

By the Committee on Environmental Preservation and
Conservation

592-2005-07

1 A bill to be entitled
2 An act relating to the management of wildlife
3 and saltwater fisheries; amending s. 320.08056,
4 F.S.; increasing the annual use fee for the Sea
5 Turtle specialty license plate; amending s.
6 320.08058, F.S.; authorizing the use of certain
7 annual fees for specialty license plates to
8 promote and market the plates; incorporating
9 the amendments made to s. 370.12, F.S., in a
10 reference thereto; amending s. 370.0603, F.S.;
11 authorizing the deposit of certain funds into
12 the Marine Resources Conservation Trust Fund;
13 providing purposes for which funds may be used;
14 amending s. 370.1105, F.S.; correcting a
15 reference; amending s. 370.12, F.S.;
16 authorizing use of certain annual use fees for
17 specialty license plates to promote and market
18 the plates; authorizing the Fish and Wildlife
19 Conservation Commission to use certain annual
20 use fees to buy back certain specialty license
21 plates; amending s. 370.13, F.S.; authorizing
22 the waiver of replacement tag fees for stone
23 crab traps under certain conditions; providing
24 for legislative approval of commission rules
25 establishing equitable rent; amending s.
26 370.135, F.S.; establishing certain endorsement
27 fees for the taking of blue crabs; establishing
28 an annual trap tag fee; authorizing the
29 commission to establish an amount of equitable
30 rent by rule; providing for legislative
31 approval of the rule; authorizing the

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

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

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (s) of subsection (4) of section
28 320.08056, Florida Statutes, is amended to read:

29 320.08056 Specialty license plates.--

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

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

2 Section 2. Paragraph (b) of subsection (5) and
3 subsection (18) of section 320.08058, Florida Statutes, are
4 amended and, paragraph (b) of subsection (1) of that section
5 is reenacted for the purpose of incorporating the amendments
6 made by this act to section 370.12, Florida Statutes, in a
7 reference thereto, to read:

8 320.08058 Specialty license plates.--

9 (1) MANATEE LICENSE PLATES.--

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

14 (5) FLORIDA PANTHER LICENSE PLATES.--

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

17 1. Eighty-five percent must be deposited in the
18 Florida Panther Research and Management Trust Fund in the Fish
19 and Wildlife Conservation Commission to be used for education
20 and programs to protect the endangered Florida panther, and up
21 to 10 percent of such deposit may be used to promote and
22 market the license plate.

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

26 (18) LARGEMOUTH BASS LICENSE PLATES.--

27 (b) The annual use fees must be deposited in ~~shall be~~
28 ~~distributed to~~ the State Game Trust Fund and used by the Fish
29 and Wildlife Conservation Commission to fund current
30 conservation programs that maintain current levels of
31 protection and management of this state's fish and wildlife

1 resources, including providing hunting, fishing, and
2 nonconsumptive wildlife opportunities. Up to 10 percent of the
3 annual use fee deposited into the trust fund may be used to
4 promote and market the license plate.

5 Section 3. Paragraph (j) is added to subsection (1) of
6 section 370.0603, Florida Statutes, and paragraphs (c) and (d)
7 of subsection (2) of that section are amended, to read:

8 370.0603 Marine Resources Conservation Trust Fund;
9 purposes.--

10 (1) The Marine Resources Conservation Trust Fund
11 within the Fish and Wildlife Conservation Commission shall
12 serve as a broad-based depository for funds from various
13 marine-related and boating-related activities and shall be
14 administered by the commission for the purposes of:

15 (j) Funding for the stone crab trap reduction program
16 under s. 370.13, the blue crab effort management program under
17 s. 370.135, the spiny lobster trap certificate program under
18 s. 370.142, and the trap retrieval program under s. 370.143.

19 (2) The Marine Resources Conservation Trust Fund shall
20 receive the proceeds from:

21 (c) All fees collected under ~~pursuant to~~ ss. 370.063,
22 370.13, 370.135, 370.142, 370.143, and 372.5704.

23 (d) All fines and penalties under ss. ~~pursuant to s.~~
24 370.021, 370.13, 370.135, and 370.142.

25 Section 4. Subsection (1) of section 370.1105, Florida
26 Statutes, is amended to read:

27 370.1105 Saltwater finfish; fishing traps regulated.--

28 (1) It is unlawful for any person, firm, or
29 corporation to set, lay, place, or otherwise attempt to fish
30 for saltwater finfish with any trap other than:
31

1 (a) A crab, spiny lobster ~~crayfish~~, or shrimp trap
2 specifically permitted under s. 370.13, s. 370.135, s. 370.14,
3 or s. 370.15;

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

7 (c) A black sea bass trap which has a biodegradable
8 panel and a throat or entrance, the narrowest point of which
9 is not more than 5 inches in height by 2 inches in width and
10 the outer dimensions of which do not exceed 2 feet in height,
11 2 feet in width, and 2 feet in depth. However, such traps may
12 be used only north of latitude 27° N.

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

15 370.12 Marine animals; regulation.--

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

17 (d) Up to 10 percent of the annual use fee deposited
18 into the Save the Manatee Trust Fund from the sale of the
19 manatee license plate authorized in s. 320.08058 may be used
20 to promote and market the manatee license plate issued by the
21 Department of Highway Safety and Motor Vehicles after June 30,
22 2007.

