

Bill No. SB 2202

Barcode 543470

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Baker)
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 with intent to sell, and who is
operating under or is required to operate under a permit or
license or authorization issued pursuant to this chapter, or
who is using gear which is prohibited for use in the harvest

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

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

7 370.021 Administration; rules, publications, records;
 8 penalties; injunctions.--

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

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

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

22
 23 Upon final disposition of any alleged offense for which a
 24 citation for any violation of this chapter or the rules of the
 25 commission has been issued, the court shall, within 10 days,
 26 certify the disposition to the commission.

27 (2) MAJOR VIOLATIONS.--In addition to the penalties
 28 provided in paragraphs (1)(a) and (b), the court shall assess
 29 additional penalties against any commercial harvester ~~person,~~
 30 ~~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, crawfish, or stone crabs, an additional penalty of
 3 \$10 for each illegal blue crab, crawfish, stone crab, or part
 4 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 kempfi*); or
- 30 9. West Indian manatee (*Trichechus manatus*

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1 latirostris),

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

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

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

13 (h) Permits issued to any commercial harvester ~~person,~~
14 ~~firm, or corporation~~ by the commission ~~to take or harvest~~
15 ~~saltwater products~~, or any license issued pursuant to s.
16 370.06 or s. 370.07 may be suspended or revoked by the
17 commission, pursuant to the provisions and procedures of s.
18 120.60, for any major violation prescribed in this subsection:

19 1. Upon a first conviction, for up to 30 calendar
20 days.

21 2. Upon a second conviction which occurs within 12
22 months after a prior violation, for up to 90 calendar days.

23 3. Upon a third conviction which occurs within 24
24 months after a prior conviction, for up to 180 calendar days.

25 4. Upon a fourth conviction which occurs within 36
26 months after a prior conviction, for a period of 6 months to 3
27 years.

28 (i) Upon the arrest and conviction for a major
29 violation involving stone crabs, the licenseholder must show
30 just cause why his or her license should not be suspended or

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1 revoked. For the purposes of this paragraph, a "major
 2 violation" means a major violation as prescribed for illegal
 3 stone crabs; any single violation involving possession of more
 4 than 25 stone crabs during the closed season or possession of
 5 25 or more whole-bodied or egg-bearing stone crabs; any
 6 violation for trap molestation, trap robbing, or pulling traps
 7 at night; or any combination of violations in any
 8 3-consecutive-year period wherein more than 75 illegal stone
 9 crabs in the aggregate are involved.

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

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1 traps at night; or any combination of violations in any
2 3-consecutive-year period wherein more than 100 illegal blue
3 crabs in the aggregate are involved.

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

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

24 (n) The penalty provisions of this subsection apply to
25 commercial harvesters, and wholesale and retail saltwater
26 products dealers. Any other person who commits a major
27 violation under this subsection commits a level three
28 violation under s. 372.83.

29
30 Notwithstanding the provisions of s. 948.01, no court may
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1 suspend, defer, or withhold adjudication of guilt or
 2 imposition of sentence for any major violation prescribed in
 3 this subsection. The proceeds from the penalties assessed
 4 pursuant to this subsection shall be deposited into the Marine
 5 Resources Conservation Trust Fund to be used for marine
 6 fisheries research or into the commission's Federal Law
 7 Enforcement Trust Fund as provided in s. 372.107, as
 8 applicable.

9 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS
 10 INVOLVING CERTAIN FINFISH.--

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

16 (b) A commercial harvester who violates this
 17 subsection shall be punished as provided under paragraph
 18 (3)(b). Any other person who violates this subsection commits
 19 a level three violation under s. 372.83.

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

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1 implementing the provisions thereof, by a commercial wholesale
2 dealer, retail dealer, or restaurant facility, for public
3 consumption, is a major violation, and the commission may
4 assess the following penalties:

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

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

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

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

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

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1 saltwater product.

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

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

8 2. A second violation is a misdemeanor of the first
9 degree, punishable as provided in s. 775.082 or s. 775.083,
10 and such person may also be assessed a civil penalty of up to
11 \$2,500 and is subject to a suspension of all license
12 privileges under this chapter and chapter 372 for a period not
13 exceeding 90 days.

14 3. A third violation is a misdemeanor of the first
15 degree, punishable as provided in s. 775.082 or s. 775.083,
16 with a mandatory minimum term of imprisonment of 6 months, and
17 such person may also be assessed a civil penalty of up to
18 \$5,000 and is subject to a suspension of all license
19 privileges under this chapter and chapter 372 for a period not
20 exceeding 6 months.

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

28 5. A fourth or subsequent violation is a felony of the
29 third degree, punishable as provided in s. 775.082 or s.
30 775.083, with a mandatory minimum term of imprisonment of 1
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1 year, and such person shall be assessed a civil penalty of
2 \$5,000 and all license privileges under this chapter and
3 chapter 372 shall be permanently revoked.

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

12 (c) Any commercial harvester, or wholesale or retail
13 saltwater products dealer, ~~person~~ whose license privileges
14 under this chapter are under suspension and who during such
15 period of suspension sells or purchases or attempts to sell or
16 purchase any saltwater product shall be assessed the following
17 penalties:

18 1. A first violation, or a second violation occurring
19 more than 12 months after a first violation, is a first degree
20 misdemeanor, punishable as provided in ss. 775.082 and
21 775.083, and such commercial harvester, or wholesale or retail
22 saltwater products dealer ~~person~~ may be assessed a civil
23 penalty of up to \$2,500 and an additional suspension of all
24 license privileges under this chapter and chapter 372 for a
25 period not exceeding 90 days.

26 2. A second violation occurring within 12 months of a
27 first violation is a third degree felony, punishable as
28 provided in ss. 775.082 and 775.083, with a mandatory minimum
29 term of imprisonment of 1 year, and such commercial harvester,
30 or wholesale or retail saltwater products dealer, ~~person~~ may

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1 be assessed a civil penalty of up to \$5,000 and an additional
 2 suspension of all license privileges under this chapter and
 3 chapter 372 for a period not exceeding 180 days. All property
 4 involved in such offense shall be forfeited pursuant to s.
 5 370.061.

6 3. A third violation within 24 months of the second
 7 violation or subsequent violation is a third degree felony,
 8 punishable as provided in ss. 775.082 and 775.083, with a
 9 mandatory minimum term of imprisonment of 1 year, and such
 10 commercial harvester, or wholesale or retail saltwater
 11 products dealer, person shall be assessed a mandatory civil
 12 penalty of up to \$5,000 and an additional suspension of all
 13 license privileges under this chapter and chapter 372 for a
 14 period not exceeding 24 months. All property involved in such
 15 offense shall be forfeited pursuant to s. 370.061.

16 (d) Any commercial harvester person who harvests or
 17 attempts to harvest any saltwater product with intent to sell
 18 the saltwater product without having purchased a saltwater
 19 products license with the requisite endorsements is subject to
 20 penalties as follows:

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

23 2. A second violation is a misdemeanor of the first
 24 degree, punishable as provided in s. 775.082 or s. 775.083,
 25 and such commercial harvester person may also be assessed a
 26 civil penalty of up to \$2,500 and is subject to a suspension
 27 of all license privileges under this chapter and chapter 372
 28 for a period not exceeding 90 days.

