# Committee on Conservation & State Lands

**Wednesday, March 7, 2007**
**9;00 AM – 3:00 PM**
**24 HOB**

# Revised

Marco Rubio
Speaker

Rep. Will Kendrick
Chair

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

**Speaker Marco Rubio**

## Committee on Conservation & State Lands

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| **Start Date and Time:** | Wednesday, March 07, 2007 09:00 am |
| **End Date and Time:** | Wednesday, March 07, 2007 03:00 pm |
| **Location:** | 24 HOB |
| **Duration:** | 6.00 hrs |

**Consideration of the following bill(s):**

HB 395 Surplus State Lands by Weatherford

Consideration of recommendations with respect to PCB ENRC 07-07, relating to the Florida Fish & Wildlife Conservation Commission.

The Committee will break from 12:00pm - 1:00pm for lunch.

**NOTICE FINALIZED on 03/05/2007 16:22 by SIMS-DAVIS.LINDA**

# HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 395 Surplus State Lands
**SPONSOR(S):** Weatherford
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 668

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---|---|---|---|
| 1) Committee on Conservation & State Lands | | Palmer | Zeiler |
| 2) Environment & Natural Resources Council | | | |
| 3) Policy & Budget Council | | | |
| 4) | | | |
| 5) | | | |

## SUMMARY ANALYSIS


The bill amends a surplus land statutory provision to permit the Department of Environmental Protection (DEP) to convey to a fair association the title for any parcel of surplus land which is less than three acres in size and which was gifted or conveyed to the state by a fair association prior to 1955. The title will be conveyed by the state to the fair association provided the DEP files a notice of intent to surplus by July 1, 2008. The bill provides that the agency which last held a lease from the Board of Trustees for the management of the land may remove any and all improvements, fixtures, goods, wares, and merchandise from the land within 180 days of the effective date of the title transfer. The bill provides for this statutory provision to expire on July 1, 2008.

The bill does not appear to have a significant fiscal impact on state or local government.

## FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently only one parcel of land has been identified that meets the criteria of the proposed legislation. This parcel is located in Pasco County, Florida and was gifted or conveyed to the State Board of Education from the Pasco County Fair Association in 1954. The property was given to the state for use by the University of Florida Agricultural Experiment Station as a poultry diagnostic clinic. The Pasco County Fair Association requested that in the event the property would no longer be used by the experiment station the property title would be conveyed back to the Pasco County Fair Association. However, the 1954 title transfer did not contain such a reverter clause. The property has not been used as an animal testing facility since the mid 1990s.

Two capital improvements were made to the property soon after the parcel title was transferred to the state – a concrete block structure and a fence. In 1996 the Board of Trustees transferred the lease on the property to the Division of Forestry (DOF). The improvements made by the Division of Animal Industry were transferred to DOF's inventory.

Section 253.034, F.S., provides the criteria for the state to dispose of surplus lands. State lands identified as surplus are offered to local governments first and if the local governments have no interest in acquiring the proposed surplus property, the surplus land is then available for sale on the private market.

Presently, there are no surplus land criteria identified in statute which are associated with lands previously gifted or conveyed to the state by a fair association incorporated under chapter 616, F.S.

Effect of Proposed Changes

The bill amends section 253.034, F.S., to permit DEP to transfer title to any parcel of surplus land less than three acres in size which was previously gifted or conveyed to the state by a fair association prior to 1955. This fair association must be incorporated under chapter 616, F.S., for the purpose of conducting and operating public fairs or expositions. The agency that last held a lease from the Board of Trustees for the management of the land may remove any and all improvements, fixtures, goods, wares, and merchandise from the land within 180 days of the effective date of the title transfer. DEP is required to file a notice of intent to surplus by July 1, 2008.

The bill is similar to existing law (section 253.034(6)(f)2, F.S.) which authorizes DEP to transfer title to surplus land to a municipality if that parcel of land was gifted or conveyed to the state by that municipality prior to 1958.

The bill provides for this statutory provision to expire on July 1, 2008.

C. SECTION DIRECTORY:

Section 1. Amends section 253.034(6)(f), F.S., relating to surplus state-owned lands.
Section 2. Provides the act will take effect July 1, 2007.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The Bureau of Appraisal, Division of State Lands, DEP, has estimated a value range for the property to be between $130,000 and $175,000 and the improvements located on the property to range in value from $0.00 to $30,000. Note, this is not an official appraised value, however, it is indicative of a potential range of value for the property and improvements based on comparable sales in the area. If the state were to surplus this land to the private market, the state would expect revenue based on the fair market value of the appraised value of the property. However, the bill provides for a reconveyance to a fair association which is interpreted to mean at no cost to the fair association.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The Pasco County Fair Association will be the beneficiary of a parcel of land previously conveyed by the fair association to the Florida Board of Education in 1954.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**DOF Comments:**

The property referred to in HB 395 was deeded to the Board of Education by the Pasco County Fair Association in 1954. It was used as an animal diagnostic lab until the mid-1990's, and was then leased to DOF by the Trustees in 1996. The improvements made by the Division of Animal Industry were transferred to DOF's inventory in September 1996. If the bill passes the land will revert back to the Pasco County Fair Association. The improvements were built after the title transferred to the State. There are two improvements on the DOF property inventory - a concrete block structure and a fence. The DOF objective is to dispose of the building without any significant expense.

**DEP Comments:**

The department is only aware of one parcel that would fit the criteria in the bill at the present time.

**Pasco County Fair Association Comments:**

A request has been made to the Fair Association for a statement regarding their intended use of the land should the bill pass.

**Other Comments:**

This bill is identical to HB 705 (2006 Legislative Session) which passed out of the House but then died in Senate messages.

D. STATEMENT OF THE SPONSOR

No statement submitted.

## IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A

1 A bill to be entitled
2 An act relating to surplus state lands; amending s.
3 253.034, F.S.; providing for reconveyance of certain state
4 lands to certain fair associations at no cost under
5 certain circumstances; authorizing certain agencies to
6 remove certain improvements, fixtures, goods, wares, and
7 merchandise from such lands within a time certain after
8 reconveyance; providing for expiration; providing an
9 effective date.
10
11 Be It Enacted by the Legislature of the State of Florida:
12
13 Section 1. Paragraph (f) of subsection (6) of section
14 253.034, Florida Statutes, is amended to read:
15 253.034 State-owned lands; uses.--
16 (6) The Board of Trustees of the Internal Improvement
17 Trust Fund shall determine which lands, the title to which is
18 vested in the board, may be surplused. For conservation lands,
19 the board shall make a determination that the lands are no
20 longer needed for conservation purposes and may dispose of them
21 by an affirmative vote of at least three members. In the case of
22 a land exchange involving the disposition of conservation lands,
23 the board must determine by an affirmative vote of at least
24 three members that the exchange will result in a net positive
25 conservation benefit. For all other lands, the board shall make
26 a determination that the lands are no longer needed and may
27 dispose of them by an affirmative vote of at least three
28 members.

29 (f)1. In reviewing lands owned by the board, the council
30 shall consider whether such lands would be more appropriately
31 owned or managed by the county or other unit of local government
32 in which the land is located. The council shall recommend to the
33 board whether a sale, lease, or other conveyance to a local
34 government would be in the best interests of the state and local
35 government. The provisions of this paragraph in no way limit the
36 provisions of ss. 253.111 and 253.115. Such lands shall be
37 offered to the state, county, or local government for a period
38 of 30 days. Permittable uses for such surplus lands may include
39 public schools; public libraries; fire or law enforcement
40 substations; governmental, judicial, or recreational centers;
41 and affordable housing meeting the criteria of s. 420.0004(3).
42 County or local government requests for surplus lands shall be
43 expedited throughout the surplusing process. If the county or
44 local government does not elect to purchase such lands in
45 accordance with s. 253.111, then any surplusing determination
46 involving other governmental agencies shall be made upon the
47 board deciding the best public use of the lands. Surplus
48 properties in which governmental agencies have expressed no
49 interest shall then be available for sale on the private market.
50 2. Notwithstanding subparagraph 1., any surplus lands that
51 were acquired by the state prior to 1958 by a gift or other
52 conveyance for no consideration from a municipality, and which
53 the department has filed by July 1, 2006, a notice of its intent
54 to surplus, shall be first offered for reconveyance to such
55 municipality at no cost, but for the fair market value of any
56 building or other improvements to the land, unless otherwise

57 provided in a deed restriction of record. This subparagraph
58 expires July 1, 2006.
59 3. Notwithstanding subparagraph 1., any parcel of surplus
60 lands less than 3 acres in size that was acquired by the state
61 prior to 1955 by gift or other conveyance for no consideration
62 from a fair association incorporated under chapter 616 for the
63 purpose of conducting and operating public fairs or expositions,
64 and for which the department has filed by July 1, 2008, a notice
65 of intent to surplus, shall be offered for reconveyance to such
66 fair association; however, the agency that last held a lease
67 from the board for management of such lands may remove from the
68 lands any improvements, fixtures, goods, wares, and merchandise
69 within 180 days after the effective date of the reconveyance.
70 This subparagraph expires July 1, 2008.
71 Section 2. This act shall take effect July 1, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 395

COUNCIL/COMMITTEE ACTION

| | | |
|---|---|---|
| ADOPTED | __ | (Y/N) |
| ADOPTED AS AMENDED | __ | (Y/N) |
| ADOPTED W/O OBJECTION | __ | (Y/N) |
| FAILED TO ADOPT | __ | (Y/N) |
| WITHDRAWN | __ | (Y/N) |
| OTHER | ____ | |

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1 Council/Committee hearing bill: Committee on Conservation
2 Representative(s) Weatherford offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 66 and insert: fair association for no
6 consideration; however, the agency that last held a lease
7
8

000000

1 A bill to be entitled
2 An act relating to the Florida Fish and Wildlife
3 Conservation Commission; amending s. 20.331, F.S.;
4 requiring the Fish and Wildlife Conservation Commission to
5 adopt and publish a rule establishing due process
6 procedures; amending s. 370.025, F.S.; revising the
7 commission's rulemaking authority; amending s. 320.08058,
8 F.S.; authorizing the use of certain annual fees for
9 specialty license plates to promote and market the plates;
10 amending s. 370.0603, F.S.; authorizing the deposit of
11 certain funds into the Marine Resources Conservation Trust
12 Fund; providing purposes for which funds may be used;
13 amending s. 370.1105, F.S.; correcting a reference;
14 amending s. 370.12, F.S.; authorizing use of certain
15 annual use fees for specialty license plates to promote
16 and market the plates; authorizing the Fish and Wildlife
17 Conservation Commission to use certain annual use fees to
18 buy back certain specialty license plates; amending s.
19 370.13, F.S.; authorizing the waiver of replacement tag
20 fees for stone crab traps under certain conditions;
21 providing for legislative approval of commission rules
22 establishing equitable rent; amending s. 370.135, F.S.;
23 establishing certain endorsement fees for the taking of
24 blue crabs; establishing an annual trap tag fee;
25 authorizing the commission to establish an amount of
26 equitable rent by rule; providing for legislative approval
27 of the rule; authorizing the commission to waive
28 endorsement and trap tag fees for a 1-year period;
29 authorizing the waiver of blue crab trap replacement tag

30 fees under certain conditions; requiring the deposit of
31 certain proceeds into the Marine Resources Conservation
32 Trust Fund; specifying the use of such proceeds; providing
33 administrative penalties for certain violations;
34 prohibiting the unauthorized possession of blue crab trap
35 gear or removal of blue crab trap contents and providing
36 penalties therefor; providing penalties for certain other
37 prohibited activities relating to blue crab traps, lines,
38 buoys, and trap tags; providing penalties for fraudulent
39 reports related to endorsement transfers; prohibiting
40 certain activities during endorsement suspension and
41 revocation; preserving state jurisdiction for certain
42 convictions; providing requirements for certain license
43 renewal; providing for the expiration of certain
44 provisions unless reenacted by the Legislature;
45 appropriating certain fee revenues to the commission for
46 blue crab effort management program costs; amending ss.
47 370.14 and 370.142, F.S.; clarifying provisions regulating
48 spiny lobsters; providing for legislative approval of
49 rules establishing equitable rent; authorizing the waiver
50 of spiny lobster trap replacement fees under certain
51 conditions; providing administrative penalties for certain
52 violations concerning spiny lobsters; prohibiting transfer
53 of spiny lobster certificates under certain conditions;
54 amending s. 370.143, F.S.; revising provisions for certain
55 trap retrieval programs and fees; authorizing the waiver
56 of trap retrieval fees under certain conditions; amending
57 s. 372.09, F.S.; authorizing the use of certain annual use
58 fees for specialty license plates to promote and market

