

Council Substitute for House Bill No. 7173

An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.331, F.S.; clarifying the commission's constitutional authority over marine life; requiring the commission to adopt and publish a rule establishing due process procedures; revising the commission's statutory duties and responsibilities; amending s. 320.08056, F.S.; increasing the fee for Sea Turtle license plates; amending s. 320.08058, F.S.; specifying a percentage of annual use fees collected from the sale of manatee license plates that may be used to promote and market the license plate; authorizing the commission to use proceeds of the annual use fee for fiscal year 2007-2008 to buy back certain plates; providing for future repeal; specifying a percentage of annual use fees collected from the sale of Florida panther and Largemouth Bass license plates that may be used to promote and market the license plates; amending s. 370.025, F.S.; deleting provisions relating to the extent of the commission's authority over marine life; amending s. 370.0603, F.S.; providing for the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; authorizing the use of such funds; amending s. 370.1105, F.S.; clarifying terminology relating to the spiny lobster; amending s. 370.12, F.S.; specifying a percentage of annual use fees collected from the sale of manatee license plates that may be used to promote and market the license plate; authorizing the commission to use proceeds of the annual use fee for fiscal year 2007-2008 to buy back certain plates; amending s. 370.13, F.S.; revising provisions for replacing lost or damaged tags for stone crab traps; authorizing the commission to defer or waive replacement tag fees under certain circumstances; deleting obsolete provisions for the applicability of certain fee and surcharge amounts relating to trap certificates; providing for legislative approval of the commission rule establishing an amount of equitable rent; revising certain administrative penalties; amending s. 370.135, F.S., relating to blue crab regulation; requiring commercial harvesters to hold restricted species endorsements; requiring endorsement numbers to be affixed to traps and buoys; providing criteria for buoy markings; providing for transfer of an endorsement when a vessel is replaced; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the commission to defer or waive replacement tag fees under certain circumstances; authorizing the commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; requiring the commission to adopt certain rules; providing administrative penalties for certain violations; prohibiting the unauthorized possession of blue crab trap gear or removal of blue crab trap contents and providing penalties therefor; providing penalties for certain other prohibited activities relating to blue crab traps, lines, buoys, and trap tags; providing penalties for fraudulent reports related to endorsement transfers;

prohibiting certain activities during endorsement suspension and revocation; preserving state jurisdiction for certain convictions; providing requirements for certain license renewal; providing for the expiration of certain provisions unless reenacted by the Legislature during the 2009 Regular Session; amending s. 370.14, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.1405, F.S.; clarifying terminology relating to the spiny lobster; amending s. 370.142, F.S., relating to the spiny lobster trap certificate program; removing certain obsolete provisions; clarifying provisions for transferable trap certificates; providing for legislative approval of the commission rule establishing an amount of equitable rent; deleting obsolete provisions relating to the leasing of spiny lobster trap tags and certificates; authorizing the commission to defer or waive replacement tag fees under certain circumstances; providing administrative penalties for certain violations of the spiny lobster trap certificate program; revising certain administrative penalties; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; requiring the commission to waive trap retrieval fees under certain circumstances; amending s. 372.09, F.S.; providing that annual use fees collected from the sale of Largemouth Bass license plates may be used to promote and market the license plates; amending s. 372.561, F.S.; authorizing the commission, tax collectors, and certain subagents to request and collect donations during the sale of certain licenses and permits; requiring collected donations to be deposited in the State Game Trust Fund; requiring funds to be used for a specified purpose; requiring the commission to provide an annual report to the Governor and Legislature; providing report requirements; amending s. 372.562, F.S.; specifying certain fishing as exempt from fees and requirements; amending s. 372.57, F.S.; increasing the fees for certain resident and nonresident hunting and fishing licenses; creating a 3-day freshwater fishing license for nonresidents; clarifying terminology relating to the spiny lobster; amending s. 372.672, F.S.; authorizing the use of funds from the Florida Panther Research and Management Trust Fund to promote and market the Florida panther license plate; amending s. 861.021, F.S.; clarifying terminology relating to the spiny lobster; amending ss. 372.571, 372.661, and 372.83, F.S.; conforming cross-references; reenacting s. 372.573, F.S., relating to revenues from management area permits, to incorporate the amendment to s. 372.57, F.S., in references thereto; reenacting s. 380.511(1)(c), F.S., relating to the deposit of proceeds from the sale of certain specialty license plates, to incorporate the amendment to s. 320.08058, F.S., in a reference thereto; providing an appropriation to the commission for costs related to the implementation of the blue crab effort management program and the administration of the Blue Crab Advisory Board; providing effective dates.

