

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to saltwater fisheries; amending s.
8 370.0603, F.S.; authorizing use of the Marine Resources
9 Conservation Trust Fund to fund the stone crab reduction,
10 blue crab effort management, spiny lobster trap
11 certificate, and trap retrieval programs; requiring
12 proceeds from certain fees, fines, and penalties to be
13 deposited in the Marine Resources Conservation Trust Fund;
14 amending s. 370.13, F.S., relating to stone crab
15 regulation; authorizing the Fish and Wildlife Conservation
16 Commission to waive or defer replacement tag fees under
17 certain circumstances; amending s. 370.135, F.S., relating
18 to blue crab regulation; establishing certain endorsement
19 fees for the taking of blue crabs; establishing an annual
20 trap tag fee; authorizing the commission to waive or defer
21 replacement tag fees under certain circumstances;
22 requiring the deposit of certain proceeds into the Marine
23 Resources Conservation Trust Fund; specifying the use of

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24 such proceeds; requiring the commission to waive
25 endorsement and tag fees for certain program participants;
26 providing administrative penalties for certain violations;
27 prohibiting the unauthorized possession of trap gear or
28 removal of trap contents and providing penalties therefor;
29 providing penalties for certain other prohibited
30 activities relating to traps, lines, buoys, and trap tags;
31 providing penalties for fraudulent reports related to
32 endorsement transfers; prohibiting certain activities
33 during endorsement suspension and revocation; preserving
34 state jurisdiction for certain convictions; providing
35 requirements for certain license renewal; appropriating
36 certain fee revenues to the commission for blue crab
37 effort management program costs; requiring the commission
38 to create an advisory board; amending s. 370.142, F.S.,
39 relating to the spiny lobster trap certificate program;
40 authorizing the commission to waive or defer replacement
41 tag fees under certain circumstances; providing
42 administrative penalties for certain violations of the
43 spiny lobster trap certificate program; amending s.
44 370.143, F.S.; revising provisions for certain trap
45 retrieval programs and fees; providing a recurring
46 appropriation; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:
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50 Section 1. Paragraph (j) is added to subsection (1) of
51 section 370.0603, Florida Statutes, and paragraphs (c) and (d)
52 of subsection (2) of that section are amended, to read:

53 370.0603 Marine Resources Conservation Trust Fund;
54 purposes.--

55 (1) The Marine Resources Conservation Trust Fund within
56 the Fish and Wildlife Conservation Commission shall serve as a
57 broad-based depository for funds from various marine-related and
58 boating-related activities and shall be administered by the
59 commission for the purposes of:

60 (j) Funding the stone crab trap reduction program under s.
61 370.13, the blue crab effort management program under s.
62 370.135, the spiny lobster trap certificate program under s.
63 370.142, and the trap retrieval program under s. 370.143.

64 (2) The Marine Resources Conservation Trust Fund shall
65 receive the proceeds from:

66 (c) All fees collected pursuant to ss. 370.063, 370.13,
67 370.135, 370.142, 370.143, and 372.5704.

68 (d) All fines and penalties pursuant to ss. ~~s.~~ 370.021,
69 370.13, 370.135, and 370.142.

70 Section 2. Paragraph (b) of subsection (1) of section
71 370.13, Florida Statutes, is amended to read:

72 370.13 Stone crab; regulation.--

73 (1) FEES AND EQUITABLE RENT.--

74 (b) Certificate fees.--

75 1. For each trap certificate issued by the commission
76 under the requirements of the stone crab trap limitation program
77 established by commission rule, there is an annual fee of 50

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78 cents per certificate. Replacement tags for lost or damaged tags
79 cost 50 cents each. In the event of a major natural disaster,
80 such as a hurricane or major storm, which causes massive trap
81 losses within an area declared by the Governor to be a disaster
82 emergency area, the commission may temporarily defer or
83 permanently waive replacement tag fees, ~~except that tags lost in~~
84 ~~the event of a major natural disaster declared as an emergency~~
85 ~~disaster by the Governor shall be replaced for the cost of the~~
86 ~~tag as incurred by the commission.~~

87 2. The fee for transferring trap certificates is \$1 per
88 certificate transferred, except that the fee for eligible crew
89 members is 50 cents per certificate transferred. Eligible crew
90 members shall be determined according to criteria established by
91 rule of the commission. Payment must be made by money order or
92 cashier's check, submitted with the certificate transfer form
93 developed by the commission.