59 the plates; amending s. 372.562, F.S.; revising the
60 exemption under which a resident need not possess a
61 license in order to fish in salt water from land or from a
62 structure fixed to land; providing for such exemption to
63 apply solely to residents who hold a Medicaid gold card;
64 requiring a person fishing under the exemption to possess
65 a Medicaid gold card and positive proof of identification;
66 deleting the exemption from licensure requirements
67 provided for a resident fishing for a saltwater species in
68 fresh water from land or from a structure fixed to land;
69 amending s. 372.57, F.S.; increasing the fees charged to
70 residents and nonresidents for certain hunting and fishing
71 licenses; creating a 3-day freshwater fishing license for
72 nonresidents; amending s. 372.571, F.S.; conforming cross-
73 references; amending s. 372.672, F.S.; authorizing use of
74 certain annual use fees for specialty license plates to
75 promote and market the plates; amending s. 372.83, F.S.;
76 correcting cross-references; reenacting s. 380.511(1)(c),
77 F.S., relating to deposit of proceeds from sale of certain
78 specialty license plates, to incorporate the amendments
79 made to s. 320.08058, F.S., in a reference thereto;
80 amending s.372.661(2), F.S.; conforming cross-references;
81 reenacting ss. 372.5712(1), 372.5715(1), and 372.573,
82 F.S., relating to revenues from the waterfowl permit, the
83 wild turkey permit, and management area permits, to
84 incorporate the amendment to s. 372.57, F.S., in
85 references thereto; providing an effective date.
86
87 Be It Enacted by the Legislature of the State of Florida:

88

89 Section 1. Paragraph (a) of subsection (8) of section
90 20.331, Florida Statutes, is amended to read:
91 20.331 Fish and Wildlife Conservation Commission.--
92 (8) ADEQUATE DUE PROCESS PROCEDURES.--
93 (a) The commission shall adopt a rule establishing adequate
94 due process procedures to be accorded to any party, as defined in
95 s. 120.52, whose substantial interests are affected by any action
96 of the commission in the performance of its constitutional duties
97 and responsibilities and the adequate due process procedures
98 adopted by rule shall be published in the Florida Administrative
99 Code. ~~The commission shall implement a system of adequate due~~
100 ~~process procedures to be accorded to any party, as defined in s.~~
101 ~~120.52, whose substantial interests will be affected by any~~
102 ~~action of the commission in the performance of its constitutional~~
103 ~~duties or responsibilities.~~
104 Section 2. Paragraph (b) of subsection (1), paragraph (b)
105 of subsection (5), paragraph (b) of subsection (18), of section
106 320.08058, Florida Statutes, are amended to read:
107 320.08058 Specialty license plates.--
108 (1) MANATEE LICENSE PLATES.--
109 (b) The manatee license plate annual use fee must be
110 deposited into the Save the Manatee Trust Fund, created within
111 the Fish and Wildlife Conservation Commission, and shall be used
112 only for the purposes specified in s. 370.12(4).
113 (5) FLORIDA PANTHER LICENSE PLATES.--
114 (b) The department shall distribute the Florida panther
115 license plate annual use fee in the following manner:

116 1. Eighty-five percent must be deposited in the Florida
117 Panther Research and Management Trust Fund in the Fish and
118 Wildlife Conservation Commission to be used for education and
119 programs to protect the endangered Florida panther, and up to 10
120 percent of such deposit may be used to promote and market the
121 license plate.
122 2. Fifteen percent, but no less than $300,000, must be
123 deposited in the Florida Communities Trust Fund to be used
124 pursuant to the Florida Communities Trust Act.
125 (18) LARGEMOUTH BASS LICENSE PLATES.--
126 (b) The annual use fees must be deposited in ~~shall be~~
127 ~~distributed to~~ the State Game Trust Fund and used by the Fish and
128 Wildlife Conservation Commission to fund current conservation
129 programs that maintain current levels of protection and
130 management of this state's fish and wildlife resources, including
131 providing hunting, fishing, and nonconsumptive wildlife
132 opportunities. Up to 10 percent of the annual use fee deposited
133 into the trust fund may be used to promote and market the license
134 plate.
135 Section 3. Subsection (4) of section 370.025, Florida
136 Statutes, is amended to read:
137 (4) The constitutional power granted to the Fish and
138 Wildlife Conservation Commission pursuant ~~Pursuant~~ to s. 9, Art.
139 IV of the State Constitution~~, the commission has full~~
140 ~~constitutional rulemaking authority over marine life, and listed~~
141 ~~species as defined in s. 372.072(3), except for~~ does not include:
142 (a) Powers the Department of Environmental Protection had
143 on March 1, 1998, to regulate endangered or threatened species as
144 defined in s. 372.072(3) and to regulate marine life;

145 (b) Any authority delegated by the Legislature to the Fish
146 and Wildlife Conservation Commission after March 1, 1998;
147 ~~(a) Endangered or threatened marine species for which~~
148 ~~rulemaking shall be done pursuant to chapter 120; and~~
149 (c) ~~(b)~~ The authority to regulate fishing gear in
150 residential, manmade saltwater canals which is retained by the
151 Legislature and specifically not delegated to the commission;
152 (d) ~~(c)~~ Authority over marine ~~Marine~~ aquaculture products
153 produced by an individual certified under s. 597.004. ~~This~~
154 ~~exception does not apply to snook, prohibited and restricted~~
155 ~~marine species identified by rule of the commission, and~~
156 ~~rulemaking authority granted pursuant to s. 370.027.~~;or
157 (e) Any other authority over marine life retained by the
158 Legislature or vested in any agency other than the Marine
159 Fisheries Commission on March 1, 1998.
160 Section 4. Paragraph (j) is added to subsection (1) of
161 section 370.0603, Florida Statutes, and paragraphs (c) and (d) of
162 subsection (2) of that section are amended, to read
163 370.0603 Marine Resources Conservation Trust Fund;
164 purposes.--
165 (1) The Marine Resources Conservation Trust Fund within the
166 Fish and Wildlife Conservation Commission shall serve as a broad-
167 based depository for funds from various marine-related and
168 boating-related activities and shall be administered by the
169 commission for the purposes of:
170 (j) Funding for the stone crab trap reduction program under
171 s. 370.13, the blue crab effort management program under s.
172 370.135, the spiny lobster certificate program under s. 370.142,
173 and the trap retrieval program under s. 370.143

174 (2) The Marine Resources Conservation Trust Fund shall
175 receive the proceeds from:
176 (c) All fees collected under ~~pursuant to~~ ss. 370.063,
177 370.13, 370.135, 370.142, 370.143, and 372.5704.
178 (d) All fines and penalties under ss. ~~pursuant to s.~~
179 370.021, 370.13, 370.135, and 370.142.
180 Section 5. Subsection (1) of section 370.1105, Florida
181 Statutes, is amended to read:
182 370.1105 Saltwater finfish; fishing traps regulated.--
183 (1) It is unlawful for any person, firm, or corporation to
184 set, lay, place, or otherwise attempt to fish for saltwater
185 finfish with any trap other than:
186 (a) A crab, spiney lobster ~~crawfish~~, or shrimp trap
187 specifically permitted under s. 370.13, s. 370.135, s. 370.14, or
188 s. 370.15;
189 (b) A pinfish trap not exceeding 2 feet in any dimension,
190 with a throat or entrance not exceeding 3 inches in height by
191 three-quarters of an inch in width; or
192 (c) A black sea bass trap which has a biodegradable panel
193 and a throat or entrance, the narrowest point of which is not
194 more than 5 inches in height by 2 inches in width and the outer
195 dimensions of which do not exceed 2 feet in height, 2 feet in
196 width, and 2 feet in depth. However, such traps may be used only
197 north of latitude 27° N.
198 Section 6. Paragraphs (d) and (e) are added to subsection
199 (4) of section 370.12, Florida Statutes, to read:
200 370.12 Marine animals; regulation.--
201 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

202 (d) Up to 10 percent of the annual use fee deposited in the
203 Save the Manatee Trust Fund from the sale of the manatee license
204 plate authorized in s. 320.08058 may be used to promote and
205 market the license plate issued by the Department of Highway
206 Safety and Motor Vehicles after June 30, 2007.
207 (e) For 2007-2008 fiscal year, the annual use fee deposited
208 into the Save the Manatee Trust Fund from the sale of the manatee
209 license plate authorized in s. 320.08058 may be used by the
210 commission to buy back any manatee license plates not issued by
211 the Department of Highway Safety and Motor Vehicles thru June 30,
212 2006. This paragraph expires July 1, 2008.
213 Section 7. Subsection (1) of section 370.13, Florida
214 Statutes, is amended to read:
215 370.13 Stone crab; regulation.--
216 (1) FEES AND EQUITABLE RENT.--
217 (a) Endorsement fee.--The fee for a stone crab endorsement
218 for the taking of stone crabs, as required by rule of the Fish
219 and Wildlife Conservation Commission, is $125, $25 of which must
220 be used solely for trap retrieval under s. 370.143.
221 (b) Certificate fees.--
222 1. For each trap certificate issued by the commission under
223 the requirements of the stone crab trap limitation program
224 established by commission rule, there is an annual fee of 50
225 cents per certificate. In the event of a major natural disaster,
226 such as a hurricane or major storm, which causes massive trap
227 losses within an area declared by the Governor to be a disaster
228 emergency area, the commission may temporarily defer or waive
229 replacement tag fees ~~Replacement tags for lost or damaged tags~~
230 ~~cost 50 cents each, except that tags lost in the event of a major~~

231 ~~natural disaster declared as an emergency disaster by the~~
232 ~~Governor shall be replaced for the cost of the tag as incurred by~~
233 ~~the commission.~~
234 2. The fee for transferring trap certificates is $1 per
235 certificate transferred, except that the fee for eligible crew
236 members is 50 cents per certificate transferred. Eligible crew
237 members shall be determined according to criteria established by
238 rule of the commission. Payment must be made by money order or
239 cashier's check, submitted with the certificate transfer form
240 developed by the commission.
241 3. In addition to the transfer fee, a surcharge of $1 per
242 certificate transferred, or 25 percent of the actual value of the
243 transferred certificate, whichever is greater, will be assessed
244 the first time a certificate is transferred outside the original
245 holder's immediate family.
246 4. Transfer fees and surcharges only apply to the actual
247 number of certificates received by the purchaser. A transfer of a
248 certificate is not effective until the commission receives a
249 notarized copy of the bill of sale as proof of the actual value
250 of the transferred certificate or certificates, which must also
251 be submitted with the transfer form and payment.
252 5. A transfer fee will not be assessed or required when the
253 transfer is within a family as a result of the death or
254 disability of the certificate owner. A surcharge will not be
255 assessed for any transfer within an individual's immediate
256 family.
257 ~~6. The fees and surcharge amounts in this paragraph apply~~
258 ~~in the 2005-2006 license year and subsequent years.~~

259 (c) Incidental take endorsement.--The cost of an incidental
260 take endorsement, as established by commission rule, is $25.
261 (d) Equitable rent.--The commission may establish by rule
262 an amount of equitable rent per trap certificate that may be
263 recovered as partial compensation to the state for the enhanced
264 access to its natural resources. In determining whether to
265 establish such a rent and the amount thereof, the commission may
266 consider the amount of revenues annually generated by endorsement
267 fees, trap certificate fees, transfer fees, surcharges,
268 replacement trap tag fees, trap retrieval fees, incidental take
269 endorsement fees, and the continued economic viability of the
270 commercial stone crab industry. A rule establishing an amount of
271 equitable rent shall become effective only after approval by the
272 Legislature. ~~Final approval of such a rule shall be by the~~
273 ~~Governor and Cabinet sitting as the Board of Trustees of the~~
274 ~~Internal Improvement Trust Fund.~~
275 (e) Disposition of fees, surcharges, civil penalties and
276 fines, and equitable rent.--Endorsement fees, trap certificate
277 fees, transfer fees, civil penalties and fines, surcharges,
278 replacement trap tag fees, trap retrieval fees, incidental take
279 endorsement fees, and equitable rent, if any, must be deposited
280 in the Marine Resources Conservation Trust Fund. Up to ~~Not more~~
281 ~~than~~ 50 percent of the revenues generated under this section may
282 be used for operation and administration of the stone crab trap
283 limitation program. All ~~The~~ remaining revenues so generated must
284 ~~under this program are to~~ be used for trap retrieval, management
285 of the stone crab fishery, public education activities,
286 evaluation of the impact of trap reductions on the stone crab

