rules

25 establishing equitable rent; deleting the

26 suspension of stone crab endorsements for first

27 violations; amending s. 370.135, F.S.;

28 establishing certain endorsement fees for the

29 taking of blue crabs; establishing an annual

30 trap tag fee; authorizing the commission to

31 establish an amount of equitable rent by rule;

1 providing for legislative approval of the rule;
2 authorizing the commission to waive endorsement
3 and trap tag fees for a 1-year period;
4 authorizing the waiver of blue crab trap
5 replacement tag fees under certain conditions;
6 requiring the deposit of certain proceeds into
7 the Marine Resources Conservation Trust Fund;
8 specifying the use of such proceeds; providing
9 for the adoption of rules; providing
10 administrative penalties for certain
11 violations; prohibiting the unauthorized
12 possession of blue crab trap gear or removal of
13 blue crab trap contents and providing penalties
14 therefor; providing penalties for certain other
15 prohibited activities relating to blue crab
16 traps, lines, buoys, and trap tags; providing
17 penalties for fraudulent reports related to
18 endorsement transfers; prohibiting certain
19 activities during endorsement suspension and
20 revocation; preserving state jurisdiction for
21 certain convictions; providing requirements for
22 certain license renewal; providing for the
23 expiration of certain provisions unless
24 reenacted by the Legislature; appropriating
25 certain fee revenues to the commission for blue
26 crab effort management program costs; amending
27 ss. 370.14, 370.1405, and 370.142, F.S.;
28 clarifying provisions regulating spiny
29 lobsters; providing for legislative approval of
30 rules establishing equitable rent; authorizing
31 the waiver of spiny lobster trap replacement

1 fees under certain conditions; providing
2 administrative penalties for certain violations
3 concerning spiny lobsters; prohibiting transfer
4 of spiny lobster certificates under certain
5 conditions; amending s. 861.021, F.S.;
6 clarifying provisions regulating spiny
7 lobsters; amending s. 370.143, F.S.; revising
8 provisions for certain trap retrieval programs
9 and fees; authorizing the waiver of trap
10 retrieval fees under certain conditions;
11 amending s. 372.09, F.S.; authorizing the use
12 of certain annual use fees for specialty
13 license plates to promote and market the
14 plates; amending s. 372.672, F.S.; authorizing
15 use of certain annual use fees for specialty
16 license plates to promote and market the
17 plates; amending s. 372.83, F.S.; correcting
18 cross-references; reenacting s. 380.511(1)(c),
19 F.S., relating to deposit of proceeds from sale
20 of certain specialty license plates, to
21 incorporate the amendments made to s.
22 320.08058, F.S., in a reference thereto;
23 amending s. 20.331, F.S.; requiring the Fish
24 and Wildlife Conservation Commission to adopt
25 and publish a rule establishing due process
26 procedures; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Paragraph (s) of subsection (4) of section
31 320.08056, Florida Statutes, is amended to read:

1 320.08056 Specialty license plates.--

2 (4) The following license plate annual use fees shall
3 be collected for the appropriate specialty license plates:

4 (s) Sea Turtle license plate, ~~\$23~~\$17.50.

5 Section 2. Paragraph (b) of subsection (5) and
6 subsection (18) of section 320.08058, Florida Statutes, are
7 amended and, paragraph (b) of subsection (1) of that section
8 is reenacted for the purpose of incorporating the amendments
9 made by this act to section 370.12, Florida Statutes, in a
10 reference thereto, to read:

11 320.08058 Specialty license plates.--

12 (1) MANATEE LICENSE PLATES.--

13 (b) The manatee license plate annual use fee must be
14 deposited into the Save the Manatee Trust Fund, created within
15 the Fish and Wildlife Conservation Commission, and shall be
16 used only for the purposes specified in s. 370.12(4).

17 (5) FLORIDA PANTHER LICENSE PLATES.--

18 (b) The department shall distribute the Florida
19 panther license plate annual use fee in the following manner:

20 1. Eighty-five percent must be deposited in the
21 Florida Panther Research and Management Trust Fund in the Fish
22 and Wildlife Conservation Commission to be used for education
23 and programs to protect the endangered Florida panther, and up
24 to 10 percent of such deposit may be used to promote and
25 market the license plate.

26 2. Fifteen percent, but no less than \$300,000, must be
27 deposited in the Florida Communities Trust Fund to be used
28 pursuant to the Florida Communities Trust Act.

29 (18) LARGEMOUTH BASS LICENSE PLATES.--

30 (b) The annual use fees must be deposited in ~~shall be~~
31 ~~distributed to~~ the State Game Trust Fund and used by the Fish

1 and Wildlife Conservation Commission to fund current
2 conservation programs that maintain current levels of
3 protection and management of this state's fish and wildlife
4 resources, including providing hunting, fishing, and
5 nonconsumptive wildlife opportunities. Up to 10 percent of the
6 annual use fee deposited into the trust fund may be used to
7 promote and market the license plate.

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

11 370.0603 Marine Resources Conservation Trust Fund;
12 purposes.--

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

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

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

24 (c) All fees collected under ~~pursuant to~~ ss. 370.063,
25 370.13, 370.135, 370.142, 370.143, and 372.5704.

26 (d) All fines and penalties under ss. ~~pursuant to s.~~
27 370.021, 370.13, 370.135, and 370.142.

28 Section 4. Subsection (1) of section 370.1105, Florida
29 Statutes, is amended to read:

30 370.1105 Saltwater finfish; fishing traps regulated.--
31

1 (1) It is unlawful for any person, firm, or
2 corporation to set, lay, place, or otherwise attempt to fish
3 for saltwater finfish with any trap other than:

4 (a) A crab, spiny lobster ~~crayfish~~, or shrimp trap
5 specifically permitted under s. 370.13, s. 370.135, s. 370.14,
6 or s. 370.15;

7 (b) A pinfish trap not exceeding 2 feet in any
8 dimension, with a throat or entrance not exceeding 3 inches in
9 height by three-quarters of an inch in width; or

10 (c) A black sea bass trap which has a biodegradable
11 panel and a throat or entrance, the narrowest point of which
12 is not more than 5 inches in height by 2 inches in width and
13 the outer dimensions of which do not exceed 2 feet in height,
14 2 feet in width, and 2 feet in depth. However, such traps may
15 be used only north of latitude 27° N.

16 Section 5. Paragraphs (d) and (e) are added to
17 subsection (4) of section 370.12, Florida Statutes, to read:

18 370.12 Marine animals; regulation.--

19 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

20 (d) Up to 10 percent of the annual use fee deposited
21 into the Save the Manatee Trust Fund from the sale of the
22 manatee license plate authorized in s. 320.08058 may be used
23 to promote and market the manatee license plate issued by the
24 Department of Highway Safety and Motor Vehicles after June 30,
25 2007.

