

Bill No. SB 2490

Barcode 632090

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Argenziano)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

370.135 Blue crab; regulation.--

(1) No person, firm, or corporation shall transport on  
the water, fish with or cause to be fished with, set, or place  
any trap designed for taking blue crabs unless such person,  
firm, or corporation is the holder of a valid saltwater  
products license issued pursuant to s. 370.06 and the trap has  
a current state number permanently attached to the buoy. The  
trap number shall be affixed in legible figures at least 1  
inch high on each buoy used. The saltwater products license  
must be on board the boat, and both the license and the crabs  
shall be subject to inspection at all times. Only one trap

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1 number may be issued for each boat by the commission upon  
2 receipt of an application on forms prescribed by it. This  
3 subsection shall not apply to an individual fishing with no  
4 more than five traps. ~~It is a felony of the third degree,~~  
5 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~  
6 ~~775.084, for any person willfully to molest any traps, lines,~~  
7 ~~or buoys, as defined herein, belonging to another without the~~  
8 ~~express written consent of the trap owner. Any person~~  
9 ~~receiving a judicial disposition other than dismissal or~~  
10 ~~acquittal on a charge of willful molestation of a trap, in~~  
11 ~~addition to the penalties specified in s. 370.021, shall lose~~  
12 ~~all saltwater fishing privileges for a period of 24 calendar~~  
13 ~~months. It is unlawful for any person to remove the contents~~  
14 ~~of or take possession of another harvester's trap without the~~  
15 ~~express written consent of the trap owner available for~~  
16 ~~immediate inspection. Unauthorized possession of another's~~  
17 ~~trap gear or removal of trap contents constitutes theft. Any~~  
18 ~~person receiving a judicial disposition other than dismissal~~  
19 ~~or acquittal on a charge of theft of or from a trap pursuant~~  
20 ~~to this section or s. 370.1107 shall, in addition to the~~  
21 ~~penalties specified in s. 370.021 and the provisions of this~~  
22 ~~section, permanently lose all his or her saltwater fishing~~  
23 ~~privileges including his or her saltwater products license and~~  
24 ~~blue crab endorsement. In such cases endorsements, landings~~  
25 ~~history, and trap certificates are nontransferable. In~~  
26 ~~addition, any person, firm, or corporation receiving a~~  
27 ~~judicial disposition other than dismissal or acquittal for~~  
28 ~~violating this subsection or s. 370.1107 shall also be~~  
29 ~~assessed an administrative penalty of up to \$5,000.~~  
30 ~~Immediately upon receiving a citation for a violation~~  
31 ~~involving theft of or from a trap and until adjudicated for~~

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1 ~~such a violation, or receiving a judicial disposition other~~  
 2 ~~than dismissal or acquittal for such a violation, the person,~~  
 3 ~~firm, or corporation committing the violation is prohibited~~  
 4 ~~from transferring any blue crab endorsements, landings~~  
 5 ~~history, or trap certificates.~~

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

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

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

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

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

26 (b) Trap tag fees.--The annual fee for each trap tag  
 27 issued by the commission under the requirements of the blue  
 28 crab effort management program established by rule of the  
 29 commission is 50 cents per tag. The fee for replacement tags  
 30 for lost or damaged tags is 50 cents per tag, plus the cost of  
 31 shipping. In the event of a major natural disaster, such as a

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1 hurricane or major storm, that causes massive trap losses in  
 2 an area declared by the Governor to be a disaster emergency  
 3 area, the commission is authorized to temporarily defer or  
 4 permanently waive replacement tag fees.

5 (c) Disposition of fees and fines for civil or  
 6 criminal penalties.--The fees generated from the sale of blue  
 7 crab endorsements, trap tags, and replacement trap tags, and  
 8 fines assessed with civil or criminal penalties authorized  
 9 under this section, shall be deposited into the Marine  
 10 Resources Conservation Trust Fund. Not more than 50 percent  
 11 of the revenue generated by the sale of endorsements and trap  
 12 tags, and the assessment of fines may be used for the  
 13 operation and administration of the blue crab effort  
 14 management program. The remaining 50 percent of revenues  
 15 generated from the sale of endorsements and trap tags, and the  
 16 assessment of fines, may be used for trap retrieval,  
 17 management of the blue crab fishery, and public education  
 18 activities, research, and enforcement activities in support of  
 19 the blue crab effort management program.

20 (d) For the 2006-2007 license year, the commission is  
 21 authorized to waive all fees under this subsection for all  
 22 persons who qualify by September 30, 2006, to participate in  
 23 the blue crab effort management program established by  
 24 commission rule.