287 fishery, and enforcement activities in support of the stone crab
288 trap limitation program.
289 (f) Program to be self-supporting.--The stone crab trap
290 limitation program is intended to be a self-supporting program
291 funded from proceeds generated under this section.
292 (g) No vested rights.--The stone crab trap limitation
293 program does not create any vested rights for endorsement or
294 certificateholders and may be altered or terminated by the
295 commission as necessary to protect the stone crab resource, the
296 participants in the fishery, or the public interest.
297 Section 8. Section 370.135, Florida Statutes, is amended to
298 read:
299 370.135 Blue crab; regulation.--
300 (1)~~(a)~~ No commercial harvester shall transport on the
301 water, fish with or cause to be fished with, set, or place any
302 trap designed for taking blue crabs unless such commercial
303 harvester holds ~~is the holder~~ of a valid saltwater products
304 license and restricted species endorsement issued under ~~pursuant~~
305 ~~to~~ s. 370.06 and a blue crab endorsement issued under this
306 section. Each trap shall have harvester's blue crab endorsement
307 number permanently affixed to it. Each buoy attached to such a
308 trap shall also have the blue crab endorsement number permanently
309 attached to the buoy. ~~and the trap has a current state number~~
310 ~~permanently attached to the buoy~~. The blue crab endorsement ~~trap~~
311 number shall be affixed in legible figures at least 2~~1~~ inches
312 high on each buoy used. The saltwater products license must be on
313 board the boat, and both the license and the crabs shall be
314 subject to inspection at all times. ~~Only one trap number may be~~
315 ~~issued for each boat by the commission upon receipt of an~~

316 ~~application on forms prescribed by it~~. This subsection shall not
317 apply to an individual fishing with no more than five traps.
318 ~~(b) It is unlawful for any person willfully to molest any~~
319 ~~blue crab traps, lines, or buoys, as defined herein, belonging to~~
320 ~~another without the express written consent of the trap owner.~~
321 ~~1. A commercial harvester who violates this paragraph~~
322 ~~commits a felony of the third degree, punishable as provided in~~
323 ~~s. 775.082, s. 775.083, or s. 775.084.~~
324 ~~2. Any other person who violates this paragraph commits a~~
325 ~~Level Four violation under s. 372.83.~~
326
327 ~~Any commercial harvester receiving a judicial disposition other~~
328 ~~than dismissal or acquittal on a charge of willful molestation of~~
329 ~~a trap, in addition to the penalties specified in s. 370.021,~~
330 ~~shall lose all saltwater fishing privileges for a period of 24~~
331 ~~calendar months.~~
332 ~~(c)1. It is unlawful for any person to remove the contents~~
333 ~~of or take possession of another harvester's blue crab trap~~
334 ~~without the express written consent of the trap owner available~~
335 ~~for immediate inspection. Unauthorized possession of another's~~
336 ~~trap gear or removal of trap contents constitutes theft.~~
337 ~~a. Any commercial harvester receiving a judicial~~
338 ~~disposition other than dismissal or acquittal on a charge of~~
339 ~~theft of or from a trap pursuant to this section or s. 370.1107~~
340 ~~shall, in addition to the penalties specified in s. 370.021 and~~
341 ~~the provisions of this section, permanently lose all saltwater~~
342 ~~fishing privileges, including any saltwater products license and~~
343 ~~blue crab endorsement. In such cases endorsements are~~
344 ~~nontransferable.~~

345 ~~b. In addition, any commercial harvester receiving a~~
346 ~~judicial disposition other than dismissal or acquittal for~~
347 ~~violating this subsection or s. 370.1107 shall also be assessed~~
348 ~~an administrative penalty of up to $5,000. Immediately upon~~
349 ~~receiving a citation for a violation involving theft of or from a~~
350 ~~trap and until adjudicated for such a violation, or receiving a~~
351 ~~judicial disposition other than dismissal or acquittal for such a~~
352 ~~violation, the commercial harvester committing the violation is~~
353 ~~prohibited from transferring any blue crab endorsements.~~
354 ~~2. A commercial harvester who violates this paragraph shall~~
355 ~~be punished under s. 370.021. Any other person who violates this~~
356 ~~paragraph commits a Level Two violation under s. 372.83.~~
357 (2) No person shall harvest blue crabs with more than five
358 traps, harvest blue crabs in commercial quantities, or sell blue
359 crabs unless such person holds a valid saltwater products license
360 with a restricted species endorsement issued under 370.06 and a
361 blue crab endorsement ~~(trap number)~~ issued under ~~pursuant to~~ this
362 section ~~subsection~~.
363 ~~(a) Effective June 1, 1998, and until July 1, 2002, no blue~~
364 ~~crab endorsement (trap number), except those endorsements that~~
365 ~~are active during the 1997-1998 fiscal year, shall be renewed or~~
366 ~~replaced.~~
367 ~~(b) Effective January 1, 1999, and until July 1, 2002, a~~
368 ~~trap number holder, or members of his or her immediate family,~~
369 ~~must request renewal of the endorsement prior to September 30 of~~
370 ~~each year.~~
371 ~~(c) If a person holding an active blue crab endorsement, or~~
372 ~~a member of that person's immediate family, does not request~~
373 ~~renewal of the endorsement before the applicable dates as~~

374 ~~specified in this subsection, the commission shall deactivate~~
375 ~~that endorsement.~~
376 (a)(d) In the event of the death or disability of a person
377 holding an active blue crab endorsement, the endorsement may be
378 transferred by the person to a member of his or her immediate
379 family or may be renewed by any person so designated by the
380 executor of the person's estate.
381 (b) A commercial harvester who holds a saltwater products
382 license and a blue crab endorsement that is issued to the
383 commercial harvester's vessel registration number and who
384 replaces an existing vessel with a new vessel may transfer the
385 existing blue crab endorsement to the saltwater products license
386 of the new vessel.
387 ~~(e) Persons who hold saltwater products licenses with blue~~
388 ~~crab endorsements issued to their boat registration numbers and~~
389 ~~who subsequently replace their existing vessels with new vessels~~
390 ~~shall be permitted to transfer the existing licenses to the new~~
391 ~~boat registration numbers~~.
392 (3)(a) Endorsement fees.--
393 1. The fee for a hard-shell blue crab endorsement for the
394 taking of hard-shell blue crabs, as authorized by rule of the
395 commission, is $125, $25 of which must be used solely for the
396 trap-retrieval program authorized under s. 370.143 and in
397 commission rules.
398 2. The fee for a soft-shell blue crab endorsement for the
399 taking of soft-shell blue crabs, as authorized by rule of the
400 commission, is $250, $25 of which must be used solely for the
401 trap-retrieval program authorized under s. 370.143 and in
402 commission rules.

403 3. The fee for a nontransferable hard-shell blue crab
404 endorsement for the taking of hard-shell blue crabs, as
405 authorized by rule of the commission, is $125, $25 of which must
406 be used solely for the trap-retrieval program authorized under s.
407 370.143 and in commission rules.
408 4. The fee for an incidental-take blue crab endorsement for
409 the taking of blue crabs as bycatch in shrimp trawls and stone
410 crab traps, as authorized in commission rules, is $25.
411 (b) Trap tag fees.--The annual fee for each trap tag issued
412 by the commission under the requirements of the blue crab effort
413 management program established by rule of the commission is 50
414 cents per tag. The fee for replacement tags for lost or damaged
415 tags is 50 cents per tag plus the cost of shipping. In the event
416 of a major natural disaster, such as a hurricane or major storm,
417 which causes massive trap losses within an area declared by the
418 Governor to be a disaster emergency area, the commission may
419 temporarily defer or permanently waive replacement tag fees.
420 (c) Equitable rent.--The commission may establish by rule
421 an amount of equitable rent that may be recovered as partial
422 compensation to the state for the enhanced access to its natural
423 resources. In determining whether to establish such a rent and
424 the amount thereof, the commission may consider the amount of
425 revenues annually generated by endorsement fees, trap tag fees,
426 replacement trap tag fees, trap retrieval fees, and the continued
427 economic viability of the commercial blue crab industry. A rule
428 establishing an amount of equitable rent shall become effective
429 only upon approval by act of the Legislature.
430 (d) Disposition of moneys generated from fees and
431 administrative penalties.--Moneys generated from the sale of blue

432 crab endorsements, trap tags, and replacement trap tags, or from
433 the assessment of administrative penalties by the commission
434 under this section shall be deposited into the Marine Resources
435 Conservation Trust Fund. Up to 50 percent of the moneys generated
436 from the sale of endorsements and trap tags and the assessment of
437 administrative penalties may be used for the operation and
438 administration of the blue crab effort management program. The
439 remaining moneys generated from the sale of endorsements and trap
440 tags and the assessment of administrative penalties may be used
441 for trap retrieval; management of the blue crab fishery; and
442 public-education activities, research, and enforcement activities
443 in support of the blue crab effort management program.
444 (e) Waiver of fees.--For the 2007-2008 license year, the
445 commission shall waive all fees under this subsection for all
446 persons who qualify by September 30, 2007, to participate in the
447 blue crab effort management program established by commission
448 rule.
449 (4)(a) Untagged trap penalties.--In addition to any other
450 penalties provided in s. 370.021 for any blue crab endorsement
451 holder who violates commission rules requiring the placement of
452 trap tags for each trap used for the directed harvest of blue
453 crabs, the following administrative penalties apply:
454 1. For a first violation, the commission shall assess an
455 administrative penalty of up to $1,000 and the blue crab
456 endorsement holder's blue crab fishing privileges may be
457 suspended for the remainder of the current license year.
458 2. For a second violation that occurs within 24 months
459 after any previous such violation, the commission shall assess an
460 administrative penalty of up to $2,000 and the blue crab

461 endorsement holder's blue crab fishing privileges may be
462 suspended for 12 calendar months.
463 3. For a third violation that occurs within 36 months after
464 any two previous such violations, the commission shall assess an
465 administrative penalty of up to $5,000 and the blue crab
466 endorsement holder's blue crab fishing privileges may be
467 suspended for 24 calendar months.
468 4. A fourth violation that occurs within 48 months after
469 any three previous such violations shall result in permanent
470 revocation of all of the violator's saltwater fishing privileges,
471 including having the commission proceed against the endorsement
472 holder's saltwater products license in accordance with s.
473 370.021.
474
475 Any blue crab endorsement holder assessed an administrative
476 penalty under this paragraph shall, within 30 calendar days after
477 notification, pay the administrative penalty to the commission or
478 request an administrative hearing under ss. 120.569 and 120.57.
479 (b) Trap theft; prohibitions and penalties.--It is unlawful
480 for any person to remove or take possession of the contents of
481 another harvester's blue crab trap without the express written
482 consent of the trap owner, which must be available for immediate
483 inspection. Unauthorized possession of another harvester's blue
484 crab trap gear or removal of trap contents constitutes theft.
485 1. Any commercial harvester receiving a judicial
486 disposition other than dismissal or acquittal on a charge of
487 theft of or from a trap as prohibited by this paragraph shall, in
488 addition to the penalties specified in s. 370.021 and this
489 section, permanently lose all saltwater fishing privileges,

490 including any saltwater products licenses, blue crab endorsements
491 and blue crab trap tags allotted to him or her by the commission.
492 In such cases endorsements are nontransferable.
493 2. In addition, any commercial harvester receiving a
494 judicial disposition other than dismissal or acquittal for
495 violating this paragraph shall also be assessed an administrative
496 penalty of up to $5,000. Immediately upon receipt of a citation
497 for a violation involving theft of or from a trap and until
498 adjudicated for such a violation, or upon receipt of a judicial
499 disposition other than dismissal or acquittal for such a
500 violation, the commercial harvester committing the violation is
501 prohibited from transferring any blue crab endorsements.
502 3. A commercial harvester who violates this paragraph shall
503 be punished under s. 370.021. Any other person who violates this
504 paragraph commits a Level Two violation under s.
505 372.83.
506 (c) Criminal activities prohibited.—
507 1. It is unlawful for any commercial harvester or any other
508 person to:
509 a. Willfully molest any blue crab trap, line or buoy that
510 is the property of any licenseholder without the permission of
511 that licenseholder.
512 b. Barter, trade, lease, or sell a blue crab trap tag, or
513 conspire or aid in such barter, trade, lease, or sale unless duly
514 authorized by commission rules.
515 c. Supply, agree to supply, aid in supplying, or give away
516 a blue crab trap tag unless duly authorized by commission rules.
517 d. Make, alter, forge, counterfeit, or reproduce a blue
518 crab trap tag.

