

HB 7173

2007

1                                   A bill to be entitled  
2       An act relating to the Fish and Wildlife Conservation  
3       Commission; amending s. 20.331, F.S.; clarifying the  
4       commission's constitutional authority over marine life;  
5       requiring the commission to adopt and publish a rule  
6       establishing due process procedures; revising the  
7       commission's statutory duties and responsibilities;  
8       amending s. 320.08056, F.S.; increasing the fee for Sea  
9       Turtle license plates; amending s. 320.08058, F.S.;  
10      specifying a percentage of annual use fees collected from  
11      the sale of manatee license plates that may be used to  
12      promote and market the license plate; authorizing the  
13      commission to use proceeds of the annual use fee for  
14      fiscal year 2007-2008 to buy back plates not issued during  
15      the 2007-2008 fiscal year; providing for future repeal;  
16      specifying a percentage of annual use fees collected from  
17      the sale of Florida panther and Largemouth Bass license  
18      plates that may be used to promote and market the license  
19      plates; amending s. 370.025, F.S.; deleting provisions  
20      relating to the extent of the commission's authority over  
21      marine life; amending s. 370.0603, F.S.; providing for the  
22      deposit of certain proceeds into the Marine Resources  
23      Conservation Trust Fund; authorizing the use of such  
24      funds; amending s. 370.1105, F.S.; clarifying terminology  
25      relating to the spiny lobster; amending s. 370.12, F.S.;  
26      specifying a percentage of annual use fees collected from  
27      the sale of manatee license plates that may be used to  
28      promote and market the license plate; authorizing the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | commission to use proceeds of the annual use fee for  
30 | fiscal year 2007-2008 to buy back plates not issued during  
31 | the 2007-2008 fiscal year; amending s. 370.13, F.S.;  
32 | revising provisions for replacing lost or damaged tags for  
33 | stone crab traps; authorizing the commission to defer or  
34 | waive replacement tag fees under certain circumstances;  
35 | deleting obsolete provisions for the applicability of  
36 | certain fee and surcharge amounts relating to trap  
37 | certificates; providing for legislative approval of the  
38 | commission rule establishing an amount of equitable rent;  
39 | revising certain administrative penalties; amending s.  
40 | 370.135, F.S., relating to blue crab regulation; requiring  
41 | commercial harvesters to hold restricted species  
42 | endorsements; requiring endorsement numbers to be affixed  
43 | to traps and buoys; providing criteria for buoy markings;  
44 | providing for transfer of an endorsement when a vessel is  
45 | replaced; establishing certain endorsement fees for the  
46 | taking of blue crabs; establishing an annual trap tag fee;  
47 | authorizing the commission to defer or waive replacement  
48 | tag fees under certain circumstances; authorizing the  
49 | commission to establish an amount of equitable rent by  
50 | rule; providing for legislative approval of the rule;  
51 | requiring the deposit of certain proceeds into the Marine  
52 | Resources Conservation Trust Fund; specifying the use of  
53 | such proceeds; requiring the commission to adopt certain  
54 | rules; providing administrative penalties for certain  
55 | violations; prohibiting the unauthorized possession of  
56 | blue crab trap gear or removal of blue crab trap contents

57 | and providing penalties therefor; providing penalties for  
58 | certain other prohibited activities relating to blue crab  
59 | traps, lines, buoys, and trap tags; providing penalties  
60 | for fraudulent reports related to endorsement transfers;  
61 | prohibiting certain activities during endorsement  
62 | suspension and revocation; preserving state jurisdiction  
63 | for certain convictions; providing requirements for  
64 | certain license renewal; providing for the expiration of  
65 | certain provisions unless reenacted by the Legislature  
66 | during the 2009 Regular Session; amending s. 370.14, F.S.;  
67 | clarifying provisions regulating spiny lobsters; amending  
68 | s. 370.1405, F.S.; clarifying terminology relating to the  
69 | spiny lobster; amending s. 370.142, F.S., relating to the  
70 | spiny lobster trap certificate program; removing certain  
71 | obsolete provisions; clarifying provisions for  
72 | transferable trap certificates; providing for legislative  
73 | approval of the commission rule establishing an amount of  
74 | equitable rent; deleting obsolete provisions relating to  
75 | the leasing of spiny lobster trap tags and certificates;  
76 | authorizing the commission to defer or waive replacement  
77 | tag fees under certain circumstances; providing  
78 | administrative penalties for certain violations of the  
79 | spiny lobster trap certificate program; revising certain  
80 | administrative penalties; amending s. 370.143, F.S.;  
81 | revising provisions for certain trap retrieval programs  
82 | and fees; requiring the commission to waive trap retrieval  
83 | fees under certain circumstances; amending s. 372.09,  
84 | F.S.; providing that annual use fees collected from the

85 sale of Largemouth Bass license plates may be used to  
86 promote and market the license plates; amending s.  
87 372.562, F.S.; specifying certain fishing as exempt from  
88 fees and requirements; amending s. 372.57, F.S.;  
89 increasing the fees for certain resident and nonresident  
90 hunting and fishing licenses; creating a 3-day freshwater  
91 fishing license for nonresidents; increasing the fee for  
92 specified hunting, fishing, and recreational activity  
93 permits; specifying a percentage of revenues from the sale  
94 of snook permits that may be used for certain programs;  
95 clarifying terminology relating to the spiny lobster;  
96 amending s. 372.672, F.S.; authorizing the use of funds  
97 from the Florida Panther Research and Management Trust  
98 Fund to promote and market the Florida panther license  
99 plate; amending s. 861.021, F.S.; clarifying terminology  
100 relating to the spiny lobster; amending ss. 372.571,  
101 372.661, and 372.83, F.S.; conforming cross-references;  
102 reenacting ss. 372.5712(1), 372.5715(1), and 372.573,  
103 F.S., relating to revenues from the Florida waterfowl  
104 permit, the Florida wild turkey permit, and management  
105 area permits, to incorporate the amendment to s. 372.57,  
106 F.S., in references thereto; reenacting s. 380.511(1)(c),  
107 F.S., relating to the deposit of proceeds from the sale of  
108 certain specialty license plates, to incorporate the  
109 amendment to s. 320.08058, F.S., in a reference thereto;  
110 providing an appropriation to the commission for costs  
111 related to the implementation of the blue crab effort  
112 management program and the administration of the Blue Crab

113 |           Advisory Board; providing effective dates.

114 |

115 | Be It Enacted by the Legislature of the State of Florida:

116 |

117 |           Section 1. Subsection (8) of section 20.331, Florida  
 118 | Statutes, is amended and renumbered as subsection (9), present  
 119 | subsections (9), (10), and (11) are renumbered as (10), (11),  
 120 | and (12), respectively, and a new subsection (8) is added to  
 121 | that section, to read:

122 |           20.331 Fish and Wildlife Conservation Commission.--

123 |           (8) LEGISLATIVE AUTHORITY.--The constitutional power  
 124 | granted to the Fish and Wildlife Conservation Commission does  
 125 | not include any authority over marine life retained by the  
 126 | Legislature or vested in any agency other than the Marine  
 127 | Fisheries Commission on March 1, 1998.

128 |           (9)-(8) ADEQUATE DUE PROCESS PROCEDURES.--

129 |           (a) The commission shall adopt a rule establishing  
 130 | ~~implement a system of adequate~~ due process procedures to be  
 131 | accorded to any party, as defined in s. 120.52, whose  
 132 | substantial interests are ~~will be~~ affected by any action of the  
 133 | commission in the performance of its constitutional duties or  
 134 | responsibilities, and the adequate due process procedures  
 135 | adopted by rule shall be published in the Florida Administrative  
 136 | Code.

137 |           (b) The Legislature encourages the commission to  
 138 | incorporate into its process the provisions of s. 120.54(3)(c)  
 139 | when adopting rules in the performance of its constitutional  
 140 | duties or responsibilities.

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141 (c) The commission shall follow the provisions of chapter  
142 120 when adopting rules in the performance of its statutory  
143 duties or responsibilities. ~~For purposes of this subsection,~~ The  
144 commission's statutory duties or responsibilities include, but  
145 are not limited to:

146 1. Research and management responsibilities for marine  
147 species listed as endangered or threatened, including manatees  
148 and marine turtles.†

149 2. Establishment and enforcement of boating safety  
150 regulations.†

151 3. Land acquisition.†

152 4. Enforcement and collection of fees for all commercial  
153 and recreational hunting or fishing licenses or permits.†

154 5. Aquatic plant removal using fish as a biological  
155 control agent.†

156 6. Enforcement of penalties for violations of commission  
157 rules and state laws, including, but not limited to, the seizure  
158 and forfeiture of vessels and other equipment used to commit  
159 those violations.†

160 7. Establishment of free fishing days.†

161 8. Regulation of off-road vehicles on state lands.†

162 9. Establishment and coordination of a statewide hunter  
163 safety course.†

164 10. Establishment of programs and activities to develop  
165 and distribute public education materials.†

166 11. Police powers of sworn law enforcement officers.†

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167 12. Establishment of citizen support organizations to  
 168 provide assistance, funding, and promotional support for  
 169 programs of the commission.~~†~~

170 13. Creation of the voluntary authorized hunter  
 171 identification program.~~†~~ and

172 14. Regulation of required clothing of persons hunting  
 173 deer.

