

1 A bill to be entitled

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

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

59 traps, lines, buoys, and trap tags; providing penalties
60 for fraudulent reports related to endorsement transfers;
61 prohibiting certain activities during endorsement
62 suspension and revocation; preserving state jurisdiction
63 for certain convictions; providing requirements for
64 certain license renewal; providing for the expiration of
65 certain provisions unless reenacted by the Legislature
66 during the 2009 Regular Session; amending s. 370.14, F.S.;
67 clarifying provisions regulating spiny lobsters; amending
68 s. 370.1405, F.S.; clarifying terminology relating to the
69 spiny lobster; amending s. 370.142, F.S., relating to the
70 spiny lobster trap certificate program; removing certain
71 obsolete provisions; clarifying provisions for
72 transferable trap certificates; providing for legislative
73 approval of the commission rule establishing an amount of
74 equitable rent; deleting obsolete provisions relating to
75 the leasing of spiny lobster trap tags and certificates;
76 authorizing the commission to defer or waive replacement
77 tag fees under certain circumstances; providing
78 administrative penalties for certain violations of the
79 spiny lobster trap certificate program; revising certain
80 administrative penalties; amending s. 370.143, F.S.;
81 revising provisions for certain trap retrieval programs
82 and fees; requiring the commission to waive trap retrieval
83 fees under certain circumstances; amending s. 372.09,
84 F.S.; providing that annual use fees collected from the
85 sale of Largemouth Bass license plates may be used to
86 promote and market the license plates; amending s.
87 372.562, F.S.; specifying certain fishing as exempt from

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88 fees and requirements; amending s. 372.57, F.S.;

89 increasing the fees for certain resident and nonresident

90 hunting and fishing licenses; creating a 3-day freshwater

91 fishing license for nonresidents; increasing the fee for

92 specified hunting, fishing, and recreational activity

93 permits; specifying a percentage of revenues from the sale

94 of snook permits that may be used for certain programs;

95 clarifying terminology relating to the spiny lobster;

96 amending s. 372.672, F.S.; authorizing the use of funds

97 from the Florida Panther Research and Management Trust

98 Fund to promote and market the Florida panther license

99 plate; amending s. 861.021, F.S.; clarifying terminology

100 relating to the spiny lobster; amending ss. 372.571,

101 372.661, and 372.83, F.S.; conforming cross-references;

102 reenacting ss. 372.5712(1), 372.5715(1), and 372.573,

103 F.S., relating to revenues from the Florida waterfowl

104 permit, the Florida wild turkey permit, and management

105 area permits, to incorporate the amendment to s. 372.57,

106 F.S., in references thereto; reenacting s. 380.511(1)(c),

107 F.S., relating to the deposit of proceeds from the sale of

108 certain specialty license plates, to incorporate the

109 amendment to s. 320.08058, F.S., in a reference thereto;

110 providing an appropriation to the commission for costs

111 related to the implementation of the blue crab effort

112 management program and the administration of the Blue Crab

113 Advisory Board; providing effective dates.

114

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

116

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

122 20.331 Fish and Wildlife Conservation Commission.--

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

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

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

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

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

- 145 | 1. Research and management responsibilities for marine
- 146 | species listed as endangered or threatened, including manatees
- 147 | and marine turtles.[†]
- 148 | 2. Establishment and enforcement of boating safety
- 149 | regulations.[†]
- 150 | 3. Land acquisition.[†]
- 151 | 4. Enforcement and collection of fees for all commercial
- 152 | and recreational hunting or fishing licenses or permits.[†]
- 153 | 5. Aquatic plant removal using fish as a biological control
- 154 | agent.[†]
- 155 | 6. Enforcement of penalties for violations of commission
- 156 | rules and state laws, including, but not limited to, the seizure
- 157 | and forfeiture of vessels and other equipment used to commit
- 158 | those violations.[†]
- 159 | 7. Establishment of free fishing days.[†]
- 160 | 8. Regulation of off-road vehicles on state lands.[†]
- 161 | 9. Establishment and coordination of a statewide hunter
- 162 | safety course.[†]
- 163 | 10. Establishment of programs and activities to develop and
- 164 | distribute public education materials.[†]
- 165 | 11. Police powers of sworn law enforcement officers.[†]
- 166 | 12. Establishment of citizen support organizations to
- 167 | provide assistance, funding, and promotional support for programs
- 168 | of the commission.[†]
- 169 | 13. Creation of the voluntary authorized hunter
- 170 | identification program.[†]~~and~~
- 171 | 14. Regulation of required clothing of persons hunting
- 172 | deer.

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

175 320.08056 Specialty license plates.--

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

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

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

183 320.08058 Specialty license plates.--

184 (1) MANATEE LICENSE PLATES.--

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

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

197 (5) FLORIDA PANTHER LICENSE PLATES.--

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

200 1. Eighty-five percent must be deposited in the Florida
 201 Panther Research and Management Trust Fund in the Fish and

202 Wildlife Conservation Commission to be used for education and
 203 programs to protect the endangered Florida panther, and up to 10
 204 percent of such deposit may be used to promote and market the
 205 license plate.

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

209 (18) LARGEMOUTH BASS LICENSE PLATES.--

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

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

220 370.025 Marine fisheries; policy and standards.--

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

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

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

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

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

238 370.0603 Marine Resources Conservation Trust Fund;
 239 purposes.--

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

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

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

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

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

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

257 370.1105 Saltwater finfish; fishing traps regulated.--

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

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

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

266 370.12 Marine animals; regulation.--

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

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

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

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

282 370.13 Stone crab; regulation.--

283 (1) FEES AND EQUITABLE RENT.--

284 (b) Certificate fees.--

285 1. For each trap certificate issued by the commission under
 286 the requirements of the stone crab trap limitation program

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

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

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

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

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

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

322 (d) Equitable rent.--The commission may establish by rule
 323 an amount of equitable rent per trap certificate that may be
 324 recovered as partial compensation to the state for the enhanced
 325 access to its natural resources. In determining whether to
 326 establish such a rent and the amount thereof, the commission may
 327 consider the amount of revenues annually generated by endorsement
 328 fees, trap certificate fees, transfer fees, surcharges,
 329 replacement trap tag fees, trap retrieval fees, incidental take
 330 endorsement fees, and the continued economic viability of the
 331 commercial stone crab industry. A rule establishing an amount of
 332 equitable rent shall become effective only after approval by the
 333 Legislature ~~Final approval of such a rule shall be by the~~
 334 ~~Governor and Cabinet sitting as the Board of Trustees of the~~
 335 ~~Internal Improvement Trust Fund.~~

336 (e) Disposition of fees, surcharges, civil penalties and
 337 fines, and equitable rent.--Endorsement fees, trap certificate
 338 fees, transfer fees, civil penalties and fines, surcharges,
 339 replacement trap tag fees, trap retrieval fees, incidental take
 340 endorsement fees, and equitable rent, if any, must be deposited
 341 in the Marine Resources Conservation Trust Fund. Up to ~~Not more~~
 342 ~~than~~ 50 percent of the revenues generated under this section may
 343 be used for operation and administration of the stone crab trap

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344 limitation program. All ~~The~~ remaining revenues so generated must
345 ~~under this program~~ are to be used for trap retrieval, management
346 of the stone crab fishery, public education activities,
347 evaluation of the impact of trap reductions on the stone crab
348 fishery, and enforcement activities in support of the stone crab
349 trap limitation program.

