

By the Committees on Criminal Justice; Environmental
Preservation; and Senator Baker

591-2454A-06

1 A bill to be entitled
2 An act relating to fish and wildlife; amending
3 s. 370.01, F.S.; defining the term "commercial
4 harvester"; amending s. 370.021, F.S.;
5 providing for base penalties; conforming
6 penalty provisions for commercial harvesters;
7 providing penalties for persons other than
8 commercial harvesters; conforming provisions
9 relating to the spiny lobster; amending s.
10 370.028, F.S.; conforming penalty provisions;
11 amending s. 370.061, F.S.; correcting a
12 cross-reference; amending ss. 370.063, 370.08,
13 370.081, 370.1105, 370.1121, 370.13, 370.135,
14 370.14, and 370.142, F.S.; conforming penalty
15 provisions for commercial harvesters; providing
16 penalties for persons other than commercial
17 harvesters; conforming provisions relating to
18 the spiny lobster; deleting obsolete
19 provisions; amending s. 372.562, F.S.;
20 conforming a provision providing an exemption
21 from fees and requirements; amending s. 372.57,
22 F.S.; specifying seasonal recreational
23 activities for which a license or permit is
24 required; increasing fees for certain licenses
25 to conform; providing a fee for a crossbow
26 season permit; providing for crossbow season
27 permits; providing penalties for the
28 production, possession, and use of fraudulent
29 fishing and hunting licenses; providing
30 penalties for the taking of game and fish with
31 a suspended or revoked license; conforming

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1 provisions relating to the spiny lobster;
2 amending s. 372.5704, F.S.; conforming penalty
3 provisions; amending ss. 372.571 and 372.573,
4 F.S.; correcting cross-references; amending s.
5 372.5717, F.S.; authorizing the Fish and
6 Wildlife Conservation Commission to defer the
7 hunter safety education course requirement for
8 a specified time period and for a specified
9 number of times; providing for a special
10 authorization and conditions to hunt using a
11 hunter safety education deferral; deleting the
12 mandatory minimum number of instructional hours
13 for persons required to take the hunter safety
14 education course; providing an exemption for
15 the display of hunter safety education
16 certificates; providing penalties; amending s.
17 372.83, F.S.; revising the penalties for
18 violations of rules, orders, and regulations of
19 the Fish and Wildlife Conservation Commission;
20 creating penalties for recreational violations
21 of certain saltwater fishing regulations
22 established in ch. 370, F.S.; providing for
23 court appearances in certain circumstances;
24 providing for Level One, Level Two, Level
25 Three, and Level Four offenses; providing for
26 enhanced penalties for multiple violations;
27 providing for suspension and revocation of
28 licenses and permits, including exemptions from
29 licensing and permit requirements; defining the
30 term "conviction" for purposes of penalty
31 provisions; creating s. 372.935, F.S.;

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1 providing penalties for violations involving
2 captive wildlife and poisonous or venomous
3 reptiles; specifying violations that constitute
4 noncriminal infractions or second-degree
5 misdemeanors; amending ss. 372.26, 372.265,
6 372.661, 372.662, 372.667, 372.705, 372.988,
7 372.99022, 372.99, and 372.9903, F.S.;
8 conforming penalty provisions; amending s.
9 921.0022, F.S.; deleting certain Level One
10 offense designations; creating s. 372.831,
11 F.S.; creating the Wildlife Violators Compact;
12 providing findings and purposes; providing
13 definitions; providing procedures for states
14 issuing citations for wildlife violations;
15 providing requirements for the home state of a
16 violator; providing for reciprocal recognition
17 of a license suspension; providing procedures
18 for administering the compact; providing for
19 entry into and withdrawal from the compact;
20 providing for construction of the compact and
21 for severability; creating s. 372.8311, F.S.;
22 providing for enforcement of the compact by the
23 Fish and Wildlife Conservation Commission;
24 providing that actions committed or omitted by
25 the Fish and Wildlife Conservation Commission
26 in enforcing the compact are subject to review
27 under ch. 120, F.S.; requiring that the Fish
28 and Wildlife Conservation Commission update the
29 automated licensing system by August 1, 2006;
30 repealing s. 372.711, F.S., relating to
31 noncriminal infractions; repealing s. 372.912,

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1 F.S.; relating to poisonous or venomous reptile
2 hunts; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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

10 370.01 Definitions.--In construing these statutes,
11 where the context does not clearly indicate otherwise, the
12 word, phrase, or term:

13 (5) "Commercial harvester" means any person, firm, or
14 corporation that takes, harvests, or attempts to take or
15 harvest saltwater products for sale or with intent to sell;
16 that is operating under or is required to operate under a
17 license or permit or authorization issued pursuant to this
18 chapter; that is using gear that is prohibited for use in the
19 harvest of recreational amounts of any saltwater product being
20 taken or harvested; or that is harvesting any saltwater
21 product in an amount that is at least two times the
22 recreational bag limit for the saltwater product being taken
23 or harvested.

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

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

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

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

20 (a) For a violation involving more than 100 illegal
21 blue crabs, spiny lobster ~~crayfish~~, or stone crabs, an
22 additional penalty of \$10 for each illegal blue crab, spiny
23 lobster ~~crayfish~~, stone crab, or part thereof.

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

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

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

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

- 9 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 10 2. Atlantic sturgeon (*Acipenser oxyrhynchus*);
- 11 3. Common snook (*Centropomus undecimalis*);
- 12 4. Atlantic loggerhead turtle (*Caretta caretta*
13 *caretta*);
- 14 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 15 6. Leatherback turtle (*Dermochelys coriacea*);
- 16 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
17 *imbricata*);
- 18 8. Atlantic ridley turtle (*Lepidochelys kempi*); or
- 19 9. West Indian manatee (*Trichechus manatus*
20 *latirostris*),

21
22 an additional penalty of \$100 for each unit of marine life or
23 part thereof.

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

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

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1 (h) Permits issued to any commercial harvester ~~person,~~
 2 ~~firm, or corporation~~ by the commission to take or harvest
 3 saltwater products, or any license issued pursuant to s.
 4 370.06 or s. 370.07 may be suspended or revoked by the
 5 commission, pursuant to the provisions and procedures of s.
 6 120.60, for any major violation prescribed in this subsection:
 7 1. Upon a first conviction, for up to 30 calendar
 8 days.
 9 2. Upon a second conviction which occurs within 12
 10 months after a prior violation, for up to 90 calendar days.
 11 3. Upon a third conviction which occurs within 24
 12 months after a prior conviction, for up to 180 calendar days.
 13 4. Upon a fourth conviction which occurs within 36
 14 months after a prior conviction, for a period of 6 months to 3
 15 years.
 16 (i) Upon the arrest and conviction for a major
 17 violation involving stone crabs, the licenseholder must show
 18 just cause why his or her license should not be suspended or
 19 revoked. For the purposes of this paragraph, a "major
 20 violation" means a major violation as prescribed for illegal
 21 stone crabs; any single violation involving possession of more
 22 than 25 stone crabs during the closed season or possession of
 23 25 or more whole-bodied or egg-bearing stone crabs; any
 24 violation for trap molestation, trap robbing, or pulling traps
 25 at night; or any combination of violations in any
 26 3-consecutive-year period wherein more than 75 illegal stone
 27 crabs in the aggregate are involved.
 28 (j) Upon the arrest and conviction for a major
 29 violation involving spiny lobster ~~crayfish~~, the licenseholder
 30 must show just cause why his or her license should not be
 31 suspended or revoked. For the purposes of this paragraph, a

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1 "major violation" means a major violation as prescribed for
2 illegal spiny lobster ~~erawfish~~; any single violation involving
3 possession of more than 25 spiny lobster ~~erawfish~~ during the
4 closed season or possession of more than 25 wrung spiny
5 lobster ~~erawfish~~ tails or more than 25 egg-bearing or stripped
6 spiny lobster ~~erawfish~~; any violation for trap molestation,
7 trap robbing, or pulling traps at night; or any combination of
8 violations in any 3-consecutive-year period wherein more than
9 75 illegal spiny lobster ~~erawfish~~ in the aggregate are
10 involved.

