

1 involving hunter safety; repealing s. 372.711,
2 F.S., relating to noncriminal infractions;
3 amending s. 372.83, F.S.; revising the
4 penalties imposed for various violations
5 involving rules or orders of the Fish and
6 Wildlife Conservation Commission and
7 recreational licenses and permits to take game
8 and wildlife; providing for Level One, Level
9 Two, Level Three, and Level Four offenses;
10 providing penalties; providing enhanced
11 penalties for multiple violations; authorizing
12 the court to suspend or revoke a license;
13 defining the term "conviction" for purposes of
14 provisions imposing penalties; creating s.
15 372.935, F.S.; providing penalties for
16 violations involving captive wildlife;
17 specifying violations that constitute
18 noncriminal infractions or second-degree
19 misdemeanors; creating the Wildlife Violators
20 Compact; providing findings and purpose;
21 providing definitions; providing procedures for
22 states issuing citations for wildlife
23 violations; providing requirements for the home
24 state of a violator; providing for reciprocal
25 recognition of a license suspension; providing
26 procedures for administering the compact;
27 providing for entry into and withdrawal from
28 the compact; providing for amendments to the
29 compact; providing for construction of the
30 compact and for severability; providing for
31 enforcement of the compact by the Fish and

1 Wildlife Conservation Commission; providing
2 that a suspension under the compact is subject
3 to limited review under ch. 120, F.S. ;
4 providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

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

12 370.01 Definitions.--In construing these statutes,
13 where the context does not clearly indicate otherwise, the
14 word, phrase, or term:

15 (5) "Commercial harvest" means the take, harvest, or
16 attempted harvest of marine fish while operating under a
17 permit, license, or authorization issued pursuant to this
18 chapter; the take, harvest, or attempted harvest while
19 operating in a manner consistent with such a permit, license,
20 or authorization while such permit, license, or authorization
21 is suspended or revoked; the take, harvest, or attempted
22 harvest with intent to sell.

23 Section 2. Subsection (1) of section 370.021, Florida
24 Statutes, is amended, and subsection (13) is added to that
25 section, to read:

26 370.021 Administration; rules, publications, records;
27 penalties; injunctions.--

28 (1) BASE PENALTIES.--Unless otherwise provided by law,
29 any person, firm, or corporation who violates ~~is convicted for~~
30 ~~violating~~ any provision of this chapter, or any rule of the
31

1 Fish and Wildlife Conservation Commission relating to the
2 conservation of marine resources, shall be punished:

3 (a) Upon a first conviction, by imprisonment for a
4 period of not more than 60 days or by a fine of not less than
5 \$100 nor more than \$500, or by both such fine and
6 imprisonment.

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

11
12 Upon final disposition of any alleged offense for which a
13 citation for any violation of this chapter or the rules of the
14 commission has been issued, the court shall, within 10 days,
15 certify the disposition to the commission.

16 (13) APPLICATION OF PENALTIES.--The penalties provided
17 under this section apply to a violation involving commercial
18 harvest. The penalties provided under s. 372.83 do not apply
19 to a violation that involves commercial harvest.

20 Section 3. Paragraph (d) of subsection (5) of section
21 370.061, Florida Statutes, is amended to read:

22 370.061 Confiscation, seizure, and forfeiture of
23 property and products.--

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

26 (d) For purposes of confiscation under this
27 subsection, the term "saltwater products" has the meaning set
28 out in s. 370.01(27) ~~s. 370.01(26)~~, except that the term does
29 not include saltwater products harvested under the authority
30 of a recreational license unless the amount of such harvested
31

1 products exceeds three times the applicable recreational bag
2 limit for trout, snook, or redfish.