26 (e) For the 2007-2008 fiscal year, the annual use fee
27 deposited into the Save the Manatee Trust Fund from the sale
28 of the manatee license plate authorized in s. 320.08058 may be
29 used by the commission to buy back any manatee license plates
30 not issued by the Department of Highway Safety and Motor
31

1 Vehicles thru June 30, 2006. This paragraph expires July 1,
2 2008.

3 Section 6. Subsection (1) and paragraph (a) of
4 subsection (2) of section 370.13, Florida Statutes, are
5 amended to read:

6 370.13 Stone crab; regulation.--

7 (1) FEES AND EQUITABLE RENT.--

8 (a) Endorsement fee.--The fee for a stone crab
9 endorsement for the taking of stone crabs, as required by rule
10 of the Fish and Wildlife Conservation Commission, is \$125, \$25
11 of which must be used solely for trap retrieval under s.
12 370.143.

13 (b) Certificate fees.--

14 1. For each trap certificate issued by the commission
15 under the requirements of the stone crab trap limitation
16 program established by commission rule, there is an annual fee
17 of 50 cents per certificate. Replacement tags for lost or
18 damaged tags cost 50 cents each plus the cost of shipping. In
19 the event of a major natural disaster, such as a hurricane or
20 major storm, which causes massive trap losses within an area
21 declared by the Governor to be a disaster emergency area, the
22 commission may temporarily defer or waive replacement tag
23 fees, except that tags lost in the event of a major natural
24 disaster declared as an emergency disaster by the Governor
25 shall be replaced for the cost of the tag as incurred by the
26 commission.

27 2. The fee for transferring trap certificates is \$1
28 per certificate transferred, except that the fee for eligible
29 crew members is 50 cents per certificate transferred. Eligible
30 crew members shall be determined according to criteria
31 established by rule of the commission. Payment must be made by

1 money order or cashier's check, submitted with the certificate
2 transfer form developed by the commission.

3 3. In addition to the transfer fee, a surcharge of \$1
4 per certificate transferred, or 25 percent of the actual value
5 of the transferred certificate, whichever is greater, will be
6 assessed the first time a certificate is transferred outside
7 the original holder's immediate family.

8 4. Transfer fees and surcharges only apply to the
9 actual number of certificates received by the purchaser. A
10 transfer of a certificate is not effective until the
11 commission receives a notarized copy of the bill of sale as
12 proof of the actual value of the transferred certificate or
13 certificates, which must also be submitted with the transfer
14 form and payment.

15 5. A transfer fee will not be assessed or required
16 when the transfer is within a family as a result of the death
17 or disability of the certificate owner. A surcharge will not
18 be assessed for any transfer within an individual's immediate
19 family.

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

22 (c) Incidental take endorsement.--The cost of an
23 incidental take endorsement, as established by commission
24 rule, is \$25.

25 (d) Equitable rent.--The commission may establish by
26 rule an amount of equitable rent per trap certificate that may
27 be recovered as partial compensation to the state for the
28 enhanced access to its natural resources. In determining
29 whether to establish such a rent and the amount thereof, the
30 commission may consider the amount of revenues annually
31 generated by endorsement fees, trap certificate fees, transfer

1 fees, surcharges, replacement trap tag fees, trap retrieval
2 fees, incidental take endorsement fees, and the continued
3 economic viability of the commercial stone crab industry. A
4 rule establishing an amount of equitable rent shall become
5 effective only after approval by the Legislature. ~~Final~~
6 ~~approval of such a rule shall be by the Governor and Cabinet~~
7 ~~sitting as the Board of Trustees of the Internal Improvement~~
8 ~~Trust Fund.~~

9 (e) Disposition of fees, surcharges, civil penalties
10 and fines, and equitable rent.--Endorsement fees, trap
11 certificate fees, transfer fees, civil penalties and fines,
12 surcharges, replacement trap tag fees, trap retrieval fees,
13 incidental take endorsement fees, and equitable rent, if any,
14 must be deposited in the Marine Resources Conservation Trust
15 Fund. Up to ~~Not more than~~ 50 percent of the revenues generated
16 under this section may be used for operation and
17 administration of the stone crab trap limitation program. All
18 ~~The~~ remaining revenues so generated must ~~under this program~~
19 ~~are to~~ be used for trap retrieval, management of the stone
20 crab fishery, public education activities, evaluation of the
21 impact of trap reductions on the stone crab fishery, and
22 enforcement activities in support of the stone crab trap
23 limitation program.

24 (f) Program to be self-supporting.--The stone crab
25 trap limitation program is intended to be a self-supporting
26 program funded from proceeds generated under this section.

27 (g) No vested rights.--The stone crab trap limitation
28 program does not create any vested rights for endorsement or
29 certificateholders and may be altered or terminated by the
30 commission as necessary to protect the stone crab resource,
31 the participants in the fishery, or the public interest.

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

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

12 1. In addition to any other penalties provided in s.
13 370.021, for any commercial harvester who violates this
14 paragraph, the following administrative penalties apply.

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

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

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

29 d. A fourth violation that occurs within 48 months of
30 any three previous such violations, shall result in permanent
31 revocation of all of the violator's saltwater fishing

1 | privileges, including having the commission proceed against
2 | the endorsement holder's saltwater products license in
3 | accordance with s. 370.021.

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

6 |
7 | Any commercial harvester assessed an administrative penalty
8 | under this paragraph shall, within 30 calendar days after
9 | notification, pay the administrative penalty to the
10 | commission, or request an administrative hearing under ss.
11 | 120.569 and 120.57. The proceeds of all administrative
12 | penalties collected under this paragraph shall be deposited in
13 | the Marine Resources Conservation Trust Fund.

14 | Section 7. Section 370.135, Florida Statutes, is
15 | amended to read:

16 | 370.135 Blue crab; regulation.--

17 | (1)~~(a)~~ No commercial harvester shall transport on the
18 | water, fish with or cause to be fished with, set, or place any
19 | trap designed for taking blue crabs unless such commercial
20 | harvester holds ~~is the holder of~~ a valid saltwater products
21 | license and a restricted species endorsement issued under
22 | ~~pursuant to~~ s. 370.06 and a blue crab endorsement issued under
23 | this section. Each trap shall have the harvester's blue crab
24 | endorsement number permanently affixed to it. Each buoy
25 | attached to such a trap shall also have the blue crab
26 | endorsement ~~and the trap has a current state~~ number
27 | permanently attached to the buoy. The blue crab endorsement
28 | ~~trap~~ number shall be affixed in legible figures at least 2
29 | inches ~~1-inch~~ high on each buoy used. The saltwater products
30 | license must be on board the boat, and both the license and
31 | the crabs shall be subject to inspection at all times. ~~Only~~

1 ~~one trap number may be issued for each boat by the commission~~
2 ~~upon 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.