11 (k) Upon the arrest and conviction for a major
12 violation involving blue crabs, the licenseholder shall show
13 just cause why his or her saltwater products license should
14 not be suspended or revoked. This paragraph shall not apply to
15 an individual fishing with no more than five traps. For the
16 purposes of this paragraph, a "major violation" means a major
17 violation as prescribed for illegal blue crabs, any single
18 violation wherein 50 or more illegal blue crabs are involved;
19 any violation for trap molestation, trap robbing, or pulling
20 traps at night; or any combination of violations in any
21 3-consecutive-year period wherein more than 100 illegal blue
22 crabs in the aggregate are involved.

23 (l) Upon the conviction for a major violation
24 involving finfish, the licenseholder must show just cause why
25 his or her saltwater products license should not be suspended
26 or revoked. For the purposes of this paragraph, a major
27 violation is prescribed for the taking and harvesting of
28 illegal finfish, any single violation involving the possession
29 of more than 100 pounds of illegal finfish, or any combination
30 of violations in any 3-consecutive-year period wherein more
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1 | than 200 pounds of illegal finfish in the aggregate are
2 | involved.

3 | (m) For a violation involving the taking or harvesting
4 | of any marine life species, as those species are defined by
5 | rule of the commission, the harvest of which is prohibited, or
6 | the taking or harvesting of such a species out of season, or
7 | with an illegal gear or chemical, or any violation involving
8 | the possession of 25 or more individual specimens of marine
9 | life species, or any combination of violations in any 3-year
10 | period involving more than 70 such specimens in the aggregate,
11 | the suspension or revocation of the licenseholder's marine
12 | life endorsement as provided in paragraph (h).

13 |

14 | The penalty provisions of this subsection apply to commercial
15 | harvesters and wholesale and retail dealers as defined in s.
16 | 370.07. Any other person who commits a major violation under
17 | this subsection commits a Level Three violation under s.
18 | 372.83. Notwithstanding the provisions of s. 948.01, no court
19 | may suspend, defer, or withhold adjudication of guilt or
20 | imposition of sentence for any major violation prescribed in
21 | this subsection. The proceeds from the penalties assessed
22 | pursuant to this subsection shall be deposited into the Marine
23 | Resources Conservation Trust Fund to be used for marine
24 | fisheries research or into the commission's Federal Law
25 | Enforcement Trust Fund as provided in s. 372.107, as
26 | applicable.

27 | (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS
28 | INVOLVING CERTAIN FINFISH.--

29 | (a) It is a major violation under ~~pursuant to~~ this
30 | section, ~~punishable as provided in paragraph (3)(b)~~, for any
31 | person to be in possession of any species of trout, snook, or

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1 redfish which is three fish in excess of the recreational or
 2 commercial daily bag limit.

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

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

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

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

30 (c) For a third or subsequent violation occurring
 31 within a 24-month period, the commission shall assess a civil

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1 penalty of \$5,000 and shall suspend the wholesale or retail
2 dealer's license privileges for up to 24 months.

3
4 Any proceeds from the civil penalties assessed pursuant to
5 this subsection shall be deposited into the Marine Resources
6 Conservation Trust Fund and shall be used as follows: 40
7 percent for administration and processing purposes and 60
8 percent for law enforcement purposes.

9 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
10 HARVEST.--It is a major violation and punishable as provided
11 in this subsection for any ~~an~~ unlicensed person, firm, or
12 corporation who is required to be licensed under this chapter
13 as a commercial harvester or a wholesale or retail dealer to
14 sell or purchase any saltwater product or to harvest or
15 attempt to harvest any saltwater product with intent to sell
16 the saltwater product.

17 (a) Any person, firm, or corporation who sells or
18 purchases any saltwater product without having purchased the
19 licenses required by this chapter for such sale is subject to
20 ~~additional~~ 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 person may also be assessed a civil penalty of up to
26 \$2,500 and is subject to a suspension of all license
27 privileges under this chapter and chapter 372 for a period not
28 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,
31 with a mandatory minimum term of imprisonment of 6 months, and

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

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

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

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

26 (c) Any commercial harvester or wholesale or retail
27 dealer ~~person~~ whose license privileges under this chapter are
28 under suspension and who during such period of suspension
29 sells or purchases or attempts to sell or purchase any
30 saltwater product shall be assessed the following penalties:
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1 1. A first violation, or a second violation occurring
2 more than 12 months after a first violation, is a first degree
3 misdemeanor, punishable as provided in ss. 775.082 and
4 775.083, and such commercial harvester or wholesale or retail
5 dealer ~~person~~ may be assessed a civil penalty of up to \$2,500
6 and an additional suspension of all license privileges under
7 this chapter and chapter 372 for a period not exceeding 90
8 days.

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

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

28 (d) Any commercial harvester ~~person~~ who harvests or
29 attempts to harvest any saltwater product with intent to sell
30 the saltwater product without having purchased a saltwater
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1 products license with the requisite endorsements is subject to
2 penalties as follows:

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

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

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

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

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

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

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

23 Section 3. Section 370.028, Florida Statutes, is
24 amended to read:

25 370.028 Enforcement of commission rules; penalties for
26 violation of rule.--Rules of the Fish and Wildlife
27 Conservation Commission shall be enforced by any law
28 enforcement officer certified pursuant to s. 943.13. Except
29 as provided under s. 372.83, any person who violates or
30 otherwise fails to comply with any rule adopted by the
31 commission shall be punished pursuant to s. 370.021(1).

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1 Section 4. Paragraph (d) of subsection (5) of section
2 370.061, Florida Statutes, is amended to read:

3 370.061 Confiscation, seizure, and forfeiture of
4 property and products.--

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

7 (d) For purposes of confiscation under this
8 subsection, the term "saltwater products" has the meaning set
9 out in s. 370.01(27) ~~s. 370.01(26)~~, except that the term does
10 not include saltwater products harvested under the authority
11 of a recreational license unless the amount of such harvested
12 products exceeds three times the applicable recreational bag
13 limit for trout, snook, or redfish.

14 Section 5. Section 370.063, Florida Statutes, is
15 amended to read:

16 370.063 Special recreational spiny lobster ~~crawlerfish~~
17 license.--There is created a special recreational spiny
18 lobster ~~crawlerfish~~ license, to be issued to qualified persons as
19 provided by this section for the recreational harvest of spiny
20 lobster ~~crawlerfish~~ (~~spiny lobster~~) beginning August 5, 1994.

21 (1) The special recreational spiny lobster ~~crawlerfish~~
22 license shall be available to any individual spiny lobster
23 ~~crawlerfish~~ trap number holder who also possesses a saltwater
24 products license during the 1993-1994 license year. A person
25 issued a special recreational spiny lobster ~~crawlerfish~~ license
26 may not also possess a trap number.

27 (2) The special recreational spiny lobster ~~crawlerfish~~
28 license is required in order to harvest spiny lobster ~~crawlerfish~~
29 from state territorial waters in quantities in excess of the
30 regular recreational bag limit but not in excess of a special
31 bag limit as established by the Marine Fisheries Commission

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1 for these harvesters before the 1994-1995 license year. Such
2 special bag limit does not apply during the 2-day sport season
3 established by the Fish and Wildlife Conservation Commission.