519 e. Possess an altered, forged, counterfeit, or imitation
520 blue crab trap tag.
521 f. Possess a number of original trap tags or replacement
522 trap tags, the sum of which exceeds by 1 percent the number of
523 traps allowed by commission rules.
524 g. Engage in the commercial harvest of blue crabs while the
525 blue crab endorsements of the license holder are under suspension
526 or revocation.
527 2. Immediately upon receiving a citation involving a
528 violation of this paragraph and until adjudicated for such a
529 violation, a commercial harvester is prohibited from transferring
530 any blue crab endorsement.
531 3. A commercial harvester convicted of violating this
532 paragraph commits a felony of the third degree, punishable as
533 provided in s. 775.082, s. 775.083, or s. 775.084, shall also be
534 assessed an administrative penalty of up to $5,000, and is
535 immediately prohibited from transferring any blue crab
536 endorsement. All blue crab endorsements issued to a commercial
537 harvester convicted of violating this paragraph may be suspended
538 for up to 24 calendar months.
539 4. Any other person convicted of violating this paragraph
540 commits a Level Four violation under s. 372.83.
541 (d) Endorsement transfers; fraudulent reports; penalties.--
542 For a commercial harvester convicted of fraudulently reporting
543 the actual value of transferred blue crab endorsements, the
544 commission may automatically suspend or permanently revoke the
545 seller's or the purchaser's blue crab endorsements. If the
546 endorsement is permanently revoked, the commission shall also

547 permanently deactivate the endorsement holder's blue crab trap
548 tag accounts.
549 (e) Prohibitions during endorsement suspension and
550 revocation.--During any period of suspension or after revocation
551 of a blue crab endorsement holder's endorsements, he or she
552 shall, within 15 days after notice provided by the commission,
553 remove from the water all traps subject to that endorsement.
554 Failure to do so shall extend the period of suspension for an
555 additional 6 calendar months.
556 (5) For purposes of this section, a conviction is any
557 disposition other than acquittal or dismissal.
558 (6) A blue crab endorsement may not be renewed until all
559 fees and administrative penalties imposed under this section are
560 paid.
561 (7) Subsections (3), (4), (5), and (6) shall expire on July
562 1, 2009, unless reenacted by the Legislature during the 2009
563 Regular Session.
564 Section 9. For the 2007-2008 fiscal year, the sum of
565 $132,000 is appropriated from the Marine Resources
566 Conservation Trust Fund to the Fish and Wildlife Conservation
567 Commission on a recurring basis for the purpose of implementing
568 the blue crab effort management program pursuant to s.
569 370.135(3)(b), Florida Statutes, and for the 30 administrative
570 costs of the Blue Crab Advisory Board created by commission rule.
571 Section 10. Subsections (2) and (3) of section 370.14,
572 Florida Statutes, are amended to read:
573 370.14 Spiny lobster; regulation.--
574 (2)(a)1. Each commercial harvester taking or attempting to
575 take spiny lobster with a trap in commercial quantities or for

576 commercial purposes shall obtain and exhibit a spiny lobster
577 endorsement ~~trap number~~, as required by the Fish and Wildlife
578 Conservation Commission. The annual fee for a spiny lobster
579 endorsement ~~trap number~~ is $125. This endorsement ~~trap number~~ may
580 be issued by the commission upon the receipt of application by
581 the commercial harvester when accompanied by the payment of the
582 fee. The design of the applications and of the trap number shall
583 be determined by the commission. Any trap or device used in
584 taking or attempting to take spiny lobster, other than a trap
585 with the endorsement ~~trap~~ number, shall be seized and destroyed
586 by the commission. The proceeds of the fees imposed by this
587 paragraph shall be deposited and used as provided in paragraph
588 (b). The commission may adopt rules to carry out the intent of
589 this section.
590 2. Each commercial harvester taking or attempting to take
591 spiny lobster in commercial quantities or for commercial purposes
592 by any method, other than with a trap having a spiny lobster
593 endorsement ~~trap~~ number issued by the commission, must pay an
594 annual fee of $100.
595 (b) Twenty-five dollars of the $125 fee for a spiny lobster
596 endorsement ~~trap~~ number required under subparagraph (a)1. must be
597 used only for trap retrieval as provided in s. 370.143. The
598 remainder of the fees collected under ~~pursuant to~~ paragraph (a)
599 shall be deposited as follows:
600 1. Fifty percent of the fees collected shall be deposited
601 in the Marine Resources Conservation Trust Fund for use in
602 enforcing the provisions of paragraph (a) through aerial and
603 other surveillance and trap retrieval.

604 2. Fifty percent of the fees collected shall be deposited
605 as provided in s. 370.142(5).
606 (3) The spiny lobster endorsement ~~license~~ must be on board
607 the boat, and both the endorsement ~~license~~ and the harvested
608 spiny lobster shall be subject to inspection at all times. Only
609 one endorsement ~~license~~ shall be issued for each boat. The spiny
610 lobster endorsement ~~license~~ number must be prominently displayed
611 above the topmost portion of the boat so as to be easily and
612 readily identified.
613 Section 11. Subsection (2) of section 370.142, Florida
614 Statutes, is amended to read:
615 370.142 Spiny lobster trap certificate program.--
616 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;
617 PENALTIES.--The Fish and Wildlife Conservation Commission shall
618 establish a trap certificate program for the spiny lobster
619 fishery of this state and shall be responsible for its
620 administration and enforcement as follows:
621 (a) Transferable trap certificates.--Each holder of a
622 saltwater products license who uses traps for taking or
623 attempting to take spiny lobsters shall be required to have a
624 certificate on record for each trap possessed or used therefor,
625 except as otherwise provided in this section.
626 1. The Department of Environmental Protection shall
627 initially allot such certificates to each licenseholder with a
628 current spiny lobster endorsement ~~crawfish trap~~ number who uses
629 traps. The number of such certificates allotted to each such
630 licenseholder shall be based on the trap/catch coefficient
631 established pursuant to trip ticket records generated under the
632 provisions of s. 370.06(2) over a 3-year base period ending June

633 30, 1991. The trap/catch coefficient shall be calculated by
634 dividing the sum of the highest reported single license-year
635 landings up to a maximum of 30,000 pounds for each such
636 licenseholder during the base period by 700,000. Each such
637 licenseholder shall then be allotted the number of certificates
638 derived by dividing his or her highest reported single license-
639 year landings up to a maximum of 30,000 pounds during the base
640 period by the trap/catch coefficient. Nevertheless, no
641 licenseholder with a current spiny lobster endorsement ~~crawfish~~
642 ~~trap~~ number shall be allotted fewer than 10 certificates.
643 However, certificates may only be issued to individuals;
644 therefore, all licenseholders other than individual
645 licenseholders shall designate the individual or individuals to
646 whom their certificates will be allotted and the number thereof
647 to each, if more than one. After initial issuance, trap
648 certificates are transferable on a market basis and may be
649 transferred from one licenseholder to another for a fair market
650 value agreed upon between the transferor and transferee. Each
651 such transfer shall, within 72 hours thereof, be recorded on a
652 notarized form provided for that purpose by the Fish and Wildlife
653 Conservation Commission and hand delivered or sent by certified
654 mail, return receipt requested, to the commission for
655 recordkeeping purposes. ~~In addition,~~ In order to cover the added
656 administrative costs of the program and to recover an equitable
657 natural resource rent for the people of the state, a transfer fee
658 of $2 per certificate transferred shall be assessed against the
659 purchasing licenseholder and sent by money order or cashier's
660 check with the certificate transfer form. Also, in addition to
661 the transfer fee, a surcharge of $5 per certificate transferred

662 or 25 percent of the actual market value, whichever is greater,
663 given to the transferor shall be assessed the first time a
664 certificate is transferred outside the original transferor's
665 immediate family. No transfer of a certificate shall be effective
666 until the commission receives the notarized transfer form and the
667 transfer fee, including any surcharge, is paid. The commission
668 may establish by rule an amount of equitable rent per trap
669 certificate that shall be recovered as partial compensation to
670 the state for the enhanced access to its natural resources. A
671 rule establishing an amount of equitable rent shall become
672 effective only after approval by the Legislature. ~~Final approval~~
673 ~~of such a rule shall be by the Governor and Cabinet sitting as~~
674 ~~the Board of Trustees of the Internal Improvement Trust Fund.~~ In
675 determining whether to establish such a rent and, if so, the
676 amount thereof, the commission shall consider the amount of
677 revenues annually generated by certificate fees, transfer fees,
678 surcharges, trap license fees, and sales taxes, the demonstrated
679 fair market value of transferred certificates, and the continued
680 economic viability of the commercial lobster industry. All ~~The~~
681 proceeds of equitable rent recovered must ~~shall~~ be deposited in
682 the Marine Resources Conservation Trust Fund and used by the
683 commission for research, management, and protection of the spiny
684 lobster fishery and habitat. A transfer fee may not be assessed
685 or required when the transfer is within a family as a result of
686 the death or disability of the certificate owner. A surcharge
687 will not be assessed for any transfer within an individual's
688 immediate family.

689 2. No person, firm, corporation, or other business entity
690 may control, directly or indirectly, more than 1.5 percent of the
691 total available certificates in any license year.
692 3. The commission shall maintain records of all
693 certificates and their transfers and shall annually provide each
694 licenseholder with a statement of certificates held.
695 4. The number of trap tags issued annually to each
696 licenseholder shall not exceed the number of certificates held by
697 the licenseholder at the time of issuance, and such tags and a
698 statement of certificates held shall be issued simultaneously.
699 5. ~~Beginning July 1, 2003, and applicable to the 2003-2004~~
700 ~~lobster season and thereafter, it~~ It is unlawful for any person
701 to lease spiny lobster trap tags or certificates.
702 (b) Trap tags.--Each trap used to take or attempt to take
703 spiny lobsters in state waters or adjacent federal waters shall,
704 in addition to the spiny lobster endorsement ~~crawfish trap~~ number
705 required by s. 370.14(2), have affixed thereto an annual trap tag
706 issued by the commission. Each such tag shall be made of durable
707 plastic or similar material and shall, based on the number of
708 certificates held, have stamped thereon the owner's license
709 number. To facilitate enforcement and recordkeeping, such tags
710 shall be issued each year in a color different from that of each
711 of the previous 3 years. The annual certificate fee shall be $1
712 per certificate. Replacement tags for lost or damaged tags may be
713 obtained as provided by rule of the commission. In the event of
714 a major natural disaster, such as a hurricane or major storm,
715 which causes massive trap losses within an area declared by the
716 Governor to be a disaster emergency area, the commission may
717 temporarily defer or waive replacement tag fees.

718 (c) Prohibitions; penalties.--
719 1. It is unlawful for a person to possess or use a spiny
720 lobster trap in or on state waters or adjacent federal waters
721 without having affixed thereto the trap tag required by this
722 section. It is unlawful for a person to possess or use any other
723 gear or device designed to attract and enclose or otherwise aid
724 in the taking of spiny lobster by trapping that is not a trap as
725 defined by commission rule.
726 2. It is unlawful for a person to possess or use spiny
727 lobster trap tags without having the necessary number of
728 certificates on record as required by this section.
729 3. It is unlawful for any person to willfully molest, take
730 possession of, or remove the contents of another harvester's
731 spiny lobster trap without the express written consent of the
732 trap owner available for immediate inspection. Unauthorized
733 possession of another's trap gear or removal of trap contents
734 constitutes theft.
735 a. A commercial harvester who violates this subparagraph
736 shall be punished under ss. 370.021 and 370.14. Any commercial
737 harvester receiving a judicial disposition other than dismissal
738 or acquittal on a charge of theft of or from a trap pursuant to
739 this subparagraph or s. 370.1107 shall, in addition to the
740 penalties specified in ss. 370.021 and 370.14 and the provisions
741 of this section, permanently lose all his or her saltwater
742 fishing privileges, including his or her saltwater products
743 license, spiny lobster endorsement, and all trap certificates
744 allotted to him or her through this program. In such cases, trap
745 certificates and endorsements are nontransferable.

