

1
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; amending s. 370.01,
25 F.S.; defining the term "molest" for purposes
26 of saltwater fisheries; amending s. 370.061,
27 F.S.; conforming a cross-reference; amending s.
28 370.1107, F.S.; providing additional penalties
29 for offenses involving unlawful possession of
30 or interference with saltwater fisheries traps;
31 amending s. 370.13, F.S.; revising penalties

1 for theft from, and providing penalties for
2 theft of, stone crab traps; amending s.
3 370.135, F.S.; revising penalties for theft
4 from, and providing penalties for theft of,
5 blue crab traps; amending s. 370.142, F.S.;
6 revising penalties for theft from, and
7 providing penalties for theft or molestation
8 of, spiny lobster traps; amending s. 327.73,
9 F.S.; correcting a cross-reference; authorizing
10 the clerk of the court to dismiss expired
11 vessel registration citations upon proof of
12 valid registration at the time of the offense;
13 authorizing a dismissal fee; repealing s. 5(4),
14 ch. 99-245, Laws of Florida, relating to the
15 assignment of bureaus within the commission;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Present subsections (6) through (12) of
21 section 370.021, Florida Statutes, are redesignated as
22 subsections (7) through (13), respectively, and a new
23 subsection (6) is added to that section to read:

24 370.021 Administration; rules, publications, records;
25 penalties; injunctions.--

26 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
27 HARVEST.--It is a major violation and punishable as provided
28 in this subsection for an unlicensed person who is required to
29 be licensed under this chapter to sell or purchase any
30 saltwater product or to harvest or attempt to harvest any
31 saltwater product with intent to sell the saltwater product.

- 1 (a) Any person who sells or purchases any saltwater
2 product without having purchased the licenses required by this
3 chapter for such sale is subject to additional penalties as
4 follows:
- 5 1. A first violation is a misdemeanor of the second
6 degree, punishable as provided in s. 775.082 or s. 775.083.
- 7 2. A second violation is a misdemeanor of the first
8 degree, punishable as provided in s. 775.082 or s. 775.083,
9 and such person may also be assessed a civil penalty of up to
10 \$2,500 and is subject to a suspension of all license
11 privileges under chapters 370 and 372 for a period not
12 exceeding 90 days.
- 13 3. A third violation is a misdemeanor of the first
14 degree, punishable as provided in s. 775.082 or s. 775.083,
15 with a mandatory minimum term of imprisonment of 6 months, and
16 such person may also be assessed a civil penalty of up to
17 \$5,000 and is subject to a suspension of all license
18 privileges under chapters 370 and 372 for a period not
19 exceeding 6 months.
- 20 4. A third violation within 1 year after a second
21 violation is a felony of the third degree, punishable as
22 provided in s. 775.082 or s. 775.083, with a mandatory minimum
23 term of imprisonment of 1 year, and such person shall be
24 assessed a civil penalty of \$5,000 and all license privileges
25 under chapters 370 and 372 shall be permanently revoked.
- 26 5. A fourth or subsequent violation is a felony of the
27 third degree, punishable as provided in s. 775.082 or s.
28 775.083, with a mandatory minimum term of imprisonment of 1
29 year, and such person shall be assessed a civil penalty of
30 \$5,000 and all license privileges under chapters 370 and 372
31 shall be permanently revoked.

1 (b) Any person whose license privileges under chapter
2 370 have been permanently revoked and who thereafter sells or
3 purchases or who attempts to sell or purchase any saltwater
4 product commits a felony of the third degree, punishable as
5 provided in s. 775.082 or s. 775.083, with a mandatory minimum
6 term of imprisonment of 1 year, and such person shall also be
7 assessed a civil penalty of \$5,000. All property involved in
8 such offense shall be forfeited pursuant to s. 370.061.

9 (c) Any person whose license privileges under chapter
10 370 are under suspension and who during such period of
11 suspension sells or purchases or attempts to sell or purchase
12 any saltwater product shall be assessed the following
13 penalties:

14 1. A first violation, or a second violation occurring
15 more than 12 months after a first violation, is a first degree
16 misdemeanor, punishable as provided in ss. 775.082 and
17 775.083, and such person may be assessed a civil penalty of up
18 to \$2,500 and an additional suspension of all license
19 privileges under chapters 370 and 372 for a period not
20 exceeding 90 days.