23 (e) For the 2007-2008 fiscal year, the annual use fee
24 deposited into the Save the Manatee Trust Fund from the sale
25 of the manatee license plate authorized in s. 320.08058 may be
26 used by the commission to buy back any manatee license plates
27 not issued by the Department of Highway Safety and Motor
28 Vehicles thru June 30, 2006. This paragraph expires July 1,
29 2008.

30 Section 6. Subsection (1) of section 370.13, Florida
31 Statutes, is amended to read:

1 370.13 Stone crab; regulation.--

2 (1) FEES AND EQUITABLE RENT.--

3 (a) Endorsement fee.--The fee for a stone crab
4 endorsement for the taking of stone crabs, as required by rule
5 of the Fish and Wildlife Conservation Commission, is \$125, \$25
6 of which must be used solely for trap retrieval under s.
7 370.143.

8 (b) Certificate fees.--

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

21 2. The fee for transferring trap certificates is \$1
22 per certificate transferred, except that the fee for eligible
23 crew members is 50 cents per certificate transferred. Eligible
24 crew members shall be determined according to criteria
25 established by rule of the commission. Payment must be made by
26 money order or cashier's check, submitted with the certificate
27 transfer form developed by the commission.

28 3. In addition to the transfer fee, a surcharge of \$1
29 per certificate transferred, or 25 percent of the actual value
30 of the transferred certificate, whichever is greater, will be
31

1 assessed the first time a certificate is transferred outside
2 the original holder's immediate family.

3 4. Transfer fees and surcharges only apply to the
4 actual number of certificates received by the purchaser. A
5 transfer of a certificate is not effective until the
6 commission receives a notarized copy of the bill of sale as
7 proof of the actual value of the transferred certificate or
8 certificates, which must also be submitted with the transfer
9 form and payment.

10 5. A transfer fee will not be assessed or required
11 when the transfer is within a family as a result of the death
12 or disability of the certificate owner. A surcharge will not
13 be assessed for any transfer within an individual's immediate
14 family.

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

17 (c) Incidental take endorsement.--The cost of an
18 incidental take endorsement, as established by commission
19 rule, is \$25.

20 (d) Equitable rent.--The commission may establish by
21 rule an amount of equitable rent per trap certificate that may
22 be recovered as partial compensation to the state for the
23 enhanced access to its natural resources. In determining
24 whether to establish such a rent and the amount thereof, the
25 commission may consider the amount of revenues annually
26 generated by endorsement fees, trap certificate fees, transfer
27 fees, surcharges, replacement trap tag fees, trap retrieval
28 fees, incidental take endorsement fees, and the continued
29 economic viability of the commercial stone crab industry. A
30 rule establishing an amount of equitable rent shall become
31 effective only after approval by the Legislature. Final

1 ~~approval of such a rule shall be by the Governor and Cabinet~~
2 ~~sitting as the Board of Trustees of the Internal Improvement~~
3 ~~Trust Fund.~~

4 (e) Disposition of fees, surcharges, civil penalties
5 and fines, and equitable rent.--Endorsement fees, trap
6 certificate fees, transfer fees, civil penalties and fines,
7 surcharges, replacement trap tag fees, trap retrieval fees,
8 incidental take endorsement fees, and equitable rent, if any,
9 must be deposited in the Marine Resources Conservation Trust
10 Fund. Up to ~~Not more than~~ 50 percent of the revenues generated
11 under this section may be used for operation and
12 administration of the stone crab trap limitation program. All
13 ~~The~~ remaining revenues so generated must ~~under this program~~
14 ~~are to~~ be used for trap retrieval, management of the stone
15 crab fishery, public education activities, evaluation of the
16 impact of trap reductions on the stone crab fishery, and
17 enforcement activities in support of the stone crab trap
18 limitation program.

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

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

27 Section 7. Section 370.135, Florida Statutes, is
28 amended to read:

29 370.135 Blue crab; regulation.--

30 (1)~~(a)~~ No commercial harvester shall transport on the
31 water, fish with or cause to be fished with, set, or place any

1 trap designed for taking blue crabs unless such commercial
2 harvester holds ~~is the holder of~~ a valid saltwater products
3 license and a restricted species endorsement issued under
4 ~~pursuant to s. 370.06 and a blue crab endorsement issued under~~
5 this section. Each trap shall have the harvester's blue crab
6 endorsement number permanently affixed to it. Each buoy
7 attached to such a trap shall also have the blue crab
8 endorsement ~~and the trap has a current state number~~
9 permanently attached to the buoy. The blue crab endorsement
10 ~~trap~~ number shall be affixed in legible figures at least 2
11 inches ~~1 inch~~ high on each buoy used. The saltwater products
12 license must be on board the boat, and both the license and
13 the crabs shall be subject to inspection at all times. ~~Only~~
14 ~~one trap number may be issued for each boat by the commission~~
15 ~~upon receipt of an application on forms prescribed by it.~~ This
16 subsection shall not apply to an individual fishing with no
17 more than five traps.