5 ~~(b) It is unlawful for any person willfully to molest~~
6 ~~any blue crab traps, lines, or buoys, as defined herein,~~
7 ~~belonging to another without the express written consent of~~
8 ~~the trap owner.~~

9 ~~1. A commercial harvester who violates this paragraph~~
10 ~~commits a felony of the third degree, punishable as provided~~
11 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

12 ~~2. Any other person who violates this paragraph~~
13 ~~commits a Level Four violation under s. 372.83.~~

14
15 ~~Any commercial harvester receiving a judicial disposition~~
16 ~~other than dismissal or acquittal on a charge of willful~~
17 ~~molestation of a trap, in addition to the penalties specified~~
18 ~~in s. 370.021, shall lose all saltwater fishing privileges for~~
19 ~~a period of 24 calendar months.~~

20 ~~(c)1. It is unlawful for any person to remove the~~
21 ~~contents of or take possession of another harvester's blue~~
22 ~~crab trap without the express written consent of the trap~~
23 ~~owner available for immediate inspection. Unauthorized~~
24 ~~possession of another's trap gear or removal of trap contents~~
25 ~~constitutes theft.~~

26 ~~a. Any commercial harvester receiving a judicial~~
27 ~~disposition other than dismissal or acquittal on a charge of~~
28 ~~theft of or from a trap pursuant to this section or s.~~
29 ~~370.1107 shall, in addition to the penalties specified in s.~~
30 ~~370.021 and the provisions of this section, permanently lose~~
31 ~~all saltwater fishing privileges, including any saltwater~~

1 ~~products license and blue crab endorsement. In such cases~~
2 ~~endorsements are nontransferable.~~

3 ~~b. In addition, any commercial harvester receiving a~~
4 ~~judicial disposition other than dismissal or acquittal for~~
5 ~~violating this subsection or s. 370.1107 shall also be~~
6 ~~assessed an administrative penalty of up to \$5,000.~~

7 ~~Immediately upon receiving a citation for a violation~~
8 ~~involving theft of or from a trap and until adjudicated for~~
9 ~~such a violation, or receiving a judicial disposition other~~
10 ~~than dismissal or acquittal for such a violation, the~~
11 ~~commercial harvester committing the violation is prohibited~~
12 ~~from transferring any blue crab endorsements.~~

13 ~~2. A commercial harvester who violates this paragraph~~
14 ~~shall be punished under s. 370.021. Any other person who~~
15 ~~violates this paragraph commits a Level Two violation under s.~~
16 ~~372.83.~~

17 (2) No person shall harvest blue crabs with more than
18 five traps, harvest blue crabs in commercial quantities, or
19 sell blue crabs unless such person holds a valid saltwater
20 products license with a restricted species endorsement issued
21 under s. 370.06 and a blue crab endorsement(~~trap number~~)
22 issued under pursuant to this section subsection.

23 ~~(a) Effective June 1, 1998, and until July 1, 2002, no~~
24 ~~blue crab endorsement (trap number), except those endorsements~~
25 ~~that are active during the 1997 1998 fiscal year, shall be~~
26 ~~renewed or replaced.~~

27 ~~(b) Effective January 1, 1999, and until July 1, 2002,~~
28 ~~a trap number holder, or members of his or her immediate~~
29 ~~family, must request renewal of the endorsement prior to~~
30 ~~September 30 of each year.~~

31

1 ~~(c) If a person holding an active blue crab~~
2 ~~endorsement, or a member of that person's immediate family,~~
3 ~~does not request renewal of the endorsement before the~~
4 ~~applicable dates as specified in this subsection, the~~
5 ~~commission shall deactivate that endorsement.~~

6 ~~(a)(d)~~ In the event of the death or disability of a
7 person holding an active blue crab endorsement, the
8 endorsement may be transferred by the person to a member of
9 his or her immediate family or may be renewed by any person so
10 designated by the executor of the person's estate.

11 (b) A commercial harvester who holds a saltwater
12 products license and a blue crab endorsement that is issued to
13 the commercial harvester's vessel registration number and who
14 replaces an existing vessel with a new vessel may transfer the
15 existing blue crab endorsement to the saltwater products
16 license of the new vessel.

17 ~~(e) Persons who hold saltwater products licenses with~~
18 ~~blue crab endorsements issued to their boat registration~~
19 ~~numbers and who subsequently replace their existing vessels~~
20 ~~with new vessels shall be permitted to transfer the existing~~
21 ~~licenses to the new boat registration numbers.~~

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

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

28 2. The fee for a soft-shell blue crab endorsement for
29 the taking of soft-shell blue crabs, as authorized by rule of
30 the commission, is \$250, \$25 of which must be used solely for
31

1 the trap-retrieval program authorized under s. 370.143 and in
2 commission rules.

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

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

12 (b) Trap tag fees.--The annual fee for each trap tag
13 issued by the commission under the requirements of the blue
14 crab effort management program established by rule of the
15 commission is 50 cents per tag. The fee for replacement tags
16 for lost or damaged tags is 50 cents per tag plus the cost of
17 shipping. In the event of a major natural disaster, such as a
18 hurricane or major storm, which causes massive trap losses
19 within an area declared by the Governor to be a disaster
20 emergency area, the commission may temporarily defer or waive
21 replacement tag fees.

22 (c) Equitable rent.--The commission may establish by
23 rule an amount of equitable rent that may be recovered as
24 partial compensation to the state for the enhanced access to
25 its natural resources. In determining whether to establish
26 such a rent and the amount thereof, the commission may
27 consider the amount of revenues annually generated by
28 endorsement fees, trap tag fees, replacement trap tag fees,
29 trap retrieval fees, and the continued economic viability of
30 the commercial blue crab industry. A rule establishing an
31

1 amount of equitable rent shall become effective only upon
2 approval by act of the Legislature.

3 (d) Disposition of moneys generated from fees and
4 administrative penalties.--Moneys generated from the sale of
5 blue crab endorsements, trap tags, and replacement trap tags,
6 or from the assessment of administrative penalties by the
7 commission under this section shall be deposited into the
8 Marine Resources Conservation Trust Fund. Up to 50 percent of
9 the moneys generated from the sale of endorsements and trap
10 tags and the assessment of administrative penalties may be
11 used for the operation and administration of the blue crab
12 effort management program. The remaining moneys generated from
13 the sale of endorsements and trap tags and the assessment of
14 administrative penalties may be used for trap retrieval;
15 management of the blue crab fishery; and public-education
16 activities, research, and enforcement activities in support of
17 the blue crab effort management program.