174 Section 2. Paragraph (s) of subsection (4) of section  
 175 320.08056, Florida Statutes, is amended to read:

176 320.08056 Specialty license plates.--

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

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

180 Section 3. Paragraphs (c) and (d) are added to subsection  
 181 (1) of section 320.08058, Florida Statutes, and paragraph (b) of  
 182 subsection (5) and paragraph (b) of subsection (18) of that  
 183 section are amended, to read:

184 320.08058 Specialty license plates.--

185 (1) MANATEE LICENSE PLATES.--

186 (c) Notwithstanding paragraph (b), up to 10 percent of the  
 187 annual use fee deposited in the Save the Manatee Trust Fund from  
 188 the sale of the manatee license plate may be used to promote and  
 189 market the license plate issued by the Department of Highway  
 190 Safety and Motor Vehicles after June 30, 2007.

191 (d) Notwithstanding paragraph (b), during the 2007-2008  
 192 fiscal year, the annual use fee deposited into the Save the  
 193 Manatee Trust Fund from the sale of the manatee license plate  
 194 may be used by the commission to buy back any manatee license

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195 plates not issued by the Department of Highway Safety and Motor  
 196 Vehicles during the 2007-2008 fiscal year. This paragraph  
 197 expires July 1, 2008.

198 (5) FLORIDA PANTHER LICENSE PLATES.--

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

201 1. Eighty-five percent must be deposited in the Florida  
 202 Panther Research and Management Trust Fund in the Fish and  
 203 Wildlife Conservation Commission to be used for education and  
 204 programs to protect the endangered Florida panther, and up to 10  
 205 percent of such deposit may be used to promote and market the  
 206 license plate.

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

210 (18) LARGEMOUTH BASS LICENSE PLATES.--

211 (b) The annual use fees shall be distributed to the State  
 212 Game Trust Fund and used by the Fish and Wildlife Conservation  
 213 Commission to fund current conservation programs that maintain  
 214 current levels of protection and management of this state's fish  
 215 and wildlife resources, including providing hunting, fishing,  
 216 and nonconsumptive wildlife opportunities. Up to 10 percent of  
 217 the annual use fees deposited into the trust fund may be used to  
 218 promote and market the license plate.

219 Section 4. Subsection (4) of section 370.025, Florida  
 220 Statutes, is amended to read:

221 370.025 Marine fisheries; policy and standards.--



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

226 ~~(a) Endangered or threatened marine species for which~~  
 227 ~~rulemaking shall be done pursuant to chapter 120; and~~

228 ~~(b) The authority to regulate fishing gear in residential,~~  
 229 ~~manmade saltwater canals which is retained by the Legislature~~  
 230 ~~and specifically not delegated to the commission.~~

231 ~~(c) Marine aquaculture products produced by an individual~~  
 232 ~~certified under s. 597.004. This exception does not apply to~~  
 233 ~~snook, prohibited and restricted marine species identified by~~  
 234 ~~rule of the commission, and rulemaking authority granted~~  
 235 ~~pursuant to s. 370.027.~~

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

239 370.0603 Marine Resources Conservation Trust Fund;  
 240 purposes.--

241 (1) The Marine Resources Conservation Trust Fund within  
 242 the Fish and Wildlife Conservation Commission shall serve as a  
 243 broad-based depository for funds from various marine-related and  
 244 boating-related activities and shall be administered by the  
 245 commission for the purposes of:

246 (j) Funding for the stone crab trap reduction program  
 247 under s. 370.13, the blue crab effort management program under  
 248 s. 370.135, the spiny lobster trap certificate program under s.  
 249 370.142, and the trap retrieval program under s. 370.143.

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250 (2) The Marine Resources Conservation Trust Fund shall  
 251 receive the proceeds from:

252 (c) All fees collected under ~~pursuant to~~ ss. 370.063,  
 253 370.13, 370.135, 370.142, 370.143, and 372.5704.

254 (d) All fines and penalties under ss. ~~pursuant to s.~~  
 255 370.021, 370.13, 370.135, and 370.142.

256 Section 6. Paragraph (a) of subsection (1) of section  
 257 370.1105, Florida Statutes, is amended to read:

258 370.1105 Saltwater finfish; fishing traps regulated.--

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

262 (a) A crab, spiny lobster ~~crayfish~~, or shrimp trap  
 263 specifically permitted under s. 370.13, s. 370.135, s. 370.14,  
 264 or s. 370.15;

265 Section 7. Paragraphs (d) and (e) are added to subsection  
 266 (4) of section 370.12, Florida Statutes, to read:

267 370.12 Marine animals; regulation.--

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

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

274 (e) During the 2007-2008 fiscal year, the annual use fee  
 275 deposited into the Save the Manatee Trust Fund from the sale of  
 276 the manatee license plate authorized in s. 320.08058 may be used  
 277 by the commission to buy back any manatee license plates not

278 issued by the Department of Highway Safety and Motor Vehicles.  
 279 This paragraph expires July 1, 2008.

280 Section 8. Paragraphs (b), (d), and (e) of subsection (1)  
 281 and paragraph (a) of subsection (2) of section 370.13, Florida  
 282 Statutes, are amended to read:

283 370.13 Stone crab; regulation.--

284 (1) FEES AND EQUITABLE RENT.--

285 (b) Certificate fees.--

286 1. For each trap certificate issued by the commission  
 287 under the requirements of the stone crab trap limitation program  
 288 established by commission rule, there is an annual fee of 50  
 289 cents per certificate. Replacement tags for lost or damaged tags  
 290 cost 50 cents each plus the cost of shipping. In the event of a  
 291 major natural disaster, such as a hurricane or major storm, that  
 292 causes massive trap losses within an area declared by the  
 293 Governor to be a disaster emergency area, the commission may  
 294 temporarily defer or waive replacement tag fees, except that  
 295 ~~tags lost in the event of a major natural disaster declared as~~  
 296 ~~an emergency disaster by the Governor shall be replaced for the~~  
 297 ~~cost of the tag as incurred by the commission.~~

298 2. The fee for transferring trap certificates is \$1 per  
 299 certificate transferred, except that the fee for eligible crew  
 300 members is 50 cents per certificate transferred. Eligible crew  
 301 members shall be determined according to criteria established by  
 302 rule of the commission. Payment must be made by money order or  
 303 cashier's check, submitted with the certificate transfer form  
 304 developed by the commission.

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

310           4. Transfer fees and surcharges only apply to the actual  
311 number of certificates received by the purchaser. A transfer of  
312 a certificate is not effective until the commission receives a  
313 notarized copy of the bill of sale as proof of the actual value  
314 of the transferred certificate or certificates, which must also  
315 be submitted with the transfer form and payment.

316           5. A transfer fee will not be assessed or required when  
317 the transfer is within a family as a result of the death or  
318 disability of the certificate owner. A surcharge will not be  
319 assessed for any transfer within an individual's immediate  
320 family.

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

323           (d) Equitable rent.--The commission may establish by rule  
324 an amount of equitable rent per trap certificate that may be  
325 recovered as partial compensation to the state for the enhanced  
326 access to its natural resources. In determining whether to  
327 establish such a rent and the amount thereof, the commission may  
328 consider the amount of revenues annually generated by  
329 endorsement fees, trap certificate fees, transfer fees,  
330 surcharges, replacement trap tag fees, trap retrieval fees,  
331 incidental take endorsement fees, and the continued economic  
332 viability of the commercial stone crab industry. A rule

333 establishing an amount of equitable rent shall become effective  
 334 only after approval by the Legislature ~~Final approval of such a~~  
 335 ~~rule shall be by the Governor and Cabinet sitting as the Board~~  
 336 ~~of Trustees of the Internal Improvement Trust Fund.~~

337 (e) Disposition of fees, surcharges, civil penalties and  
 338 fines, and equitable rent.--Endorsement fees, trap certificate  
 339 fees, transfer fees, civil penalties and fines, surcharges,  
 340 replacement trap tag fees, trap retrieval fees, incidental take  
 341 endorsement fees, and equitable rent, if any, must be deposited  
 342 in the Marine Resources Conservation Trust Fund. Up to ~~Not more~~  
 343 ~~than~~ 50 percent of the revenues generated under this section may  
 344 be used for operation and administration of the stone crab trap  
 345 limitation program. All ~~The~~ remaining revenues so generated must  
 346 ~~under this program are to~~ be used for trap retrieval, management  
 347 of the stone crab fishery, public education activities,  
 348 evaluation of the impact of trap reductions on the stone crab  
 349 fishery, and enforcement activities in support of the stone crab  
 350 trap limitation program.

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

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

361 1. In addition to any other penalties provided in s.  
 362 370.021, for any commercial harvester who violates this  
 363 paragraph, the following administrative penalties apply.

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

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

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

378 d. A fourth violation that occurs within 48 months of any  
 379 three previous such violations, shall result in permanent  
 380 revocation of all of the violator's saltwater fishing  
 381 privileges, including having the commission proceed against the  
 382 endorsement holder's saltwater products license in accordance  
 383 with s. 370.021.

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

386

387 Any commercial harvester assessed an administrative penalty  
 388 under this paragraph shall, within 30 calendar days after

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389 notification, pay the administrative penalty to the commission,  
 390 or request an administrative hearing under ss. 120.569 and  
 391 120.57. The proceeds of all administrative penalties collected  
 392 under this paragraph shall be deposited in the Marine Resources  
 393 Conservation Trust Fund.

