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CS/HB 7173

2007 Legislature

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 certain plates;
15 providing for future repeal; specifying a percentage of
16 annual use fees collected from the sale of Florida panther
17 and Largemouth Bass license plates that may be used to
18 promote and market the license plates; amending s.
19 370.025, F.S.; deleting provisions relating to the extent
20 of the commission's authority over marine life; amending
21 s. 370.0603, F.S.; providing for the deposit of certain
22 proceeds into the Marine Resources Conservation Trust
23 Fund; authorizing the use of such funds; amending s.
24 370.1105, F.S.; clarifying terminology relating to the
25 spiny lobster; amending s. 370.12, F.S.; specifying a
26 percentage of annual use fees collected from the sale of
27 manatee license plates that may be used to promote and
28 market the license plate; authorizing the commission to

Page 1 of 55

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

hb7173-02-er

ENROLLED
CS/HB 7173

2007 Legislature

29 use proceeds of the annual use fee for fiscal year 2007-
30 2008 to buy back certain plates; amending s. 370.13, F.S.;
31 revising provisions for replacing lost or damaged tags for
32 stone crab traps; authorizing the commission to defer or
33 waive replacement tag fees under certain circumstances;
34 deleting obsolete provisions for the applicability of
35 certain fee and surcharge amounts relating to trap
36 certificates; providing for legislative approval of the
37 commission rule establishing an amount of equitable rent;
38 revising certain administrative penalties; amending s.
39 370.135, F.S., relating to blue crab regulation; requiring
40 commercial harvesters to hold restricted species
41 endorsements; requiring endorsement numbers to be affixed
42 to traps and buoys; providing criteria for buoy markings;
43 providing for transfer of an endorsement when a vessel is
44 replaced; establishing certain endorsement fees for the
45 taking of blue crabs; establishing an annual trap tag fee;
46 authorizing the commission to defer or waive replacement
47 tag fees under certain circumstances; authorizing the
48 commission to establish an amount of equitable rent by
49 rule; providing for legislative approval of the rule;
50 requiring the deposit of certain proceeds into the Marine
51 Resources Conservation Trust Fund; specifying the use of
52 such proceeds; requiring the commission to adopt certain
53 rules; providing administrative penalties for certain
54 violations; prohibiting the unauthorized possession of
55 blue crab trap gear or removal of blue crab trap contents
56 and providing penalties therefor; providing penalties for

ENROLLED
CS/HB 7173

2007 Legislature

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

ENROLLED

CS/HB 7173

2007 Legislature

85 | promote and market the license plates; amending s.
86 | 372.561, F.S.; authorizing the commission, tax collectors,
87 | and certain subagents to request and collect donations
88 | during the sale of certain licenses and permits; requiring
89 | collected donations to be deposited in the State Game
90 | Trust Fund; requiring funds to be used for a specified
91 | purpose; requiring the commission to provide an annual
92 | report to the Governor and Legislature; providing report
93 | requirements; amending s. 372.562, F.S.; specifying
94 | certain fishing as exempt from fees and requirements;
95 | amending s. 372.57, F.S.; increasing the fees for certain
96 | resident and nonresident hunting and fishing licenses;
97 | creating a 3-day freshwater fishing license for
98 | nonresidents; clarifying terminology relating to the spiny
99 | lobster; amending s. 372.672, F.S.; authorizing the use of
100 | funds from the Florida Panther Research and Management
101 | Trust Fund to promote and market the Florida panther
102 | license plate; amending s. 861.021, F.S.; clarifying
103 | terminology relating to the spiny lobster; amending ss.
104 | 372.571, 372.661, and 372.83, F.S.; conforming cross-
105 | references; reenacting s. 372.573, F.S., relating to
106 | revenues from management area permits, to incorporate the
107 | amendment to s. 372.57, F.S., in references thereto;
108 | reenacting s. 380.511(1)(c), F.S., relating to the deposit
109 | of proceeds from the sale of certain specialty license
110 | plates, to incorporate the amendment to s. 320.08058,
111 | F.S., in a reference thereto; providing an appropriation
112 | to the commission for costs related to the implementation

ENROLLED
CS/HB 7173

2007 Legislature

113 of the blue crab effort management program and the
114 administration of the Blue Crab Advisory Board; providing
115 effective dates.

116

117 Be It Enacted by the Legislature of the State of Florida:

118

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

124 20.331 Fish and Wildlife Conservation Commission.--

125 (8) LEGISLATIVE AUTHORITY.--The constitutional power
126 granted to the Fish and Wildlife Conservation Commission does
127 not include any authority over marine life retained by the
128 Legislature or vested in any agency other than the Marine
129 Fisheries Commission on March 1, 1998, or any authority over
130 marine aquaculture retained by the Legislature and vested in any
131 other agency as of July 1, 1999.

132 (9)(8) ADEQUATE DUE PROCESS PROCEDURES.--

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

ENROLLED
CS/HB 7173

2007 Legislature

141 (b) The Legislature encourages the commission to
142 incorporate into its process the provisions of s. 120.54(3)(c)
143 when adopting rules in the performance of its constitutional
144 duties or responsibilities.

145 (c) The commission shall follow the provisions of chapter
146 120 when adopting rules in the performance of its statutory
147 duties or responsibilities. ~~For purposes of this subsection,~~ The
148 commission's statutory duties or responsibilities include, but
149 are not limited to:

150 1. Research and management responsibilities for marine
151 species listed as endangered or threatened, including manatees
152 and marine turtles.†

153 2. Establishment and enforcement of boating safety
154 regulations.†

155 3. Land acquisition.†

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

158 5. Aquatic plant removal using fish as a biological
159 control agent.†

160 6. Enforcement of penalties for violations of commission
161 rules and state laws, including, but not limited to, the seizure
162 and forfeiture of vessels and other equipment used to commit
163 those violations.†

164 7. Establishment of free fishing days.†

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

166 9. Establishment and coordination of a statewide hunter
167 safety course.†

ENROLLED
CS/HB 7173

2007 Legislature

168 10. Establishment of programs and activities to develop
169 and distribute public education materials.~~+~~

170 11. Police powers of sworn law enforcement officers.~~+~~

171 12. Establishment of citizen support organizations to
172 provide assistance, funding, and promotional support for
173 programs of the commission.~~+~~

174 13. Creation of the voluntary authorized hunter
175 identification program.~~+~~ ~~and~~

176 14. Regulation of required clothing of persons hunting
177 deer.