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

Section 1. Subsection (8) of section 20.331, Florida Statutes, is amended and renumbered as subsection (9), present subsections (9), (10), and (11) are

renumbered as (10), (11), and (12), respectively, and a new subsection (8) is added to that section, to read:

20.331 Fish and Wildlife Conservation Commission.—

(8) LEGISLATIVE AUTHORITY.—The constitutional power granted to the Fish and Wildlife Conservation Commission does not include any authority over marine life retained by the Legislature or vested in any agency other than the Marine Fisheries Commission on March 1, 1998, or any authority over marine aquaculture retained by the Legislature and vested in any other agency as of July 1, 1999.

~~(9)~~(8) ADEQUATE DUE PROCESS PROCEDURES.—

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

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

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

1. Research and management responsibilities for marine species listed as endangered or threatened, including manatees and marine turtles.;
2. Establishment and enforcement of boating safety regulations.;
3. Land acquisition.;
4. Enforcement and collection of fees for all commercial and recreational hunting or fishing licenses or permits.;
5. Aquatic plant removal using fish as a biological control agent.;
6. Enforcement of penalties for violations of commission rules and state laws, including, but not limited to, the seizure and forfeiture of vessels and other equipment used to commit those violations.;
7. Establishment of free fishing days.;
8. Regulation of off-road vehicles on state lands.;
9. Establishment and coordination of a statewide hunter safety course.;
10. Establishment of programs and activities to develop and distribute public education materials.;

11. Police powers of sworn law enforcement officers.;
12. Establishment of citizen support organizations to provide assistance, funding, and promotional support for programs of the commission.;
13. Creation of the voluntary authorized hunter identification program.;
- and
14. Regulation of required clothing of persons hunting deer.

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

320.08056 Specialty license plates.—

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

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

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

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

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

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

(5) FLORIDA PANTHER LICENSE PLATES.—

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

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

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

(18) LARGEMOUTH BASS LICENSE PLATES.—

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

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

370.025 Marine fisheries; policy and standards.—

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

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

~~(b) The authority to regulate fishing gear in residential, manmade salt-water canals which is retained by the Legislature and specifically not delegated to the commission.~~

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

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

370.0603 Marine Resources Conservation Trust Fund; purposes.—

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

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

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

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

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

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

370.1105 Saltwater finfish; fishing traps regulated.—

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

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

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

370.12 Marine animals; regulation.—

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.—

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

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

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

370.13 Stone crab; regulation.—

(1) FEES AND EQUITABLE RENT.—

(b) Certificate fees.—

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

2. The fee for transferring trap certificates is \$1 per certificate transferred, except that the fee for eligible crew members is 50 cents per certificate transferred. Eligible crew members shall be determined according to criteria established by rule of the commission. Payment must be made by

money order or cashier's check, submitted with the certificate transfer form developed by the commission.

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

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

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

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

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

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

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

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

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

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

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

c. For a third violation that occurs within 36 months of any previous two such violations, the commission shall assess an administrative penalty of up to \$5,000 and the stone crab endorsement under which the violation was committed may be suspended for 24 calendar months.

