

Bill No. CS for SB 2202

Barcode 135914

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Haridopolos) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Present subsections (5) through (28) of
section 370.01, Florida Statutes, are redesignated as
subsections (6) through (29), respectively, and a new
subsection (5) is added to that section, to read:

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

(5) "Commercial harvester" means any person, firm, or
corporation that takes, harvests, or attempts to take or
harvest saltwater products for sale or with intent to sell;
that is operating under or is required to operate under a
license or permit or authorization issued pursuant to this
chapter; that is using gear that is prohibited for use in the
harvest of recreational amounts of any saltwater product being

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1 taken or harvested; or that is harvesting any saltwater
 2 product in an amount that is at least two times the
 3 recreational bag limit for the saltwater product being taken
 4 or harvested.

5 Section 2. Subsections (1), (2), (4), (5), (6), and
 6 (12) of section 370.021, Florida Statutes, are amended to
 7 read:

8 370.021 Administration; rules, publications, records;
 9 penalties; injunctions.--

10 (1) BASE PENALTIES.--Unless otherwise provided by law,
 11 any person, firm, or corporation who violates ~~is convicted for~~
 12 ~~violating~~ any provision of this chapter, or any rule of the
 13 Fish and Wildlife Conservation Commission relating to the
 14 conservation of marine resources, shall be punished:

15 (a) Upon a first conviction, by imprisonment for a
 16 period of not more than 60 days or by a fine of not less than
 17 \$100 nor more than \$500, or by both such fine and
 18 imprisonment.

19 (b) On a second or subsequent conviction within 12
 20 months, by imprisonment for not more than 6 months or by a
 21 fine of not less than \$250 nor more than \$1,000, or by both
 22 such fine and imprisonment.

23
 24 Upon final disposition of any alleged offense for which a
 25 citation for any violation of this chapter or the rules of the
 26 commission has been issued, the court shall, within 10 days,
 27 certify the disposition to the commission.

28 (2) MAJOR VIOLATIONS.--In addition to the penalties
 29 provided in paragraphs (1)(a) and (b), the court shall assess
 30 additional penalties against any commercial harvester ~~person,~~
 31 ~~firm, or corporation~~ convicted of major violations as follows:

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1 (a) For a violation involving more than 100 illegal
 2 blue crabs, spiny lobster ~~crawfish~~, or stone crabs, an
 3 additional penalty of \$10 for each illegal blue crab, spiny
 4 lobster ~~crawfish~~, stone crab, or part thereof.

5 (b) For a violation involving the taking or harvesting
 6 of shrimp from a nursery or other prohibited area, or any two
 7 violations within a 12-month period involving shrimping gear,
 8 minimum size (count), or season, an additional penalty of \$10
 9 for each pound of illegal shrimp or part thereof.

10 (c) For a violation involving the taking or harvesting
 11 of oysters from nonapproved areas or the taking or possession
 12 of unculled oysters, an additional penalty of \$10 for each
 13 bushel of illegal oysters.

14 (d) For a violation involving the taking or harvesting
 15 of clams from nonapproved areas, an additional penalty of \$100
 16 for each 500 count bag of illegal clams.

17 (e) For a violation involving the taking, harvesting,
 18 or possession of any of the following species, which are
 19 endangered, threatened, or of special concern:

- 20 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 21 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 22 3. Common snook (*Centropomus undecimalis*);
- 23 4. Atlantic loggerhead turtle (*Caretta caretta*
 24 *caretta*);
- 25 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 26 6. Leatherback turtle (*Dermochelys coriacea*);
- 27 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
 28 *imbricata*);
- 29 8. Atlantic ridley turtle (*Lepidochelys kemp*); or
- 30 9. West Indian manatee (*Trichechus manatus*
 31 *latirostris*),

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an additional penalty of \$100 for each unit of marine life or part thereof.

(f) For a second or subsequent conviction within 24 months for any violation of the same law or rule involving the taking or harvesting of more than 100 pounds of any finfish, an additional penalty of \$5 for each pound of illegal finfish.

(g) For any violation involving the taking, harvesting, or possession of more than 1,000 pounds of any illegal finfish, an additional penalty equivalent to the wholesale value of the illegal finfish.

(h) Permits issued to any commercial harvester person, ~~firm, or corporation~~ by the commission to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the commission, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in this subsection:

- 1. Upon a first conviction, for up to 30 calendar days.
- 2. Upon a second conviction which occurs within 12 months after a prior violation, for up to 90 calendar days.
- 3. Upon a third conviction which occurs within 24 months after a prior conviction, for up to 180 calendar days.
- 4. Upon a fourth conviction which occurs within 36 months after a prior conviction, for a period of 6 months to 3 years.

(i) Upon the arrest and conviction for a major violation involving stone crabs, the licenseholder must show just cause why his or her license should not be suspended or revoked. For the purposes of this paragraph, a "major violation" means a major violation as prescribed for illegal

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1 stone crabs; any single violation involving possession of more
2 than 25 stone crabs during the closed season or possession of
3 25 or more whole-bodied or egg-bearing stone crabs; any
4 violation for trap molestation, trap robbing, or pulling traps
5 at night; or any combination of violations in any
6 3-consecutive-year period wherein more than 75 illegal stone
7 crabs in the aggregate are involved.

8 (j) Upon the arrest and conviction for a major
9 violation involving spiny lobster ~~crawfish~~, the licenseholder
10 must show just cause why his or her license should not be
11 suspended or revoked. For the purposes of this paragraph, a
12 "major violation" means a major violation as prescribed for
13 illegal spiny lobster ~~crawfish~~; any single violation involving
14 possession of more than 25 spiny lobster ~~crawfish~~ during the
15 closed season or possession of more than 25 wrung spiny
16 lobster ~~crawfish~~ tails or more than 25 egg-bearing or stripped
17 spiny lobster ~~crawfish~~; any violation for trap molestation,
18 trap robbing, or pulling traps at night; or any combination of
19 violations in any 3-consecutive-year period wherein more than
20 75 illegal spiny lobster ~~crawfish~~ in the aggregate are
21 involved.

22 (k) Upon the arrest and conviction for a major
23 violation involving blue crabs, the licenseholder shall show
24 just cause why his or her saltwater products license should
25 not be suspended or revoked. This paragraph shall not apply to
26 an individual fishing with no more than five traps. For the
27 purposes of this paragraph, a "major violation" means a major
28 violation as prescribed for illegal blue crabs, any single
29 violation wherein 50 or more illegal blue crabs are involved;
30 any violation for trap molestation, trap robbing, or pulling
31 traps at night; or any combination of violations in any

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1 3-consecutive-year period wherein more than 100 illegal blue
2 crabs in the aggregate are involved.

3 (l) Upon the conviction for a major violation
4 involving finfish, the licenseholder must show just cause why
5 his or her saltwater products license should not be suspended
6 or revoked. For the purposes of this paragraph, a major
7 violation is prescribed for the taking and harvesting of
8 illegal finfish, any single violation involving the possession
9 of more than 100 pounds of illegal finfish, or any combination
10 of violations in any 3-consecutive-year period wherein more
11 than 200 pounds of illegal finfish in the aggregate are
12 involved.

13 (m) For a violation involving the taking or harvesting
14 of any marine life species, as those species are defined by
15 rule of the commission, the harvest of which is prohibited, or
16 the taking or harvesting of such a species out of season, or
17 with an illegal gear or chemical, or any violation involving
18 the possession of 25 or more individual specimens of marine
19 life species, or any combination of violations in any 3-year
20 period involving more than 70 such specimens in the aggregate,
21 the suspension or revocation of the licenseholder's marine
22 life endorsement as provided in paragraph (h).

23
24 The penalty provisions of this subsection apply to commercial
25 harvesters and wholesale and retail dealers as defined in s.
26 370.07. Any other person who commits a major violation under
27 this subsection commits a Level Three violation under s.
28 372.83. Notwithstanding the provisions of s. 948.01, no court
29 may suspend, defer, or withhold adjudication of guilt or
30 imposition of sentence for any major violation prescribed in
31 this subsection. The proceeds from the penalties assessed

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1 pursuant to this subsection shall be deposited into the Marine
2 Resources Conservation Trust Fund to be used for marine
3 fisheries research or into the commission's Federal Law
4 Enforcement Trust Fund as provided in s. 372.107, as
5 applicable.

6 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS
7 INVOLVING CERTAIN FINFISH.--

8 (a) It is a major violation under ~~pursuant to this~~
9 ~~section, punishable as provided in paragraph (3)(b),~~ for any
10 person to be in possession of any species of trout, snook, or
11 redfish which is three fish in excess of the recreational or
12 commercial daily bag limit.

13 (b) A commercial harvester who violates this
14 subsection shall be punished as provided under paragraph
15 (3)(b). Any other person who violates this subsection commits
16 a Level Three violation under s. 372.83.

17 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
18 HARVESTED PRODUCTS.--In addition to other penalties authorized
19 in this chapter, any violation of s. 370.06 or s. 370.07, or
20 rules of the commission implementing s. 370.06 or s. 370.07,
21 involving the purchase of saltwater products by a commercial
22 wholesale dealer, retail dealer, or restaurant facility for
23 public consumption from an unlicensed person, firm, or
24 corporation, ~~or the sale of saltwater products by an~~
25 ~~unlicensed person, firm, or corporation~~ or the purchase or
26 sale of any saltwater product known to be taken in violation
27 of s. 16, Art. X of the State Constitution, or rule or statute
28 implementing the provisions thereof, by a commercial wholesale
29 dealer, retail dealer, or restaurant facility, for public
30 consumption, is a major violation, and the commission may
31 assess the following penalties:

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1 (a) For a first violation, the commission may assess a
2 civil penalty of up to \$2,500 and may suspend the wholesale or
3 retail dealer's license privileges for up to 90 calendar days.

4 (b) For a second violation occurring within 12 months
5 of a prior violation, the commission may assess a civil
6 penalty of up to \$5,000 and may suspend the wholesale or
7 retail dealer's license privileges for up to 180 calendar
8 days.

9 (c) For a third or subsequent violation occurring
10 within a 24-month period, the commission shall assess a civil
11 penalty of \$5,000 and shall suspend the wholesale or retail
12 dealer's license privileges for up to 24 months.

13

14 Any proceeds from the civil penalties assessed pursuant to
15 this subsection shall be deposited into the Marine Resources
16 Conservation Trust Fund and shall be used as follows: 40
17 percent for administration and processing purposes and 60
18 percent for law enforcement purposes.

19 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
20 HARVEST.--It is a major violation and punishable as provided
21 in this subsection for any an unlicensed person, firm, or
22 corporation who is required to be licensed under this chapter
23 as a commercial harvester or a wholesale or retail dealer to
24 sell or purchase any saltwater product or to harvest or
25 attempt to harvest any saltwater product with intent to sell
26 the saltwater product.

27 (a) Any person, firm, or corporation who sells or
28 purchases any saltwater product without having purchased the
29 licenses required by this chapter for such sale is subject to
30 ~~additional~~ penalties as follows:

31 1. A first violation is a misdemeanor of the second

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

2 2. A second violation is a misdemeanor of the first
3 degree, punishable as provided in s. 775.082 or s. 775.083,
4 and such person may also be assessed a civil penalty of up to
5 \$2,500 and is subject to a suspension of all license
6 privileges under this chapter and chapter 372 for a period not
7 exceeding 90 days.

8 3. A third violation is a misdemeanor of the first
9 degree, punishable as provided in s. 775.082 or s. 775.083,
10 with a mandatory minimum term of imprisonment of 6 months, and
11 such person may also be assessed a civil penalty of up to
12 \$5,000 and is subject to a suspension of all license
13 privileges under this chapter and chapter 372 for a period not
14 exceeding 6 months.

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

22 5. A fourth or subsequent violation is a felony of the
23 third degree, punishable as provided in s. 775.082 or s.
24 775.083, with a mandatory minimum term of imprisonment of 1
25 year, and such person shall be assessed a civil penalty of
26 \$5,000 and all license privileges under this chapter and
27 chapter 372 shall be permanently revoked.

28 (b) Any person whose license privileges under this
29 chapter have been permanently revoked and who thereafter sells
30 or purchases or who attempts to sell or purchase any saltwater
31 product commits a felony of the third degree, punishable as

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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 also be
3 assessed a civil penalty of \$5,000. All property involved in
4 such offense shall be forfeited pursuant to s. 370.061.

5 (c) Any commercial harvester or wholesale or retail
6 dealer ~~person~~ whose license privileges under this chapter are
7 under suspension and who during such period of suspension
8 sells or purchases or attempts to sell or purchase any
9 saltwater product shall be assessed the following penalties:

10 1. A first violation, or a second violation occurring
11 more than 12 months after a first violation, is a first degree
12 misdemeanor, punishable as provided in ss. 775.082 and
13 775.083, and such commercial harvester or wholesale or retail
14 dealer ~~person~~ may be assessed a civil penalty of up to \$2,500
15 and an additional suspension of all license privileges under
16 this chapter and chapter 372 for a period not exceeding 90
17 days.