4 (3) The holder of a special recreational spiny lobster
5 ~~crawlerfish~~ license must also possess the recreational spiny
6 lobster ~~crawlerfish~~ permit required by s. 372.57(8)(d).

7 (4) As a condition precedent to the issuance of a
8 special recreational spiny lobster ~~crawlerfish~~ license, the
9 applicant must agree to file quarterly reports with the Fish
10 and Wildlife Conservation Commission in such form as the
11 commission requires, detailing the amount of the
12 licenseholder's spiny lobster ~~crawlerfish~~ (~~spiny lobster~~) harvest
13 in the previous quarter, including the harvest of other
14 recreational harvesters aboard the licenseholder's vessel.

15 (5) The Fish and Wildlife Conservation Commission
16 shall issue special recreational spiny lobster ~~crawlerfish~~
17 licenses. The fee for each such license is \$100 per year. Each
18 license issued in any license year must be renewed by June 30
19 of each subsequent year by the initial individual holder
20 thereof. Noncompliance with the reporting requirement in
21 subsection (4) or with the special recreational bag limit
22 established under subsection (6) constitutes grounds for which
23 the commission may refuse to renew the license for a
24 subsequent license year. The number of such licenses
25 outstanding in any one license year may not exceed the number
26 issued for the 1994-1995 license year. A license is not
27 transferable by any method. Licenses that are not renewed
28 expire and may be reissued by the commission in the subsequent
29 license year to new applicants otherwise qualified under this
30 section.

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

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

14 (a) Thirty-five percent for research and the
 15 development of reliable recreational catch statistics for the
 16 spiny lobster ~~crawfish~~ ~~(spiny lobster)~~ fishery.

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

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

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

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

24 370.08 Fishers and equipment; regulation.--

25 (8) PENALTIES.--A commercial harvester who violates
 26 this section shall be punished under s. 370.021. Any other
 27 person who violates this section commits a Level Two violation
 28 under s. 372.83.

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

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1 370.081 Illegal importation or possession of
2 nonindigenous marine plants and animals; rules and
3 regulations.--

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

6 Section 8. Subsection (4) is added to section
7 370.1105, Florida Statutes, to read:

8 370.1105 Saltwater finfish; fishing traps regulated.--

9 (4) A commercial harvester who violates this section
10 shall be punished under s. 370.021. Any other person who
11 violates this section commits a Level Two violation under s.
12 372.83.

13 Section 9. Subsection (3) is added to section
14 370.1121, Florida Statutes, to read:

15 370.1121 Bonefish; regulation.--

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

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

23 370.13 Stone crab; regulation.--

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

28 (a) It is unlawful to violate commission rules
29 regulating stone crab trap certificates and trap tags. No
30 person may use an expired tag or a stone crab trap tag not
31 issued by the commission or possess or use a stone crab trap

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1 in or on state waters or adjacent federal waters without
 2 having a trap tag required by the commission firmly attached
 3 thereto.

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

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

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

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

24 d.4. A fourth violation that occurs within 48 months
 25 of any three previous such violations, shall result in
 26 permanent revocation of all of the violator's saltwater
 27 fishing privileges, including having the commission proceed
 28 against the endorsement holder's saltwater products license in
 29 accordance with s. 370.021.

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

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1
2 Any commercial harvester ~~person~~ assessed an administrative
3 penalty under this paragraph shall, within 30 calendar days
4 after notification, pay the administrative penalty to the
5 commission, or request an administrative hearing under ss.
6 120.569 and 120.57. The proceeds of all administrative
7 penalties collected under this paragraph shall be deposited in
8 the Marine Resources Conservation Trust Fund.

9 (b) It is unlawful for any commercial harvester ~~person~~
10 to remove the contents of another harvester's stone crab trap
11 or take possession of such without the express written consent
12 of the trap owner available for immediate inspection.
13 Unauthorized possession of another's trap gear or removal of
14 trap contents constitutes theft.

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

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

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

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

10 ~~a.1.~~ The willful molestation of any stone crab trap,
 11 line, or buoy that is the property of any licenseholder,
 12 without the permission of that licenseholder.

13 ~~b.2.~~ The bartering, trading, or sale, or conspiring or
 14 aiding in such barter, trade, or sale, or supplying, agreeing
 15 to supply, aiding in supplying, or giving away stone crab trap
 16 tags or certificates unless the action is duly authorized by
 17 the commission as provided by commission rules.

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

20 ~~d.4.~~ Possession of forged, counterfeit, or imitation
 21 stone crab trap tags.

22 ~~e.5.~~ Engaging in the commercial harvest of stone crabs
 23 during the time either of the endorsements is under suspension
 24 or revocation.

25 2. Any commercial harvester who violates this
 26 paragraph commits a felony of the third degree, punishable as
 27 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

26 370.135 Blue crab; regulation.--

27 (1)(a) No commercial harvester ~~person, firm, or~~
 28 ~~corporation~~ shall transport on the water, fish with or cause
 29 to be fished with, set, or place any trap designed for taking
 30 blue crabs unless such commercial harvester ~~person, firm, or~~
 31 ~~corporation~~ is the holder of a valid saltwater products

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1 license issued pursuant to s. 370.06 and the trap has a
2 current state number permanently attached to the buoy. The
3 trap number shall be affixed in legible figures at least 1
4 inch high on each buoy used. The saltwater products license
5 must be on board the boat, and both the license and the crabs
6 shall be subject to inspection at all times. Only one trap
7 number may be issued for each boat by the commission upon
8 receipt of an application on forms prescribed by it. This
9 subsection shall not apply to an individual fishing with no
10 more than five traps.

11 (b) It is unlawful ~~a felony of the third degree,~~
12 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
13 ~~775.084,~~ for any person willfully to molest any blue crab
14 traps, lines, or buoys, as defined herein, belonging to
15 another without the express written consent of the trap owner.

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

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

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

27 (c)1. It is unlawful for any person to remove the
28 contents of or take possession of another harvester's blue
29 crab trap without the express written consent of the trap
30 owner available for immediate inspection. Unauthorized
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1 possession of another's trap gear or removal of trap contents
2 constitutes theft.

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

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

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

28 Section 12. Section 370.14, Florida Statutes, is
29 amended to read:

30 370.14 Spiny lobster ~~Crawfish~~; regulation.--

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

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

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

30 (b) Twenty-five dollars of the \$125 fee for a spiny
31 lobster ~~erawfish~~ trap number required under subparagraph (a)1.

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1 must be used only for trap retrieval as provided in s.
2 370.143. The remainder of the fees collected pursuant to
3 paragraph (a) shall be deposited as follows:

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

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

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

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

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

27 (5) Any spiny lobster ~~erawfish~~ licenseholder, upon
28 selling licensed spiny lobster ~~erawfish~~ traps, shall furnish
29 the commission notice of such sale of all or part of his or
30 her interest within 15 days thereof. Any holder of said
31 license shall also notify the commission within 15 days if his

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1 or her address no longer conforms to the address appearing on
2 the license and shall, as a part of such notification, furnish
3 the commission with his or her new address.

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

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

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

26 (d) Within 48 hours after shipment weigh-in
27 completion, the permitholder shall submit to the commission,
28 on forms provided by the commission, a sworn report of the
29 quantity in pounds of the spiny lobster ~~saltwater crawfish~~
30 received, which report shall include the location of said
31 spiny lobster ~~crawfish~~ and a sworn statement that said spiny

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

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

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

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

22 (c) All special permits issued under this subsection
23 are nontransferable.