178 Section 2. Paragraph (s) of subsection (4) of section
179 320.08056, Florida Statutes, is amended to read:

180 320.08056 Specialty license plates.--

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

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

184 Section 3. Paragraphs (c) and (d) are added to subsection
185 (1) of section 320.08058, Florida Statutes, and paragraph (b) of
186 subsection (5) and paragraph (b) of subsection (18) of that
187 section are amended, to read:

188 320.08058 Specialty license plates.--

189 (1) MANATEE LICENSE PLATES.--

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

ENROLLED
CS/HB 7173

2007 Legislature

195 (d) Notwithstanding paragraph (b), during the 2007-2008
 196 fiscal year, the annual use fee deposited into the Save the
 197 Manatee Trust Fund from the sale of the manatee license plate
 198 may be used by the commission to buy back any manatee license
 199 plates not issued by the Department of Highway Safety and Motor
 200 Vehicles. This paragraph expires July 1, 2008.

201 (5) FLORIDA PANTHER LICENSE PLATES.--

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

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

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

213 (18) LARGEMOUTH BASS LICENSE PLATES.--

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

ENROLLED
CS/HB 7173

2007 Legislature

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

224 370.025 Marine fisheries; policy and standards.--

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

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

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

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

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

242 370.0603 Marine Resources Conservation Trust Fund;
243 purposes.--

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

ENROLLED
CS/HB 7173

2007 Legislature

249 (j) Funding for the stone crab trap reduction program
250 under s. 370.13, the blue crab effort management program under
251 s. 370.135, the spiny lobster trap certificate program under s.
252 370.142, and the trap retrieval program under s. 370.143.

253 (2) The Marine Resources Conservation Trust Fund shall
254 receive the proceeds from:

255 (c) All fees collected under ~~pursuant to~~ ss. 370.063,
256 370.13, 370.135, 370.142, 370.143, and 372.5704.

257 (d) All fines and penalties under ss. ~~pursuant to s.~~
258 370.021, 370.13, 370.135, and 370.142.

259 Section 6. Paragraph (a) of subsection (1) of section
260 370.1105, Florida Statutes, is amended to read:

261 370.1105 Saltwater finfish; fishing traps regulated.--

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

265 (a) A crab, spiny lobster ~~crayfish~~, or shrimp trap
266 specifically permitted under s. 370.13, s. 370.135, s. 370.14,
267 or s. 370.15;

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

270 370.12 Marine animals; regulation.--

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

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

ENROLLED
CS/HB 7173

2007 Legislature

277 (e) During the 2007-2008 fiscal year, the annual use fee
 278 deposited into the Save the Manatee Trust Fund from the sale of
 279 the manatee license plate authorized in s. 320.08058 may be used
 280 by the commission to buy back any manatee license plates not
 281 issued by the Department of Highway Safety and Motor Vehicles.
 282 This paragraph expires July 1, 2008.

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

286 370.13 Stone crab; regulation.--

287 (1) FEES AND EQUITABLE RENT.--

288 (b) Certificate fees.--

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

301 2. The fee for transferring trap certificates is \$1 per
 302 certificate transferred, except that the fee for eligible crew
 303 members is 50 cents per certificate transferred. Eligible crew
 304 members shall be determined according to criteria established by

ENROLLED
CS/HB 7173

2007 Legislature

305 rule of the commission. Payment must be made by money order or
306 cashier's check, submitted with the certificate transfer form
307 developed by the commission.

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

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

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

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

326 (d) Equitable rent.--The commission may establish by rule
327 an amount of equitable rent per trap certificate that may be
328 recovered as partial compensation to the state for the enhanced
329 access to its natural resources. In determining whether to
330 establish such a rent and the amount thereof, the commission may
331 consider the amount of revenues annually generated by
332 endorsement fees, trap certificate fees, transfer fees,

ENROLLED
CS/HB 7173

2007 Legislature

333 surcharges, replacement trap tag fees, trap retrieval fees,
334 incidental take endorsement fees, and the continued economic
335 viability of the commercial stone crab industry. A rule
336 establishing an amount of equitable rent shall become effective
337 only after approval by the Legislature ~~Final approval of such a~~
338 ~~rule shall be by the Governor and Cabinet sitting as the Board~~
339 ~~of Trustees of the Internal Improvement Trust Fund.~~

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

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

358 (a) It is unlawful to violate commission rules regulating
359 stone crab trap certificates and trap tags. No person may use an
360 expired tag or a stone crab trap tag not issued by the

ENROLLED
CS/HB 7173

2007 Legislature

361 commission or possess or use a stone crab trap in or on state
362 waters or adjacent federal waters without having a trap tag
363 required by the commission firmly attached thereto.

364 1. In addition to any other penalties provided in s.
365 370.021, for any commercial harvester who violates this
366 paragraph, the following administrative penalties apply.

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

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

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

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

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

ENROLLED
CS/HB 7173

2007 Legislature

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390 Any commercial harvester assessed an administrative penalty
391 under this paragraph shall, within 30 calendar days after
392 notification, pay the administrative penalty to the commission,
393 or request an administrative hearing under ss. 120.569 and
394 120.57. The proceeds of all administrative penalties collected
395 under this paragraph shall be deposited in the Marine Resources
396 Conservation Trust Fund.

397 Section 9. Section 370.135, Florida Statutes, is amended
398 to read:

399 370.135 Blue crab; regulation.--

400 (1)~~(a)~~ No commercial harvester shall transport on the
401 water, fish with or cause to be fished with, set, or place any
402 trap designed for taking blue crabs unless such commercial
403 harvester holds ~~is the holder of~~ a valid saltwater products
404 license and restricted species endorsement issued under ~~pursuant~~
405 ~~to~~ s. 370.06 and a blue crab endorsement issued under this
406 section. Each trap shall have the harvester's blue crab
407 endorsement number permanently affixed to it. Each buoy attached
408 to such a trap shall also have the harvester's blue crab
409 endorsement ~~the trap has a current state~~ number permanently
410 attached to the buoy. The blue crab endorsement ~~trap~~ number
411 shall be affixed in legible figures at least 2 inches ~~1 inch~~
412 high on each buoy used. The saltwater products license must be
413 on board the boat, and both the license and the crabs shall be
414 subject to inspection at all times. ~~Only one trap number may be~~
415 ~~issued for each boat by the commission upon receipt of an~~

ENROLLED
CS/HB 7173

2007 Legislature

416 ~~application on forms prescribed by it.~~ This subsection shall not
417 apply to an individual fishing with no more than five traps.