746 b. Any commercial harvester receiving a judicial
747 disposition other than dismissal or acquittal on a charge of
748 willful molestation of a trap, in addition to the penalties
749 specified in ss. 370.021 and 370.14, shall lose all saltwater
750 fishing privileges for a period of 24 calendar months.
751 c. In addition, any commercial harvester charged with
752 violating this subparagraph ~~paragraph~~ and receiving a judicial
753 disposition other than dismissal or acquittal for violating this
754 subparagraph or s. 370.1107 shall also be assessed an
755 administrative penalty of up to $5,000.
756 Immediately upon receiving a citation for a violation involving
757 theft of or from a trap, or molestation of a trap, and until
758 adjudicated for such a violation or, upon receipt of a judicial
759 disposition other than dismissal or acquittal of such a
760 violation, the commercial harvester ~~person, firm, or corporation~~
761 committing the violation is prohibited from transferring any
762 spiny lobster trap certificates and endorsements.
763 4. In addition to any other penalties provided in s.
764 370.021, a commercial harvester who violates the provisions of
765 this section or commission rules relating to spiny lobster traps
766 shall be punished as follows:
767 a. If the first violation is for violation of subparagraph
768 1. or subparagraph 2., the commission shall assess an additional
769 administrative penalty of up to $1,000 and the spiny lobster
770 endorsement ~~trap~~ number issued under ~~pursuant to~~ s. 370.14(2) or
771 (6) may be suspended for the remainder of the current license
772 year. For all other first violations, the commission shall assess
773 an additional administrative penalty of up to $500.

774 b. For a second violation of subparagraph 1. or
775 subparagraph 2. which occurs within 24 months of any previous
776 such violation, the commission shall assess an additional
777 administrative penalty of up to $2,000 and the spiny lobster
778 endorsement ~~trap~~ number issued under ~~pursuant to~~ s. 370.14(2) or
779 (6) may be suspended for the remainder of the current license
780 year.
781 c. For a third or subsequent violation of subparagraph 1.,
782 subparagraph 2., or subparagraph 3. which occurs within 36 months
783 of any previous two such violations, the commission shall assess
784 an additional administrative penalty of up to $5,000 and may
785 suspend the spiny lobster endorsement ~~trap~~ number issued under
786 ~~pursuant to~~ s. 370.14(2) or (6) for a period of up to 24 months
787 or may revoke the spiny lobster endorsement ~~trap~~ number and, if
788 revoking the spiny lobster endorsement ~~trap~~ number, may also
789 proceed against the licenseholder's saltwater products license in
790 accordance with the provisions of s. 370.021(2)(h).
791 d. Any person assessed an additional administrative penalty
792 pursuant to this section shall within 30 calendar days after
793 notification:
794 (I) Pay the administrative penalty to the commission; or
795 (II) Request an administrative hearing pursuant to the
796 provisions of ss. 120.569 and 120.57.
797 e. The commission shall suspend the spiny lobster
798 endorsement ~~trap~~ number issued pursuant to s. 370.14(2) or (6)
799 for any person failing to comply with the provisions of sub-
800 subparagraph d.

801 5.a. It is unlawful for any person to make, alter, forge,
802 counterfeit, or reproduce a spiny lobster trap tag or
803 certificate.
804 b. It is unlawful for any person to knowingly have in his
805 or her possession a forged, counterfeit, or imitation spiny
806 lobster trap tag or certificate.
807 c. It is unlawful for any person to barter, trade, sell,
808 supply, agree to supply, aid in supplying, or give away a spiny
809 lobster trap tag or certificate or to conspire to barter, trade,
810 sell, supply, aid in supplying, or give away a spiny lobster trap
811 tag or certificate unless such action is duly authorized by the
812 commission as provided in this chapter or in the rules of the
813 commission.
814 6.a. Any commercial harvester who violates the provisions
815 of subparagraph 5., or any commercial harvester who engages in
816 the commercial harvest, trapping, or possession of spiny lobster
817 without a spiny lobster endorsement ~~trap~~ number as required by s.
818 370.14(2) or (6) or during any period while such spiny lobster
819 endorsement ~~trap~~ number is under suspension or revocation,
820 commits a felony of the third degree, punishable as provided in
821 s. 775.082, s. 775.083, or s. 775.084.
822 b. In addition to any penalty imposed pursuant to sub-
823 subparagraph a., the commission shall levy a fine of up to twice
824 the amount of the appropriate surcharge to be paid on the fair
825 market value of the transferred certificates, as provided in
826 subparagraph (a)1., on any commercial harvester who violates the
827 provisions of sub-subparagraph 5.c.
828 c. In addition to any penalty imposed pursuant to sub-
829 subparagraph a., any commercial harvester receiving any judicial

830 disposition other than acquittal or dismissal for a violation of
831 subparagraph 5. shall be assessed an administrative penalty of
832 up to $5,000, and the spiny lobster endorsement under which the
833 violation was committed may be suspended for up to 24 calendar
834 months. Immediately upon issuance of a citation involving a
835 violation of subparagraph 5. and until adjudication of such a
836 violation, and after receipt of any judicial disposition other
837 than acquittal or dismissal for such a violation, the commercial
838 harvester holding the spiny lobster endorsement listed on the
839 citation is prohibited from transferring any spiny lobster trap
840 certificates.
841 d.~~c.~~ Any other person who violates the provisions of
842 subparagraph 5. commits a Level Four violation under s. 372.83.
843 7. Any certificates for which the annual certificate fee is
844 not paid for a period of 3 years shall be considered abandoned
845 and shall revert to the commission. During any period of trap
846 reduction, any certificates reverting to the commission shall
847 become permanently unavailable and be considered in that amount
848 to be reduced during the next license-year period. Otherwise, any
849 certificates that revert to the commission are to be reallotted
850 in such manner as provided by the commission.
851 8. The proceeds of all administrative ~~civil~~ penalties
852 collected pursuant to subparagraph 4. and all fines collected
853 pursuant to sub-subparagraph 6.b. must ~~shall~~ be deposited into
854 the Marine Resources Conservation Trust Fund.
855 9. All traps shall be removed from the water during any
856 period of suspension or revocation.
857 10. Except as otherwise provided, any person who violates
858 this paragraph commits a Level Two violation under s. 372.83.

859 (d) No vested rights.--The trap certificate program shall
860 not create vested rights in licenseholders whatsoever and may be
861 altered or terminated as necessary to protect the spiny lobster
862 resource, the participants in the fishery, or the public
863 interest.
864 Section 12. Section 370.143, Florida Statutes, is amended
865 to read:
866 370.143 Retrieval of spiny lobster, ~~crawfish, and~~ stone
867 crab, blue crab, and black sea bass traps during closed season;
868 commission authority; fees.--
869 (1) The Fish and Wildlife Conservation Commission is
870 authorized to implement a trap retrieval program for retrieval of
871 spiny lobster, ~~crawfish, and~~ stone crab traps, blue crab, and
872 black sea bass remaining in the water during the closed season
873 for each species. The commission is authorized to contract with
874 outside agents for the program operation.
875 (2) A retrieval fee of $10 per trap retrieved shall be
876 assessed trap owners. However, for each person holding a ~~crawfish~~
877 ~~stamp number or~~ spiny lobster endorsement, a stone crab
878 endorsement, or blue crab endorsement issued under rule of the
879 commission, the retrieval fee shall be waived for the first five
880 traps retrieved. Traps recovered under this program must~~shall~~
881 become the property of the commission or its contract agent, as
882 determined by the commission, and shall be either destroyed or
883 resold to the original owner. Revenue from retrieval fees shall
884 be deposited in the Marine Resources Conservation Trust Fund and
885 used solely for operation of the trap retrieval program.
886 (3) Payment of all assessed retrieval fees shall be
887 required prior to renewal of the trap owner's saltwater products

888 license ~~and stone crab and or crawfish endorsements~~. Retrieval
889 fees assessed under this program shall stand in lieu of other
890 penalties imposed for such trap violations.
891 (4) In the event of a major natural disaster, such as a
892 hurricane or major storm, which causes massive trap losses within
893 an area declared by the Governor to be a disaster emergency area,
894 the commission may temporarily defer or waive replacement tag
895 fees. ~~In the event of a major natural disaster in an area~~
896 ~~declared by the Governor to be a disaster emergency area, such as~~
897 ~~a hurricane or major storm causing massive trap losses, the~~
898 ~~commission shall waive the trap retrieval fee.~~
899 Section 13. Section 372.09, Florida Statutes, is amended to
900 read:
901 372.09 State Game Trust Fund.--The funds resulting from the
902 operation of the commission and from the administration of the
903 laws and regulations pertaining to birds, game, fur-bearing
904 animals, freshwater fish, reptiles, and amphibians, together with
905 any other funds specifically provided for such purposes shall
906 constitute the State Game Trust Fund and shall be used by the
907 commission as it shall deem fit in carrying out the provisions
908 hereof and for no other purposes, except that annual use fees
909 deposited into the trust fund from the sale of the Largemouth
910 Bass license plate may be expended for the purposes provided
911 under s. 320.08058(18). The commission may not obligate itself
912 beyond the current resources of the State Game Trust Fund unless
913 specifically so authorized by the Legislature.
914 Section 14. Subsection (2) of section 372.562, Florida
915 Statutes, is amended to read:

916 372.562 Recreational licenses and permits; exemptions from
917 fees and requirements.--
918 (2) A hunting, freshwater fishing, or saltwater fishing
919 license or permit is not required for:
920 (a) Any child under 16 years of age, except as otherwise
921 provided in this chapter.
922 (b) Any person hunting or freshwater fishing on her or his
923 homestead property, or on the homestead property of the person's
924 spouse or minor child; or any minor child hunting or freshwater
925 fishing on the homestead property of her or his parent.
926 (c) Any resident who is a member of the United States Armed
927 Forces and not stationed in this state, when home on leave for 30
928 days or less, upon submission of orders.
929 (d) Any resident fishing for recreational purposes only,
930 within her or his county of residence with live or natural bait,
931 using poles or lines not equipped with a fishing line retrieval
932 mechanism. This exemption does not apply to residents fishing in~~,~~
933 ~~except on~~ a legally established fish management area.
934 (e) Any person freshwater fishing in a fish pond of 20
935 acres or less that is located entirely within the private
936 property of the fish pond owner.
937 (f) Any person freshwater fishing in a fish pond that is
938 licensed in accordance with s. 372.5705.
939 (g) Any person fishing who has been accepted as a client
940 for developmental disabilities services by the Department of
941 Children and Family Services, provided the department furnishes
942 proof thereof.
943 (h) Any resident fishing in salt water from land or from a
944 structure fixed to the land.

945 (i) Any person saltwater fishing from a vessel licensed
946 pursuant to s. 372.57(7).
947 (j) Any person saltwater fishing from a vessel the operator
948 of which is licensed pursuant to s. 372.57(7).
949 (k) Any person saltwater fishing who holds a valid
950 saltwater products license issued under s. 370.06(2).
951 (l) Any person saltwater fishing for recreational purposes
952 from a pier licensed under s. 372.57.
953 ( m) Any resident fishing for a saltwater species in fresh
954 water from land or from a structure fixed to land.
955 (n) Any resident fishing for mullet in fresh water who has
956 a valid Florida freshwater fishing license.
957 (o) Any resident 65 years of age or older who has in her or
958 his possession proof of age and residency. A no-cost license
959 under this paragraph may be obtained from any tax collector's
960 office upon proof of age and residency and must be in the
961 possession of the resident during hunting, freshwater fishing,
962 and saltwater fishing activities.
963 (p) Any employee of the commission who takes freshwater
964 fish, saltwater fish, or game as part of employment with the
965 commission, or any other person authorized by commission permit
966 to take freshwater fish, saltwater fish, or game for scientific
967 or educational purposes.
968 (q) Any resident who holds a valid commercial fishing
969 license issued under s. 372.65(1)(a).
970 Section 15. Subsection (4), subsection (5), paragraph (h)
971 of subsection (8), subsection (9), of section 372.57, Florida
972 Statutes, are amended to read:

973 372.57 Recreational licenses, permits, and authorization
974 numbers; fees established.--
975 (4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses
976 and fees for residents participating in hunting and fishing
977 activities in this state are as follows:
978 (a) Annual freshwater fishing license, $16.50~~$12~~.
979 (b) Annual saltwater fishing license, $16.50~~$12~~.
980 (c) Annual hunting license to take game, $16.50~~$11~~.
981 (d) Annual combination hunting and freshwater fishing
982 license, $33~~$22~~.
983 (e) Annual combination freshwater fishing and saltwater
984 fishing license, $33~~$24~~.
985 (f) Annual combination hunting, freshwater fishing, and
986 saltwater fishing license, $49.50~~$34~~.
987 (g) Annual license to take fur-bearing animals, $25.
988 However, a resident with a valid hunting license or a no-cost
989 license who is taking fur-bearing animals for noncommercial
990 purposes using guns or dogs only, and not traps or other devices,
991 is not required to purchase this license. Also, a resident 65
992 years of age or older is not required to purchase this license.
993 (h) Annual sportsman's license, $79~~$71~~, except that an
994 annual sportsman's license for a resident 64 years of age or
995 older is $12. A sportsman's license authorizes the person to whom
996 it is issued to take game and freshwater fish, subject to the
997 state and federal laws, rules, and regulations, including rules
998 of the commission, in effect at the time of the taking. Other
999 authorized activities include activities authorized by a
1000 management area permit, a muzzle-loading gun season permit, a