21 2. A second violation occurring within 12 months of a
22 first violation is a third degree felony, punishable as
23 provided in ss. 775.082 and 775.083, with a mandatory minimum
24 term of imprisonment of 1 year, and such person may be
25 assessed a civil penalty of up to \$5,000 and an additional
26 suspension of all license privileges under chapters 370 and
27 372 for a period not exceeding 180 days. All property involved
28 in such offense shall be forfeited pursuant to s. 370.061.

29 3. A third violation within 24 months of the second
30 violation or subsequent violation is a third degree felony,
31 punishable as provided in ss. 775.082 and 775.083, with a

1 mandatory minimum term of imprisonment of 1 year, and such
2 person shall be assessed a mandatory civil penalty of up to
3 \$5,000 and an additional suspension of all license privileges
4 under chapters 370 and 372 for a period not exceeding 24
5 months. All property involved in such offense shall be
6 forfeited pursuant to s. 370.061.

7 (d) Any person who harvests or attempts to harvest any
8 saltwater product with intent to sell the saltwater product
9 without having purchased a saltwater products license with the
10 requisite endorsements is subject to penalties as follows:

11 1. A first violation is a misdemeanor of the second
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 2. A second violation is a misdemeanor of the first
14 degree, punishable as provided in s. 775.082 or s. 775.083,
15 and such person may also be assessed a civil penalty of up to
16 \$2,500 and is subject to a suspension of all license
17 privileges under chapters 370 and 372 for a period not
18 exceeding 90 days.

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

26 4. A third violation within 1 year after a second
27 violation is a felony of the third degree, punishable as
28 provided in s. 775.082 or s. 775.083, with a mandatory minimum
29 term of imprisonment of 1 year, and such person shall also be
30 assessed a civil penalty of \$5,000 and all license privileges
31 under chapters 370 and 372 shall be permanently revoked.

1 5. A fourth or subsequent violation is a felony of the
2 third degree, punishable as provided in s. 775.082 or s.
3 775.083, with a mandatory minimum term of imprisonment of 1
4 year, and such person shall also be assessed a mandatory civil
5 penalty of \$5,000 and all license privileges under chapters
6 370 and 372 shall be permanently revoked.

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

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

12 327.30 Collisions, accidents, and casualties.--

13 (2) In the case of collision, accident, or other
14 casualty involving a vessel in or upon or entering into or
15 exiting from the water, including capsizing, collision with
16 another vessel or object, sinking, personal injury requiring
17 medical treatment beyond immediate first aid, death,
18 disappearance of any person from on board under circumstances
19 which indicate the possibility of death or injury, or damage
20 to any vessel or other property in an apparent aggregate
21 amount of at least ~~\$2,000~~\$500, the operator shall without
22 delay, by the quickest means available give notice of the
23 accident to one of the following agencies: the Division of Law
24 Enforcement of the Fish and Wildlife Conservation Commission;
25 the sheriff of the county within which the accident occurred;
26 or the police chief of the municipality within which the
27 accident occurred, if applicable.

28 Section 3. Section 327.43, Florida Statutes, is
29 amended to read:

30 327.43 Silver Glen Run and Silver Glen Springs;
31 navigation channel; ~~anchorage buoys; violations.~~--

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

5 ~~(2) The commission is further directed to establish~~
6 ~~permanent anchorage buoys within Silver Glen Run and Silver~~
7 ~~Glen Springs.~~

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

12 ~~(4) Any violation of this act shall constitute a~~
13 ~~violation of the boating laws of this state and shall be~~
14 ~~punishable by issuance of a uniform boating citation as~~
15 ~~provided in s. 327.74. Any person who refuses to post a bond~~
16 ~~or accept and sign a uniform boating citation, as provided in~~
17 ~~s. 327.73(3), commits a misdemeanor of the second degree,~~
18 ~~punishable as provided in s. 775.082 or s. 775.083.~~

19 Section 4. Subsection (6) of section 370.15, Florida
20 Statutes, and paragraph (c) of subsection (3) of section
21 370.153, Florida Statutes, are repealed.

22 Section 5. Paragraph (d) of subsection (2) of section
23 370.1535, Florida Statutes, is amended to read:

24 370.1535 Regulation of shrimp fishing in Tampa Bay;
25 licensing requirements.--

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

29 (d) No person shall be issued a permit or be allowed
30 to renew a permit if such person is registered for
31 noncommercial trawling pursuant to s. 370.15(4) ~~or if such~~

1 ~~person holds a live bait shrimping license issued pursuant to~~
2 ~~s. 370.15(6).~~

3 Section 6. Section 370.154, Florida Statutes, is
4 amended to read:

5 370.154 Shrimp regulations; closed areas; suspension
6 of license, etc.--Any person convicted of taking shrimp in a
7 closed area who is punishable under s. 370.15(5) ~~or (6)~~ shall,
8 in addition to the penalties set forth therein, have his or
9 her permit and the permit of the boat involved in the
10 violation, issued pursuant to s. 370.15(4), revoked, if the
11 person holds such a permit, and he or she shall be ineligible
12 to make application for such a permit for a period of 2 years
13 from the date of such conviction. If a person not having a
14 permit is convicted hereunder, that person and the boat
15 involved in the violation shall not be eligible for such a
16 permit for 5 years.