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

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

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

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

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

438 ~~a. Any commercial harvester receiving a judicial~~
439 ~~disposition other than dismissal or acquittal on a charge of~~
440 ~~theft of or from a trap pursuant to this section or s. 370.1107~~
441 ~~shall, in addition to the penalties specified in s. 370.021 and~~
442 ~~the provisions of this section, permanently lose all saltwater~~
443 ~~fishing privileges, including any saltwater products license and~~

ENROLLED
CS/HB 7173

2007 Legislature

444 ~~blue crab endorsement. In such cases endorsements are~~
445 ~~nontransferable.~~

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

456 ~~2.— A commercial harvester who violates this paragraph~~
457 ~~shall be punished under s. 370.021. Any other person who~~
458 ~~violates this paragraph commits a Level Two violation under s.~~
459 ~~372.83.~~

460 (2) No person shall harvest blue crabs with more than five
461 traps, harvest blue crabs in commercial quantities, or sell blue
462 crabs unless such person holds a valid saltwater products
463 license with a restricted species endorsement issued under s.
464 370.06 and a blue crab endorsement ~~(trap number)~~ issued under
465 pursuant to this section subsection.

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

470 ~~(b) Effective January 1, 1999, and until July 1, 2002, a~~
471 ~~trap number holder, or members of his or her immediate family,~~

ENROLLED
CS/HB 7173

2007 Legislature

472 ~~must request renewal of the endorsement prior to September 30 of~~
473 ~~each year.~~

474 ~~(c) If a person holding an active blue crab endorsement,~~
475 ~~or a member of that person's immediate family, does not request~~
476 ~~renewal of the endorsement before the applicable dates as~~
477 ~~specified in this subsection, the commission shall deactivate~~
478 ~~that endorsement.~~

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

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

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

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

496 1. The fee for a hard-shell blue crab endorsement for the
497 taking of hard-shell blue crabs, as authorized by rule of the
498 commission, is \$125, \$25 of which must be used solely for the

ENROLLED
CS/HB 7173

2007 Legislature

499 trap retrieval program authorized under s. 370.143 and in
500 commission rules.

501 2. The fee for a soft-shell blue crab endorsement for the
502 taking of soft-shell blue crabs, as authorized by rule of the
503 commission, is \$250, \$25 of which must be used solely for the
504 trap retrieval program authorized under s. 370.143 and in
505 commission rules.

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

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

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

523 (c) Equitable rent.--The commission may establish by rule
524 an amount of equitable rent that may be recovered as partial
525 compensation to the state for the enhanced access to its natural
526 resources. In determining whether to establish such a rent and

ENROLLED

CS/HB 7173

2007 Legislature

527 the amount thereof, the commission may consider the amount of
528 revenues annually generated by endorsement fees, trap tag fees,
529 replacement trap tag fees, trap retrieval fees, and the
530 continued economic viability of the commercial blue crab
531 industry. A rule establishing an amount of equitable rent shall
532 become effective only upon approval by act of the Legislature.

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

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

553 (4) (a) Untagged trap penalties.--By July 1, 2008, the
554 commission shall adopt by rule the administrative penalties

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CS/HB 7173

2007 Legislature

555 authorized by this subsection. In addition to any other
556 penalties provided in s. 370.021 for any blue crab endorsement
557 holder who violates commission rules requiring the placement of
558 trap tags for traps used for the directed harvest of blue crabs,
559 the following administrative penalties apply:

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

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

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

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

578
579 Any blue crab endorsement holder assessed an administrative
580 penalty under this paragraph shall, within 30 calendar days
581 after notification, pay the administrative penalty to the

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CS/HB 7173

2007 Legislature

582 commission or request an administrative hearing under ss.
583 120.569 and 120.57.

584 (b) Trap theft; prohibitions and penalties.--It is
585 unlawful for any person to remove or take possession of the
586 contents of another harvester's blue crab trap without the
587 express written consent of the trap owner, which must be
588 available for immediate inspection. Unauthorized possession of
589 another harvester's blue crab trap gear or removal of trap
590 contents constitutes theft.

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

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

608 3. A commercial harvester who violates this paragraph
609 shall be punished under s. 370.021. Any other person who

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CS/HB 7173

2007 Legislature

610 violates this paragraph commits a Level Two violation under s.
611 372.83.

612 (c) Criminal activities prohibited.--

613 1. It is unlawful for any commercial harvester or any
614 other person to:

615 a. Willfully molest any blue crab trap, line, or buoy that
616 is the property of any licenseholder without the permission of
617 that licenseholder.

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

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

623 d. Make, alter, forge, counterfeit, or reproduce a blue
624 crab trap tag.

625 e. Possess an altered, forged, counterfeit, or imitation
626 blue crab trap tag.

627 f. Possess a number of original trap tags or replacement
628 trap tags, the sum of which exceeds by 1 percent the number of
629 traps allowed by commission rules.

630 g. Engage in the commercial harvest of blue crabs while
631 the blue crab endorsements of the licenseholder are under
632 suspension or revocation.

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

ENROLLED
CS/HB 7173

2007 Legislature

637 3. A commercial harvester convicted of violating this
638 paragraph commits a felony of the third degree, punishable as
639 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
640 assessed an administrative penalty of up to \$5,000, and is
641 immediately prohibited from transferring any blue crab
642 endorsement. All blue crab endorsements issued to a commercial
643 harvester convicted of violating this paragraph may be suspended
644 for up to 24 calendar months.

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

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

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

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

ENROLLED
CS/HB 7173

2007 Legislature

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

667 (7) Subsections (3), (4), (5), and (6) shall expire on
668 July 1, 2009, unless reenacted by the Legislature during the
669 2009 Regular Session.

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

672 370.14 Spiny lobster; regulation.--

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

689 2. Each commercial harvester taking or attempting to take
690 spiny lobster in commercial quantities or for commercial
691 purposes by any method, other than with a trap having a spiny

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CS/HB 7173

2007 Legislature

692 lobster endorsement ~~trap~~ number issued by the commission, must
693 pay an annual fee of \$100.

694 (b) Twenty-five dollars of the \$125 fee for a spiny
695 lobster endorsement ~~trap number~~ required under subparagraph
696 (a)1. must be used only for trap retrieval as provided in s.
697 370.143. The remainder of the fees collected under ~~pursuant to~~
698 paragraph (a) shall be deposited as follows:

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

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

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

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

714 370.1405 Spiny lobster ~~Crawfish~~ reports by dealers during
715 closed season required.--

716 (1) Within 3 days after the commencement of the closed
717 season for the taking of spiny lobster ~~saltwater crawfish~~, each
718 and every seafood dealer, either retail or wholesale, intending
719 to possess whole spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~

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CS/HB 7173

2007 Legislature

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

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

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CS/HB 7173

2007 Legislature

748 limits of Florida for sale as provided by s. 370.061. Otherwise,
749 the product shall be declared a nuisance and disposed of by the
750 commission according to law.