18 (e) Waiver of fees.--For the 2007-2008 license year,
19 the commission shall waive all fees under this subsection for
20 all persons who qualify by September 30, 2007, to participate
21 in the blue crab effort management program established by
22 commission rule.

23 (4)(a) Untagged trap penalties.--By July 1, 2008, the
24 commission shall implement by rule the administrative
25 penalties authorized by this subsection. In addition to any
26 other penalties provided in s. 370.021 for any blue crab
27 endorsement holder who violates commission rules requiring the
28 placement of trap tags for traps used for the directed harvest
29 of blue crabs, the following administrative penalties apply:

30 1. For a first violation, the commission shall assess
31 an administrative penalty of up to \$1,000.

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

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

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

17
18 Any blue crab endorsement holder assessed an administrative
19 penalty under this paragraph shall, within 30 calendar days
20 after notification, pay the administrative penalty to the
21 commission or request an administrative hearing under ss.
22 120.569 and 120.57.

23 (b) Trap theft; prohibitions and penalties.--It is
24 unlawful for any person to remove or take possession of the
25 contents of another harvester's blue crab trap without the
26 express written consent of the trap owner, which must be
27 available for immediate inspection. Unauthorized possession of
28 another harvester's blue crab trap gear or removal of trap
29 contents constitutes theft.

30 1. Any commercial harvester receiving a judicial
31 disposition other than dismissal or acquittal on a charge of

1 theft of or from a trap as prohibited by this paragraph shall,
2 in addition to the penalties specified in s. 370.021 and this
3 section, permanently lose all saltwater fishing privileges,
4 including any saltwater products licenses, blue crab
5 endorsements and blue crab trap tags allotted to him or her by
6 the commission. In such cases endorsements are
7 nontransferable.

8 2. In addition, any commercial harvester receiving a
9 judicial disposition other than dismissal or acquittal for
10 violating this paragraph shall also be assessed an
11 administrative penalty of up to \$5,000. Immediately upon
12 receipt of a citation for a violation involving theft of or
13 from a trap and until adjudicated for such a violation, or
14 upon receipt of a judicial disposition other than dismissal or
15 acquittal for such a violation, the commercial harvester
16 committing the violation is prohibited from transferring any
17 blue crab endorsements.

18 3. A commercial harvester who violates this paragraph
19 shall be punished under s. 370.021. Any other person who
20 violates this paragraph commits a Level Two violation under s.
21 372.83.

22 (c) Criminal activities prohibited.--

23 1. It is unlawful for any commercial harvester or any
24 other person to:

25 a. Willfully molest any blue crab trap, line or buoy
26 that is the property of any licenseholder without the
27 permission of that licenseholder.

28 b. Barter, trade, lease, or sell a blue crab trap tag,
29 or conspire or aid in such barter, trade, lease, or sale
30 unless duly authorized by commission rules.

31

1 c. Supply, agree to supply, aid in supplying, or give
2 away a blue crab trap tag unless duly authorized by commission
3 rules.

4 d. Make, alter, forge, counterfeit, or reproduce a
5 blue crab trap tag.

6 e. Possess an altered, forged, counterfeit, or
7 imitation blue crab trap tag.

8 f. Possess a number of original trap tags or
9 replacement trap tags, the sum of which exceeds by 1 percent
10 the number of traps allowed by commission rules.

11 g. Engage in the commercial harvest of blue crabs
12 while the blue crab endorsements of the license holder are
13 under suspension or revocation.

14 2. Immediately upon receiving a citation involving a
15 violation of this paragraph and until adjudicated for such a
16 violation, a commercial harvester is prohibited from
17 transferring any blue crab endorsement.

18 3. A commercial harvester convicted of violating this
19 paragraph commits a felony of the third degree, punishable as
20 provided in s. 775.082, s. 775.083, or s. 775.084, shall also
21 be assessed an administrative penalty of up to \$5,000, and is
22 immediately prohibited from transferring any blue crab
23 endorsement. All blue crab endorsements issued to a commercial
24 harvester convicted of violating this paragraph may be
25 suspended for up to 24 calendar months.

26 4. Any other person convicted of violating this
27 paragraph commits a Level Four violation under s. 372.83.

28 (d) Endorsement transfers; fraudulent reports;
29 penalties.--For a commercial harvester convicted of
30 fraudulently reporting the actual value of transferred blue
31 crab endorsements, the commission may automatically suspend or

1 permanently revoke the seller's or the purchaser's blue crab
2 endorsements. If the endorsement is permanently revoked, the
3 commission shall also permanently deactivate the endorsement
4 holder's blue crab trap tag accounts.

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

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

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

17 (7) Subsections (3), (4), (5), and (6) shall expire on
18 July 1, 2009, unless reenacted by the Legislature during the
19 2009 Regular Session.

20 Section 8. For the 2007-2008 fiscal year, the sum of
21 \$132,000 is appropriated from the Marine Resources
22 Conservation Trust Fund to the Fish and Wildlife Conservation
23 Commission on a recurring basis for the purpose of
24 implementing the blue crab effort management program pursuant
25 to s. 370.135(3)(b), Florida Statutes, and for the
26 administrative costs of the Blue Crab Advisory Board created
27 by commission rule.

28 Section 9. Subsections (2) and (3) of section 370.14,
29 Florida Statutes, are amended to read:

30 370.14 Spiny lobster; regulation.--
31

1 (2)(a)1. Each commercial harvester taking or
2 attempting to take spiny lobster with a trap in commercial
3 quantities or for commercial purposes shall obtain and exhibit
4 a spiny lobster endorsement ~~trap number~~, as required by the
5 Fish and Wildlife Conservation Commission. The annual fee for
6 a spiny lobster endorsement ~~trap number~~ is \$125. This
7 endorsement ~~trap number~~ may be issued by the commission upon
8 the receipt of application by the commercial harvester when
9 accompanied by the payment of the fee. The design of the
10 applications and of the endorsement ~~trap number~~ shall be
11 determined by the commission. Any trap or device used in
12 taking or attempting to take spiny lobster, other than a trap
13 with the endorsement ~~trap~~ number, shall be seized and
14 destroyed by the commission. The proceeds of the fees imposed
15 by this paragraph shall be deposited and used as provided in
16 paragraph (b). The commission may adopt rules to carry out the
17 intent of this section.

18 2. Each commercial harvester taking or attempting to
19 take spiny lobster in commercial quantities or for commercial
20 purposes by any method, other than with a trap having a spiny
21 lobster endorsement ~~trap~~ number issued by the commission, must
22 pay an annual fee of \$100.