29 3. A third violation is a misdemeanor of the first
 30 degree, punishable as provided in s. 775.082 or s. 775.083,

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1 with a mandatory minimum term of imprisonment of 6 months, and
 2 such commercial harvester ~~person~~ may also be assessed a civil
 3 penalty of up to \$5,000 and is subject to a suspension of all
 4 license privileges under this chapter and chapter 372 for a
 5 period not exceeding 6 months.

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

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

20
 21 For purposes of this subsection, a violation means any
 22 judicial disposition other than acquittal or dismissal.

23 (12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
 24 purposes of imposing license or permit suspensions or
 25 revocations authorized by this chapter, the license or permit
 26 under which the violation was committed is subject to
 27 suspension or revocation by the commission. For purposes of
 28 assessing monetary civil or administrative penalties
 29 authorized by this chapter, the commercial harvester ~~person,~~
 30 ~~firm, or corporation~~ cited and subsequently receiving a

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1 judicial disposition of other than dismissal or acquittal in a
 2 court of law is subject to the monetary penalty assessment by
 3 the commission. However, if the license or permitholder of
 4 record is not the commercial harvester ~~person, firm, or~~
 5 ~~corporation~~ receiving the citation and judicial disposition,
 6 the license or permit may be suspended or revoked only after
 7 the license or permitholder has been notified by the
 8 commission that the license or permit has been cited in a
 9 major violation and is now subject to suspension or revocation
 10 should the license or permit be cited for subsequent major
 11 violations.

12 Section 3. Section 370.028, Florida Statutes, is
 13 amended to read:

14 370.028 Enforcement of commission rules; penalties for
 15 violation of rule.--Rules of the Fish and Wildlife
 16 Conservation Commission shall be enforced by any law
 17 enforcement officer certified pursuant to s. 943.13. Except
 18 as provided under s. 372.83, any person who violates or
 19 otherwise fails to comply with any rule adopted by the
 20 commission shall be punished pursuant to s. 370.021(1).

21 Section 4. Paragraph (d) of subsection (5) of section
 22 370.061, Florida Statutes, is amended to read:

23 370.061 Confiscation, seizure, and forfeiture of
 24 property and products.--

25 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
 26 PRODUCTS; PROCEDURE.--

27 (d) For purposes of confiscation under this
 28 subsection, the term "saltwater products" has the meaning set
 29 out in s. 370.01(27)~~(26)~~, except that the term does not
 30 include saltwater products harvested under the authority of a
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1 recreational license unless the amount of such harvested
2 products exceeds three times the applicable recreational bag
3 limit for trout, snook, or redfish.

4 Section 5. Subsection (8) is added to section 370.063,
5 Florida Statutes, to read:

6 370.063 Special recreational crawfish license.--There
7 is created a special recreational crawfish license, to be
8 issued to qualified persons as provided by this section for
9 the recreational harvest of crawfish (spiny lobster) beginning
10 August 5, 1994.

11 (8) Any person who violates this section commits a
12 level one violation under s. 372.83.

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

15 370.08 Fishers and equipment; regulation.--

16 (8) A commercial harvester who violates this section
17 shall be punished under s. 370.021. Any other person who
18 violates this section commits a level two violation under s.
19 372.83.

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

22 370.081 Illegal importation or possession of
23 nonindigenous marine plants and animals; rules and
24 regulations.--

25 (6) Any person who violates this section commits a
26 level three violation under s. 372.83.

27 Section 8. Subsection (4) is added to section
28 370.1105, Florida Statutes, to read:

29 370.1105 Saltwater finfish; fishing traps regulated.--

30 (4) A commercial harvester who violates this section
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1 shall be punished under s. 370.021. Any other person who
2 violates this section commits a level two violation under s.
3 372.83.

4 Section 9. Subsection (3) is added to section
5 370.1121, Florida Statutes, to read:

6 370.1121 Bonefish; regulation.--

7 (3) A commercial harvester, or a wholesale or retail
8 saltwater products dealer who violates this section shall be
9 punished under s. 370.021. Any other person who violates this
10 section commits a level two violation under s. 372.83.

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

14 370.13 Stone crab; regulation.--

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

19 (a) It is unlawful to violate commission rules
20 regulating stone crab trap certificates and trap tags, or
21 providing that no person may use a stone crab trap tag not
22 issued by the commission, or providing that no person may use
23 an expired tag, or providing that no person may possess or use
24 a stone crab trap in or on state waters or adjacent federal
25 waters without having a trap tag required by the commission
26 firmly attached thereto.

27 1. In addition to any other penalties provided in s.
28 370.021, for any commercial harvester who violates this
29 paragraph person, firm, or corporation who violates rule
30 68B-13.010(2), Florida Administrative Code, or rule

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1 ~~68B-13.011(5), (6), (7), (8), or (11), Florida Administrative~~
2 ~~Code~~, the following administrative penalties apply.

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

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

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

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

23 2. Any other person who violates the provisions of
24 this paragraph commits a level two violation under s. 372.83.

25
26 Any commercial harvester ~~person~~ assessed an administrative
27 penalty under this paragraph shall, within 30 calendar days
28 after notification, pay the administrative penalty to the
29 commission, or request an administrative hearing under ss.
30 120.569 and 120.57. The proceeds of all administrative
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1 penalties collected under this paragraph shall be deposited in
 2 the Marine Resources Conservation Trust Fund.

3 (b) It is unlawful for any commercial harvester ~~person~~
 4 to remove the contents of another harvester's trap or take
 5 possession of such without the express written consent of the
 6 trap owner available for immediate inspection. Unauthorized
 7 possession of another's trap gear or removal of trap contents
 8 constitutes theft.

9 1. Any commercial harvester ~~person~~ convicted of theft
 10 of or from a trap pursuant to this subsection or s. 370.1107
 11 shall, in addition to the penalties specified in s. 370.021
 12 and the provisions of this section, permanently lose all ~~his~~
 13 ~~or her~~ saltwater fishing privileges, including saltwater
 14 products licenses, stone crab or incidental take endorsements,
 15 and all trap certificates allotted to such commercial
 16 harvester ~~him or her~~ by the commission. In such cases, trap
 17 certificates and endorsements are nontransferable.

18 2. In addition, any commercial harvester ~~person, firm,~~
 19 ~~or corporation~~ convicted of violating the prohibitions
 20 referenced in this paragraph shall also be assessed an
 21 administrative penalty of up to \$5,000. Immediately upon
 22 receiving a citation for a violation involving theft of or
 23 from a trap and until adjudicated for such a violation, or,
 24 upon receipt of a judicial disposition other than dismissal or
 25 acquittal on such a violation, the violator is prohibited from
 26 transferring any stone crab or lobster certificates.

27 3. Any other person who violates the provisions of
 28 this paragraph commits a level two violation under s. 372.83.