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

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CS/HB 7173

2007 Legislature

776 monthly supplementary report as described in this subsection,
 777 the dealer may be subject to the following civil penalties:

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

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

783 (c) For a third violation within the same spiny lobster
 784 ~~erawfish~~ closed season, the commission shall assess a civil
 785 penalty of \$2,500 and may seize said dealer's entire stock of
 786 whole spiny lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or
 787 spiny lobster ~~erawfish~~ meat and carry the same before the court
 788 for disposal. The dealer shall post a cash bond in the amount of
 789 the fair value of the entire remaining quantity of spiny lobster
 790 ~~erawfish~~ as determined by the judge. After posting the cash
 791 bond, a dealer shall have 24 hours to transport said products
 792 outside the limits of Florida for sale as provided by s.
 793 370.061. Otherwise, the product shall be declared a nuisance and
 794 disposed of by the commission according to law.

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

799 (5) Each wholesale and retail dealer in whole spiny
 800 lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny lobster
 801 ~~erawfish~~ meat shall keep throughout the period of the spiny
 802 lobster ~~erawfish~~ closed season copies of the bill of sale or
 803 invoice covering each transaction involving whole spiny lobster

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CS/HB 7173

2007 Legislature

804 ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny lobster
805 ~~erawfish~~ meat. Such invoices and bills shall be kept available
806 at all times for inspection by the commission.

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

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

812 370.142 Spiny lobster trap certificate program.--

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

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

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

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CS/HB 7173

2007 Legislature

832 ~~30,000 pounds for each such licenseholder during the base period~~
 833 ~~by 700,000. Each such licenseholder shall then be allotted the~~
 834 ~~number of certificates derived by dividing his or her highest~~
 835 ~~reported single license year landings up to a maximum of 30,000~~
 836 ~~pounds during the base period by the trap/catch coefficient.~~
 837 ~~Nevertheless, no licenseholder with a current crawfish trap~~
 838 ~~number shall be allotted fewer than 10 certificates. However,~~
 839 ~~certificates may only be issued to individuals; therefore, all~~
 840 ~~licenseholders other than individual licenseholders shall~~
 841 ~~designate the individual or individuals to whom their~~
 842 ~~certificates will be allotted and the number thereof to each, if~~
 843 ~~more than one. After initial issuance, Trap certificates are~~
 844 transferable on a market basis and may be transferred from one
 845 licenseholder to another for a fair market value agreed upon
 846 between the transferor and transferee. Each such transfer shall,
 847 within 72 hours thereof, be recorded on a notarized form
 848 provided for that purpose by the Fish and Wildlife Conservation
 849 Commission and hand delivered or sent by certified mail, return
 850 receipt requested, to the commission for recordkeeping purposes.
 851 ~~In addition,~~ In order to cover the added administrative costs of
 852 the program and to recover an equitable natural resource rent
 853 for the people of the state, a transfer fee of \$2 per
 854 certificate transferred shall be assessed against the purchasing
 855 licenseholder and sent by money order or cashier's check with
 856 the certificate transfer form. Also, in addition to the transfer
 857 fee, a surcharge of \$5 per certificate transferred or 25 percent
 858 of the actual market value, whichever is greater, given to the
 859 transferor shall be assessed the first time a certificate is

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CS/HB 7173

2007 Legislature

860 transferred outside the original transferor's immediate family.
 861 No transfer of a certificate shall be effective until the
 862 commission receives the notarized transfer form and the transfer
 863 fee, including any surcharge, is paid. The commission may
 864 establish by rule an amount of equitable rent per trap
 865 certificate that shall be recovered as partial compensation to
 866 the state for the enhanced access to its natural resources. A
 867 rule establishing an amount of equitable rent shall become
 868 effective only after approval by the Legislature ~~Final approval~~
 869 ~~of such a rule shall be by the Governor and Cabinet sitting as~~
 870 ~~the Board of Trustees of the Internal Improvement Trust Fund.~~ In
 871 determining whether to establish such a rent and, if so, the
 872 amount thereof, the commission shall consider the amount of
 873 revenues annually generated by certificate fees, transfer fees,
 874 surcharges, trap license fees, and sales taxes, the demonstrated
 875 fair market value of transferred certificates, and the continued
 876 economic viability of the commercial lobster industry. All ~~The~~
 877 proceeds of equitable rent recovered shall be deposited in the
 878 Marine Resources Conservation Trust Fund and used by the
 879 commission for research, management, and protection of the spiny
 880 lobster fishery and habitat. A transfer fee may not be assessed
 881 or required when the transfer is within a family as a result of
 882 the death or disability of the certificate owner. A surcharge
 883 will not be assessed for any transfer within an individual's
 884 immediate family.

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

ENROLLED
CS/HB 7173

2007 Legislature

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

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

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

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

915 (c) Prohibitions; penalties.--

ENROLLED
CS/HB 7173

2007 Legislature

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

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

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

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

ENROLLED
CS/HB 7173

2007 Legislature

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

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

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

961 4. In addition to any other penalties provided in s.
962 370.021, a commercial harvester who violates the provisions of
963 this section or commission rules relating to spiny lobster traps
964 shall be punished as follows:

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

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CS/HB 7173

2007 Legislature

970 other first violations, the commission shall assess an
971 additional administrative penalty of up to \$500.

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

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

989 d. Any person assessed an additional administrative
990 penalty pursuant to this section shall within 30 calendar days
991 after notification:

992 (I) Pay the administrative penalty to the commission; or

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

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

ENROLLED
CS/HB 7173

2007 Legislature

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

999 5.a. It is unlawful for any person to make, alter, forge,
1000 counterfeit, or reproduce a spiny lobster trap tag or
1001 certificate.

1002 b. It is unlawful for any person to knowingly have in his
1003 or her possession a forged, counterfeit, or imitation spiny
1004 lobster trap tag or certificate.

1005 c. It is unlawful for any person to barter, trade, sell,
1006 supply, agree to supply, aid in supplying, or give away a spiny
1007 lobster trap tag or certificate or to conspire to barter, trade,
1008 sell, supply, aid in supplying, or give away a spiny lobster
1009 trap tag or certificate unless such action is duly authorized by
1010 the commission as provided in this chapter or in the rules of
1011 the commission.

1012 6.a. Any commercial harvester who violates the provisions
1013 of subparagraph 5., or any commercial harvester who engages in
1014 the commercial harvest, trapping, or possession of spiny lobster
1015 without a spiny lobster endorsement ~~trap number~~ as required by
1016 s. 370.14(2) or (6) or during any period while such spiny
1017 lobster endorsement ~~trap number~~ is under suspension or
1018 revocation, commits a felony of the third degree, punishable as
1019 provided in s. 775.082, s. 775.083, or s. 775.084.

1020 b. In addition to any penalty imposed pursuant to sub-
1021 subparagraph a., the commission shall levy a fine of up to twice
1022 the amount of the appropriate surcharge to be paid on the fair
1023 market value of the transferred certificates, as provided in

ENROLLED
CS/HB 7173

2007 Legislature

1024 subparagraph (a)1., on any commercial harvester who violates the
1025 provisions of sub-subparagraph 5.c.