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

27 3. A third violation within 24 months of the second
28 violation or subsequent violation is a third degree felony,
29 punishable as provided in ss. 775.082 and 775.083, with a
30 mandatory minimum term of imprisonment of 1 year, and such
31 commercial harvester or wholesale or retail dealer ~~person~~

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

6 (d) Any commercial harvester ~~person~~ who harvests or
 7 attempts to harvest any saltwater product with intent to sell
 8 the saltwater product without having purchased a saltwater
 9 products license with the requisite endorsements is subject to
 10 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 commercial harvester ~~person~~ may also be assessed a
 16 civil penalty of up to \$2,500 and is subject to a suspension
 17 of all license privileges under this chapter and chapter 372
 18 for a period not 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 commercial harvester ~~person~~ may also be assessed a civil
 23 penalty of up to \$5,000 and is subject to a suspension of all
 24 license privileges under this chapter and chapter 372 for a
 25 period not 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 commercial harvester
 30 ~~person~~ shall also be assessed a civil penalty of \$5,000 and
 31 all license privileges under this chapter and chapter 372

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1 shall be permanently revoked.

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

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

12 (12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
13 purposes of imposing license or permit suspensions or
14 revocations authorized by this chapter, the license or permit
15 under which the violation was committed is subject to
16 suspension or revocation by the commission. For purposes of
17 assessing monetary civil or administrative penalties
18 authorized by this chapter, the commercial harvester ~~person,~~
19 ~~firm, or corporation~~ cited and subsequently receiving a
20 judicial disposition of other than dismissal or acquittal in a
21 court of law is subject to the monetary penalty assessment by
22 the commission. However, if the license or permitholder of
23 record is not the commercial harvester ~~person, firm, or~~
24 ~~corporation~~ receiving the citation and judicial disposition,
25 the license or permit may be suspended or revoked only after
26 the license or permitholder has been notified by the
27 commission that the license or permit has been cited in a
28 major violation and is now subject to suspension or revocation
29 should the license or permit be cited for subsequent major
30 violations.

31 Section 3. Section 370.028, Florida Statutes, is

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1 amended to read:

2 370.028 Enforcement of commission rules; penalties for
3 violation of rule.--Rules of the Fish and Wildlife
4 Conservation Commission shall be enforced by any law
5 enforcement officer certified pursuant to s. 943.13. Except
6 as provided under s. 372.83, any person who violates or
7 otherwise fails to comply with any rule adopted by the
8 commission shall be punished pursuant to s. 370.021(1).

9 Section 4. Paragraph (d) of subsection (5) of section
10 370.061, Florida Statutes, is amended to read:

11 370.061 Confiscation, seizure, and forfeiture of
12 property and products.--

13 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
14 PRODUCTS; PROCEDURE.--

15 (d) For purposes of confiscation under this
16 subsection, the term "saltwater products" has the meaning set
17 out in s. 370.01(27) ~~s. 370.01(26)~~, except that the term does
18 not include saltwater products harvested under the authority
19 of a recreational license unless the amount of such harvested
20 products exceeds three times the applicable recreational bag
21 limit for trout, snook, or redfish.

22 Section 5. Section 370.063, Florida Statutes, is
23 amended to read:

24 370.063 Special recreational spiny lobster ~~crawfish~~
25 license.--There is created a special recreational spiny
26 lobster ~~crawfish~~ license, to be issued to qualified persons as
27 provided by this section for the recreational harvest of spiny
28 lobster ~~crawfish~~ (~~spiny lobster~~) beginning August 5, 1994.

29 (1) The special recreational spiny lobster ~~crawfish~~
30 license shall be available to any individual spiny lobster
31 ~~crawfish~~ trap number holder who also possesses a saltwater

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1 products license during the 1993-1994 license year. A person
2 issued a special recreational spiny lobster ~~crawfish~~ license
3 may not also possess a trap number.

4 (2) The special recreational spiny lobster ~~crawfish~~
5 license is required in order to harvest spiny lobster ~~crawfish~~
6 from state territorial waters in quantities in excess of the
7 regular recreational bag limit but not in excess of a special
8 bag limit as established by the Marine Fisheries Commission
9 for these harvesters before the 1994-1995 license year. Such
10 special bag limit does not apply during the 2-day sport season
11 established by the Fish and Wildlife Conservation Commission.

12 (3) The holder of a special recreational spiny lobster
13 ~~crawfish~~ license must also possess the recreational spiny
14 lobster ~~crawfish~~ permit required by s. 372.57(8)(d).

15 (4) As a condition precedent to the issuance of a
16 special recreational spiny lobster ~~crawfish~~ license, the
17 applicant must agree to file quarterly reports with the Fish
18 and Wildlife Conservation Commission in such form as the
19 commission requires, detailing the amount of the
20 licenseholder's spiny lobster ~~crawfish~~ (~~spiny lobster~~) harvest
21 in the previous quarter, including the harvest of other
22 recreational harvesters aboard the licenseholder's vessel.

23 (5) The Fish and Wildlife Conservation Commission
24 shall issue special recreational spiny lobster ~~crawfish~~
25 licenses. The fee for each such license is \$100 per year. Each
26 license issued in any license year must be renewed by June 30
27 of each subsequent year by the initial individual holder
28 thereof. Noncompliance with the reporting requirement in
29 subsection (4) or with the special recreational bag limit
30 established under subsection (6) constitutes grounds for which
31 the commission may refuse to renew the license for a

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1 subsequent license year. The number of such licenses
 2 outstanding in any one license year may not exceed the number
 3 issued for the 1994-1995 license year. A license is not
 4 transferable by any method. Licenses that are not renewed
 5 expire and may be reissued by the commission in the subsequent
 6 license year to new applicants otherwise qualified under this
 7 section.

8 (6) To promote conservation of the spiny lobster
 9 ~~(crawfish)~~ resource, consistent with equitable distribution
 10 and availability of the resource, the commission shall
 11 establish a spiny lobster management plan incorporating the
 12 special recreational spiny lobster ~~crawfish~~ license,
 13 including, but not limited to, the establishment of a special
 14 recreational bag limit for the holders of such license as
 15 required by subsection (2). Such special recreational bag
 16 limit must not be less than twice the higher of the daily
 17 recreational bag limits.

18 (7) The proceeds of the fees collected under this
 19 section must be deposited in the Marine Resources Conservation
 20 Trust Fund and used as follows:

21 (a) Thirty-five percent for research and the
 22 development of reliable recreational catch statistics for the
 23 spiny lobster ~~crawfish~~ ~~(spiny lobster)~~ fishery.

24 (b) Twenty percent for administration of this section.

25 (c) Forty-five percent to be used for enforcement of
 26 this section.

27 (8) Any person who violates this section commits a
 28 Level One violation under s. 372.83.

29 Section 6. Subsection (8) is added to section 370.08,
 30 Florida Statutes, to read:

31 370.08 Fishers and equipment; regulation.--

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1 (8) PENALTIES.--A commercial harvester who violates
 2 this section shall be punished under s. 370.021. Any other
 3 person who violates this section commits a Level Two violation
 4 under s. 372.83.

5 Section 7. Subsection (6) is added to section 370.081,
 6 Florida Statutes, to read:

7 370.081 Illegal importation or possession of
 8 nonindigenous marine plants and animals; rules and
 9 regulations.--

10 (6) Any person who violates this section commits a
 11 Level Three violation under s. 372.83.

12 Section 8. Subsection (4) is added to section
 13 370.1105, Florida Statutes, to read:

14 370.1105 Saltwater finfish; fishing traps regulated.--

15 (4) A commercial harvester who violates this section
 16 shall be punished under s. 370.021. Any other person who
 17 violates this section commits a Level Two violation under s.
 18 372.83.

19 Section 9. Subsection (3) is added to section
 20 370.1121, Florida Statutes, to read:

21 370.1121 Bonefish; regulation.--

22 (3) A commercial harvester or wholesale or retail
 23 saltwater products dealer who violates this section shall be
 24 punished under s. 370.021. Any other person who violates this
 25 section commits a Level Two violation under s. 372.83.

26 Section 10. Paragraphs (a), (b), (c), and (d) of
 27 subsection (2) of section 370.13, Florida Statutes, are
 28 amended to read:

29 370.13 Stone crab; regulation.--

30 (2) PENALTIES.--For purposes of this subsection,
 31 conviction is any disposition other than acquittal or

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1 dismissal, regardless of whether the violation was adjudicated
2 under any state or federal law.

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

10 1. In addition to any other penalties provided in s.
11 370.021, for any commercial harvester who violates this
12 paragraph, person, firm, or corporation who violates rule
13 68B-13.010(2), Florida Administrative Code, or rule
14 68B-13.011(5), (6), (7), (8), or (11), Florida Administrative
15 Code, the following administrative penalties apply.

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

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

25 c.3. For a third violation that occurs within 36
26 months of any previous two such violations, the commission
27 shall assess an administrative penalty of up to \$5,000 and the
28 stone crab endorsement under which the violation was committed
29 may be suspended for 24 calendar months.

30 d.4. A fourth violation that occurs within 48 months
31 of any three previous such violations, shall result in

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1 permanent revocation of all of the violator's saltwater
2 fishing privileges, including having the commission proceed
3 against the endorsement holder's saltwater products license in
4 accordance with s. 370.021.

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

7
8 Any commercial harvester ~~person~~ assessed an administrative
9 penalty under this paragraph shall, within 30 calendar days
10 after notification, pay the administrative penalty to the
11 commission, or request an administrative hearing under ss.
12 120.569 and 120.57. The proceeds of all administrative
13 penalties collected under this paragraph shall be deposited in
14 the Marine Resources Conservation Trust Fund.

15 (b) It is unlawful for any commercial harvester ~~person~~
16 to remove the contents of another harvester's stone crab trap
17 or take possession of such without the express written consent
18 of the trap owner available for immediate inspection.
19 Unauthorized possession of another's trap gear or removal of
20 trap contents constitutes theft.

21 1. Any commercial harvester ~~person~~ convicted of theft
22 of or from a trap pursuant to this subsection or s. 370.1107
23 shall, in addition to the penalties specified in s. 370.021
24 and the provisions of this section, permanently lose all ~~his~~
25 ~~or her~~ saltwater fishing privileges, including saltwater
26 products licenses, stone crab or incidental take endorsements,
27 and all trap certificates allotted to such commercial
28 harvester ~~him or her~~ by the commission. In such cases, trap
29 certificates and endorsements are nontransferable.

30 2. In addition, any commercial harvester ~~person, firm,~~
31 ~~or corporation~~ convicted of violating the prohibitions

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1 referenced in this paragraph shall also be assessed an
 2 administrative penalty of up to \$5,000. Immediately upon
 3 receiving a citation for a violation involving theft of or
 4 from a trap and until adjudicated for such a violation, or,
 5 upon receipt of a judicial disposition other than dismissal or
 6 acquittal on such a violation, the violator is prohibited from
 7 transferring any stone crab or spiny lobster certificates.

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

10 ~~(c)1. It is unlawful to violate Any person, firm, or~~
 11 ~~corporation convicted of violating~~ commission rules that
 12 prohibit any of the following:~~, commits a felony of the third~~
 13 ~~degree, punishable as provided in s. 775.082, s. 775.083, or~~
 14 ~~s. 775.084.~~

15 ~~a.1.~~ The willful molestation of any stone crab trap,
 16 line, or buoy that is the property of any licenseholder,
 17 without the permission of that licenseholder.

18 ~~b.2.~~ The bartering, trading, or sale, or conspiring or
 19 aiding in such barter, trade, or sale, or supplying, agreeing
 20 to supply, aiding in supplying, or giving away stone crab trap
 21 tags or certificates unless the action is duly authorized by
 22 the commission as provided by commission rules.

23 ~~c.3.~~ The making, altering, forging, counterfeiting, or
 24 reproducing of stone crab trap tags.

25 ~~d.4.~~ Possession of forged, counterfeit, or imitation
 26 stone crab trap tags.

27 ~~e.5.~~ Engaging in the commercial harvest of stone crabs
 28 during the time either of the endorsements is under suspension
 29 or revocation.

30 2. Any commercial harvester who violates this
 31 paragraph commits a felony of the third degree, punishable as

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1 provided in s. 775.082, s. 775.083, or s. 775.084.

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

4
5 In addition, any commercial harvester ~~person, firm, or~~
6 ~~corporation~~ convicted of violating this paragraph shall also
7 be assessed an administrative penalty of up to \$5,000, and the
8 incidental take endorsement and/or the stone crab endorsement
9 under which the violation was committed may be suspended for
10 up to 24 calendar months. Immediately upon receiving a
11 citation involving a violation of this paragraph and until
12 adjudicated for such a violation, or if convicted of such a
13 violation, the person, firm, or corporation committing the
14 violation is prohibited from transferring any stone crab
15 certificates or endorsements.