1001 crossbow season permit, a turkey permit, a Florida waterfowl
1002 permit, and an archery season permit.
1003 (i) Annual gold sportsman's license, $98.50~~$87~~. The gold
1004 sportsman's license authorizes the person to whom it is issued to
1005 take freshwater fish, saltwater fish, and game, subject to the
1006 state and federal laws, rules, and regulations, including rules
1007 of the commission, in effect at the time of taking. Other
1008 authorized activities include activities authorized by a
1009 management area permit, a muzzle-loading gun season permit, a
1010 crossbow season permit, a turkey permit, a Florida waterfowl
1011 permit, an archery season permit, a snook permit, and a spiny
1012 lobster permit.
1013 (j) Annual military gold sportsman's license, $18.50. The
1014 gold sportsman's license authorizes the person to whom it is
1015 issued to take freshwater fish, saltwater fish, and game, subject
1016 to the state and federal laws, rules, and regulations, including
1017 rules of the commission, in effect at the time of taking. Other
1018 authorized activities include activities authorized by a
1019 management area permit, a muzzle-loading gun season permit, a
1020 crossbow season permit, a turkey permit, a Florida waterfowl
1021 permit, an archery season permit, a snook permit, and a spiny
1022 lobster permit. Any resident who is an active or retired member
1023 of the United States Armed Forces, the United States Armed Forces
1024 Reserve, the National Guard, the United States Coast Guard, or
1025 the United States Coast Guard Reserve is eligible to purchase the
1026 military gold sportsman's license upon submission of a current
1027 military identification card.

1028 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The licenses
1029 and fees for nonresidents participating in hunting and fishing
1030 activities in the state are as follows:
1031 (a) Freshwater fishing licenses to take freshwater fish for
1032 3 consecutive days, $16.50.
1033 (b) ~~(a)~~ Freshwater fishing license to take freshwater fish
1034 for 7 consecutive days, $29.50~~$15~~.
1035 (c) ~~(b)~~ Saltwater fishing license to take saltwater fish for
1036 3 consecutive days, $16.50~~$5~~.
1037 (d) ~~(c)~~ Saltwater fishing license to take saltwater fish for
1038 7 consecutive days, $29.50~~$15~~.
1039 (e) ~~(d)~~ Annual freshwater fishing license, $46.50~~$30~~.
1040 (f) ~~(e)~~ Annual saltwater fishing license, $46.50~~$30~~.
1041 (g) ~~(f)~~ Hunting license to take game for 10 consecutive
1042 days, $45.
1043 (h) ~~(g)~~ Annual hunting license to take game, $150.
1044 (i) ~~(h)~~ Annual license to take fur-bearing animals, $25.
1045 However, a nonresident with a valid Florida hunting license who
1046 is taking fur-bearing animals for noncommercial purposes using
1047 guns or dogs only, and not traps or other devices, is not
1048 required to purchase this license.
1049 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
1050 PERMITS.--In addition to any license required under this chapter,
1051 the following permits and fees for specified hunting, fishing,
1052 and recreational uses and activities are required:
1053 (h)1. A recreational user permit is required to hunt on,
1054 fish on, or otherwise use for outdoor recreational purposes land
1055 leased by the commission from private nongovernmental owners,
1056 except for those lands located directly north of the Apalachicola

1057 National Forest, east of the Ochlocknee River until the point the
1058 river meets the dam forming Lake Talquin, and south of the
1059 closest federal highway. The fee for a recreational user permit
1060 shall be based upon the economic compensation desired by the
1061 landowner, game population levels, desired hunter density, and
1062 administrative costs. The permit fee shall be set by commission
1063 rule on a per-acre basis. The recreational user permit fee, less
1064 administrative costs of up to $25 per permit, shall be remitted
1065 to the landowner as provided in the lease agreement for each
1066 area.
1067 2. One minor dependent under 16 years of age~~, 16 years of~~
1068 ~~age or younger,~~ may hunt under the supervision of the permittee
1069 and is exempt from the recreational user permit requirements. The
1070 spouse and dependent children of a permittee are exempt from the
1071 recreational user permit requirements when engaged in outdoor
1072 recreational activities other than hunting and when accompanied
1073 by a permittee. Notwithstanding any other provision of this
1074 chapter, no other exclusions, exceptions, or exemptions from the
1075 recreational user permit fee are authorized.
1076 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--
1077 (a) Five-year licenses are available for residents only, as
1078 follows:
1079 1. A 5-year freshwater fishing or saltwater fishing license
1080 is $77.50~~$60~~ for each type of license and authorizes the person
1081 to whom the license is issued to take or attempt to take or
1082 possess freshwater fish or saltwater fish consistent with the
1083 state and federal laws and regulations and rules of the
1084 commission in effect at the time of taking.

1085 2. A 5-year hunting license is $77.50~~$55~~ and authorizes the
1086 person to whom it is issued to take or attempt to take or possess
1087 game consistent with the state and federal laws and regulations
1088 and rules of the commission in effect at the time of taking.
1089 3. The commission is authorized to sell the hunting,
1090 fishing, and recreational activity permits authorized in
1091 subsection (8) for a 5-year period to match the purchase of 5-
1092 year fishing and hunting licenses. The fee for each permit issued
1093 under this paragraph shall be five times the annual cost
1094 established in subsection (8).
1095 (b) Proceeds from the sale of all 5-year licenses and
1096 permits shall be deposited into the Dedicated License Trust Fund,
1097 to be distributed in accordance with the provisions of s.
1098 372.106.
1099 Section 16. Section 372.571, Florida Statutes, is amended
1100 to read:
1101 372.571 Expiration of licenses and permits.--Each license
1102 or permit issued under this chapter must be dated when issued.
1103 Each license or permit issued under this chapter remains valid
1104 for 12 months after the date of issuance, except for a lifetime
1105 license issued pursuant to s. 372.57 which is valid from the date
1106 of issuance until the death of the individual to whom the license
1107 is issued unless otherwise revoked in accordance with s. 372.83
1108 or s. 372.99, or a 5-year license issued pursuant to s. 372.57
1109 which is valid for 5 consecutive years from the date of purchase
1110 unless otherwise revoked in accordance with s.372.83 or s.
1111 372.99, or a license issued pursuant to s. 372.57(5)(a), (b),
1112 (c), (d), or (g) ~~or (f~~) or (8)(f), ~~or~~ (g)2., or (h)1., which is
1113 valid for the period specified on the license. A resident

1114 lifetime license or a resident 5-year license that has been
1115 purchased by a resident of this state and who subsequently
1116 resides in another state shall be honored for activities
1117 authorized by that license.
1118 Section 17. For purpose of incorporating the amendments
1119 made by this act to section 372.57, Florida Statutes, in a
1120 reference thereto, subsection (1) of section 372.5712, Florida
1121 Statutes, is reenacted to read:
1122 372.5712 Florida waterfowl permit revenues.--
1123 (1) The commission shall expend the revenues generated from
1124 the sale of the Florida waterfowl permit as provided in s.
1125 372.57(8)(a) or that pro rata portion of any license that
1126 includes waterfowl hunting privileges, as provided in s.
1127 372.57(4)(h), (i), and (j) and (9)(a)3. as follows: A maximum of
1128 5 percent of the gross revenues shall be expended for
1129 administrative costs; a maximum of 25 percent of the gross
1130 revenues shall be expended for waterfowl research approved by the
1131 commission; and a maximum of 70 percent of the gross revenues
1132 shall be expended for projects approved by the commission, in
1133 consultation with the Waterfowl Advisory Council, for the purpose
1134 of protecting and propagating migratory waterfowl and for the
1135 development, restoration, maintenance, and preservation of
1136 wetlands within the state.
1137 Section 18. For purpose of incorporating the amendments
1138 made by this act to section 372.57, Florida Statutes, in a
1139 reference thereto, subsection (1) of section 372.5715, Florida
1140 Statutes, is reenacted to read:
1141 372.5715 Florida wild turkey permit revenues.--

1142 (1) The commission shall expend the revenues generated from
1143 the sale of the turkey permit as provided for in s. 372.57(8)(b)
1144 or that pro rata portion of any license that includes turkey
1145 hunting privileges as provided for in s. 372.57(4)(h), (i), and
1146 (j) for research and management of wild turkeys.
1147 Section 19. For purpose of incorporating the amendments
1148 made by this act to section 372.57, Florida Statutes, in a
1149 reference thereto, section 372.573, Florida Statutes, is
1150 reenacted to read:
1151 372.573 Management area permit revenues.--The commission
1152 shall expend the revenue generated from the sale of the
1153 management area permit as provided for in s. 372.57(8)(g) or that
1154 pro rata portion of any license that includes management area
1155 privileges as provided for in s. 372.57(4)(h), (i), and (j) for
1156 the lease, management, and protection of lands for public
1157 hunting, fishing, and other outdoor recreation.
1158 Section 20. Subsection (2) of section 372.661, Florida
1159 Statutes, is amended to read:
1160 372.661 Private hunting preserve license fees; exception.--
1161 (2) A commercial hunting preserve license, which shall
1162 exempt patrons of licensed preserves from the license and permit
1163 requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j);
1164 (5)~~(f) and~~ (g) <u>and (h)</u>; (8)(a), (b), and (e); (9)(a)2.; (11); and
1165 (12) while hunting on the licensed preserve property, shall be
1166 $500. Such commercial hunting preserve license shall be available
1167 only to those private hunting preserves licensed pursuant to this
1168 section which are operated exclusively for commercial purposes,
1169 which are open to the public, and for which a uniform fee is
1170 charged to patrons for hunting privileges.

1171 Section 21. Paragraph (d) is added to subsection (2) of
1172 section 372.672, Florida Statutes, to read:
1173 372.672 Florida Panther Research and Management Trust
1174 Fund.--
1175 (2) Money from the fund shall be spent only for the
1176 following purposes:
1177 (d) To promote and market the panther license plate
1178 authorized under s. 320.08058.
1179 Section 22. Paragraph (a) of subsection (2) and paragraph
1180 (a) of subsection (4) of section 372.83, Florida Statutes, are
1181 amended to read:
1182 372.83 Penalties and violations; civil penalties for
1183 noncriminal infractions; criminal penalties; suspension and
1184 forfeiture of licenses and permits.--
1185 (2)(a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
1186 violation if he or she violates any of the following provisions:
1187 1. Rules or orders of the commission relating to seasons or
1188 time periods for the taking of wildlife, freshwater fish, or
1189 saltwater fish.
1190 2. Rules or orders of the commission establishing bag,
1191 possession, or size limits or restricting methods of taking
1192 wildlife, freshwater fish, or saltwater fish.
1193 3. Rules or orders of the commission prohibiting access or
1194 otherwise relating to access to wildlife management areas or
1195 other areas managed by the commission.
1196 4. Rules or orders of the commission relating to the
1197 feeding of wildlife, freshwater fish, or saltwater fish.
1198 5. Rules or orders of the commission relating to landing
1199 requirements for freshwater fish or saltwater fish.

1200 6. Rules or orders of the commission relating to restricted
1201 hunting areas, critical wildlife areas, or bird sanctuaries.
1202 7. Rules or orders of the commission relating to tagging
1203 requirements for game and fur-bearing animals.
1204 8. Rules or orders of the commission relating to the use of
1205 dogs for the taking of game.
1206 9. Rules or orders of the commission which are not
1207 otherwise classified.
1208 10. All prohibitions in chapter 370 which are not otherwise
1209 classified.
1210 11. Section 370.029, prohibiting the violation of or
1211 noncompliance with commission rules.
1212 12. Section 370.021(6) prohibiting the sale, purchase,
1213 harvest, or attempted harvest of any saltwater product with
1214 intent to sell.
1215 13. Section 370.08, prohibiting the obstruction of
1216 waterways with net gear.
1217 14. Section 370.1105, prohibiting the unlawful use of
1218 finfish traps.
1219 15. Section 370.1121, prohibiting the unlawful taking of
1220 bonefish.
1221 16. Section 370.13(2)(a) and (b), prohibiting the
1222 possession or use of stone crab traps without trap tags and theft
1223 of trap contents or gear.
1224 17. Section 370.135(4)(b) ~~370.135(1)(c)~~, prohibiting the
1225 theft of blue crab trap contents or trap gear.
1226 18. Section 370.142(2)(c), prohibiting the possession or
1227 use of spiny lobster traps without trap tags or certificates and
1228 theft of trap contents or trap gear.