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

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

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

27
28 ~~Any commercial harvester receiving a judicial disposition~~
29 ~~other than dismissal or acquittal on a charge of willful~~
30 ~~molestation of a trap, in addition to the penalties specified~~

31

1 ~~in s. 370.021, shall lose all saltwater fishing privileges for~~
2 ~~a period of 24 calendar months.~~

3 ~~(c)1. It is unlawful for any person to remove the~~
4 ~~contents of or take possession of another harvester's blue~~
5 ~~crab trap without the express written consent of the trap~~
6 ~~owner available for immediate inspection. Unauthorized~~
7 ~~possession of another's trap gear or removal of trap contents~~
8 ~~constitutes theft.~~

9 ~~a. Any commercial harvester receiving a judicial~~
10 ~~disposition other than dismissal or acquittal on a charge of~~
11 ~~theft of or from a trap pursuant to this section or s.~~
12 ~~370.1107 shall, in addition to the penalties specified in s.~~
13 ~~370.021 and the provisions of this section, permanently lose~~
14 ~~all saltwater fishing privileges, including any saltwater~~
15 ~~products license and blue crab endorsement. In such cases~~
16 ~~endorsements are nontransferable.~~

17 ~~b. In addition, any commercial harvester receiving a~~
18 ~~judicial disposition other than dismissal or acquittal for~~
19 ~~violating this subsection or s. 370.1107 shall also be~~
20 ~~assessed an administrative penalty of up to \$5,000.~~
21 ~~Immediately upon receiving a citation for a violation~~
22 ~~involving theft of or from a trap and until adjudicated for~~
23 ~~such a violation, or receiving a judicial disposition other~~
24 ~~than dismissal or acquittal for such a violation, the~~
25 ~~commercial harvester committing the violation is prohibited~~
26 ~~from transferring any blue crab endorsements.~~

27 ~~2. A commercial harvester who violates this paragraph~~
28 ~~shall be punished under s. 370.021. Any other person who~~
29 ~~violates this paragraph commits a Level Two violation under s.~~
30 ~~372.83.~~

31

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

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

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

15 ~~(c) If a person holding an active blue crab~~
16 ~~endorsement, or a member of that person's immediate family,~~
17 ~~does not request renewal of the endorsement before the~~
18 ~~applicable dates as specified in this subsection, the~~
19 ~~commission shall deactivate that endorsement.~~

20 ~~(a)(d)~~ In the event of the death or disability of a
21 person holding an active blue crab endorsement, the
22 endorsement may be transferred by the person to a member of
23 his or her immediate family or may be renewed by any person so
24 designated by the executor of the person's estate.

25 **(b)** A commercial harvester who holds a saltwater
26 products license and a blue crab endorsement that is issued to
27 the commercial harvester's vessel registration number and who
28 replaces an existing vessel with a new vessel may transfer the
29 existing blue crab endorsement to the saltwater products
30 license of the new vessel.

31

1 ~~(c) Persons who hold saltwater products licenses with~~
2 ~~blue crab endorsements issued to their boat registration~~
3 ~~numbers and who subsequently replace their existing vessels~~
4 ~~with new vessels shall be permitted to transfer the existing~~
5 ~~licenses to the new boat registration numbers.~~

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

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

5 (c) Equitable rent.--The commission may establish by
6 rule an amount of equitable rent that may be recovered as
7 partial compensation to the state for the enhanced access to
8 its natural resources. In determining whether to establish
9 such a rent and the amount thereof, the commission may
10 consider the amount of revenues annually generated by
11 endorsement fees, trap tag fees, replacement trap tag fees,
12 trap retrieval fees, and the continued economic viability of
13 the commercial blue crab industry. A rule establishing an
14 amount of equitable rent shall become effective only upon
15 approval by act of the Legislature.

16 (d) Disposition of moneys generated from fees and
17 administrative penalties.--Moneys generated from the sale of
18 blue crab endorsements, trap tags, and replacement trap tags,
19 or from the assessment of administrative penalties by the
20 commission under this section shall be deposited into the
21 Marine Resources Conservation Trust Fund. Up to 50 percent of
22 the moneys generated from the sale of endorsements and trap
23 tags and the assessment of administrative penalties may be
24 used for the operation and administration of the blue crab
25 effort management program. The remaining moneys generated from
26 the sale of endorsements and trap tags and the assessment of
27 administrative penalties may be used for trap retrieval;
28 management of the blue crab fishery; and public-education
29 activities, research, and enforcement activities in support of
30 the blue crab effort management program.

31

1 (e) Waiver of fees.--For the 2007-2008 license year,
2 the commission shall waive all fees under this subsection for
3 all persons who qualify by September 30, 2007, to participate
4 in the blue crab effort management program established by
5 commission rule.

6 (4)(a) Untagged trap penalties.--In addition to any
7 other penalties provided in s. 370.021 for any blue crab
8 endorsement holder who violates commission rules requiring the
9 placement of trap tags for each trap used for the directed
10 harvest of blue crabs, the following administrative penalties
11 apply:

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

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

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

26 4. A fourth violation that occurs within 48 months
27 after any three previous such violations shall result in
28 permanent revocation of all of the violator's saltwater
29 fishing privileges, including having the commission proceed
30 against the endorsement holder's saltwater products license in
31 accordance with s. 370.021.