17 Section 7. Present subsections (15) through (27) of
18 section 370.01, Florida Statutes, are renumbered as
19 subsections (16) through (28), respectively, and a new
20 subsection (15) is added to that section, to read:

21 370.01 Definitions.--In construing these statutes,
22 where the context does not clearly indicate otherwise, the
23 word, phrase, or term:

24 (15) "Molest," in connection with any fishing trap or
25 its buoy or buoy line, means to touch, bother, disturb, or
26 interfere or tamper with, in any manner.

27 Section 8. Paragraph (d) of subsection (5) of section
28 370.061, Florida Statutes, is amended to read:

29 370.061 Confiscation, seizure, and forfeiture of
30 property and products.--

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1 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
2 PRODUCTS; PROCEDURE.--

3 (d) For purposes of confiscation under this
4 subsection, the term "saltwater products" has the meaning set
5 out in s. 370.01(26)~~s. 370.01(25)~~, except that the term does
6 not include saltwater products harvested under the authority
7 of a recreational license unless the amount of such harvested
8 products exceeds three times the applicable recreational bag
9 limit for trout, snook, or redfish.

10 Section 9. Paragraph (c) of subsection (2) of section
11 370.1107, Florida Statutes, is amended to read:

12 370.1107 Definition; possession of certain licensed
13 traps prohibited; penalties; exceptions; consent.--

14 (2) It is unlawful for any person, firm, corporation,
15 or association to be in actual or constructive possession of a
16 licensed saltwater fisheries trap registered with the Fish and
17 Wildlife Conservation Commission in another person's, firm's,
18 corporation's, or association's name.

19 (c) Upon receipt of any judicial disposition other
20 than dismissal or acquittal on a charge of violating the
21 arrest and conviction for violation of this section or any
22 provision of law or rule making unlawful the possession of
23 another's saltwater fishing trap, a person shall permanently
24 lose all saltwater fishing privileges, including licenses,
25 trap certificates, and the ability to transfer trap
26 certificates,~~any licenseholder shall show just cause why his~~
27 ~~or her license shall not be suspended or permanently revoked.~~

28 Section 10. Paragraph (b) of subsection (2) of section
29 370.13, Florida Statutes, is amended to read:

30 370.13 Stone crab; regulation.--

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

5 (b) It is unlawful for any person to remove the
6 contents of another harvester's trap or take possession of
7 such without the express written consent of the trap owner
8 available for immediate inspection. ~~Such~~ Unauthorized
9 possession of another's trap gear or removal of trap contents
10 constitutes theft. Any person convicted of theft of or from a
11 trap pursuant to this subsection or s. 370.1107 shall, in
12 addition to the penalties specified in s. 370.021 and the
13 provisions of this section, permanently lose all his or her
14 saltwater fishing privileges, including saltwater products
15 licenses, stone crab or incidental take endorsements, and all
16 trap certificates allotted to him or her by the commission. In
17 such cases, trap certificates and endorsements are
18 nontransferable. In addition, any person, firm, or corporation
19 convicted of violating the prohibitions referenced in this
20 paragraph shall also be assessed an administrative penalty of
21 up to \$5,000. Immediately upon receiving a citation for a
22 violation involving theft of or from a trap and until
23 adjudicated for such a violation, or, upon receipt of a
24 judicial disposition other than dismissal or acquittal on if
25 ~~convicted of~~ such a violation, the violator is prohibited from
26 transferring any stone crab or lobster certificates.