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

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

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

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

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

372 c. For a third violation that occurs within 36 months of

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

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

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

385
 386 Any commercial harvester assessed an administrative penalty under
 387 this paragraph shall, within 30 calendar days after notification,
 388 pay the administrative penalty to the commission, or request an
 389 administrative hearing under ss. 120.569 and 120.57. The proceeds
 390 of all administrative penalties collected under this paragraph
 391 shall be deposited in the Marine Resources Conservation Trust
 392 Fund.

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

395 370.135 Blue crab; regulation.--

396 (1)~~(a)~~ No commercial harvester shall transport on the
 397 water, fish with or cause to be fished with, set, or place any
 398 trap designed for taking blue crabs unless such commercial
 399 harvester holds ~~is the holder of~~ a valid saltwater products
 400 license and restricted species endorsement issued under ~~pursuant~~
 401 ~~to~~ s. 370.06 and a blue crab endorsement issued under this

402 section. Each trap shall have the harvester's blue crab
 403 endorsement number permanently affixed to it. Each buoy attached
 404 to such a trap shall also have the harvester's blue crab
 405 endorsement ~~the trap has a current state~~ number permanently
 406 attached to the buoy. The blue crab endorsement ~~trap~~ number shall
 407 be affixed in legible figures at least 2 inches ~~1 inch~~ high on
 408 each buoy used. The saltwater products license must be on board
 409 the boat, and both the license and the crabs shall be subject to
 410 inspection at all times. ~~Only one trap number may be issued for~~
 411 ~~each boat by the commission upon receipt of an application on~~
 412 ~~forms prescribed by it.~~ This subsection shall not apply to an
 413 individual fishing with no more than five traps.

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

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

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

422
 423 ~~Any commercial harvester receiving a judicial disposition other~~
 424 ~~than dismissal or acquittal on a charge of willful molestation of~~
 425 ~~a trap, in addition to the penalties specified in s. 370.021,~~
 426 ~~shall lose all saltwater fishing privileges for a period of 24~~
 427 ~~calendar months.~~

428 ~~(c)1. It is unlawful for any person to remove the contents~~
 429 ~~of or take possession of another harvester's blue crab trap~~
 430 ~~without the express written consent of the trap owner available~~

431 ~~for immediate inspection. Unauthorized possession of another's~~
 432 ~~trap gear or removal of trap contents constitutes theft.~~

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

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

450 ~~2. A commercial harvester who violates this paragraph shall~~
 451 ~~be punished under s. 370.021. Any other person who violates this~~
 452 ~~paragraph commits a Level Two violation under s. 372.83.~~

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

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

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

467 ~~(c) If a person holding an active blue crab endorsement, or~~
468 ~~a member of that person's immediate family, does not request~~
469 ~~renewal of the endorsement before the applicable dates as~~
470 ~~specified in this subsection, the commission shall deactivate~~
471 ~~that endorsement.~~

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

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

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

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

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

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

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

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

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

516 (c) Equitable rent.--The commission may establish by rule
517 an amount of equitable rent that may be recovered as partial
518 compensation to the state for the enhanced access to its natural
519 resources. In determining whether to establish such a rent and
520 the amount thereof, the commission may consider the amount of
521 revenues annually generated by endorsement fees, trap tag fees,
522 replacement trap tag fees, trap retrieval fees, and the continued
523 economic viability of the commercial blue crab industry. A rule
524 establishing an amount of equitable rent shall become effective
525 only upon approval by act of the Legislature.

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

540 (e) Waiver of fees.--For the 2007-2008 license year, the
541 commission shall waive all fees under this subsection for all
542 persons who qualify by September 30, 2007, to participate in the
543 blue crab effort management program established by commission
544 rule.

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545 (4) (a) Untagged trap penalties.--By July 1, 2008, the
546 commission shall adopt by rule the administrative penalties
547 authorized by this subsection. In addition to any other penalties
548 provided in s. 370.021 for any blue crab endorsement holder who
549 violates commission rules requiring the placement of trap tags
550 for traps used for the directed harvest of blue crabs, the
551 following administrative penalties apply:

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

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

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

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

570
571 Any blue crab endorsement holder assessed an administrative
572 penalty under this paragraph shall, within 30 calendar days after

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573 notification, pay the administrative penalty to the commission or
574 request an administrative hearing under ss. 120.569 and 120.57.

575 (b) Trap theft; prohibitions and penalties.--It is unlawful
576 for any person to remove or take possession of the contents of
577 another harvester's blue crab trap without the express written
578 consent of the trap owner, which must be available for immediate
579 inspection. Unauthorized possession of another harvester's blue
580 crab trap gear or removal of trap contents constitutes theft.

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

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

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

601 (c) Criminal activities prohibited.--

602 1. It is unlawful for any commercial harvester or any other
603 person to:

604 a. Willfully molest any blue crab trap, line, or buoy that
605 is the property of any licenseholder without the permission of
606 that licenseholder.

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

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

612 d. Make, alter, forge, counterfeit, or reproduce a blue
613 crab trap tag.

614 e. Possess an altered, forged, counterfeit, or imitation
615 blue crab trap tag.

616 f. Possess a number of original trap tags or replacement
617 trap tags, the sum of which exceeds by 1 percent the number of
618 traps allowed by commission rules.

619 g. Engage in the commercial harvest of blue crabs while the
620 blue crab endorsements of the licenseholder are under suspension
621 or revocation.

622 2. Immediately upon receiving a citation involving a
623 violation of this paragraph and until adjudicated for such a
624 violation, a commercial harvester is prohibited from transferring
625 any blue crab endorsement.

626 3. A commercial harvester convicted of violating this
627 paragraph commits a felony of the third degree, punishable as
628 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
629 assessed an administrative penalty of up to \$5,000, and is
630 immediately prohibited from transferring any blue crab

631 endorsement. All blue crab endorsements issued to a commercial
632 harvester convicted of violating this paragraph may be suspended
633 for up to 24 calendar months.

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

636 (d) Endorsement transfers; fraudulent reports;
637 penalties.--For a commercial harvester convicted of fraudulently
638 reporting the actual value of transferred blue crab endorsements,
639 the commission may automatically suspend or permanently revoke
640 the seller's or the purchaser's blue crab endorsements. If the
641 endorsement is permanently revoked, the commission shall also
642 permanently deactivate the endorsement holder's blue crab trap
643 tag accounts.

644 (e) Prohibitions during endorsement suspension and
645 revocation.--During any period of suspension or after revocation
646 of a blue crab endorsement holder's endorsements, he or she
647 shall, within 15 days after notice provided by the commission,
648 remove from the water all traps subject to that endorsement.
649 Failure to do so shall extend the period of suspension for an
650 additional 6 calendar months.

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

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

656 (7) Subsections (3), (4), (5), and (6) shall expire on July
657 1, 2009, unless reenacted by the Legislature during the 2009
658 Regular Session.