1
2 Any blue crab endorsement holder assessed an administrative
3 penalty under this paragraph shall, within 30 calendar days
4 after notification, pay the administrative penalty to the
5 commission or request an administrative hearing under ss.
6 120.569 and 120.57.

7 (b) Trap theft; prohibitions and penalties.--It is
8 unlawful for any person to remove or take possession of the
9 contents of another harvester's blue crab trap without the
10 express written consent of the trap owner, which must be
11 available for immediate inspection. Unauthorized possession of
12 another harvester's blue crab trap gear or removal of trap
13 contents constitutes theft.

14 1. Any commercial harvester receiving a judicial
15 disposition other than dismissal or acquittal on a charge of
16 theft of or from a trap as prohibited by this paragraph shall,
17 in addition to the penalties specified in s. 370.021 and this
18 section, permanently lose all saltwater fishing privileges,
19 including any saltwater products licenses, blue crab
20 endorsements and blue crab trap tags allotted to him or her by
21 the commission. In such cases endorsements are
22 nontransferable.

23 2. In addition, any commercial harvester receiving a
24 judicial disposition other than dismissal or acquittal for
25 violating this paragraph shall also be assessed an
26 administrative penalty of up to \$5,000. Immediately upon
27 receipt of a citation for a violation involving theft of or
28 from a trap and until adjudicated for such a violation, or
29 upon receipt of a judicial disposition other than dismissal or
30 acquittal for such a violation, the commercial harvester
31

1 committing the violation is prohibited from transferring any
2 blue crab endorsements.

3 3. A commercial harvester who violates this paragraph
4 shall be punished under s. 370.021. Any other person who
5 violates this paragraph commits a Level Two violation under s.
6 372.83.

7 (c) Criminal activities prohibited.--

8 1. It is unlawful for any commercial harvester or any
9 other person to:

10 a. Willfully molest any blue crab trap, line or buoy
11 that is the property of any licenseholder without the
12 permission of that licenseholder.

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

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

19 d. Make, alter, forge, counterfeit, or reproduce a
20 blue crab trap tag.

21 e. Possess an altered, forged, counterfeit, or
22 imitation blue crab trap tag.

23 f. Possess a number of original trap tags or
24 replacement trap tags, the sum of which exceeds by 1 percent
25 the number of traps allowed by commission rules.

26 g. Engage in the commercial harvest of blue crabs
27 while the blue crab endorsements of the license holder are
28 under suspension or revocation.

29 2. Immediately upon receiving a citation involving a
30 violation of this paragraph and until adjudicated for such a
31

1 violation, a commercial harvester is prohibited from
2 transferring any blue crab endorsement.

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

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

13 (d) Endorsement transfers; fraudulent reports;
14 penalties.--For a commercial harvester convicted of
15 fraudulently reporting the actual value of transferred blue
16 crab endorsements, the commission may automatically suspend or
17 permanently revoke the seller's or the purchaser's blue crab
18 endorsements. If the endorsement is permanently revoked, the
19 commission shall also permanently deactivate the endorsement
20 holder's blue crab trap tag accounts.

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

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

30
31

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

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

7 Section 8. For the 2007-2008 fiscal year, the sum of
8 \$132,000 is appropriated from the Marine Resources
9 Conservation Trust Fund to the Fish and Wildlife Conservation
10 Commission on a recurring basis for the purpose of
11 implementing the blue crab effort management program pursuant
12 to s. 370.135(3)(b), Florida Statutes, and for the
13 administrative costs of the Blue Crab Advisory Board created
14 by commission rule.

15 Section 9. Subsections (2) and (3) of section 370.14,
16 Florida Statutes, are amended to read:

17 370.14 Spiny lobster; regulation.--

18 (2)(a)1. Each commercial harvester taking or
19 attempting to take spiny lobster with a trap in commercial
20 quantities or for commercial purposes shall obtain and exhibit
21 a spiny lobster endorsement ~~trap number~~, as required by the
22 Fish and Wildlife Conservation Commission. The annual fee for
23 a spiny lobster endorsement ~~trap number~~ is \$125. This
24 endorsement ~~trap number~~ may be issued by the commission upon
25 the receipt of application by the commercial harvester when
26 accompanied by the payment of the fee. The design of the
27 applications and of the endorsement ~~trap number~~ shall be
28 determined by the commission. Any trap or device used in
29 taking or attempting to take spiny lobster, other than a trap
30 with the endorsement ~~trap~~ number, shall be seized and
31 destroyed by the commission. The proceeds of the fees imposed

1 | by this paragraph shall be deposited and used as provided in
2 | paragraph (b). The commission may adopt rules to carry out the
3 | intent of this section.

4 | 2. Each commercial harvester taking or attempting to
5 | take spiny lobster in commercial quantities or for commercial
6 | purposes by any method, other than with a trap having a spiny
7 | lobster endorsement ~~trap~~ number issued by the commission, must
8 | pay an annual fee of \$100.