24 (8) No common carrier or employee of said carrier may
25 carry, knowingly receive for carriage, or permit the carriage
26 of any spiny lobster ~~erawfish~~ of the species *Panulirus argus*,
27 regardless of where taken, during the closed season, except of
28 the species *Panulirus argus* lawfully imported from a foreign
29 country for reshipment outside of the territorial limits of
30 the state under United States Customs bond or in accordance
31 with paragraph (7)(a).

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

3 370.142 Spiny lobster trap certificate program.--

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

9 (c) Prohibitions; penalties.--

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

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

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

27 a. A commercial harvester who violates this
28 subparagraph shall be punished under ss. 370.021 and 370.14.
29 Any commercial harvester ~~person~~ receiving a judicial
30 disposition other than dismissal or acquittal on a charge of
31 theft of or from a trap pursuant to this subparagraph or s.

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1 370.1107 shall, in addition to the penalties specified in ss.
2 370.021 and 370.14 and the provisions of this section,
3 permanently lose all his or her saltwater fishing privileges,
4 including his or her saltwater products license, spiny lobster
5 ~~crayfish~~ endorsement, and all trap certificates allotted to
6 him or her through this program. In such cases, trap
7 certificates and endorsements are nontransferable.

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

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

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

27 4. In addition to any other penalties provided in s.
28 370.021, a commercial harvester, ~~as defined by rule~~
29 ~~68B-24.002(1), Florida Administrative Code,~~ who violates the
30 provisions of this section, ~~or~~ commission rules ~~the provisions~~
31

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1 relating to spiny lobster traps ~~of chapter 68B-24, Florida~~
2 ~~Administrative Code~~, shall be punished as follows:

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

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

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

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

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1 (I) Pay the administrative ~~civil~~ penalty to the
 2 commission; or
 3 (II) Request an administrative hearing pursuant to the
 4 provisions of ss. 120.569 and 120.57 ~~s. 120.60~~.
 5 e. The commission shall suspend the spiny lobster
 6 ~~crayfish~~ trap number issued pursuant to s. 370.14(2) or (6)
 7 for any person failing to comply with the provisions of
 8 sub-subparagraph d.
 9 5.a. It is unlawful for any person to make, alter,
 10 forge, counterfeit, or reproduce a spiny lobster trap tag or
 11 certificate.
 12 b. It is unlawful for any person to knowingly have in
 13 his or her possession a forged, counterfeit, or imitation
 14 spiny lobster trap tag or certificate.
 15 c. It is unlawful for any person to barter, trade,
 16 sell, supply, agree to supply, aid in supplying, or give away
 17 a spiny lobster trap tag or certificate or to conspire to
 18 barter, trade, sell, supply, aid in supplying, or give away a
 19 spiny lobster trap tag or certificate unless such action is
 20 duly authorized by the commission as provided in this chapter
 21 or in the rules of the commission.
 22 6.a. Any commercial harvester ~~person~~ who violates the
 23 provisions of subparagraph 5., or any commercial harvester
 24 ~~person~~ who engages in the commercial harvest, trapping, or
 25 possession of spiny lobster without a spiny lobster ~~crayfish~~
 26 trap number as required by s. 370.14(2) or (6) or during any
 27 period while such spiny lobster ~~crayfish~~ trap number is under
 28 suspension or revocation, commits a felony of the third
 29 degree, punishable as provided in s. 775.082, s. 775.083, or
 30 s. 775.084.
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1 b. In addition to any penalty imposed pursuant to
2 sub-subparagraph a., the commission shall levy a fine of up to
3 twice the amount of the appropriate surcharge to be paid on
4 the fair market value of the transferred certificates, as
5 provided in subparagraph (a)1., on any commercial harvester
6 ~~person~~ who violates the provisions of sub-subparagraph 5.c.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ~~(f)(g)~~ A special use permit for a resident or
15 nonresident to participate in limited entry hunting or fishing
16 activities as authorized by commission rule shall not exceed
17 \$100 per day or \$250 per week. Notwithstanding any other
18 provision of this chapter, there are no exclusions,
19 exceptions, or exemptions from this permit fee. In addition
20 to the permit fee, the commission may charge each special use
21 permit applicant a nonrefundable application fee not to exceed
22 \$10.

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

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

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

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

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

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1 (11) RESIDENT LIFETIME HUNTING LICENSES.--

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

4 1. Persons 4 years of age or younger, for a fee of
5 \$200.

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

8 3. Persons 13 years of age or older, for a fee of
9 \$500.

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

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

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

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

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

22 1. Persons 4 years of age or younger, for a fee of
23 \$400.

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

26 3. Persons 13 years of age or older, for a fee of
27 \$1,000.

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

30 1. Taking, or attempting to take or possess,
31 freshwater and saltwater fish, and game, consistent with the

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1 state and federal laws and regulations and rules of the
 2 commission in effect at the time of taking.

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

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

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

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

25 372.5704 Fish and Wildlife Conservation Commission
 26 license program for tarpon; fees; penalties.--

27 (5) Any individual including a taxidermist who
 28 possesses a tarpon which does not have a tag securely attached
 29 as required by this section commits a Level Two violation
 30 under s. 372.83 ~~shall be subject to penalties as prescribed in~~
 31 ~~s. 370.021~~. Provided, however, a taxidermist may remove the

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1 tag during the process of mounting a tarpon. The removed tag
2 shall remain with the fish during any subsequent storage or
3 shipment.

4 Section 17. Section 372.571, Florida Statutes, is
5 amended to read:

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

23 Section 18. Section 372.5717, Florida Statutes, is
24 amended to read:

25 372.5717 Hunter safety course; requirements;
26 penalty.--

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

29 (2) (a) Except as provided in paragraph (b), a person
30 born on or after June 1, 1975, may not be issued a license to
31 take wild animal life with the use of a firearm, gun, bow, or

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1 crossbow in this state without having first successfully
2 completed a hunter safety course as provided in this section,
3 and without having in his or her personal possession a hunter
4 safety certification card, as provided in this section.

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

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

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

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

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

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

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

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1 Section 19. Section 372.573, Florida Statutes, is
2 amended to read:

3 372.573 Management area permit revenues.--The
4 commission shall expend the revenue generated from the sale of
5 the management area permit as provided for in s. 372.57(8)(g)
6 ~~s. 372.57(8)(h)~~ or that pro rata portion of any license that
7 includes management area privileges as provided for in s.
8 372.57(4)(h), (i), and (j) for the lease, management, and
9 protection of lands for public hunting, fishing, and other
10 outdoor recreation.

11 Section 20. Section 372.83, Florida Statutes, is
12 amended to read:

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

15 372.83 Penalties and violations; civil penalties for
16 noncriminal infractions; criminal penalties; suspension and
17 forfeiture of licenses and permits.--

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

21 1. Rules or orders of the commission relating to the
22 filing of reports or other documents required to be filed by
23 persons who hold recreational licenses and permits issued by
24 the commission.

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

30 3. Rules or orders of the commission relating to daily
31 use permits, alcoholic beverages, swimming, possession of

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1 firearms, operation of vehicles, and watercraft speed within
2 fish management areas managed by the commission.

3 4. Rules or orders of the commission relating to
4 vessel size or specifying motor restrictions on specified
5 water bodies.

6 5. Section 370.063, providing for special recreational
7 spiny lobster licenses.

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

10 7. Section 372.5717, providing hunter safety course
11 requirements.

