

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

1 s. 370.143, F.S.; revising provisions for
2 certain trap retrieval programs and fees;
3 authorizing the waiver of trap retrieval fees
4 under certain conditions; amending s. 372.09,
5 F.S.; authorizing the use of certain annual use
6 fees for specialty license plates to promote
7 and market the plates; amending s. 372.672,
8 F.S.; authorizing use of certain annual use
9 fees for specialty license plates to promote
10 and market the plates; amending s. 372.83,
11 F.S.; correcting cross-references; reenacting
12 s. 380.511(1)(c), F.S., relating to deposit of
13 proceeds from sale of certain specialty license
14 plates, to incorporate the amendments made to
15 s. 320.08058, F.S., in a reference thereto;
16 amending s. 20.331, F.S.; requiring the Fish
17 and Wildlife Conservation Commission to adopt
18 and publish a rule establishing due process
19 procedures; amending 370.025, F.S.; revising
20 the commission's rulemaking authority;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (b) of subsection (5) and
26 subsection (18) of section 320.08058, Florida Statutes, are
27 amended and, paragraph (b) of subsection (1) of that section
28 is reenacted for the purpose of incorporating the amendments
29 made by this act to section 370.12, Florida Statutes, in a
30 reference thereto, to read:

31 320.08058 Specialty license plates.--

1 (1) MANATEE LICENSE PLATES.--

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

6 (5) FLORIDA PANTHER LICENSE PLATES.--

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

9 1. Eighty-five percent must be deposited in the
10 Florida Panther Research and Management Trust Fund in the Fish
11 and Wildlife Conservation Commission to be used for education
12 and programs to protect the endangered Florida panther, and up
13 to 10 percent of such deposit may be used to promote and
14 market the license plate.

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

18 (18) LARGEMOUTH BASS LICENSE PLATES.--

19 (b) The annual use fees must be deposited in ~~shall be~~
20 ~~distributed to~~ the State Game Trust Fund and used by the Fish
21 and Wildlife Conservation Commission to fund current
22 conservation programs that maintain current levels of
23 protection and management of this state's fish and wildlife
24 resources, including providing hunting, fishing, and
25 nonconsumptive wildlife opportunities. Up to 10 percent of the
26 annual use fee deposited into the trust fund may be used to
27 promote and market the license plate.

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

31

1 370.0603 Marine Resources Conservation Trust Fund;
2 purposes.--

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

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

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

14 (c) All fees collected under ~~pursuant to~~ ss. 370.063,
15 370.13, 370.135, 370.142, 370.143, and 372.5704.

16 (d) All fines and penalties under ss. ~~pursuant to s.~~
17 370.021, 370.13, 370.135, and 370.142.

18 Section 3. Subsection (1) of section 370.1105, Florida
19 Statutes, is amended to read:

20 370.1105 Saltwater finfish; fishing traps regulated.--

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

24 (a) A crab, spiny lobster ~~crayfish~~, or shrimp trap
25 specifically permitted under s. 370.13, s. 370.135, s. 370.14,
26 or s. 370.15;

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

30 (c) A black sea bass trap which has a biodegradable
31 panel and a throat or entrance, the narrowest point of which

1 is not more than 5 inches in height by 2 inches in width and
2 the outer dimensions of which do not exceed 2 feet in height,
3 2 feet in width, and 2 feet in depth. However, such traps may
4 be used only north of latitude 27° N.

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

7 370.12 Marine animals; regulation.--

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

9 (d) Up to 10 percent of the annual use fee deposited
10 into the Save the Manatee Trust Fund from the sale of the
11 manatee license plate authorized in s. 320.08058 may be used
12 to promote and market the manatee license plate issued by the
13 Department of Highway Safety and Motor Vehicles after June 30,
14 2007.

15 (e) For the 2007-2008 fiscal year, the annual use fee
16 deposited into the Save the Manatee Trust Fund from the sale
17 of the manatee license plate authorized in s. 320.08058 may be
18 used by the commission to buy back any manatee license plates
19 not issued by the Department of Highway Safety and Motor
20 Vehicles thru June 30, 2006. This paragraph expires July 1,
21 2008.

22 Section 5. Subsection (1) of section 370.13, Florida
23 Statutes, is amended to read:

24 370.13 Stone crab; regulation.--

25 (1) FEES AND EQUITABLE RENT.--

26 (a) Endorsement fee.--The fee for a stone crab
27 endorsement for the taking of stone crabs, as required by rule
28 of the Fish and Wildlife Conservation Commission, is \$125, \$25
29 of which must be used solely for trap retrieval under s.
30 370.143.