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

661 370.14 Spiny lobster; regulation.--

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

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

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

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

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

694 (3) The spiny lobster endorsement license must be on board
 695 the boat, and both the endorsement license and the harvested
 696 spiny lobster shall be subject to inspection at all times. Only
 697 one endorsement license shall be issued for each boat. The spiny
 698 lobster endorsement license number must be prominently displayed
 699 above the topmost portion of the boat so as to be easily and
 700 readily identified.

701 Section 11. Section 370.1405, Florida Statutes, is amended
 702 to read:

703 370.1405 Spiny lobster ~~Crawfish~~ reports by dealers during
 704 closed season required.--

705 (1) Within 3 days after the commencement of the closed
 706 season for the taking of spiny lobster ~~saltwater crawfish~~, each
 707 and every seafood dealer, either retail or wholesale, intending
 708 to possess whole spiny lobster ~~crawfish~~, spiny lobster ~~crawfish~~
 709 tails, or spiny lobster ~~crawfish~~ meat during closed season shall
 710 submit to the Fish and Wildlife Conservation Commission, on forms
 711 provided by the commission, a sworn report of the quantity, in
 712 pounds, of ~~saltwater~~ whole spiny lobster ~~crawfish~~, spiny lobster
 713 ~~crawfish~~ tails, and spiny lobster ~~crawfish~~ meat in the dealer's
 714 name or possession as of the date the season closed. This report
 715 shall state the location and number of pounds of whole spiny
 716 lobster ~~crawfish~~, spiny lobster ~~crawfish~~ tails, and spiny lobster

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717 ~~erawfish~~ meat. The commission shall not accept any reports not
718 delivered or postmarked by midnight of the 3rd calendar day after
719 the commencement of the closed season, and any stocks of spiny
720 lobster ~~erawfish~~ reported therein are declared a nuisance and may
721 be seized by the commission.

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

738 (3) All dealers having reported stocks of spiny lobster
739 ~~erawfish~~ may sell or offer to sell such stocks of crawfish;
740 however, such dealers shall submit an additional report on the
741 last day of each month during the duration of the closed season.
742 Reports shall be made on forms supplied by the commission. Each
743 dealer shall state on this report the number of pounds brought
744 forward from the previous report period, the number of pounds
745 sold during the report period, the number of pounds, if any,

746 | acquired from a licensed wholesale dealer during the report
747 | period, and the number of pounds remaining on hand. In every
748 | case, the amount of spiny lobster ~~erawfish~~ sold plus the amount
749 | reported on hand shall equal the amount acquired plus the amount
750 | reported remaining on hand in the last submitted report. Copies
751 | of records or invoices documenting the number of pounds acquired
752 | during the closed season must be maintained by the wholesale or
753 | retail dealer and shall be kept available for inspection by the
754 | commission for a period not less than 3 years from the date of
755 | the recorded transaction. Reports postmarked later than midnight
756 | on the 3rd calendar day of each month during the duration of the
757 | closed season will not be accepted by the commission. Dealers for
758 | which late supplementary reports are not accepted by the
759 | commission must show just cause why their entire stock of whole
760 | spiny lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny
761 | lobster ~~erawfish~~ meat should not be seized by the commission.
762 | Whenever a dealer fails to timely submit the monthly
763 | supplementary report as described in this subsection, the dealer
764 | may be subject to the following civil penalties:

765 | (a) For a first violation, the commission shall assess a
766 | civil penalty of \$500.

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

770 | (c) For a third violation within the same spiny lobster
771 | ~~erawfish~~ closed season, the commission shall assess a civil
772 | penalty of \$2,500 and may seize said dealer's entire stock of
773 | whole spiny lobster ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or
774 | spiny lobster ~~erawfish~~ meat and carry the same before the court

775 for disposal. The dealer shall post a cash bond in the amount of
 776 the fair value of the entire remaining quantity of spiny lobster
 777 ~~erawfish~~ as determined by the judge. After posting the cash bond,
 778 a dealer shall have 24 hours to transport said products outside
 779 the limits of Florida for sale as provided by s. 370.061.
 780 Otherwise, the product shall be declared a nuisance and disposed
 781 of by the commission according to law.

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

786 (5) Each wholesale and retail dealer in whole spiny lobster
 787 ~~erawfish~~, spiny lobster ~~erawfish~~ tails, or spiny lobster ~~erawfish~~
 788 meat shall keep throughout the period of the spiny lobster
 789 ~~erawfish~~ closed season copies of the bill of sale or invoice
 790 covering each transaction involving whole spiny lobster ~~erawfish~~,
 791 spiny lobster ~~erawfish~~ tails, or spiny lobster ~~erawfish~~ meat.
 792 Such invoices and bills shall be kept available at all times for
 793 inspection by the commission.

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

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

799 370.142 Spiny lobster trap certificate program.--

800 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
 801 PENALTIES.--The Fish and Wildlife Conservation Commission shall
 802 establish a trap certificate program for the spiny lobster

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803 fishery of this state and shall be responsible for its
804 administration and enforcement as follows:

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

810 1. ~~The Department of Environmental Protection shall~~
811 ~~initially allot such certificates to each licenseholder with a~~
812 ~~current crawfish trap number who uses traps. The number of such~~
813 ~~certificates allotted to each such licenseholder shall be based~~
814 ~~on the trap/catch coefficient established pursuant to trip ticket~~
815 ~~records generated under the provisions of s. 370.06(2) over a 3-~~
816 ~~year base period ending June 30, 1991. The trap/catch coefficient~~
817 ~~shall be calculated by dividing the sum of the highest reported~~
818 ~~single license year landings up to a maximum of 30,000 pounds for~~
819 ~~each such licenseholder during the base period by 700,000. Each~~
820 ~~such licenseholder shall then be allotted the number of~~
821 ~~certificates derived by dividing his or her highest reported~~
822 ~~single license year landings up to a maximum of 30,000 pounds~~
823 ~~during the base period by the trap/catch coefficient.~~
824 ~~Nevertheless, no licenseholder with a current crawfish trap~~
825 ~~number shall be allotted fewer than 10 certificates. However,~~
826 ~~certificates may only be issued to individuals; therefore, all~~
827 ~~licenseholders other than individual licenseholders shall~~
828 ~~designate the individual or individuals to whom their~~
829 ~~certificates will be allotted and the number thereof to each, if~~
830 ~~more than one. After initial issuance, Trap certificates are~~
831 transferable on a market basis and may be transferred from one