394 Section 9. Section 370.135, Florida Statutes, is amended  
 395 to read:

396 370.135 Blue crab; regulation.--

397 (1)~~(a)~~ No commercial harvester shall transport on the  
 398 water, fish with or cause to be fished with, set, or place any  
 399 trap designed for taking blue crabs unless such commercial  
 400 harvester holds ~~is the holder of~~ a valid saltwater products  
 401 license and restricted species endorsement issued under pursuant  
 402 ~~to~~ s. 370.06 and a blue crab endorsement issued under this  
 403 section. Each trap shall have the harvester's blue crab  
 404 endorsement number permanently affixed to it. Each buoy attached  
 405 to such a trap shall also have the harvester's blue crab  
 406 endorsement ~~the trap has a current state~~ number permanently  
 407 attached to the buoy. The blue crab endorsement trap number  
 408 shall be affixed in legible figures at least 2 inches ~~1 inch~~  
 409 high on each buoy used. The saltwater products license must be  
 410 on board the boat, and both the license and the crabs shall be  
 411 subject to inspection at all times. ~~Only one trap number may be~~  
 412 ~~issued for each boat by the commission upon receipt of an~~  
 413 ~~application on forms prescribed by it.~~ This subsection shall not  
 414 apply to an individual fishing with no more than five traps.

415 ~~(b) It is unlawful for any person willfully to molest any~~  
 416 ~~blue crab traps, lines, or buoys, as defined herein, belonging~~

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417 ~~to another without the express written consent of the trap~~  
418 ~~owner.~~

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

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

424  
425 ~~Any commercial harvester receiving a judicial disposition other~~  
426 ~~than dismissal or acquittal on a charge of willful molestation~~  
427 ~~of a trap, in addition to the penalties specified in s. 370.021,~~  
428 ~~shall lose all saltwater fishing privileges for a period of 24~~  
429 ~~calendar months.~~

430 ~~(c)1. It is unlawful for any person to remove the contents~~  
431 ~~of or take possession of another harvester's blue crab trap~~  
432 ~~without the express written consent of the trap owner available~~  
433 ~~for immediate inspection. Unauthorized possession of another's~~  
434 ~~trap gear or removal of trap contents constitutes theft.~~

435 ~~a. Any commercial harvester receiving a judicial~~  
436 ~~disposition other than dismissal or acquittal on a charge of~~  
437 ~~theft of or from a trap pursuant to this section or s. 370.1107~~  
438 ~~shall, in addition to the penalties specified in s. 370.021 and~~  
439 ~~the provisions of this section, permanently lose all saltwater~~  
440 ~~fishing privileges, including any saltwater products license and~~  
441 ~~blue crab endorsement. In such cases endorsements are~~  
442 ~~nontransferable.~~

443 ~~b. In addition, any commercial harvester receiving a~~  
444 ~~judicial disposition other than dismissal or acquittal for~~



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445 ~~violating this subsection or s. 370.1107 shall also be assessed~~  
446 ~~an administrative penalty of up to \$5,000. Immediately upon~~  
447 ~~receiving a citation for a violation involving theft of or from~~  
448 ~~a trap and until adjudicated for such a violation, or receiving~~  
449 ~~a judicial disposition other than dismissal or acquittal for~~  
450 ~~such a violation, the commercial harvester committing the~~  
451 ~~violation is prohibited from transferring any blue crab~~  
452 ~~endorsements.~~

453 ~~2. A commercial harvester who violates this paragraph~~  
454 ~~shall be punished under s. 370.021. Any other person who~~  
455 ~~violates this paragraph commits a Level Two violation under s.~~  
456 ~~372.83.~~

457 (2) No person shall harvest blue crabs with more than five  
458 traps, harvest blue crabs in commercial quantities, or sell blue  
459 crabs unless such person holds a valid saltwater products  
460 license with a restricted species endorsement issued under s.  
461 370.06 and a blue crab endorsement ~~(trap number)~~ issued under  
462 pursuant to this section subsection.

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

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

471 ~~(c) If a person holding an active blue crab endorsement,~~  
472 ~~or a member of that person's immediate family, does not request~~

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473 ~~renewal of the endorsement before the applicable dates as~~  
474 ~~specified in this subsection, the commission shall deactivate~~  
475 ~~that endorsement.~~

476 (a) ~~(d)~~ In the event of the death or disability of a person  
477 holding an active blue crab endorsement, the endorsement may be  
478 transferred by the person to a member of his or her immediate  
479 family or may be renewed by any person so designated by the  
480 executor of the person's estate.

481 (b) A commercial harvester who holds a saltwater products  
482 license and a blue crab endorsement that is issued to the  
483 commercial harvester's vessel registration number and who  
484 replaces an existing vessel with a new vessel may transfer the  
485 existing blue crab endorsement to the saltwater products license  
486 of the new vessel.

487 ~~(c) Persons who hold saltwater products licenses with blue~~  
488 ~~crab endorsements issued to their boat registration numbers and~~  
489 ~~who subsequently replace their existing vessels with new vessels~~  
490 ~~shall be permitted to transfer the existing licenses to the new~~  
491 ~~boat registration numbers.~~

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

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

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

501 trap retrieval program authorized under s. 370.143 and in  
 502 commission rules.

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

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

511 (b) Trap tag fees.--The annual fee for each trap tag  
 512 issued by the commission under the requirements of the blue crab  
 513 effort management program established by rule of the commission  
 514 is 50 cents per tag. The fee for replacement tags for lost or  
 515 damaged tags is 50 cents per tag plus the cost of shipping. In  
 516 the event of a major natural disaster, such as a hurricane or  
 517 major storm, that causes massive trap losses within an area  
 518 declared by the Governor to be a disaster emergency area, the  
 519 commission may temporarily defer or waive replacement tag fees.

520 (c) Equitable rent.--The commission may establish by rule  
 521 an amount of equitable rent that may be recovered as partial  
 522 compensation to the state for the enhanced access to its natural  
 523 resources. In determining whether to establish such a rent and  
 524 the amount thereof, the commission may consider the amount of  
 525 revenues annually generated by endorsement fees, trap tag fees,  
 526 replacement trap tag fees, trap retrieval fees, and the  
 527 continued economic viability of the commercial blue crab

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528 industry. A rule establishing an amount of equitable rent shall  
529 become effective only upon approval by act of the Legislature.

530 (d) Disposition of moneys generated from fees and  
531 administrative penalties.--Moneys generated from the sale of  
532 blue crab endorsements, trap tags, and replacement trap tags or  
533 from the assessment of administrative penalties by the  
534 commission under this section shall be deposited into the Marine  
535 Resources Conservation Trust Fund. Up to 50 percent of the  
536 moneys generated from the sale of endorsements and trap tags and  
537 the assessment of administrative penalties may be used for the  
538 operation and administration of the blue crab effort management  
539 program. The remaining moneys generated from the sale of  
540 endorsements and trap tags and the assessment of administrative  
541 penalties may be used for trap retrieval; management of the blue  
542 crab fishery; and public education activities, research, and  
543 enforcement activities in support of the blue crab effort  
544 management program.

545 (e) Waiver of fees.--For the 2007-2008 license year, the  
546 commission shall waive all fees under this subsection for all  
547 persons who qualify by September 30, 2007, to participate in the  
548 blue crab effort management program established by commission  
549 rule.

550 (4) (a) Untagged trap penalties.--By July 1, 2008, the  
551 commission shall adopt by rule the administrative penalties  
552 authorized by this subsection. In addition to any other  
553 penalties provided in s. 370.021 for any blue crab endorsement  
554 holder who violates commission rules requiring the placement of

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555 trap tags for traps used for the directed harvest of blue crabs,  
556 the following administrative penalties apply:

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

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

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

569 4. A fourth violation that occurs within 48 months after  
570 any three previous such violations shall result in permanent  
571 revocation of all of the violator's saltwater fishing  
572 privileges, including having the commission proceed against the  
573 endorsement holder's saltwater products license in accordance  
574 with s. 370.021.

575  
576 Any blue crab endorsement holder assessed an administrative  
577 penalty under this paragraph shall, within 30 calendar days  
578 after notification, pay the administrative penalty to the  
579 commission or request an administrative hearing under ss.  
580 120.569 and 120.57.

581 (b) Trap theft; prohibitions and penalties.--It is  
582 unlawful for any person to remove or take possession of the

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583 contents of another harvester's blue crab trap without the  
584 express written consent of the trap owner, which must be  
585 available for immediate inspection. Unauthorized possession of  
586 another harvester's blue crab trap gear or removal of trap  
587 contents constitutes theft.

588 1. Any commercial harvester receiving a judicial  
589 disposition other than dismissal or acquittal on a charge of  
590 theft of or from a trap as prohibited by this paragraph shall,  
591 in addition to the penalties specified in s. 370.021 and this  
592 section, permanently lose all saltwater fishing privileges,  
593 including any saltwater products licenses, blue crab  
594 endorsements, and blue crab trap tags allotted to him or her by  
595 the commission. In such cases, endorsements are nontransferable.

596 2. In addition, any commercial harvester receiving a  
597 judicial disposition other than dismissal or acquittal for  
598 violating this paragraph shall also be assessed an  
599 administrative penalty of up to \$5,000. Immediately upon receipt  
600 of a citation for a violation involving theft of or from a trap  
601 and until adjudicated for such a violation, or upon receipt of a  
602 judicial disposition other than dismissal or acquittal for such  
603 a violation, the commercial harvester committing the violation  
604 is prohibited from transferring any blue crab endorsements.

605 3. A commercial harvester who violates this paragraph  
606 shall be punished under s. 370.021. Any other person who  
607 violates this paragraph commits a Level Two violation under s.  
608 372.83.

609 (c) Criminal activities prohibited.--

610           1. It is unlawful for any commercial harvester or any  
 611 other person to:

612           a. Willfully molest any blue crab trap, line, or buoy that  
 613 is the property of any licenseholder without the permission of  
 614 that licenseholder.

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

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

620           d. Make, alter, forge, counterfeit, or reproduce a blue  
 621 crab trap tag.