1026 c. In addition to any penalty imposed pursuant to sub-
1027 subparagraph a., any commercial harvester receiving any judicial
1028 disposition other than acquittal or dismissal for a violation of
1029 subparagraph 5. shall be assessed an administrative penalty of
1030 up to \$5,000, and the spiny lobster endorsement under which the
1031 violation was committed may be suspended for up to 24 calendar
1032 months. Immediately upon issuance of a citation involving a
1033 violation of subparagraph 5. and until adjudication of such a
1034 violation, and after receipt of any judicial disposition other
1035 than acquittal or dismissal for such a violation, the commercial
1036 harvester holding the spiny lobster endorsement listed on the
1037 citation is prohibited from transferring any spiny lobster trap
1038 certificates.

1039 ~~d.e.~~ Any other person who violates the provisions of
1040 subparagraph 5. commits a Level Four violation under s. 372.83.

1041 7. Any certificates for which the annual certificate fee
1042 is not paid for a period of 3 years shall be considered
1043 abandoned and shall revert to the commission. During any period
1044 of trap reduction, any certificates reverting to the commission
1045 shall become permanently unavailable and be considered in that
1046 amount to be reduced during the next license-year period.
1047 Otherwise, any certificates that revert to the commission are to
1048 be reallocated in such manner as provided by the commission.

1049 8. The proceeds of all administrative ~~civil~~ penalties
1050 collected pursuant to subparagraph 4. and all fines collected

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CS/HB 7173

2007 Legislature

1051 pursuant to sub-subparagraph 6.b. shall be deposited into the
1052 Marine Resources Conservation Trust Fund.

1053 9. All traps shall be removed from the water during any
1054 period of suspension or revocation.

1055 10. Except as otherwise provided, any person who violates
1056 this paragraph commits a Level Two violation under s. 372.83.

1057 (d) No vested rights.--The trap certificate program shall
1058 not create vested rights in licenseholders whatsoever and may be
1059 altered or terminated as necessary to protect the spiny lobster
1060 resource, the participants in the fishery, or the public
1061 interest.

1062 Section 13. Section 370.143, Florida Statutes, is amended
1063 to read:

1064 370.143 Retrieval of spiny lobster, ~~crawfish~~, and stone
1065 crab, blue crab, and black sea bass traps during closed season;
1066 commission authority; fees.--

1067 (1) The Fish and Wildlife Conservation Commission is
1068 authorized to implement a trap retrieval program for retrieval
1069 of spiny lobster, ~~crawfish~~, and stone crab, blue crab, and black
1070 sea bass traps remaining in the water during the closed season
1071 for each species. The commission is authorized to contract with
1072 outside agents for the program operation.

1073 (2) A retrieval fee of \$10 per trap retrieved shall be
1074 assessed trap owners. However, for each person holding a spiny
1075 lobster endorsement, ~~crawfish stamp number~~ or a stone crab
1076 endorsement, or a blue crab endorsement issued under rule of the
1077 commission, the retrieval fee shall be waived for the first five
1078 traps retrieved. Traps recovered under this program shall become

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CS/HB 7173

2007 Legislature

1079 the property of the commission or its contract agent, as
1080 determined by the commission, and shall be either destroyed or
1081 resold to the original owner. Revenue from retrieval fees shall
1082 be deposited in the Marine Resources Conservation Trust Fund and
1083 used solely for operation of the trap retrieval program.

1084 (3) Payment of all assessed retrieval fees shall be
1085 required prior to renewal of the trap owner's saltwater products
1086 license ~~and stone crab and or crawfish endorsements~~. Retrieval
1087 fees assessed under this program shall stand in lieu of other
1088 penalties imposed for such trap violations.

1089 (4) In the event of a major natural disaster, such as a
1090 hurricane or major storm, that causes massive trap losses within
1091 an area declared by the Governor to be a disaster emergency
1092 area, the commission shall waive trap retrieval fees ~~In the~~
1093 ~~event of a major natural disaster in an area declared by the~~
1094 ~~Governor to be a disaster emergency area, such as a hurricane or~~
1095 ~~major storm causing massive trap losses, the commission shall~~
1096 ~~wave the trap retrieval fee.~~

1097 Section 14. Section 372.09, Florida Statutes, is amended
1098 to read:

1099 372.09 State Game Trust Fund.--The funds resulting from
1100 the operation of the commission and from the administration of
1101 the laws and regulations pertaining to birds, game, fur-bearing
1102 animals, freshwater fish, reptiles, and amphibians, together
1103 with any other funds specifically provided for such purposes
1104 shall constitute the State Game Trust Fund and shall be used by
1105 the commission as it shall deem fit in carrying out the
1106 provisions hereof and for no other purposes, except that annual

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CS/HB 7173

2007 Legislature

1107 use fees deposited into the trust fund from the sale of the
 1108 Largemouth Bass license plate may be expended for the purposes
 1109 provided under s. 320.08058(18). The commission may not obligate
 1110 itself beyond the current resources of the State Game Trust Fund
 1111 unless specifically so authorized by the Legislature.

1112 Section 15. Subsection (13) of section 372.561, Florida
 1113 Statutes, is renumbered as subsection (14), and a new subsection
 1114 (13) is added to that section to read:

1115 372.561 Recreational licenses, permits, and authorization
 1116 numbers to take wild animal life, freshwater aquatic life, and
 1117 marine life; issuance; costs; reporting.--

1118 (13) The commission, any tax collector in this state, or
 1119 any subagent authorized to sell licenses and permits under s.
 1120 372.574 may request and collect donations when selling a
 1121 recreational license or permit authorized under s. 372.57. All
 1122 donations collected under this subsection shall be deposited
 1123 into the State Game Trust Fund to be used solely for the purpose
 1124 of enhancing youth hunting and youth freshwater and saltwater
 1125 fishing programs. By January 1, the commission shall provide a
 1126 complete and detailed annual report on the status of its youth
 1127 programs and activities performed under this subsection to the
 1128 Governor, the President of the Senate, and the Speaker of the
 1129 House of Representatives.