29 (c) 1. It is unlawful to violate ~~Any person, firm, or~~
 30 ~~corporation convicted of violating~~ commission rules that

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1 prohibit any of the following: ~~commits a felony of the third~~
2 ~~degree, punishable as provided in s. 775.082, s. 775.083, or~~
3 ~~s. 775.084.~~

4 a.1. The willful molestation of any stone crab trap,
5 line, or buoy that is the property of any licenseholder,
6 without the permission of that licenseholder.

7 b.2. The bartering, trading, or sale, or conspiring or
8 aiding in such barter, trade, or sale, or supplying, agreeing
9 to supply, aiding in supplying, or giving away stone crab trap
10 tags or certificates unless the action is duly authorized by
11 the commission as provided by commission rules.

12 c.3. The making, altering, forging, counterfeiting, or
13 reproducing of stone crab trap tags.

14 d.4. Possession of forged, counterfeit, or imitation
15 stone crab trap tags.

16 e.5. Engaging in the commercial harvest of stone crabs
17 during the time either of the endorsements is under suspension
18 or revocation.

19 2. Any commercial harvester who violates this
20 paragraph commits a third degree felony, punishable as
21 provided in ss. 775.082, 775.83, and 775.084.

22
23 In addition, any commercial harvester ~~person, firm, or~~
24 ~~corporation~~ convicted of violating this paragraph shall also
25 be assessed an administrative penalty of up to \$5,000, and the
26 incidental take endorsement and/or the stone crab endorsement
27 under which the violation was committed may be suspended for
28 up to 24 calendar months. Immediately upon receiving a
29 citation involving a violation of this paragraph and until
30 adjudicated for such a violation, or if convicted of such a
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1 violation, the person, firm, or corporation committing the
2 violation is prohibited from transferring any stone crab
3 certificates or endorsements.

4 3. Any other person who violates this paragraph
5 commits a level four violation under s. 372.83.

6 (d) For any commercial harvester ~~person, firm, or~~
7 ~~corporation~~ convicted of fraudulently reporting the actual
8 value of transferred stone crab certificates, the commission
9 may automatically suspend or permanently revoke the seller's
10 or the purchaser's stone crab endorsements. If the endorsement
11 is permanently revoked, the commission shall also permanently
12 deactivate the endorsement holder's stone crab certificate
13 accounts. Whether an endorsement is suspended or revoked, the
14 commission may also levy a fine against the holder of the
15 endorsement of up to twice the appropriate surcharge to be
16 paid based on the fair market value of the transferred
17 certificates.

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

20 370.135 Blue crab; regulation.--

21 (1)(a) No commercial harvester ~~person, firm, or~~
22 ~~corporation~~ shall transport on the water, fish with or cause
23 to be fished with, set, or place any trap designed for taking
24 blue crabs unless such commercial harvester ~~person, firm, or~~
25 ~~corporation~~ is the holder of a valid saltwater products
26 license issued pursuant to s. 370.06 and the trap has a
27 current state number permanently attached to the buoy. The
28 trap number shall be affixed in legible figures at least 1
29 inch high on each buoy used. The saltwater products license
30 must be on board the boat, and both the license and the crabs

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1 shall be subject to inspection at all times. Only one trap
 2 number may be issued for each boat by the commission upon
 3 receipt of an application on forms prescribed by it. This
 4 subsection shall not apply to an individual fishing with no
 5 more than five traps.

6 (b) It is unlawful ~~a felony of the third degree,~~
 7 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
 8 ~~775.084,~~ for any person willfully to molest any traps, lines,
 9 or buoys, as defined herein, belonging to another without the
 10 express written consent of the trap owner.

11 1. A commercial harvester who violates this paragraph
 12 commits a third degree felony, punishable as provided in ss.
 13 775.082, 775.083, or 775.084.

14 2. Any other person who violates this paragraph
 15 commits a level four violation under s. 372.83.

16
 17 Any commercial harvester ~~person~~ receiving a judicial
 18 disposition other than dismissal or acquittal on a charge of
 19 willful molestation of a trap, in addition to the penalties
 20 specified in s. 370.021, shall lose all saltwater fishing
 21 privileges for a period of 24 calendar months.

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

28 a. Any commercial harvester ~~person~~ receiving a
 29 judicial disposition other than dismissal or acquittal on a
 30 charge of theft of or from a trap pursuant to this section or
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1 s. 370.1107 shall, in addition to the penalties specified in
 2 s. 370.021 and the provisions of this section, permanently
 3 lose all ~~his or her~~ saltwater fishing privileges including any
 4 ~~his or her~~ saltwater products license and blue crab
 5 endorsement. In such cases endorsements, landings history, and
 6 trap certificates are nontransferable.

7 b. In addition, any commercial harvester ~~person, firm,~~
 8 ~~or corporation~~ receiving a judicial disposition other than
 9 dismissal or acquittal for violating this subsection or s.
 10 370.1107 shall also be assessed an administrative penalty of
 11 up to \$5,000. Immediately upon receiving a citation for a
 12 violation involving theft of or from a trap and until
 13 adjudicated for such a violation, or receiving a judicial
 14 disposition other than dismissal or acquittal for such a
 15 violation, the commercial harvester ~~person, firm, or~~
 16 ~~corporation~~ committing the violation is prohibited from
 17 transferring any blue crab endorsements, landings history, or
 18 trap certificates.

19 2. A commercial harvester who violates this paragraph
 20 shall be punished under s. 370.021. Any other person who
 21 violates this paragraph commits a level two violation under s.
 22 372.83.

23 Section 12. Paragraph (a) of subsection (2), and
 24 subsection (4) of section 370.14, Florida Statutes, are
 25 amended to read:

26 370.14 Crawfish; regulation.--

27 (2)(a)1. Each commercial harvester ~~person~~ taking or
 28 attempting to take crawfish with a trap in commercial
 29 quantities or for commercial purposes shall obtain and exhibit
 30 a crawfish trap number, as required by the Fish and Wildlife
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1 Conservation Commission. The annual fee for a crawfish trap
 2 number is \$125. This trap number may be issued by the
 3 commission upon the receipt of application by the commercial
 4 harvester ~~person~~ when accompanied by the payment of the fee.
 5 The design of the applications and of the trap number shall be
 6 determined by the commission. Any trap or device used in
 7 taking or attempting to take crawfish, other than a trap with
 8 the trap number, shall be seized and destroyed by the
 9 commission. The proceeds of the fees imposed by this paragraph
 10 shall be deposited and used as provided in paragraph (b). The
 11 commission may adopt rules to carry out the intent of this
 12 section.

13 2. Each commercial harvester ~~person~~ taking or
 14 attempting to take crawfish in commercial quantities or for
 15 commercial purposes by any method, other than with a trap
 16 having a crawfish trap number issued by the commission, must
 17 pay an annual fee of \$100.

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

22 (b) A commercial harvester who violates this
 23 subsection commits a third degree felony, punishable as
 24 provided in ss. 775.082 or 775.083. Any other person who
 25 violates this subsection commits a level four violation under
 26 s. 372.83.