31 (b) Certificate fees.--

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

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

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

26 4. Transfer fees and surcharges only apply to the
27 actual number of certificates received by the purchaser. A
28 transfer of a certificate is not effective until the
29 commission receives a notarized copy of the bill of sale as
30 proof of the actual value of the transferred certificate or
31

1 certificates, which must also be submitted with the transfer
2 form and payment.

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

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

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

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

28 (e) Disposition of fees, surcharges, civil penalties
29 and fines, and equitable rent.--Endorsement fees, trap
30 certificate fees, transfer fees, civil penalties and fines,
31 surcharges, replacement trap tag fees, trap retrieval fees,

1 incidental take endorsement fees, and equitable rent, if any,
2 must be deposited in the Marine Resources Conservation Trust
3 Fund. Up to ~~Not more than~~ 50 percent of the revenues generated
4 under this section may be used for operation and
5 administration of the stone crab trap limitation program. All
6 ~~The~~ remaining revenues so generated must ~~under this program~~
7 ~~are to~~ be used for trap retrieval, management of the stone
8 crab fishery, public education activities, evaluation of the
9 impact of trap reductions on the stone crab fishery, and
10 enforcement activities in support of the stone crab trap
11 limitation program.

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

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

20 Section 6. Section 370.135, Florida Statutes, is
21 amended to read:

22 370.135 Blue crab; regulation.--

23 (1)~~(a)~~ No commercial harvester shall transport on the
24 water, fish with or cause to be fished with, set, or place any
25 trap designed for taking blue crabs unless such commercial
26 harvester holds ~~is the holder of~~ a valid saltwater products
27 license issued under ~~pursuant to~~ s. 370.06 and a blue crab
28 endorsement issued under this section ~~and the trap has a~~
29 ~~current state number permanently attached to the buoy~~. The
30 blue crab endorsement ~~trap~~ number shall be affixed in legible
31 figures at least 1 inch high on each buoy used. The saltwater

1 products license must be on board the boat, and both the
2 license and the crabs shall be subject to inspection at all
3 times. Only one endorsement ~~trap~~ number may be issued for each
4 boat by the commission upon receipt of an application on forms
5 prescribed by it. This subsection shall not apply to an
6 individual fishing with no more than five traps.

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

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

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

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

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

28 ~~a. Any commercial harvester receiving a judicial~~
29 ~~disposition other than dismissal or acquittal on a charge of~~
30 ~~theft of or from a trap pursuant to this section or s.~~
31 ~~370.1107 shall, in addition to the penalties specified in s.~~

1 ~~370.021 and the provisions of this section, permanently lose~~
2 ~~all saltwater fishing privileges, including any saltwater~~
3 ~~products license and blue crab endorsement. In such cases~~
4 ~~endorsements are nontransferable.~~

5 ~~b. In addition, any commercial harvester receiving a~~
6 ~~judicial disposition other than dismissal or acquittal for~~
7 ~~violating this subsection or s. 370.1107 shall also be~~
8 ~~assessed an administrative penalty of up to \$5,000.~~
9 ~~Immediately upon receiving a citation for a violation~~
10 ~~involving theft of or from a trap and until adjudicated for~~
11 ~~such a violation, or receiving a judicial disposition other~~
12 ~~than dismissal or acquittal for such a violation, the~~
13 ~~commercial harvester committing the violation is prohibited~~
14 ~~from transferring any blue crab endorsements.~~

15 ~~2. A commercial harvester who violates this paragraph~~
16 ~~shall be punished under s. 370.021. Any other person who~~
17 ~~violates this paragraph commits a Level Two violation under s.~~
18 ~~372.83.~~

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

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

29 ~~(b) Effective January 1, 1999, and until July 1, 2002,~~
30 ~~a trap number holder, or members of his or her immediate~~
31

1 ~~family, must request renewal of the endorsement prior to~~
2 ~~September 30 of each year.~~

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

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

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

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

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

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

30 2. The fee for a soft-shell blue crab endorsement for
31 the taking of soft-shell blue crabs, as authorized by rule of

1 the commission, is \$250, \$25 of which must be used solely for
2 the trap-retrieval program authorized under s. 370.143 and in
3 commission rules.

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

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

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

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

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.--In addition to any
24 other penalties provided in s. 370.021 for any blue crab
25 endorsement holder who violates commission rules requiring the
26 placement of trap tags for each trap used for the directed
27 harvest of blue crabs, the following administrative penalties
28 apply:

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

1 endorsement holder's blue crab fishing privileges may be
2 suspended for the remainder of the current license year.