622           e. Possess an altered, forged, counterfeit, or imitation  
 623 blue crab trap tag.

624           f. Possess a number of original trap tags or replacement  
 625 trap tags, the sum of which exceeds by 1 percent the number of  
 626 traps allowed by commission rules.

627           g. Engage in the commercial harvest of blue crabs while  
 628 the blue crab endorsements of the licenseholder are under  
 629 suspension or revocation.

630           2. Immediately upon receiving a citation involving a  
 631 violation of this paragraph and until adjudicated for such a  
 632 violation, a commercial harvester is prohibited from  
 633 transferring any blue crab endorsement.

634           3. A commercial harvester convicted of violating this  
 635 paragraph commits a felony of the third degree, punishable as  
 636 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be  
 637 assessed an administrative penalty of up to \$5,000, and is

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638 immediately prohibited from transferring any blue crab  
639 endorsement. All blue crab endorsements issued to a commercial  
640 harvester convicted of violating this paragraph may be suspended  
641 for up to 24 calendar months.

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

644 (d) Endorsement transfers; fraudulent reports;  
645 penalties.--For a commercial harvester convicted of fraudulently  
646 reporting the actual value of transferred blue crab  
647 endorsements, the commission may automatically suspend or  
648 permanently revoke the seller's or the purchaser's blue crab  
649 endorsements. If the endorsement is permanently revoked, the  
650 commission shall also permanently deactivate the endorsement  
651 holder's blue crab trap tag accounts.

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

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

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



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664           (7) Subsections (3), (4), (5), and (6) shall expire on  
665 July 1, 2009, unless reenacted by the Legislature during the  
666 2009 Regular Session.

667           Section 10. Subsections (2) and (3) of section 370.14,  
668 Florida Statutes, are amended to read:

669           370.14 Spiny lobster; regulation.--

670           (2)(a)1. Each commercial harvester taking or attempting to  
671 take spiny lobster with a trap in commercial quantities or for  
672 commercial purposes shall obtain and exhibit a spiny lobster  
673 endorsement ~~trap~~ number, as required by the Fish and Wildlife  
674 Conservation Commission. The annual fee for a spiny lobster  
675 endorsement ~~trap number~~ is \$125. This endorsement ~~trap number~~  
676 may be issued by the commission upon the receipt of application  
677 by the commercial harvester when accompanied by the payment of  
678 the fee. The design of the applications and of the trap tag  
679 ~~number~~ shall be determined by the commission. Any trap or device  
680 used in taking or attempting to take spiny lobster, other than a  
681 trap with the endorsement ~~trap~~ number, shall be seized and  
682 destroyed by the commission. The proceeds of the fees imposed by  
683 this paragraph shall be deposited and used as provided in  
684 paragraph (b). The commission may adopt rules to carry out the  
685 intent of this section.

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

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691 (b) Twenty-five dollars of the \$125 fee for a spiny  
 692 lobster endorsement ~~trap number~~ required under subparagraph  
 693 (a)1. must be used only for trap retrieval as provided in s.  
 694 370.143. The remainder of the fees collected under ~~pursuant to~~  
 695 paragraph (a) shall be deposited as follows:

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

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

702 (3) The spiny lobster endorsement ~~license~~ must be on board  
 703 the boat, and both the endorsement ~~license~~ and the harvested  
 704 spiny lobster shall be subject to inspection at all times. Only  
 705 one endorsement ~~license~~ shall be issued for each boat. The spiny  
 706 lobster endorsement ~~license~~ number must be prominently displayed  
 707 above the topmost portion of the boat so as to be easily and  
 708 readily identified.

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

711 370.1405 Spiny lobster ~~Crawfish~~ reports by dealers during  
 712 closed season required.--

713 (1) Within 3 days after the commencement of the closed  
 714 season for the taking of spiny lobster ~~saltwater crawfish~~, each  
 715 and every seafood dealer, either retail or wholesale, intending  
 716 to possess whole spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~  
 717 tails, or spiny lobster ~~crawfish~~ meat during closed season shall  
 718 submit to the Fish and Wildlife Conservation Commission, on

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719 forms provided by the commission, a sworn report of the  
720 quantity, in pounds, of ~~saltwater~~ whole spiny lobster ~~erawfish~~,  
721 spiny lobster ~~erawfish~~ tails, and spiny lobster ~~erawfish~~ meat in  
722 the dealer's name or possession as of the date the season  
723 closed. This report shall state the location and number of  
724 pounds of whole spiny lobster ~~erawfish~~, spiny lobster ~~erawfish~~  
725 tails, and spiny lobster ~~erawfish~~ meat. The commission shall not  
726 accept any reports not delivered or postmarked by midnight of  
727 the 3rd calendar day after the commencement of the closed  
728 season, and any stocks of spiny lobster ~~erawfish~~ reported  
729 therein are declared a nuisance and may be seized by the  
730 commission.

731 (2) Failure to submit a report as described in subsection  
732 (1) or reporting a greater or lesser amount of whole spiny  
733 lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny lobster  
734 ~~erawfish~~ meat than is actually in the dealer's possession or  
735 name is a major violation of this chapter, punishable as  
736 provided in s. 370.021(1), s. 370.07(6)(b), or both. The  
737 commission shall seize the entire supply of unreported or  
738 falsely reported whole spiny lobster ~~erawfish~~, spiny lobster  
739 ~~erawfish~~ tails, or spiny lobster ~~erawfish~~ meat, and shall carry  
740 the same before the court for disposal. The dealer shall post a  
741 cash bond in the amount of the fair value of the entire quantity  
742 of unreported or falsely reported spiny lobster ~~erawfish~~ as  
743 determined by the judge. After posting the cash bond, the dealer  
744 shall have 24 hours to transport said products outside the  
745 limits of Florida for sale as provided by s. 370.061. Otherwise,  
746 the product shall be declared a nuisance and disposed of by the

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747 commission according to law.

748 (3) All dealers having reported stocks of spiny lobster  
749 ~~erawfish~~ may sell or offer to sell such stocks of crawfish;  
750 however, such dealers shall submit an additional report on the  
751 last day of each month during the duration of the closed season.  
752 Reports shall be made on forms supplied by the commission. Each  
753 dealer shall state on this report the number of pounds brought  
754 forward from the previous report period, the number of pounds  
755 sold during the report period, the number of pounds, if any,  
756 acquired from a licensed wholesale dealer during the report  
757 period, and the number of pounds remaining on hand. In every  
758 case, the amount of spiny lobster ~~erawfish~~ sold plus the amount  
759 reported on hand shall equal the amount acquired plus the amount  
760 reported remaining on hand in the last submitted report. Copies  
761 of records or invoices documenting the number of pounds acquired  
762 during the closed season must be maintained by the wholesale or  
763 retail dealer and shall be kept available for inspection by the  
764 commission for a period not less than 3 years from the date of  
765 the recorded transaction. Reports postmarked later than midnight  
766 on the 3rd calendar day of each month during the duration of the  
767 closed season will not be accepted by the commission. Dealers  
768 for which late supplementary reports are not accepted by the  
769 commission must show just cause why their entire stock of whole  
770 spiny lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny  
771 lobster ~~erawfish~~ meat should not be seized by the commission.  
772 Whenever a dealer fails to timely submit the monthly  
773 supplementary report as described in this subsection, the dealer  
774 may be subject to the following civil penalties:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

780 (c) For a third violation within the same spiny lobster  
781 ~~erawfish~~ closed season, the commission shall assess a civil  
782 penalty of \$2,500 and may seize said dealer's entire stock of  
783 whole spiny lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or  
784 spiny lobster ~~erawfish~~ meat and carry the same before the court  
785 for disposal. The dealer shall post a cash bond in the amount of  
786 the fair value of the entire remaining quantity of spiny lobster  
787 ~~erawfish~~ as determined by the judge. After posting the cash  
788 bond, a dealer shall have 24 hours to transport said products  
789 outside the limits of Florida for sale as provided by s.  
790 370.061. Otherwise, the product shall be declared a nuisance and  
791 disposed of by the commission according to law.

792 (4) All seafood dealers shall at all times during the  
793 closed season make their stocks of whole spiny lobster ~~erawfish~~,  
794 spiny lobster ~~erawfish~~ tails, or spiny lobster ~~erawfish~~ meat  
795 available for inspection by the commission.

796 (5) Each wholesale and retail dealer in whole spiny  
797 lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny lobster  
798 ~~erawfish~~ meat shall keep throughout the period of the spiny  
799 lobster ~~erawfish~~ closed season copies of the bill of sale or  
800 invoice covering each transaction involving whole spiny lobster  
801 ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny lobster  
802 ~~erawfish~~ meat. Such invoices and bills shall be kept available

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803 at all times for inspection by the commission.