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832 licenseholder to another for a fair market value agreed upon
833 between the transferor and transferee. Each such transfer shall,
834 within 72 hours thereof, be recorded on a notarized form provided
835 for that purpose by the Fish and Wildlife Conservation Commission
836 and hand delivered or sent by certified mail, return receipt
837 requested, to the commission for recordkeeping purposes. ~~In~~
838 ~~addition,~~ In order to cover the added administrative costs of the
839 program and to recover an equitable natural resource rent for the
840 people of the state, a transfer fee of \$2 per certificate
841 transferred shall be assessed against the purchasing
842 licenseholder and sent by money order or cashier's check with the
843 certificate transfer form. Also, in addition to the transfer fee,
844 a surcharge of \$5 per certificate transferred or 25 percent of
845 the actual market value, whichever is greater, given to the
846 transferor shall be assessed the first time a certificate is
847 transferred outside the original transferor's immediate family.
848 No transfer of a certificate shall be effective until the
849 commission receives the notarized transfer form and the transfer
850 fee, including any surcharge, is paid. The commission may
851 establish by rule an amount of equitable rent per trap
852 certificate that shall be recovered as partial compensation to
853 the state for the enhanced access to its natural resources. A
854 rule establishing an amount of equitable rent shall become
855 effective only after approval by the Legislature ~~Final approval~~
856 ~~of such a rule shall be by the Governor and Cabinet sitting as~~
857 ~~the Board of Trustees of the Internal Improvement Trust Fund.~~ In
858 determining whether to establish such a rent and, if so, the
859 amount thereof, the commission shall consider the amount of
860 revenues annually generated by certificate fees, transfer fees,

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861 surcharges, trap license fees, and sales taxes, the demonstrated
862 fair market value of transferred certificates, and the continued
863 economic viability of the commercial lobster industry. All ~~The~~
864 proceeds of equitable rent recovered shall be deposited in the
865 Marine Resources Conservation Trust Fund and used by the
866 commission for research, management, and protection of the spiny
867 lobster fishery and habitat. A transfer fee may not be assessed
868 or required when the transfer is within a family as a result of
869 the death or disability of the certificate owner. A surcharge
870 will not be assessed for any transfer within an individual's
871 immediate family.

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

875 3. The commission shall maintain records of all
876 certificates and their transfers and shall annually provide each
877 licenseholder with a statement of certificates held.

878 4. The number of trap tags issued annually to each
879 licenseholder shall not exceed the number of certificates held by
880 the licenseholder at the time of issuance, and such tags and a
881 statement of certificates held shall be issued simultaneously.

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

885 (b) Trap tags.--Each trap used to take or attempt to take
886 spiny lobsters in state waters or adjacent federal waters shall,
887 in addition to the spiny lobster endorsement ~~crayfish trap~~ number
888 required by s. 370.14(2), have affixed thereto an annual trap tag
889 issued by the commission. Each such tag shall be made of durable

890 plastic or similar material and shall, based on the number of
891 certificates held, have stamped thereon the owner's license
892 number. To facilitate enforcement and recordkeeping, such tags
893 shall be issued each year in a color different from that of each
894 of the previous 3 years. The annual certificate fee shall be \$1
895 per certificate. Replacement tags for lost or damaged tags may be
896 obtained as provided by rule of the commission. In the event of a
897 major natural disaster, such as a hurricane or major storm, that
898 causes massive trap losses within an area declared by the
899 Governor to be a disaster emergency area, the commission may
900 temporarily defer or waive replacement tag fees.

901 (c) Prohibitions; penalties.--

902 1. It is unlawful for a person to possess or use a spiny
903 lobster trap in or on state waters or adjacent federal waters
904 without having affixed thereto the trap tag required by this
905 section. It is unlawful for a person to possess or use any other
906 gear or device designed to attract and enclose or otherwise aid
907 in the taking of spiny lobster by trapping that is not a trap as
908 defined by commission rule.

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

912 3. It is unlawful for any person to willfully molest, take
913 possession of, or remove the contents of another harvester's
914 spiny lobster trap without the express written consent of the
915 trap owner available for immediate inspection. Unauthorized
916 possession of another's trap gear or removal of trap contents
917 constitutes theft.

918 a. A commercial harvester who violates this subparagraph
 919 shall be punished under ss. 370.021 and 370.14. Any commercial
 920 harvester receiving a judicial disposition other than dismissal
 921 or acquittal on a charge of theft of or from a trap pursuant to
 922 this subparagraph or s. 370.1107 shall, in addition to the
 923 penalties specified in ss. 370.021 and 370.14 and the provisions
 924 of this section, permanently lose all his or her saltwater
 925 fishing privileges, including his or her saltwater products
 926 license, spiny lobster endorsement, and all trap certificates
 927 allotted to him or her through this program. In such cases, trap
 928 certificates and endorsements are nontransferable.

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

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

939
 940 Immediately upon receiving a citation for a violation involving
 941 theft of or from a trap, or molestation of a trap, and until
 942 adjudicated for such a violation or, upon receipt of a judicial
 943 disposition other than dismissal or acquittal of such a
 944 violation, the commercial harvester ~~person, firm, or corporation~~
 945 committing the violation is prohibited from transferring any
 946 spiny lobster trap certificates and endorsements.

947 4. In addition to any other penalties provided in s.
948 370.021, a commercial harvester who violates the provisions of
949 this section or commission rules relating to spiny lobster traps
950 shall be punished as follows:

951 a. If the first violation is for violation of subparagraph
952 1. or subparagraph 2., the commission shall assess an additional
953 administrative penalty of up to \$1,000 ~~and the spiny lobster trap~~
954 ~~number issued pursuant to s. 370.14(2) or (6) may be suspended~~
955 ~~for the remainder of the current license year. For all other~~
956 ~~first violations, the commission shall assess an additional~~
957 ~~administrative penalty of up to \$500.~~

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

965 c. For a third or subsequent violation of subparagraph 1.,
966 subparagraph 2., or subparagraph 3. which occurs within 36 months
967 of any previous two such violations, the commission shall assess
968 an additional administrative penalty of up to \$5,000 and may
969 suspend the spiny lobster endorsement trap number issued under
970 ~~pursuant to~~ s. 370.14(2) or (6) for a period of up to 24 months
971 or may revoke the spiny lobster endorsement trap number and, if
972 revoking the spiny lobster endorsement trap number, may also
973 proceed against the licenseholder's saltwater products license in
974 accordance with the provisions of s. 370.021(2)(h).

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

978 | (I) Pay the administrative penalty to the commission; or

979 | (II) Request an administrative hearing pursuant to the
 980 | provisions of ss. 120.569 and 120.57.

981 | e. The commission shall suspend the spiny lobster
 982 | endorsement ~~trap number~~ issued under ~~pursuant to~~ s. 370.14(2) or
 983 | (6) for any person failing to comply with the provisions of sub-
 984 | subparagraph d.

985 | 5.a. It is unlawful for any person to make, alter, forge,
 986 | counterfeit, or reproduce a spiny lobster trap tag or
 987 | certificate.

988 | b. It is unlawful for any person to knowingly have in his
 989 | or her possession a forged, counterfeit, or imitation spiny
 990 | lobster trap tag or certificate.

991 | c. It is unlawful for any person to barter, trade, sell,
 992 | supply, agree to supply, aid in supplying, or give away a spiny
 993 | lobster trap tag or certificate or to conspire to barter, trade,
 994 | sell, supply, aid in supplying, or give away a spiny lobster trap
 995 | tag or certificate unless such action is duly authorized by the
 996 | commission as provided in this chapter or in the rules of the
 997 | commission.

998 | 6.a. Any commercial harvester who violates the provisions
 999 | of subparagraph 5., or any commercial harvester who engages in
 1000 | the commercial harvest, trapping, or possession of spiny lobster
 1001 | without a spiny lobster endorsement ~~trap number~~ as required by s.
 1002 | 370.14(2) or (6) or during any period while such spiny lobster
 1003 | endorsement ~~trap number~~ is under suspension or revocation,

1004 commits a felony of the third degree, punishable as provided in
 1005 s. 775.082, s. 775.083, or s. 775.084.