27 Section 13. Paragraph (c) of subsection (2) of section
 28 370.142, Florida Statutes, is amended, paragraph (d) of that
 29 subsection is redesignated as paragraph (e), and a new
 30 paragraph (d) is added to that subsection, to read:

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1 370.142 Spiny lobster trap certificate program.--

2 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;

3 PENALTIES.--The Fish and Wildlife Conservation Commission

4 shall establish a trap certificate program for the spiny

5 lobster fishery of this state and shall be responsible for its

6 administration and enforcement as follows:

7 (c) Prohibitions; penalties.--

8 1. It is unlawful for a person to possess or use a

9 spiny lobster trap in or on state waters or adjacent federal

10 waters without having affixed thereto the trap tag required by

11 this section. It is unlawful for a person to possess or use

12 any other gear or device designed to attract and enclose or

13 otherwise aid in the taking of spiny lobster by trapping that

14 is not a trap as defined by rule of the commission. ~~in rule~~

15 ~~68B-24.006(2), Florida Administrative Code.~~

16 2. It is unlawful for a person to possess or use spiny

17 lobster trap tags without having the necessary number of

18 certificates on record as required by this section.

19 3. It is unlawful for any person to willfully molest,

20 take possession of, or remove the contents of another

21 harvester's trap without the express written consent of the

22 trap owner available for immediate inspection. Unauthorized

23 possession of another's trap gear or removal of trap contents

24 constitutes theft.

25 a. A commercial harvester who violates this

26 subparagraph shall be punished under ss. 370.021 and 370.14.

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

28 disposition other than dismissal or acquittal on a charge of

29 theft of or from a trap pursuant to this subparagraph or s.

30 370.1107 shall, in addition to the penalties specified in ss.

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1 370.021 and 370.14 and the provisions of this section,
 2 permanently lose all his or her saltwater fishing privileges,
 3 including his or her saltwater products license, crawfish
 4 endorsement, and all trap certificates allotted to him or her
 5 through this program. In such cases, trap certificates and
 6 endorsements are nontransferable.

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

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

18
 19 Immediately upon receiving a citation for a violation
 20 involving theft of or from a trap, or molestation of a trap,
 21 and until adjudicated for such a violation or, upon receipt of
 22 a judicial disposition other than dismissal or acquittal of
 23 such a violation, the commercial harvester ~~person, firm, or~~
 24 ~~corporation~~ committing the violation is prohibited from
 25 transferring any crawfish trap certificates and endorsements.

26 4. In addition to any other penalties provided in s.
 27 370.021, a commercial harvester, ~~as defined by rule~~
 28 ~~68B-24.002(1), Florida Administrative Code,~~ who violates the
 29 provisions of this section, or commission rules ~~the provisions~~
 30 relating to traps ~~of chapter 68B-24, Florida Administrative~~

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1 ~~Code~~, shall be punished as follows:

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

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

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

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

29 (I) Pay the administrative ~~civil~~ penalty to the
30 commission; or

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1 (II) Request an administrative hearing pursuant to the
2 provisions of s. 120.60.

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

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

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

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

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

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

3 c. Any other person who violates the provisions of
4 subparagraph 5., commits a level four violation under s.
5 372.83.

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

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

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

21 10. Except as otherwise provided, any other person who
22 violates this paragraph commits a level two violation under s.
23 372.83.

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

29 Section 14. Subsections (4), (8), (11), and (12) of
30 section 372.57, Florida Statutes, are amended and subsections

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1 (16) and (17) are added to that section to read:

2 372.57 Recreational licenses, permits, and
3 authorization numbers; fees established.--

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

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

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

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

10 (d) Annual combination hunting and freshwater fishing
11 license, \$22.

12 (e) Annual combination freshwater fishing and
13 saltwater fishing license, \$24.

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

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

17 However, a resident with a valid hunting license or a no-cost
18 license who is taking fur-bearing animals for noncommercial
19 purposes using guns or dogs only, and not traps or other
20 devices, is not required to purchase this license. Also, a
21 resident 65 years of age or older is not required to purchase
22 this license.

23 (h) Annual sportsman's license, ~~\$71~~ \$66, except that
24 an annual sportsman's license for a resident 64 years of age
25 or older is \$12. A sportsman's license authorizes the person
26 to whom it is issued to take game and freshwater fish, subject
27 to the state and federal laws, rules, and regulations,
28 including rules of the commission, in effect at the time of
29 the taking. Other authorized activities include activities
30 authorized by a management area permit, a muzzle-loading gun
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1 season permit, a crossbow season permit, a turkey permit, a
2 Florida waterfowl permit, and an archery permit.

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

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

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

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

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

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

10 (c) An annual snook permit for a resident or
11 nonresident to take or possess any snook from any waters of
12 the state is \$2. Revenue generated from the sale of snook
13 permits shall be used exclusively for programs to benefit the
14 snook population.

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

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

22 1. An annual archery season permit for a resident or
23 nonresident to hunt within the state during any archery season
24 authorized by the commission.

25 2. An annual crossbow season permit for a resident or
26 non resident to hunt within the state during any crossbow
27 season authorized by the commission.

28 3. An annual muzzle-loading gun season permit for a
29 resident or nonresident to hunt within the state during any
30 ~~with a muzzle-loading gun season is \$5. Hunting with a~~

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1 ~~muzzle-loading gun is limited to game seasons in which hunting~~
2 ~~with a modern firearm is not~~ authorized by the commission.

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

8 ~~(f)(g)~~ A special use permit for a resident or
9 nonresident to participate in limited entry hunting or fishing
10 activities as authorized by commission rule shall not exceed
11 \$100 per day or \$250 per week. Notwithstanding any other
12 provision of this chapter, there are no exclusions,
13 exceptions, or exemptions from this permit fee. In addition
14 to the permit fee, the commission may charge each special use
15 permit applicant a nonrefundable application fee not to exceed
16 \$10.

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

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

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

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

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

26 (11) RESIDENT LIFETIME HUNTING LICENSES.--

27 (a) Lifetime hunting licenses are available to
28 residents only, as follows, for:

29 1. Persons 4 years of age or younger, for a fee of
30 \$200.

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

3 3. Persons 13 years of age or older, for a fee of
4 \$500.

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

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

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

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

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

17 1. Persons 4 years of age or younger, for a fee of
18 \$400.

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

21 3. Persons 13 years of age or older, for a fee of
22 \$1,000.

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

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

29 2. All activities authorized by a management area
30 permit, a muzzle-loading gun season permit, a crossbow season
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1 permit, a turkey permit, an archery season permit, a Florida
2 waterfowl permit, a snook permit, and a crawfish permit.

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

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

18 Section 15. Subsection (5) of section 372.5704,
19 Florida Statutes, is amended to read:

20 372.5704 Fish and Wildlife Conservation Commission
21 license program for tarpon; fees; penalties.--

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

30 Section 16. Section 372.571, Florida Statutes, is
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1 amended to read:

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

19 Section 17. Section 372.5717, Florida Statutes, is
20 amended to read:

21 372.5717 Hunter safety course; requirements;
22 penalty.--

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

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

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1 safety certification card, as provided in this section.