3 Section 4. Subsections (16) and (17) are added to
4 section 372.57, Florida Statutes, to read:

5 372.57 Recreational licenses, permits, and
6 authorization numbers; fees established.--

7 (16) COUNTERFEIT LICENSE PROHIBITED.--A person shall
8 not make, forge, counterfeit, or reproduce a freshwater
9 fishing license, hunting license, or saltwater fishing license
10 unless authorized by the commission. A person shall not
11 knowingly have in his or her possession a forgery,
12 counterfeit, or imitation of such a license unless possession
13 by the person has been fully authorized by the commission. A
14 person who violates this subsection commits a Level Four
15 violation as classified in s. 372.83 and shall be punished as
16 provided in s. 372.83.

17 (17) UNLICENSED TAKING OF GAME, FISH, OR ANIMALS
18 PROHIBITED.--A person shall not take game, freshwater game
19 fish, saltwater fish, or fur-bearing animals within this state
20 while his or her license that is required to do so is
21 suspended or revoked. A person who violates this subsection
22 commits a Level Three violation as classified in s. 372.83 and
23 shall be punished as provided in s. 372.83.

24 Section 5. Section 372.5717, Florida Statutes, is
25 amended to read:

26 372.5717 Hunter safety course; requirements;
27 penalty.--

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

30 (2)(a) Except as provided in paragraph (b), a person
31 born on or after June 1, 1975, may not be issued a license to

1 take wild animal life with the use of a firearm, gun, bow, or
2 crossbow in this state without having first successfully
3 completed a hunter safety course as provided in this section,
4 and without having in his or her personal possession a hunter
5 safety certification card, as provided in this section.

6 (b) The Fish and Wildlife Conservation Commission may
7 issue a license authorizing a person born on or after June 1,
8 1975, who has not successfully completed a hunter safety
9 course to hunt under supervision. A license authorizing
10 supervised hunting shall be valid for no longer than 1 year
11 and may not be issued more than once to any one individual. A
12 person issued a license authorizing supervised hunting may
13 take wild animal life only with the use of a firearm, gun,
14 bow, or crossbow while under the supervision and in the
15 physical presence of a person 21 years of age or older who has
16 successfully completed a hunter safety course as provided in
17 this section or who is not required under this section to
18 complete such a course.

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

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

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

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

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

26 (8) A person who violates this section shall be cited
27 for a Level One violation as classified in s. 372.83 and shall
28 be punished ~~noncriminal infraction, punishable~~ as provided in
29 s. 372.83 ~~s. 372.711~~.

30 Section 6. Section 372.711, Florida Statutes, is
31 repealed.

1 Section 7. Section 372.83, Florida Statutes, is
2 amended to read:

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

5 372.83 Recreational penalties; suspension and
6 revocation of licenses and permits.--

7 (1) LEVEL ONE.--Unless otherwise provided by law, the
8 following classifications and penalties apply:

9 (a) A person commits a Level One violation if she or
10 he violates any of the following provisions:

11 1. Rules or orders of the commission which relate to
12 the filing of reports or other documents that are required of
13 persons who are licensed or who hold permits issued by the
14 commission, excluding those related to commercial harvest of
15 saltwater fish or possession of captive wildlife.

16 2. Rules or orders of the commission which relate to
17 quota hunt permits, daily use permits, hunting zone
18 assignments, camping, alcoholic beverages, vehicles, and check
19 stations within wildlife management areas or other areas
20 managed by the commission.

21 3. Rules or orders of the commission which relate to
22 daily permits, alcoholic beverages, swimming, possession of
23 firearms, operation of vehicles, and watercraft speed within
24 fish management areas managed by the commission.

25 4. Rules or orders of the commission regulating vessel
26 size or specifying motor restrictions on specified water
27 bodies.

28 5. Section 370.063, relating to special recreational
29 crawfish licenses.

30 6. Section 372.57, relating to hunting, fishing, and
31 trapping licenses.

1 7. Section 372.5717, relating to hunter safety
2 certification.

3 8. Section 372.988, relating to required clothing for
4 persons hunting deer.

5 (b) A person convicted of any offense classified as a
6 Level One violation commits a noncriminal infraction,
7 punishable as provided in this subsection.