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

99 4. Transfer fees and surcharges only apply to the actual
100 number of certificates received by the purchaser. A transfer of
101 a certificate is not effective until the commission receives a
102 notarized copy of the bill of sale as proof of the actual value
103 of the transferred certificate or certificates, which must also
104 be submitted with the transfer form and payment.

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105 | 5. A transfer fee will not be assessed or required when
106 | the transfer is within a family as a result of the death or
107 | disability of the certificate owner. A surcharge will not be
108 | assessed for any transfer within an individual's immediate
109 | family.

110 | 6. The fees and surcharge amounts in this paragraph apply
111 | in the 2005-2006 license year and subsequent years.

112 | Section 3. Subsection (1) of section 370.135, Florida
113 | Statutes, is amended, and subsections (3), (4), (5), and (6) are
114 | added to that section, to read:

115 | 370.135 Blue crab; regulation.--

116 | (1) No person, firm, or corporation shall transport on the
117 | water, fish with or cause to be fished with, set, or place any
118 | trap designed for taking blue crabs unless such person, firm, or
119 | corporation is the holder of a valid saltwater products license
120 | issued pursuant to s. 370.06 and the trap has a current state
121 | number permanently attached to the buoy. The trap number shall
122 | be affixed in legible figures at least 1 inch high on each buoy
123 | used. The saltwater products license must be on board the boat,
124 | and both the license and the crabs shall be subject to
125 | inspection at all times. Only one trap number may be issued for
126 | each boat by the commission upon receipt of an application on
127 | forms prescribed by it. This subsection shall not apply to an
128 | individual fishing with no more than five traps. ~~It is a felony~~
129 | ~~of the third degree, punishable as provided in s. 775.082, s.~~
130 | ~~775.083, or s. 775.084, for any person willfully to molest any~~
131 | ~~traps, lines, or buoys, as defined herein, belonging to another~~
132 | ~~without the express written consent of the trap owner. Any~~

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133 ~~person receiving a judicial disposition other than dismissal or~~
134 ~~acquittal on a charge of willful molestation of a trap, in~~
135 ~~addition to the penalties specified in s. 370.021, shall lose~~
136 ~~all saltwater fishing privileges for a period of 24 calendar~~
137 ~~months. It is unlawful for any person to remove the contents of~~
138 ~~or take possession of another harvester's trap without the~~
139 ~~express written consent of the trap owner available for~~
140 ~~immediate inspection. Unauthorized possession of another's trap~~
141 ~~gear or removal of trap contents constitutes theft. Any person~~
142 ~~receiving a judicial disposition other than dismissal or~~
143 ~~acquittal on a charge of theft of or from a trap pursuant to~~
144 ~~this section or s. 370.1107 shall, in addition to the penalties~~
145 ~~specified in s. 370.021 and the provisions of this section,~~
146 ~~permanently lose all his or her saltwater fishing privileges~~
147 ~~including his or her saltwater products license and blue crab~~
148 ~~endorsement. In such cases endorsements, landings history, and~~
149 ~~trap certificates are nontransferable. In addition, any person,~~
150 ~~firm, or corporation receiving a judicial disposition other than~~
151 ~~dismissal or acquittal for violating this subsection or s.~~
152 ~~370.1107 shall also be assessed an administrative penalty of up~~
153 ~~to \$5,000. Immediately upon receiving a citation for a violation~~
154 ~~involving theft of or from a trap and until adjudicated for such~~
155 ~~a violation, or receiving a judicial disposition other than~~
156 ~~dismissal or acquittal for such a violation, the person, firm,~~
157 ~~or corporation committing the violation is prohibited from~~
158 ~~transferring any blue crab endorsements, landings history, or~~
159 ~~trap certificates.~~

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

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

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161 1. The fee for a hard-shell blue crab endorsement for the
162 taking of hard-shell blue crabs, as required by rule of the
163 commission, is \$125, \$25 of which must be used solely for trap
164 retrieval under s. 370.143 and rule 68B-55, Florida
165 Administrative Code.