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

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

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

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

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

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

27 Section 18. Section 372.573, Florida Statutes, is
 28 amended to read:

29 372.573 Management area permit revenues.--The
 30 commission shall expend the revenue generated from the sale of
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1 the management area permit as provided for in s.
 2 372.57(8)(g)~~(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 19. Section 372.83, Florida Statutes, is
 8 amended to read:

9 (Substantial rewording of section. See s. 372.83,
 10 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
 15 level 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

1 vessel size or specifying motor restrictions on specified
2 water bodies.

3 5. Section 370.063, providing for special recreational
4 crawfish licenses.

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

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

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

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

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

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

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

26 2. The civil penalty for any other level one violation
27 is \$250 if the person cited has previously committed a level
28 one violation.

29 (e) A person cited for a level one violation shall
30 sign and accept a citation to appear before the county

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1 court. The issuing officer may indicate on the citation the
2 time and location of the scheduled hearing and shall indicate
3 the applicable civil penalty.

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

12 (g) A person who refuses to accept a citation, or who
13 fails to pay the civil penalty for a level one violation, or
14 who fails to appear before a county court as required, commits
15 a second degree misdemeanor punishable as provided in s.
16 775.082 or s. 775.083.

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

28 (i) A person cited for violating the requirements of
29 s. 372.57 relating to personal possession of a license or
30 permit may not be convicted if, prior to or at the time of a

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1 county court hearing, the person produces the required license
2 or permit for verification by the hearing officer or the court
3 clerk. The license or permit must have been valid at the time
4 the person was cited. The clerk or hearing officer may assess
5 a \$5 fee for costs under this paragraph.

6 (2)(a) LEVEL TWO VIOLATIONS.--A person commits a level
7 two violation if he or she violates any of the following
8 provisions:

9 1. Rules or orders of the commission relating to
10 season or time periods for the taking of wildlife, freshwater
11 fish, or saltwater fish.

12 2. Rules or orders of the commission establishing bag,
13 possession, or size limits, or restricting methods of taking
14 wildlife, freshwater fish, or saltwater fish.

15 3. Rules or orders of the commission prohibiting
16 access or otherwise relating to access to wildlife management
17 areas or other areas managed by the commission.

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

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

22 6. Rules or orders of the commission relating to
23 restricted hunting areas, critical wildlife areas, or bird
24 sanctuaries.

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

27 8. Rules or orders of the commission relating to the
28 use of dogs for the taking of game.

29 9. Rules or orders of the commission which are not
30 otherwise classified.

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1 10. All prohibitions in chapter 370 which are not
2 otherwise classified.

3 11. Section 370.028, prohibiting the violation of or
4 noncompliance with commission rules.

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

8 13. Section 370.08, prohibiting the obstruction of
9 waterways with net gear.

10 14. Section 370.1105, prohibiting the unlawful use of
11 finfish traps.

12 15. Section 370.1121, prohibiting the unlawful taking
13 of bonefish.

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

17 17. Paragraph (2)(c) of s. 370.135, prohibiting the
18 theft of blue crab trap contents or trap gear.

19 18. Paragraph (2)(c) of s. 370.142, prohibiting the
20 possession or use of spiny lobster traps without trap tags or
21 certificates, and theft of trap contents or trap gear.

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

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

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

28 (b)1. A person who commits a level two violation but
29 who has not been convicted of a level two or higher violation
30 within the past 3 years, commits a second degree misdemeanor,

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

2 2. Unless the stricter penalties in subparagraphs 3.
3 and 4. apply, a person who commits a level two violation
4 within 3 years of a previous conviction for a level two or
5 higher violation, commits a first degree misdemeanor,
6 punishable as provided in s. 775.082 or s. 775.083, with a
7 minimum mandatory fine of \$250. Such suspension shall include
8 the suspension of the privilege to obtain such license or
9 permit and the suspension of any ability to exercise any
10 privilege granted under any exemption in s. 372.562.

11 3. Unless the stricter penalties in subparagraph 4.
12 apply, a person who commits a level two violation within 5
13 years of two previous convictions for a level two or higher
14 violation, commits a first degree misdemeanor, punishable as
15 provided in s. 775.082 or s. 775.083, with a minimum mandatory
16 fine of \$500, and a suspension of any recreational license or
17 permit issued under s. 372.57 for 1 year. Such suspension
18 shall include the suspension of the privilege to obtain such
19 license or permit and the suspension of the ability to
20 exercise any privilege granted under any exemption in s.
21 372.562.

22 4. A person who commits a level two violation within
23 10 years of three previous convictions for a level two or
24 higher violation commits a first degree misdemeanor,
25 punishable as provided in s. 775.082 or s. 775.083, with a
26 minimum mandatory fine of \$750, and a suspension of any
27 recreational license or permit issued under s. 372.57 for 3
28 years. Such suspension shall include the suspension of the
29 privilege to obtain such license or permit and the suspension
30 of the ability to exercise any privilege granted under any

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1 exemption in s. 372.562.

2 (3)(a) LEVEL THREE VIOLATIONS.-- A person commits a
3 level three violation if he or she violates any of the
4 following provisions:

5 1. Rules or orders of the commission prohibiting the
6 sale of saltwater fish.

7 2. Subsection 370.021(2), establishing major
8 violations.

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

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

14 5. Section 372.26, prohibiting the importation of
15 freshwater fish.

16 6. Section 372.265, prohibiting the importation of
17 non-indigenous species of the animal kingdom without a permit
18 issued by the commission.

19 7. Subsection 372.57 (17), prohibiting the take of
20 game, freshwater game fish, or saltwater fish, while a
21 required license is suspended or revoked.

22 8. Section 372.662, prohibiting the illegal sale or
23 possession of alligators.

24 9. Section 372.99, prohibiting the illegal take and
25 possession of deer and wild turkey.

26 10. Section 372.9903, prohibiting the possession and
27 transportation of commercial quantities of freshwater game
28 fish.

29 (b)1. A person who commits a level three violation but
30 who has not been convicted of a level three or higher

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1 violation within the past 10 years, commits a first degree
2 misdemeanor, punishable as provided in s. 775.082 or s.
3 775.083.

4 2. A person who commits a level three violation within
5 10 years of a previous conviction for a level three or higher
6 violation, commits a first degree misdemeanor, punishable as
7 provided in s. 775.082 or s. 775.083, with a minimum mandatory
8 fine of \$750, and a suspension of any recreational license or
9 permit issued under s. 372.57 for the remainder of the period
10 for which the license or permit was issued up to 3 years. If
11 the recreational license or permit being suspended was an
12 annual license or permit, any privileges under 372.57 may not
13 be acquired for a 3 year period from the date of the
14 violation.

15 3. A person who commits a violation of s. 372.57(17)
16 shall receive a mandatory fine of \$1,000. Any privileges
17 under 372.57 may not be acquired for a 5 year period from the
18 date of the violation.

19 (4)(a) LEVEL FOUR VIOLATIONS.--A person commits a
20 level four violation if he or she violates any of the
21 following provisions:

22 1. Subsection 370.13(2)(c), prohibiting the willful
23 molestation of stone crab gear, the illegal trade, sale, or
24 supply of stone crab trap tags or certificates, the unlawful
25 reproduction or possession of stone crab trap tags or
26 certificates, or the unlawful harvest of stone crabs.