23 (b) Twenty-five dollars of the \$125 fee for a spiny
24 lobster endorsement ~~trap~~ number required under subparagraph
25 (a)1. must be used only for trap retrieval as provided in s.
26 370.143. The remainder of the fees collected under ~~pursuant to~~
27 paragraph (a) shall be deposited as follows:

28 1. Fifty percent of the fees collected shall be
29 deposited in the Marine Resources Conservation Trust Fund for
30 use in enforcing the provisions of paragraph (a) through
31 aerial and other surveillance and trap retrieval.

1 2. Fifty percent of the fees collected shall be
2 deposited as provided in s. 370.142(5).

3 (3) The spiny lobster endorsement license must be on
4 board the boat, and both the endorsement license and the
5 harvested spiny lobster shall be subject to inspection at all
6 times. Only one endorsement license shall be issued for each
7 boat. The spiny lobster endorsement license number must be
8 prominently displayed above the topmost portion of the boat so
9 as to be easily and readily identified.

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

12 370.1405 Spiny lobster ~~Crawfish~~ reports by dealers
13 during closed season required.--

14 (1) Within 3 days after the commencement of the closed
15 season for the taking of spiny lobster ~~saltwater crawfish~~,
16 each and every seafood dealer, either retail or wholesale,
17 intending to possess whole spiny lobster ~~crawfish~~, spiny
18 lobster ~~crawfish~~ tails, or spiny lobster ~~crawfish~~ meat during
19 closed season shall submit to the Fish and Wildlife
20 Conservation Commission, on forms provided by the commission,
21 a sworn report of the quantity, in pounds, of ~~saltwater~~ whole
22 spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~ tails, and
23 spiny lobster ~~crawfish~~ meat in the dealer's name or possession
24 as of the date the season closed. This report shall state the
25 location and number of pounds of whole spiny lobster ~~crawfish~~,
26 spiny lobster ~~crawfish~~ tails, and spiny lobster ~~crawfish~~ meat.
27 The commission shall not accept any reports not delivered or
28 postmarked by midnight of the 3rd calendar day after the
29 commencement of the closed season, and any stocks of spiny
30 lobster ~~crawfish~~ reported therein are declared a nuisance and
31 may be seized by the commission.

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

18 (3) All dealers having reported stocks of spiny
19 lobster ~~crawfish~~ may sell or offer to sell such stocks of
20 spiny lobster ~~crawfish~~; however, such dealers shall submit an
21 additional report on the last day of each month during the
22 duration of the closed season. Reports shall be made on forms
23 supplied by the commission. Each dealer shall state on this
24 report the number of pounds brought forward from the previous
25 report period, the number of pounds sold during the report
26 period, the number of pounds, if any, acquired from a licensed
27 wholesale dealer during the report period, and the number of
28 pounds remaining on hand. In every case, the amount of spiny
29 lobster ~~crawfish~~ sold plus the amount reported on hand shall
30 equal the amount acquired plus the amount reported remaining
31 on hand in the last submitted report. Copies of records or

1 invoices documenting the number of pounds acquired during the
2 closed season must be maintained by the wholesale or retail
3 dealer and shall be kept available for inspection by the
4 commission for a period not less than 3 years from the date of
5 the recorded transaction. Reports postmarked later than
6 midnight on the 3rd calendar day of each month during the
7 duration of the closed season will not be accepted by the
8 commission. Dealers for which late supplementary reports are
9 not accepted by the commission must show just cause why their
10 entire stock of whole spiny lobster ~~erawfish~~, spiny lobster
11 ~~erawfish~~ tails, or spiny lobster ~~erawfish~~ meat should not be
12 seized by the commission. Whenever a dealer fails to timely
13 submit the monthly supplementary report as described in this
14 subsection, the dealer may be subject to the following civil
15 penalties:

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

18 (b) For a second violation within the same spiny
19 lobster ~~erawfish~~ closed season, the commission shall assess a
20 civil penalty of \$1,000.

21 (c) For a third violation within the same spiny
22 lobster ~~erawfish~~ closed season, the commission shall assess a
23 civil penalty of \$2,500 and may seize said dealer's entire
24 stock of whole spiny lobster ~~erawfish~~, spiny lobster ~~erawfish~~
25 tails, or spiny lobster ~~erawfish~~ meat and carry the same
26 before the court for disposal. The dealer shall post a cash
27 bond in the amount of the fair value of the entire remaining
28 quantity of spiny lobster ~~erawfish~~ as determined by the judge.
29 After posting the cash bond, a dealer shall have 24 hours to
30 transport said products outside the limits of Florida for sale
31 as provided by s. 370.061. Otherwise, the product shall be

1 declared a nuisance and disposed of by the commission
2 according to law.

3 (4) All seafood dealers shall at all times during the
4 closed season make their stocks of whole spiny lobster
5 ~~crayfish~~, spiny lobster ~~crayfish~~ tails, or spiny lobster
6 ~~crayfish~~ meat available for inspection by the commission.

7 (5) Each wholesale and retail dealer in whole spiny
8 lobster ~~crayfish~~, spiny lobster ~~crayfish~~ tails, or spiny
9 lobster ~~crayfish~~ meat shall keep throughout the period of the
10 spiny lobster ~~crayfish~~ closed season copies of the bill of
11 sale or invoice covering each transaction involving whole
12 spiny lobster ~~crayfish~~, spiny lobster ~~crayfish~~ tails, or spiny
13 lobster ~~crayfish~~ meat. Such invoices and bills shall be kept
14 available at all times for inspection by the commission.

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

18 Section 11. Subsection (2) of section 370.142, Florida
19 Statutes, is amended to read:

20 370.142 Spiny lobster trap certificate program.--

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

26 (a) Transferable trap certificates.--Each holder of a
27 saltwater products license who uses traps for taking or
28 attempting to take spiny lobsters shall be required to have a
29 certificate on record for each trap possessed or used
30 therefor, except as otherwise provided in this section.