166 2. The fee for a soft-shell blue crab endorsement for the
167 taking of soft-shell blue crabs, as required by rule of the
168 commission, is \$250, \$25 of which must be used solely for trap
169 retrieval under s. 370.143 and rule 68B-55, Florida
170 Administrative Code.

171 3. The fee for a nontransferable blue crab endorsement for
172 the taking of hard-shell blue crabs, as required by rule of the
173 commission, is \$125, \$25 of which must be used solely for trap
174 retrieval under s. 370.143 and rule 68B-55, Florida
175 Administrative Code.

176 4. The fee for an incidental-take blue crab endorsement
177 for the taking of blue crabs as bycatch in shrimp trawls and
178 stone crab traps, as established by commission rule, is \$25.

179 (b) Trap tag fees.--For each trap tag issued by the
180 commission under the requirements of the blue crab effort
181 management program established by commission rule, there is an
182 annual fee of 50 cents per tag. The fee for replacement tags for
183 lost or damaged tags is 50 cents each plus shipping. In the
184 event of a major natural disaster, such as a hurricane or major
185 storm, which causes massive trap losses within an area declared
186 by the Governor to be a disaster emergency area, the commission
187 may temporarily defer or permanently waive replacement tag fees.

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188 (c) Disposition of fees, surcharges, and civil penalties
189 and fines.--Endorsement fees, trap tag fees, civil penalties and
190 finer, replacement trap tag fees, and trap retrieval fees shall
191 be deposited in the Marine Resources Conservation Trust Fund.
192 Not more than 50 percent of the revenues generated under this
193 section may be used for the operation and administration of the
194 blue crab effort management program. The remaining revenues
195 generated under this section shall be used for trap retrieval,
196 management of the blue crab fishery, public education
197 activities, research, and enforcement activities in support of
198 the blue crab effort management program.

199 (d) Waiver of fees.--For the 2006-2007 license year, the
200 commission shall waive all fees under this subsection for all
201 persons who qualify by September 30, 2006, to participate in the
202 blue crab effort management program established by commission
203 rule.

204 (4) (a) Untagged trap penalties.--In addition to any other
205 penalties provided in s. 370.021 for any person, firm, or
206 corporation that violates rule 68B-45.007(6) (b), Florida
207 Administrative Code, the following administrative penalties
208 apply:

209 1. For a first violation, the commission shall assess an
210 administrative penalty of up to \$1,000 and the blue crab
211 endorsement holder's blue crab fishing privileges may be
212 suspended for the remainder of the current license year.

213 2. For a second violation that occurs within 24 months
214 after any previous such violation, the commission shall assess
215 an administrative penalty of up to \$2,000 and the blue crab

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216 endorsement holder's blue crab fishing privileges may be
217 suspended for 12 calendar months.

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

223 4. A fourth violation that occurs within 48 months after
224 any three previous such violations shall result in permanent
225 revocation of all of the violator's saltwater fishing
226 privileges, including having the commission proceed against the
227 endorsement holder's saltwater products license in accordance
228 with s. 370.021.

229
230 Any person assessed an administrative penalty under this
231 paragraph shall, within 30 calendar days after notification, pay
232 the administrative penalty to the commission or request an
233 administrative hearing under ss. 120.569 and 120.57. The
234 proceeds of all administrative penalties collected under this
235 paragraph shall be deposited in the Marine Resources
236 Conservation Trust Fund.

237 (b) Trap theft; prohibitions and penalties.--It is
238 unlawful for any person to remove or take possession of the
239 contents of another harvester's trap without the express written
240 consent of the trap owner, which must be available for immediate
241 inspection. Unauthorized possession of another harvester's trap
242 gear or removal of trap contents constitutes theft. Any person
243 convicted of theft of or from a trap pursuant to this paragraph

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244 shall, in addition to the penalties specified in s. 370.021 and
 245 the provisions of this section, permanently lose all of his or
 246 her saltwater fishing privileges, including saltwater products
 247 licenses, blue crab endorsements, and all trap tags allotted to
 248 him or her by the commission. In such cases, endorsements are
 249 nontransferable. In addition, any person, firm, or corporation
 250 convicted of a violation of this paragraph shall also be
 251 assessed an administrative penalty of up to \$5,000. Immediately
 252 upon receiving a citation for a violation involving theft of or
 253 from a trap and until adjudicated for such a violation or upon
 254 receipt of a judicial disposition other than dismissal or
 255 acquittal on such a violation, the violator is prohibited from
 256 transferring any blue crab endorsement.