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

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

17 (c)1. The civil penalty for committing a Level One
18 violation involving the license and permit requirements of s.
19 372.57 is \$50 plus the cost of the license or permit, unless
20 subparagraph 2. applies.

21 2. The civil penalty for committing a Level One
22 violation involving the license and permit requirements of s.
23 372.57 is \$100 plus the cost of the license or permit, if the
24 person cited has previously committed the same Level One
25 violation within the preceding 36 months.

26 (d)1. The civil penalty for any other Level One
27 violation is \$50 unless subparagraph 2. applies.

28 2. The civil penalty for any other Level One violation
29 is \$100 if the person cited has previously committed the same
30 Level One violation within the preceding 36 months.

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1 (e) A person cited for a Level One violation shall
2 sign and accept a citation to appear before the county
3 court. The issuing officer may indicate on the citation the
4 time and location of the scheduled hearing and shall indicate
5 the applicable civil penalty.

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

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

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

30 (i) A person cited for violating the requirements of
31 s. 372.57 relating to personal possession of a license or

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1 permit may not be convicted if, prior to or at the time of a
2 county court hearing, the person produces the required license
3 or permit for verification by the hearing officer or the court
4 clerk. The license or permit must have been valid at the time
5 the person was cited. The clerk or hearing officer may assess
6 a \$5 fee for costs under this paragraph.

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

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

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

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

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

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

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

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

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

30 9. Rules or orders of the commission which are not
31 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 370.13(2)(a) and (b), prohibiting the
- 15 possession or use of stone crab traps without trap tags and
- 16 theft of trap contents or gear.
- 17 17. Paragraph 370.135(1)(c), prohibiting the theft of
- 18 blue crab trap contents or trap gear.
- 19 18. Paragraph 370.142 (2)(c), 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 misdemeanor of the second
- 31 degree, punishable as provided in s. 775.082 or s. 775.083.

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1 2. Unless the stricter penalties in subparagraph 3. or
2 subparagraph 4. apply, a person who commits a Level Two
3 violation within 3 years after a previous conviction for a
4 Level Two or higher violation commits a misdemeanor of the
5 first degree, punishable as provided in s. 775.082 or s.
6 775.083, with a minimum mandatory fine of \$250.

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

18 4. A person who commits a Level Two violation within
19 10 years after three previous convictions for a Level Two or
20 higher violation commits a misdemeanor of the first degree,
21 punishable as provided in s. 775.082 or s. 775.083, with a
22 minimum mandatory fine of \$750 and a suspension of any
23 recreational license or permit issued under s. 372.57 for 3
24 years. Such suspension shall include the suspension of the
25 privilege to obtain such license or permit and the suspension
26 of the ability to exercise any privilege granted under s.
27 372.562. If the recreational license or permit being suspended
28 was an annual license or permit, any privileges under ss.
29 372.562 and 372.57 may not be acquired for a 3-year period
30 following the date of the violation.

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

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

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

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

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

12 5. Section 372.26, prohibiting the importation of
13 freshwater fish.

14 6. Section 372.265, prohibiting the importation of
15 nonindigenous species of the animal kingdom without a permit
16 issued by the commission.

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

20 8. Section 372.662, prohibiting the illegal sale or
21 possession of alligators.

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

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

27 (b)1. A person who commits a Level Three violation but
28 who has not been convicted of a Level Three or higher
29 violation within the past 10 years, commits a misdemeanor of
30 the first degree, punishable as provided in s. 775.082 or s.
31 775.083.

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1 2. A person who commits a Level Three violation within
2 10 years after a previous conviction for a Level Three or
3 higher violation, commits a misdemeanor of the first degree,
4 punishable as provided in s. 775.082 or s. 775.083, with a
5 minimum mandatory fine of \$750 and a suspension of any
6 recreational license or permit issued under s. 372.57 for the
7 remainder of the period for which the license or permit was
8 issued up to 3 years. Such suspension shall include the
9 suspension of the privilege to obtain such license or permit
10 and the ability to exercise any privilege granted under s.
11 372.562. If the recreational license or permit being suspended
12 was an annual license or permit, any privileges under ss.
13 372.562 and 372.57 may not be acquired for a 3-year period
14 following the date of the 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 under
17 ss. 372.562 and 372.57 may not be acquired for a 5-year period
18 following the 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. Paragraph 370.13(2)(c), prohibiting criminal
23 activities relating to the taking of stone crabs.

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

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

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

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

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

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

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

12 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
13 chapter:

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

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

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

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

29 Section 21. Section 372.935, Florida Statutes, is
30 created to read:

31 372.935 Captive wildlife; penalties for violations.--

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

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

6 2. Rules or orders of the commission requiring that
7 persons who are licensed to possess captive wildlife file
8 reports or other documents.

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

15 (2) MISDEMEANORS.--A person commits a misdemeanor of
16 the second degree, punishable as provided in s. 775.082 or s.
17 775.083, for violating any of the following provisions:

18 (a) Rules or orders of the commission which require
19 the payment of a fee for a person to obtain a permit to
20 possess captive wildlife.

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

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

25 (d) Section 372.86, prohibiting the possession or
26 exhibition of poisonous or venomous reptiles without a license
27 or permit.

28 (e) Section 372.88, prohibiting the exhibition of
29 poisonous or venomous reptiles without posting a bond.
30
31

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1 (f) Section 372.89, prohibiting the possession or
2 exhibition of poisonous or venomous reptiles in an unsafe
3 manner.

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

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

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

10 (j) Section 372.921, prohibiting the exhibition or
11 sale of wildlife.

12 (k) Section 372.922, prohibiting the personal
13 possession of wildlife.

14 Section 22. Section 372.26, Florida Statutes, is
15 amended to read:

16 372.26 Imported fish.--

17 (1) No person shall import into the state or place in
18 any of the fresh waters of the state any freshwater fish of
19 any species without having first obtained a permit from the
20 Fish and Wildlife Conservation Commission. The commission is
21 authorized to issue or deny such a permit upon the completion
22 of studies of the species made by it to determine any
23 detrimental effect the species might have on the ecology of
24 the state.

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

29 Section 23. Section 372.265, Florida Statutes, is
30 amended to read:

31 372.265 Regulation of foreign animals.--

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

5 (2) The Fish and Wildlife Conservation Commission is
6 authorized to issue or deny such a permit upon the completion
7 of studies of the species made by it to determine any
8 detrimental effect the species might have on the ecology of
9 the state.

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

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

16 372.661 Private hunting preserve license fees;
17 exception.--

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

29 Section 25. Section 372.662, Florida Statutes, is
30 amended to read:

31

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1 372.662 Unlawful sale, possession, or transporting of
2 alligators or alligator skins.--Whenever the sale, possession,
3 or transporting of alligators or alligator skins is prohibited
4 by any law of this state, or by the rules, regulations, or
5 orders of the Fish and Wildlife Conservation Commission
6 adopted pursuant to s. 9, Art. IV of the State Constitution,
7 the sale, possession, or transporting of alligators or
8 alligator skins is a Level Three violation under s. 372.83
9 ~~misdemeanor of the first degree, punishable as provided in s.~~
10 ~~775.082 or s. 775.083.~~

11 Section 26. Section 372.667, Florida Statutes, is
12 amended to read:

13 372.667 Feeding or enticement of alligators or
14 crocodiles unlawful; penalty.--

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

19 (a) Those persons feeding alligators or crocodiles
20 maintained in protected captivity for educational, scientific,
21 commercial, or recreational purposes.

22 (b) Fish and Wildlife Conservation Commission
23 personnel, persons licensed or otherwise authorized by the
24 commission, or county or municipal animal control personnel
25 when relocating alligators or crocodiles by baiting or
26 enticement.