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

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

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

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

370.135 Blue crab; regulation.—

(1)(a) No commercial harvester shall transport on the water, fish with or cause to be fished with, set, or place any trap designed for taking blue crabs unless such commercial harvester holds ~~is the holder of~~ a valid saltwater products license and restricted species endorsement issued under pursuant to s. 370.06 and a blue crab endorsement issued under this section. Each trap shall have the harvester's blue crab endorsement number permanently affixed to it. Each buoy attached to such a trap shall also have the harvester's blue crab endorsement ~~the trap has a current state~~ number permanently

attached to the buoy. The blue crab endorsement trap number shall be affixed in legible figures at least 2 inches ~~1 inch~~ high on each buoy used. The saltwater products license must be on board the boat, and both the license and the crabs shall be subject to inspection at all times. ~~Only one trap number may be issued for each boat by the commission upon receipt of an application on forms prescribed by it.~~ This subsection shall not apply to an individual fishing with no more than five traps.

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

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

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

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

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

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

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

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

(2) No person shall harvest blue crabs with more than five traps, harvest blue crabs in commercial quantities, or sell blue crabs unless such person

holds a valid saltwater products license with a restricted species endorsement issued under s. 370.06 and a blue crab endorsement (trap number) issued under pursuant to this section subsection.

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

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

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

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

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

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

(3)(a) Endorsement fees.—

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

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

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

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

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

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

(d) Disposition of moneys generated from fees and administrative penalties.—Moneys generated from the sale of blue crab endorsements, trap tags, and replacement trap tags or from the assessment of administrative penalties by the commission under this section shall be deposited into the Marine Resources Conservation Trust Fund. Up to 50 percent of the moneys generated from the sale of endorsements and trap tags and the assessment of administrative penalties may be used for the operation and administration of the blue crab effort management program. The remaining moneys generated from the sale of endorsements and trap tags and the assessment of administrative penalties may be used for trap retrieval; management of the blue crab fishery; and public education activities, research, and enforcement activities in support of the blue crab effort management program.

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

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

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

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

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

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

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

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

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

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

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

(c) Criminal activities prohibited.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

370.14 Spiny lobster; regulation.—

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

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

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

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

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

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

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

370.1405 Spiny lobster ~~Crawfish~~ reports by dealers during closed season required.—

(1) Within 3 days after the commencement of the closed season for the taking of spiny lobster saltwater crawfish, each and every seafood dealer, either retail or wholesale, intending to possess whole spiny lobster crawfish, spiny lobster crawfish tails, or spiny lobster crawfish meat during closed season shall submit to the Fish and Wildlife Conservation Commission, on

forms provided by the commission, a sworn report of the quantity, in pounds, of ~~saltwater whole spiny lobster crawfish, spiny lobster crawfish tails, and spiny lobster crawfish meat~~ in the dealer's name or possession as of the date the season closed. This report shall state the location and number of pounds of whole spiny lobster crawfish, spiny lobster crawfish tails, and spiny lobster crawfish meat. The commission shall not accept any reports not delivered or postmarked by midnight of the 3rd calendar day after the commencement of the closed season, and any stocks of spiny lobster crawfish reported therein are declared a nuisance and may be seized by the commission.

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

(3) All dealers having reported stocks of spiny lobster crawfish may sell or offer to sell such stocks of spiny lobster crawfish; however, such dealers shall submit an additional report on the last day of each month during the duration of the closed season. Reports shall be made on forms supplied by the commission. Each dealer shall state on this report the number of pounds brought forward from the previous report period, the number of pounds sold during the report period, the number of pounds, if any, acquired from a licensed wholesale dealer during the report period, and the number of pounds remaining on hand. In every case, the amount of spiny lobster crawfish sold plus the amount reported on hand shall equal the amount acquired plus the amount reported remaining on hand in the last submitted report. Copies of records or invoices documenting the number of pounds acquired during the closed season must be maintained by the wholesale or retail dealer and shall be kept available for inspection by the commission for a period not less than 3 years from the date of the recorded transaction. Reports postmarked later than midnight on the 3rd calendar day of each month during the duration of the closed season will not be accepted by the commission. Dealers for which late supplementary reports are not accepted by the commission must show just cause why their entire stock of whole spiny lobster crawfish, spiny lobster crawfish tails, or spiny lobster crawfish meat should not be seized by the commission. Whenever a dealer fails to timely submit the monthly supplementary report as described in this subsection, the dealer may be subject to the following civil penalties:

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

(b) For a second violation within the same spiny lobster crawfish closed season, the commission shall assess a civil penalty of \$1,000.