257 (c) Criminal activities.--Any person, firm, or corporation
 258 convicted of violating commission rules that prohibit any of the
 259 following commits a felony of the third degree, punishable as
 260 provided in s. 775.082, s. 775.083, or s. 775.084:

261 1. The willful molestation of any blue crab trap, line, or
 262 buoy that is the property of any licenseholder, without the
 263 permission of that licenseholder.

264 2. The bartering, trading, leasing, or sale, or conspiring
 265 or aiding in such barter, trade, lease, or sale, or supplying,
 266 agreeing to supply, aiding in supplying, or giving away blue
 267 crab trap tags unless the action is duly authorized by the
 268 commission as provided by commission rules.

269 3. The making, altering, forging, counterfeiting, or
 270 reproducing of blue crab trap tags.

271 4. Possession of altered, forged, counterfeit, or
272 imitation blue crab trap tags.

273 5. Possession of commission-issued original trap tags and
274 commission-issued replacement trap tags, the sum of which
275 exceeds by 1 percent the number of traps allowed by rule of the
276 commission.

277 6. Engaging in the commercial harvest of blue crabs during
278 the time the licenseholder's blue crab endorsements are under
279 suspension or revocation.

280
281 Any person, firm, or corporation convicted of a violation of
282 this paragraph shall be assessed an administrative penalty of up
283 to \$5,000, and all of the blue crab endorsements possessed by
284 the person, firm, or corporation may be suspended for up to 24
285 calendar months. Immediately upon receiving a citation involving
286 a violation of this paragraph and until adjudicated for such a
287 violation, or if convicted of such a violation, the person,
288 firm, or corporation committing the violation is prohibited from
289 transferring any blue crab endorsements.

290 (d) Endorsement transfers; fraudulent reports;
291 penalties.--For any person, firm, or corporation convicted of
292 fraudulently reporting the actual value of transferred blue crab
293 endorsements, the commission may automatically suspend or
294 permanently revoke the seller's or the purchaser's blue crab
295 endorsements. If the endorsement is permanently revoked, the
296 commission shall also permanently deactivate the endorsement
297 holder's blue crab trap tag accounts.

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

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

307 (6) An endorsement may not be renewed until all fees and
 308 administrative penalties imposed under this section are paid.

309 Section 4. Paragraphs (b) and (c) of subsection (2) of
 310 section 370.142, Florida Statutes, are amended to read:

311 370.142 Spiny lobster trap certificate program.--

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

317 (b) Trap tags.--Each trap used to take or attempt to take
 318 spiny lobsters in state waters or adjacent federal waters shall,
 319 in addition to the crawfish trap number required by s.

320 370.14(2), have affixed thereto an annual trap tag issued by the
 321 commission. Each such tag shall be made of durable plastic or
 322 similar material and shall, based on the number of certificates
 323 held, have stamped thereon the owner's license number. To
 324 facilitate enforcement and recordkeeping, such tags shall be
 325 issued each year in a color different from that of each of the

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326 | previous 3 years. The annual certificate fee shall be \$1 per
327 | certificate. Replacement tags for lost or damaged tags may be
328 | obtained as provided by rule of the commission. In the event of
329 | a major natural disaster, such as a hurricane or major storm,
330 | which causes massive trap losses within an area declared by the
331 | Governor to be a disaster emergency area, the commission may
332 | temporarily defer or permanently waive replacement tag fees.

333 | (c) Prohibitions; penalties.--

334 | 1. It is unlawful for a person to possess or use a spiny
335 | lobster trap in or on state waters or adjacent federal waters
336 | without having affixed thereto the trap tag required by this
337 | section. It is unlawful for a person to possess or use any other
338 | gear or device designed to attract and enclose or otherwise aid
339 | in the taking of spiny lobster by trapping that is not a trap as
340 | defined in rule 68B-24.006(2), Florida Administrative Code.