1130 Section 16. Subsection (2) of section 372.562, Florida
 1131 Statutes, is amended to read:

1132 372.562 Recreational licenses and permits; exemptions from
 1133 fees and requirements.--

ENROLLED
CS/HB 7173

2007 Legislature

- 1134 (2) A hunting, freshwater fishing, or saltwater fishing
1135 license or permit is not required for:
- 1136 (a) Any child under 16 years of age, except as otherwise
1137 provided in this chapter.
- 1138 (b) Any person hunting or freshwater fishing on her or his
1139 homestead property, or on the homestead property of the person's
1140 spouse or minor child; or any minor child hunting or freshwater
1141 fishing on the homestead property of her or his parent.
- 1142 (c) Any resident who is a member of the United States
1143 Armed Forces and not stationed in this state, when home on leave
1144 for 30 days or less, upon submission of orders.
- 1145 (d) Any resident freshwater fishing for recreational
1146 purposes only, within her or his county of residence with live
1147 or natural bait, using poles or lines not equipped with a
1148 fishing line retrieval mechanism. This exemption does not apply
1149 to residents fishing in, ~~except on~~ a legally established fish
1150 management area.
- 1151 (e) Any person freshwater fishing in a fish pond of 20
1152 acres or less that is located entirely within the private
1153 property of the fish pond owner.
- 1154 (f) Any person freshwater fishing in a fish pond that is
1155 licensed in accordance with s. 372.5705.
- 1156 (g) Any person fishing who has been accepted as a client
1157 for developmental disabilities services by the Department of
1158 Children and Family Services, provided the department furnishes
1159 proof thereof.
- 1160 (h) Any resident saltwater fishing ~~in salt water~~ from land
1161 or from a structure fixed to the land.

ENROLLED
CS/HB 7173

2007 Legislature

1162 (i) Any person saltwater fishing from a vessel licensed
1163 pursuant to s. 372.57(7).

1164 (j) Any person saltwater fishing from a vessel the
1165 operator of which is licensed pursuant to s. 372.57(7).

1166 (k) Any person saltwater fishing who holds a valid
1167 saltwater products license issued under s. 370.06(2).

1168 (l) Any person saltwater fishing for recreational purposes
1169 from a pier licensed under s. 372.57.

1170 (m) Any resident fishing for a saltwater species in fresh
1171 water from land or from a structure fixed to land.

1172 (n) Any resident fishing for mullet in fresh water who has
1173 a valid Florida freshwater fishing license.

1174 (o) Any resident 65 years of age or older who has in her
1175 or his possession proof of age and residency. A no-cost license
1176 under this paragraph may be obtained from any tax collector's
1177 office upon proof of age and residency and must be in the
1178 possession of the resident during hunting, freshwater fishing,
1179 and saltwater fishing activities.

1180 (p) Any employee of the commission who takes freshwater
1181 fish, saltwater fish, or game as part of employment with the
1182 commission, or any other person authorized by commission permit
1183 to take freshwater fish, saltwater fish, or game for scientific
1184 or educational purposes.

1185 (q) Any resident recreationally freshwater fishing who
1186 holds a valid commercial fishing license issued under s.
1187 372.65(1)(a).

1188 Section 17. Effective October 1, 2007, subsections (4) and
1189 (5), paragraph (h) of subsection (8), subsection (9), and

ENROLLED
CS/HB 7173

2007 Legislature

1190 paragraph (c) of subsection (10) of section 372.57, Florida
 1191 Statutes, are amended to read:
 1192 372.57 Recreational licenses, permits, and authorization
 1193 numbers; fees established.--
 1194 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
 1195 and fees for residents participating in hunting and fishing
 1196 activities in this state are as follows:
 1197 (a) Annual freshwater fishing license, \$15.50 ~~\$12~~.
 1198 (b) Annual saltwater fishing license, \$15.50 ~~\$12~~.
 1199 (c) Annual hunting license to take game, \$15.50 ~~\$11~~.
 1200 (d) Annual combination hunting and freshwater fishing
 1201 license, \$31 ~~\$22~~.
 1202 (e) Annual combination freshwater fishing and saltwater
 1203 fishing license, \$31 ~~\$24~~.
 1204 (f) Annual combination hunting, freshwater fishing, and
 1205 saltwater fishing license, \$46.50 ~~\$34~~.
 1206 (g) Annual license to take fur-bearing animals, \$25.
 1207 However, a resident with a valid hunting license or a no-cost
 1208 license who is taking fur-bearing animals for noncommercial
 1209 purposes using guns or dogs only, and not traps or other
 1210 devices, is not required to purchase this license. Also, a
 1211 resident 65 years of age or older is not required to purchase
 1212 this license.
 1213 (h) Annual sportsman's license, \$79 ~~\$71~~, except that an
 1214 annual sportsman's license for a resident 64 years of age or
 1215 older is \$12. A sportsman's license authorizes the person to
 1216 whom it is issued to take game and freshwater fish, subject to
 1217 the state and federal laws, rules, and regulations, including

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CS/HB 7173

2007 Legislature

1218 rules of the commission, in effect at the time of the taking.
1219 Other authorized activities include activities authorized by a
1220 management area permit, a muzzle-loading gun season permit, a
1221 crossbow season permit, a turkey permit, a Florida waterfowl
1222 permit, and an archery season permit.

1223 (i) Annual gold sportsman's license, \$98.50 ~~\$87~~. The gold
1224 sportsman's license authorizes the person to whom it is issued
1225 to take freshwater fish, saltwater fish, and game, subject to
1226 the state and federal laws, rules, and regulations, including
1227 rules of the commission, in effect at the time of taking. Other
1228 authorized activities include activities authorized by a
1229 management area permit, a muzzle-loading gun season permit, a
1230 crossbow season permit, a turkey permit, a Florida waterfowl
1231 permit, an archery season permit, a snook permit, and a spiny
1232 lobster permit.

1233 (j) Annual military gold sportsman's license, \$18.50. The
1234 gold sportsman's license authorizes the person to whom it is
1235 issued to take freshwater fish, saltwater fish, and game,
1236 subject to the state and federal laws, rules, and regulations,
1237 including rules of the commission, in effect at the time of
1238 taking. Other authorized activities include activities
1239 authorized by a management area permit, a muzzle-loading gun
1240 season permit, a crossbow season permit, a turkey permit, a
1241 Florida waterfowl permit, an archery season permit, a snook
1242 permit, and a spiny lobster permit. Any resident who is an
1243 active or retired member of the United States Armed Forces, the
1244 United States Armed Forces Reserve, the National Guard, the
1245 United States Coast Guard, or the United States Coast Guard

ENROLLED
CS/HB 7173

2007 Legislature

1246 Reserve is eligible to purchase the military gold sportsman's
1247 license upon submission of a current military identification
1248 card.

1249 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The
1250 licenses and fees for nonresidents participating in hunting and
1251 fishing activities in the state are as follows:

1252 (a) Freshwater fishing license to take freshwater fish for
1253 3 consecutive days, \$15.50.

1254 (b)~~(a)~~ Freshwater fishing license to take freshwater fish
1255 for 7 consecutive days, \$28.50 ~~\$15.~~

1256 (c)~~(b)~~ Saltwater fishing license to take saltwater fish
1257 for 3 consecutive days, \$15.50 ~~\$5.~~

1258 (d)~~(e)~~ Saltwater fishing license to take saltwater fish
1259 for 7 consecutive days, \$28.50 ~~\$15.~~

1260 (e)~~(d)~~ Annual freshwater fishing license, \$45.50 ~~\$30.~~

1261 (f)~~(e)~~ Annual saltwater fishing license, \$45.50 ~~\$30.~~

1262 (g)~~(f)~~ Hunting license to take game for 10 consecutive
1263 days, \$45.