9 | (b) Twenty-five dollars of the \$125 fee for a spiny
10 | lobster endorsement ~~trap~~ number required under subparagraph
11 | (a)1. must be used only for trap retrieval as provided in s.
12 | 370.143. The remainder of the fees collected under ~~pursuant to~~
13 | paragraph (a) shall be deposited as follows:

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

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

20 | (3) The spiny lobster endorsement ~~license~~ must be on
21 | board the boat, and both the endorsement ~~license~~ and the
22 | harvested spiny lobster shall be subject to inspection at all
23 | times. Only one endorsement ~~license~~ shall be issued for each
24 | boat. The spiny lobster endorsement ~~license~~ number must be
25 | prominently displayed above the topmost portion of the boat so
26 | as to be easily and readily identified.

27 | Section 10. Subsection (2) of section 370.142, Florida
28 | Statutes, is amended to read:

29 | 370.142 Spiny lobster trap certificate program.--

30 | (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
31 | PENALTIES.--The Fish and Wildlife Conservation Commission

1 shall establish a trap certificate program for the spiny
2 lobster fishery of this state and shall be responsible for its
3 administration and enforcement as follows:

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

9 1. ~~The Department of Environmental Protection shall~~
10 ~~initially allot such certificates to each licenseholder with a~~
11 ~~current crawfish trap number who uses traps. The number of~~
12 ~~such certificates allotted to each such licenseholder shall be~~
13 ~~based on the trap/catch coefficient established pursuant to~~
14 ~~trip ticket records generated under the provisions of s.~~
15 ~~370.06(2) over a 3 year base period ending June 30, 1991. The~~
16 ~~trap/catch coefficient shall be calculated by dividing the sum~~
17 ~~of the highest reported single license year landings up to a~~
18 ~~maximum of 30,000 pounds for each such licenseholder during~~
19 ~~the base period by 700,000. Each such licenseholder shall then~~
20 ~~be allotted the number of certificates derived by dividing his~~
21 ~~or her highest reported single license year landings up to a~~
22 ~~maximum of 30,000 pounds during the base period by the~~
23 ~~trap/catch coefficient. Nevertheless, no licenseholder with a~~
24 ~~current crawfish trap number shall be allotted fewer than 10~~
25 ~~certificates. However, certificates may only be issued to~~
26 ~~individuals; therefore, all licenseholders other than~~
27 ~~individual licenseholders shall designate the individual or~~
28 ~~individuals to whom their certificates will be allotted and~~
29 ~~the number thereof to each, if more than one. After initial~~
30 ~~issuance,~~ Trap certificates are transferable on a market basis
31 and may be transferred from one licenseholder to another for a

1 fair market value agreed upon between the transferor and
2 transferee. Each such transfer shall, within 72 hours thereof,
3 be recorded on a notarized form provided for that purpose by
4 the Fish and Wildlife Conservation Commission and hand
5 delivered or sent by certified mail, return receipt requested,
6 to the commission for recordkeeping purposes. ~~In addition,~~ In
7 order to cover the added administrative costs of the program
8 and to recover an equitable natural resource rent for the
9 people of the state, a transfer fee of \$2 per certificate
10 transferred shall be assessed against the purchasing
11 licenseholder and sent by money order or cashier's check with
12 the certificate transfer form. Also, in addition to the
13 transfer fee, a surcharge of \$5 per certificate transferred or
14 25 percent of the actual market value, whichever is greater,
15 given to the transferor shall be assessed the first time a
16 certificate is transferred outside the original transferor's
17 immediate family. No transfer of a certificate shall be
18 effective until the commission receives the notarized transfer
19 form and the transfer fee, including any surcharge, is paid.
20 The commission may establish by rule an amount of equitable
21 rent per trap certificate that shall be recovered as partial
22 compensation to the state for the enhanced access to its
23 natural resources. A rule establishing an amount of equitable
24 rent shall become effective only after approval by the
25 Legislature ~~Final approval of such a rule shall be by the~~
26 ~~Governor and Cabinet sitting as the Board of Trustees of the~~
27 ~~Internal Improvement Trust Fund.~~ In determining whether to
28 establish such a rent and, if so, the amount thereof, the
29 commission shall consider the amount of revenues annually
30 generated by certificate fees, transfer fees, surcharges, trap
31 license fees, and sales taxes, the demonstrated fair market

1 value of transferred certificates, and the continued economic
2 viability of the commercial lobster industry. All ~~The~~ proceeds
3 of equitable rent recovered must ~~shall~~ be deposited in the
4 Marine Resources Conservation Trust Fund and used by the
5 commission for research, management, and protection of the
6 spiny lobster fishery and habitat. A transfer fee may not be
7 assessed or required when the transfer is within a family as a
8 result of the death or disability of the certificate owner. A
9 surcharge will not be assessed for any transfer within an
10 individual's immediate family.

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

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

18 4. The number of trap tags issued annually to each
19 licenseholder shall not exceed the number of certificates held
20 by the licenseholder at the time of issuance, and such tags
21 and a statement of certificates held shall be issued
22 simultaneously.

23 5. ~~Beginning July 1, 2003, and applicable to the~~
24 ~~2003-2004 lobster season and thereafter,~~ It is unlawful for
25 any person to lease spiny lobster trap tags or certificates.