1229 19. Section 372.5704, prohibiting the possession of tarpon
1230 without purchasing a tarpon tag.
1231 20. Section 372.667, prohibiting the feeding or enticement
1232 of alligators or crocodiles.
1233 21. Section 372.705, prohibiting the intentional harassment
1234 of hunters, fishers, or trappers.
1235 (4)(a) LEVEL FOUR VIOLATIONS.--A person commits a Level
1236 Four violation if he or she violates any of the following
1237 provisions:
1238 1. Section 370.13(2)(c), prohibiting criminal activities
1239 relating to the taking of stone crabs.
1240 2. Section 370.135(4)(c) ~~370.135(1)(b)~~, prohibiting
1241 criminal activities relating to the taking and harvesting of blue
1242 crabs ~~the willful molestation of blue crab gear~~.
1243 3. Section 370.14(4), prohibiting the willful molestation
1244 of spiny lobster gear.
1245 4. Section 370.142(2)(c)5., prohibiting the unlawful
1246 reproduction, possession, sale, trade, or barter of spiny lobster
1247 trap tags or certificates.
1248 5. Section 372.57(16), prohibiting the making, forging,
1249 counterfeiting, or reproduction of a recreational license or
1250 possession of same without authorization from the commission.
1251 6. Section 372.99(5), prohibiting the sale of illegally-
1252 taken deer or wild turkey.
1253 7. Section 372.99022, prohibiting the molestation or theft
1254 of freshwater fishing gear.
1255 Section 23. For purpose of incorporating the amendments
1256 made by this act to section 320.08058, Florida Statutes, in a

1257 reference thereto, paragraph (c) of subsection (1) of section
1258 380.511, Florida Statutes, is reenacted to read:
1259 380.511 Florida Communities Trust Fund.--
1260 (1) There is created the Florida Communities Trust Fund as
1261 a nonlapsing, revolving fund for projects, activities,
1262 acquisitions, and operating expenses necessary to carry out this
1263 part. The fund shall be held and administered by the trust. The
1264 following shall be credited to or deposited in the Florida
1265 Communities Trust Fund:
1266 (c) Proceeds from the sale of environmental license plates
1267 authorized in s. 320.08058(5).
1268 All moneys so deposited into the Florida Communities Trust Fund
1269 shall be trust funds for the uses and purposes set forth in this
1270 section, within the meaning of s. 215.32(1)(b); and such moneys
1271 shall not become or be commingled with the General Revenue Fund
1272 of the state, as defined by s. 215.32(1)(a).
1273 Section 24. This act shall take effect July 1, 2007.

# Amended Meeting Packet

## Committee on Conservation & State Lands

**Wednesday, March 7, 2007**
**9;00 AM – 3:00 PM**
**24 HOB**

**Marco Rubio**
**Speaker**

**Rep. Will Kendrick**
**Chair**

# HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB ENRC 07-07 Florida Fish & Wildlife Conservation Commission
**SPONSOR(S):** Environment & Natural Resources Council
**TIED BILLS:** **IDEN./SIM. BILLS:** SPB 7042, SPB 7054

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---|---|---|---|
| Orig. Comm.: Environment & Natural Resources Council | | | |
| Committee on Conservation & State Lands | | Zeiler | Zeiler |
| 1) | | | |
| 2) | | | |
| 3) | | | |
| 4) | | | |

## SUMMARY ANALYSIS


The proposed bill addresses several issues regarding the Florida Fish and Wildlife Commission (FWC).

The proposed bill requires the FWC due process requirements of s.120.52, F.S. to be adopted by rule verbatim rather than by reference.

The proposed bill provides the FWC additional authority over the use of revenues generated from the sale of Florida Panther, Large Mouth Bass, and Manatee License Plates.

The proposed bill amends s. 370.025(4), F.S., relating to the FWC's constitutional authority and the Legislature's statutory authority over marine life.

The proposed bill provides additional revenues to the Marine Resources Conservation Trust Fund and authority for uses of the trust fund.

The bill addresses several issues with regard to fees and penalties relating to taking blue crabs and spiny lobsters. Specifically, with regard to blue crabs the bill:

- amends s. 370.135, F.S., to create new "endorsement fees" for blue crabs;
- requires that $25 of the new endorsement fees must be used for the trap retrieval program;
- requires an annual fee of 50 cents for each blue crab trap tag;
- requires that all the funds from fees and penalties relating to the blue crab program be deposited in the Marine Resources Conservation Trust Fund; and
- provides penalties for untagged traps.

With regard to the spiny lobster, the proposed bill provides additional administrative penalties for any person forging or bartering spiny lobster trap tags or certificates during any period of time while a trap number is under suspension or revocation.

The proposed bill amends s. 370.143, F.S., relating to the trap retrieval program, to add traps for blue crabs and black sea bass to the types of traps that fall under the current trap retrieval program for spiny lobsters and stone crabs.

The proposed bill allows the Fish and Wildlife Conservation Commission to waive replacement trap tag fees for the commercial blue crab, commercial stone crab, and commercial spiny lobster fisheries, in the event of a declared emergency by the Governor.

The proposed bill waives all blue crab fishery fees for the 2006-2007 license year, and appropriates $132,000 from the Marine Resources Conservation Trust Fund in order to pay for the program, tags and administrative costs associated with the blue crab management effort and its advisory board.

## FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The proposed bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Due Process
During 2006, the FWC incorporated due process procedures into their rules by reference. The proposed bill amends s, 20.331, F.S. and requires such procedures to be adopted verbatim, thereby eliminating a need for interested parties to go to multiple documents to ascertain the requirements of FWC.

Specialty License Plate
Revenues generated from the sales of specialty license plates are directed towards specific activities. Revenues generated from the sale of Florida Panther License Plates are distributed and authorized for: 85% to the Florida Panther Research and Management Trust Fund for education and programs to protect the endangered Florida panther and 15%, but not less than $300,000, to the Florida Communities Trust Fund for purposes of the Florida Communities Trust Act (Chapter 380, Part III). All revenues generated from the sale of Largemouth Bass License Plates are deposited in the State Game Trust Fund. These revenues are to fund conservation programs that maintain the protection and management of the state's fish and wildlife resources, including providing hunting, fishing, and nonconsumptive wildlife opportunities. All revenues generated from the Manatee License Plate are deposited into the Save the Manatee Trust Fund for conducting manatee population counts; evaluating and developing manatee protection measures; providing manatee and marine mammal recovery efforts; manufacturing and erecting informational and regulatory signs; producing and distributing educational materials; and participating in manatee and marine mammal research programs. Currently, the promotion and marketing of the sales of specialty license are not statutorily authorized activities.

The proposed bill would authorize the FWC to utilize up to 10% of the revenues received for the promotion and marketing of the Florida Panther, Large Mouth Bass and Manatee license plates. The FWC believes promoting these specialty license plates will generate additional support and funds for the previously mentioned activities. The proposed bill also provides the FWC authority to utilized funds in the Save the Manatee Trust to buy back unissued Manatee License Plates. The FWC has a redesigned Manatee License Plate that is intended to increase sales.

Constitutional authority of Fish and Wildlife Conservation Commission
In 1998, Florida voters amended Florida's Constitution, creating the Fish and Wildlife Conservation Commission (FWC) and granting the FWC the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. Florida's Constitution further states "the jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the Fish and Wildlife Conservation Commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law." The Florida Supreme Court has ruled that FWC's constitutional authority over marine life does not extend to endangered or threaten species. The court based its ruling on the fact that the constitutional amendment which created the FWC did not confer authority over all marine life, only such authority that rested with the Marine Fishery Commission as of March 1, 1998. Since that time, considerable debate has taken place over what constitutes FWC's constitutional authority versus its statutory responsibilities.

Currently Florida Statute s. 370.25(4), F.S. acknowledges FWC's authority over all marine life with specific exceptions. This provision unnecessarily limits the legislature's authority, including the Joint Administrative Procedures Committee's authority to review FWC's rules. The proposed bill acknowledges other issues regarding statutory authority may remain and provides the legislature retention of this statutory authority.

Marine Resources Conservation Trust Fund

The purpose of this trust fund are expanded to include funding for the stone crab, blue crab, and spiny lobster commercial trap programs, including the trap retrieval program. The trust fund is also designated as the depository of any fees or fines collected from these programs.

Blue Crabs

*Background*

During the 1998 Session, concerns about the rapidly increasing number of traps in the blue crab fishery and their stress on the natural resource resulted in a legislative moratorium on the issuance of new blue crab endorsements. A moratorium was established to allow for the completion and adoption of the blue crab management program. This moratorium has been extended three times by the FWC. The most recent extension is effective until July 1, 2007.

In 2003, the FWC Division of Marine Fisheries Management (MFM) assembled a 15 member industry advisory board, the *ad hoc* Blue Crab Advisory Board (BCAB), to develop an effort management program. The BCAB recommendations resulted in an effort management program that limited access to a number of qualified participants based on previous landings and limited an equal number of traps per qualified participants. After the initial allotment, traps could be traded or sold between participants. The BCAB further recommended separating the hard shell blue crab fishery from the soft shell blue crab fishery and creating separate endorsements for each.

In 2005, the FWC held its final public hearing and approved the establishment of the Blue Crab Limited Entry Endorsement Program (Rule 68B-45.007, Florida Administrative Code). In order to commercially harvest, an applicant must possess a valid saltwater products license, a valid restricted species endorsement, and a blue crab endorsement number. Applications are due by September 30, 2007.

*Hard Shell Blue Crab Endorsement (Qualification and Allotments)*

- Documented landings of hard shell blue crab equal to or greater than 500 pounds during any one of the qualifying years (license years 2000-2001, 2001-2002, 2002-2003).
- Entitled to deploy up to 600 hard shell blue crab traps in any state waters and an additional 400 hard shell blue crab traps in offshore state waters in the Gulf of Mexico.
- Allowed to land a maximum bycatch of 150 peeler (soft shell) crabs daily and operate up to three peeler crab shedding tanks.

*Soft Shell Blue Crab Endorsement (Qualification and Allotments)*

- Documented landings of soft shell or peeler blue crabs equal to or greater than 750 crabs during any one of the qualifying years (license years 2000-2001, 2001-2002, 2002-2003).
- Entitled to fish up to 400 peeler crab traps in state waters and an additional 250 peeler crab traps, if the applicant harvested landings equal to or greater than 2,500 crabs during any one of the qualifying years.

*Non-transferable Blue Crab Endorsement Program (Qualification and Allotments)*

- A displaced net fisherman or a person who sold nets to the state under the net buy back program who is not eligible for either the hard or soft shell endorsement, who has had no convictions for gear violation since 1995.
- May purchased up to 100 hard shell blue crab trap tags.

*Current Law*

Section 370.135. F.S., currently addresses the regulatory requirements relating to the commercial taking of blue crabs using traps. Pursuant to the provisions of s. 370.135(1), F.S., blue crabs may not

be taken using a trap unless the person, firm or corporation setting the trap holds a valid saltwater products license issued by the FWCC pursuant to s. 370.06, F.S., and the trap has a current state number, at least one inch high, permanently attached to the buoy used to mark the trap. Under s. 370.135(1), F.S., it is a third degree felony for anyone to willfully molest any trap, line or buoy that belongs to another without the express written permission of the trap owner. Any person receiving a judicial disposition for such a violation, in addition to the penalties specified in s. 370.021, F.S., (general penalties for violations of FWC rules), shall lose all saltwater fishing privileges for a period of 24 calendar months. It is also unlawful and constitutes theft to remove the contents of another harvester's trap or to take possession of such a trap without possession of written permission. Any person receiving a judicial disposition for a theft violation, in addition to the penalties specified in s. 370.021, F.S., permanently loses all saltwater fishing privileges, and endorsements, and is assessed an administrative penalty of up to $5,000. Current law allows the FWC to establish by rule an amount of equitable rent for enhanced access to the state's natural resources. Final rule adoption is subject to the review and approval of the Governor and Cabinet sitting as the Board of Trustees.