1264 (h)~~(g)~~ Annual hunting license to take game, \$150.

1265 (i)~~(h)~~ Annual license to take fur-bearing animals, \$25.

1266 However, a nonresident with a valid Florida hunting license who
1267 is taking fur-bearing animals for noncommercial purposes using
1268 guns or dogs only, and not traps or other devices, is not
1269 required to purchase this license.

1270 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
1271 PERMITS.--In addition to any license required under this
1272 chapter, the following permits and fees for specified hunting,
1273 fishing, and recreational uses and activities are required:

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CS/HB 7173

2007 Legislature

1274 (h)1. A recreational user permit is required to hunt on,
1275 fish on, or otherwise use for outdoor recreational purposes land
1276 leased by the commission from private nongovernmental owners,
1277 except for those lands located directly north of the
1278 Apalachicola National Forest, east of the Ochlocknee River until
1279 the point the river meets the dam forming Lake Talquin, and
1280 south of the closest federal highway. The fee for a recreational
1281 user permit shall be based upon the economic compensation
1282 desired by the landowner, game population levels, desired hunter
1283 density, and administrative costs. The permit fee shall be set
1284 by commission rule on a per-acre basis. The recreational user
1285 permit fee, less administrative costs of up to \$25 per permit,
1286 shall be remitted to the landowner as provided in the lease
1287 agreement for each area.

1288 2. One minor dependent, under 16 years of age ~~or younger,~~
1289 may hunt under the supervision of the permittee and is exempt
1290 from the recreational user permit requirements. The spouse and
1291 dependent children of a permittee are exempt from the
1292 recreational user permit requirements when engaged in outdoor
1293 recreational activities other than hunting and when accompanied
1294 by a permittee. Notwithstanding any other provision of this
1295 chapter, no other exclusions, exceptions, or exemptions from the
1296 recreational user permit fee are authorized.

1297 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

1298 (a) Five-year licenses are available for residents only,
1299 as follows:

1300 1. A 5-year freshwater fishing or saltwater fishing
1301 license is \$77.50 ~~\$60~~ for each type of license and authorizes

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CS/HB 7173

2007 Legislature

1302 the person to whom the license is issued to take or attempt to
1303 take or possess freshwater fish or saltwater fish consistent
1304 with the state and federal laws and regulations and rules of the
1305 commission in effect at the time of taking.

1306 2. A 5-year hunting license is \$77.50 ~~\$55~~ and authorizes
1307 the person to whom it is issued to take or attempt to take or
1308 possess game consistent with the state and federal laws and
1309 regulations and rules of the commission in effect at the time of
1310 taking.

1311 3. The commission is authorized to sell the hunting,
1312 fishing, and recreational activity permits authorized in
1313 subsection (8) for a 5-year period to match the purchase of 5-
1314 year fishing and hunting licenses. The fee for each permit
1315 issued under this paragraph shall be five times the annual cost
1316 established in subsection (8).

1317 (b) Proceeds from the sale of all 5-year licenses and
1318 permits shall be deposited into the Dedicated License Trust
1319 Fund, to be distributed in accordance with the provisions of s.
1320 372.106.

1321 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
1322 LICENSES.--

1323 (c) The following activities are authorized by the
1324 purchase of a lifetime saltwater fishing license:

1325 1. Taking, or attempting to take or possess, saltwater
1326 fish consistent with the state and federal laws and regulations
1327 and rules of the commission in effect at the time of the taking.

1328 2. All activities authorized by a snook permit and a spiny
1329 lobster ~~crayfish~~ permit.

ENROLLED
CS/HB 7173

2007 Legislature

1330 3. All activities for which an additional license, permit,
1331 or fee is required to take or attempt to take or possess
1332 saltwater fish, which additional license, permit, or fee was
1333 imposed subsequent to the date of the purchase of the lifetime
1334 saltwater fishing license.

1335 Section 18. Paragraph (d) is added to subsection (2) of
1336 section 372.672, Florida Statutes, to read:

1337 372.672 Florida Panther Research and Management Trust
1338 Fund.--

1339 (2) Money from the fund shall be spent only for the
1340 following purposes:

1341 (d) To promote and market the Florida panther license
1342 plate authorized under s. 320.08058.

1343 Section 19. Subsection (1) of section 861.021, Florida
1344 Statutes, is amended to read:

1345 861.021 Obstructing channels; misdemeanor.--

1346 (1) It is unlawful for any person to place any spiny
1347 lobster ~~erawfish~~, crab, or fish trap or set net or other similar
1348 device with a buoy or marker attached so that said buoy or
1349 marker obstructs the navigation of boats in channels of the
1350 waters of the state which are marked by, and which markers are
1351 continuously maintained by, the Coast Guard of the United
1352 States.

1353 Section 20. Section 372.571, Florida Statutes, is amended
1354 to read:

1355 372.571 Expiration of licenses and permits.--Each license
1356 or permit issued under this chapter must be dated when issued.
1357 Each license or permit issued under this chapter remains valid

ENROLLED
CS/HB 7173

2007 Legislature

1358 for 12 months after the date of issuance, except for a lifetime
 1359 license issued pursuant to s. 372.57 which is valid from the
 1360 date of issuance until the death of the individual to whom the
 1361 license is issued unless otherwise revoked in accordance with s.
 1362 372.83 or s. 372.99, or a 5-year license issued pursuant to s.
 1363 372.57 which is valid for 5 consecutive years from the date of
 1364 purchase unless otherwise revoked in accordance with s. 372.83
 1365 or s. 372.99, or a license issued pursuant to s. 372.57(5) (a),
 1366 (b), (c), (d), or (g) ~~(f)~~ or (8) (f), ~~or (g)2.~~, or (h)1., which
 1367 is valid for the period specified on the license. A resident
 1368 lifetime license or a resident 5-year license that has been
 1369 purchased by a resident of this state and who subsequently
 1370 resides in another state shall be honored for activities
 1371 authorized by that license.

1372 Section 21. Subsection (2) of section 372.661, Florida
 1373 Statutes, is amended to read:

1374 372.661 Private hunting preserve license fees;
 1375 exception.--

1376 (2) A commercial hunting preserve license, which shall
 1377 exempt patrons of licensed preserves from the license and permit
 1378 requirements of s. 372.57(4) (c), (d), (f), (h), (i), and (j);
 1379 (5) ~~(f)~~ and (g) and (h); (8) (a), (b), and (e); (9) (a)2.; (11);
 1380 and (12) while hunting on the licensed preserve property, shall
 1381 be \$500. Such commercial hunting preserve license shall be
 1382 available only to those private hunting preserves licensed
 1383 pursuant to this section which are operated exclusively for
 1384 commercial purposes, which are open to the public, and for which
 1385 a uniform fee is charged to patrons for hunting privileges.

