

Committee on Environmental Preservation and Conservation

CS/SB 1470 — Crustaceans

by Environmental Preservation and Conservation Committee; and Senator Latvala

The bill revises administrative penalties for violations of provisions related to spiny lobster trap and trap tags by:

- Providing that a second violation of certain provisions may result in the suspension of the violator's spiny lobster endorsement for 12 months, rather than the remainder of the current license year;
- Providing that a third, rather than a third or subsequent, violation of certain provisions may result in the suspension of a spiny lobster endorsement for 24 months, rather than up to 24 months, and removing a provision directing the Florida Fish and Wildlife Conservation Commission (FWC) to revoke the violator's spiny lobster endorsement and to proceed against the violator's saltwater products license; and
- Providing that a fourth violation that occurs within 48 months after any three previous violations results in permanent revocation of the violator's saltwater fishing privileges.

The bill provides the following penalties for possession of undersized spiny lobsters:

- It is a major violation for a recreational or commercial harvester to possess an undersized spiny lobster, unless authorized to do so by a FWC rule; and
- For violations involving fewer than 100 undersized spiny lobsters, each undersized spiny lobster may be charged as a separate misdemeanor offense; however, the total misdemeanor penalties for any one scheme or course of conduct may not exceed 4 years imprisonment and a civil fine of \$4,000.

The bill also provides the following additional penalties for possession of undersized spiny lobsters:

- A first violation is a second degree misdemeanor;
- A second or subsequent violation is a first degree misdemeanor; and
- A violation involving 100 or more undersized spiny lobsters is punished as a third degree felony, the violator is subject to a civil fine of at least \$500, the FWC must assess an administrative penalty of up to \$2,000, and the FWC may suspend the violator's license privileges under ch. 379, F.S., for up to 12 months.

The bill makes changes to Level 5 of the Offense Severity Ranking Chart relating to stone crabs and spiny lobsters.

If approved by the Governor, these provisions take effect October 1, 2016.

Vote: Senate 38-0; House 114-2