31

1 1. ~~The Department of Environmental Protection shall~~
2 ~~initially allot such certificates to each licenseholder with a~~
3 ~~current crawfish trap number who uses traps. The number of~~
4 ~~such certificates allotted to each such licenseholder shall be~~
5 ~~based on the trap/catch coefficient established pursuant to~~
6 ~~trip ticket records generated under the provisions of s.~~
7 ~~370.06(2) over a 3 year base period ending June 30, 1991. The~~
8 ~~trap/catch coefficient shall be calculated by dividing the sum~~
9 ~~of the highest reported single license year landings up to a~~
10 ~~maximum of 30,000 pounds for each such licenseholder during~~
11 ~~the base period by 700,000. Each such licenseholder shall then~~
12 ~~be allotted the number of certificates derived by dividing his~~
13 ~~or her highest reported single license year landings up to a~~
14 ~~maximum of 30,000 pounds during the base period by the~~
15 ~~trap/catch coefficient. Nevertheless, no licenseholder with a~~
16 ~~current crawfish trap number shall be allotted fewer than 10~~
17 ~~certificates. However, certificates may only be issued to~~
18 ~~individuals; therefore, all licenseholders other than~~
19 ~~individual licenseholders shall designate the individual or~~
20 ~~individuals to whom their certificates will be allotted and~~
21 ~~the number thereof to each, if more than one. After initial~~
22 ~~issuance,~~ Trap certificates are transferable on a market basis
23 and may be transferred from one licenseholder to another for a
24 fair market value agreed upon between the transferor and
25 transferee. Each such transfer shall, within 72 hours thereof,
26 be recorded on a notarized form provided for that purpose by
27 the Fish and Wildlife Conservation Commission and hand
28 delivered or sent by certified mail, return receipt requested,
29 to the commission for recordkeeping purposes. ~~In addition,~~ In
30 order to cover the added administrative costs of the program
31 and to recover an equitable natural resource rent for the

1 | people of the state, a transfer fee of \$2 per certificate
2 | transferred shall be assessed against the purchasing
3 | licenseholder and sent by money order or cashier's check with
4 | the certificate transfer form. Also, in addition to the
5 | transfer fee, a surcharge of \$5 per certificate transferred or
6 | 25 percent of the actual market value, whichever is greater,
7 | given to the transferor shall be assessed the first time a
8 | certificate is transferred outside the original transferor's
9 | immediate family. No transfer of a certificate shall be
10 | effective until the commission receives the notarized transfer
11 | form and the transfer fee, including any surcharge, is paid.
12 | The commission may establish by rule an amount of equitable
13 | rent per trap certificate that shall be recovered as partial
14 | compensation to the state for the enhanced access to its
15 | natural resources. A rule establishing an amount of equitable
16 | rent shall become effective only after approval by the
17 | Legislature ~~Final approval of such a rule shall be by the~~
18 | ~~Governor and Cabinet sitting as the Board of Trustees of the~~
19 | ~~Internal Improvement Trust Fund.~~ In determining whether to
20 | establish such a rent and, if so, the amount thereof, the
21 | commission shall consider the amount of revenues annually
22 | generated by certificate fees, transfer fees, surcharges, trap
23 | license fees, and sales taxes, the demonstrated fair market
24 | value of transferred certificates, and the continued economic
25 | viability of the commercial lobster industry. All ~~The~~ proceeds
26 | of equitable rent recovered must ~~shall~~ be deposited in the
27 | Marine Resources Conservation Trust Fund and used by the
28 | commission for research, management, and protection of the
29 | spiny lobster fishery and habitat. A transfer fee may not be
30 | assessed or required when the transfer is within a family as a
31 | result of the death or disability of the certificate owner. A

1 surcharge will not be assessed for any transfer within an
2 individual's immediate family.

3 2. No person, firm, corporation, or other business
4 entity may control, directly or indirectly, more than 1.5
5 percent of the total available certificates in any license
6 year.

7 3. The commission shall maintain records of all
8 certificates and their transfers and shall annually provide
9 each licenseholder with a statement of certificates held.

10 4. The number of trap tags issued annually to each
11 licenseholder shall not exceed the number of certificates held
12 by the licenseholder at the time of issuance, and such tags
13 and a statement of certificates held shall be issued
14 simultaneously.

15 5. ~~Beginning July 1, 2003, and applicable to the~~
16 ~~2003-2004 lobster season and thereafter,~~ It is unlawful for
17 any person to lease spiny lobster trap tags or certificates.

18 (b) Trap tags.--Each trap used to take or attempt to
19 take spiny lobsters in state waters or adjacent federal waters
20 shall, in addition to the spiny lobster endorsement ~~crayfish~~
21 ~~trap~~ number required by s. 370.14(2), have affixed thereto an
22 annual trap tag issued by the commission. Each such tag shall
23 be made of durable plastic or similar material and shall,
24 based on the number of certificates held, have stamped thereon
25 the owner's license number. To facilitate enforcement and
26 recordkeeping, such tags shall be issued each year in a color
27 different from that of each of the previous 3 years. The
28 annual certificate fee shall be \$1 per certificate.
29 Replacement tags for lost or damaged tags may be obtained as
30 provided by rule of the commission. In the event of a major
31 natural disaster, such as a hurricane or major storm, which

1 causes massive trap losses within an area declared by the
2 Governor to be a disaster emergency area, the commission may
3 temporarily defer or waive replacement tag fees.

4 (c) Prohibitions; penalties.--

5 1. It is unlawful for a person to possess or use a
6 spiny lobster trap in or on state waters or adjacent federal
7 waters without having affixed thereto the trap tag required by
8 this section. It is unlawful for a person to possess or use
9 any other gear or device designed to attract and enclose or
10 otherwise aid in the taking of spiny lobster by trapping that
11 is not a trap as defined by commission rule.

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

15 3. It is unlawful for any person to willfully molest,
16 take possession of, or remove the contents of another
17 harvester's spiny lobster trap without the express written
18 consent of the trap owner available for immediate inspection.
19 Unauthorized possession of another's trap gear or removal of
20 trap contents constitutes theft.

21 a. A commercial harvester who violates this
22 subparagraph shall be punished under ss. 370.021 and 370.14.
23 Any commercial harvester receiving a judicial disposition
24 other than dismissal or acquittal on a charge of theft of or
25 from a trap pursuant to this subparagraph or s. 370.1107
26 shall, in addition to the penalties specified in ss. 370.021
27 and 370.14 and the provisions of this section, permanently
28 lose all his or her saltwater fishing privileges, including
29 his or her saltwater products license, spiny lobster
30 endorsement, and all trap certificates allotted to him or her
31

1 through this program. In such cases, trap certificates and
2 endorsements are nontransferable.

3 b. Any commercial harvester receiving a judicial
4 disposition other than dismissal or acquittal on a charge of
5 willful molestation of a trap, in addition to the penalties
6 specified in ss. 370.021 and 370.14, shall lose all saltwater
7 fishing privileges for a period of 24 calendar months.

8 c. In addition, any commercial harvester charged with
9 violating this subparagraph ~~paragraph~~ and receiving a judicial
10 disposition other than dismissal or acquittal for violating
11 this subparagraph or s. 370.1107 shall also be assessed an
12 administrative penalty of up to \$5,000.

13
14 Immediately upon receiving a citation for a violation
15 involving theft of or from a trap, or molestation of a trap,
16 and until adjudicated for such a violation or, upon receipt of
17 a judicial disposition other than dismissal or acquittal of
18 such a violation, the commercial harvester ~~person, firm, or~~
19 ~~corporation~~ committing the violation is prohibited from
20 transferring any spiny lobster trap certificates and
21 endorsements.