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

344 | 3. It is unlawful for any person to willfully molest, take
345 | possession of, or remove the contents of another harvester's
346 | trap without the express written consent of the trap owner
347 | available for immediate inspection. Unauthorized possession of
348 | another's trap gear or removal of trap contents constitutes
349 | theft. Any person receiving a judicial disposition other than
350 | dismissal or acquittal on a charge of theft of or from a trap
351 | pursuant to this subparagraph or s. 370.1107 shall, in addition
352 | to the penalties specified in ss. 370.021 and 370.14 and the
353 | provisions of this section, permanently lose all his or her

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354 saltwater fishing privileges, including his or her saltwater
355 products license, crawfish endorsement, and all trap
356 certificates allotted to him or her through this program. In
357 such cases, trap certificates and endorsements are
358 nontransferable. Any person receiving a judicial disposition
359 other than dismissal or acquittal on a charge of willful
360 molestation of a trap, in addition to the penalties specified in
361 ss. 370.021 and 370.14, shall lose all saltwater fishing
362 privileges for a period of 24 calendar months. In addition, any
363 person, firm, or corporation charged with violating this
364 paragraph and receiving a judicial disposition other than
365 dismissal or acquittal for violating this subparagraph or s.
366 370.1107 shall also be assessed an administrative penalty of up
367 to \$5,000. Immediately upon receiving a citation for a violation
368 involving theft of or from a trap, or molestation of a trap, and
369 until adjudicated for such a violation or, upon receipt of a
370 judicial disposition other than dismissal or acquittal of such a
371 violation, the person, firm, or corporation committing the
372 violation is prohibited from transferring any crawfish trap
373 certificates and endorsements.

374 4. In addition to any other penalties provided in s.
375 370.021, a commercial harvester, as defined by rule 68B-
376 24.002(1), Florida Administrative Code, who violates the
377 provisions of this section, or the provisions relating to traps
378 of chapter 68B-24, Florida Administrative Code, shall be
379 punished as follows:

380 a. If the first violation is for violation of subparagraph
381 1. or subparagraph 2., the commission shall assess an additional

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382 civil penalty of up to \$1,000 and the crawfish trap number
383 issued pursuant to s. 370.14(2) or (6) may be suspended for the
384 remainder of the current license year. For all other first
385 violations, the commission shall assess an additional civil
386 penalty of up to \$500.

387 b. For a second violation of subparagraph 1. or
388 subparagraph 2. which occurs within 24 months of any previous
389 such violation, the commission shall assess an additional civil
390 penalty of up to \$2,000 and the crawfish trap number issued
391 pursuant to s. 370.14(2) or (6) may be suspended for the
392 remainder of the current license year.

393 c. For a third or subsequent violation of subparagraph 1.,
394 subparagraph 2., or subparagraph 3. which occurs within 36
395 months of any previous two such violations, the commission shall
396 assess an additional civil penalty of up to \$5,000 and may
397 suspend the crawfish trap number issued pursuant to s. 370.14(2)
398 or (6) for a period of up to 24 months or may revoke the
399 crawfish trap number and, if revoking the crawfish trap number,
400 may also proceed against the licenseholder's saltwater products
401 license in accordance with the provisions of s. 370.021(2)(h).

402 d. Any person assessed an additional civil penalty
403 pursuant to this section shall within 30 calendar days after
404 notification:

405 (I) Pay the civil penalty to the commission; or

406 (II) Request an administrative hearing pursuant to the
407 provisions of s. 120.60.

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408 e. The commission shall suspend the crawfish trap number
409 issued pursuant to s. 370.14(2) or (6) for any person failing to
410 comply with the provisions of sub-subparagraph d.

411 5.a. It is unlawful for any person to make, alter, forge,
412 counterfeit, or reproduce a spiny lobster trap tag or
413 certificate.