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

807 Section 12. Subsection (2) of section 370.142, Florida  
 808 Statutes, is amended to read:

809 370.142 Spiny lobster trap certificate program.--

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

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

820 1. ~~The Department of Environmental Protection shall~~  
 821 ~~initially allot such certificates to each licenseholder with a~~  
 822 ~~current crawfish trap number who uses traps. The number of such~~  
 823 ~~certificates allotted to each such licenseholder shall be based~~  
 824 ~~on the trap/catch coefficient established pursuant to trip~~  
 825 ~~ticket records generated under the provisions of s. 370.06(2)~~  
 826 ~~over a 3-year base period ending June 30, 1991. The trap/catch~~  
 827 ~~coefficient shall be calculated by dividing the sum of the~~  
 828 ~~highest reported single license year landings up to a maximum of~~  
 829 ~~30,000 pounds for each such licenseholder during the base period~~  
 830 ~~by 700,000. Each such licenseholder shall then be allotted the~~

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831 ~~number of certificates derived by dividing his or her highest~~  
832 ~~reported single license year landings up to a maximum of 30,000~~  
833 ~~pounds during the base period by the trap/catch coefficient.~~  
834 ~~Nevertheless, no licenseholder with a current crawfish trap~~  
835 ~~number shall be allotted fewer than 10 certificates. However,~~  
836 ~~certificates may only be issued to individuals; therefore, all~~  
837 ~~licenseholders other than individual licenseholders shall~~  
838 ~~designate the individual or individuals to whom their~~  
839 ~~certificates will be allotted and the number thereof to each, if~~  
840 ~~more than one. After initial issuance, Trap certificates are~~  
841 transferable on a market basis and may be transferred from one  
842 licenseholder to another for a fair market value agreed upon  
843 between the transferor and transferee. Each such transfer shall,  
844 within 72 hours thereof, be recorded on a notarized form  
845 provided for that purpose by the Fish and Wildlife Conservation  
846 Commission and hand delivered or sent by certified mail, return  
847 receipt requested, to the commission for recordkeeping purposes.  
848 ~~In addition,~~ In order to cover the added administrative costs of  
849 the program and to recover an equitable natural resource rent  
850 for the people of the state, a transfer fee of \$2 per  
851 certificate transferred shall be assessed against the purchasing  
852 licenseholder and sent by money order or cashier's check with  
853 the certificate transfer form. Also, in addition to the transfer  
854 fee, a surcharge of \$5 per certificate transferred or 25 percent  
855 of the actual market value, whichever is greater, given to the  
856 transferor shall be assessed the first time a certificate is  
857 transferred outside the original transferor's immediate family.  
858 No transfer of a certificate shall be effective until the

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859 | commission receives the notarized transfer form and the transfer  
860 | fee, including any surcharge, is paid. The commission may  
861 | establish by rule an amount of equitable rent per trap  
862 | certificate that shall be recovered as partial compensation to  
863 | the state for the enhanced access to its natural resources. A  
864 | rule establishing an amount of equitable rent shall become  
865 | effective only after approval by the Legislature ~~Final approval~~  
866 | ~~of such a rule shall be by the Governor and Cabinet sitting as~~  
867 | ~~the Board of Trustees of the Internal Improvement Trust Fund.~~ In  
868 | determining whether to establish such a rent and, if so, the  
869 | amount thereof, the commission shall consider the amount of  
870 | revenues annually generated by certificate fees, transfer fees,  
871 | surcharges, trap license fees, and sales taxes, the demonstrated  
872 | fair market value of transferred certificates, and the continued  
873 | economic viability of the commercial lobster industry. All ~~The~~  
874 | proceeds of equitable rent recovered shall be deposited in the  
875 | Marine Resources Conservation Trust Fund and used by the  
876 | commission for research, management, and protection of the spiny  
877 | lobster fishery and habitat. A transfer fee may not be assessed  
878 | or required when the transfer is within a family as a result of  
879 | the death or disability of the certificate owner. A surcharge  
880 | will not be assessed for any transfer within an individual's  
881 | immediate family.

882 |         2. No person, firm, corporation, or other business entity  
883 | may control, directly or indirectly, more than 1.5 percent of  
884 | the total available certificates in any license year.



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

888           4. The number of trap tags issued annually to each  
 889 licenseholder shall not exceed the number of certificates held  
 890 by the licenseholder at the time of issuance, and such tags and  
 891 a statement of certificates held shall be issued simultaneously.

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

895           (b) Trap tags.--Each trap used to take or attempt to take  
 896 spiny lobsters in state waters or adjacent federal waters shall,  
 897 in addition to the spiny lobster endorsement ~~crayfish trap~~  
 898 number required by s. 370.14(2), have affixed thereto an annual  
 899 trap tag issued by the commission. Each such tag shall be made  
 900 of durable plastic or similar material and shall, based on the  
 901 number of certificates held, have stamped thereon the owner's  
 902 license number. To facilitate enforcement and recordkeeping,  
 903 such tags shall be issued each year in a color different from  
 904 that of each of the previous 3 years. The annual certificate fee  
 905 shall be \$1 per certificate. Replacement tags for lost or  
 906 damaged tags may be obtained as provided by rule of the  
 907 commission. In the event of a major natural disaster, such as a  
 908 hurricane or major storm, that causes massive trap losses within  
 909 an area declared by the Governor to be a disaster emergency  
 910 area, the commission may temporarily defer or waive replacement  
 911 tag fees.

912           (c) Prohibitions; penalties.--

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913           1. It is unlawful for a person to possess or use a spiny  
914 lobster trap in or on state waters or adjacent federal waters  
915 without having affixed thereto the trap tag required by this  
916 section. It is unlawful for a person to possess or use any other  
917 gear or device designed to attract and enclose or otherwise aid  
918 in the taking of spiny lobster by trapping that is not a trap as  
919 defined by commission rule.

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

923           3. It is unlawful for any person to willfully molest, take  
924 possession of, or remove the contents of another harvester's  
925 spiny lobster trap without the express written consent of the  
926 trap owner available for immediate inspection. Unauthorized  
927 possession of another's trap gear or removal of trap contents  
928 constitutes theft.

929           a. A commercial harvester who violates this subparagraph  
930 shall be punished under ss. 370.021 and 370.14. Any commercial  
931 harvester receiving a judicial disposition other than dismissal  
932 or acquittal on a charge of theft of or from a trap pursuant to  
933 this subparagraph or s. 370.1107 shall, in addition to the  
934 penalties specified in ss. 370.021 and 370.14 and the provisions  
935 of this section, permanently lose all his or her saltwater  
936 fishing privileges, including his or her saltwater products  
937 license, spiny lobster endorsement, and all trap certificates  
938 allotted to him or her through this program. In such cases, trap  
939 certificates and endorsements are nontransferable.

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

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

950  
 951 Immediately upon receiving a citation for a violation involving  
 952 theft of or from a trap, or molestation of a trap, and until  
 953 adjudicated for such a violation or, upon receipt of a judicial  
 954 disposition other than dismissal or acquittal of such a  
 955 violation, the commercial harvester ~~person, firm, or corporation~~  
 956 committing the violation is prohibited from transferring any  
 957 spiny lobster trap certificates and endorsements.

958           4. In addition to any other penalties provided in s.  
 959 370.021, a commercial harvester who violates the provisions of  
 960 this section or commission rules relating to spiny lobster traps  
 961 shall be punished as follows:

962           a. If the first violation is for violation of subparagraph  
 963 1. or subparagraph 2., the commission shall assess an additional  
 964 administrative penalty of up to \$1,000 ~~and the spiny lobster~~  
 965 ~~trap number issued pursuant to s. 370.14(2) or (6) may be~~  
 966 ~~suspended for the remainder of the current license year. For all~~

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967 ~~other first violations, the commission shall assess an~~  
 968 ~~additional administrative penalty of up to \$500.~~

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

976       c. For a third or subsequent violation of subparagraph 1.,  
 977 subparagraph 2., or subparagraph 3. which occurs within 36  
 978 months of any previous two such violations, the commission shall  
 979 assess an additional administrative penalty of up to \$5,000 and  
 980 may suspend the spiny lobster endorsement trap number issued  
 981 under ~~pursuant to~~ s. 370.14(2) or (6) for a period of up to 24  
 982 months or may revoke the spiny lobster endorsement trap number  
 983 and, if revoking the spiny lobster endorsement trap number, may  
 984 also proceed against the licenseholder's saltwater products  
 985 license in accordance with the provisions of s. 370.021(2)(h).

986       d. Any person assessed an additional administrative  
 987 penalty pursuant to this section shall within 30 calendar days  
 988 after notification:

- 989           (I) Pay the administrative penalty to the commission; or
- 990           (II) Request an administrative hearing pursuant to the
- 991 provisions of ss. 120.569 and 120.57.

992       e. The commission shall suspend the spiny lobster  
 993 endorsement trap number issued under ~~pursuant to~~ s. 370.14(2) or

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994 (6) for any person failing to comply with the provisions of sub-  
 995 subparagraph d.

996 5.a. It is unlawful for any person to make, alter, forge,  
 997 counterfeit, or reproduce a spiny lobster trap tag or  
 998 certificate.

999 b. It is unlawful for any person to knowingly have in his  
 1000 or her possession a forged, counterfeit, or imitation spiny  
 1001 lobster trap tag or certificate.

1002 c. It is unlawful for any person to barter, trade, sell,  
 1003 supply, agree to supply, aid in supplying, or give away a spiny  
 1004 lobster trap tag or certificate or to conspire to barter, trade,  
 1005 sell, supply, aid in supplying, or give away a spiny lobster  
 1006 trap tag or certificate unless such action is duly authorized by  
 1007 the commission as provided in this chapter or in the rules of  
 1008 the commission.

1009 6.a. Any commercial harvester who violates the provisions  
 1010 of subparagraph 5., or any commercial harvester who engages in  
 1011 the commercial harvest, trapping, or possession of spiny lobster  
 1012 without a spiny lobster endorsement ~~trap number~~ as required by  
 1013 s. 370.14(2) or (6) or during any period while such spiny  
 1014 lobster endorsement ~~trap number~~ is under suspension or  
 1015 revocation, commits a felony of the third degree, punishable as  
 1016 provided in s. 775.082, s. 775.083, or s. 775.084.

1017 b. In addition to any penalty imposed pursuant to sub-  
 1018 subparagraph a., the commission shall levy a fine of up to twice  
 1019 the amount of the appropriate surcharge to be paid on the fair  
 1020 market value of the transferred certificates, as provided in

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1021 subparagraph (a)1., on any commercial harvester who violates the  
 1022 provisions of sub-subparagraph 5.c.