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

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

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

19
20 Any blue crab endorsement holder assessed an administrative
21 penalty under this paragraph shall, within 30 calendar days
22 after notification, pay the administrative penalty to the
23 commission or request an administrative hearing under ss.
24 120.569 and 120.57.

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

1 1. Any commercial harvester receiving a judicial
2 disposition other than dismissal or acquittal on a charge of
3 theft of or from a trap as prohibited by this paragraph shall,
4 in addition to the penalties specified in s. 370.021 and this
5 section, permanently lose all saltwater fishing privileges,
6 including any saltwater products licenses, blue crab
7 endorsements and blue crab trap tags allotted to him or her by
8 the commission. In such cases endorsements are
9 nontransferable.

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

20 3. A commercial harvester who violates this paragraph
21 shall be punished under s. 370.021. Any other person who
22 violates this paragraph commits a Level Two violation under s.
23 372.83.

24 (c) Criminal activities prohibited.--

25 1. It is unlawful for any commercial harvester or any
26 other person to:

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

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

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

7 d. Make, alter, forge, counterfeit, or reproduce a
8 blue crab trap tag.

9 e. Possess an altered, forged, counterfeit, or
10 imitation blue crab trap tag.

11 f. Possess a number of original trap tags or
12 replacement trap tags, the sum of which exceeds by 1 percent
13 the number of traps allowed by commission rules.

14 g. Engage in the commercial harvest of blue crabs
15 while the blue crab endorsements of the license holder are
16 under suspension or revocation.

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

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

29 4. Any other person convicted of violating this
30 paragraph commits a Level Four violation under s. 372.83.
31

1 (d) Endorsement transfers; fraudulent reports;
2 penalties.--For a commercial harvester convicted of
3 fraudulently reporting the actual value of transferred blue
4 crab endorsements, the commission may automatically suspend or
5 permanently revoke the seller's or the purchaser's blue crab
6 endorsements. If the endorsement is permanently revoked, the
7 commission shall also permanently deactivate the endorsement
8 holder's blue crab trap tag accounts.

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

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

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

21 (7) Subsections (3), (4), (5), and (6) shall expire on
22 July 1, 2009, unless reenacted by the Legislature during the
23 2009 Regular Session.

24 Section 7. For the 2007-2008 fiscal year, the sum of
25 \$132,000 is appropriated from the Marine Resources
26 Conservation Trust Fund to the Fish and Wildlife Conservation
27 Commission on a recurring basis for the purpose of
28 implementing the blue crab effort management program pursuant
29 to s. 370.135(3)(b), Florida Statutes, and for the
30 administrative costs of the Blue Crab Advisory Board created
31 by commission rule.

1 Section 8. Subsections (2) and (3) of section 370.14,
2 Florida Statutes, are amended to read:

3 370.14 Spiny lobster; regulation.--

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

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

26 (b) Twenty-five dollars of the \$125 fee for a spiny
27 lobster endorsement ~~trap~~ number required under subparagraph
28 (a)1. must be used only for trap retrieval as provided in s.
29 370.143. The remainder of the fees collected under ~~pursuant to~~
30 paragraph (a) shall be deposited as follows:
31

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

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

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

14 Section 9. Subsection (2) of section 370.142, Florida
15 Statutes, is amended to read:

16 370.142 Spiny lobster trap certificate program.--

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

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

27 1. The Department of Environmental Protection shall
28 initially allot such certificates to each licenseholder with a
29 current spiny lobster endorsement ~~crawfish trap~~ number who
30 uses traps. The number of such certificates allotted to each
31 such licenseholder shall be based on the trap/catch

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

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

30 2. No person, firm, corporation, or other business
31 entity may control, directly or indirectly, more than 1.5

1 percent of the total available certificates in any license
2 year.

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

6 4. The number of trap tags issued annually to each
7 licenseholder shall not exceed the number of certificates held
8 by the licenseholder at the time of issuance, and such tags
9 and a statement of certificates held shall be issued
10 simultaneously.

11 5. ~~Beginning July 1, 2003, and applicable to the~~
12 ~~2003-2004 lobster season and thereafter,~~ It is unlawful for
13 any person to lease spiny lobster trap tags or certificates.