8 (c) Any person cited for committing a noncriminal
9 infraction specified in paragraph (a) shall be cited to appear
10 before the county court. The civil penalty for any noncriminal
11 infraction involving the license and permit requirements of s.
12 372.57 is \$50 if the person cited has not previously been
13 found guilty of any Level One violation and \$250 if the person
14 cited has previously been found guilty of any Level One
15 violation, in addition to the cost of the amount of the
16 license or permit involved in the infraction, except as
17 otherwise provided in this subsection. The civil penalty for
18 any other noncriminal infraction is \$50 if the person cited
19 has not previously been found guilty of any Level One
20 violation and \$250 if the person cited has previously been
21 found guilty of any Level One violation, except as otherwise
22 provided in this subsection.

23 (d) Any person cited for an infraction under this
24 subsection may:

25 1. Post a bond that is equal in amount to the
26 applicable civil penalty; or

27 2. Sign and accept a citation indicating a promise to
28 appear before the county court. The officer may indicate on
29 the citation the time and location of the scheduled hearing
30 and shall indicate the applicable civil penalty.

31

1 (e) Any person charged with a noncriminal infraction
2 under this subsection may pay the civil penalty, by mail or in
3 person, within 30 days after the date of receiving the
4 citation. If the person has posted bond, the bond is forfeited
5 if the person fails to appear at the designated time and
6 location.

7 (f) If the person cited pays the civil penalty or
8 fails to appear as provided under paragraph (e), he or she
9 shall be deemed to have admitted the infraction and to have
10 waived his or her right to a hearing on the issue of
11 commission of the infraction. Such admission shall not be used
12 as evidence in any other proceedings except to determine the
13 appropriate fine for any subsequent violations.

14 (g) Any person who willfully refuses to post a bond or
15 accept and sign a summons commits a misdemeanor of the second
16 degree, punishable as provided in s. 775.082 or s. 775.083.
17 Any person who fails to pay the civil penalty specified in
18 this subsection within 30 days after being cited for a
19 noncriminal infraction or who fails to appear before the court
20 pursuant to this subsection commits a misdemeanor of the
21 second degree, punishable as provided in s. 775.082 or s.
22 775.083.

23 (h) Any person electing to appear before the county
24 court or who is required to appear shall be deemed to have
25 waived the limitations on the civil penalty specified in
26 paragraph (c). The court, after a hearing, shall determine
27 whether an infraction has been committed. If the commission of
28 an infraction has been proven, the court may impose a civil
29 penalty not less than those amounts specified in paragraph (c)
30 and not to exceed \$500.
31

1 (i) At a hearing under this section, the commission of
2 a charged infraction must be proved beyond a reasonable doubt.

3 (j) If a person is found by the hearing officer to
4 have committed an infraction, the person may appeal that
5 finding to the circuit court.

6 (k) A person charged with violating the requirement
7 for personal possession of a license or permit under s. 372.57
8 may not be convicted if, prior to or at the time of a court or
9 hearing appearance, the person produces the required license
10 or permit for verification by the hearing officer or court
11 clerk. The license or permit must have been issued to the
12 person charged with committing the violation and must have
13 been valid at the time the violation occurred. The clerk of
14 the court may assess a fee of \$5 to cover the costs of a case
15 under this subsection.

16 (2) LEVEL TWO.--Unless otherwise provided by law, the
17 following classifications and penalties apply:

18 (a) A person commits a Level Two violation if he or
19 she violates any of the following provisions:

20 1. Rules or orders of the commission which specify
21 season or time periods for the taking of saltwater fish,
22 freshwater game fish, or wildlife.

23 2. Rules or orders of the commission which establish
24 bag, possession, or size limits, or restrict methods of take
25 of saltwater fish, freshwater game fish, or wildlife.

26 3. Rules or orders of the commission which prohibit
27 public access for specified periods to wildlife management
28 areas or other areas managed by the commission.

29 4. Rules or orders of the commission which relate to
30 access to wildlife management areas or other commission
31 managed areas.

1 5. Rules or orders of the commission which relate to
2 feeding of saltwater fish, freshwater game fish, or wildlife.