1023 c. In addition to any penalty imposed pursuant to sub-  
 1024 subparagraph a., any commercial harvester receiving any judicial  
 1025 disposition other than acquittal or dismissal for a violation of  
 1026 subparagraph 5. shall be assessed an administrative penalty of  
 1027 up to \$5,000, and the spiny lobster endorsement under which the  
 1028 violation was committed may be suspended for up to 24 calendar  
 1029 months. Immediately upon issuance of a citation involving a  
 1030 violation of subparagraph 5. and until adjudication of such a  
 1031 violation, and after receipt of any judicial disposition other  
 1032 than acquittal or dismissal for such a violation, the commercial  
 1033 harvester holding the spiny lobster endorsement listed on the  
 1034 citation is prohibited from transferring any spiny lobster trap  
 1035 certificates.

1036 ~~d.e.~~ Any other person who violates the provisions of  
 1037 subparagraph 5. commits a Level Four violation under s. 372.83.

1038 7. Any certificates for which the annual certificate fee  
 1039 is not paid for a period of 3 years shall be considered  
 1040 abandoned and shall revert to the commission. During any period  
 1041 of trap reduction, any certificates reverting to the commission  
 1042 shall become permanently unavailable and be considered in that  
 1043 amount to be reduced during the next license-year period.  
 1044 Otherwise, any certificates that revert to the commission are to  
 1045 be reallocated in such manner as provided by the commission.

1046 8. The proceeds of all administrative ~~civil~~ penalties  
 1047 collected pursuant to subparagraph 4. and all fines collected

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1048 pursuant to sub-subparagraph 6.b. shall be deposited into the  
 1049 Marine Resources Conservation Trust Fund.

1050 9. All traps shall be removed from the water during any  
 1051 period of suspension or revocation.

1052 10. Except as otherwise provided, any person who violates  
 1053 this paragraph commits a Level Two violation under s. 372.83.

1054 (d) No vested rights.--The trap certificate program shall  
 1055 not create vested rights in licenseholders whatsoever and may be  
 1056 altered or terminated as necessary to protect the spiny lobster  
 1057 resource, the participants in the fishery, or the public  
 1058 interest.

1059 Section 13. Section 370.143, Florida Statutes, is amended  
 1060 to read:

1061 370.143 Retrieval of spiny lobster, ~~crawfish,~~ and stone  
 1062 crab, blue crab, and black sea bass traps during closed season;  
 1063 commission authority; fees.--

1064 (1) The Fish and Wildlife Conservation Commission is  
 1065 authorized to implement a trap retrieval program for retrieval  
 1066 of spiny lobster, ~~crawfish,~~ and stone crab, blue crab, and black  
 1067 sea bass traps remaining in the water during the closed season  
 1068 for each species. The commission is authorized to contract with  
 1069 outside agents for the program operation.

1070 (2) A retrieval fee of \$10 per trap retrieved shall be  
 1071 assessed trap owners. However, for each person holding a spiny  
 1072 lobster endorsement, ~~crawfish stamp number~~ or a stone crab  
 1073 endorsement, or a blue crab endorsement issued under rule of the  
 1074 commission, the retrieval fee shall be waived for the first five  
 1075 traps retrieved. Traps recovered under this program shall become

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1076 the property of the commission or its contract agent, as  
 1077 determined by the commission, and shall be either destroyed or  
 1078 resold to the original owner. Revenue from retrieval fees shall  
 1079 be deposited in the Marine Resources Conservation Trust Fund and  
 1080 used solely for operation of the trap retrieval program.

1081 (3) Payment of all assessed retrieval fees shall be  
 1082 required prior to renewal of the trap owner's saltwater products  
 1083 license ~~and stone crab and or crawfish endorsements~~. Retrieval  
 1084 fees assessed under this program shall stand in lieu of other  
 1085 penalties imposed for such trap violations.

1086 (4) In the event of a major natural disaster, such as a  
 1087 hurricane or major storm, that causes massive trap losses within  
 1088 an area declared by the Governor to be a disaster emergency  
 1089 area, the commission shall waive trap retrieval fees ~~In the~~  
 1090 ~~event of a major natural disaster in an area declared by the~~  
 1091 ~~Governor to be a disaster emergency area, such as a hurricane or~~  
 1092 ~~major storm causing massive trap losses, the commission shall~~  
 1093 ~~wave the trap retrieval fee.~~

1094 Section 14. Section 372.09, Florida Statutes, is amended  
 1095 to read:

1096 372.09 State Game Trust Fund.--The funds resulting from  
 1097 the operation of the commission and from the administration of  
 1098 the laws and regulations pertaining to birds, game, fur-bearing  
 1099 animals, freshwater fish, reptiles, and amphibians, together  
 1100 with any other funds specifically provided for such purposes  
 1101 shall constitute the State Game Trust Fund and shall be used by  
 1102 the commission as it shall deem fit in carrying out the  
 1103 provisions hereof and for no other purposes, except that annual



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1104 use fees deposited into the trust fund from the sale of the  
 1105 Largemouth Bass license plate may be expended for the purposes  
 1106 provided under s. 320.08058(18). The commission may not obligate  
 1107 itself beyond the current resources of the State Game Trust Fund  
 1108 unless specifically so authorized by the Legislature.

1109 Section 15. Subsection (2) of section 372.562, Florida  
 1110 Statutes, is amended to read:

1111 372.562 Recreational licenses and permits; exemptions from  
 1112 fees and requirements.--

1113 (2) A hunting, freshwater fishing, or saltwater fishing  
 1114 license or permit is not required for:

1115 (a) Any child under 16 years of age, except as otherwise  
 1116 provided in this chapter.

1117 (b) Any person hunting or freshwater fishing on her or his  
 1118 homestead property, or on the homestead property of the person's  
 1119 spouse or minor child; or any minor child hunting or freshwater  
 1120 fishing on the homestead property of her or his parent.

1121 (c) Any resident who is a member of the United States  
 1122 Armed Forces and not stationed in this state, when home on leave  
 1123 for 30 days or less, upon submission of orders.

1124 (d) Any resident freshwater fishing for recreational  
 1125 purposes only, within her or his county of residence with live  
 1126 or natural bait, using poles or lines not equipped with a  
 1127 fishing line retrieval mechanism. This exemption does not apply  
 1128 to residents fishing in, ~~except on~~ a legally established fish  
 1129 management area.

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1130 (e) Any person freshwater fishing in a fish pond of 20  
 1131 acres or less that is located entirely within the private  
 1132 property of the fish pond owner.

1133 (f) Any person freshwater fishing in a fish pond that is  
 1134 licensed in accordance with s. 372.5705.

1135 (g) Any person fishing who has been accepted as a client  
 1136 for developmental disabilities services by the Department of  
 1137 Children and Family Services, provided the department furnishes  
 1138 proof thereof.

1139 (h) Any resident saltwater fishing ~~in salt water~~ from land  
 1140 or from a structure fixed to the land.

1141 (i) Any person saltwater fishing from a vessel licensed  
 1142 pursuant to s. 372.57(7).

1143 (j) Any person saltwater fishing from a vessel the  
 1144 operator of which is licensed pursuant to s. 372.57(7).

1145 (k) Any person saltwater fishing who holds a valid  
 1146 saltwater products license issued under s. 370.06(2).

1147 (l) Any person saltwater fishing for recreational purposes  
 1148 from a pier licensed under s. 372.57.

1149 (m) Any resident fishing for a saltwater species in fresh  
 1150 water from land or from a structure fixed to land.

1151 (n) Any resident fishing for mullet in fresh water who has  
 1152 a valid Florida freshwater fishing license.

1153 (o) Any resident 65 years of age or older who has in her  
 1154 or his possession proof of age and residency. A no-cost license  
 1155 under this paragraph may be obtained from any tax collector's  
 1156 office upon proof of age and residency and must be in the

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1157 possession of the resident during hunting, freshwater fishing,  
 1158 and saltwater fishing activities.

1159 (p) Any employee of the commission who takes freshwater  
 1160 fish, saltwater fish, or game as part of employment with the  
 1161 commission, or any other person authorized by commission permit  
 1162 to take freshwater fish, saltwater fish, or game for scientific  
 1163 or educational purposes.

1164 (q) Any resident recreationally freshwater fishing who  
 1165 holds a valid commercial fishing license issued under s.  
 1166 372.65(1)(a).

1167 Section 16. Effective October 1, 2007, subsections (4) and  
 1168 (5), paragraphs (a), (b), (c), and (h) of subsection (8),  
 1169 subsection (9), and paragraph (c) of subsection (10) of section  
 1170 372.57, Florida Statutes, are amended to read:

1171 372.57 Recreational licenses, permits, and authorization  
 1172 numbers; fees established.--

1173 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses  
 1174 and fees for residents participating in hunting and fishing  
 1175 activities in this state are as follows:

1176 (a) Annual freshwater fishing license, \$15.50 ~~\$12~~.

1177 (b) Annual saltwater fishing license, \$15.50 ~~\$12~~.

1178 (c) Annual hunting license to take game, \$15.50 ~~\$11~~.

1179 (d) Annual combination hunting and freshwater fishing  
 1180 license, \$31 ~~\$22~~.

1181 (e) Annual combination freshwater fishing and saltwater  
 1182 fishing license, \$31 ~~\$24~~.

1183 (f) Annual combination hunting, freshwater fishing, and  
 1184 saltwater fishing license, \$46.50 ~~\$34~~.