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

31

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

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

7 372.705 Harassment of hunters, trappers, or fishers.--

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

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

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

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

20 Section 28. Section 372.988, Florida Statutes, is
 21 amended to read:

22 372.988 Required clothing for persons hunting
 23 deer.--It is a Level One violation under s. 372.83 ~~unlawful~~
 24 for any person to hunt deer, or for any person to accompany
 25 another person hunting deer, during the open season for the
 26 taking of deer on public lands unless each person shall wear a
 27 total of at least 500 square inches of daylight fluorescent
 28 orange material as an outer garment. Such clothing shall be
 29 worn above the waistline and may include a head covering. The
 30 provisions of this section shall not apply to any person
 31

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1 | hunting deer with a bow and arrow during seasons restricted to
2 | hunting with a bow and arrow.

3 | Section 29. Subsection (1) of section 372.99022,
4 | Florida Statutes, is amended to read:

5 | 372.99022 Illegal molestation of or theft from
6 | freshwater fishing gear.--

7 | (1)(a) Any person, firm, or corporation that willfully
8 | molests any authorized and lawfully permitted freshwater
9 | fishing gear belonging to another without the express written
10 | consent of the owner commits a Level Four violation under s.
11 | 372.83 felony of the third degree, punishable as provided in
12 | s. 775.082, s. 775.083, or s. 775.084. Any written consent
13 | must be available for immediate inspection.

14 | (b) Any person, firm, or corporation that willfully
15 | removes the contents of any authorized and lawfully permitted
16 | freshwater fishing gear belonging to another without the
17 | express written consent of the owner commits a Level Four
18 | violation under s. 372.83 felony of the third degree,
19 | punishable as provided in s. 775.082, s. 775.083, or s.
20 | 775.084. Any written consent must be available for immediate
21 | inspection.

22 |
23 | A person, firm, or corporation that receives a citation for a
24 | violation of this subsection is prohibited, immediately upon
25 | receipt of such citation and until adjudicated or convicted of
26 | a felony under this subsection, from transferring any
27 | endorsements.

28 | Section 30. Section 372.99, Florida Statutes, is
29 | amended to read:

30 | 372.99 Illegal taking and possession of deer and wild
31 | turkey; evidence; penalty.--

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1 (1) Whoever takes or kills any deer or wild turkey, or
2 possesses a freshly killed deer or wild turkey, during the
3 closed season prescribed by law or by the rules and
4 regulations of the Fish and Wildlife Conservation Commission,
5 or whoever takes or attempts to take any deer or wild turkey
6 by the use of gun and light in or out of closed season,
7 commits a Level Three violation under s. 372.83 ~~is guilty of a~~
8 ~~misdemeanor of the first degree, punishable as provided in s.~~
9 ~~775.082 or s. 775.083~~, and shall forfeit any license or permit
10 issued to her or him under the provisions of this chapter. No
11 license shall be issued to such person for a period of 3 years
12 following any such violation on the first offense. Any person
13 guilty of a second or subsequent violation shall be
14 permanently ineligible for issuance of a license or permit
15 thereafter.

16 (2) The display or use of a light in a place where
17 deer might be found and in a manner capable of disclosing the
18 presence of deer, together with the possession of firearms or
19 other weapons customarily used for the taking of deer, between
20 1 hour after sunset and 1 hour before sunrise, shall be prima
21 facie evidence of an intent to violate the provisions of
22 subsection (1). This subsection does not apply to an owner or
23 her or his employee when patrolling or inspecting the land of
24 the owner, provided the employee has satisfactory proof of
25 employment on her or his person.

26 (3) Whoever takes or kills any doe deer; fawn or baby
27 deer; or deer, whether male or female, which does not have one
28 or more antlers at least 5 inches in length, except as
29 provided by law or the rules of the Fish and Wildlife
30 Conservation Commission, during the open season prescribed by
31 the rules of the commission, commits a Level Three violation

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1 ~~under 372.83 is guilty of a misdemeanor of the first degree,~~
2 ~~punishable as provided in s. 775.082 or s. 775.083,~~ and may be
3 required to forfeit any license or permit issued to such
4 person for a period of 3 years following any such violation on
5 the first offense. Any person guilty of a second or subsequent
6 violation shall be permanently ineligible for issuance of a
7 license or permit thereafter.

8 (4) Any person who cultivates agricultural crops may
9 apply to the Fish and Wildlife Conservation Commission for a
10 permit to take or kill deer on land which that person is
11 currently cultivating. When said person can show, to the
12 satisfaction of the Fish and Wildlife Conservation Commission,
13 that such taking or killing of deer is justified because of
14 damage to the person's crops caused by deer, the Fish and
15 Wildlife Conservation Commission may issue a limited permit to
16 the applicant to take or kill deer without being in violation
17 of subsection (1) or subsection (3).

18 (5) Whoever possesses for sale or sells deer or wild
19 turkey taken in violation of this chapter or the rules and
20 regulations of the commission commits a Level Four violation
21 ~~under s. 372.83 is guilty of a felony of the third degree,~~
22 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
23 ~~775.084.~~

24 (6) Any person who enters upon private property and
25 shines lights upon such property, without the express
26 permission of the owner of the property and with the intent to
27 take deer by utilizing such shining lights, commits a Level
28 Three violation under s. 372.83 ~~shall be guilty of a~~
29 ~~misdemeanor of the second degree, punishable as provided in s.~~
30 ~~775.082 or s. 775.083.~~

31

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

3 372.9903 Illegal possession or transportation of
4 freshwater game fish in commercial quantities; penalty.--

5 (1) Whoever possesses, moves, or transports any black
6 bass, bream, speckled perch, or other freshwater game fish in
7 commercial quantities in violation of law or the rules of the
8 Fish and Wildlife Conservation Commission commits a Level
9 Three violation under s. 372.83 shall be guilty of a
10 ~~misdemeanor of the first degree, punishable as provided in s.~~
11 ~~775.082 or s. 775.083.~~

12 Section 32. Paragraph (a) of subsection (3) of section
13 921.0022, Florida Statutes, is amended to read:

14 921.0022 Criminal Punishment Code; offense severity
15 ranking chart.--

16 (3) OFFENSE SEVERITY RANKING CHART

17	18 Florida Statute	19 Felony Degree	20 Description
21			(a) LEVEL 1
22	24.118(3)(a)	3rd	Counterfeit or altered state
23			lottery ticket.
24	212.054(2)(b)	3rd	Discretionary sales surtax;
25			limitations, administration, and
26			collection.
27	212.15(2)(b)	3rd	Failure to remit sales taxes,
28			amount greater than \$300 but less
29			than \$20,000.
30	316.1935(1)	3rd	Fleeing or attempting to elude
31			law enforcement officer.