26 (b) Trap tags.--Each trap used to take or attempt to
27 take spiny lobsters in state waters or adjacent federal waters
28 shall, in addition to the spiny lobster endorsement ~~crayfish~~
29 ~~trap~~ number required by s. 370.14(2), have affixed thereto an
30 annual trap tag issued by the commission. Each such tag shall
31 be made of durable plastic or similar material and shall,

1 based on the number of certificates held, have stamped thereon
2 the owner's license number. To facilitate enforcement and
3 recordkeeping, such tags shall be issued each year in a color
4 different from that of each of the previous 3 years. The
5 annual certificate fee shall be \$1 per certificate.
6 Replacement tags for lost or damaged tags may be obtained as
7 provided by rule of the commission. In the event of a major
8 natural disaster, such as a hurricane or major storm, which
9 causes massive trap losses within an area declared by the
10 Governor to be a disaster emergency area, the commission may
11 temporarily defer or waive replacement tag fees.

12 (c) Prohibitions; penalties.--

13 1. It is unlawful for a person to possess or use a
14 spiny lobster trap in or on state waters or adjacent federal
15 waters without having affixed thereto the trap tag required by
16 this section. It is unlawful for a person to possess or use
17 any other gear or device designed to attract and enclose or
18 otherwise aid in the taking of spiny lobster by trapping that
19 is not a trap as defined by commission rule.

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

23 3. It is unlawful for any person to willfully molest,
24 take possession of, or remove the contents of another
25 harvester's spiny lobster trap without the express written
26 consent of the trap owner available for immediate inspection.
27 Unauthorized possession of another's trap gear or removal of
28 trap contents constitutes theft.

29 a. A commercial harvester who violates this
30 subparagraph shall be punished under ss. 370.021 and 370.14.
31 Any commercial harvester receiving a judicial disposition

1 other than dismissal or acquittal on a charge of theft of or
2 from a trap pursuant to this subparagraph or s. 370.1107
3 shall, in addition to the penalties specified in ss. 370.021
4 and 370.14 and the provisions of this section, permanently
5 lose all his or her saltwater fishing privileges, including
6 his or her saltwater products license, spiny lobster
7 endorsement, and all trap certificates allotted to him or her
8 through this program. In such cases, trap certificates and
9 endorsements are nontransferable.

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

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

20
21 Immediately upon receiving a citation for a violation
22 involving theft of or from a trap, or molestation of a trap,
23 and until adjudicated for such a violation or, upon receipt of
24 a judicial disposition other than dismissal or acquittal of
25 such a violation, the commercial harvester ~~person, firm, or~~
26 ~~corporation~~ committing the violation is prohibited from
27 transferring any spiny lobster trap certificates and
28 endorsements.

29 4. In addition to any other penalties provided in s.
30 370.021, a commercial harvester who violates the provisions of
31

1 | this section or commission rules relating to spiny lobster
2 | traps shall be punished as follows:

3 | a. If the first violation is for violation of
4 | subparagraph 1. or subparagraph 2., the commission shall
5 | assess an additional administrative penalty of up to \$1,000
6 | and the spiny lobster endorsement trap number issued under
7 | ~~pursuant to~~ s. 370.14(2) or (6) may be suspended for the
8 | remainder of the current license year. For all other first
9 | violations, the commission shall assess an additional
10 | administrative penalty of up to \$500.

11 | b. For a second violation of subparagraph 1. or
12 | subparagraph 2. which occurs within 24 months of any previous
13 | such violation, the commission shall assess an additional
14 | administrative penalty of up to \$2,000 and the spiny lobster
15 | endorsement trap number issued under ~~pursuant to~~ s. 370.14(2)
16 | or (6) may be suspended for the remainder of the current
17 | license year.

18 | c. For a third or subsequent violation of subparagraph
19 | 1., subparagraph 2., or subparagraph 3. which occurs within 36
20 | months of any previous two such violations, the commission
21 | shall assess an additional administrative penalty of up to
22 | \$5,000 and may suspend the spiny lobster endorsement trap
23 | number issued under ~~pursuant to~~ s. 370.14(2) or (6) for a
24 | period of up to 24 months or may revoke the spiny lobster
25 | endorsement trap number and, if revoking the spiny lobster
26 | endorsement trap number, may also proceed against the
27 | licenseholder's saltwater products license in accordance with
28 | the provisions of s. 370.021(2)(h).

29 | d. Any person assessed an additional administrative
30 | penalty pursuant to this section shall within 30 calendar days
31 | after notification:

1 (I) Pay the administrative penalty to the commission;
2 or
3 (II) Request an administrative hearing pursuant to the
4 provisions of ss. 120.569 and 120.57.
5 e. The commission shall suspend the spiny lobster
6 endorsement ~~trap~~ number issued pursuant to s. 370.14(2) or (6)
7 for any person failing to comply with the provisions of
8 sub-subparagraph d.
9 5.a. It is unlawful for any person to make, alter,
10 forge, counterfeit, or reproduce a spiny lobster trap tag or
11 certificate.
12 b. It is unlawful for any person to knowingly have in
13 his or her possession a forged, counterfeit, or imitation
14 spiny lobster trap tag or certificate.
15 c. It is unlawful for any person to barter, trade,
16 sell, supply, agree to supply, aid in supplying, or give away
17 a spiny lobster trap tag or certificate or to conspire to
18 barter, trade, sell, supply, aid in supplying, or give away a
19 spiny lobster trap tag or certificate unless such action is
20 duly authorized by the commission as provided in this chapter
21 or in the rules of the commission.
22 6.a. Any commercial harvester who violates the
23 provisions of subparagraph 5., or any commercial harvester who
24 engages in the commercial harvest, trapping, or possession of
25 spiny lobster without a spiny lobster endorsement ~~trap number~~
26 as required by s. 370.14(2) or (6) or during any period while
27 such spiny lobster endorsement ~~trap number~~ is under suspension
28 or revocation, commits a felony of the third degree,
29 punishable as provided in s. 775.082, s. 775.083, or s.
30 775.084.
31