1185 (g) Annual license to take fur-bearing animals, \$25.  
 1186 However, a resident with a valid hunting license or a no-cost  
 1187 license who is taking fur-bearing animals for noncommercial  
 1188 purposes using guns or dogs only, and not traps or other  
 1189 devices, is not required to purchase this license. Also, a  
 1190 resident 65 years of age or older is not required to purchase  
 1191 this license.

1192 (h) Annual sportsman's license, \$79 ~~\$71~~, except that an  
 1193 annual sportsman's license for a resident 64 years of age or  
 1194 older is \$12. A sportsman's license authorizes the person to  
 1195 whom it is issued to take game and freshwater fish, subject to  
 1196 the state and federal laws, rules, and regulations, including  
 1197 rules of the commission, in effect at the time of the taking.  
 1198 Other authorized activities include activities authorized by a  
 1199 management area permit, a muzzle-loading gun season permit, a  
 1200 crossbow season permit, a turkey permit, a Florida waterfowl  
 1201 permit, and an archery season permit.

1202 (i) Annual gold sportsman's license, \$98.50 ~~\$87~~. The gold  
 1203 sportsman's license authorizes the person to whom it is issued  
 1204 to take freshwater fish, saltwater fish, and game, subject to  
 1205 the state and federal laws, rules, and regulations, including  
 1206 rules of the commission, in effect at the time of taking. Other  
 1207 authorized activities include activities authorized by a  
 1208 management area permit, a muzzle-loading gun season permit, a  
 1209 crossbow season permit, a turkey permit, a Florida waterfowl  
 1210 permit, an archery season permit, a snook permit, and a spiny  
 1211 lobster permit.

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1212 (j) Annual military gold sportsman's license, \$18.50. The  
 1213 gold sportsman's license authorizes the person to whom it is  
 1214 issued to take freshwater fish, saltwater fish, and game,  
 1215 subject to the state and federal laws, rules, and regulations,  
 1216 including rules of the commission, in effect at the time of  
 1217 taking. Other authorized activities include activities  
 1218 authorized by a management area permit, a muzzle-loading gun  
 1219 season permit, a crossbow season permit, a turkey permit, a  
 1220 Florida waterfowl permit, an archery season permit, a snook  
 1221 permit, and a spiny lobster permit. Any resident who is an  
 1222 active or retired member of the United States Armed Forces, the  
 1223 United States Armed Forces Reserve, the National Guard, the  
 1224 United States Coast Guard, or the United States Coast Guard  
 1225 Reserve is eligible to purchase the military gold sportsman's  
 1226 license upon submission of a current military identification  
 1227 card.

1228 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The  
 1229 licenses and fees for nonresidents participating in hunting and  
 1230 fishing activities in the state are as follows:

1231 (a) Freshwater fishing license to take freshwater fish for  
 1232 3 consecutive days, \$15.50.

1233 (b)~~(a)~~ Freshwater fishing license to take freshwater fish  
 1234 for 7 consecutive days, \$28.50 ~~\$15.~~

1235 (c)~~(b)~~ Saltwater fishing license to take saltwater fish  
 1236 for 3 consecutive days, \$15.50 ~~\$5.~~

1237 (d)~~(e)~~ Saltwater fishing license to take saltwater fish  
 1238 for 7 consecutive days, \$28.50 ~~\$15.~~

1239 (e)~~(d)~~ Annual freshwater fishing license, \$45.50 ~~\$30.~~

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1240            (f)~~(e)~~ Annual saltwater fishing license, \$45.50 ~~\$30~~.

1241            (g)~~(f)~~ Hunting license to take game for 10 consecutive  
1242 days, \$45.

1243            (h)~~(g)~~ Annual hunting license to take game, \$150.

1244            (i)~~(h)~~ Annual license to take fur-bearing animals, \$25.

1245 However, a nonresident with a valid Florida hunting license who  
1246 is taking fur-bearing animals for noncommercial purposes using  
1247 guns or dogs only, and not traps or other devices, is not  
1248 required to purchase this license.

1249            (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY  
1250 PERMITS.--In addition to any license required under this  
1251 chapter, the following permits and fees for specified hunting,  
1252 fishing, and recreational uses and activities are required:

1253            (a) An annual Florida waterfowl permit for a resident or  
1254 nonresident to take wild ducks or geese within the state or its  
1255 coastal waters is \$10 ~~\$3~~.

1256            (b)1. An annual Florida turkey permit for a resident to  
1257 take wild turkeys within the state is \$10 ~~\$5~~.

1258            2. An annual Florida turkey permit for a nonresident to  
1259 take wild turkeys within the state is \$100.

1260            (c) An annual snook permit for a resident or nonresident  
1261 to take or possess any snook from any waters of the state is \$10  
1262 ~~\$2~~. Twenty percent of revenues ~~Revenue~~ generated from the sale  
1263 of snook permits shall be used exclusively for programs to  
1264 benefit the snook population.

1265            (h)1. A recreational user permit is required to hunt on,  
1266 fish on, or otherwise use for outdoor recreational purposes land  
1267 leased by the commission from private nongovernmental owners,

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1268 | except for those lands located directly north of the  
 1269 | Apalachicola National Forest, east of the Ochlocknee River until  
 1270 | the point the river meets the dam forming Lake Talquin, and  
 1271 | south of the closest federal highway. The fee for a recreational  
 1272 | user permit shall be based upon the economic compensation  
 1273 | desired by the landowner, game population levels, desired hunter  
 1274 | density, and administrative costs. The permit fee shall be set  
 1275 | by commission rule on a per-acre basis. The recreational user  
 1276 | permit fee, less administrative costs of up to \$25 per permit,  
 1277 | shall be remitted to the landowner as provided in the lease  
 1278 | agreement for each area.

1279 |         2. One minor dependent, under 16 years of age ~~or younger,~~  
 1280 | may hunt under the supervision of the permittee and is exempt  
 1281 | from the recreational user permit requirements. The spouse and  
 1282 | dependent children of a permittee are exempt from the  
 1283 | recreational user permit requirements when engaged in outdoor  
 1284 | recreational activities other than hunting and when accompanied  
 1285 | by a permittee. Notwithstanding any other provision of this  
 1286 | chapter, no other exclusions, exceptions, or exemptions from the  
 1287 | recreational user permit fee are authorized.

1288 |         (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

1289 |         (a) Five-year licenses are available for residents only,  
 1290 | as follows:

1291 |         1. A 5-year freshwater fishing or saltwater fishing  
 1292 | license is \$77.50 ~~\$60~~ for each type of license and authorizes  
 1293 | the person to whom the license is issued to take or attempt to  
 1294 | take or possess freshwater fish or saltwater fish consistent

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1295 with the state and federal laws and regulations and rules of the  
 1296 commission in effect at the time of taking.

1297 2. A 5-year hunting license is \$77.50 ~~\$55~~ and authorizes  
 1298 the person to whom it is issued to take or attempt to take or  
 1299 possess game consistent with the state and federal laws and  
 1300 regulations and rules of the commission in effect at the time of  
 1301 taking.

1302 3. The commission is authorized to sell the hunting,  
 1303 fishing, and recreational activity permits authorized in  
 1304 subsection (8) for a 5-year period to match the purchase of 5-  
 1305 year fishing and hunting licenses. The fee for each permit  
 1306 issued under this paragraph shall be five times the annual cost  
 1307 established in subsection (8).

1308 (b) Proceeds from the sale of all 5-year licenses and  
 1309 permits shall be deposited into the Dedicated License Trust  
 1310 Fund, to be distributed in accordance with the provisions of s.  
 1311 372.106.

1312 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING  
 1313 LICENSES.--

1314 (c) The following activities are authorized by the  
 1315 purchase of a lifetime saltwater fishing license:

1316 1. Taking, or attempting to take or possess, saltwater  
 1317 fish consistent with the state and federal laws and regulations  
 1318 and rules of the commission in effect at the time of the taking.

1319 2. All activities authorized by a snook permit and a spiny  
 1320 lobster ~~crawfish~~ permit.

1321 3. All activities for which an additional license, permit,  
 1322 or fee is required to take or attempt to take or possess



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1323 saltwater fish, which additional license, permit, or fee was  
 1324 imposed subsequent to the date of the purchase of the lifetime  
 1325 saltwater fishing license.

1326 Section 17. Paragraph (d) is added to subsection (2) of  
 1327 section 372.672, Florida Statutes, to read:

1328 372.672 Florida Panther Research and Management Trust  
 1329 Fund.--

1330 (2) Money from the fund shall be spent only for the  
 1331 following purposes:

1332 (d) To promote and market the Florida panther license  
 1333 plate authorized under s. 320.08058.

1334 Section 18. Subsection (1) of section 861.021, Florida  
 1335 Statutes, is amended to read:

1336 861.021 Obstructing channels; misdemeanor.--

1337 (1) It is unlawful for any person to place any spiny  
 1338 lobster ~~crawfish~~, crab, or fish trap or set net or other similar  
 1339 device with a buoy or marker attached so that said buoy or  
 1340 marker obstructs the navigation of boats in channels of the  
 1341 waters of the state which are marked by, and which markers are  
 1342 continuously maintained by, the Coast Guard of the United  
 1343 States.