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1	319.30(5)	3rd	Sell, exchange, give away
2			certificate of title or
3			identification number plate.
4	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
5			odometer.
6	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
7			registration license plates or
8			validation stickers.
9	322.212		
10	(1)(a)-(c)	3rd	Possession of forged, stolen,
11			counterfeit, or unlawfully issued
12			driver's license; possession of
13			simulated identification.
14	322.212(4)	3rd	Supply or aid in supplying
15			unauthorized driver's license or
16			identification card.
17	322.212(5)(a)	3rd	False application for driver's
18			license or identification card.
19	370.13(2)(c)1.	3rd	Molest any stone crab trap, line,
20			or buoy which is property of
21			licenseholder.
22	370.135(1)	3rd	Molest any blue crab trap, line,
23			or buoy which is property of
24			licenseholder.
25	372.663(1)	3rd	Poach any alligator or
26			crocodilia.
27	414.39(2)	3rd	Unauthorized use, possession,
28			forgery, or alteration of food
29			stamps, Medicaid ID, value
30			greater than \$200.
31			

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1	414.39(3)(a)	3rd	Fraudulent misappropriation of
2			public assistance funds by
3			employee/official, value more
4			than \$200.
5	443.071(1)	3rd	False statement or representation
6			to obtain or increase
7			unemployment compensation
8			benefits.
9	509.151(1)	3rd	Defraud an innkeeper, food or
10			lodging value greater than \$300.
11	517.302(1)	3rd	Violation of the Florida
12			Securities and Investor
13			Protection Act.
14	562.27(1)	3rd	Possess still or still apparatus.
15	713.69	3rd	Tenant removes property upon
16			which lien has accrued, value
17			more than \$50.
18	812.014(3)(c)	3rd	Petit theft (3rd conviction);
19			theft of any property not
20			specified in subsection (2).
21	812.081(2)	3rd	Unlawfully makes or causes to be
22			made a reproduction of a trade
23			secret.
24	815.04(4)(a)	3rd	Offense against intellectual
25			property (i.e., computer
26			programs, data).
27	817.52(2)	3rd	Hiring with intent to defraud,
28			motor vehicle services.
29	817.569(2)	3rd	Use of public record or public
30			records information to facilitate
31			commission of a felony.

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1	826.01	3rd	Bigamy.
2	828.122(3)	3rd	Fighting or baiting animals.
3	831.04(1)	3rd	Any erasure, alteration, etc., of
4			any replacement deed, map, plat,
5			or other document listed in s.
6			92.28.
7	831.31(1)(a)	3rd	Sell, deliver, or possess
8			counterfeit controlled
9			substances, all but s. 893.03(5)
10			drugs.
11	832.041(1)	3rd	Stopping payment with intent to
12			defraud \$150 or more.
13	832.05		
14	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
15			worthless checks \$150 or more or
16			obtaining property in return for
17			worthless check \$150 or more.
18	838.15(2)	3rd	Commercial bribe receiving.
19	838.16	3rd	Commercial bribery.
20	843.18	3rd	Fleeing by boat to elude a law
21			enforcement officer.
22	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
23			lewd, etc., material (2nd
24			conviction).
25	849.01	3rd	Keeping gambling house.
26	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
27			or assist therein, conduct or
28			advertise drawing for prizes, or
29			dispose of property or money by
30			means of lottery.
31			

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- 1 849.23 3rd Gambling-related machines;
- 2 "common offender" as to property
- 3 rights.
- 4 849.25(2) 3rd Engaging in bookmaking.
- 5 860.08 3rd Interfere with a railroad signal.
- 6 860.13(1)(a) 3rd Operate aircraft while under the
- 7 influence.
- 8 893.13(2)(a)2. 3rd Purchase of cannabis.
- 9 893.13(6)(a) 3rd Possession of cannabis (more than
- 10 20 grams).
- 11 934.03(1)(a) 3rd Intercepts, or procures any other
- 12 person to intercept, any wire or
- 13 oral communication.

14 Section 33. Section 372.831, Florida Statutes, is
15 created to read:

16 372.831 Wildlife Violators Compact Act.--The Wildlife
17 Violators Compact is created and entered into with all other
18 jurisdictions legally joining therein in the form
19 substantially as follows:

20
21 ARTICLE I

22 Findings and Purpose

23
24 (1) The participating states find that:

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

28 (b) The protection of the wildlife resources of a
29 state is materially affected by the degree of compliance with
30 state statutes, laws, regulations, ordinances, and
31

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1 administrative rules relating to the management of such
2 resources.

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

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

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

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

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

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

25 2. Taken into custody until the collateral or bond is
26 posted; or

27 3. Taken directly to court for an immediate
28 appearance.

29 (h) The purpose of the enforcement practices set forth
30 in paragraph (g) is to ensure compliance with the terms of a
31 wildlife citation by the cited person who, if permitted to

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1 continue on his or her way after receiving the citation, could
 2 return to his or her home state and disregard his or her duty
 3 under the terms of the citation.

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

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

14 (k) The enforcement practices described in paragraph
 15 (g) consume an undue amount of time of law enforcement
 16 agencies.

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

18 (a) Promote compliance with the statutes, laws,
 19 ordinances, regulations, and administrative rules relating to
 20 the management of wildlife resources in their respective
 21 states.

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

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

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

4 (e) Allow the home state to recognize and treat
5 convictions recorded against its residents, which convictions
6 occurred in a participating state, as though they had occurred
7 in the home state.

8 (f) Extend cooperation to its fullest extent among the
9 participating states for enforcing compliance with the terms
10 of a wildlife citation issued in one participating state to a
11 resident of another participating state.

12 (g) Maximize the effective use of law enforcement
13 personnel and information.

14 (h) Assist court systems in the efficient disposition
15 of wildlife violations.

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

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

20 (b) Provide for the fair and impartial treatment of
21 wildlife violators operating within participating states in
22 recognition of the violator's right to due process and the
23 sovereign status of a participating state.

24
25 ARTICLE II

26 Definitions

27
28 As used in this compact, the term:

29 (1) "Citation" means any summons, complaint, summons
30 and complaint, ticket, penalty assessment, or other official
31 document issued to a person by a wildlife officer or other

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1 peace officer for a wildlife violation which contains an order
2 requiring the person to respond.

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

7 (3) "Compliance" with respect to a citation means the
8 act of answering a citation through an appearance in a court
9 or tribunal, or through the payment of fines, costs, and
10 surcharges, if any.

11 (4) "Conviction" means a conviction that results in
12 suspension or revocation of a license, including any court
13 conviction, for any offense related to the preservation,
14 protection, management, or restoration of wildlife which is
15 prohibited by state statute, law, regulation, ordinance, or
16 administrative rule. The term also includes the forfeiture of
17 any bail, bond, or other security deposited to secure
18 appearance by a person charged with having committed any such
19 offense, the payment of a penalty assessment, a plea of nolo
20 contendere, or the imposition of a deferred or suspended
21 sentence by the court.

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

24 (6) "Home state" means the state of primary residence
25 of a person.

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

28 (8) "License" means any license, permit, or other
29 public document that conveys to the person to whom it was
30 issued the privilege of pursuing, possessing, or taking any
31 wildlife regulated by statute, law, regulation, ordinance, or

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1 administrative rule of a participating state; any privilege to
2 obtain such license, permit, or other public document; or any
3 statutory exemption from the requirement to obtain such
4 license, permit, or other public document. However, when
5 applied to a license, permit, or privilege issued or granted
6 by the State of Florida, only a license or permit issued under
7 s. 372.57, or a privilege granted under s. 372.562, shall be
8 considered a license.

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

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

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

18 (12) "State" means any state, territory, or possession
19 of the United States, the District of Columbia, the
20 Commonwealth of Puerto Rico, the Provinces of Canada, and
21 other countries.

22 (13) "Suspension" means any revocation, denial, or
23 withdrawal of any or all license privileges, including the
24 privilege to apply for, purchase, or exercise the benefits
25 conferred by any license.

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

28 (15) "Wildlife" means all species of animals,
29 including, but not limited to, mammals, birds, fish, reptiles,
30 amphibians, mollusks, and crustaceans, which are defined as
31 "wildlife" and are protected or otherwise regulated by

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1 statute, law, regulation, ordinance, or administrative rule in
 2 a participating state. Species included in the definition of
 3 "wildlife" vary from state to state and the determination of
 4 whether a species is "wildlife" for the purposes of this
 5 compact shall be based on local law.