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

7 c. In addition to any penalty imposed pursuant to
8 sub-subparagraph a., any commercial harvester receiving any
9 judicial disposition other than acquittal or dismissal for a
10 violation of subparagraph 5. shall be assessed an
11 administrative penalty of up to \$5,000, and the spiny lobster
12 endorsement under which the violation was committed may be
13 suspended for up to 24 calendar months. Immediately upon
14 issuance of a citation involving a violation of subparagraph
15 5. and until adjudication of such a violation, and after
16 receipt of any judicial disposition other than acquittal or
17 dismissal for such a violation, the commercial harvester
18 holding the spiny lobster endorsement listed on the citation
19 is prohibited from transferring any spiny lobster trap
20 certificates.

21 ~~d.e.~~ Any other person who violates the provisions of
22 subparagraph 5. commits a Level Four violation under s.
23 372.83.

24 7. Any certificates for which the annual certificate
25 fee is not paid for a period of 3 years shall be considered
26 abandoned and shall revert to the commission. During any
27 period of trap reduction, any certificates reverting to the
28 commission shall become permanently unavailable and be
29 considered in that amount to be reduced during the next
30 license-year period. Otherwise, any certificates that revert
31

1 to the commission are to be reallocated in such manner as
2 provided by the commission.

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

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

9 10. Except as otherwise provided, any person who
10 violates this paragraph commits a Level Two violation under s.
11 372.83.

12 (d) No vested rights.--The trap certificate program
13 shall not create vested rights in licenseholders whatsoever
14 and may be altered or terminated as necessary to protect the
15 spiny lobster resource, the participants in the fishery, or
16 the public interest.

17 Section 11. Section 370.143, Florida Statutes, is
18 amended to read:

19 370.143 Retrieval of spiny lobster, ~~crawfish,~~ and
20 stone crab, blue crab, and black sea bass traps during closed
21 season; commission authority; fees.--

22 (1) The Fish and Wildlife Conservation Commission is
23 authorized to implement a trap retrieval program for retrieval
24 of spiny lobster, ~~crawfish,~~ and stone crab, blue crab, and
25 black sea bass traps remaining in the water during the closed
26 season for each species. The commission is authorized to
27 contract with outside agents for the program operation.

28 (2) A retrieval fee of \$10 per trap retrieved shall be
29 assessed trap owners. However, for each person holding a spiny
30 lobster endorsement, crawfish stamp number or a stone crab
31 endorsement, or a blue crab endorsement issued under rule of

1 | the commission, the retrieval fee shall be waived for the
2 | first five traps retrieved. Traps recovered under this program
3 | shall become the property of the commission or its contract
4 | agent, as determined by the commission, and shall be either
5 | destroyed or resold to the original owner. Revenue from
6 | retrieval fees must ~~shall~~ be deposited in the Marine Resources
7 | Conservation Trust Fund and used solely for operation of the
8 | trap retrieval program.

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

14 | (4) In the event of a major natural disaster, such as
15 | a hurricane or major storm, which causes major trap losses
16 | within an area declared by the Governor to be a disaster
17 | emergency area, the commission shall waive the trap retrieval
18 | fee. ~~In the event of a major natural disaster in an area~~
19 | ~~declared by the Governor to be a disaster emergency area, such~~
20 | ~~as a hurricane or major storm causing massive trap losses, the~~
21 | ~~commission shall waive the trap retrieval fee.~~

22 | Section 12. Section 372.09, Florida Statutes, is
23 | amended to read:

24 | 372.09 State Game Trust Fund.--The funds resulting
25 | from the operation of the commission and from the
26 | administration of the laws and regulations pertaining to
27 | birds, game, fur-bearing animals, freshwater fish, reptiles,
28 | and amphibians, together with any other funds specifically
29 | provided for such purposes shall constitute the State Game
30 | Trust Fund and shall be used by the commission as it shall
31 | deem fit in carrying out the provisions hereof and for no

1 | other purposes, except that annual use fees deposited into the
2 | trust fund from the sale of the Largemouth Bass license plate
3 | may be expended for the purposes provided under s.

4 | 320.08058(18). The commission may not obligate itself beyond
5 | the current resources of the State Game Trust Fund unless
6 | specifically so authorized by the Legislature.

7 | Section 13. Paragraph (d) is added to subsection (2)
8 | of section 372.672, Florida Statutes, to read:

9 | 372.672 Florida Panther Research and Management Trust
10 | Fund.--

11 | (2) Money from the fund shall be spent only for the
12 | following purposes:

13 | (d) To promote and market the panther license plate
14 | authorized under s. 320.08058.

