

House Bill No. 655

An act relating to Brevard County; amending chapter 94-419, Laws of Florida, as amended by chapter 2000-451, Laws of Florida; revising provisions relating to license term; revising provisions relating to fees; revising provisions relating to the limitation on the issuance of licenses; revising provisions relating to the use of proceeds from the collection of licensing fees; providing an expiration date; providing an effective date.

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

Section 1. Subsections (1), (3), (4), and (7) of section 2 and sections 5 and 12 of section 1 of chapter 2000-451, Laws of Florida, are amended to read:

Section 2. (1) The Fish and Wildlife Conservation Commission shall issue a resident or nonresident clam license during a 61-day period beginning June 1 of each year, except that in 1994 the 61-day period shall begin on the effective date of this act. The term of the license begins on July 1 of the purchase year and ends on June 30 of the following ~~third succeeding~~ year. The fee for a resident license is \$100 ~~\$300~~, and the fee for a nonresident license is \$400 ~~\$1,200~~. The license is valid only for the individual licensee to whom it is issued. The nonresident license must be readily distinguishable from the resident license.

(3) A license may be purchased after the annual 61-day license issuance period upon the payment of an additional \$400 ~~\$1,200~~ late fee to the commission.

(4) Beginning June 1, 1996, no new clam licenses shall be issued by the Department of Environmental Protection or the Fish and Wildlife Conservation Commission until the total number of active and renewed clam licenses for Brevard County falls below 400 ~~500~~ for the previous license year. In any year thereafter, the commission may issue such additional new licenses to bring the total number of licenses issued for Brevard County up to a maximum of 400 ~~500~~.

(7) On July 1 of each year, the Fish and Wildlife Conservation Commission will determine if the total number of licenses has fallen below 400 ~~500~~. If so, the commission may issue new licenses under the following stipulations:

(a) First priority will be given to current Brevard County Hard Clam License holders who have missed one of the required educational seminars. Applicants will have a 60-day period beginning July 1 to apply for a new license and complete the missed educational seminar.

(b) Second priority will be given to past Brevard County Hard Clam License holders under this act. Applicants will have a 60-day period beginning September 1 to apply for a new license and complete all missed educational seminars.

(c) Final priority will be on a first-come first-served basis. Applicants will have a 60-day period beginning November 1 to apply for a new license and complete all educational seminars.

(d) New licenses will not be issued between January 1 and June 30 of any year.

Section 5. The Fish and Wildlife Conservation Commission shall remit the proceeds from the clam licenses and late fees to the Department of Agriculture and Consumer Services less any reasonable administrative costs associated with the issuance of said license. The proceeds from the collection of license fees or civil penalties under this act, including any late fees, are to be deposited in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services and, less reasonable administrative and educational costs, must be appropriated for the initial testing and reclassification of shellfish-harvesting waters in Brevard County. A portion of the proceeds, not more than 40 percent, must be used to mark those open and closed waters of Brevard County until all such waters are so marked. An additional portion of the proceeds must be used for clam resource restoration and enhancement projects in various areas of benefit to and in coordination with the Brevard County clamming industry.

Section 12. This act shall expire July 1, 2008 ~~2003~~.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 26, 2003.

Filed in Office Secretary of State June 26, 2003.