22 4. In addition to any other penalties provided in s.
23 370.021, a commercial harvester who violates the provisions of
24 this section or commission rules relating to spiny lobster
25 traps shall be punished as follows:

26 a. If the first violation is for violation of
27 subparagraph 1. or subparagraph 2., the commission shall
28 assess an additional administrative penalty of up to \$1,000
29 and the spiny lobster endorsement ~~trap number~~ issued under
30 ~~pursuant to~~ s. 370.14(2) or (6) may be suspended for the
31 remainder of the current license year. For all other first

1 | violations, the commission shall assess an additional
2 | administrative penalty of up to \$500.

3 | b. For a second violation of subparagraph 1. or
4 | subparagraph 2. which occurs within 24 months of any previous
5 | such violation, the commission shall assess an additional
6 | administrative penalty of up to \$2,000 and the spiny lobster
7 | endorsement trap number issued under ~~pursuant to~~ s. 370.14(2)
8 | or (6) may be suspended for the remainder of the current
9 | license year.

10 | c. For a third or subsequent violation of subparagraph
11 | 1., subparagraph 2., or subparagraph 3. which occurs within 36
12 | months of any previous two such violations, the commission
13 | shall assess an additional administrative penalty of up to
14 | \$5,000 and may suspend the spiny lobster endorsement trap
15 | number issued under ~~pursuant to~~ s. 370.14(2) or (6) for a
16 | period of up to 24 months or may revoke the spiny lobster
17 | endorsement trap number and, if revoking the spiny lobster
18 | endorsement trap number, may also proceed against the
19 | licenseholder's saltwater products license in accordance with
20 | the provisions of s. 370.021(2)(h).

21 | d. Any person assessed an additional administrative
22 | penalty pursuant to this section shall within 30 calendar days
23 | after notification:

24 | (I) Pay the administrative penalty to the commission;

25 | or

26 | (II) Request an administrative hearing pursuant to the
27 | provisions of ss. 120.569 and 120.57.

28 | e. The commission shall suspend the spiny lobster
29 | endorsement trap number issued pursuant to s. 370.14(2) or (6)
30 | for any person failing to comply with the provisions of
31 | sub-subparagraph d.

1 5.a. It is unlawful for any person to make, alter,
2 forge, counterfeit, or reproduce a spiny lobster trap tag or
3 certificate.

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

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

14 6.a. Any commercial harvester who violates the
15 provisions of subparagraph 5., or any commercial harvester who
16 engages in the commercial harvest, trapping, or possession of
17 spiny lobster without a spiny lobster endorsement ~~trap number~~
18 as required by s. 370.14(2) or (6) or during any period while
19 such spiny lobster endorsement ~~trap number~~ is under suspension
20 or revocation, commits a felony of the third degree,
21 punishable as provided in s. 775.082, s. 775.083, or s.
22 775.084.

23 b. In addition to any penalty imposed pursuant to
24 sub-subparagraph a., the commission shall levy a fine of up to
25 twice the amount of the appropriate surcharge to be paid on
26 the fair market value of the transferred certificates, as
27 provided in subparagraph (a)1., on any commercial harvester
28 who violates the provisions of sub-subparagraph 5.c.

29 c. In addition to any penalty imposed pursuant to
30 sub-subparagraph a., any commercial harvester receiving any
31 judicial disposition other than acquittal or dismissal for a

1 violation of subparagraph 5. shall be assessed an
2 administrative penalty of up to \$5,000, and the spiny lobster
3 endorsement under which the violation was committed may be
4 suspended for up to 24 calendar months. Immediately upon
5 issuance of a citation involving a violation of subparagraph
6 5. and until adjudication of such a violation, and after
7 receipt of any judicial disposition other than acquittal or
8 dismissal for such a violation, the commercial harvester
9 holding the spiny lobster endorsement listed on the citation
10 is prohibited from transferring any spiny lobster trap
11 certificates.

12 ~~d.e.~~ Any other person who violates the provisions of
13 subparagraph 5. commits a Level Four violation under s.
14 372.83.

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

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

28 9. All traps shall be removed from the water during
29 any period of suspension or revocation.
30
31

1 10. Except as otherwise provided, any person who
2 violates this paragraph commits a Level Two violation under s.
3 372.83.

4 (d) No vested rights.--The trap certificate program
5 shall not create vested rights in licenseholders whatsoever
6 and may be altered or terminated as necessary to protect the
7 spiny lobster resource, the participants in the fishery, or
8 the public interest.

9 Section 12. Subsection (1) of section 861.021, Florida
10 Statutes, is amended to read:

11 861.021 Obstructing channels; misdemeanor.--

12 (1) It is unlawful for any person to place any spiny
13 lobster ~~crawfish~~, crab, or fish trap or set net or other
14 similar device with a buoy or marker attached so that said
15 buoy or marker obstructs the navigation of boats in channels
16 of the waters of the state which are marked by, and which
17 markers are continuously maintained by, the Coast Guard of the
18 United States.

19 (2) Any person willfully violating the provision of
20 this section is guilty of a misdemeanor of the second degree,
21 punishable as provided in s. 775.082 or s. 775.083.

22 Section 13. Section 370.143, Florida Statutes, is
23 amended to read:

24 370.143 Retrieval of spiny lobster, ~~crawfish~~, and
25 stone crab, blue crab, and black sea bass traps during closed
26 season; commission authority; fees.--

27 (1) The Fish and Wildlife Conservation Commission is
28 authorized to implement a trap retrieval program for retrieval
29 of spiny lobster, ~~crawfish~~, and stone crab, blue crab, and
30 black sea bass traps remaining in the water during the closed
31

1 season for each species. The commission is authorized to
2 contract with outside agents for the program operation.

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

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

20 (4) In the event of a major natural disaster, such as
21 a hurricane or major storm, which causes major trap losses
22 within an area declared by the Governor to be a disaster
23 emergency area, the commission shall waive the trap retrieval
24 fee. ~~In the event of a major natural disaster in an area~~
25 ~~declared by the Governor to be a disaster emergency area, such~~
26 ~~as a hurricane or major storm causing massive trap losses, the~~
27 ~~commission shall waive the trap retrieval fee.~~

28 Section 14. Section 372.09, Florida Statutes, is
29 amended to read:

30 372.09 State Game Trust Fund.--The funds resulting
31 from the operation of the commission and from the

1 administration of the laws and regulations pertaining to
2 birds, game, fur-bearing animals, freshwater fish, reptiles,
3 and amphibians, together with any other funds specifically
4 provided for such purposes shall constitute the State Game
5 Trust Fund and shall be used by the commission as it shall
6 deem fit in carrying out the provisions hereof and for no
7 other purposes, except that annual use fees deposited into the
8 trust fund from the sale of the Largemouth Bass license plate
9 may be expended for the purposes provided under s.
10 320.08058(18). The commission may not obligate itself beyond
11 the current resources of the State Game Trust Fund unless
12 specifically so authorized by the Legislature.