3 6. Rules or orders of the commission which relate to
4 restricted hunting areas, bird sanctuaries, or critical
5 wildlife areas.

6 7. Rules or orders of the commission which relate to
7 landing requirements for saltwater fish or freshwater game
8 fish.

9 8. Rules or orders of the commission which relate to
10 tagging requirements for game and fur-bearing animals.

11 9. Rules or orders of the commission which relate to
12 the use of dogs for the take of game.

13 10. All rules or orders of the commission which are
14 not otherwise classified.

15 11. All prohibitions in chapter 370 which are not
16 otherwise classified in this section.

17 12. Section 370.08, relating to obstructing waterways
18 with net gear.

19 13. Section 370.1105, relating to finfish traps.

20 14. Section 370.1121, relating to bonefish.

21 15. Section 370.14, relating to crawfish.

22 16. Section 370.25, relating to placement of
23 artificial reefs.

24 17. Section 372.667, relating to feeding or enticement
25 of alligators or crocodiles.

26 18. Section 372.705, relating to harassment of
27 hunters, fishers, or trappers.

28 (b)1. A person who commits any offense classified as a
29 Level Two violation, who has not been convicted of a violation
30 that is classified as Level Two or above within the past 3
31

1 years, commits a misdemeanor of the second degree, punishable
2 as provided in s. 775.082 or s. 775.083.

3 2. Unless otherwise stated in this paragraph, a person
4 who commits any offense classified as a Level Two violation
5 within a 3-year period following any previous conviction of
6 any offense classified as Level Two violation or higher
7 commits a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083, with a minimum mandatory
9 fine of \$250.

10 3. Unless otherwise stated in this paragraph, a person
11 who commits any offense classified as a Level Two violation
12 within a 5-year period following any two previous convictions
13 of offenses that are classified as Level Two violations or
14 above commits a misdemeanor of the first degree, punishable as
15 provided in s. 775.082 or s. 775.083, with a minimum mandatory
16 fine of \$500 and a suspension of all recreational licenses
17 issued to that person under this chapter for 1 year.

18 4. A person who commits any offense classified as a
19 Level Two violation within a 10-year period following any
20 three previous convictions of offenses classified as Level Two
21 violations or above commits a misdemeanor of the first degree,
22 punishable as provided in s. 775.082 or s. 775.083, with a
23 minimum mandatory fine of \$750 and a suspension of all
24 recreational licenses issued to that person under this chapter
25 for 3 years.

26 (3) LEVEL THREE.--Unless otherwise provided by law,
27 the following classifications and penalties apply:

28 (a) A person commits a Level Three violation if he or
29 she violates any of the following provisions:

30 1. Rules or orders of the commission which relate to
31 the prohibited sale of saltwater fish.

- 1 2. Subsection 370.021(2), relating to major
2 violations.
- 3 3. Subsection 370.021(4), relating to possession in
4 excess of certain bag limits.
- 5 4. Section 370.081, relating to illegal importation or
6 possession of exotic marine plants or animals.
- 7 5. Section 370.093, relating to the take of saltwater
8 fish with nets.
- 9 6. Section 372.26, relating to foreign wildlife.
- 10 7. Subsection 372.57(17), relating to take while
11 license is suspended or revoked.
- 12 8. Section 372.662, relating to the illegal sale or
13 possession of alligators.
- 14 9. Section 372.99, relating to the illegal take and
15 possession of deer and wild turkey.
- 16 10. Section 372.9903, relating to possession and
17 transportation of commercial quantities of freshwater game
18 fish.
- 19 (b)1. A person who commits any offense classified as a
20 Level Three violation, who has not been convicted of a
21 violation that is classified as Level Three or above within
22 the past 10 years, commits a misdemeanor of the first degree,
23 punishable as provided in s. 775.082 or s. 775.083.
- 24 2. A person who commits any offense classified as a
25 Level Three violation within a 10-year period following any
26 previous conviction of any offense classified as Level Three
27 violation or above commits a misdemeanor of the first degree,
28 punishable as provided in s. 775.082 or s. 775.083, with a
29 minimum mandatory fine of \$750 and a suspension of all
30 recreational licenses issued to that person under this chapter
31 for 3 years.