The proposed bill establishes the following fees:

- Hard-Shell Blue Crab Endorsements - $125, of which $25 dollars must be solely for the trap retrieval program.
- Soft-Shell Blue Crab Endorsements - $250, of which $25 dollars must be solely for the trap retrieval program.
- Nontransferable Hard-Shell Blue Crab Endorsements - $125, of which $25 dollars must be solely for the trap retrieval program.
- Incidental-take Blue Crab Endorsements - $25 (for shrimpers and stone crabbers).
- Trap tags - $.50 cents per tag, replacement tags are $.50 cents plus shipping costs.

Fees and Penalties will be deposited into the Marine Resources Conservation Trust Fund and up to 50% can be utilized for the operation and administration of a blue crab effort management program.

*Effect of Proposed Bill*

The proposed bill would require an act of the legislature before rules establishing equitable rent for enhanced accessed to natural resources becomes effective and no longer requires the approval of the Board of Trustees. The proposed bill also authorizes the FWC to temporarily defer or waive replacement tag fees in the event of a major natural disaster which causes massive losses within an area declared by the Governor. All of these fees listed above are waived for the 2006-2007 license year for those qualifying by September 30, 2006. All the funds from fees and penalties relating to the blue crab program are to be deposited in the Marine Resources Conservation Trust Fund.

The bill provides penalties for untagged blue crab traps. The first violation of the requirements for trap tags will subject the violator to an administrative penalty of up to $1,000 and their blue crab fishing privileges may be suspended for the remainder of the current license year. Subsequent violations will subject the violator to increasing administrative penalties up to $5,000 and increasing terms of suspension of blue crab fishing privileges. The bill sets administrative penalties and provides for a third degree felony for conviction of violating commission rules regarding blue crab trap theft and molestation, and for bartering, trading, selling or leasing and forging trap tags. Any person convicted of fraudulently reporting the actual value of transferred blue crab endorsements may have his/her blue crab endorsements automatically suspended or revoked by the FWCC. If an endorsement is permanently revoked, the FWCC must also permanently deactivate the endorsement holder's blue crab trap tag accounts. All traps subject to a suspended or revoked endorsement must be removed from the water within 15 days from notice by the FWCC. Failure to do so will result in a 6 month extension of the suspension or revocation.

The proposed bill appropriates $132,000 from the Marine Resources Conservation Trust Fund in order to pay for the program, tags and administrative costs associated with the blue crab management effort and its advisory board.

Spiny Lobster

*Background*

The spiny lobster trap certificate program was established by statute (s. 370.142, F.S.) in 1990 to stabilize the fishery by reducing the total number of traps, which should increase the yield per trap and maintain or increase overall catch levels. The program was implemented in response to rapid growth of the fishery and associated problems of increased congestion and conflict on the water, excessive mortality of undersized lobsters, a declining yield per trap, and public concern over petroleum and debris pollution. The number of traps in the fishery was capped at 750,327 and fishers were allocated their share of allowable traps on the basis of their historical landings. Each year fishers received one trap tag for each trap certificate on record in their file. Only lobster traps bearing a trap tag issued by the FWC may be fished. A fisher may buy or sell trap certificates on the open market.

*Current Law*

Section 370.14, F.S., establishes the regulatory requirements for taking spiny lobsters (crawfish) and requires any person taking or attempting to take a crawfish with a trap in commercial quantities to obtain and exhibit a crawfish trap number as required by the FWCC. Pursuant to s. 370.142, F.S., the FWC established rule 68-24B, F.A.C. a "trap certificate program" for the spiny lobster fishery and is responsible for its administration and enforcement. Each person who holds a saltwater products license who uses traps for taking spiny lobsters is required to have a certificate on record for each trap that is used. In addition, each trap must have affixed to it an annual tag issued by the FWCC. Section 370.142(2)(c), F.S., provides for prohibitions and penalties regarding violations relating to the spiny lobster trap certificate program. Specifically, it is unlawful for a person to:

- possess or use a spiny lobster trap without the required certificate and tag;
- molest a trap or remove its contents;
- forge a trap certificate of tag; or,
- barter, trade, sell, supply a trap certificate or tag.

*Effect of Proposed Bill*

The proposed bill provides that any person who receives a judicial disposition other than an acquittal or dismissal for a violation of the prohibitions against forging or bartering spiny lobster trap tags or certificates (s. 370.142(2)(c)5, F.S.) during any period of time while a trap number is under suspension or revocation shall be assessed an administrative penalty of up to $5,000, and the person's crawfish endorsement may be suspended for up to 24 months. The proposed bill provides that the FWCC may waive trap tag replacement fees if the Governor declares a state of emergency.

Trap Retrieval Program

*Background*

Spiny lobster season ends on March 31 each year; stone crab season ends on May 15. Fishers are required to remove their traps from the water during the closed season. Traps may be left in the water at the close of season for several reasons: (1) they were moved by currents or dragged by boats and lost to the owner; (2) the owner is either unable to bring them in, e.g. because of illness, a mechanical problem with his boat, etc., or chooses to not retrieve them; or (3) the owner may intend to continue fishing. Traps left in the water pose two basic problems: they continue to catch product, much of which dies, and they have the potential to be illegally fished. Also, traps that are left in the water can end up as "derelict traps" or "trap debris", swept shoreward by currents into mangrove forests, shallow water flats, grass beds and marsh areas.

While spiny lobster and stone crab seasons have long had specific closures, the blue crab season has been opened year round, until recently. In 2003, the Commission closed the blue crab fishery in an area north and west of the Suwannee River seaward of a line three nautical miles from shore for the 14 days prior to stone crab season. In 2004, the 14-day closure zone was extended to the entire Gulf Coast, seaward of the three-nautical-mile line. The principal reason for excluding blue crab traps from waters beyond the three mile line is to preclude the possibility that such traps could be used to collect stone crab immediately prior to the beginning of the stone crab fishing season.

In 2003, the Commission adopted guidelines for trap retrieval and trap debris removal. Definitions apply to spiny lobster, stone crab, and blue crab traps, and a closed season now exists for all three fisheries.

*Current Law*
Section 370.143, F.S., authorizes the FWCC to implement a trap retrieval program for retrieval of spiny lobster and stone crab traps remaining in the water during the closed season for each species. Trap owners are charged a retrieval fee of $10 per trap. Traps recovered under this program become the property of the FWCC or its contract agent and must be destroyed or resold to the original owner. The revenue from retrieval fees is deposited into the Marine Resources Conservation Trust Fund and is used solely for operation of the trap retrieval program. Payment of all assessed retrieval fees must be received by the FWCC prior to renewal of the trap owner's saltwater products license and stone crab and or crawfish endorsements. Retrieval fees assessed under this program stand in lieu of other penalties imposed for such trap violations.

*Effect of Proposed Bill*
The proposed bill adds blue crab and black sea bass traps to the trap retrieval program.

Marine Resources Conservation Trust Fund
The proposed bill expands uses of the trust fund are expanded to include funding for the stone crab, blue crab, and spiny lobster commercial trap programs, including the trap retrieval program. The trust fund is also designated as the depository of any fees or fines collected from these programs.

Fees for Recreational Hunting and Fishing Licenses
The proposed bill recommends increasing the fees for recreational hunting and fishing licenses for both residents and non-residents.

| RESIDENT | Current Fee | Proposed Fee |
|---|---|---|
| Annual | | |
| Freshwater fishing license | $12.00 | $16.50 |
| Saltwater fishing license | $12.00 | $16.50 |
| Hunting license to take game | $11.00 | $16.50 |
| Hunting/freshwater fishing license | $22.00 | $33.00 |
| Freshwater/saltwater fishing license | $24.00 | $33.00 |
| Hunting/freshwater fishing/saltwater fishing license | $34.00 | $49.50 |
| Annual gold sportsman's license | $87.00 | $98.50 |
| Five Year | | |
| Freshwater fishing or saltwater fishing license | $60.00 | $77.50 |
| Hunting license | $55.00 | $77.50 |
| NON-RESIDENT | | |
| Freshwater fishing license (3 consecutive days) | (new license) | $16.50 |
| Freshwater fishing license (7 consecutive days) | $15.00 | $29.50 |
| Saltwater fishing license (3 consecutive days) | $5.00 | $16.50 |
| Saltwater fishing license (7 consecutive day) | $15.00 | $29.50 |
| Annual freshwater fishing license | $30.00 | $46.50 |
| Annual saltwater fishing license | $30.00 | $46.50 |

C. SECTION DIRECTORY:

**Section 1.** Amends s, 20.331, F.S. and clarifies the FWC due process procedures.

**Section 2.** Amends s. 320.08058, F.S., to provide the additional authority for the use of revenues generated by the Florida Panther and the Florida Largemouth Bass License Plates.

**Section 3.** Amends s. 370.025(4), F.S., to remove the statutory limitation on the legislature's authority to govern marine life.

**Section 4.** Amends s. 370.0603, F.S., to expand revenues deposited into the Marine Resource Conservation Trust Fund.

**Section 5.** Amends s.370.1105, F.S. to provide language consistency within Florida Statutes and FWC Rules when specifying spiny lobster.

**Section 6.** Amends s. 370.12(4), F.S., to provide the additional authority for the use of revenues generated by Manatee License Plate.

**Section 7.** Amends s. 370.13, F.S., to allow the FWC to waive fees for replacement trap tag fees in the event of major natural disasters and to require legislative approval prior to the FWC establishing fees for equitable rent.

**Section 8.** Amends s. 370.135, F.S. to establish fees blue crab endorsements fees, trap tag fees, conditions for fee waivers, and fine and penalties for violating blue crab regulations.

**Section 9.** Provides a recurring appropriation of $132,000 from the Marine Resources Conservation Trust Fund to the FWC as funding mechanism for implementing the Blue Crab Effort Management Program.

**Section 10.** Amends s. 370.14, F.S. to provide consistent language between regulatory programs for Spiny Lobster, Stone Crab, and Blue Crab.

**Section 11.** Amends s. 370.142(2) to require legislative approval prior to the FWC establishing fees for equitable rent and provides addition administrative fine, penalties and endorsement suspension for tag trap forgery.

**Section 12.** Amends s. 370.143, F.S. to add blue crabs and black sea bass to the trap retrieval program.

**Section 13.** Amends s. 372.09, F.S. to provide authority within the State Game Trust Fund for marketing specialty license plates.

**Section 14.** Amends s. 372.562, F.S. to provide clarifying language to the exemptions from fees and requirements of freshwater and saltwater recreational licenses.

**Section 15.** Amends s.372.57, F.S. to increase fees for both resident and non-resident hunting fishing licenses.

**Section 16.** Amends s.372.571 to incorporate license revocation penalties.

**Section 17.** Reenacts s. 372.5712, F.S. for purposes of incorporating amendments made to s. 372.57, F.S. (fee increases).

**Section 18.** Reenacts s. 372.5715, F.S. for purposes of incorporating amendments made to s. 372.57, F.S. (fee increases).

**Section19.** Reenacts s. 372.573, F.S. for the purposes of incorporating amendments made to s. 372.72, F.S.

**Section 20.** Amends s. 372.661, F.S. to adopt cross-reference changes due to amending s. 372.57, F.S. (new 3 day fishing license for non-residents).

**Section 21.** Amends s. 372.672, F.S. to expand the uses of funds held in the Florida Panther Research and Management Trust.

**Section 22.** Amends 372.83, F.S. to adopt cross-reference changes due to amending s. 370.135, F.S. (blue crabs, regulations).

**Section 23.** Reenacts s. 380.511, F.S. for the purposes of incorporating amendments made to s. 320.08058, F.S.

**Section 24.** Provides an effective date of July 1, 2007.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The FWC has not completed revenues projections for recent changes to fee increases.

2. Expenditures:

   The proposed bill authorizes the FWC to buy back unissued Save the Manatee license tag at a cost of $132,000. The proposed bill provides a recurring appropriation of $132,000 from the Marine Resources Conservation Trust Fund to the FWC as a funding mechanism for implementing the Blue Crab Effort Management Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None

2. Expenditures:

   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals who fish and hunt in the State of Florida will pay increased fees for recreational fishing and hunting licenses. The blue crab fisheries will incur fiscal impact from fees for endorsements, tags, possible fines and penalties. Individuals who don't retrieve black sea bass or blue crab traps will incur a $10 fee for each trap retrieved after the first five.

D. FISCAL COMMENTS:

None

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None

2. Other:

The statutory affirmation of rule 68B-45 F.A.C. may raise questions as to whether FWC had constitutional authority to adopt such rules. However, the passage of statutory authority may mute any constitutional objection to current rule.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

N/A

## IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A