1006 b. In addition to any penalty imposed pursuant to sub-
 1007 subparagraph a., the commission shall levy a fine of up to twice
 1008 the amount of the appropriate surcharge to be paid on the fair
 1009 market value of the transferred certificates, as provided in
 1010 subparagraph (a)1., on any commercial harvester who violates the
 1011 provisions of sub-subparagraph 5.c.

1012 c. In addition to any penalty imposed pursuant to sub-
 1013 subparagraph a., any commercial harvester receiving any judicial
 1014 disposition other than acquittal or dismissal for a violation of
 1015 subparagraph 5. shall be assessed an administrative penalty of up
 1016 to \$5,000, and the spiny lobster endorsement under which the
 1017 violation was committed may be suspended for up to 24 calendar
 1018 months. Immediately upon issuance of a citation involving a
 1019 violation of subparagraph 5. and until adjudication of such a
 1020 violation, and after receipt of any judicial disposition other
 1021 than acquittal or dismissal for such a violation, the commercial
 1022 harvester holding the spiny lobster endorsement listed on the
 1023 citation is prohibited from transferring any spiny lobster trap
 1024 certificates.

1025 ~~d.e.~~ Any other person who violates the provisions of
 1026 subparagraph 5. commits a Level Four violation under s. 372.83.

1027 7. Any certificates for which the annual certificate fee is
 1028 not paid for a period of 3 years shall be considered abandoned
 1029 and shall revert to the commission. During any period of trap
 1030 reduction, any certificates reverting to the commission shall
 1031 become permanently unavailable and be considered in that amount
 1032 to be reduced during the next license-year period. Otherwise, any

1033 certificates that revert to the commission are to be reallocated
 1034 in such manner as provided by the commission.

1035 8. The proceeds of all administrative ~~civil~~ penalties
 1036 collected pursuant to subparagraph 4. and all fines collected
 1037 pursuant to sub-subparagraph 6.b. shall be deposited into the
 1038 Marine Resources Conservation Trust Fund.

1039 9. All traps shall be removed from the water during any
 1040 period of suspension or revocation.

1041 10. Except as otherwise provided, any person who violates
 1042 this paragraph commits a Level Two violation under s. 372.83.

1043 (d) No vested rights.--The trap certificate program shall
 1044 not create vested rights in licenseholders whatsoever and may be
 1045 altered or terminated as necessary to protect the spiny lobster
 1046 resource, the participants in the fishery, or the public
 1047 interest.

1048 Section 13. Section 370.143, Florida Statutes, is amended
 1049 to read:

1050 370.143 Retrieval of spiny lobster, ~~crayfish,~~ and stone
 1051 crab, blue crab, and black sea bass traps during closed season;
 1052 commission authority; fees.--

1053 (1) The Fish and Wildlife Conservation Commission is
 1054 authorized to implement a trap retrieval program for retrieval of
 1055 spiny lobster, ~~crayfish,~~ and stone crab, blue crab, and black sea
 1056 bass traps remaining in the water during the closed season for
 1057 each species. The commission is authorized to contract with
 1058 outside agents for the program operation.

1059 (2) A retrieval fee of \$10 per trap retrieved shall be
 1060 assessed trap owners. However, for each person holding a spiny
 1061 lobster endorsement, ~~crayfish stamp number~~ or a stone crab

1062 endorsement, or a blue crab endorsement issued under rule of the
 1063 commission, the retrieval fee shall be waived for the first five
 1064 traps retrieved. Traps recovered under this program shall become
 1065 the property of the commission or its contract agent, as
 1066 determined by the commission, and shall be either destroyed or
 1067 resold to the original owner. Revenue from retrieval fees shall
 1068 be deposited in the Marine Resources Conservation Trust Fund and
 1069 used solely for operation of the trap retrieval program.

1070 (3) Payment of all assessed retrieval fees shall be
 1071 required prior to renewal of the trap owner's saltwater products
 1072 license ~~and stone crab and or crawfish endorsements~~. Retrieval
 1073 fees assessed under this program shall stand in lieu of other
 1074 penalties imposed for such trap violations.

1075 (4) In the event of a major natural disaster, such as a
 1076 hurricane or major storm, that causes massive trap losses within
 1077 an area declared by the Governor to be a disaster emergency area,
 1078 the commission shall waive trap retrieval fees ~~In the event of a~~
 1079 ~~major natural disaster in an area declared by the Governor to be~~
 1080 ~~a disaster emergency area, such as a hurricane or major storm~~
 1081 ~~causing massive trap losses, the commission shall waive the trap~~
 1082 ~~retrieval fee.~~

1083 Section 14. Section 372.09, Florida Statutes, is amended to
 1084 read:

1085 372.09 State Game Trust Fund.--The funds resulting from the
 1086 operation of the commission and from the administration of the
 1087 laws and regulations pertaining to birds, game, fur-bearing
 1088 animals, freshwater fish, reptiles, and amphibians, together with
 1089 any other funds specifically provided for such purposes shall
 1090 constitute the State Game Trust Fund and shall be used by the

1091 commission as it shall deem fit in carrying out the provisions
 1092 hereof and for no other purposes, except that annual use fees
 1093 deposited into the trust fund from the sale of the Largemouth
 1094 Bass license plate may be expended for the purposes provided
 1095 under s. 320.08058(18). The commission may not obligate itself
 1096 beyond the current resources of the State Game Trust Fund unless
 1097 specifically so authorized by the Legislature.

1098 Section 15. Subsection (2) of section 372.562, Florida
 1099 Statutes, is amended to read:

1100 372.562 Recreational licenses and permits; exemptions from
 1101 fees and requirements.--

1102 (2) A hunting, freshwater fishing, or saltwater fishing
 1103 license or permit is not required for:

1104 (a) Any child under 16 years of age, except as otherwise
 1105 provided in this chapter.

1106 (b) Any person hunting or freshwater fishing on her or his
 1107 homestead property, or on the homestead property of the person's
 1108 spouse or minor child; or any minor child hunting or freshwater
 1109 fishing on the homestead property of her or his parent.

1110 (c) Any resident who is a member of the United States Armed
 1111 Forces and not stationed in this state, when home on leave for 30
 1112 days or less, upon submission of orders.

1113 (d) Any resident freshwater fishing for recreational
 1114 purposes only, within her or his county of residence with live or
 1115 natural bait, using poles or lines not equipped with a fishing
 1116 line retrieval mechanism. This exemption does not apply to
 1117 residents fishing in, ~~except on~~ a legally established fish
 1118 management area.

1119 (e) Any person freshwater fishing in a fish pond of 20
 1120 acres or less that is located entirely within the private
 1121 property of the fish pond owner.

1122 (f) Any person freshwater fishing in a fish pond that is
 1123 licensed in accordance with s. 372.5705.

1124 (g) Any person fishing who has been accepted as a client
 1125 for developmental disabilities services by the Department of
 1126 Children and Family Services, provided the department furnishes
 1127 proof thereof.