1 3. A person who commits a violation of s. 372.57(17)
2 shall receive a mandatory fine of \$1,000 and a suspension of
3 all recreational licenses issued pursuant to this chapter for
4 5 years.

5 (4) LEVEL FOUR.--Unless otherwise provided by law, the
6 following classifications and penalties apply:

7 (a) A person commits a Level Four violation if she or
8 he violates any of the following provisions:

9 1. Section 370.13, relating to the molestation of
10 stone crab gear.

11 2. Section 370.135, relating to the molestation of
12 blue crab gear.

13 3. Section 370.14, relating to the molestation of
14 crawfish gear.

15 4. Subsection 372.57(16), relating to forgery of a
16 license or possession thereof.

17 5. Subsection 372.99(5), relating to illegal sale of
18 deer or turkey that is taken illegally.

19 6. Section 372.99022, relating to molestation or theft
20 of freshwater gear.

21 (b) A person who commits any offense classified as a
22 Level Four violation commits a felony of the third degree,
23 punishable as provided in s. 775.082 or s. 775.083.

24 (5) VIOLATIONS OF CHAPTER.--Unless otherwise provided
25 in this chapter, a person who violates any provision of this
26 chapter commits, for the first offense, a misdemeanor of the
27 second degree, punishable as provided in s. 775.082 or s.
28 775.083, and, for the second offense or any subsequent
29 offense, a misdemeanor of the first degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31

1 (6) SUSPENSION OR REVOCATION OF LICENSE.--The court
2 may order the suspension or revocation of any license or
3 permit issued to a person pursuant to this chapter if that
4 person commits a criminal offense specified in this chapter or
5 a noncriminal infraction specified in this section.

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

9 Section 8. Section 372.935, Florida Statutes, is
10 created to read:

11 372.935 Penalties for violations involving captive
12 wildlife.--

13 (1)(a) A person commits a noncriminal infraction if he
14 or she violates any rule or order of the commission requiring
15 no-cost permits to possess captive wildlife for personal use
16 or any rule or order of the commission relating to the filing
17 of reports or other documents required of persons who are
18 licensed to possess captive wildlife.

19 (b) Any person cited for committing a violation of
20 this subsection shall be required to appear before the county
21 court. The civil penalty is \$50. The provisions in s.
22 372.83(1)(d)-(j) apply to such a citation.

23 (2) A person commits a misdemeanor of the second
24 degree, punishable as provided in s. 775.082 or s. 775.083, if
25 she or he violates any of the following:

26 (a) Rules or orders of the commission which require a
27 person to pay a fee to obtain a permit to possess captive
28 wildlife or which require the maintenance of records relating
29 to captive wildlife.

30 (b) Rules or orders of the commission which relate to
31 captive wildlife not specified in subsection (1).

1 states as a condition precedent to the continuance or issuance
2 of any license to hunt, fish, trap, or possess wildlife.

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

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

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

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

14 2. Taken into custody until the collateral or bond is
15 posted; or

16 3. Taken directly to court for an immediate
17 appearance.

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

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

29 (j) The practices described in paragraph (g) cause
30 unnecessary inconvenience and, at times, a hardship for the
31 person who is unable at the time to post collateral, furnish a

1 bond, stand trial, or pay a fine, and thus is compelled to
2 remain in custody until some alternative arrangement is made.

3 (k) The enforcement practices described in paragraph
4 (g) consume an undue amount of time of law enforcement
5 agencies.

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

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

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

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

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

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

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

31

1 (4) "Conviction" means a conviction, including any
2 court conviction, for any offense related to the preservation,
3 protection, management, or restoration of wildlife which is
4 prohibited by state statute, law, regulation, ordinance, or
5 administrative rule. The term also includes the forfeiture of
6 any bail, bond, or other security deposited to secure
7 appearance by a person charged with having committed any such
8 offense, the payment of a penalty assessment, a plea of nolo
9 contendere, or the imposition of a deferred or suspended
10 sentence by the court.

