

By Senator Smith

14-694-03

1 A bill to be entitled
2 An act relating to the Fish and Wildlife
3 Conservation Commission; amending s. 370.021,
4 F.S.; providing additional penalties for the
5 unlicensed sale or purchase of a saltwater
6 product or the harvest or attempted harvest
7 with intent to sell of a saltwater product;
8 provides for civil penalties, imprisonment,
9 permanent revocation of license privileges, and
10 forfeiture of property involved in the offense;
11 amending s. 327.30, F.S.; increasing the
12 threshold amount at which a boating accident
13 resulting in property damage only must be
14 reported to the Division of Law Enforcement of
15 the commission and certain other law
16 enforcement agencies; amending s. 327.43, F.S.;
17 deleting certain restrictions and penalties for
18 anchoring or mooring a vessel within Silver
19 Glen Run and Silver Glen Springs; repealing ss.
20 370.15(6) and 370.153(3)(c), F.S., relating to
21 live bait shrimping; amending ss. 370.1535 and
22 370.154, F.S., relating to the regulation of
23 shrimp fishing; conforming provisions to
24 changes made by the act; providing an effective
25 date.

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

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29 Section 1. Present subsections (6) through (12) of
30 section 370.021, Florida Statutes, are redesignated as
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1 subsections (7) through (13), respectively, and a new
2 subsection (6) is added to that section to read:

3 370.021 Administration; rules, publications, records;
4 penalties; injunctions.--

5 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
6 HARVEST.--It is a major violation and punishable as provided
7 in this section for an unlicensed person who is required to be
8 licensed under this chapter to sell or purchase any saltwater
9 product or to harvest or attempt to harvest any saltwater
10 product with intent to sell the saltwater product.

11 (a) In addition to being subject to other penalties
12 provided in this chapter, upon a second or subsequent
13 violation, any person who sells or purchases any saltwater
14 product without having purchased the licenses required by this
15 chapter for such sale is subject to additional penalties as
16 follows:

17 1. A second violation is a misdemeanor of the first
18 degree, punishable as provided in s. 775.082 or s. 775.083,
19 and such person may also be assessed a civil penalty of up to
20 \$2,500 and is subject to a suspension of all license
21 privileges under chapters 370 and 372 for a period not
22 exceeding 90 days.

23 2. A third violation is a misdemeanor of the first
24 degree, punishable as provided in s. 775.082 or s. 775.083,
25 with a mandatory minimum term of imprisonment of 6 months, and
26 such person may also be assessed a civil penalty of up to
27 \$5,000 and is subject to a suspension of all license
28 privileges under chapters 370 and 372 for a period not
29 exceeding 6 months.

30 3. A third violation within 1 year after a second
31 violation is a felony of the third degree, punishable as

1 provided in s. 775.082 or s. 775.083, with a mandatory minimum
2 term of imprisonment of 1 year, and such person shall be
3 assessed a civil penalty of \$5,000 and all license privileges
4 under chapters 370 and 372 shall be permanently revoked.

5 4. A fourth violation is a felony of the third degree,
6 punishable as provided in s. 775.082 or s. 775.083, with a
7 mandatory minimum term of imprisonment of 1 year, and such
8 person shall be assessed a civil penalty of \$5,000 and all
9 license privileges under chapters 370 and 372 shall be
10 permanently revoked.

11 (b) In addition to being subject to other penalties
12 provided in this chapter, any person whose license privileges
13 under chapters 370 and 372 have been permanently revoked and
14 who thereafter sells or purchases or who attempts to sell or
15 purchase any saltwater product commits a felony of the third
16 degree, punishable as provided in s. 775.082 or s. 775.083,
17 with a mandatory minimum term of imprisonment of 1 year, and
18 such person shall also be assessed a civil penalty of \$5,000.
19 All property involved in such offense shall be forfeited
20 pursuant to s. 370.061.

21 (c) In addition to being subject to other penalties
22 provided in this chapter, any person whose license privileges
23 under chapter 370 are under suspension and who during such
24 period of suspension sells or purchases or attempts to sell or
25 purchase any saltwater product shall be assessed the following
26 additional penalties:

27 1. A first violation is a misdemeanor of the second
28 degree, punishable as provided in s. 775.082 or s. 775.083,
29 and such person may be assessed a civil penalty of up to
30 \$2,500 and is subject to a suspension of all license

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1 privileges under chapters 370 and 372 for a period not
2 exceeding 90 days.

3 2. A second violation occurring within 12 months after
4 a first violation is a felony of the third degree, punishable
5 as provided in s. 775.082 or s. 775.083, with a mandatory
6 minimum term of imprisonment of 1 year, and such person may be
7 assessed a civil penalty of up to \$5,000 and is subject to a
8 suspension of all license privileges under chapters 370 and
9 372 for a period not exceeding 6 months. All property involved
10 in such offense shall be forfeited pursuant to s. 370.061.

11 3. A third or subsequent violation occurring within 2
12 years after a second violation is a felony of the third
13 degree, with a mandatory minimum term of imprisonment of 1
14 year, and such person shall be assessed a mandatory civil
15 penalty of up to \$5,000 and all license privileges under
16 chapters 370 and 372 shall be suspended for a period not
17 exceeding 24 months. All property involved in such offense
18 shall be forfeited pursuant to s. 370.061.

19 (d) In addition to being subject to other penalties
20 provided in this chapter, upon a second or subsequent
21 violation, any person who harvests or attempts to harvest any
22 saltwater product with intent to sell the saltwater product
23 without having purchased a saltwater products license with the
24 requisite endorsements is subject to additional penalties as
25 follows:

26 1. A second violation is a misdemeanor of the first
27 degree, punishable as provided in s. 775.082 or s. 775.083,
28 and such person may also be assessed a civil penalty of up to
29 \$2,500 and is subject to a suspension of all license
30 privileges under chapters 370 and 372 for a period not
31 exceeding 90 days.