16 (d) For any commercial harvester ~~person, firm, or~~
17 ~~corporation~~ convicted of fraudulently reporting the actual
18 value of transferred stone crab certificates, the commission
19 may automatically suspend or permanently revoke the seller's
20 or the purchaser's stone crab endorsements. If the endorsement
21 is permanently revoked, the commission shall also permanently
22 deactivate the endorsement holder's stone crab certificate
23 accounts. Whether an endorsement is suspended or revoked, the
24 commission may also levy a fine against the holder of the
25 endorsement of up to twice the appropriate surcharge to be
26 paid based on the fair market value of the transferred
27 certificates.

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

30 370.135 Blue crab; regulation.--

31 (1)(a) No commercial harvester ~~person, firm, or~~

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1 ~~corporation~~ shall transport on the water, fish with or cause
 2 to be fished with, set, or place any trap designed for taking
 3 blue crabs unless such commercial harvester ~~person, firm, or~~
 4 ~~corporation~~ is the holder of a valid saltwater products
 5 license issued pursuant to s. 370.06 and the trap has a
 6 current state number permanently attached to the buoy. The
 7 trap number shall be affixed in legible figures at least 1
 8 inch high on each buoy used. The saltwater products license
 9 must be on board the boat, and both the license and the crabs
 10 shall be subject to inspection at all times. Only one trap
 11 number may be issued for each boat by the commission upon
 12 receipt of an application on forms prescribed by it. This
 13 subsection shall not apply to an individual fishing with no
 14 more than five traps.

15 (b) It is unlawful ~~a felony of the third degree,~~
 16 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
 17 ~~775.084,~~ for any person willfully to molest any blue crab
 18 traps, lines, or buoys, as defined herein, belonging to
 19 another without the express written consent of the trap owner.

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

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

25
 26 Any commercial harvester ~~person~~ receiving a judicial
 27 disposition other than dismissal or acquittal on a charge of
 28 willful molestation of a trap, in addition to the penalties
 29 specified in s. 370.021, shall lose all saltwater fishing
 30 privileges for a period of 24 calendar months.

31 (c)1. It is unlawful for any person to remove the

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1 contents of or take possession of another harvester's blue
 2 crab trap without the express written consent of the trap
 3 owner available for immediate inspection. Unauthorized
 4 possession of another's trap gear or removal of trap contents
 5 constitutes theft.

6 a. Any commercial harvester ~~person~~ receiving a
 7 judicial disposition other than dismissal or acquittal on a
 8 charge of theft of or from a trap pursuant to this section or
 9 s. 370.1107 shall, in addition to the penalties specified in
 10 s. 370.021 and the provisions of this section, permanently
 11 lose all ~~his or her~~ saltwater fishing privileges, including
 12 any ~~his or her~~ saltwater products license and blue crab
 13 endorsement. In such cases endorsements, ~~landings history, and~~
 14 ~~trap certificates~~ are nontransferable.

15 b. In addition, any commercial harvester ~~person, firm,~~
 16 ~~or corporation~~ receiving a judicial disposition other than
 17 dismissal or acquittal for violating this subsection or s.
 18 370.1107 shall also be assessed an administrative penalty of
 19 up to \$5,000. Immediately upon receiving a citation for a
 20 violation involving theft of or from a trap and until
 21 adjudicated for such a violation, or receiving a judicial
 22 disposition other than dismissal or acquittal for such a
 23 violation, the commercial harvester ~~person, firm, or~~
 24 ~~corporation~~ committing the violation is prohibited from
 25 transferring any blue crab endorsements, ~~landings history, or~~
 26 ~~trap certificates~~.

27 2. A commercial harvester who violates this paragraph
 28 shall be punished under s. 370.021. Any other person who
 29 violates this paragraph commits a Level Two violation under s.
 30 372.83.

31 Section 12. Section 370.14, Florida Statutes, is

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1 amended to read:

2 370.14 Spiny lobster ~~Crawfish~~; regulation.--

3 (1) It is the intent of the Legislature to maintain
4 the spiny lobster ~~crawfish~~ industry for the economy of the
5 state and to conserve the stocks supplying this industry. The
6 provisions of this act regulating the taking of spiny lobster
7 ~~saltwater crawfish~~ are for the purposes of ensuring and
8 maintaining the highest possible production of spiny lobster
9 ~~saltwater crawfish~~.

10 (2)(a)1. Each commercial harvester ~~person~~ taking or
11 attempting to take spiny lobster ~~crawfish~~ with a trap in
12 commercial quantities or for commercial purposes shall obtain
13 and exhibit a spiny lobster ~~crawfish~~ trap number, as required
14 by the Fish and Wildlife Conservation Commission. The annual
15 fee for a spiny lobster ~~crawfish~~ trap number is \$125. This
16 trap number may be issued by the commission upon the receipt
17 of application by the commercial harvester ~~person~~ when
18 accompanied by the payment of the fee. The design of the
19 applications and of the trap number shall be determined by the
20 commission. Any trap or device used in taking or attempting to
21 take spiny lobster ~~crawfish~~, other than a trap with the trap
22 number, shall be seized and destroyed by the commission. The
23 proceeds of the fees imposed by this paragraph shall be
24 deposited and used as provided in paragraph (b). The
25 commission may adopt rules to carry out the intent of this
26 section.

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

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1 (b) Twenty-five dollars of the \$125 fee for a spiny
 2 lobster ~~crawfish~~ trap number required under subparagraph (a)1.
 3 must be used only for trap retrieval as provided in s.
 4 370.143. The remainder of the fees collected pursuant to
 5 paragraph (a) shall be deposited as follows:

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

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

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

19 (4)(a) It is unlawful ~~a felony of the third degree,~~
 20 ~~punishable as provided in s. 775.082 or s. 775.083,~~ for any
 21 person willfully to molest any spiny lobster ~~crawfish~~ traps,
 22 lines, or buoys belonging to another without permission of the
 23 licenseholder.

24 (b) A commercial harvester who violates this
 25 subsection commits a felony of the third degree, punishable as
 26 provided in s. 775.082 or s. 775.083. Any other person who
 27 violates this subsection commits a Level Four violation under
 28 s. 372.83.

29 (5) Any spiny lobster ~~crawfish~~ licenseholder, upon
 30 selling licensed spiny lobster ~~crawfish~~ traps, shall furnish
 31 the commission notice of such sale of all or part of his or

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1 her interest within 15 days thereof. Any holder of said
2 license shall also notify the commission within 15 days if his
3 or her address no longer conforms to the address appearing on
4 the license and shall, as a part of such notification, furnish
5 the commission with his or her new address.

6 (6)(a) By a special permit granted by the commission,
7 a Florida-licensed seafood dealer may lawfully import,
8 process, and package spiny lobster ~~saltwater crawfish~~ or
9 uncooked tails of the species *Panulirus argus* during the
10 closed season. However, spiny lobster ~~crawfish~~ landed under
11 special permit shall not be sold in the state.

12 (b) The licensed seafood dealer importing any such
13 spiny lobster ~~crawfish~~ under the permit shall, 12 hours prior
14 to the time the seagoing vessel or airplane delivering such
15 imported spiny lobster ~~crawfish~~ enters the state, notify the
16 commission as to the seagoing vessel's name or the airplane's
17 registration number and its captain, location, and point of
18 destination.

19 (c) At the time the spiny lobster ~~crawfish~~ cargo is
20 delivered to the permitholder's place of business, the spiny
21 lobster ~~crawfish~~ cargo shall be weighed and shall be available
22 for inspection by the commission. A signed receipt of such
23 quantity in pounds shall be forwarded to the commission within
24 48 hours after shipment weigh-in completion. If requested by
25 the commission, the weigh-in process will be delayed up to 4
26 hours to allow for a commission representative to be present
27 during the process.

28 (d) Within 48 hours after shipment weigh-in
29 completion, the permitholder shall submit to the commission,
30 on forms provided by the commission, a sworn report of the
31 quantity in pounds of the spiny lobster ~~saltwater crawfish~~

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1 received, which report shall include the location of said
2 spiny lobster ~~crawfish~~ and a sworn statement that said spiny
3 lobster ~~crawfish~~ were taken at least 50 miles from Florida's
4 shoreline. The landing of spiny lobster ~~crawfish~~ or spiny
5 lobster ~~crawfish~~ tails from which the eggs, swimmerettes, or
6 pleopods have been removed; the falsification of information
7 as to area from which spiny lobster ~~crawfish~~ were obtained; or
8 the failure to file the report called for in this section
9 shall be grounds to revoke the permit.

10 (e) Each permit holder shall keep throughout the period
11 of the closed season copies of the bill of sale or invoices
12 covering each transaction involving spiny lobster ~~crawfish~~
13 imported under this permit. Such invoices and bills shall be
14 kept available at all times for inspection by the commission.

15 (7)(a) A Florida-licensed seafood dealer may obtain a
16 special permit to import, process, and package uncooked tails
17 of spiny lobster ~~saltwater crawfish~~ upon the payment of the
18 sum of \$100 to the commission.

19 (b) A special permit must be obtained by any airplane
20 or seagoing vessel other than a common carrier used to
21 transport spiny lobster ~~saltwater crawfish~~ or spiny lobster
22 ~~crawfish~~ tails for purchase by licensed seafood dealers for
23 purposes as provided herein upon the payment of \$50.

24 (c) All special permits issued under this subsection
25 are nontransferable.

26 (8) No common carrier or employee of said carrier may
27 carry, knowingly receive for carriage, or permit the carriage
28 of any spiny lobster ~~crawfish~~ of the species *Panulirus argus*,
29 regardless of where taken, during the closed season, except of
30 the species *Panulirus argus* lawfully imported from a foreign
31 country for reshipment outside of the territorial limits of

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1 the state under United States Customs bond or in accordance
2 with paragraph (7)(a).

3 Section 13. Paragraph (c) of subsection (2) of section
4 370.142, Florida Statutes, is amended to read:

5 370.142 Spiny lobster trap certificate program.--

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

11 (c) Prohibitions; penalties.--

12 1. It is unlawful for a person to possess or use a
13 spiny lobster trap in or on state waters or adjacent federal
14 waters without having affixed thereto the trap tag required by
15 this section. It is unlawful for a person to possess or use
16 any other gear or device designed to attract and enclose or
17 otherwise aid in the taking of spiny lobster by trapping that
18 is not a trap as defined by commission rule ~~in rule~~
19 ~~68B-24.006(2), Florida Administrative Code.~~

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

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

29 a. A commercial harvester who violates this
30 subparagraph shall be punished under ss. 370.021 and 370.14.

31 Any commercial harvester ~~person~~ receiving a judicial

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1 disposition other than dismissal or acquittal on a charge of
 2 theft of or from a trap pursuant to this subparagraph or s.
 3 370.1107 shall, in addition to the penalties specified in ss.
 4 370.021 and 370.14 and the provisions of this section,
 5 permanently lose all his or her saltwater fishing privileges,
 6 including his or her saltwater products license, spiny lobster
 7 ~~crawfish~~ endorsement, and all trap certificates allotted to
 8 him or her through this program. In such cases, trap
 9 certificates and endorsements are nontransferable.

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

16 **c.** In addition, any commercial harvester ~~person, firm,~~
 17 ~~or corporation~~ charged with violating this paragraph and
 18 receiving a judicial disposition other than dismissal or
 19 acquittal for violating this subparagraph or s. 370.1107 shall
 20 also be assessed an administrative penalty of up to \$5,000.

21
 22 Immediately upon receiving a citation for a violation
 23 involving theft of or from a trap, or molestation of a trap,
 24 and until adjudicated for such a violation or, upon receipt of
 25 a judicial disposition other than dismissal or acquittal of
 26 such a violation, the person, firm, or corporation committing
 27 the violation is prohibited from transferring any spiny
 28 lobster ~~crawfish~~ trap certificates and endorsements.

29 **4.** In addition to any other penalties provided in s.
 30 370.021, a commercial harvester, ~~as defined by rule~~
 31 ~~68B-24.002(1), Florida Administrative Code,~~ who violates the

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1 provisions of this section, or commission rules ~~the provisions~~
2 relating to spiny lobster traps ~~of chapter 68B-24, Florida~~
3 ~~Administrative Code~~, shall be punished as follows:

4 a. If the first violation is for violation of
5 subparagraph 1. or subparagraph 2., the commission shall
6 assess an additional administrative ~~civil~~ penalty of up to
7 \$1,000 and the spiny lobster ~~crawfish~~ trap number issued
8 pursuant to s. 370.14(2) or (6) may be suspended for the
9 remainder of the current license year. For all other first
10 violations, the commission shall assess an additional
11 administrative ~~civil~~ penalty of up to \$500.

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

19 c. For a third or subsequent violation of subparagraph
20 1., subparagraph 2., or subparagraph 3. which occurs within 36
21 months of any previous two such violations, the commission
22 shall assess an additional administrative ~~civil~~ penalty of up
23 to \$5,000 and may suspend the spiny lobster ~~crawfish~~ trap
24 number issued pursuant to s. 370.14(2) or (6) for a period of
25 up to 24 months or may revoke the spiny lobster ~~crawfish~~ trap
26 number and, if revoking the spiny lobster ~~crawfish~~ trap
27 number, may also proceed against the licenseholder's saltwater
28 products license in accordance with the provisions of s.
29 370.021(2)(h).