1128 (h) Any resident saltwater fishing ~~in salt water~~ from land
 1129 or from a structure fixed to the land.

1130 (i) Any person saltwater fishing from a vessel licensed
 1131 pursuant to s. 372.57(7).

1132 (j) Any person saltwater fishing from a vessel the operator
 1133 of which is licensed pursuant to s. 372.57(7).

1134 (k) Any person saltwater fishing who holds a valid
 1135 saltwater products license issued under s. 370.06(2).

1136 (l) Any person saltwater fishing for recreational purposes
 1137 from a pier licensed under s. 372.57.

1138 (m) Any resident fishing for a saltwater species in fresh
 1139 water from land or from a structure fixed to land.

1140 (n) Any resident fishing for mullet in fresh water who has
 1141 a valid Florida freshwater fishing license.

1142 (o) Any resident 65 years of age or older who has in her or
 1143 his possession proof of age and residency. A no-cost license
 1144 under this paragraph may be obtained from any tax collector's
 1145 office upon proof of age and residency and must be in the
 1146 possession of the resident during hunting, freshwater fishing,
 1147 and saltwater fishing activities.

1148 (p) Any employee of the commission who takes freshwater
 1149 fish, saltwater fish, or game as part of employment with the
 1150 commission, or any other person authorized by commission permit
 1151 to take freshwater fish, saltwater fish, or game for scientific
 1152 or educational purposes.

1153 (q) Any resident recreationally freshwater fishing who
 1154 holds a valid commercial fishing license issued under s.
 1155 372.65(1) (a).

1156 Section 16. Effective October 1, 2007, subsections (4) and
 1157 (5), paragraphs (a), (b), (c), and (h) of subsection (8),
 1158 subsection (9), and paragraph (c) of subsection (10) of section
 1159 372.57, Florida Statutes, are amended to read:

1160 372.57 Recreational licenses, permits, and authorization
 1161 numbers; fees established.--

1162 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
 1163 and fees for residents participating in hunting and fishing
 1164 activities in this state are as follows:

1165 (a) Annual freshwater fishing license, \$15.50 ~~\$12~~.

1166 (b) Annual saltwater fishing license, \$15.50 ~~\$12~~.

1167 (c) Annual hunting license to take game, \$15.50 ~~\$11~~.

1168 (d) Annual combination hunting and freshwater fishing
 1169 license, \$31 ~~\$22~~.

1170 (e) Annual combination freshwater fishing and saltwater
 1171 fishing license, \$31 ~~\$24~~.

1172 (f) Annual combination hunting, freshwater fishing, and
 1173 saltwater fishing license, \$46.50 ~~\$34~~.

1174 (g) Annual license to take fur-bearing animals, \$25.

1175 However, a resident with a valid hunting license or a no-cost
 1176 license who is taking fur-bearing animals for noncommercial

1177 | purposes using guns or dogs only, and not traps or other devices,
 1178 | is not required to purchase this license. Also, a resident 65
 1179 | years of age or older is not required to purchase this license.

1180 | (h) Annual sportsman's license, \$79 ~~\$71~~, except that an
 1181 | annual sportsman's license for a resident 64 years of age or
 1182 | older is \$12. A sportsman's license authorizes the person to whom
 1183 | it is issued to take game and freshwater fish, subject to the
 1184 | state and federal laws, rules, and regulations, including rules
 1185 | of the commission, in effect at the time of the taking. Other
 1186 | authorized activities include activities authorized by a
 1187 | management area permit, a muzzle-loading gun season permit, a
 1188 | crossbow season permit, a turkey permit, a Florida waterfowl
 1189 | permit, and an archery season permit.

1190 | (i) Annual gold sportsman's license, \$98.50 ~~\$87~~. The gold
 1191 | sportsman's license authorizes the person to whom it is issued to
 1192 | take freshwater fish, saltwater fish, and game, subject to the
 1193 | state and federal laws, rules, and regulations, including rules
 1194 | of the commission, in effect at the time of taking. Other
 1195 | authorized activities include activities authorized by a
 1196 | management area permit, a muzzle-loading gun season permit, a
 1197 | crossbow season permit, a turkey permit, a Florida waterfowl
 1198 | permit, an archery season permit, a snook permit, and a spiny
 1199 | lobster permit.

1200 | (j) Annual military gold sportsman's license, \$18.50. The
 1201 | gold sportsman's license authorizes the person to whom it is
 1202 | issued to take freshwater fish, saltwater fish, and game, subject
 1203 | to the state and federal laws, rules, and regulations, including
 1204 | rules of the commission, in effect at the time of taking. Other
 1205 | authorized activities include activities authorized by a

1206 management area permit, a muzzle-loading gun season permit, a
 1207 crossbow season permit, a turkey permit, a Florida waterfowl
 1208 permit, an archery season permit, a snook permit, and a spiny
 1209 lobster permit. Any resident who is an active or retired member
 1210 of the United States Armed Forces, the United States Armed Forces
 1211 Reserve, the National Guard, the United States Coast Guard, or
 1212 the United States Coast Guard Reserve is eligible to purchase the
 1213 military gold sportsman's license upon submission of a current
 1214 military identification card.

1215 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The licenses
 1216 and fees for nonresidents participating in hunting and fishing
 1217 activities in the state are as follows:

1218 (a) Freshwater fishing license to take freshwater fish for
 1219 3 consecutive days, \$15.50.

1220 (b)~~(a)~~ Freshwater fishing license to take freshwater fish
 1221 for 7 consecutive days, \$28.50 ~~\$15.~~

1222 (c)~~(b)~~ Saltwater fishing license to take saltwater fish for
 1223 3 consecutive days, \$15.50 ~~\$5.~~

1224 (d)~~(e)~~ Saltwater fishing license to take saltwater fish for
 1225 7 consecutive days, \$28.50 ~~\$15.~~

1226 (e)~~(d)~~ Annual freshwater fishing license, \$45.50 ~~\$30.~~

1227 (f)~~(e)~~ Annual saltwater fishing license, \$45.50 ~~\$30.~~

1228 (g)~~(f)~~ Hunting license to take game for 10 consecutive
 1229 days, \$45.

1230 (h)~~(g)~~ Annual hunting license to take game, \$150.

1231 (i)~~(h)~~ Annual license to take fur-bearing animals, \$25.

1232 However, a nonresident with a valid Florida hunting license who
 1233 is taking fur-bearing animals for noncommercial purposes using

1234 guns or dogs only, and not traps or other devices, is not
 1235 required to purchase this license.

1236 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
 1237 PERMITS.--In addition to any license required under this chapter,
 1238 the following permits and fees for specified hunting, fishing,
 1239 and recreational uses and activities are required:

1240 (a) An annual Florida waterfowl permit for a resident or
 1241 nonresident to take wild ducks or geese within the state or its
 1242 coastal waters is \$10 ~~\$3~~.

1243 (b)1. An annual Florida turkey permit for a resident to
 1244 take wild turkeys within the state is \$10 ~~\$5~~.

1245 2. An annual Florida turkey permit for a nonresident to
 1246 take wild turkeys within the state is \$100.