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

13 (6) "Home state" means the state of primary residence
14 of a person.

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

17 (8) "License" means any license, permit, or other
18 public document that conveys to the person to whom it was
19 issued the privilege of pursuing, possessing, or taking any
20 wildlife regulated by statute, law, regulation, ordinance, or
21 administrative rule of a participating state; however, when
22 applied to licenses issued by the State of Florida, only those
23 licenses issued pursuant to s. 372.561, s. 372.562, or s.
24 372.57, Florida Statutes, shall be considered licenses.

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

29 (10) "Participating state" means any state that enacts
30 legislation to become a member of this wildlife compact.
31

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

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

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

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

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

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

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

30 (18) "Wildlife violation" means any cited violation of
31 a statute, law, regulation, ordinance, or administrative rule

1 developed and enacted for the management of wildlife resources
2 and the uses thereof.

3
4 ARTICLE III

5 Procedures for Issuing State

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

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

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

30 (4) Upon receipt of the report of conviction or
31 noncompliance pursuant to subsection (3), the licensing

1 authority of the issuing state shall transmit to the licensing
2 authority of the home state of the violator the information in
3 the form and content prescribed in the compact manual.

4
5 ARTICLE IV

6 Procedure for Home State

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

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

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

27
28 ARTICLE V

29 Reciprocal Recognition of Suspension

1 serve and be subject to removal in accordance with the laws of
2 the state he or she represents. A compact administrator may
3 provide for the discharge of his or her duties and the
4 performance of his or her functions as a board member by an
5 alternate. An alternate is not entitled to serve unless
6 written notification of his or her identity has been given to
7 the board.

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

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

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

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

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

30 (7) The board shall formulate all necessary procedures
31 and develop uniform forms and documents for administering the

1 provisions of this compact. All procedures and forms adopted
2 pursuant to board action shall be contained in a compact
3 manual.

4
5 ARTICLE VIII

6 Entry into Compact and Withdrawal

7
8 (1) This compact shall become effective at such time
9 as it is adopted in substantially similar form by two or more
10 states.

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

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

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

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

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

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

31

1 is held contrary to the constitution of any participating
2 state, the compact shall remain in full force and effect as to
3 the remaining states and in full force and effect as to the
4 participating state affected as to all severable matters.

5
6 ARTICLE XI

7 Title

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

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

23 Section 11. Review.--Any act done or omitted pursuant
24 to, or in enforcing, the provisions of this compact are
25 subject to review in accordance with chapter 120, Florida
26 Statutes, by the Fish and Wildlife Conservation Commission,
27 but any review of a suspension for the failure of a violator
28 to comply with the terms of a citation or a conviction
29 pursuant to the compact is limited to establishing the
30 identity of the person so convicted or failing to comply with
31 a citation.

1 Section 12. This act shall take effect October 1,
2 2006.

3
4 *****

5 SENATE SUMMARY

6 Revises the various penalties that apply to violations
7 involving the taking of saltwater products, rules and
8 orders of the Fish and Wildlife Conservation Commission,
9 and the taking of game and wildlife under a recreational
10 license or permit. Authorizes the commission to issue,
11 under certain conditions, a license allowing a person to
12 engage in certain hunting activities while under
13 supervision. Exempts a person issued such a license from
14 certain requirements regarding completion of a hunter
15 safety course. Specifies various levels of violations.
16 Provides enhanced penalties for multiple violations.
17 Provides penalties for violations involving captive
18 wildlife. Creates the Wildlife Violators Compact, which
19 provides for reciprocal recognition among states of
20 suspensions imposed for violations of laws and rules
21 governing the taking of wildlife. Requires for the
22 compact to be administered by the Fish and Wildlife
23 Conservation Commission. (See bill for details.)
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