(c) For a third violation within the same spiny lobster crawfish closed season, the commission shall assess a civil penalty of \$2,500 and may seize said dealer's entire stock of whole spiny lobster crawfish, spiny lobster crawfish tails, or spiny lobster crawfish meat and carry the same before the court for disposal. The dealer shall post a cash bond in the amount of the fair value of the entire remaining quantity of spiny lobster crawfish as determined by the judge. After posting the cash bond, a dealer shall have 24 hours to transport said products outside the limits of Florida for sale as provided by s. 370.061. Otherwise, the product shall be declared a nuisance and disposed of by the commission according to law.

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

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

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

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

370.142 Spiny lobster trap certificate program.—

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

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

1. ~~The Department of Environmental Protection shall initially allot such certificates to each licenseholder with a current crawfish trap number who uses traps. The number of such certificates allotted to each such licenseholder shall be based on the trap/catch coefficient established pursuant to trip ticket records generated under the provisions of s. 370.06(2) over a 3-year base period ending June 30, 1991. The trap/catch coefficient shall be calculated by dividing the sum of the highest reported single license-year landings up to a maximum of 30,000 pounds for each such licenseholder~~

during the base period by 700,000. Each such licenseholder shall then be allotted the number of certificates derived by dividing his or her highest reported single license year landings up to a maximum of 30,000 pounds during the base period by the trap/catch coefficient. Nevertheless, no licenseholder with a current crawfish trap number shall be allotted fewer than 10 certificates. However, certificates may only be issued to individuals; therefore, all licenseholders other than individual licenseholders shall designate the individual or individuals to whom their certificates will be allotted and the number thereof to each, if more than one. After initial issuance, Trap certificates are transferable on a market basis and may be transferred from one licenseholder to another for a fair market value agreed upon between the transferor and transferee. Each such transfer shall, within 72 hours thereof, be recorded on a notarized form provided for that purpose by the Fish and Wildlife Conservation Commission and hand delivered or sent by certified mail, return receipt requested, to the commission for recordkeeping purposes. ~~In addition,~~ In order to cover the added administrative costs of the program and to recover an equitable natural resource rent for the people of the state, a transfer fee of \$2 per certificate transferred shall be assessed against the purchasing licenseholder and sent by money order or cashier's check with the certificate transfer form. Also, in addition to the transfer fee, a surcharge of \$5 per certificate transferred or 25 percent of the actual market value, whichever is greater, given to the transferor shall be assessed the first time a certificate is transferred outside the original transferor's immediate family. No transfer of a certificate shall be effective until the commission receives the notarized transfer form and the transfer fee, including any surcharge, is paid. The commission may establish by rule an amount of equitable rent per trap certificate that shall be recovered as partial compensation to the state for the enhanced access to its natural resources. A rule establishing an amount of equitable rent shall become effective only after approval by the Legislature. Final approval of such a rule shall be by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund. In determining whether to establish such a rent and, if so, the amount thereof, the commission shall consider the amount of revenues annually generated by certificate fees, transfer fees, surcharges, trap license fees, and sales taxes, the demonstrated fair market value of transferred certificates, and the continued economic viability of the commercial lobster industry. ~~All~~ The proceeds of equitable rent recovered shall be deposited in the Marine Resources Conservation Trust Fund and used by the commission for research, management, and protection of the spiny lobster fishery and habitat. A transfer fee may not be assessed or required when the transfer is within a family as a result of the death or disability of the certificate owner. A surcharge will not be assessed for any transfer within an individual's immediate family.