1 2. A third violation is a misdemeanor of the first
2 degree, punishable as provided in s. 775.082 or s. 775.083,
3 with a mandatory minimum term of imprisonment of 6 months, and
4 such person may also be assessed a civil penalty of up to
5 \$5,000 and is subject to a suspension of all license
6 privileges under chapters 370 and 372 for a period not
7 exceeding 6 months.

8 3. A third violation within 1 year after a second
9 violation is a felony of the third degree, punishable as
10 provided in s. 775.082 or s. 775.083, with a mandatory minimum
11 term of imprisonment of 1 year, and such person shall also be
12 assessed a civil penalty of \$5,000 and all license privileges
13 under chapters 370 and 372 shall be permanently revoked.

14 4. A fourth violation is a felony of the third degree,
15 punishable as provided in s. 775.082 or s. 775.083, with a
16 mandatory minimum term of imprisonment of 1 year, and such
17 person shall also be assessed a mandatory civil penalty of
18 \$5,000 and all license privileges under chapters 370 and 372
19 shall be permanently revoked.

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21 For purposes of this subsection, a violation means any
22 judicial disposition other than acquittal or dismissal.

23 Section 2. Subsection (2) of section 327.30, Florida
24 Statutes, is amended to read:

25 327.30 Collisions, accidents, and casualties.--

26 (2) In the case of collision, accident, or other
27 casualty involving a vessel in or upon or entering into or
28 exiting from the water, including capsizing, collision with
29 another vessel or object, sinking, personal injury requiring
30 medical treatment beyond immediate first aid, death,
31 disappearance of any person from on board under circumstances

1 which indicate the possibility of death or injury, or damage
2 to any vessel or other property in an apparent aggregate
3 amount of at least \$2,000~~\$500~~, the operator shall without
4 delay, by the quickest means available give notice of the
5 accident to one of the following agencies: the Division of Law
6 Enforcement of the Fish and Wildlife Conservation Commission;
7 the sheriff of the county within which the accident occurred;
8 or the police chief of the municipality within which the
9 accident occurred, if applicable.

10 Section 3. Section 327.43, Florida Statutes, is
11 amended to read:

12 327.43 Silver Glen Run and Silver Glen Springs;
13 navigation channel; ~~anchorage buoys; violations.~~--

14 ~~(1)~~ The Fish and Wildlife Conservation Commission is
15 hereby directed to mark a navigation channel within Silver
16 Glen Run and Silver Glen Springs, located on the western shore
17 of Lake George on the St. Johns River.

18 ~~(2) The commission is further directed to establish~~
19 ~~permanent anchorage buoys within Silver Glen Run and Silver~~
20 ~~Glen Springs.~~

21 ~~(3) Vessel anchorage or mooring shall only be allowed~~
22 ~~utilizing permanently established anchorage buoys. No vessel~~
23 ~~shall anchor or otherwise attach, temporarily or permanently,~~
24 ~~to the bottom within Silver Glen Run or Silver Glen Springs.~~

25 ~~(4) Any violation of this act shall constitute a~~
26 ~~violation of the boating laws of this state and shall be~~
27 ~~punishable by issuance of a uniform boating citation as~~
28 ~~provided in s. 327.74. Any person who refuses to post a bond~~
29 ~~or accept and sign a uniform boating citation, as provided in~~
30 ~~s. 327.73(3), commits a misdemeanor of the second degree,~~
31 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1 Section 4. Subsection (6) of section 370.15, Florida
2 Statutes, and paragraph (c) of subsection (3) of section
3 370.153, Florida Statutes, are repealed.

4 Section 5. Paragraph (d) of subsection (2) of section
5 370.1535, Florida Statutes, is amended to read:

6 370.1535 Regulation of shrimp fishing in Tampa Bay;
7 licensing requirements.--

8 (2) The Fish and Wildlife Conservation Commission is
9 authorized to issue a dead shrimp production permit to persons
10 qualified pursuant to the following criteria:

11 (d) No person shall be issued a permit or be allowed
12 to renew a permit if such person is registered for
13 noncommercial trawling pursuant to s. 370.15(4) ~~or if such~~
14 ~~person holds a live bait shrimping license issued pursuant to~~
15 ~~s. 370.15(6).~~

16 Section 6. Section 370.154, Florida Statutes, is
17 amended to read:

18 370.154 Shrimp regulations; closed areas; suspension
19 of license, etc.--Any person convicted of taking shrimp in a
20 closed area who is punishable under s. 370.15(5) ~~or (6)~~ shall,
21 in addition to the penalties set forth therein, have his or
22 her permit and the permit of the boat involved in the
23 violation, issued pursuant to s. 370.15(4), revoked, if the
24 person holds such a permit, and he or she shall be ineligible
25 to make application for such a permit for a period of 2 years
26 from the date of such conviction. If a person not having a
27 permit is convicted hereunder, that person and the boat
28 involved in the violation shall not be eligible for such a
29 permit for 5 years.

30 Section 7. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Provides that the unlicensed sale or purchase of a saltwater product or the unlicensed harvest or attempted harvest with intent to sell of a saltwater product is a major violation of chapter 370, F.S., and imposes additional penalties for any such violation, including civil penalties, imprisonment, permanent revocation of license privileges, and forfeiture of the property involved in the offense. Increases from \$500 to \$2,000 the threshold amount at which a boating accident resulting in property damage only must be reported to the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and local law enforcement agencies. Removes the restrictions and penalties for anchoring or mooring a vessel within Silver Glen Run and Silver Glen Springs. Deletes certain obsolete references to live bait shrimping. (See bill for details.)