1344 Section 19. Section 372.571, Florida Statutes, is amended  
 1345 to read:

1346 372.571 Expiration of licenses and permits.--Each license  
 1347 or permit issued under this chapter must be dated when issued.  
 1348 Each license or permit issued under this chapter remains valid  
 1349 for 12 months after the date of issuance, except for a lifetime  
 1350 license issued pursuant to s. 372.57 which is valid from the

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1351 date of issuance until the death of the individual to whom the  
 1352 license is issued unless otherwise revoked in accordance with s.  
 1353 372.83 or s. 372.99, or a 5-year license issued pursuant to s.  
 1354 372.57 which is valid for 5 consecutive years from the date of  
 1355 purchase unless otherwise revoked in accordance with s. 372.83  
 1356 or s. 372.99, or a license issued pursuant to s. 372.57(5) (a),  
 1357 (b), (c), (d), or (g) ~~(f)~~ or (8) (f), ~~or (g)2.~~, or (h)1., which  
 1358 is valid for the period specified on the license. A resident  
 1359 lifetime license or a resident 5-year license that has been  
 1360 purchased by a resident of this state and who subsequently  
 1361 resides in another state shall be honored for activities  
 1362 authorized by that license.

1363 Section 20. Subsection (2) of section 372.661, Florida  
 1364 Statutes, is amended to read:

1365 372.661 Private hunting preserve license fees;  
 1366 exception.--

1367 (2) A commercial hunting preserve license, which shall  
 1368 exempt patrons of licensed preserves from the license and permit  
 1369 requirements of s. 372.57(4) (c), (d), (f), (h), (i), and (j);  
 1370 (5) ~~(f)~~ and (g) and (h); (8) (a), (b), and (e); (9) (a)2.; (11);  
 1371 and (12) while hunting on the licensed preserve property, shall  
 1372 be \$500. Such commercial hunting preserve license shall be  
 1373 available only to those private hunting preserves licensed  
 1374 pursuant to this section which are operated exclusively for  
 1375 commercial purposes, which are open to the public, and for which  
 1376 a uniform fee is charged to patrons for hunting privileges.

1377 Section 21. Paragraph (a) of subsection (2) and paragraph  
 1378 (a) of subsection (4) of section 372.83, Florida Statutes, are  
 1379 amended to read:

1380 372.83 Penalties and violations; civil penalties for  
 1381 noncriminal infractions; criminal penalties; suspension and  
 1382 forfeiture of licenses and permits.--

1383 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two  
 1384 violation if he or she violates any of the following provisions:

1385 1. Rules or orders of the commission relating to seasons  
 1386 or time periods for the taking of wildlife, freshwater fish, or  
 1387 saltwater fish.

1388 2. Rules or orders of the commission establishing bag,  
 1389 possession, or size limits or restricting methods of taking  
 1390 wildlife, freshwater fish, or saltwater fish.

1391 3. Rules or orders of the commission prohibiting access or  
 1392 otherwise relating to access to wildlife management areas or  
 1393 other areas managed by the commission.

1394 4. Rules or orders of the commission relating to the  
 1395 feeding of wildlife, freshwater fish, or saltwater fish.

1396 5. Rules or orders of the commission relating to landing  
 1397 requirements for freshwater fish or saltwater fish.

1398 6. Rules or orders of the commission relating to  
 1399 restricted hunting areas, critical wildlife areas, or bird  
 1400 sanctuaries.

1401 7. Rules or orders of the commission relating to tagging  
 1402 requirements for game and fur-bearing animals.

1403 8. Rules or orders of the commission relating to the use  
 1404 of dogs for the taking of game.

- 1405           9. Rules or orders of the commission which are not  
 1406 otherwise classified.
- 1407           10. All prohibitions in chapter 370 which are not  
 1408 otherwise classified.
- 1409           11. Section 370.028, prohibiting the violation of or  
 1410 noncompliance with commission rules.
- 1411           12. Section 370.021(6) prohibiting the sale, purchase,  
 1412 harvest, or attempted harvest of any saltwater product with  
 1413 intent to sell.
- 1414           13. Section 370.08, prohibiting the obstruction of  
 1415 waterways with net gear.
- 1416           14. Section 370.1105, prohibiting the unlawful use of  
 1417 finfish traps.
- 1418           15. Section 370.1121, prohibiting the unlawful taking of  
 1419 bonefish.
- 1420           16. Section 370.13(2)(a) and (b), prohibiting the  
 1421 possession or use of stone crab traps without trap tags and  
 1422 theft of trap contents or gear.
- 1423           17. Section 370.135 (4)(b) ~~(1)(e)~~, prohibiting the theft of  
 1424 blue crab trap contents or trap gear.
- 1425           18. Section 370.142(2)(c), prohibiting the possession or  
 1426 use of spiny lobster traps without trap tags or certificates and  
 1427 theft of trap contents or trap gear.
- 1428           19. Section 372.5704, prohibiting the possession of tarpon  
 1429 without purchasing a tarpon tag.
- 1430           20. Section 372.667, prohibiting the feeding or enticement  
 1431 of alligators or crocodiles.

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

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

1. Section 370.13(2)(c), prohibiting criminal activities relating to the taking of stone crabs.
2. Section 370.135(4)(c)~~(1)(b)~~, prohibiting criminal activities relating to the taking and harvesting of blue crabs~~the willful molestation of blue crab gear~~.
3. Section 370.14(4), prohibiting the willful molestation of spiny lobster gear.
4. Section 370.142(2)(c)5., prohibiting the unlawful reproduction, possession, sale, trade, or barter of spiny lobster trap tags or certificates.
5. Section 372.57(16), prohibiting the making, forging, counterfeiting, or reproduction of a recreational license or possession of same without authorization from the commission.
6. Section 372.99(5), prohibiting the sale of illegally-taken deer or wild turkey.
7. Section 372.99022, prohibiting the molestation or theft of freshwater fishing gear.

Section 22. For the purpose of incorporating the amendment made by this act to section 372.57, Florida Statutes, in references thereto, subsection (1) of section 372.5712, Florida Statutes, is reenacted to read:

372.5712 Florida waterfowl permit revenues.--

(1) The commission shall expend the revenues generated

CODING: Words **stricken** are deletions; words underlined are additions.

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1460 from the sale of the Florida waterfowl permit as provided in s.  
 1461 372.57(8) (a) or that pro rata portion of any license that  
 1462 includes waterfowl hunting privileges, as provided in s.  
 1463 372.57(4) (h), (i), and (j) and (9) (a)3. as follows: A maximum of  
 1464 5 percent of the gross revenues shall be expended for  
 1465 administrative costs; a maximum of 25 percent of the gross  
 1466 revenues shall be expended for waterfowl research approved by  
 1467 the commission; and a maximum of 70 percent of the gross  
 1468 revenues shall be expended for projects approved by the  
 1469 commission, in consultation with the Waterfowl Advisory Council,  
 1470 for the purpose of protecting and propagating migratory  
 1471 waterfowl and for the development, restoration, maintenance, and  
 1472 preservation of wetlands within the state.

1473 Section 23. For the purpose of incorporating the amendment  
 1474 made by this act to section 372.57, Florida Statutes, in  
 1475 references thereto, subsection (1) of section 372.5715, Florida  
 1476 Statutes, is reenacted to read:

1477 372.5715 Florida wild turkey permit revenues.--

1478 (1) The commission shall expend the revenues generated  
 1479 from the sale of the turkey permit as provided for in s.  
 1480 372.57(8) (b) or that pro rata portion of any license that  
 1481 includes turkey hunting privileges as provided for in s.  
 1482 372.57(4) (h), (i), and (j) for research and management of wild  
 1483 turkeys.

1484 Section 24. For the purpose of incorporating the amendment  
 1485 made by this act to section 372.57, Florida Statutes, in  
 1486 references thereto, section 372.573, Florida Statutes, is  
 1487 reenacted to read:

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1488           372.573 Management area permit revenues.--The commission  
 1489 shall expend the revenue generated from the sale of the  
 1490 management area permit as provided for in s. 372.57(8)(g) or  
 1491 that pro rata portion of any license that includes management  
 1492 area privileges as provided for in s. 372.57(4)(h), (i), and (j)  
 1493 for the lease, management, and protection of lands for public  
 1494 hunting, fishing, and other outdoor recreation.

1495           Section 25. For the purpose of incorporating the amendment  
 1496 made by this act to section 320.08058, Florida Statutes, in a  
 1497 reference thereto, paragraph (c) of subsection (1) of section  
 1498 380.511, Florida Statutes, is reenacted to read:

1499           380.511 Florida Communities Trust Fund.--

1500           (1) There is created the Florida Communities Trust Fund as  
 1501 a nonlapsing, revolving fund for projects, activities,  
 1502 acquisitions, and operating expenses necessary to carry out this  
 1503 part. The fund shall be held and administered by the trust. The  
 1504 following shall be credited to or deposited in the Florida  
 1505 Communities Trust Fund:

1506           (c) Proceeds from the sale of environmental license plates  
 1507 authorized in s. 320.08058(5).

1508  
 1509 All moneys so deposited into the Florida Communities Trust Fund  
 1510 shall be trust funds for the uses and purposes set forth in this  
 1511 section, within the meaning of s. 215.32(1)(b); and such moneys  
 1512 shall not become or be commingled with the General Revenue Fund  
 1513 of the state, as defined by s. 215.32(1)(a).

1514           Section 26. Beginning in the 2007-2008 fiscal year, the  
 1515 sum of \$132,000 is appropriated from the Marine Resources

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1516 Conservation Trust Fund to the Fish and Wildlife Conservation  
1517 Commission on a recurring basis for the purpose of implementing  
1518 the blue crab effort management program pursuant to s.  
1519 370.135(3)(b), Florida Statutes, and providing for the  
1520 administrative costs of the Blue Crab Advisory Board created by  
1521 commission rules.

1522 Section 27. Except as otherwise expressly provided in this  
1523 act, this act shall take effect July 1, 2007.