25 (4)(a) Untagged trap penalties.--In addition to any  
 26 other penalties provided in s. 370.021, for any person, firm,  
 27 or corporation that violates commission rules requiring the  
 28 placement of trap tags for each trap used for the directed  
 29 harvest of blue crabs, the following administrative penalties  
 30 apply:

31 1. For a first violation, the commission shall assess

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1 an administrative penalty of up to \$1,000 and the blue crab  
2 endorsement holder's blue crab fishing privileges may be  
3 suspended for the remainder of the current license year.

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

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

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

20  
21 Any person assessed an administrative penalty under this  
22 paragraph shall, within 30 calendar days after notification,  
23 pay the administrative penalty to the commission or request an  
24 administrative hearing under ss. 120.569 and 120.57. The  
25 proceeds of all administrative penalties collected under this  
26 paragraph shall be deposited in the Marine Resources  
27 Conservation Trust Fund.

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

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1 available for immediate inspection. Unauthorized possession of  
2 another harvester's blue crab trap gear or removal of trap  
3 contents constitutes theft. Any person convicted of theft of  
4 or from a blue crab trap pursuant to this paragraph shall, in  
5 addition to the penalties specified in s. 370.021 and the  
6 provisions of this section, permanently lose all of his or her  
7 saltwater fishing privileges, including saltwater products  
8 licenses, blue crab endorsements, and all blue crab trap tags  
9 allotted to him or her by the commission. In such cases, blue  
10 crab endorsements are nontransferable. In addition, any  
11 person, firm, or corporation convicted of a violation of this  
12 paragraph shall also be assessed an administrative penalty of  
13 up to \$5,000. Immediately upon receiving a citation for a  
14 violation involving theft of or from a trap and until  
15 adjudicated for such a violation or upon receipt of a judicial  
16 disposition other than dismissal or acquittal on such a  
17 violation, the violator is prohibited from transferring any  
18 blue crab endorsement.

19 (c) Criminal activities.--Any person, firm, or  
20 corporation convicted of violating commission rules that  
21 prohibit any of the following commits a third degree felony,  
22 punishable as provided in s. 775.082, s. 775.083, or s.  
23 775.084:

24 1. The willful molestation of any blue crab trap,  
25 line, or buoy that is the property of any licenseholder,  
26 without the permission of that licenseholder.

27 2. The bartering, trading, leasing, or sale, or  
28 conspiring or aiding in such barter, trade, lease, or sale, or  
29 supplying, agreeing to supply, aiding in supplying, or giving  
30 away blue crab trap tags unless the action is duly authorized  
31 by commission rules.

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1           3. The making, altering, forging, counterfeiting, or  
2 reproducing of blue crab trap tags.

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

5           5. Possession of original trap tags and replacement  
6 trap tags, the sum of which exceeds by 1 percent the number of  
7 traps allowed by rule of the commission.

8           6. Engaging in the commercial harvest of blue crabs  
9 during the time the licenseholder's blue crab endorsements are  
10 under suspension or revocation.

11  
12 In addition, any person, firm, or corporation convicted of a  
13 violation of this paragraph shall be assessed an  
14 administrative penalty of up to \$5,000, and all of the blue  
15 crab endorsements possessed by the person, firm, or  
16 corporation may be suspended for up to 24 calendar months.  
17 Immediately upon receiving a citation involving a violation of  
18 this paragraph and until adjudicated for such a violation, or  
19 if convicted of such a violation, the person, firm, or  
20 corporation committing the violation is prohibited from  
21 transferring any blue crab endorsements.

22           (d) Endorsement transfers; fraudulent reports;  
23 penalties.--For any person, firm, or corporation convicted of  
24 fraudulently reporting the actual value of transferred blue  
25 crab endorsements, the commission may automatically suspend or  
26 permanently revoke the seller's or the purchaser's blue crab  
27 endorsements. If the endorsement is permanently revoked, the  
28 commission shall also permanently deactivate the endorsement  
29 holder's blue crab trap tag accounts.

30           (e) Prohibitions during endorsement suspension and  
31 revocation.--During any period of suspension or revocation of

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1 a blue crab endorsement holder's endorsements, he or she  
 2 shall, within 15 days after notice provided by the commission,  
 3 remove from the water all traps subject to that endorsement.  
 4 Failure to do so shall extend the period of suspension or  
 5 revocation for an additional 6 calendar months.

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

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

11 Section 2. For fiscal year 2006-2007, the sum of  
 12 \$132,000 is appropriated from the Marine Resources  
 13 Conservation Trust Fund to the Fish and Wildlife Conservation  
 14 Commission for the purpose of implementing the blue crab  
 15 effort management program pursuant to s. 370.135(3)(b), and  
 16 administrative costs of the Blue Crab Advisory Board as  
 17 created by commission rule.