27 2. Section 370.135, prohibiting the willful
28 molestation of blue crab gear.

29 3. Subsection 370.14(4), prohibiting the willful
30 molestation of crawfish gear.

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1 4. Subparagraph (2)(c)5. of s. 370.142, prohibiting
2 the unlawful reproduction of spiny lobster trap tags or
3 certificates.

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

8 6. Subsection 372.99 (5), prohibiting the sale of
9 illegally taken deer or wild turkey.

10 7. Section 372.9902, prohibiting the molestation or
11 theft of freshwater gear.

12 (b) A person who commits a level four violation
13 commits a third degree felony, punishable as provided in s.
14 775.082 or s. 775.083.

15 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
16 chapter:

17 (a) A person who commits a violation of any provision
18 of this chapter commits, for the first offense, a second
19 degree misdemeanor, punishable as provided in s. 775.082 or s.
20 775.083.

21 (b) A person who is convicted of a second or
22 subsequent violation of any provision of this chapter commits
23 a first degree misdemeanor, punishable as provided in s.
24 775.082 or s. 775.083.

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

29 (7) CONVICTION DEFINED.--As used in this section, the
30 term "conviction" means any judicial disposition other than

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1 acquittal or dismissal.

2 Section 20. Section 372.935, Florida Statutes, is
3 created to read:

4 372.935 Captive wildlife; penalties for violations.--

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

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

10 2. Rules or orders of the commission requiring that
11 persons who are licensed to possess captive wildlife file
12 reports or other documents.

13 (b) A person cited for committing a noncriminal
14 infraction under this section shall be cited to appear before
15 the county court. The civil penalty for a person found guilty
16 of committing a noncriminal violation under this section is
17 \$50, and the provisions of s. 372.83 (1)(e) through (i) apply
18 under this subsection.

19 (2) MISDEMEANORS.-- A person commits a second degree
20 misdeemeanor, punishable as provided in s. 775.082 or s.
21 775.083 for violating any of the following provisions:

22 (a) Rules or orders of the commission which require
23 the payment of a fee for a person to obtain a permit to
24 possess captive wildlife.

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

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

29 (d) Section 372.86, prohibiting the possession or
30 exhibition of poisonous or venomous reptiles without a license

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1 or permit.

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

4 (f) Section 372.89, prohibiting the possession or
5 exhibition of poisonous or venomous reptiles in an unsafe
6 manner.

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

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

11 (i) Section 372.91, prohibiting certain persons from
12 opening containers housing poisonous or venomous reptiles.

13 (j) Section 372.921, prohibiting certain poisonous or
14 venomous reptile hunts.

15 (k) Section 372.921, prohibiting the exhibition or
16 sale of wildlife.

17 (l) Section 372.922, prohibiting the personal
18 possession of wildlife.

19 Section 21. Subsection (2) of section 372.26, Florida
20 Statutes, is amended to read:

21 372.26 Imported fish.--

22 (2) A person who violates this section commits a level
23 three violation under s. 372.83. ~~Persons in violation of this~~
24 ~~section shall be guilty of a misdemeanor of the first degree,~~
25 ~~punishable as provided in s. 775.082 or s. 775.083.~~

26 Section 22. Subsection (3) of section 372.265, Florida
27 Statutes, is amended to read:

28 372.265 Regulation of foreign animals.--

29 (3) Persons in violation of this section commit a
30 level three violation under s. 372.83. ~~shall be guilty of a~~

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1 ~~misdemeanor of the first degree, punishable as provided in s.~~
2 ~~775.082 or s. 775.083.~~

3 Section 23. Subsection (2) of section 372.661, Florida
4 Statutes, is amended to read:

5 372.661 Private hunting preserve license fees;
6 exception.--

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

18 Section 24. Section 372.662, Florida Statutes, is
19 amended to read:

20 372.662 Unlawful sale, possession, or transporting of
21 alligators or alligator skins.--Whenever the sale, possession,
22 or transporting of alligators or alligator skins is prohibited
23 by any law of this state, or by the rules, regulations, or
24 orders of the Fish and Wildlife Conservation Commission
25 adopted pursuant to s. 9, Art. IV of the State Constitution,
26 the sale, possession, or transporting of alligators or
27 alligator skins is a level three violation under s. 372.83
28 ~~misdemeanor of the first degree, punishable as provided in s.~~
29 ~~775.082 or s. 775.083.~~

30 Section 25. Subsection (3) of section 372.667, Florida
31

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1 Statutes, is amended to read:

2 372.667 Feeding or enticement of alligators or
3 crocodiles unlawful; penalty.--

4 (3) Any person who violates this section commits a
5 level two violation under s. 372.83 ~~is guilty of a misdemeanor~~
6 ~~of the second degree, punishable as provided in s. 775.082 or~~
7 ~~s. 775.083.~~

8 Section 26. Subsection (2) of section 372.705, Florida
9 Statutes, is amended to read:

10 372.705 Harassment of hunters, trappers, or fishers.--

11 (2) Any person who violates this section commits a
12 level two violation under s. 372.83 ~~subsection (1) is guilty~~
13 ~~of a misdemeanor of the second degree, punishable as provided~~
14 ~~in s. 775.082 or s. 775.083.~~

15 Section 27. Section 372.988, Florida Statutes, is
16 amended to read:

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

29 Section 28. Subsection (1) of section 372.99022,
30 Florida Statutes, is amended to read:

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1 372.99022 Illegal molestation of or theft from
2 freshwater fishing gear.--

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

10 (b) Any person, firm, or corporation that willfully
11 removes the contents of any authorized and lawfully permitted
12 freshwater fishing gear belonging to another without the
13 express written consent of the owner commits a level four
14 violation under s. 372.83 ~~felony of the third degree,~~
15 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
16 ~~775.084.~~ Any written consent must be available for immediate
17 inspection.

18
19 A person, firm, or corporation that receives a citation for a
20 violation of this subsection is prohibited, immediately upon
21 receipt of such citation and until adjudicated or convicted of
22 a felony under this subsection, from transferring any
23 endorsements.

24 (2) Any person, firm, or corporation convicted
25 pursuant to subsection (1) of removing the contents of
26 freshwater fishing gear without the express written consent of
27 the owner shall permanently lose all of his or her freshwater
28 and saltwater fishing privileges, including his or her
29 recreational and commercial licenses and endorsements, and
30 shall be assessed an administrative penalty of not more than

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1 \$5,000. The endorsements of such person, firm, or corporation
2 are not transferable.

3 (3) For purposes of this section, the term "freshwater
4 fishing gear" means haul seines, slat baskets, wire traps,
5 hoop nets, or pound nets, and includes the lines or buoys
6 attached thereto.