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

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

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

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

(b) Trap tags.—Each trap used to take or attempt to take spiny lobsters in state waters or adjacent federal waters shall, in addition to the spiny lobster endorsement ~~crayfish trap~~ number required by s. 370.14(2), have affixed thereto an annual trap tag issued by the commission. Each such tag shall be made of durable plastic or similar material and shall, based on the number of certificates held, have stamped thereon the owner's license number. To facilitate enforcement and recordkeeping, such tags shall be issued each year in a color different from that of each of the previous 3 years. The annual certificate fee shall be \$1 per certificate. Replacement tags for lost or damaged tags may be obtained as provided by rule of the commission. In the event of a major natural disaster, such as a hurricane or major storm, that causes massive trap losses within an area declared by the Governor to be a disaster emergency area, the commission may temporarily defer or waive replacement tag fees.

(c) Prohibitions; penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

370.143 Retrieval of spiny lobster, crawfish, and stone crab, blue crab, and black sea bass traps during closed season; commission authority; fees.—

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

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

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

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

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

372.09 State Game Trust Fund.—The funds resulting from the operation of the commission and from the administration of the laws and regulations

pertaining to birds, game, fur-bearing animals, freshwater fish, reptiles, and amphibians, together with any other funds specifically provided for such purposes shall constitute the State Game Trust Fund and shall be used by the commission as it shall deem fit in carrying out the provisions hereof and for no other purposes, except that annual use fees deposited into the trust fund from the sale of the Largemouth Bass license plate may be expended for the purposes provided under s. 320.08058(18). The commission may not obligate itself beyond the current resources of the State Game Trust Fund unless specifically so authorized by the Legislature.

Section 15. Subsection (13) of section 372.561, Florida Statutes, is re-numbered as subsection (14), and a new subsection (13) is added to that section to read:

372.561 Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.—

(13) The commission, any tax collector in this state, or any subagent authorized to sell licenses and permits under s. 372.574 may request and collect donations when selling a recreational license or permit authorized under s. 372.57. All donations collected under this subsection shall be deposited into the State Game Trust Fund to be used solely for the purpose of enhancing youth hunting and youth freshwater and saltwater fishing programs. By January 1, the commission shall provide a complete and detailed annual report on the status of its youth programs and activities performed under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 16. Subsection (2) of section 372.562, Florida Statutes, is amended to read:

372.562 Recreational licenses and permits; exemptions from fees and requirements.—

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

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

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

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

(d) Any resident freshwater fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism. This exemp-

tion does not apply to residents fishing in, ~~except on~~ a legally established fish management area.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 17. Effective October 1, 2007, subsections (4) and (5), paragraph (h) of subsection (8), subsection (9), and paragraph (c) of subsection (10) of section 372.57, Florida Statutes, are amended to read:

372.57 Recreational licenses, permits, and authorization numbers; fees established.—

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

- (a) Annual freshwater fishing license, ~~\$15.50~~ \$12.
- (b) Annual saltwater fishing license, ~~\$15.50~~ \$12.
- (c) Annual hunting license to take game, ~~\$15.50~~ \$11.
- (d) Annual combination hunting and freshwater fishing license, ~~\$31~~ \$22.
- (e) Annual combination freshwater fishing and saltwater fishing license, ~~\$31~~ \$24.
- (f) Annual combination hunting, freshwater fishing, and saltwater fishing license, ~~\$46.50~~ \$34.
- (g) Annual license to take fur-bearing animals, \$25. However, a resident with a valid hunting license or a no-cost license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license. Also, a resident 65 years of age or older is not required to purchase this license.
- (h) Annual sportsman's license, ~~\$79~~ \$71, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, and an archery season permit.
- (i) Annual gold sportsman's license, ~~\$98.50~~ \$87. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a snook permit, and a spiny lobster permit.
- (j) Annual military gold sportsman's license, \$18.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a snook permit, and a spiny lobster permit. Any resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the

military gold sportsman's license upon submission of a current military identification card.

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

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

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

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

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

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

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

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

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

(i)(h) Annual license to take fur-bearing animals, \$25. However, a non-resident with a valid Florida hunting license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license.