18 Section 3. Paragraphs (b) and (d) of subsection (1) of  
 19 section 370.13, Florida Statutes, are amended to read:

20 370.13 Stone crab; regulation.--

21 (1) FEES ~~AND EQUITABLE RENT~~.--

22 (b) Certificate fees.--

23 1. For each trap certificate issued by the commission  
 24 under the requirements of the stone crab trap limitation  
 25 program established by commission rule, there is an annual fee  
 26 of 50 cents per certificate. Replacement tags for lost or  
 27 damaged tags cost 50 cents each. In the event of a major  
 28 natural disaster, such as a hurricane or major storm, that  
 29 causes massive trap losses in an area declared by the Governor  
 30 to be a disaster emergency area, the commission is authorized  
 31 to temporarily defer or permanently waive replacement tag



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1 ~~fees. , except that tags lost in the event of a major natural~~  
 2 ~~disaster declared as an emergency disaster by the Governor~~  
 3 ~~shall be replaced for the cost of the tag as incurred by the~~  
 4 ~~commission.~~

5           2. The fee for transferring trap certificates is \$1  
 6 per certificate transferred, except that the fee for eligible  
 7 crew members is 50 cents per certificate transferred. Eligible  
 8 crew members shall be determined according to criteria  
 9 established by rule of the commission. Payment must be made by  
 10 money order or cashier's check, submitted with the certificate  
 11 transfer form developed by the commission.

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

17           4. Transfer fees and surcharges only apply to the  
 18 actual number of certificates received by the purchaser. A  
 19 transfer of a certificate is not effective until the  
 20 commission receives a notarized copy of the bill of sale as  
 21 proof of the actual value of the transferred certificate or  
 22 certificates, which must also be submitted with the transfer  
 23 form and payment.

24           5. A transfer fee will not be assessed or required  
 25 when the transfer is within a family as a result of the death  
 26 or disability of the certificate owner. A surcharge will not  
 27 be assessed for any transfer within an individual's immediate  
 28 family.

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

31           ~~(d) Equitable rent.--The commission may establish by~~

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1 ~~rule an amount of equitable rent per trap certificate that may~~  
2 ~~be recovered as partial compensation to the state for the~~  
3 ~~enhanced access to its natural resources. In determining~~  
4 ~~whether to establish such a rent and the amount thereof, the~~  
5 ~~commission may consider the amount of revenues annually~~  
6 ~~generated by endorsement fees, trap certificate fees, transfer~~  
7 ~~fees, surcharges, replacement trap tag fees, trap retrieval~~  
8 ~~fees, incidental take endorsement fees, and the continued~~  
9 ~~economic viability of the commercial stone crab industry.~~  
10 ~~Final approval of such a rule shall be by the Governor and~~  
11 ~~Cabinet sitting as the Board of Trustees of the Internal~~  
12 ~~Improvement Trust Fund.~~

13 Section 4. Paragraph (b) and (c) of subsection (2) of  
14 section 370.142, Florida Statutes, are amended to read:

15 370.142 Spiny lobster trap certificate program.--

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

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

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1 tags may be obtained as provided by rule of the commission. In  
 2 the event of a major natural disaster, such as a hurricane or  
 3 major storm, that causes massive trap losses in an area  
 4 declared by the Governor to be a disaster emergency area, the  
 5 commission is authorized to temporarily defer or permanently  
 6 waive replacement tag fees.

7 (c) Prohibitions; penalties.--

8 1. It is unlawful for a person to possess or use a  
 9 spiny lobster trap in or on state waters or adjacent federal  
 10 waters without having affixed thereto the trap tag required by  
 11 this section. It is unlawful for a person to possess or use  
 12 any other gear or device designed to attract and enclose or  
 13 otherwise aid in the taking of spiny lobster by trapping that  
 14 is not a trap as defined in rule 68B-24.006(2), Florida  
 15 Administrative Code.

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

19 3. It is unlawful for any person to willfully molest,  
 20 take possession of, or remove the contents of another  
 21 harvester's trap without the express written consent of the  
 22 trap owner available for immediate inspection. Unauthorized  
 23 possession of another's trap gear or removal of trap contents  
 24 constitutes theft.

25 a. Any person receiving a judicial disposition other  
 26 than dismissal or acquittal on a charge of theft of or from a  
 27 trap pursuant to this subparagraph or s. 370.1107 shall, in  
 28 addition to the penalties specified in ss. 370.021 and 370.14  
 29 and the provisions of this section, permanently lose all his  
 30 or her saltwater fishing privileges, including his or her  
 31 saltwater products license, crawfish endorsement, and all trap

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1 certificates allotted to him or her through this program. In  
 2 such cases, trap certificates and endorsements are  
 3 nontransferable.