27 Section 11. Subsection (1) of section 370.135, Florida
28 Statutes, is amended to read:

29 370.135 Blue crab; regulation.--

30 (1) No person, firm, or corporation shall transport on
31 the water, fish with or cause to be fished with, set, or place

1 any trap designed for taking blue crabs unless such person,
2 firm, or corporation is the holder of a valid saltwater
3 products license issued pursuant to s. 370.06 and the trap has
4 a current state number permanently attached to the buoy. The
5 trap number shall be affixed in legible figures at least 1
6 inch high on each buoy used. The saltwater products license
7 must be on board the boat, and both the license and the crabs
8 shall be subject to inspection at all times. Only one trap
9 number may be issued for each boat by the commission upon
10 receipt of an application on forms prescribed by it. This
11 subsection shall not apply to an individual fishing with no
12 more than five traps. It is a felony of the third degree,
13 punishable as provided in s. 775.082, s. 775.083, or s.
14 775.084, for any person willfully to molest any traps, lines,
15 or buoys, as defined herein, belonging to another without the
16 express written consent of the trap owner ~~permission of the~~
17 ~~licenseholder~~. Any person receiving a judicial disposition
18 other than dismissal or acquittal on a charge of willful
19 molestation of a trap, in addition to the penalties specified
20 in s. 370.021, shall lose all saltwater fishing privileges for
21 a period of 24 calendar months. It is unlawful for any person
22 to remove the contents of or take possession of another
23 harvester's trap without the express written consent of the
24 trap owner available for immediate inspection. ~~Such~~
25 Unauthorized possession of another's trap gear or removal of
26 trap contents constitutes theft. Any person receiving a
27 judicial disposition other than dismissal or acquittal on a
28 charge convicted of theft of or from a trap pursuant to this
29 section or s. 370.1107 shall, in addition to the penalties
30 specified in s. 370.021 and the provisions of this section,
31 permanently lose all his or her saltwater fishing privileges

1 including his or her saltwater products license and blue crab
2 endorsement. In such cases endorsements, landings history, and
3 trap certificates are nontransferable. In addition, any
4 person, firm, or corporation receiving a judicial disposition
5 other than dismissal or acquittal for ~~convicted of~~ violating
6 this subsection or s. 370.1107 shall also be assessed an
7 administrative penalty of up to \$5,000. Immediately upon
8 receiving a citation for a violation involving theft of or
9 from a trap and until adjudicated for such a violation, or
10 receiving a judicial disposition other than dismissal or
11 acquittal for ~~if convicted of~~ such a violation, the person,
12 firm, or corporation committing the violation is prohibited
13 from transferring any blue crab endorsements, landings
14 history, or trap certificates.

15 Section 12. Paragraph (c) of subsection (2) of section
16 370.142, Florida Statutes, is amended to read:

17 370.142 Spiny lobster trap certificate program.--

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

23 (c) Prohibitions; penalties.--

24 1. It is unlawful for a person to possess or use a
25 spiny lobster trap in or on state waters or adjacent federal
26 waters without having affixed thereto the trap tag required by
27 this section. It is unlawful for a person to possess or use
28 any other gear or device designed to attract and enclose or
29 otherwise aid in the taking of spiny lobster by trapping that
30 is not a trap as defined in rule 68B-24.006(2), Florida
31 Administrative Code.

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

4 3. It is unlawful for any person to willfully molest,
5 take possession of, or remove the contents of another
6 harvester's trap without the express written consent of the
7 trap owner available for immediate inspection. ~~Such~~
8 Unauthorized possession of another's trap gear or removal of
9 trap contents constitutes theft. Any person receiving a
10 judicial disposition other than dismissal or acquittal on a
11 charge convicted of theft of or from a trap pursuant to this
12 subparagraph or s. 370.1107 shall, in addition to the
13 penalties specified in ss. 370.021 and 370.14 and the
14 provisions of this section, permanently lose all his or her
15 saltwater fishing privileges, including his or her saltwater
16 products license, crawfish endorsement, and all trap
17 certificates allotted to him or her through this program. In
18 such cases, trap certificates and endorsements are
19 nontransferable. Any person receiving a judicial disposition
20 other than dismissal or acquittal on a charge of willful
21 molestation of a trap, in addition to the penalties specified
22 in ss. 370.021 and 370.14, shall lose all saltwater fishing
23 privileges for a period of 24 calendar months.In addition,
24 any person, firm, or corporation charged with ~~convicted of~~
25 violating this paragraph and receiving a judicial disposition
26 other than dismissal or acquittal for violating this
27 subparagraph or s. 370.1107 shall also be assessed an
28 administrative penalty of up to \$5,000. Immediately upon
29 receiving a citation for a violation involving theft of or
30 from a trap, or molestation of a trap, and until adjudicated
31 for such a violation or, upon receipt of a judicial

1 disposition other than dismissal or acquittal ~~if convicted~~ of
2 such a violation, the person, firm, or corporation committing
3 the violation is prohibited from transferring any crawfish
4 trap certificates and endorsements.