14 (b) Trap tags.--Each trap used to take or attempt to
15 take spiny lobsters in state waters or adjacent federal waters
16 shall, in addition to the spiny lobster endorsement ~~crayfish~~
17 ~~trap~~ number required by s. 370.14(2), have affixed thereto an
18 annual trap tag issued by the commission. Each such tag shall
19 be made of durable plastic or similar material and shall,
20 based on the number of certificates held, have stamped thereon
21 the owner's license number. To facilitate enforcement and
22 recordkeeping, such tags shall be issued each year in a color
23 different from that of each of the previous 3 years. The
24 annual certificate fee shall be \$1 per certificate.

25 Replacement tags for lost or damaged tags may be obtained as
26 provided by rule of the commission. In the event of a major
27 natural disaster, such as a hurricane or major storm, which
28 causes massive trap losses within an area declared by the
29 Governor to be a disaster emergency area, the commission may
30 temporarily defer or permanently waive replacement tag fees.

31 (c) Prohibitions; penalties.--

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

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

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

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

29 b. Any commercial harvester receiving a judicial
30 disposition other than dismissal or acquittal on a charge of
31 willful molestation of a trap, in addition to the penalties

1 specified in ss. 370.021 and 370.14, shall lose all saltwater
2 fishing privileges for a period of 24 calendar months.

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

8
9 Immediately upon receiving a citation for a violation
10 involving theft of or from a trap, or molestation of a trap,
11 and until adjudicated for such a violation or, upon receipt of
12 a judicial disposition other than dismissal or acquittal of
13 such a violation, the commercial harvester ~~person, firm, or~~
14 ~~corporation~~ committing the violation is prohibited from
15 transferring any spiny lobster trap certificates and
16 endorsements.

17 4. In addition to any other penalties provided in s.
18 370.021, a commercial harvester who violates the provisions of
19 this section or commission rules relating to spiny lobster
20 traps shall be punished as follows:

21 a. If the first violation is for violation of
22 subparagraph 1. or subparagraph 2., the commission shall
23 assess an additional administrative penalty of up to \$1,000
24 and the spiny lobster endorsement ~~trap~~ number issued under
25 ~~pursuant to~~ s. 370.14(2) or (6) may be suspended for the
26 remainder of the current license year. For all other first
27 violations, the commission shall assess an additional
28 administrative penalty of up to \$500.

29 b. For a second violation of subparagraph 1. or
30 subparagraph 2. which occurs within 24 months of any previous
31 such violation, the commission shall assess an additional

1 administrative penalty of up to \$2,000 and the spiny lobster
2 endorsement trap number issued under ~~pursuant to~~ s. 370.14(2)
3 or (6) may be suspended for the remainder of the current
4 license year.

5 c. For a third or subsequent violation of subparagraph
6 1., subparagraph 2., or subparagraph 3. which occurs within 36
7 months of any previous two such violations, the commission
8 shall assess an additional administrative penalty of up to
9 \$5,000 and may suspend the spiny lobster endorsement trap
10 number issued under ~~pursuant to~~ s. 370.14(2) or (6) for a
11 period of up to 24 months or may revoke the spiny lobster
12 endorsement trap number and, if revoking the spiny lobster
13 endorsement trap number, may also proceed against the
14 licenseholder's saltwater products license in accordance with
15 the provisions of s. 370.021(2)(h).

16 d. Any person assessed an additional administrative
17 penalty pursuant to this section shall within 30 calendar days
18 after notification:

19 (I) Pay the administrative penalty to the commission;

20 or

21 (II) Request an administrative hearing pursuant to the
22 provisions of ss. 120.569 and 120.57.

23 e. The commission shall suspend the spiny lobster
24 endorsement trap number issued pursuant to s. 370.14(2) or (6)
25 for any person failing to comply with the provisions of
26 sub-subparagraph d.

27 5.a. It is unlawful for any person to make, alter,
28 forge, counterfeit, or reproduce a spiny lobster trap tag or
29 certificate.

30
31

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

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

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

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

26 c. In addition to any penalty imposed pursuant to
27 sub-subparagraph a., any commercial harvester receiving any
28 judicial disposition other than acquittal or dismissal for a
29 violation of subparagraph 5. shall be assessed an
30 administrative penalty of up to \$5,000, and the spiny lobster
31 endorsement under which the violation was committed may be

1 suspended for up to 24 calendar months. Immediately upon
2 issuance of a citation involving a violation of subparagraph
3 5. and until adjudication of such a violation, and after
4 receipt of any judicial disposition other than acquittal or
5 dismissal for such a violation, the commercial harvester
6 holding the spiny lobster endorsement listed on the citation
7 is prohibited from transferring any spiny lobster trap
8 certificates.