7 Section 29. Section 372.99, Florida Statutes, is
8 amended to read:

9 372.99 Illegal taking and possession of deer and wild
10 turkey; evidence; penalty.--

11 (1) Whoever takes or kills any deer or wild turkey, or
12 possesses a freshly killed deer or wild turkey, during the
13 closed season prescribed by law or by the rules and
14 regulations of the Fish and Wildlife Conservation Commission,
15 or whoever takes or attempts to take any deer or wild turkey
16 by the use of gun and light in or out of closed season,
17 commits a level three violation under s. 372.83 ~~is guilty of a~~
18 ~~misdemeanor of the first degree, punishable as provided in s.~~
19 ~~775.082 or s. 775.083,~~ and shall forfeit any license or permit
20 issued to her or him under the provisions of this chapter. No
21 license shall be issued to such person for a period of 3 years
22 following any such violation on the first offense. Any person
23 guilty of a second or subsequent violation shall be
24 permanently ineligible for issuance of a license or permit
25 thereafter.

26 (2) The display or use of a light in a place where
27 deer might be found and in a manner capable of disclosing the
28 presence of deer, together with the possession of firearms or
29 other weapons customarily used for the taking of deer, between
30 1 hour after sunset and 1 hour before sunrise, shall be prima
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1 facie evidence of an intent to violate the provisions of
2 subsection (1). This subsection does not apply to an owner or
3 her or his employee when patrolling or inspecting the land of
4 the owner, provided the employee has satisfactory proof of
5 employment on her or his person.

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

19 (4) Any person who cultivates agricultural crops may
20 apply to the Fish and Wildlife Conservation Commission for a
21 permit to take or kill deer on land which that person is
22 currently cultivating. When said person can show, to the
23 satisfaction of the Fish and Wildlife Conservation Commission,
24 that such taking or killing of deer is justified because of
25 damage to the person's crops caused by deer, the Fish and
26 Wildlife Conservation Commission may issue a limited permit to
27 the applicant to take or kill deer without being in violation
28 of subsection (1) or subsection (3).

29 (5) Whoever possesses for sale or sells deer or wild
30 turkey taken in violation of this chapter or the rules and
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1 regulations of the commission commits a level four violation
 2 under s. 372.83 is guilty of a felony of the third degree,
 3 punishable as provided in s. 775.082, s. 775.083, or s.
 4 775.084.

5 (6) Any person who enters upon private property and
 6 shines lights upon such property, without the express
 7 permission of the owner of the property and with the intent to
 8 take deer by utilizing such shining lights, commits a level
 9 three violation under s. 372.83 shall be guilty of a
 10 misdemeanor of the second degree, punishable as provided in s.
 11 775.082 or s. 775.083.

12 Section 30. Subsection (1) of section 372.9903,
 13 Florida Statutes, is amended to read:

14 372.9903 Illegal possession or transportation of
 15 freshwater game fish in commercial quantities; penalty.--

16 (1) Whoever possesses, moves, or transports any black
 17 bass, bream, speckled perch, or other freshwater game fish in
 18 commercial quantities in violation of law or the rules of the
 19 Fish and Wildlife Conservation Commission commits a level
 20 three violation under s. 372.83 shall be guilty of a
 21 misdemeanor of the first degree, punishable as provided in s.
 22 775.082 or s. 775.083.

23 Section 31. Section 372.831, Florida Statutes, is
 24 created to read:

25 372.831 Wildlife Violators Compact Act.--The Wildlife
 26 Violators Compact is created and entered into with all other
 27 jurisdictions legally joining therein in the form
 28 substantially as follows:

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ARTICLE I

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Findings and Purpose

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(1) The participating states find that:

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

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

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

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

(e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

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

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

1 is:

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

4 2. Taken into custody until the collateral or bond is
5 posted; or

6 3. Taken directly to court for an immediate
7 appearance.

8 (h) The purpose of the enforcement practices set forth
9 in paragraph (g) is to ensure compliance with the terms of a
10 wildlife citation by the cited person who, if permitted to
11 continue on his or her way after receiving the citation, could
12 return to his or her home state and disregard his or her duty
13 under the terms of the citation.

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

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

24 (k) The enforcement practices described in paragraph
25 (g) consume an undue amount of time of law enforcement
26 agencies.

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

28 (a) Promote compliance with the statutes, laws,
29 ordinances, regulations, and administrative rules relating to
30 the management of wildlife resources in their respective

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1 states.

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

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

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

14 (e) Allow the home state to recognize and treat
15 convictions recorded against its residents, which convictions
16 occurred in a participating state, as though they had occurred
17 in the home state.

18 (f) Extend cooperation to its fullest extent among the
19 participating states for enforcing compliance with the terms
20 of a wildlife citation issued in one participating state to a
21 resident of another participating state.

22 (g) Maximize the effective use of law enforcement
23 personnel and information.

24 (h) Assist court systems in the efficient disposition
25 of wildlife violations.

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

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

30 (b) Provide for the fair and impartial treatment of
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1 wildlife violators operating within participating states in
2 recognition of the violator's right to due process and the
3 sovereign status of a participating state.

4
5 ARTICLE II

6 Definitions

7
8 As used in this compact, the term:

9 (1) "Citation" means any summons, complaint, summons
10 and complaint, ticket, penalty assessment, or other official
11 document issued to a person by a wildlife officer or other
12 peace officer for a wildlife violation which contains an order
13 requiring the person to respond.

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

18 (3) "Compliance" with respect to a citation means the
19 act of answering a citation through an appearance in a court
20 or tribunal, or through the payment of fines, costs, and
21 surcharges, if any.

22 (4) "Conviction" means a conviction, including any
23 court conviction, for any offense related to the preservation,
24 protection, management, or restoration of wildlife which is
25 prohibited by state statute, law, regulation, ordinance, or
26 administrative rule. The term also includes the forfeiture of
27 any bail, bond, or other security deposited to secure
28 appearance by a person charged with having committed any such
29 offense, the payment of a penalty assessment, a plea of nolo
30 contendere, or the imposition of a deferred or suspended

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1 sentence by the court.

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

4 (6) "Home state" means the state of primary residence
5 of a person.

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

8 (8) "License" means any license, permit, or other
9 public document that conveys to the person to whom it was
10 issued the privilege of pursuing, possessing, or taking any
11 wildlife regulated by statute, law, regulation, ordinance, or
12 administrative rule of a participating state, any privilege to
13 obtain such license, permit, or other public document, or any
14 statutory exemption from the requirement to obtain such
15 license, permit, or other public document; however, when
16 applied to licenses issued by the State of Florida, only those
17 licenses issued pursuant to s. 372.561, s. 372.562, or s.
18 372.57, Florida Statutes, shall be considered licenses.

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

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

25 (11) "Personal recognizance" means an agreement by a
26 person made at the time of issuance of the wildlife citation
27 that such person will comply with the terms of the citation.

28 (12) "State" means any state, territory, or possession
29 of the United States, the District of Columbia, the
30 Commonwealth of Puerto Rico, the Provinces of Canada, and

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1 other countries.

2 (13) "Suspension" means any revocation, denial, or
3 withdrawal of any or all license privileges, including the
4 privilege to apply for, purchase, or exercise the benefits
5 conferred by any license.

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

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

17 (16) "Wildlife law" means any statute, law,
18 regulation, ordinance, or administrative rule developed and
19 enacted for the management of wildlife resources and the uses
20 thereof.