30 d. Any person assessed an additional administrative
31 ~~civil~~ penalty pursuant to this section shall within 30

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1 calendar days after notification:

2 (I) Pay the administrative ~~civil~~ penalty to the
3 commission; or

4 (II) Request an administrative hearing pursuant to the
5 provisions of ss. 120.569 and 120.57 ~~s. 120.60~~.

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

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

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

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

23 6.a. Any commercial harvester ~~person~~ who violates the
24 provisions of subparagraph 5., or any commercial harvester
25 ~~person~~ who engages in the commercial harvest, trapping, or
26 possession of spiny lobster without a spiny lobster ~~crawfish~~
27 trap number as required by s. 370.14(2) or (6) or during any
28 period while such spiny lobster ~~crawfish~~ trap number is under
29 suspension or revocation, commits a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084.

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

7 c. Any other person who violates the provisions of
 8 subparagraph 5. commits a Level Four violation under s.
 9 372.83.

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

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

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

25 10. Except as otherwise provided, any person who
 26 violates this paragraph commits a Level Two violation under s.
 27 372.83.

28 Section 14. Paragraph (q) is added to subsection (2)
 29 of section 372.562, Florida Statutes, to read:

30 372.562 Recreational licenses and permits; exemptions
 31 from fees and requirements.--

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

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

5 Section 15. Subsections (4), (8), (11), and (12) of
6 section 372.57, Florida Statutes, are amended, and subsections
7 (16) and (17) are added to that section, to read:

8 372.57 Recreational licenses, permits, and
9 authorization numbers; fees established.--

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

13 (a) Annual freshwater fishing license, \$12.

14 (b) Annual saltwater fishing license, \$12.

15 (c) Annual hunting license to take game, \$11.

16 (d) Annual combination hunting and freshwater fishing
17 license, \$22.

18 (e) Annual combination freshwater fishing and
19 saltwater fishing license, \$24.

20 (f) Annual combination hunting, freshwater fishing,
21 and saltwater fishing license, \$34.

22 (g) Annual license to take fur-bearing animals, \$25.

23 However, a resident with a valid hunting license or a no-cost
24 license who is taking fur-bearing animals for noncommercial
25 purposes using guns or dogs only, and not traps or other
26 devices, is not required to purchase this license. Also, a
27 resident 65 years of age or older is not required to purchase
28 this license.

29 (h) Annual sportsman's license, \$71 ~~\$66~~ except that an
30 annual sportsman's license for a resident 64 years of age or
31 older is \$12. A sportsman's license authorizes the person to

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1 whom it is issued to take game and freshwater fish, subject to
 2 the state and federal laws, rules, and regulations, including
 3 rules of the commission, in effect at the time of the taking.
 4 Other authorized activities include activities authorized by a
 5 management area permit, a muzzle-loading gun season permit, a
 6 crossbow season permit, a turkey permit, a Florida waterfowl
 7 permit, and an archery season permit.

8 (i) Annual gold sportsman's license, ~~\$87~~ ~~\$82~~. The gold
 9 sportsman's license authorizes the person to whom it is issued
 10 to take freshwater fish, saltwater fish, and game, subject to
 11 the state and federal laws, rules, and regulations, including
 12 rules of the commission, in effect at the time of taking.
 13 Other authorized activities include activities authorized by a
 14 management area permit, a muzzle-loading gun season permit, a
 15 crossbow season permit, a turkey permit, a Florida waterfowl
 16 permit, an archery season permit, a snook permit, and a spiny
 17 lobster ~~crawfish~~ permit.

18 (j) Annual military gold sportsman's license, \$18.50.
 19 The gold sportsman's license authorizes the person to whom it
 20 is issued to take freshwater fish, saltwater fish, and game,
 21 subject to the state and federal laws, rules, and regulations,
 22 including rules of the commission, in effect at the time of
 23 taking. Other authorized activities include activities
 24 authorized by a management area permit, a muzzle-loading gun
 25 season permit, a crossbow season permit, a turkey permit, a
 26 Florida waterfowl permit, an archery season permit, a snook
 27 permit, and a spiny lobster ~~crawfish~~ permit. Any resident who
 28 is an active or retired member of the United States Armed
 29 Forces, the United States Armed Forces Reserve, the National
 30 Guard, the United States Coast Guard, or the United States
 31 Coast Guard Reserve is eligible to purchase the military gold

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

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

8 (a) An annual Florida waterfowl permit for a resident
9 or nonresident to take wild ducks or geese within the state or
10 its coastal waters is \$3.

11 (b)1. An annual Florida turkey permit for a resident
12 to take wild turkeys within the state is \$5.

13 2. An annual Florida turkey permit for a nonresident
14 to take wild turkeys within the state is \$100.

15 (c) An annual snook permit for a resident or
16 nonresident to take or possess any snook from any waters of
17 the state is \$2. Revenue generated from the sale of snook
18 permits shall be used exclusively for programs to benefit the
19 snook population.

20 (d) An annual spiny lobster ~~crawfish~~ permit for a
21 resident or nonresident to take or possess any spiny lobster
22 ~~crawfish~~ for recreational purposes from any waters of the
23 state is \$2. Revenue generated from the sale of spiny lobster
24 ~~crawfish~~ permits shall be used exclusively for programs to
25 benefit the spiny lobster ~~crawfish~~ population.

26 (e) A \$5 fee is imposed for each of the following
27 permits:

28 1. An annual archery season permit for a resident or
29 nonresident to hunt within the state during any archery season
30 authorized by the commission.

31 2. An annual crossbow season permit for a resident or

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1 nonresident to hunt within the state during any crossbow
2 season authorized by the commission.

3 3. An annual muzzle-loading gun season permit for a
4 resident or nonresident to hunt within the state during any
5 ~~with a muzzle-loading gun season is \$5. Hunting with a~~
6 ~~muzzle-loading gun is limited to game seasons in which hunting~~
7 ~~with a modern firearm is not authorized by the commission.~~

8 ~~(f) An annual archery permit for a resident or~~
9 ~~nonresident to hunt within the state with a bow and arrow is~~
10 ~~\$5. Hunting with an archery permit is limited to those game~~
11 ~~seasons in which hunting with a firearm is not authorized by~~
12 ~~the commission.~~

13 ~~(f)(g)~~ A special use permit for a resident or
14 nonresident to participate in limited entry hunting or fishing
15 activities as authorized by commission rule shall not exceed
16 \$100 per day or \$250 per week. Notwithstanding any other
17 provision of this chapter, there are no exclusions,
18 exceptions, or exemptions from this permit fee. In addition
19 to the permit fee, the commission may charge each special use
20 permit applicant a nonrefundable application fee not to exceed
21 \$10.

22 ~~(g)(h)~~1. A management area permit for a resident or
23 nonresident to hunt on, fish on, or otherwise use for outdoor
24 recreational purposes land owned, leased, or managed by the
25 commission, or by the state for the use and benefit of the
26 commission, shall not exceed \$25 per year.

27 2. Permit fees for short-term use of land that is
28 owned, leased, or managed by the commission may be established
29 by rule of the commission for activities on such lands. Such
30 permits may be in lieu of, or in addition to, the annual
31 management area permit authorized in subparagraph 1.

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1 3. Other than for hunting or fishing, the provisions
 2 of this paragraph shall not apply on any lands not owned by
 3 the commission, unless the commission has obtained the written
 4 consent of the owner or primary custodian of such lands.

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

20 2. One minor dependent, 16 years of age or younger,
 21 may hunt under the supervision of the permittee and is exempt
 22 from the recreational user permit requirements. The spouse
 23 and dependent children of a permittee are exempt from the
 24 recreational user permit requirements when engaged in outdoor
 25 recreational activities other than hunting and when
 26 accompanied by a permittee. Notwithstanding any other
 27 provision of this chapter, no other exclusions, exceptions, or
 28 exemptions from the recreational user permit fee are
 29 authorized.

30 (11) RESIDENT LIFETIME HUNTING LICENSES.--

31 (a) Lifetime hunting licenses are available to

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1 residents only, as follows, for:

2 1. Persons 4 years of age or younger, for a fee of
3 \$200.

4 2. Persons 5 years of age or older, but under 13 years
5 of age, for a fee of \$350.

6 3. Persons 13 years of age or older, for a fee of
7 \$500.

8 (b) The following activities are authorized by the
9 purchase of a lifetime hunting license:

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

13 2. All activities authorized by a muzzle-loading gun
14 season permit, a crossbow season permit, a turkey permit, an
15 archery season permit, a Florida waterfowl permit, and a
16 management area permit, excluding fishing.

17 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

18 (a) Lifetime sportsman's licenses are available to
19 residents only, as follows, for:

20 1. Persons 4 years of age or younger, for a fee of
21 \$400.

22 2. Persons 5 years of age or older, but under 13 years
23 of age, for a fee of \$700.

24 3. Persons 13 years of age or older, for a fee of
25 \$1,000.

26 (b) The following activities are authorized by the
27 purchase of a lifetime sportsman's license:

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

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1 2. All activities authorized by a management area
 2 permit, a muzzle-loading gun season permit, a crossbow season
 3 permit, a turkey permit, an archery season permit, a Florida
 4 waterfowl permit, a snook permit, and a spiny lobster ~~crayfish~~
 5 permit.

6 (16) PROHIBITED LICENSES OR PERMITS.--A person may not
 7 make, forge, counterfeit, or reproduce a license or permit
 8 required under this section, except for those persons
 9 authorized by the commission to make or reproduce such a
 10 license or permit. A person may not knowingly possess a
 11 forgery, counterfeit, or unauthorized reproduction of such a
 12 license or permit. A person who violates this subsection
 13 commits a Level Four violation under s. 372.83.

14 (17) SUSPENDED OR REVOKED LICENSES.--A person may not
 15 take game, freshwater fish, saltwater fish, or fur-bearing
 16 animals within this state if a license issued to such person
 17 as required under this section or a privilege granted to such
 18 person under s. 372.562 is suspended or revoked. A person who
 19 violates this subsection commits a Level Three violation under
 20 s. 372.83.

21 Section 16. Subsection (5) of section 372.5704,
 22 Florida Statutes, is amended to read:

23 372.5704 Fish and Wildlife Conservation Commission
 24 license program for tarpon; fees; penalties.--

25 (5) Any individual including a taxidermist who
 26 possesses a tarpon which does not have a tag securely attached
 27 as required by this section commits a Level Two violation
 28 under s. 372.83 ~~shall be subject to penalties as prescribed in~~
 29 ~~s. 370.021~~. Provided, however, a taxidermist may remove the
 30 tag during the process of mounting a tarpon. The removed tag
 31 shall remain with the fish during any subsequent storage or

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1 shipment.

2 Section 17. Section 372.571, Florida Statutes, is
3 amended to read:

4 372.571 Expiration of licenses and permits.--Each
5 license or permit issued under this chapter must be dated when
6 issued. Each license or permit issued under this chapter
7 remains valid for 12 months after the date of issuance, except
8 for a lifetime license issued pursuant to s. 372.57 which is
9 valid from the date of issuance until the death of the
10 individual to whom the license is issued unless otherwise
11 revoked in accordance with s. 372.99, or a 5-year license
12 issued pursuant to s. 372.57 which is valid for 5 consecutive
13 years from the date of purchase unless otherwise revoked in
14 accordance with s. 372.99, or a license issued pursuant to s.
15 372.57(5)(a), (b), (c), or (f) or ~~(8)(f)~~ ~~(8)(g)~~ or ~~(g)(h)~~2.,
16 which is valid for the period specified on the license. A
17 resident lifetime license or a resident 5-year license that
18 has been purchased by a resident of this state and who
19 subsequently resides in another state shall be honored for
20 activities authorized by that license.

21 Section 18. Section 372.5717, Florida Statutes, is
22 amended to read:

23 372.5717 Hunter safety course; requirements;
24 penalty.--

25 (1) This section may be cited as the Senator Joe
26 Carlucci Hunter Safety Act.

27 (2)(a) Except as provided in paragraph (b), a person
28 born on or after June 1, 1975, may not be issued a license to
29 take wild animal life with the use of a firearm, gun, bow, or
30 crossbow in this state without having first successfully
31 completed a hunter safety course as provided in this section,

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1 and without having in his or her personal possession a hunter
2 safety certification card, as provided in this section.

3 (b) A person born on or after June 1, 1975, who has
4 not successfully completed a hunter safety course may apply to
5 the commission for a special authorization to hunt under
6 supervision. The special authorization for supervised hunting
7 shall be designated on any license or permit required under
8 this chapter for a person to take game or fur-bearing animals,
9 and shall be valid for not more than 1 year. A special
10 authorization for supervised hunting may not be issued more
11 than once to the person applying for such authorization. A
12 person issued a license with a special authorization to hunt
13 under supervision must hunt under the supervision of, and in
14 the presence of, a person 21 years or age or older who is
15 licensed to hunt pursuant to s. 372.57 or who is exempt from
16 licensing requirements or eligible for a free license pursuant
17 to s. 372.562.