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

(h)1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for a recreational user permit shall be based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. The recreational user permit fee, less administrative costs of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

2. One minor dependent, under 16 years of age ~~or younger~~, may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when en-

gaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter, no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

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

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

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

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

3. The commission is authorized to sell the hunting, fishing, and recreational activity permits authorized in subsection (8) for a 5-year period to match the purchase of 5-year fishing and hunting licenses. The fee for each permit issued under this paragraph shall be five times the annual cost established in subsection (8).

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

(10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING LICENSES.—

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

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

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

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

Section 18. Paragraph (d) is added to subsection (2) of section 372.672, Florida Statutes, to read:

372.672 Florida Panther Research and Management Trust Fund.—

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

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

Section 19. Subsection (1) of section 861.021, Florida Statutes, is amended to read:

861.021 Obstructing channels; misdemeanor.—

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

Section 20. Section 372.571, Florida Statutes, is amended to read:

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

Section 21. Subsection (2) of section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve license fees; exception.—

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

Section 22. Paragraph (a) of subsection (2) and paragraph (a) of subsection (4) of section 372.83, Florida Statutes, are amended to read:

372.83 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.—

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

1. Rules or orders of the commission relating to seasons or time periods for the taking of wildlife, freshwater fish, or saltwater fish.
2. Rules or orders of the commission establishing bag, possession, or size limits or restricting methods of taking wildlife, freshwater fish, or saltwater fish.
3. Rules or orders of the commission prohibiting access or otherwise relating to access to wildlife management areas or other areas managed by the commission.
4. Rules or orders of the commission relating to the feeding of wildlife, freshwater fish, or saltwater fish.
5. Rules or orders of the commission relating to landing requirements for freshwater fish or saltwater fish.
6. Rules or orders of the commission relating to restricted hunting areas, critical wildlife areas, or bird sanctuaries.
7. Rules or orders of the commission relating to tagging requirements for game and fur-bearing animals.
8. Rules or orders of the commission relating to the use of dogs for the taking of game.
9. Rules or orders of the commission which are not otherwise classified.
10. All prohibitions in chapter 370 which are not otherwise classified.
11. Section 370.028, prohibiting the violation of or noncompliance with commission rules.
12. Section 370.021(6) prohibiting the sale, purchase, harvest, or attempted harvest of any saltwater product with intent to sell.
13. Section 370.08, prohibiting the obstruction of waterways with net gear.
14. Section 370.1105, prohibiting the unlawful use of finfish traps.
15. Section 370.1121, prohibiting the unlawful taking of bonefish.
16. Section 370.13(2)(a) and (b), prohibiting the possession or use of stone crab traps without trap tags and theft of trap contents or gear.
17. Section 370.135~~(4)(b)(1)(e)~~, prohibiting the theft of blue crab trap contents or trap gear.
18. Section 370.142(2)(c), prohibiting the possession or use of spiny lobster traps without trap tags or certificates and theft of trap contents or trap gear.

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

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

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

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

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

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

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

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

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

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

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

Section 23. For the purpose of incorporating the amendment made by this act to section 372.57, Florida Statutes, in references thereto, section 372.573, Florida Statutes, is reenacted to read:

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

Section 24. For the purpose of incorporating the amendment made by this act to section 320.08058, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 380.511, Florida Statutes, is reenacted to read:

380.511 Florida Communities Trust Fund.—

(1) There is created the Florida Communities Trust Fund as a nonlapsing, revolving fund for projects, activities, acquisitions, and operating ex-

penses necessary to carry out this part. The fund shall be held and administered by the trust. The following shall be credited to or deposited in the Florida Communities Trust Fund:

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

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

Section 25. For the 2007-2008 fiscal year, the sum of \$132,000 is appropriated from the Marine Resources Conservation Trust Fund to the Fish and Wildlife Conservation Commission for the purpose of implementing the blue crab effort management program pursuant to s. 370.135(3)(b), Florida Statutes, and providing for the administrative costs of the Blue Crab Advisory Board created by commission rules.

Section 26. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2007.

Approved by the Governor June 26, 2007.

Filed in Office Secretary of State June 26, 2007.