9 ~~d.e.~~ Any other person who violates the provisions of
10 subparagraph 5. commits a Level Four violation under s.
11 372.83.

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

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

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

27 10. Except as otherwise provided, any person who
28 violates this paragraph commits a Level Two violation under s.
29 372.83.

30 (d) No vested rights.--The trap certificate program
31 shall not create vested rights in licenseholders whatsoever

1 and may be altered or terminated as necessary to protect the
2 spiny lobster resource, the participants in the fishery, or
3 the public interest.

4 Section 10. Section 370.143, Florida Statutes, is
5 amended to read:

6 370.143 Retrieval of spiny lobster, ~~crawfish,~~ and
7 stone crab, blue crab, and black sea bass traps during closed
8 season; commission authority; fees.--

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

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

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

1 (4) In the event of a major natural disaster, such as
2 a hurricane or major storm, which causes major trap losses
3 within an area declared by the Governor to be a disaster
4 emergency area, the commission shall waive the trap retrieval
5 fee. ~~In the event of a major natural disaster in an area~~
6 ~~declared by the Governor to be a disaster emergency area, such~~
7 ~~as a hurricane or major storm causing massive trap losses, the~~
8 ~~commission shall waive the trap retrieval fee.~~

9 Section 11. Section 372.09, Florida Statutes, is
10 amended to read:

11 372.09 State Game Trust Fund.--The funds resulting
12 from the operation of the commission and from the
13 administration of the laws and regulations pertaining to
14 birds, game, fur-bearing animals, freshwater fish, reptiles,
15 and amphibians, together with any other funds specifically
16 provided for such purposes shall constitute the State Game
17 Trust Fund and shall be used by the commission as it shall
18 deem fit in carrying out the provisions hereof and for no
19 other purposes, except that annual use fees deposited into the
20 trust fund from the sale of the Largemouth Bass license plate
21 may be expended for the purposes provided under s.

22 320.08058(18). The commission may not obligate itself beyond
23 the current resources of the State Game Trust Fund unless
24 specifically so authorized by the Legislature.

25 Section 12. Paragraph (d) is added to subsection (2)
26 of section 372.672, Florida Statutes, to read:

27 372.672 Florida Panther Research and Management Trust
28 Fund.--

29 (2) Money from the fund shall be spent only for the
30 following purposes:
31

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

3 Section 13. Paragraph (a) of subsection (2) and
4 paragraph (a) of subsection (4) of section 372.83, Florida
5 Statutes, are amended to read:

6 372.83 Penalties and violations; civil penalties for
7 noncriminal infractions; criminal penalties; suspension and
8 forfeiture of licenses and permits.--

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

12 1. Rules or orders of the commission relating to
13 seasons or time periods for the taking of wildlife, freshwater
14 fish, or saltwater fish.

15 2. Rules or orders of the commission establishing bag,
16 possession, or size limits or restricting methods of taking
17 wildlife, freshwater fish, or saltwater fish.

18 3. Rules or orders of the commission prohibiting
19 access or otherwise relating to access to wildlife management
20 areas or other areas managed by the commission.

21 4. Rules or orders of the commission relating to the
22 feeding of wildlife, freshwater fish, or saltwater fish.

23 5. Rules or orders of the commission relating to
24 landing requirements for freshwater fish or saltwater fish.

25 6. Rules or orders of the commission relating to
26 restricted hunting areas, critical wildlife areas, or bird
27 sanctuaries.

28 7. Rules or orders of the commission relating to
29 tagging requirements for game and fur-bearing animals.

30 8. Rules or orders of the commission relating to the
31 use of dogs for the taking of game.

- 1 9. Rules or orders of the commission which are not
2 otherwise classified.
- 3 10. All prohibitions in chapter 370 which are not
4 otherwise classified.
- 5 11. Section 370.028, prohibiting the violation of or
6 noncompliance with commission rules.
- 7 12. Section 370.021(6) prohibiting the sale, purchase,
8 harvest, or attempted harvest of any saltwater product with
9 intent to sell.
- 10 13. Section 370.08, prohibiting the obstruction of
11 waterways with net gear.
- 12 14. Section 370.1105, prohibiting the unlawful use of
13 finfish traps.
- 14 15. Section 370.1121, prohibiting the unlawful taking
15 of bonefish.
- 16 16. Section 370.13(2)(a) and (b), prohibiting the
17 possession or use of stone crab traps without trap tags and
18 theft of trap contents or gear.
- 19 17. Section 370.135(4)(b) ~~370.135(1)(c)~~, prohibiting
20 the theft of blue crab trap contents or trap gear.
- 21 18. Section 370.142(2)(c), prohibiting the possession
22 or use of spiny lobster traps without trap tags or
23 certificates and theft of trap contents or trap gear.
- 24 19. Section 372.5704, prohibiting the possession of
25 tarpon without purchasing a tarpon tag.
- 26 20. Section 372.667, prohibiting the feeding or
27 enticement of alligators or crocodiles.
- 28 21. Section 372.705, prohibiting the intentional
29 harassment of hunters, fishers, or trappers.
- 30
31