1247 (c) An annual snook permit for a resident or nonresident to
 1248 take or possess any snook from any waters of the state is \$10 ~~\$2~~.
 1249 Twenty percent of revenues ~~Revenue~~ generated from the sale of
 1250 snook permits shall be used exclusively for programs to benefit
 1251 the snook population.

1252 (h)1. A recreational user permit is required to hunt on,
 1253 fish on, or otherwise use for outdoor recreational purposes land
 1254 leased by the commission from private nongovernmental owners,
 1255 except for those lands located directly north of the Apalachicola
 1256 National Forest, east of the Ochlocknee River until the point the
 1257 river meets the dam forming Lake Talquin, and south of the
 1258 closest federal highway. The fee for a recreational user permit
 1259 shall be based upon the economic compensation desired by the
 1260 landowner, game population levels, desired hunter density, and
 1261 administrative costs. The permit fee shall be set by commission
 1262 rule on a per-acre basis. The recreational user permit fee, less

1263 administrative costs of up to \$25 per permit, shall be remitted
 1264 to the landowner as provided in the lease agreement for each
 1265 area.

1266 2. One minor dependent, under 16 years of age ~~or younger,~~
 1267 may hunt under the supervision of the permittee and is exempt
 1268 from the recreational user permit requirements. The spouse and
 1269 dependent children of a permittee are exempt from the
 1270 recreational user permit requirements when engaged in outdoor
 1271 recreational activities other than hunting and when accompanied
 1272 by a permittee. Notwithstanding any other provision of this
 1273 chapter, no other exclusions, exceptions, or exemptions from the
 1274 recreational user permit fee are authorized.

1275 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

1276 (a) Five-year licenses are available for residents only, as
 1277 follows:

1278 1. A 5-year freshwater fishing or saltwater fishing license
 1279 is \$77.50 ~~\$60~~ for each type of license and authorizes the person
 1280 to whom the license is issued to take or attempt to take or
 1281 possess freshwater fish or saltwater fish consistent with the
 1282 state and federal laws and regulations and rules of the
 1283 commission in effect at the time of taking.

1284 2. A 5-year hunting license is \$77.50 ~~\$55~~ and authorizes
 1285 the person to whom it is issued to take or attempt to take or
 1286 possess game consistent with the state and federal laws and
 1287 regulations and rules of the commission in effect at the time of
 1288 taking.

1289 3. The commission is authorized to sell the hunting,
 1290 fishing, and recreational activity permits authorized in
 1291 subsection (8) for a 5-year period to match the purchase of 5-

1292 year fishing and hunting licenses. The fee for each permit issued
 1293 under this paragraph shall be five times the annual cost
 1294 established in subsection (8).

1295 (b) Proceeds from the sale of all 5-year licenses and
 1296 permits shall be deposited into the Dedicated License Trust Fund,
 1297 to be distributed in accordance with the provisions of s.
 1298 372.106.

1299 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
 1300 LICENSES.--

1301 (c) The following activities are authorized by the purchase
 1302 of a lifetime saltwater fishing license:

1303 1. Taking, or attempting to take or possess, saltwater fish
 1304 consistent with the state and federal laws and regulations and
 1305 rules of the commission in effect at the time of the taking.

1306 2. All activities authorized by a snook permit and a spiny
 1307 lobster ~~crayfish~~ permit.

1308 3. All activities for which an additional license, permit,
 1309 or fee is required to take or attempt to take or possess
 1310 saltwater fish, which additional license, permit, or fee was
 1311 imposed subsequent to the date of the purchase of the lifetime
 1312 saltwater fishing license.

1313 Section 17. Paragraph (d) is added to subsection (2) of
 1314 section 372.672, Florida Statutes, to read:

1315 372.672 Florida Panther Research and Management Trust
 1316 Fund.--

1317 (2) Money from the fund shall be spent only for the
 1318 following purposes:

1319 (d) To promote and market the Florida panther license plate
 1320 authorized under s. 320.08058.

1321 Section 18. Subsection (1) of section 861.021, Florida
 1322 Statutes, is amended to read:

1323 861.021 Obstructing channels; misdemeanor.--

1324 (1) It is unlawful for any person to place any spiny
 1325 lobster ~~erawfish~~, crab, or fish trap or set net or other similar
 1326 device with a buoy or marker attached so that said buoy or marker
 1327 obstructs the navigation of boats in channels of the waters of
 1328 the state which are marked by, and which markers are continuously
 1329 maintained by, the Coast Guard of the United States.

1330 Section 19. Section 372.571, Florida Statutes, is amended
 1331 to read:

1332 372.571 Expiration of licenses and permits.--Each license
 1333 or permit issued under this chapter must be dated when issued.
 1334 Each license or permit issued under this chapter remains valid
 1335 for 12 months after the date of issuance, except for a lifetime
 1336 license issued pursuant to s. 372.57 which is valid from the date
 1337 of issuance until the death of the individual to whom the license
 1338 is issued unless otherwise revoked in accordance with s. 372.83
 1339 or s. 372.99, or a 5-year license issued pursuant to s. 372.57
 1340 which is valid for 5 consecutive years from the date of purchase
 1341 unless otherwise revoked in accordance with s. 372.83 or s.
 1342 372.99, or a license issued pursuant to s. 372.57(5)(a), (b),
 1343 (c), (d), or (g) ~~(f)~~ or (8)(f), ~~or (g)2.~~, or (h)1., which is
 1344 valid for the period specified on the license. A resident
 1345 lifetime license or a resident 5-year license that has been
 1346 purchased by a resident of this state and who subsequently
 1347 resides in another state shall be honored for activities
 1348 authorized by that license.

1349 Section 20. Subsection (2) of section 372.661, Florida
 1350 Statutes, is amended to read:

1351 372.661 Private hunting preserve license fees; exception.--

1352 (2) A commercial hunting preserve license, which shall
 1353 exempt patrons of licensed preserves from the license and permit
 1354 requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j);
 1355 (5)~~(f)~~ and (g) and (h); (8)(a), (b), and (e); (9)(a)2.; (11); and
 1356 (12) while hunting on the licensed preserve property, shall be
 1357 \$500. Such commercial hunting preserve license shall be available
 1358 only to those private hunting preserves licensed pursuant to this
 1359 section which are operated exclusively for commercial purposes,
 1360 which are open to the public, and for which a uniform fee is
 1361 charged to patrons for hunting privileges.

1362 Section 21. Paragraph (a) of subsection (2) and paragraph
 1363 (a) of subsection (4) of section 372.83, Florida Statutes, are
 1364 amended to read:

1365 372.83 Penalties and violations; civil penalties for
 1366 noncriminal infractions; criminal penalties; suspension and
 1367 forfeiture of licenses and permits.--

1368 (2)(a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 1369 violation if he or she violates any of the following provisions:

1370 1. Rules or orders of the commission relating to seasons or
 1371 time periods for the taking of wildlife, freshwater fish, or
 1372 saltwater fish.

1373 2. Rules or orders of the commission establishing bag,
 1374 possession, or size limits or restricting methods of taking
 1375 wildlife, freshwater fish, or saltwater fish.

1376 3. Rules or orders of the commission prohibiting access or
 1377 otherwise relating to access to wildlife management areas or
 1378 other areas managed by the commission.