18 (3) The Fish and Wildlife Conservation Commission
19 shall institute and coordinate a statewide hunter safety
20 course that ~~which~~ must be offered in every county and consist
21 of not ~~less than 12 hours nor~~ more than 16 hours of
22 instruction including, but not limited to, instruction in the
23 competent and safe handling of firearms, conservation, and
24 hunting ethics.

25 (4) The commission shall issue a permanent hunter
26 safety certification card to each person who successfully
27 completes the hunter safety course. The commission shall
28 maintain records of hunter safety certification cards issued
29 and shall establish procedures for replacing lost or destroyed
30 cards.

31 (5) A hunter safety certification card issued by a

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1 wildlife agency of another state, or any Canadian province,
 2 which shows that the holder of the card has successfully
 3 completed a hunter safety course approved by the commission is
 4 an acceptable substitute for the hunter safety certification
 5 card issued by the commission.

6 (6) All persons subject to the requirements of
 7 subsection (2) must have in their personal possession, proof
 8 of compliance with this section, while taking or attempting to
 9 take wildlife with the use of a firearm, gun, bow, or crossbow
 10 and must, unless the requirement to complete a hunter safety
 11 course is deferred pursuant to this section, display a valid
 12 hunter safety certification card ~~to county tax collectors or~~
 13 ~~their subagents~~ in order to purchase a Florida hunting
 14 license. After the issuance of such a license, the license
 15 itself shall serve as proof of compliance with this section. A
 16 holder of a lifetime license whose license does not indicate
 17 on the face of the license that a hunter safety course has
 18 been completed must have in his or her personal possession a
 19 hunter safety certification card, as provided by this section,
 20 while attempting to take wild animal life with the use of a
 21 firearm, gun, bow, or crossbow.

22 (7) The hunter safety requirements of this section do
 23 not apply to persons for whom licenses are not required under
 24 s. 372.562(2).

25 (8) A person who violates this section commits a Level
 26 One violation under s. 372.83 ~~shall be cited for a noncriminal~~
 27 ~~infraction, punishable as provided in s. 372.711.~~

28 Section 19. Section 372.573, Florida Statutes, is
 29 amended to read:

30 372.573 Management area permit revenues.--The
 31 commission shall expend the revenue generated from the sale of

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1 the management area permit as provided for in s. 372.57(8)(g)
 2 ~~s. 372.57(8)(h)~~ or that pro rata portion of any license that
 3 includes management area privileges as provided for in s.
 4 372.57(4)(h), (i), and (j) for the lease, management, and
 5 protection of lands for public hunting, fishing, and other
 6 outdoor recreation.

7 Section 20. Section 372.83, Florida Statutes, is
 8 amended to read:

9 (Substantial rewording of section. See
 10 s. 372.83, F.S., for present text.)

11 372.83 Penalties and violations; civil penalties for
 12 noncriminal infractions; criminal penalties; suspension and
 13 forfeiture of licenses and permits.--

14 (1)(a) LEVEL ONE VIOLATIONS.--A person commits a Level
 15 One violation if he or she violates any of the following
 16 provisions:

17 1. Rules or orders of the commission relating to the
 18 filing of reports or other documents required to be filed by
 19 persons who hold recreational licenses and permits issued by
 20 the commission.

21 2. Rules or orders of the commission relating to quota
 22 hunt permits, daily use permits, hunting zone assignments,
 23 camping, alcoholic beverages, vehicles, and check stations
 24 within wildlife management areas or other areas managed by the
 25 commission.

26 3. Rules or orders of the commission relating to daily
 27 use permits, alcoholic beverages, swimming, possession of
 28 firearms, operation of vehicles, and watercraft speed within
 29 fish management areas managed by the commission.

30 4. Rules or orders of the commission relating to
 31 vessel size or specifying motor restrictions on specified

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1 water bodies.

2 5. Section 370.063, providing for special recreational
3 spiny lobster licenses.

4 6. Subsections (1) through (15) of s. 372.57,
5 providing for recreational licenses to hunt, fish, and trap.

6 7. Section 372.5717, providing hunter safety course
7 requirements.

8 8. Section 372.988, prohibiting deer hunting unless
9 required clothing is worn.

10 (b) A person who commits a Level One violation commits
11 a noncriminal infraction and shall be cited to appear before
12 the county court.

13 (c)1. The civil penalty for committing a Level One
14 violation involving the license and permit requirements of s.
15 372.57 is \$50 plus the cost of the license or permit, if the
16 person cited has not previously committed a Level One
17 violation.

18 2. The civil penalty for committing a Level One
19 violation involving the license and permit requirements of s.
20 372.57 is \$250 plus the cost of the license or permit, if the
21 person cited has previously committed a Level One violation.

22 (d)1. The civil penalty for any other Level One
23 violation is \$50 if the person cited has not previously
24 committed a Level One violation.

25 2. The civil penalty for any other Level One violation
26 is \$250 if the person cited has previously committed a Level
27 One violation.

28 (e) A person cited for a Level One violation shall
29 sign and accept a citation to appear before the county
30 court. The issuing officer may indicate on the citation the
31 time and location of the scheduled hearing and shall indicate

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1 the applicable civil penalty.

2 (f) A person cited for a Level One violation may pay
3 the civil penalty by mail or in person within 30 days after
4 receipt of the citation. If the civil penalty is paid, the
5 person shall be deemed to have admitted committing the Level
6 One violation and to have waived his or her right to a hearing
7 before the county court. Such admission may not be used as
8 evidence in any other proceedings except to determine the
9 appropriate fine for any subsequent violations.

10 (g) A person who refuses to accept a citation, who
11 fails to pay the civil penalty for a Level One violation, or
12 who fails to appear before a county court as required commits
13 a misdemeanor of the second degree, punishable as provided in
14 s. 775.082 or s. 775.083.

15 (h) A person who elects to appear before the county
16 court or who is required to appear before the county court
17 shall be deemed to have waived the limitations on civil
18 penalties provided under paragraphs (c) and (d). After a
19 hearing, the county court shall determine if a Level One
20 violation has been committed, and if so, may impose a civil
21 penalty of not less than \$50 for a first-time violation, and
22 not more than \$500 for subsequent violations. A person found
23 guilty of committing a Level One violation may appeal that
24 finding to the circuit court. The commission of a violation
25 must be proved beyond a reasonable doubt.

26 (i) A person cited for violating the requirements of
27 s. 372.57 relating to personal possession of a license or
28 permit may not be convicted if, prior to or at the time of a
29 county court hearing, the person produces the required license
30 or permit for verification by the hearing officer or the court
31 clerk. The license or permit must have been valid at the time

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1 the person was cited. The clerk or hearing officer may assess
2 a \$5 fee for costs under this paragraph.

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

6 1. Rules or orders of the commission relating to
7 seasons or time periods for the taking of wildlife, freshwater
8 fish, or saltwater fish.

9 2. Rules or orders of the commission establishing bag,
10 possession, or size limits or restricting methods of taking
11 wildlife, freshwater fish, or saltwater fish.

12 3. Rules or orders of the commission prohibiting
13 access or otherwise relating to access to wildlife management
14 areas or other areas managed by the commission.

15 4. Rules or orders of the commission relating to the
16 feeding of wildlife, freshwater fish, or saltwater fish.

17 5. Rules or orders of the commission relating to
18 landing requirements for freshwater fish or saltwater fish.

19 6. Rules or orders of the commission relating to
20 restricted hunting areas, critical wildlife areas, or bird
21 sanctuaries.

22 7. Rules or orders of the commission relating to
23 tagging requirements for game and fur-bearing animals.

24 8. Rules or orders of the commission relating to the
25 use of dogs for the taking of game.

26 9. Rules or orders of the commission which are not
27 otherwise classified.

28 10. All prohibitions in chapter 370 which are not
29 otherwise classified.

30 11. Section 370.028, prohibiting the violation of or
31 noncompliance with commission rules.

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1 12. Subsection 370.021(6) prohibiting the sale,
2 purchase, harvest, or attempted harvest of any saltwater
3 product with intent to sell.

4 13. Section 370.08, prohibiting the obstruction of
5 waterways with net gear.

6 14. Section 370.1105, prohibiting the unlawful use of
7 finfish traps.

8 15. Section 370.1121, prohibiting the unlawful taking
9 of bonefish.

10 16. Paragraphs 370.13(2)(a) and (b), prohibiting the
11 possession or use of stone crab traps without trap tags and
12 theft of trap contents or gear.

13 17. Paragraph 370.135(1)(c), prohibiting the theft of
14 blue crab trap contents or trap gear.

15 18. Paragraph 370.142 (2)(c), prohibiting the
16 possession or use of spiny lobster traps without trap tags or
17 certificates and theft of trap contents or trap gear.

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

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

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

24 (b)1. A person who commits a Level Two violation but
25 who has not been convicted of a Level Two or higher violation
26 within the past 3 years commits a misdemeanor of the second
27 degree, punishable as provided in s. 775.082 or s. 775.083.

28 2. Unless the stricter penalties in subparagraph 3. or
29 subparagraph 4. apply, a person who commits a Level Two
30 violation within 3 years after a previous conviction for a
31 Level Two or higher violation commits a misdemeanor of the

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1 first degree, punishable as provided in s. 775.082 or s.
2 775.083, with a minimum mandatory fine of \$250.

3 3. Unless the stricter penalties in subparagraph 4.
4 apply, a person who commits a Level Two violation within 5
5 years after two previous convictions for a Level Two or higher
6 violation, commits a misdemeanor of the first degree,
7 punishable as provided in s. 775.082 or s. 775.083, with a
8 minimum mandatory fine of \$500 and a suspension of any
9 recreational license or permit issued under s. 372.57 for 1
10 year. Such suspension shall include the suspension of the
11 privilege to obtain such license or permit and the suspension
12 of the ability to exercise any privilege granted under any
13 exemption in s. 372.562.

14 4. A person who commits a Level Two violation within
15 10 years after three previous convictions for a Level Two or
16 higher violation commits a misdemeanor of the first degree,
17 punishable as provided in s. 775.082 or s. 775.083, with a
18 minimum mandatory fine of \$750 and a suspension of any
19 recreational license or permit issued under s. 372.57 for 3
20 years. Such suspension shall include the suspension of the
21 privilege to obtain such license or permit and the suspension
22 of the ability to exercise any privilege granted under s.
23 372.562. If the recreational license or permit being suspended
24 was an annual license or permit, any privileges under ss.
25 372.562 and 372.57 may not be acquired for a 3-year period
26 following the date of the violation.

27 (3)(a) LEVEL THREE VIOLATIONS.--A person commits a
28 Level Three violation if he or she violates any of the
29 following provisions:

30 1. Rules or orders of the commission prohibiting the
31 sale of saltwater fish.

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1 2. Subsection 370.021(2), establishing major
2 violations.

3 3. Subsection 370.021(4), prohibiting the possession
4 of certain finfish in excess of recreational daily bag limits.

5 4. Section 370.081, prohibiting the illegal
6 importation or possession of exotic marine plants or animals.

7 5. Section 372.26, prohibiting the importation of
8 freshwater fish.

9 6. Section 372.265, prohibiting the importation of
10 nonindigenous species of the animal kingdom without a permit
11 issued by the commission.

12 7. Subsection 372.57(17), prohibiting the taking of
13 game, freshwater fish, or saltwater fish while a required
14 license is suspended or revoked.

15 8. Section 372.662, prohibiting the illegal sale or
16 possession of alligators.

17 9. Subsections 372.99(1), (3), and (6), prohibiting
18 the illegal taking and possession of deer and wild turkey.

19 10. Section 372.9903, prohibiting the possession and
20 transportation of commercial quantities of freshwater game
21 fish.

22 (b)1. A person who commits a Level Three violation but
23 who has not been convicted of a Level Three or higher
24 violation within the past 10 years, commits a misdemeanor of
25 the first degree, punishable as provided in s. 775.082 or s.
26 775.083.

27 2. A person who commits a Level Three violation within
28 10 years after a previous conviction for a Level Three or
29 higher violation, commits a misdemeanor of the first degree,
30 punishable as provided in s. 775.082 or s. 775.083, with a
31 minimum mandatory fine of \$750 and a suspension of any

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1 recreational license or permit issued under s. 372.57 for the
 2 remainder of the period for which the license or permit was
 3 issued up to 3 years. Such suspension shall include the
 4 suspension of the privilege to obtain such license or permit
 5 and the ability to exercise any privilege granted under s.
 6 372.562. If the recreational license or permit being suspended
 7 was an annual license or permit, any privileges under ss.
 8 372.562 and 372.57 may not be acquired for a 3-year period
 9 following the date of the violation.