21 (17) "Wildlife officer" means any individual
22 authorized by a participating state to issue a citation for a
23 wildlife violation.

24 (18) "Wildlife violation" means any cited violation of
25 a statute, law, regulation, ordinance, or administrative rule
26 developed and enacted for the management of wildlife resources
27 and the uses thereof.

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29 ARTICLE III

30 Procedures for Issuing State

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

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

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

(4) Upon receipt of the report of conviction or noncompliance pursuant to subsection (3), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the compact manual.

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ARTICLE IV

Procedure for Home State

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

13 Due-process safeguards shall be accorded.

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

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

ARTICLE V

Reciprocal Recognition of Suspension

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27 (1) Each participating state may recognize the
28 suspension of license privileges of any person by any other
29 participating state as though the violation resulting in the
30 suspension had occurred in that state and would have been the

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1 basis for suspension of license privileges in that state.

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

6 ARTICLE VI

7 Applicability of Other Laws

8
9 Except as expressly required by provisions of this compact,
10 this compact does not affect the right of any participating
11 state to apply any of its laws relating to license privileges
12 to any person or circumstance or to invalidate or prevent any
13 agreement or other cooperative arrangement between a
14 participating state and a nonparticipating state concerning
15 the enforcement of wildlife laws.

17 ARTICLE VII

18 Compact Administrator Procedures

19
20 (1) For the purpose of administering the provisions of
21 this compact and to serve as a governing body for the
22 resolution of all matters relating to the operation of this
23 compact, a board of compact administrators is established. The
24 board shall be composed of one representative from each of the
25 participating states to be known as the compact administrator.
26 The compact administrator shall be appointed by the head of
27 the licensing authority of each participating state and shall
28 serve and be subject to removal in accordance with the laws of
29 the state he or she represents. A compact administrator may
30 provide for the discharge of his or her duties and the

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

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

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

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

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

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

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

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1 manual.

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ARTICLE VIII

4

Entry into Compact and Withdrawal

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(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.

10

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13

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

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16

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

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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.

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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.

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(3) A participating state may withdraw from participation in this compact by official written notice to

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

7
8 ARTICLE IX

9 Amendments to the Compact

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

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

18
19 ARTICLE X

20 Construction and Severability

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

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1 state, the compact shall remain in full force and effect as to
2 the remaining states and in full force and effect as to the
3 participating state affected as to all severable matters.

4
5 ARTICLE XI

6 Title

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

10
11 Section 32. Compact enforcement.--For purposes of this
12 act and the interstate wildlife violator compact, the Fish and
13 Wildlife Conservation Commission is the licensing authority
14 for the State of Florida and the commission shall enforce the
15 interstate Wildlife Violators Compact and shall do all things
16 within the commission's jurisdiction which are necessary to
17 effectuate the purposes and the intent of the compact. The
18 commission may execute a resolution of ratification to
19 formalize the State of Florida's entry into the compact. Upon
20 adoption of the Wildlife Violators Compact, the commission may
21 adopt rules to administer the provisions of the compact.

22 Section 33. Review.--Any act done or omitted pursuant
23 to, or in enforcing, the provisions of this compact are
24 subject to review in accordance with chapter 120, Florida
25 Statutes, by the Fish and Wildlife Conservation Commission,
26 but any review of a suspension for the failure of a violator
27 to comply with the terms of a citation or a conviction
28 pursuant to the compact is limited to establishing the
29 identity of the person so convicted or failing to comply with
30 a citation.

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1 Section 34. Section 372.711, Florida Statutes, is
2 repealed.

3 Section 35. This act shall take effect October 1,
4 2006.

5
6

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

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10

11 and insert:

12

A bill to be entitled

13

An act relating to fish and wildlife, amending

14

s. 370.01, F.S.; defining commercial

15

harvesters; amending s. 370.021, F.S.;

16

providing for base penalties; conforming

17

penalty provisions for commercial harvesters;

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providing penalties for persons other than

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commercial harvesters; amending s. 370.028,

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F.S.; conforming penalty provisions; amending

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s. 370.061, F.S.; correcting a cross-reference;

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amending ss. 370.063, 370.08, 370.081,

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370.1105, 370.1121, 370.13, 370.135, 370.14,

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370.142, F.S.; conforming penalty provisions

25

for commercial harvesters; providing penalties

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for persons other than commercial harvesters;

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amending s. 372.57, F.S.; specifying seasonal

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recreational activities for which a license or

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permit is required; increasing fees for certain

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licenses to conform; providing a fee for a

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1 crossbow season permit; providing for crossbow
2 season permits; providing penalties for the
3 production, possession and use of fraudulent
4 fishing and hunting licenses; providing
5 penalties for the taking of game and fish with
6 a suspended or revoked license; amending s.
7 372.5704, F.S.; to conform penalty provisions;
8 amending s. 372.571, F.S.; correcting
9 cross-references; amending s. 372.5717, F.S.;
10 authorizing the Fish and Wildlife Conservation
11 Commission to defer the hunter safety education
12 course requirement for a specified time period
13 and for a specified number of times; providing
14 for a special authorization and conditions to
15 hunt using a hunter safety education deferral;
16 deleting the mandatory minimum number of
17 instructional hours for persons required to
18 take the hunter safety education course;
19 providing an exemption for the display of
20 hunter safety education certificates; providing
21 penalties; amending s. 372.83, F.S.; to
22 substantially revise the penalties for
23 violations of rules, orders and regulations of
24 the Fish and Wildlife Conservation Commission;
25 to create penalties for recreational violations
26 of certain saltwater fishing regulations
27 established in ch. 370, F.S.; providing for
28 court appearances in certain circumstances;
29 providing for Level One, Level Two, Level Three
30 and Level Four offenses; providing for enhanced
31

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1 penalties for multiple violations; providing
2 for suspension and revocation of licenses and
3 permits including exemptions from licensing and
4 permit requirements; defining "conviction" for
5 purposes of penalty provisions; creating s.
6 372.935, F.S.; providing penalties for
7 violations involving captive wildlife and
8 poisonous or venomous reptiles; specifying
9 violations that constitute noncriminal
10 infractions or second-degree misdemeanors;
11 amending s.. 372.26, 372.265, 372.661, 372.662,
12 372.667, 372.705, 372.988, 372.99022, 372.99,
13 and 372.9903, F.S.; to conform to penalty
14 revisions; creating s. 372.831, F.S.; creating
15 the Wildlife Violators Compact; providing
16 findings and purposes; providing definitions;
17 providing procedures for states issuing
18 citations for wildlife violations; providing
19 requirements for the home state of a violator;
20 providing for reciprocal recognition of a
21 license suspension; providing procedures for
22 administering the compact; providing for entry
23 into and withdrawal from the compact; providing
24 for construction of the compact and for
25 severability; providing for enforcement of the
26 compact by the Fish and Wildlife Conservation
27 Commission; providing that a suspension under
28 the compact is subject to limited review under
29 ch. 120, F.S.; repealing s. 372.711, F.S.;

30 relating to noncriminal infractions; providing
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an effective date.