13 Section 15. Paragraph (d) is added to subsection (2)
14 of section 372.672, Florida Statutes, to read:

15 372.672 Florida Panther Research and Management Trust
16 Fund.--

17 (2) Money from the fund shall be spent only for the
18 following purposes:

19 (d) To promote and market the panther license plate
20 authorized under s. 320.08058.

21 Section 16. Paragraph (a) of subsection (2) and
22 paragraph (a) of subsection (4) of section 372.83, Florida
23 Statutes, are amended to read:

24 372.83 Penalties and violations; civil penalties for
25 noncriminal infractions; criminal penalties; suspension and
26 forfeiture of licenses and permits.--

27 (2)(a) LEVEL TWO VIOLATIONS.--A person commits a Level
28 Two violation if he or she violates any of the following
29 provisions:

30
31

- 1 1. Rules or orders of the commission relating to
2 seasons or time periods for the taking of wildlife, freshwater
3 fish, or saltwater fish.
- 4 2. Rules or orders of the commission establishing bag,
5 possession, or size limits or restricting methods of taking
6 wildlife, freshwater fish, or saltwater fish.
- 7 3. Rules or orders of the commission prohibiting
8 access or otherwise relating to access to wildlife management
9 areas or other areas managed by the commission.
- 10 4. Rules or orders of the commission relating to the
11 feeding of wildlife, freshwater fish, or saltwater fish.
- 12 5. Rules or orders of the commission relating to
13 landing requirements for freshwater fish or saltwater fish.
- 14 6. Rules or orders of the commission relating to
15 restricted hunting areas, critical wildlife areas, or bird
16 sanctuaries.
- 17 7. Rules or orders of the commission relating to
18 tagging requirements for game and fur-bearing animals.
- 19 8. Rules or orders of the commission relating to the
20 use of dogs for the taking of game.
- 21 9. Rules or orders of the commission which are not
22 otherwise classified.
- 23 10. All prohibitions in chapter 370 which are not
24 otherwise classified.
- 25 11. Section 370.028, prohibiting the violation of or
26 noncompliance with commission rules.
- 27 12. Section 370.021(6) prohibiting the sale, purchase,
28 harvest, or attempted harvest of any saltwater product with
29 intent to sell.
- 30 13. Section 370.08, prohibiting the obstruction of
31 waterways with net gear.

1 14. Section 370.1105, prohibiting the unlawful use of
2 finfish traps.

3 15. Section 370.1121, prohibiting the unlawful taking
4 of bonefish.

5 16. Section 370.13(2)(a) and (b), prohibiting the
6 possession or use of stone crab traps without trap tags and
7 theft of trap contents or gear.

8 17. Section 370.135(4)(b) ~~370.135(1)(c)~~, prohibiting
9 the theft of blue crab trap contents or trap gear.

10 18. Section 370.142(2)(c), prohibiting the possession
11 or use of spiny lobster traps without trap tags or
12 certificates and theft of trap contents or trap gear.

13 19. Section 372.5704, prohibiting the possession of
14 tarpon without purchasing a tarpon tag.

15 20. Section 372.667, prohibiting the feeding or
16 enticement of alligators or crocodiles.

17 21. Section 372.705, prohibiting the intentional
18 harassment of hunters, fishers, or trappers.

19 (4)(a) LEVEL FOUR VIOLATIONS.--A person commits a
20 Level Four violation if he or she violates any of the
21 following provisions:

22 1. Section 370.13(2)(c), prohibiting criminal
23 activities relating to the taking of stone crabs.

24 2. Section 370.135(4)(c) ~~370.135(1)(b)~~, prohibiting
25 criminal activities relating to the taking and harvesting of
26 blue crabs ~~the willful molestation of blue crab gear.~~

27 3. Section 370.14(4), prohibiting the willful
28 molestation of spiny lobster gear.

29 4. Section 370.142(2)(c)5., prohibiting the unlawful
30 reproduction, possession, sale, trade, or barter of spiny
31 lobster trap tags or certificates.

1 5. Section 372.57(16), prohibiting the making,
2 forging, counterfeiting, or reproduction of a recreational
3 license or possession of same without authorization from the
4 commission.

5 6. Section 372.99(5), prohibiting the sale of
6 illegally-taken deer or wild turkey.

7 7. Section 372.99022, prohibiting the molestation or
8 theft of freshwater fishing gear.

9 Section 17. For the purpose of incorporating the
10 amendments made by this act to section 320.08058, Florida
11 Statutes, in a reference thereto, paragraph (c) of subsection
12 (1) of section 380.511, Florida Statutes, is reenacted to
13 read:

14 380.511 Florida Communities Trust Fund.--

15 (1) There is created the Florida Communities Trust
16 Fund as a nonlapsing, revolving fund for projects, activities,
17 acquisitions, and operating expenses necessary to carry out
18 this part. The fund shall be held and administered by the
19 trust. The following shall be credited to or deposited in the
20 Florida Communities Trust Fund:

21 (c) Proceeds from the sale of environmental license
22 plates authorized in s. 320.08058(5).

23 Section 18. Paragraph (a) of subsection (8) of section
24 20.331, Florida Statutes, is amended to read:

25 20.331 Fish and Wildlife Conservation Commission.--

26 (8) ADEQUATE DUE PROCESS PROCEDURES.--

27 (a) The commission shall adopt a rule establishing
28 adequate due process procedures to be accorded to any party,
29 as defined in s. 120.52, whose substantial interests are
30 affected by any action of the commission in the performance of
31 its constitutional duties and responsibilities and the

1 adequate due process procedures adopted by rule shall be
2 published in the Florida Administrative Code. The commission
3 ~~shall implement a system of adequate due process procedures to~~
4 ~~be accorded to any party, as defined in s. 120.52, whose~~
5 ~~substantial interests will be affected by any action of the~~
6 ~~commission in the performance of its constitutional duties or~~
7 ~~responsibilities.~~

8 Section 19. This act shall take effect July 1, 2007.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS for SB 1980

13 The committee substitute amends the current administrative
14 penalty provisions for first violations of the stone crab
15 management program. It provides that the cost of replacement
16 stone crab tags will include the cost of shipping. The CS
17 creates administrative penalty provisions and establishes by
18 rule a schedule for penalties under the blue crab effort
19 management program. It corrects references to salt water
20 crawfish to conform to the commission's current spiny lobster
21 program. The CS corrects references to spiny lobster
22 endorsements. The CS reinstates current law regarding the
23 commission's constitutional authority.
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