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

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

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

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

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

14 5. Section 372.57(16), prohibiting the making,
15 forging, counterfeiting, or reproduction of a recreational
16 license or possession of same without authorization from the
17 commission.

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

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

22 Section 14. For the purpose of incorporating the
23 amendments made by this act to section 320.08058, Florida
24 Statutes, in a reference thereto, paragraph (c) of subsection
25 (1) of section 380.511, Florida Statutes, is reenacted to
26 read:

27 380.511 Florida Communities Trust Fund.--

28 (1) There is created the Florida Communities Trust
29 Fund as a nonlapsing, revolving fund for projects, activities,
30 acquisitions, and operating expenses necessary to carry out
31 this part. The fund shall be held and administered by the

1 trust. The following shall be credited to or deposited in the
2 Florida Communities Trust Fund:

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

5 Section 15. Paragraph (a) of subsection (8) of section
6 20.331, Florida Statutes, is amended to read:

7 20.331 Fish and Wildlife Conservation Commission.--

8 (8) ADEQUATE DUE PROCESS PROCEDURES.--

9 (a) The commission shall adopt a rule establishing
10 adequate due process procedures to be accorded to any party,
11 as defined in s. 120.52, whose substantial interests are
12 affected by any action of the commission in the performance of
13 its constitutional duties and responsibilities and the
14 adequate due process procedures adopted by rule shall be
15 published in the Florida Administrative Code. The commission
16 ~~shall implement a system of adequate due process procedures to~~
17 ~~be accorded to any party, as defined in s. 120.52, whose~~
18 ~~substantial interests will be affected by any action of the~~
19 ~~commission in the performance of its constitutional duties or~~
20 ~~responsibilities.~~

21 Section 16. Subsection (4) of section 370.025, Florida
22 Statutes, is amended to read:

23 370.025 Marine fisheries; policy and standards.--

24 (4) Pursuant to s. 9, Art. IV of the State
25 Constitution, the commission has ~~full constitutional~~
26 rulemaking authority over marine life, and listed species as
27 defined in s. 372.072(3), except for:

28 (a) Endangered or threatened marine species for which
29 rulemaking shall be done pursuant to chapter 120; and
30
31

1 (b) The authority to regulate fishing gear in
2 residential, manmade saltwater canals which is retained by the
3 Legislature and specifically not delegated to the commission.

4 (c) Marine aquaculture products produced by an
5 individual certified under s. 597.004. This exception does not
6 apply to snook, prohibited and restricted marine species
7 identified by rule of the commission, and rulemaking authority
8 granted under ~~pursuant to~~ s. 370.027.

9 Section 17. This act shall take effect July 1, 2007.

10 *****

11 *****
12 SENATE SUMMARY

13 Authorizes use of various annual use fees for specialty
14 license plates concerning various wildlife species to
15 promote, market, or buy back such plates. Provides for
16 deposit and use of certain funds in the Marine Resources
17 Conservation Trust Fund. Requires legislative approval of
18 certain commission rules establishing equitable rent.
19 Establishes or authorizes waiver of various endorsement
20 or trap replacement tag fees under certain conditions.
21 Prohibits certain activities concerning blue crabs or
22 spiny lobsters. Provides penalties for various prohibited
23 activities concerning blue crabs or spiny lobsters.
24 Reserves state jurisdiction for certain convictions.
25 Provides requirements for renewal of certain licenses.
26 Provides for the expiration of certain provisions unless
27 reenacted in 2009. Appropriates certain fee revenues to
28 the commission for blue crab management. Revises
29 provisions for certain trap retrieval programs and fees.
30 Authorizes waiver of trap retrieval fees under certain
31 conditions. Modifies provisions concerning rulemaking by
the Fish and Wildlife Conservation Commission. (See bill
for details.)