ENROLLED
CS/HB 7173

2007 Legislature

1386 Section 22. Paragraph (a) of subsection (2) and paragraph
1387 (a) of subsection (4) of section 372.83, Florida Statutes, are
1388 amended to read:

1389 372.83 Penalties and violations; civil penalties for
1390 noncriminal infractions; criminal penalties; suspension and
1391 forfeiture of licenses and permits.--

1392 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
1393 violation if he or she violates any of the following provisions:

1394 1. Rules or orders of the commission relating to seasons
1395 or time periods for the taking of wildlife, freshwater fish, or
1396 saltwater fish.

1397 2. Rules or orders of the commission establishing bag,
1398 possession, or size limits or restricting methods of taking
1399 wildlife, freshwater fish, or saltwater fish.

1400 3. Rules or orders of the commission prohibiting access or
1401 otherwise relating to access to wildlife management areas or
1402 other areas managed by the commission.

1403 4. Rules or orders of the commission relating to the
1404 feeding of wildlife, freshwater fish, or saltwater fish.

1405 5. Rules or orders of the commission relating to landing
1406 requirements for freshwater fish or saltwater fish.

1407 6. Rules or orders of the commission relating to
1408 restricted hunting areas, critical wildlife areas, or bird
1409 sanctuaries.

1410 7. Rules or orders of the commission relating to tagging
1411 requirements for game and fur-bearing animals.

1412 8. Rules or orders of the commission relating to the use
1413 of dogs for the taking of game.

ENROLLED
CS/HB 7173

2007 Legislature

- 1414 9. Rules or orders of the commission which are not
1415 otherwise classified.
- 1416 10. All prohibitions in chapter 370 which are not
1417 otherwise classified.
- 1418 11. Section 370.028, prohibiting the violation of or
1419 noncompliance with commission rules.
- 1420 12. Section 370.021(6) prohibiting the sale, purchase,
1421 harvest, or attempted harvest of any saltwater product with
1422 intent to sell.
- 1423 13. Section 370.08, prohibiting the obstruction of
1424 waterways with net gear.
- 1425 14. Section 370.1105, prohibiting the unlawful use of
1426 finfish traps.
- 1427 15. Section 370.1121, prohibiting the unlawful taking of
1428 bonefish.
- 1429 16. Section 370.13(2)(a) and (b), prohibiting the
1430 possession or use of stone crab traps without trap tags and
1431 theft of trap contents or gear.
- 1432 17. Section 370.135(4)(b)~~(1)(e)~~, prohibiting the theft of
1433 blue crab trap contents or trap gear.
- 1434 18. Section 370.142(2)(c), prohibiting the possession or
1435 use of spiny lobster traps without trap tags or certificates and
1436 theft of trap contents or trap gear.
- 1437 19. Section 372.5704, prohibiting the possession of tarpon
1438 without purchasing a tarpon tag.
- 1439 20. Section 372.667, prohibiting the feeding or enticement
1440 of alligators or crocodiles.

ENROLLED
CS/HB 7173

2007 Legislature

1441 21. Section 372.705, prohibiting the intentional
1442 harassment of hunters, fishers, or trappers.

1443 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
1444 Four violation if he or she violates any of the following
1445 provisions:

1446 1. Section 370.13(2)(c), prohibiting criminal activities
1447 relating to the taking of stone crabs.

1448 2. Section 370.135(4)(c)~~(1)(b)~~, prohibiting criminal
1449 activities relating to the taking and harvesting of blue crabs
1450 ~~the willful molestation of blue crab gear.~~

1451 3. Section 370.14(4), prohibiting the willful molestation
1452 of spiny lobster gear.

1453 4. Section 370.142(2)(c)5., prohibiting the unlawful
1454 reproduction, possession, sale, trade, or barter of spiny
1455 lobster trap tags or certificates.

1456 5. Section 372.57(16), prohibiting the making, forging,
1457 counterfeiting, or reproduction of a recreational license or
1458 possession of same without authorization from the commission.

1459 6. Section 372.99(5), prohibiting the sale of illegally-
1460 taken deer or wild turkey.

1461 7. Section 372.99022, prohibiting the molestation or theft
1462 of freshwater fishing gear.

1463 Section 23. For the purpose of incorporating the amendment
1464 made by this act to section 372.57, Florida Statutes, in
1465 references thereto, section 372.573, Florida Statutes, is
1466 reenacted to read:

1467 372.573 Management area permit revenues.--The commission
1468 shall expend the revenue generated from the sale of the

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CS/HB 7173

2007 Legislature

1469 management area permit as provided for in s. 372.57(8)(g) or
1470 that pro rata portion of any license that includes management
1471 area privileges as provided for in s. 372.57(4)(h), (i), and (j)
1472 for the lease, management, and protection of lands for public
1473 hunting, fishing, and other outdoor recreation.

1474 Section 24. For the purpose of incorporating the amendment
1475 made by this act to section 320.08058, Florida Statutes, in a
1476 reference thereto, paragraph (c) of subsection (1) of section
1477 380.511, Florida Statutes, is reenacted to read:

1478 380.511 Florida Communities Trust Fund.--

1479 (1) There is created the Florida Communities Trust Fund as
1480 a nonlapsing, revolving fund for projects, activities,
1481 acquisitions, and operating expenses necessary to carry out this
1482 part. The fund shall be held and administered by the trust. The
1483 following shall be credited to or deposited in the Florida
1484 Communities Trust Fund:

1485 (c) Proceeds from the sale of environmental license plates
1486 authorized in s. 320.08058(5).

1487
1488 All moneys so deposited into the Florida Communities Trust Fund
1489 shall be trust funds for the uses and purposes set forth in this
1490 section, within the meaning of s. 215.32(1)(b); and such moneys
1491 shall not become or be commingled with the General Revenue Fund
1492 of the state, as defined by s. 215.32(1)(a).

1493 Section 25. For the 2007-2008 fiscal year, the sum of
1494 \$132,000 is appropriated from the Marine Resources Conservation
1495 Trust Fund to the Fish and Wildlife Conservation Commission for
1496 the purpose of implementing the blue crab effort management

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CS/HB 7173

2007 Legislature

1497 program pursuant to s. 370.135(3)(b), Florida Statutes, and
1498 providing for the administrative costs of the Blue Crab Advisory
1499 Board created by commission rules.

1500

1501 Section 26. Except as otherwise expressly provided in this
1502 act, this act shall take effect July 1, 2007.