10 3. A person who commits a violation of s. 372.57(17)
 11 shall receive a mandatory fine of \$1,000. Any privileges under
 12 ss. 372.562 and 372.57 may not be acquired for a 5-year period
 13 following the date of the violation.

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

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

19 2. Paragraph 370.135(1)(b), prohibiting the willful
 20 molestation of blue crab gear.

21 3. Subsection 370.14(4), prohibiting the willful
 22 molestation of spiny lobster gear.

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

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

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

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

3 (b) A person who commits a Level Four violation
4 commits a felony of the third degree, punishable as provided
5 in s. 775.082 or s. 775.083.

6 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
7 chapter:

8 (a) A person who commits a violation of any provision
9 of this chapter commits, for the first offense, a misdemeanor
10 of the second degree, punishable as provided in s. 775.082 or
11 s. 775.083.

12 (b) A person who is convicted of a second or
13 subsequent violation of any provision of this chapter commits
14 a misdemeanor of the first degree, punishable as provided in
15 s. 775.082 or s. 775.083.

16 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court
17 may order the suspension or forfeiture of any license or
18 permit issued under this chapter to a person who is found
19 guilty of committing a violation of this chapter.

20 (7) CONVICTION DEFINED.--As used in this section, the
21 term "conviction" means any judicial disposition other than
22 acquittal or dismissal.

23 Section 21. Section 372.935, Florida Statutes, is
24 created to read:

25 372.935 Captive wildlife; penalties for violations.--

26 (1)(a) NONCRIMINAL INFRACTIONS.--A person commits a
27 noncriminal infraction if he or she violates any of the
28 following provisions:

29 1. Rules or orders of the commission requiring a
30 no-cost permit to possess captive wildlife for personal use.

31 2. Rules or orders of the commission requiring that

1 persons who are licensed to possess captive wildlife file
2 reports or other documents.

3 (b) A person cited for committing a noncriminal
4 infraction under this section shall be cited to appear before
5 the county court. The civil penalty for a person found guilty
6 of committing a noncriminal violation under this section is
7 \$50, and the provisions of s. 372.83(1)(e)-(i) apply under
8 this subsection.

9 (2) MISDEMEANORS.--A person commits a misdemeanor of
10 the second degree, punishable as provided in s. 775.082 or s.
11 775.083, for violating any of the following provisions:

12 (a) Rules or orders of the commission which require
13 the payment of a fee for a person to obtain a permit to
14 possess captive wildlife.

15 (b) Rules or orders of the commission which require
16 the maintenance of records relating to captive wildlife.

17 (c) Rules or orders of the commission relating to
18 captive wildlife which are not specified in subsection (1).

19 (d) Section 372.86, prohibiting the possession or
20 exhibition of poisonous or venomous reptiles without a license
21 or permit.

22 (e) Section 372.88, prohibiting the exhibition of
23 poisonous or venomous reptiles without posting a bond.

24 (f) Section 372.89, prohibiting the possession or
25 exhibition of poisonous or venomous reptiles in an unsafe
26 manner.

27 (g) Section 372.90, prohibiting the transportation of
28 poisonous or venomous reptiles in an unsafe manner.

29 (h) Section 372.901, prohibiting the penning or caging
30 of poisonous or venomous reptiles in an unsafe manner.

31 (i) Section 372.91, prohibiting certain persons from

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1 opening containers housing poisonous or venomous reptiles.

2 (j) Section 372.921, prohibiting the exhibition or
3 sale of wildlife.

4 (k) Section 372.922, prohibiting the personal
5 possession of wildlife.

6 Section 22. Section 372.26, Florida Statutes, is
7 amended to read:

8 372.26 Imported fish.--

9 (1) No person shall import into the state or place in
10 any of the fresh waters of the state any freshwater fish of
11 any species without having first obtained a permit from the
12 Fish and Wildlife Conservation Commission. The commission is
13 authorized to issue or deny such a permit upon the completion
14 of studies of the species made by it to determine any
15 detrimental effect the species might have on the ecology of
16 the state.

17 (2) A person who violates this section commits a Level
18 Three violation under s. 372.83 ~~Persons in violation of this~~
19 ~~section shall be guilty of a misdemeanor of the first degree,~~
20 ~~punishable as provided in s. 775.082 or s. 775.083.~~

21 Section 23. Section 372.265, Florida Statutes, is
22 amended to read:

23 372.265 Regulation of foreign animals.--

24 (1) It is unlawful to import for sale or use, or to
25 release within this state, any species of the animal kingdom
26 not indigenous to Florida without having obtained a permit to
27 do so from the Fish and Wildlife Conservation Commission.

28 (2) The Fish and Wildlife Conservation Commission is
29 authorized to issue or deny such a permit upon the completion
30 of studies of the species made by it to determine any
31 detrimental effect the species might have on the ecology of

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1 the state.

2 (3) A person ~~Persons~~ in violation of this section
3 commits a Level Three violation under s. 372.83 ~~shall be~~
4 ~~guilty of a misdemeanor of the first degree, punishable as~~
5 ~~provided in s. 775.082 or s. 775.083.~~

6 Section 24. Subsection (2) of section 372.661, Florida
7 Statutes, is amended to read:

8 372.661 Private hunting preserve license fees;
9 exception.--

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

21 Section 25. Section 372.662, Florida Statutes, is
22 amended to read:

23 372.662 Unlawful sale, possession, or transporting of
24 alligators or alligator skins.--Whenever the sale, possession,
25 or transporting of alligators or alligator skins is prohibited
26 by any law of this state, or by the rules, regulations, or
27 orders of the Fish and Wildlife Conservation Commission
28 adopted pursuant to s. 9, Art. IV of the State Constitution,
29 the sale, possession, or transporting of alligators or
30 alligator skins is a Level Three violation under s. 372.83
31 ~~misdemeanor of the first degree, punishable as provided in s.~~

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1 ~~775.082 or s. 775.083.~~

2 Section 26. Section 372.667, Florida Statutes, is
3 amended to read:

4 372.667 Feeding or enticement of alligators or
5 crocodiles unlawful; penalty.--

6 (1) No person shall intentionally feed, or entice with
7 feed, any wild American alligator (*Alligator mississippiensis*)
8 or American crocodile (*Crocodylus acutus*). However, the
9 provisions of this section shall not apply to:

10 (a) Those persons feeding alligators or crocodiles
11 maintained in protected captivity for educational, scientific,
12 commercial, or recreational purposes.

13 (b) Fish and Wildlife Conservation Commission
14 personnel, persons licensed or otherwise authorized by the
15 commission, or county or municipal animal control personnel
16 when relocating alligators or crocodiles by baiting or
17 enticement.

18 (2) For the purposes of this section, the term
19 "maintained in protected captivity" means held in captivity
20 under a permit issued by the Fish and Wildlife Conservation
21 Commission pursuant to s. 372.921 or s. 372.922.

22 (3) Any person who violates this section commits a
23 Level Two violation under s. 372.83 ~~is guilty of a misdemeanor~~
24 ~~of the second degree, punishable as provided in s. 775.082 or~~
25 ~~s. 775.083.~~

26 Section 27. Section 372.705, Florida Statutes, is
27 amended to read:

28 372.705 Harassment of hunters, trappers, or fishers.--

29 (1) A person may not intentionally, within a publicly
30 or privately owned wildlife management or fish management area
31 or on any state-owned water body:

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1 (a) Interfere with or attempt to prevent the lawful
2 taking of fish, game, or nongame animals by another.

3 (b) Attempt to disturb fish, game, or nongame animals
4 or attempt to affect their behavior with the intent to prevent
5 their lawful taking by another.

6 (2) Any person who violates this section commits a
7 Level Two violation under s. 372.83 ~~subsection (1) is guilty~~
8 ~~of a misdemeanor of the second degree, punishable as provided~~
9 ~~in s. 775.082 or s. 775.083.~~

10 Section 28. Section 372.988, Florida Statutes, is
11 amended to read:

12 372.988 Required clothing for persons hunting
13 deer.--It is a Level One violation under s. 372.83 ~~unlawful~~
14 for any person to hunt deer, or for any person to accompany
15 another person hunting deer, during the open season for the
16 taking of deer on public lands unless each person shall wear a
17 total of at least 500 square inches of daylight fluorescent
18 orange material as an outer garment. Such clothing shall be
19 worn above the waistline and may include a head covering. The
20 provisions of this section shall not apply to any person
21 hunting deer with a bow and arrow during seasons restricted to
22 hunting with a bow and arrow.

23 Section 29. Subsection (1) of section 372.99022,
24 Florida Statutes, is amended to read:

25 372.99022 Illegal molestation of or theft from
26 freshwater fishing gear.--

27 (1)(a) Any person, firm, or corporation that willfully
28 molests any authorized and lawfully permitted freshwater
29 fishing gear belonging to another without the express written
30 consent of the owner commits a Level Four violation under s.
31 372.83 ~~felony of the third degree, punishable as provided in~~

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1 ~~s. 775.082, s. 775.083, or s. 775.084.~~ Any written consent
2 must be available for immediate inspection.

3 (b) Any person, firm, or corporation that willfully
4 removes the contents of any authorized and lawfully permitted
5 freshwater fishing gear belonging to another without the
6 express written consent of the owner commits a Level Four
7 violation under s. 372.83 ~~felony of the third degree,~~
8 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
9 ~~775.084.~~ Any written consent must be available for immediate
10 inspection.

11
12 A person, firm, or corporation that receives a citation for a
13 violation of this subsection is prohibited, immediately upon
14 receipt of such citation and until adjudicated or convicted of
15 a felony under this subsection, from transferring any
16 endorsements.

17 Section 30. Section 372.99, Florida Statutes, is
18 amended to read:

19 372.99 Illegal taking and possession of deer and wild
20 turkey; evidence; penalty.--

21 (1) Whoever takes or kills any deer or wild turkey, or
22 possesses a freshly killed deer or wild turkey, during the
23 closed season prescribed by law or by the rules and
24 regulations of the Fish and Wildlife Conservation Commission,
25 or whoever takes or attempts to take any deer or wild turkey
26 by the use of gun and light in or out of closed season,
27 commits a Level Three violation under s. 372.83 ~~is guilty of a~~
28 ~~misdemeanor of the first degree, punishable as provided in s.~~
29 ~~775.082 or s. 775.083,~~ and shall forfeit any license or permit
30 issued to her or him under the provisions of this chapter. No
31 license shall be issued to such person for a period of 3 years

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1 following any such violation on the first offense. Any person
2 guilty of a second or subsequent violation shall be
3 permanently ineligible for issuance of a license or permit
4 thereafter.

5 (2) The display or use of a light in a place where
6 deer might be found and in a manner capable of disclosing the
7 presence of deer, together with the possession of firearms or
8 other weapons customarily used for the taking of deer, between
9 1 hour after sunset and 1 hour before sunrise, shall be prima
10 facie evidence of an intent to violate the provisions of
11 subsection (1). This subsection does not apply to an owner or
12 her or his employee when patrolling or inspecting the land of
13 the owner, provided the employee has satisfactory proof of
14 employment on her or his person.

15 (3) Whoever takes or kills any doe deer; fawn or baby
16 deer; or deer, whether male or female, which does not have one
17 or more antlers at least 5 inches in length, except as
18 provided by law or the rules of the Fish and Wildlife
19 Conservation Commission, during the open season prescribed by
20 the rules of the commission, commits a Level Three violation
21 under 372.83 ~~is guilty of a misdemeanor of the first degree,~~
22 ~~punishable as provided in s. 775.082 or s. 775.083,~~ and may be
23 required to forfeit any license or permit issued to such
24 person for a period of 3 years following any such violation on
25 the first offense. Any person guilty of a second or subsequent
26 violation shall be permanently ineligible for issuance of a
27 license or permit thereafter.

28 (4) Any person who cultivates agricultural crops may
29 apply to the Fish and Wildlife Conservation Commission for a
30 permit to take or kill deer on land which that person is
31 currently cultivating. When said person can show, to the

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1 satisfaction of the Fish and Wildlife Conservation Commission,
 2 that such taking or killing of deer is justified because of
 3 damage to the person's crops caused by deer, the Fish and
 4 Wildlife Conservation Commission may issue a limited permit to
 5 the applicant to take or kill deer without being in violation
 6 of subsection (1) or subsection (3).