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

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

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

22 4. In addition to any other penalties provided in s.  
 23 370.021, a commercial harvester, as defined by commission rule  
 24 ~~68B-24.002(1), Florida Administrative Code~~, who violates the  
 25 provisions of this section, or the provisions relating to  
 26 spiny lobster traps established by commission rule ~~of chapter~~  
 27 ~~68B-24, Florida Administrative Code~~, shall be punished as  
 28 follows:

29 a. If the first violation is for violation of  
 30 subparagraph 1. or subparagraph 2., the commission shall  
 31 assess an additional administrative ~~civil~~ penalty of up to

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

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

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

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

25             (I) Pay the administrative ~~civil~~ penalty to the  
 26 commission; or

27             (II) Request an administrative hearing pursuant to the  
 28 provisions of s. 120.60.

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

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

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

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

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

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

28           c. In addition to any penalty imposed pursuant to  
29 sub-subparagraph a., any person receiving any judicial  
30 disposition other than acquittal or dismissal for a violation  
31 of subparagraph 5. shall be assessed an administrative penalty

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

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

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

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

25           Section 5. Section 370.143, Florida Statutes, is  
 26 amended to read:

27           370.143 Retrieval of spiny lobster, ~~crawfish,~~ and  
 28 stone crab, blue crab, and black sea bass traps during closed  
 29 season; commission authority; fees.--

30           (1) The Fish and Wildlife Conservation Commission is  
 31 authorized to implement a trap retrieval program for retrieval

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1 of spiny lobster, ~~crawfish~~, and stone crab, blue crab, and  
 2 black sea bass traps remaining in the water during the closed  
 3 season for each species. The commission is authorized to  
 4 contract with outside agents for the program operation.

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

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

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

26 Section 6. Paragraph (j) is added to subsection (1) of  
 27 section 370.0603, Florida Statutes, and paragraphs (c) and (d)  
 28 of subsection (2) of that section are amended to read:

29 370.0603 Marine Resources Conservation Trust Fund;  
 30 purposes.--

31 (1) The Marine Resources Conservation Trust Fund



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1 within the Fish and Wildlife Conservation Commission shall  
2 serve as a broad-based depository for funds from various  
3 marine-related and boating-related activities and shall be  
4 administered by the commission for the purposes of:

5 (j) Funding for the stone crab trap reduction program  
6 under s. 370.13, the blue crab effort management program under  
7 s. 370.135, and the spiny lobster trap certificate program  
8 under s. 370.142.

9 (2) The Marine Resources Conservation Trust Fund shall  
10 receive the proceeds from:

11 (c) All fees collected pursuant to ss. 370.063,  
12 370.13, 370.135, 370.142, and 372.5704.

13 (d) All fines and penalties pursuant to ss. 370.021  
14 370.13, 370.135, and 370.142.

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

16  
17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21

22 and insert:

23 A bill to be entitled

24 An act relating to saltwater fisheries;  
25 amending s. 370.135, F.S.; establishing certain  
26 endorsement fees for the taking of blue crabs;  
27 establishing an annual trap tag fee;  
28 authorizing the Fish and Wildlife Conservation  
29 Commission to waive endorsement and trap tag  
30 fees for a one-year period; authorizing the  
31 waiver of blue crap trap replacement tag fees

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1 under certain conditions; requiring the deposit  
2 of certain proceeds into the Marine Resources  
3 Conservation Trust Fund; specifying the use of  
4 such proceeds; providing administrative  
5 penalties for certain violations; prohibiting  
6 the unauthorized possession of blue crab trap  
7 gear or removal of blue crab trap contents and  
8 providing penalties therefor; providing  
9 penalties for certain other prohibited  
10 activities relating to blue crab traps, lines,  
11 buoys, and trap tags; providing penalties for  
12 fraudulent reports related to endorsement  
13 transfers; prohibiting certain activities  
14 during endorsement suspension and revocation;  
15 preserving state jurisdiction for certain  
16 convictions; providing requirements for certain  
17 license renewal; appropriating certain fee  
18 revenues to the commission for blue crab effort  
19 management program costs; amending s. 370.13,  
20 F.S.; deleting authorization for the  
21 establishment of equitable rent; authorizing  
22 the waiver of stone crab trap replacement tag  
23 fees under certain conditions; amending s.  
24 370.142, F.S.; providing administrative  
25 penalties for certain violations of the spiny  
26 lobster trap certificate program; authorizing  
27 the waiver of spiny lobster trap replacement  
28 tag fees under certain conditions; amending s.  
29 370.143, F.S.; revising provisions for certain  
30 trap retrieval programs and fees; amending s.  
31 370.0603, F.S.; authorizing certain funds to be

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1 deposited into the Marine Resources  
2 Conservation Trust Fund; providing purposes for  
3 which funds may be used; providing an effective  
4 date.  
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