15 | Section 14. Paragraph (a) of subsection (2) and
16 | paragraph (a) of subsection (4) of section 372.83, Florida
17 | Statutes, are amended to read:

18 | 372.83 Penalties and violations; civil penalties for
19 | noncriminal infractions; criminal penalties; suspension and
20 | forfeiture of licenses and permits.--

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

24 | 1. Rules or orders of the commission relating to
25 | seasons or time periods for the taking of wildlife, freshwater
26 | fish, or saltwater fish.

27 | 2. Rules or orders of the commission establishing bag,
28 | possession, or size limits or restricting methods of taking
29 | wildlife, freshwater fish, or saltwater fish.

30 |
31 |

- 1 3. Rules or orders of the commission prohibiting
2 access or otherwise relating to access to wildlife management
3 areas or other areas managed by the commission.
- 4 4. Rules or orders of the commission relating to the
5 feeding of wildlife, freshwater fish, or saltwater fish.
- 6 5. Rules or orders of the commission relating to
7 landing requirements for freshwater fish or saltwater fish.
- 8 6. Rules or orders of the commission relating to
9 restricted hunting areas, critical wildlife areas, or bird
10 sanctuaries.
- 11 7. Rules or orders of the commission relating to
12 tagging requirements for game and fur-bearing animals.
- 13 8. Rules or orders of the commission relating to the
14 use of dogs for the taking of game.
- 15 9. Rules or orders of the commission which are not
16 otherwise classified.
- 17 10. All prohibitions in chapter 370 which are not
18 otherwise classified.
- 19 11. Section 370.028, prohibiting the violation of or
20 noncompliance with commission rules.
- 21 12. Section 370.021(6) prohibiting the sale, purchase,
22 harvest, or attempted harvest of any saltwater product with
23 intent to sell.
- 24 13. Section 370.08, prohibiting the obstruction of
25 waterways with net gear.
- 26 14. Section 370.1105, prohibiting the unlawful use of
27 finfish traps.
- 28 15. Section 370.1121, prohibiting the unlawful taking
29 of bonefish.
- 30
- 31

1 16. Section 370.13(2)(a) and (b), prohibiting the
2 possession or use of stone crab traps without trap tags and
3 theft of trap contents or gear.

4 17. Section 370.135(4)(b) ~~370.135(1)(c)~~, prohibiting
5 the theft of blue crab trap contents or trap gear.

6 18. Section 370.142(2)(c), prohibiting the possession
7 or use of spiny lobster traps without trap tags or
8 certificates and theft of trap contents or trap gear.

9 19. Section 372.5704, prohibiting the possession of
10 tarpon without purchasing a tarpon tag.

11 20. Section 372.667, prohibiting the feeding or
12 enticement of alligators or crocodiles.

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

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

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

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

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

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

28 5. Section 372.57(16), prohibiting the making,
29 forging, counterfeiting, or reproduction of a recreational
30 license or possession of same without authorization from the
31 commission.

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

3 7. Section 372.99022, prohibiting the molestation or
4 theft of freshwater fishing gear.

5 Section 15. For the purpose of incorporating the
6 amendments made by this act to section 320.08058, Florida
7 Statutes, in a reference thereto, paragraph (c) of subsection
8 (1) of section 380.511, Florida Statutes, is reenacted to
9 read:

10 380.511 Florida Communities Trust Fund.--

11 (1) There is created the Florida Communities Trust
12 Fund as a nonlapsing, revolving fund for projects, activities,
13 acquisitions, and operating expenses necessary to carry out
14 this part. The fund shall be held and administered by the
15 trust. The following shall be credited to or deposited in the
16 Florida Communities Trust Fund:

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

19 Section 16. Paragraph (a) of subsection (8) of section
20 20.331, Florida Statutes, is amended to read:

21 20.331 Fish and Wildlife Conservation Commission.--

22 (8) ADEQUATE DUE PROCESS PROCEDURES.--

23 (a) The commission shall adopt a rule establishing
24 adequate due process procedures to be accorded to any party,
25 as defined in s. 120.52, whose substantial interests are
26 affected by any action of the commission in the performance of
27 its constitutional duties and responsibilities and the
28 adequate due process procedures adopted by rule shall be
29 published in the Florida Administrative Code. The commission
30 ~~shall implement a system of adequate due process procedures to~~
31 ~~be accorded to any party, as defined in s. 120.52, whose~~

1 ~~substantial interests will be affected by any action of the~~
2 ~~commission in the performance of its constitutional duties or~~
3 ~~responsibilities.~~

4 Section 17. Subsection (4) of section 370.025, Florida
5 Statutes, is amended to read:

6 370.025 Marine fisheries; policy and standards.--

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

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

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

16 (c) Marine aquaculture products produced by an
17 individual certified under s. 597.004. This exception does not
18 apply to snook, prohibited and restricted marine species
19 identified by rule of the commission, and rulemaking authority
20 granted under ~~pursuant to~~ s. 370.027.

21 Section 18. This act shall take effect July 1, 2007.

22
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 senate bill 1980

26 The committee substitute increases the annual use fee of the
27 Sea Turtle specialty license plate from \$17.50 to \$23,
28 specifies how the blue crab endorsements should be affixed the
29 the traps, deletes obsolete language that references the DEP
30 in the spiny lobster program and makes a number of technical
31 and conforming changes.