7 (5) Whoever possesses for sale or sells deer or wild
 8 turkey taken in violation of this chapter or the rules and
 9 regulations of the commission commits a Level Four violation
 10 under s. 372.83 ~~is guilty of a felony of the third degree,~~
 11 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
 12 ~~775.084.~~

13 (6) Any person who enters upon private property and
 14 shines lights upon such property, without the express
 15 permission of the owner of the property and with the intent to
 16 take deer by utilizing such shining lights, commits a Level
 17 Three violation under s. 372.83 ~~shall be guilty of a~~
 18 ~~misdemeanor of the second degree, punishable as provided in s.~~
 19 ~~775.082 or s. 775.083.~~

20 Section 31. Subsection (1) of section 372.9903,
 21 Florida Statutes, is amended to read:

22 372.9903 Illegal possession or transportation of
 23 freshwater game fish in commercial quantities; penalty.--

24 (1) Whoever possesses, moves, or transports any black
 25 bass, bream, speckled perch, or other freshwater game fish in
 26 commercial quantities in violation of law or the rules of the
 27 Fish and Wildlife Conservation Commission commits a Level
 28 Three violation under s. 372.83 ~~shall be guilty of a~~
 29 ~~misdemeanor of the first degree, punishable as provided in s.~~
 30 ~~775.082 or s. 775.083.~~

31 Section 32. Paragraph (a) of subsection (3) of section

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1 921.0022, Florida Statutes, is amended to read:

2 921.0022 Criminal Punishment Code; offense severity
3 ranking chart.--

4 (3) OFFENSE SEVERITY RANKING CHART

5

6 Florida	Felony	
7 Statute	Degree	Description

8

9 (a) LEVEL 1

10 24.118(3)(a) 3rd Counterfeit or altered state
11 lottery ticket.

12 212.054(2)(b) 3rd Discretionary sales surtax;
13 limitations, administration, and
14 collection.

15 212.15(2)(b) 3rd Failure to remit sales taxes,
16 amount greater than \$300 but less
17 than \$20,000.

18 316.1935(1) 3rd Fleeing or attempting to elude
19 law enforcement officer.

20 319.30(5) 3rd Sell, exchange, give away
21 certificate of title or
22 identification number plate.

23 319.35(1)(a) 3rd Tamper, adjust, change, etc., an
24 odometer.

25 320.26(1)(a) 3rd Counterfeit, manufacture, or sell
26 registration license plates or
27 validation stickers.

28 322.212

29 (1)(a)-(c) 3rd Possession of forged, stolen,
30 counterfeit, or unlawfully issued
31 driver's license; possession of

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1			simulated identification.
2	322.212(4)	3rd	Supply or aid in supplying
3			unauthorized driver's license or
4			identification card.
5	322.212(5)(a)	3rd	False application for driver's
6			license or identification card.
7	370.13(2)(c)1.	3rd	Molest any stone crab trap, line,
8			or buoy which is property of
9			licenseholder.
10	370.135(1)	3rd	Molest any blue crab trap, line,
11			or buoy which is property of
12			licenseholder.
13	372.663(1)	3rd	Poach any alligator or
14			crocodilia.
15	414.39(2)	3rd	Unauthorized use, possession,
16			forgery, or alteration of food
17			stamps, Medicaid ID, value
18			greater than \$200.
19	414.39(3)(a)	3rd	Fraudulent misappropriation of
20			public assistance funds by
21			employee/official, value more
22			than \$200.
23	443.071(1)	3rd	False statement or representation
24			to obtain or increase
25			unemployment compensation
26			benefits.
27	509.151(1)	3rd	Defraud an innkeeper, food or
28			lodging value greater than \$300.
29	517.302(1)	3rd	Violation of the Florida
30			Securities and Investor
31			Protection Act.

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1	562.27(1)	3rd	Possess still or still apparatus.
2	713.69	3rd	Tenant removes property upon
3			which lien has accrued, value
4			more than \$50.
5	812.014(3)(c)	3rd	Petit theft (3rd conviction);
6			theft of any property not
7			specified in subsection (2).
8	812.081(2)	3rd	Unlawfully makes or causes to be
9			made a reproduction of a trade
10			secret.
11	815.04(4)(a)	3rd	Offense against intellectual
12			property (i.e., computer
13			programs, data).
14	817.52(2)	3rd	Hiring with intent to defraud,
15			motor vehicle services.
16	817.569(2)	3rd	Use of public record or public
17			records information to facilitate
18			commission of a felony.
19	826.01	3rd	Bigamy.
20	828.122(3)	3rd	Fighting or baiting animals.
21	831.04(1)	3rd	Any erasure, alteration, etc., of
22			any replacement deed, map, plat,
23			or other document listed in s.
24			92.28.
25	831.31(1)(a)	3rd	Sell, deliver, or possess
26			counterfeit controlled
27			substances, all but s. 893.03(5)
28			drugs.
29	832.041(1)	3rd	Stopping payment with intent to
30			defraud \$150 or more.
31			

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1	832.05		
2	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
3			worthless checks \$150 or more or
4			obtaining property in return for
5			worthless check \$150 or more.
6	838.15(2)	3rd	Commercial bribe receiving.
7	838.16	3rd	Commercial bribery.
8	843.18	3rd	Fleeing by boat to elude a law
9			enforcement officer.
10	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
11			lewd, etc., material (2nd
12			conviction).
13	849.01	3rd	Keeping gambling house.
14	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
15			or assist therein, conduct or
16			advertise drawing for prizes, or
17			dispose of property or money by
18			means of lottery.
19	849.23	3rd	Gambling-related machines;
20			"common offender" as to property
21			rights.
22	849.25(2)	3rd	Engaging in bookmaking.
23	860.08	3rd	Interfere with a railroad signal.
24	860.13(1)(a)	3rd	Operate aircraft while under the
25			influence.
26	893.13(2)(a)2.	3rd	Purchase of cannabis.
27	893.13(6)(a)	3rd	Possession of cannabis (more than
28			20 grams).
29	934.03(1)(a)	3rd	Intercepts, or procures any other
30			person to intercept, any wire or
31			oral communication.

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1 Section 33. Section 372.831, Florida Statutes, is
2 created to read:

3 372.831 Wildlife Violators Compact Act.--The Wildlife
4 Violators Compact is created and entered into with all other
5 jurisdictions legally joining therein in the form
6 substantially as follows:

7
8 ARTICLE I

9 Findings and Purpose

10
11 (1) The participating states find that:

12 (a) Wildlife resources are managed in trust by the
13 respective states for the benefit of all residents and
14 visitors.

15 (b) The protection of the wildlife resources of a
16 state is materially affected by the degree of compliance with
17 state statutes, laws, regulations, ordinances, and
18 administrative rules relating to the management of such
19 resources.

20 (c) The preservation, protection, management, and
21 restoration of wildlife contributes immeasurably to the
22 aesthetic, recreational, and economic aspects of such natural
23 resources.

24 (d) Wildlife resources are valuable without regard to
25 political boundaries; therefore, every person should be
26 required to comply with wildlife preservation, protection,
27 management, and restoration laws, ordinances, and
28 administrative rules and regulations of the participating
29 states as a condition precedent to the continuance or issuance
30 of any license to hunt, fish, trap, or possess wildlife.

31 (e) Violation of wildlife laws interferes with the

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1 management of wildlife resources and may endanger the safety
2 of persons and property.

3 (f) The mobility of many wildlife law violators
4 necessitates the maintenance of channels of communication
5 among the various states.

6 (g) In most instances, a person who is cited for a
7 wildlife violation in a state other than his or her home state
8 is:

9 1. Required to post collateral or a bond to secure
10 appearance for a trial at a later date;

11 2. Taken into custody until the collateral or bond is
12 posted; or

13 3. Taken directly to court for an immediate
14 appearance.

15 (h) The purpose of the enforcement practices set forth
16 in paragraph (g) is to ensure compliance with the terms of a
17 wildlife citation by the cited person who, if permitted to
18 continue on his or her way after receiving the citation, could
19 return to his or her home state and disregard his or her duty
20 under the terms of the citation.

21 (i) In most instances, a person receiving a wildlife
22 citation in his or her home state is permitted to accept the
23 citation from the officer at the scene of the violation and
24 immediately continue on his or her way after agreeing or being
25 instructed to comply with the terms of the citation.

26 (j) The practices described in paragraph (g) cause
27 unnecessary inconvenience and, at times, a hardship for the
28 person who is unable at the time to post collateral, furnish a
29 bond, stand trial, or pay a fine, and thus is compelled to
30 remain in custody until some alternative arrangement is made.

31 (k) The enforcement practices described in paragraph

1 (g) consume an undue amount of time of law enforcement
2 agencies.

3 (2) It is the policy of the participating states to:

4 (a) Promote compliance with the statutes, laws,
5 ordinances, regulations, and administrative rules relating to
6 the management of wildlife resources in their respective
7 states.

8 (b) Recognize a suspension of the wildlife license
9 privileges of any person whose license privileges have been
10 suspended by a participating state and treat such suspension
11 as if it had occurred in each respective state.

12 (c) Allow a violator, except as provided in subsection
13 (2) of Article III, to accept a wildlife citation and, without
14 delay, proceed on his or her way, whether or not the violator
15 is a resident of the state in which the citation was issued,
16 if the violator's home state is party to this compact.

17 (d) Report to the appropriate participating state, as
18 provided in the compact manual, any conviction recorded
19 against any person whose home state was not the issuing state.

20 (e) Allow the home state to recognize and treat
21 convictions recorded against its residents, which convictions
22 occurred in a participating state, as though they had occurred
23 in the home state.

24 (f) Extend cooperation to its fullest extent among the
25 participating states for enforcing compliance with the terms
26 of a wildlife citation issued in one participating state to a
27 resident of another participating state.

28 (g) Maximize the effective use of law enforcement
29 personnel and information.

30 (h) Assist court systems in the efficient disposition
31 of wildlife violations.

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1 (3) The purpose of this compact is to:

2 (a) Provide a means through which participating states
3 may join in a reciprocal program to effectuate the policies
4 enumerated in subsection (2) in a uniform and orderly manner.

5 (b) Provide for the fair and impartial treatment of
6 wildlife violators operating within participating states in
7 recognition of the violator's right to due process and the
8 sovereign status of a participating state.

9

10 ARTICLE II

11 Definitions

12

13 As used in this compact, the term:

14 (1) "Citation" means any summons, complaint, summons
15 and complaint, ticket, penalty assessment, or other official
16 document issued to a person by a wildlife officer or other
17 peace officer for a wildlife violation which contains an order
18 requiring the person to respond.

19 (2) "Collateral" means any cash or other security
20 deposited to secure an appearance for trial in connection with
21 the issuance by a wildlife officer or other peace officer of a
22 citation for a wildlife violation.

23 (3) "Compliance" with respect to a citation means the
24 act of answering a citation through an appearance in a court
25 or tribunal, or through the payment of fines, costs, and
26 surcharges, if any.

27 (4) "Conviction" means a conviction that results in
28 suspension or revocation of a license, including any court
29 conviction, for any offense related to the preservation,
30 protection, management, or restoration of wildlife which is
31 prohibited by state statute, law, regulation, ordinance, or

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1 administrative rule. The term also includes the forfeiture of
2 any bail, bond, or other security deposited to secure
3 appearance by a person charged with having committed any such
4 offense, the payment of a penalty assessment, a plea of nolo
5 contendere, or the imposition of a deferred or suspended
6 sentence by the court.

7 (5) "Court" means a court of law, including
8 magistrate's court and the justice of the peace court.

9 (6) "Home state" means the state of primary residence
10 of a person.

11 (7) "Issuing state" means the participating state that
12 issues a wildlife citation to the violator.

13 (8) "License" means any license, permit, or other
14 public document that conveys to the person to whom it was
15 issued the privilege of pursuing, possessing, or taking any
16 wildlife regulated by statute, law, regulation, ordinance, or
17 administrative rule of a participating state; any privilege to
18 obtain such license, permit, or other public document; or any
19 statutory exemption from the requirement to obtain such
20 license, permit, or other public document. However, when
21 applied to a license, permit, or privilege issued or granted
22 by the State of Florida, only a license or permit issued under
23 s. 372.57, or a privilege granted under s. 372.562, shall be
24 considered a license.

25 (9) "Licensing authority" means the department or
26 division within each participating state which is authorized
27 by law to issue or approve licenses or permits to hunt, fish,
28 trap, or possess wildlife.

29 (10) "Participating state" means any state that enacts
30 legislation to become a member of this wildlife compact.

31 (11) "Personal recognizance" means an agreement by a

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1 person made at the time of issuance of the wildlife citation
2 that such person will comply with the terms of the citation.

3 (12) "State" means any state, territory, or possession
4 of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, the Provinces of Canada, and
6 other countries.

7 (13) "Suspension" means any revocation, denial, or
8 withdrawal of any or all license privileges, including the
9 privilege to apply for, purchase, or exercise the benefits
10 conferred by any license.

11 (14) "Terms of the citation" means those conditions
12 and options expressly stated upon the citation.

13 (15) "Wildlife" means all species of animals,
14 including, but not limited to, mammals, birds, fish, reptiles,
15 amphibians, mollusks, and crustaceans, which are defined as
16 "wildlife" and are protected or otherwise regulated by
17 statute, law, regulation, ordinance, or administrative rule in
18 a participating state. Species included in the definition of
19 "wildlife" vary from state to state and the determination of
20 whether a species is "wildlife" for the purposes of this
21 compact shall be based on local law.

22 (16) "Wildlife law" means any statute, law,
23 regulation, ordinance, or administrative rule developed and
24 enacted for the management of wildlife resources and the uses
25 thereof.