5 4. In addition to any other penalties provided in s.
6 370.021, a commercial harvester, as defined by rule
7 68B-24.002(1), Florida Administrative Code, who violates the
8 provisions of this section, or the provisions relating to
9 traps of chapter 68B-24, Florida Administrative Code, shall be
10 punished as follows:

11 a. If the first violation is for violation of
12 subparagraph 1. or subparagraph 2., the commission shall
13 assess an additional civil penalty of up to \$1,000 and the
14 crawfish trap number issued pursuant to s. 370.14(2) or (6)
15 may be suspended for the remainder of the current license
16 year. For all other first violations, the commission shall
17 assess an additional civil penalty of up to \$500.

18 b. For a second violation of subparagraph 1. or
19 subparagraph 2. which occurs within 24 months of any previous
20 such violation, the commission shall assess an additional
21 civil penalty of up to \$2,000 and the crawfish trap number
22 issued pursuant to s. 370.14(2) or (6) may be suspended for
23 the remainder of the current license year.

24 c. For a third or subsequent violation of subparagraph
25 1., subparagraph 2., or subparagraph 3. which occurs within 36
26 months of any previous two such violations, the commission
27 shall assess an additional civil penalty of up to \$5,000 and
28 may suspend the crawfish trap number issued pursuant to s.
29 370.14(2) or (6) for a period of up to 24 months or may revoke
30 the crawfish trap number and, if revoking the crawfish trap
31 number, may also proceed against the licenseholder's saltwater

1 products license in accordance with the provisions of s.
2 370.021(2)(h).

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

6 (I) Pay the civil penalty to the commission; or

7 (II) Request an administrative hearing pursuant to the
8 provisions of s. 120.60.

9 e. The commission shall suspend the crawfish trap
10 number issued pursuant to s. 370.14(2) or (6) for any person
11 failing to comply with the provisions of sub-subparagraph d.

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

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

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

25 6.a. Any person who violates the provisions of
26 subparagraph 5., or any person who engages in the commercial
27 harvest, trapping, or possession of spiny lobster without a
28 crawfish trap number as required by s. 370.14(2) or (6) or
29 during any period while such crawfish trap number is under
30 suspension or revocation, commits a felony of the third

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1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

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

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

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

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

24 Section 13. Paragraph (g) of subsection (1) and
25 subsection (4) of section 327.73, Florida Statutes, are
26 amended to read:

27 327.73 Noncriminal infractions.--

28 (1) Violations of the following provisions of the
29 vessel laws of this state are noncriminal infractions:

30 (g) Section 328.72(13)(~~14~~), relating to operation with
31 an expired registration.

1
2 Any person cited for a violation of any such provision shall
3 be deemed to be charged with a noncriminal infraction, shall
4 be cited for such an infraction, and shall be cited to appear
5 before the county court. The civil penalty for any such
6 infraction is \$50, except as otherwise provided in this
7 section. Any person who fails to appear or otherwise properly
8 respond to a uniform boating citation shall, in addition to
9 the charge relating to the violation of the boating laws of
10 this state, be charged with the offense of failing to respond
11 to such citation and, upon conviction, be guilty of a
12 misdemeanor of the second degree, punishable as provided in s.
13 775.082 or s. 775.083. A written warning to this effect shall
14 be provided at the time such uniform boating citation is
15 issued.

16 (4) Any person charged with a noncriminal infraction
17 under this section may:

18 (a) Pay the civil penalty, either by mail or in
19 person, within 30 days of the date of receiving the citation;
20 or,

21 (b) If he or she has posted bond, forfeit bond by not
22 appearing at the designated time and location.

23
24 If the person cited follows either of the above procedures, he
25 or she shall be deemed to have admitted the noncriminal
26 infraction and to have waived the right to a hearing on the
27 issue of commission of the infraction. Such admission shall
28 not be used as evidence in any other proceedings. If a person
29 who is cited for a violation of s. 327.395 can show a boating
30 safety identification card issued to that person and valid at
31 the time of the citation, the clerk of the court may dismiss

1 the case and may assess a \$5 dismissal fee. If a person who is
2 cited for a violation of s. 328.72(13) can show proof of
3 having a registration for that vessel which was valid at the
4 time of the citation, the clerk may dismiss the case and may
5 assess a \$5 dismissal fee.

6 Section 14. Subsection (4) of section 5 of chapter
7 99-245, Laws of Florida, is repealed.

8 Section 15. This act shall take effect July 1, 2003.

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