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

417 c. It is unlawful for any person to barter, trade, sell,
418 supply, agree to supply, aid in supplying, or give away a spiny
419 lobster trap tag or certificate or to conspire to barter, trade,
420 sell, supply, aid in supplying, or give away a spiny lobster
421 trap tag or certificate unless such action is duly authorized by
422 the commission as provided in this chapter or in the rules of
423 the commission.

424 6.a. Any person who violates the provisions of
425 subparagraph 5., or any person who engages in the commercial
426 harvest, trapping, or possession of spiny lobster without a
427 crawfish trap number as required by s. 370.14(2) or (6) or
428 during any period while such crawfish trap number is under
429 suspension or revocation, commits a felony of the third degree,
430 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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435 | subparagraph (a)1., on any person who violates the provisions of
436 | sub-subparagraph 5.c.

437 | c. In addition to any penalty imposed pursuant to sub-
438 | subparagraph a., any person receiving any judicial disposition
439 | other than acquittal or dismissal for a violation of
440 | subparagraph 5. shall be assessed an administrative penalty of
441 | up to \$5,000, and the crawfish endorsement under which the
442 | violation was committed may be suspended for up to 24 calendar
443 | months. Immediately upon issuance of a citation involving a
444 | violation of subparagraph 5. and until adjudication of such a
445 | violation, and after receipt of any judicial disposition other
446 | than acquittal or dismissal for such a violation, the person
447 | holding the crawfish endorsement listed on the citation is
448 | prohibited from transferring any spiny lobster trap
449 | certificates.

450 | 7. Any certificates for which the annual certificate fee
451 | is not paid for a period of 3 years shall be considered
452 | abandoned and shall revert to the commission. During any period
453 | of trap reduction, any certificates reverting to the commission
454 | shall become permanently unavailable and be considered in that
455 | amount to be reduced during the next license-year period.
456 | Otherwise, any certificates that revert to the commission are to
457 | be reallocated in such manner as provided by the commission.

458 | 8. The proceeds of all civil penalties collected pursuant
459 | to subparagraph 4. and all fines collected pursuant to sub-
460 | subparagraph 6.b. shall be deposited into the Marine Resources
461 | Conservation Trust Fund.

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

464 Section 5. Subsections (1), (2), and (3) of section
465 370.143, Florida Statutes, are amended to read:

466 370.143 Retrieval of spiny lobster, ~~crawfish,~~ and stone
467 crab, blue crab, and black sea bass traps during closed season;
468 commission authority; fees.--

469 (1) The Fish and Wildlife Conservation Commission is
470 authorized to implement a trap retrieval program for retrieval
471 of spiny lobster, ~~crawfish,~~ and stone crab, blue crab, and black
472 sea bass traps remaining in the water during the closed season
473 for each species. The commission is authorized to contract with
474 outside agents for the program operation.

475 (2) A retrieval fee of \$10 per trap retrieved shall be
476 assessed trap owners. However, for each person holding a spiny
477 lobster endorsement, ~~crawfish stamp number~~ or a stone crab
478 endorsement, or a blue crab endorsement issued under rule of the
479 commission, the retrieval fee shall be waived for the first five
480 traps retrieved. Traps recovered under this program shall become
481 the property of the commission or its contract agent, as
482 determined by the commission, and shall be either destroyed or
483 resold to the original owner. Revenue from retrieval fees shall
484 be deposited in the Marine Resources Conservation Trust Fund and
485 used solely for operation of the trap retrieval program.

486 (3) Payment of all assessed retrieval fees shall be
487 required prior to renewal of the trap owner's saltwater products
488 license ~~and stone crab and or crawfish endorsements.~~ Retrieval

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489 | fees assessed under this program shall stand in lieu of other
490 | penalties imposed for such trap violations.

491 | Section 6. Beginning in the 2006-2007 fiscal year, the sum
492 | of \$132,000 is appropriated from the Marine Resources
493 | Conservation Trust Fund to the Fish and Wildlife Conservation
494 | Commission on a recurring basis for the purposes of implementing
495 | the blue crab effort management program pursuant to s.
496 | 370.135(3)(b), Florida Statutes, and providing for the
497 | administrative costs of the Blue Crab Advisory Board as created
498 | by commission rule.

499 | Section 7. This act shall take effect July 1, 2006.