26 (17) "Wildlife officer" means any individual
27 authorized by a participating state to issue a citation for a
28 wildlife violation.

29 (18) "Wildlife violation" means any cited violation of
30 a statute, law, regulation, ordinance, or administrative rule
31 developed and enacted for the management of wildlife resources

1 and the uses thereof.

2

3

ARTICLE III

4

Procedures for Issuing State

5

6 (1) When issuing a citation for a wildlife violation,
7 a wildlife officer shall issue a citation to any person whose
8 primary residence is in a participating state in the same
9 manner as though the person were a resident of the issuing
10 state and shall not require such person to post collateral to
11 secure appearance, subject to the exceptions noted in
12 subsection (2), if the officer receives the recognizance of
13 such person that he will comply with the terms of the
14 citation.

15 (2) Personal recognizance is acceptable if not
16 prohibited by local law; by policy, procedure, or regulation
17 of the issuing agency; or by the compact manual and if the
18 violator provides adequate proof of identification to the
19 wildlife officer.

20 (3) Upon conviction or failure of a person to comply
21 with the terms of a wildlife citation, the appropriate
22 official shall report the conviction or failure to comply to
23 the licensing authority of the participating state in which
24 the wildlife citation was issued. The report shall be made in
25 accordance with procedures specified by the issuing state and
26 must contain information as specified in the compact manual as
27 minimum requirements for effective processing by the home
28 state.

29 (4) Upon receipt of the report of conviction or
30 noncompliance pursuant to subsection (3), the licensing
31 authority of the issuing state shall transmit to the licensing

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1 authority of the home state of the violator the information in
2 the form and content prescribed in the compact manual.

4 ARTICLE IV

5 Procedure for Home State

6
7 (1) Upon receipt of a report from the licensing
8 authority of the issuing state reporting the failure of a
9 violator to comply with the terms of a citation, the licensing
10 authority of the home state shall notify the violator and
11 shall initiate a suspension action in accordance with the home
12 state's suspension procedures and shall suspend the violator's
13 license privileges until satisfactory evidence of compliance
14 with the terms of the wildlife citation has been furnished by
15 the issuing state to the home state licensing authority.
16 Due-process safeguards shall be accorded.

17 (2) Upon receipt of a report of conviction from the
18 licensing authority of the issuing state, the licensing
19 authority of the home state shall enter such conviction in its
20 records and shall treat such conviction as though it occurred
21 in the home state for purposes of the suspension of license
22 privileges.

23 (3) The licensing authority of the home state shall
24 maintain a record of actions taken and shall make reports to
25 issuing states as provided in the compact manual.

27 ARTICLE V

28 Reciprocal Recognition of Suspension

29
30 (1) Each participating state may recognize the
31 suspension of license privileges of any person by any other

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1 participating state as though the violation resulting in the
2 suspension had occurred in that state and would have been the
3 basis for suspension of license privileges in that state.

4 (2) Each participating state shall communicate
5 suspension information to other participating states in the
6 form and content contained in the compact manual.

7
8 ARTICLE VI

9 Applicability of Other Laws

10
11 Except as expressly required by provisions of this compact,
12 this compact does not affect the right of any participating
13 state to apply any of its laws relating to license privileges
14 to any person or circumstance or to invalidate or prevent any
15 agreement or other cooperative arrangement between a
16 participating state and a nonparticipating state concerning
17 the enforcement of wildlife laws.

18
19 ARTICLE VII

20 Compact Administrator Procedures

21
22 (1) For the purpose of administering the provisions of
23 this compact and to serve as a governing body for the
24 resolution of all matters relating to the operation of this
25 compact, a board of compact administrators is established. The
26 board shall be composed of one representative from each of the
27 participating states to be known as the compact administrator.
28 The compact administrator shall be appointed by the head of
29 the licensing authority of each participating state and shall
30 serve and be subject to removal in accordance with the laws of
31 the state he or she represents. A compact administrator may

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1 provide for the discharge of his or her duties and the
 2 performance of his or her functions as a board member by an
 3 alternate. An alternate is not entitled to serve unless
 4 written notification of his or her identity has been given to
 5 the board.

6 (2) Each member of the board of compact administrators
 7 shall be entitled to one vote. No action of the board shall be
 8 binding unless taken at a meeting at which a majority of the
 9 total number of the board's votes are cast in favor thereof.

10 Action by the board shall be only at a meeting at which a
 11 majority of the participating states are represented.

12 (3) The board shall elect annually from its membership
 13 a chairman and vice chairman.

14 (4) The board shall adopt bylaws not inconsistent with
 15 the provisions of this compact or the laws of a participating
 16 state for the conduct of its business and shall have the power
 17 to amend and rescind its bylaws.

18 (5) The board may accept for any of its purposes and
 19 functions under this compact any and all donations and grants
 20 of moneys, equipment, supplies, materials, and services,
 21 conditional or otherwise, from any state, the United States,
 22 or any governmental agency, and may receive, use, and dispose
 23 of the same.

24 (6) The board may contract with, or accept services or
 25 personnel from, any governmental or intergovernmental agency,
 26 individual, firm, corporation, or private nonprofit
 27 organization or institution.

28 (7) The board shall formulate all necessary procedures
 29 and develop uniform forms and documents for administering the
 30 provisions of this compact. All procedures and forms adopted
 31 pursuant to board action shall be contained in a compact

1 manual.

2

3

ARTICLE VIII

4

Entry into Compact and Withdrawal

5

6

(1) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.

8

9

(2)(a) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

12

13

(b) The resolution shall substantially be in the form and content as provided in the compact manual and must include the following:

15

16

1. A citation of the authority from which the state is empowered to become a party to this compact;

17

18

2. An agreement of compliance with the terms and provisions of this compact; and

19

20

3. An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

22

23

(c) The effective date of entry shall be specified by the applying state, but may not be less than 60 days after notice has been given by the chairman of the board of the compact administrators or by the secretariat of the board to each participating state that the resolution from the applying state has been received.

28

29

(3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become

31

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1 effective until 90 days after the notice of withdrawal is
 2 given. The notice must be directed to the compact
 3 administrator of each member state. The withdrawal of any
 4 state does not affect the validity of this compact as to the
 5 remaining participating states.

7 ARTICLE IX

8 Amendments to the Compact

9
 10 (1) This compact may be amended from time to time.
 11 Amendments shall be presented in resolution form to the
 12 chairman of the board of compact administrators and shall be
 13 initiated by one or more participating states.

14 (2) Adoption of an amendment shall require endorsement
 15 by all participating states and shall become effective 30 days
 16 after the date of the last endorsement.

18 ARTICLE X

19 Construction and Severability

20
 21 This compact shall be liberally construed so as to effectuate
 22 the purposes stated herein. The provisions of this compact are
 23 severable and if any phrase, clause, sentence, or provision of
 24 this compact is declared to be contrary to the constitution of
 25 any participating state or of the United States, or if the
 26 applicability thereof to any government, agency, individual,
 27 or circumstance is held invalid, the validity of the remainder
 28 of this compact shall not be affected thereby. If this compact
 29 is held contrary to the constitution of any participating
 30 state, the compact shall remain in full force and effect as to
 31 the remaining states and in full force and effect as to the

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1 participating state affected as to all severable matters.

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ARTICLE XI

4

Title

5

6 This compact shall be known as the "Wildlife Violator
7 Compact."

8 Section 34. Section 372.8311, Florida Statutes, is
9 created to read:

10 372.8311 Compact licensing and enforcement authority;
11 administrative review.--

12 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes
13 of this act and the interstate wildlife violator compact, the
14 Fish and Wildlife Conservation Commission is the licensing
15 authority for the State of Florida and shall enforce the
16 interstate Wildlife Violators Compact and shall do all things
17 within the commission's jurisdiction which are necessary to
18 effectuate the purposes and the intent of the compact. The
19 commission may execute a resolution of ratification to
20 formalize the State of Florida's entry into the compact. Upon
21 adoption of the Wildlife Violators Compact, the commission may
22 adopt rules to administer the provisions of the compact.

23 (2) ADMINISTRATIVE REVIEW.--Any action committed or
24 omitted by the Fish and Wildlife Conservation Commission under
25 or in the enforcement of the Wildlife Violator Compact created
26 in s. 372.831 is subject to review under chapter 120.

27 Section 35. For purposes of incorporating the crossbow
28 season permit established under s. 372.57, Florida Statutes,
29 the hunter safety course exemption established under s.
30 372.5717, Florida Statutes, and the Wildlife Violator Compact
31 established under s. 372.831, Florida Statutes, the Fish and

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1 Wildlife Conservation Commission shall update the automated
2 licensing system authorized under s. 372.551, Florida
3 Statutes, by no later than August 1, 2006.

4 Section 36. Sections 372.711 and 372.912, Florida
5 Statutes, are repealed.

6 Section 37. This act shall take effect July 1, 2006.

7
8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

12

13 and insert:

14

A bill to be entitled

15

An act relating to fish and wildlife; amending

16

s. 370.01, F.S.; defining the term "commercial

17

harvester"; amending s. 370.021, F.S.;

18

providing for base penalties; conforming

19

penalty provisions for commercial harvesters;

20

providing penalties for persons other than

21

commercial harvesters; conforming provisions

22

relating to the spiny lobster; amending s.

23

370.028, F.S.; conforming penalty provisions;

24

amending s. 370.061, F.S.; correcting a

25

cross-reference; amending ss. 370.063, 370.08,

26

370.081, 370.1105, 370.1121, 370.13, 370.135,

27

370.14, and 370.142, F.S.; conforming penalty

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provisions for commercial harvesters; providing

29

penalties for persons other than commercial

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harvesters; conforming provisions relating to

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the spiny lobster; deleting obsolete

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1 provisions; amending s. 372.562, F.S.;

2 conforming a provision providing an exemption

3 from fees and requirements; amending s. 372.57,

4 F.S.; specifying seasonal recreational

5 activities for which a license or permit is

6 required; increasing fees for certain licenses

7 to conform; providing a fee for a crossbow

8 season permit; providing for crossbow season

9 permits; providing penalties for the

10 production, possession, and use of fraudulent

11 fishing and hunting licenses; providing

12 penalties for the taking of game and fish with

13 a suspended or revoked license; conforming

14 provisions relating to the spiny lobster;

15 amending s. 372.5704, F.S.; conforming penalty

16 provisions; amending ss. 372.571 and 372.573,

17 F.S.; correcting cross-references; amending s.

18 372.5717, F.S.; authorizing the Fish and

19 Wildlife Conservation Commission to defer the

20 hunter safety education course requirement for

21 a specified time period and for a specified

22 number of times; providing for a special

23 authorization and conditions to hunt using a

24 hunter safety education deferral; deleting the

25 mandatory minimum number of instructional hours

26 for persons required to take the hunter safety

27 education course; providing an exemption for

28 the display of hunter safety education

29 certificates; providing penalties; amending s.

30 372.83, F.S.; revising the penalties for

31 violations of rules, orders, and regulations of

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1 the Fish and Wildlife Conservation Commission;
2 creating penalties for recreational violations
3 of certain saltwater fishing regulations
4 established in ch. 370, F.S.; providing for
5 court appearances in certain circumstances;
6 providing for Level One, Level Two, Level
7 Three, and Level Four offenses; providing for
8 enhanced penalties for multiple violations;
9 providing for suspension and revocation of
10 licenses and permits, including exemptions from
11 licensing and permit requirements; defining the
12 term "conviction" for purposes of penalty
13 provisions; creating s. 372.935, F.S.;
14 providing penalties for violations involving
15 captive wildlife and poisonous or venomous
16 reptiles; specifying violations that constitute
17 noncriminal infractions or second-degree
18 misdemeanors; amending ss. 372.26, 372.265,
19 372.661, 372.662, 372.667, 372.705, 372.988,
20 372.99022, 372.99, and 372.9903, F.S.;
21 conforming penalty provisions; amending s.
22 921.0022, F.S.; deleting certain Level One
23 offense designations; creating s. 372.831,
24 F.S.; creating the Wildlife Violators Compact;
25 providing findings and purposes; providing
26 definitions; providing procedures for states
27 issuing citations for wildlife violations;
28 providing requirements for the home state of a
29 violator; providing for reciprocal recognition
30 of a license suspension; providing procedures
31 for administering the compact; providing for

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1 entry into and withdrawal from the compact;
2 providing for construction of the compact and
3 for severability; creating s. 372.8311, F.S.;
4 providing for enforcement of the compact by the
5 Fish and Wildlife Conservation Commission;
6 providing that actions committed or omitted by
7 the Fish and Wildlife Conservation Commission
8 in enforcing the compact are subject to review
9 under ch. 120, F.S.; requiring that the Fish
10 and Wildlife Conservation Commission update the
11 automated licensing system by August 1, 2006;
12 repealing s. 372.711, F.S., relating to
13 noncriminal infractions; repealing s. 372.912,
14 F.S.; relating to poisonous or venomous reptile
15 hunts; providing an effective date.

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