1379 4. Rules or orders of the commission relating to the
 1380 feeding of wildlife, freshwater fish, or saltwater fish.

1381 5. Rules or orders of the commission relating to landing
 1382 requirements for freshwater fish or saltwater fish.

1383 6. Rules or orders of the commission relating to restricted
 1384 hunting areas, critical wildlife areas, or bird sanctuaries.

1385 7. Rules or orders of the commission relating to tagging
 1386 requirements for game and fur-bearing animals.

1387 8. Rules or orders of the commission relating to the use of
 1388 dogs for the taking of game.

1389 9. Rules or orders of the commission which are not
 1390 otherwise classified.

1391 10. All prohibitions in chapter 370 which are not otherwise
 1392 classified.

1393 11. Section 370.028, prohibiting the violation of or
 1394 noncompliance with commission rules.

1395 12. Section 370.021(6) prohibiting the sale, purchase,
 1396 harvest, or attempted harvest of any saltwater product with
 1397 intent to sell.

1398 13. Section 370.08, prohibiting the obstruction of
 1399 waterways with net gear.

1400 14. Section 370.1105, prohibiting the unlawful use of
 1401 finfish traps.

1402 15. Section 370.1121, prohibiting the unlawful taking of
 1403 bonefish.

1404 16. Section 370.13(2)(a) and (b), prohibiting the
 1405 possession or use of stone crab traps without trap tags and theft
 1406 of trap contents or gear.

1407 17. Section 370.135(4)(b)~~(1)(e)~~, prohibiting the theft of
 1408 blue crab trap contents or trap gear.

1409 18. Section 370.142(2)(c), prohibiting the possession or
 1410 use of spiny lobster traps without trap tags or certificates and
 1411 theft of trap contents or trap gear.

1412 19. Section 372.5704, prohibiting the possession of tarpon
 1413 without purchasing a tarpon tag.

1414 20. Section 372.667, prohibiting the feeding or enticement
 1415 of alligators or crocodiles.

1416 21. Section 372.705, prohibiting the intentional harassment
 1417 of hunters, fishers, or trappers.

1418 (4)(a) LEVEL FOUR VIOLATIONS.--A person commits a Level
 1419 Four violation if he or she violates any of the following
 1420 provisions:

1421 1. Section 370.13(2)(c), prohibiting criminal activities
 1422 relating to the taking of stone crabs.

1423 2. Section 370.135(4)(c)~~(1)(b)~~, prohibiting criminal
 1424 activities relating to the taking and harvesting of blue crabs
 1425 ~~the willful molestation of blue crab gear.~~

1426 3. Section 370.14(4), prohibiting the willful molestation
 1427 of spiny lobster gear.

1428 4. Section 370.142(2)(c)5., prohibiting the unlawful
 1429 reproduction, possession, sale, trade, or barter of spiny lobster
 1430 trap tags or certificates.

1431 5. Section 372.57(16), prohibiting the making, forging,
 1432 counterfeiting, or reproduction of a recreational license or
 1433 possession of same without authorization from the commission.

1434 6. Section 372.99(5), prohibiting the sale of illegally-
 1435 taken deer or wild turkey.

1436 7. Section 372.99022, prohibiting the molestation or theft
 1437 of freshwater fishing gear.

1438 Section 22. For the purpose of incorporating the amendment
 1439 made by this act to section 372.57, Florida Statutes, in
 1440 references thereto, subsection (1) of section 372.5712, Florida
 1441 Statutes, is reenacted to read:

1442 372.5712 Florida waterfowl permit revenues.--

1443 (1) The commission shall expend the revenues generated from
 1444 the sale of the Florida waterfowl permit as provided in s.
 1445 372.57(8)(a) or that pro rata portion of any license that
 1446 includes waterfowl hunting privileges, as provided in s.
 1447 372.57(4)(h), (i), and (j) and (9)(a)3. as follows: A maximum of
 1448 5 percent of the gross revenues shall be expended for
 1449 administrative costs; a maximum of 25 percent of the gross
 1450 revenues shall be expended for waterfowl research approved by the
 1451 commission; and a maximum of 70 percent of the gross revenues
 1452 shall be expended for projects approved by the commission, in
 1453 consultation with the Waterfowl Advisory Council, for the purpose
 1454 of protecting and propagating migratory waterfowl and for the
 1455 development, restoration, maintenance, and preservation of
 1456 wetlands within the state.

1457 Section 23. For the purpose of incorporating the amendment
 1458 made by this act to section 372.57, Florida Statutes, in

1459 references thereto, subsection (1) of section 372.5715, Florida
 1460 Statutes, is reenacted to read:

1461 372.5715 Florida wild turkey permit revenues.--

1462 (1) The commission shall expend the revenues generated from
 1463 the sale of the turkey permit as provided for in s. 372.57(8)(b)
 1464 or that pro rata portion of any license that includes turkey
 1465 hunting privileges as provided for in s. 372.57(4)(h), (i), and
 1466 (j) for research and management of wild turkeys.

1467 Section 24. For the purpose of incorporating the amendment
 1468 made by this act to section 372.57, Florida Statutes, in
 1469 references thereto, section 372.573, Florida Statutes, is
 1470 reenacted to read:

1471 372.573 Management area permit revenues.--The commission
 1472 shall expend the revenue generated from the sale of the
 1473 management area permit as provided for in s. 372.57(8)(g) or that
 1474 pro rata portion of any license that includes management area
 1475 privileges as provided for in s. 372.57(4)(h), (i), and (j) for
 1476 the lease, management, and protection of lands for public
 1477 hunting, fishing, and other outdoor recreation.

1478 Section 25. For the purpose of incorporating the amendment
 1479 made by this act to section 320.08058, Florida Statutes, in a
 1480 reference thereto, paragraph (c) of subsection (1) of section
 1481 380.511, Florida Statutes, is reenacted to read:

1482 380.511 Florida Communities Trust Fund.--

1483 (1) There is created the Florida Communities Trust Fund as
 1484 a nonlapsing, revolving fund for projects, activities,
 1485 acquisitions, and operating expenses necessary to carry out this
 1486 part. The fund shall be held and administered by the trust. The

1487 following shall be credited to or deposited in the Florida
 1488 Communities Trust Fund:

1489 (c) Proceeds from the sale of environmental license plates
 1490 authorized in s. 320.08058(5).

1491
 1492 All moneys so deposited into the Florida Communities Trust Fund
 1493 shall be trust funds for the uses and purposes set forth in this
 1494 section, within the meaning of s. 215.32(1)(b); and such moneys
 1495 shall not become or be commingled with the General Revenue Fund
 1496 of the state, as defined by s. 215.32(1)(a).

1497 Section 26. Beginning in the 2007-2008 fiscal year, the sum
 1498 of \$132,000 is appropriated from the Marine Resources
 1499 Conservation Trust Fund to the Fish and Wildlife Conservation
 1500 Commission on a recurring basis for the purpose of implementing
 1501 the blue crab effort management program pursuant to s.
 1502 370.135(3)(b), Florida Statutes, and providing for the
 1503 administrative costs of the Blue Crab Advisory Board created by
 1504 commission rules.

1505 Section 27. Except as otherwise expressly provided in this
 1506 act, this act shall take effect July 1, 2007.