6 (16) "Wildlife law" means any statute, law,
 7 regulation, ordinance, or administrative rule developed and
 8 enacted for the management of wildlife resources and the uses
 9 thereof.

10 (17) "Wildlife officer" means any individual
 11 authorized by a participating state to issue a citation for a
 12 wildlife violation.

13 (18) "Wildlife violation" means any cited violation of
 14 a statute, law, regulation, ordinance, or administrative rule
 15 developed and enacted for the management of wildlife resources
 16 and the uses thereof.

17
 18 ARTICLE III

19 Procedures for Issuing State

20
 21 (1) When issuing a citation for a wildlife violation,
 22 a wildlife officer shall issue a citation to any person whose
 23 primary residence is in a participating state in the same
 24 manner as though the person were a resident of the issuing
 25 state and shall not require such person to post collateral to
 26 secure appearance, subject to the exceptions noted in
 27 subsection (2), if the officer receives the recognizance of
 28 such person that he will comply with the terms of the
 29 citation.

30 (2) Personal recognizance is acceptable if not
 31 prohibited by local law; by policy, procedure, or regulation

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1 of the issuing agency; or by the compact manual and if the
2 violator provides adequate proof of identification to the
3 wildlife officer.

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

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

18
19 ARTICLE IV

20 Procedure for Home State

21
22 (1) Upon receipt of a report from the licensing
23 authority of the issuing state reporting the failure of a
24 violator to comply with the terms of a citation, the licensing
25 authority of the home state shall notify the violator and
26 shall initiate a suspension action in accordance with the home
27 state's suspension procedures and shall suspend the violator's
28 license privileges until satisfactory evidence of compliance
29 with the terms of the wildlife citation has been furnished by
30 the issuing state to the home state licensing authority.
31 Due-process safeguards shall be accorded.

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1 (2) Upon receipt of a report of conviction from the
 2 licensing authority of the issuing state, the licensing
 3 authority of the home state shall enter such conviction in its
 4 records and shall treat such conviction as though it occurred
 5 in the home state for purposes of the suspension of license
 6 privileges.

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

10
 11 ARTICLE V

12 Reciprocal Recognition of Suspension

13
 14 (1) Each participating state may recognize the
 15 suspension of license privileges of any person by any other
 16 participating state as though the violation resulting in the
 17 suspension had occurred in that state and would have been the
 18 basis for suspension of license privileges in that state.

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

22
 23 ARTICLE VI

24 Applicability of Other Laws

25
 26 Except as expressly required by provisions of this compact,
 27 this compact does not affect the right of any participating
 28 state to apply any of its laws relating to license privileges
 29 to any person or circumstance or to invalidate or prevent any
 30 agreement or other cooperative arrangement between a

31

1 participating state and a nonparticipating state concerning
2 the enforcement of wildlife laws.

3
4 ARTICLE VII

5 Compact Administrator Procedures

6
7 (1) For the purpose of administering the provisions of
8 this compact and to serve as a governing body for the
9 resolution of all matters relating to the operation of this
10 compact, a board of compact administrators is established. The
11 board shall be composed of one representative from each of the
12 participating states to be known as the compact administrator.
13 The compact administrator shall be appointed by the head of
14 the licensing authority of each participating state and shall
15 serve and be subject to removal in accordance with the laws of
16 the state he or she represents. A compact administrator may
17 provide for the discharge of his or her duties and the
18 performance of his or her functions as a board member by an
19 alternate. An alternate is not entitled to serve unless
20 written notification of his or her identity has been given to
21 the board.

22 (2) Each member of the board of compact administrators
23 shall be entitled to one vote. No action of the board shall be
24 binding unless taken at a meeting at which a majority of the
25 total number of the board's votes are cast in favor thereof.
26 Action by the board shall be only at a meeting at which a
27 majority of the participating states are represented.

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

30 (4) The board shall adopt bylaws not inconsistent with
31 the provisions of this compact or the laws of a participating

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1 state for the conduct of its business and shall have the power
2 to amend and rescind its bylaws.

3 (5) The board may accept for any of its purposes and
4 functions under this compact any and all donations and grants
5 of moneys, equipment, supplies, materials, and services,
6 conditional or otherwise, from any state, the United States,
7 or any governmental agency, and may receive, use, and dispose
8 of the same.

9 (6) The board may contract with, or accept services or
10 personnel from, any governmental or intergovernmental agency,
11 individual, firm, corporation, or private nonprofit
12 organization or institution.

13 (7) The board shall formulate all necessary procedures
14 and develop uniform forms and documents for administering the
15 provisions of this compact. All procedures and forms adopted
16 pursuant to board action shall be contained in a compact
17 manual.

18
19 ARTICLE VIII

20 Entry into Compact and Withdrawal

21
22 (1) This compact shall become effective at such time
23 as it is adopted in substantially similar form by two or more
24 states.

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

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

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

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

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

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

14 (3) A participating state may withdraw from
15 participation in this compact by official written notice to
16 each participating state, but withdrawal shall not become
17 effective until 90 days after the notice of withdrawal is
18 given. The notice must be directed to the compact
19 administrator of each member state. The withdrawal of any
20 state does not affect the validity of this compact as to the
21 remaining participating states.

22
23 ARTICLE IX

24 Amendments to the Compact

25
26 (1) This compact may be amended from time to time.
27 Amendments shall be presented in resolution form to the
28 chairman of the board of compact administrators and shall be
29 initiated by one or more participating states.
30
31

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

4
 5 ARTICLE X

6 Construction and Severability

7
 8 This compact shall be liberally construed so as to effectuate
 9 the purposes stated herein. The provisions of this compact are
 10 severable and if any phrase, clause, sentence, or provision of
 11 this compact is declared to be contrary to the constitution of
 12 any participating state or of the United States, or if the
 13 applicability thereof to any government, agency, individual,
 14 or circumstance is held invalid, the validity of the remainder
 15 of this compact shall not be affected thereby. If this compact
 16 is held contrary to the constitution of any participating
 17 state, the compact shall remain in full force and effect as to
 18 the remaining states and in full force and effect as to the
 19 participating state affected as to all severable matters.

20
 21 ARTICLE XI

22 Title

23
 24 This compact shall be known as the "Wildlife Violator
 25 Compact."

26 Section 34. Section 372.8311, Florida Statutes, is
 27 created to read:

28 372.8311 Compact licensing and enforcement authority;
 29 administrative review.--

30 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes
 31 of this act and the interstate wildlife violator compact, the

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1 Fish and Wildlife Conservation Commission is the licensing
2 authority for the State of Florida and shall enforce the
3 interstate Wildlife Violators Compact and shall do all things
4 within the commission's jurisdiction which are necessary to
5 effectuate the purposes and the intent of the compact. The
6 commission may execute a resolution of ratification to
7 formalize the State of Florida's entry into the compact. Upon
8 adoption of the Wildlife Violators Compact, the commission may
9 adopt rules to administer the provisions of the compact.

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

14 Section 35. For purposes of incorporating the crossbow
15 season permit established under s. 372.57, Florida Statutes,
16 the hunter safety course exemption established under s.
17 372.5717, Florida Statutes, and the Wildlife Violator Compact
18 established under s. 372.831, Florida Statutes, the Fish and
19 Wildlife Conservation Commission shall update the automated
20 licensing system authorized under s. 372.551, Florida
21 Statutes, by no later than August 1, 2006.

22 Section 36. Sections 372.711 and 372.912, Florida
23 Statutes, are repealed.

24 Section 37. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 2202

- Amends the definition of "commercial harvester" to include any person, firm, or corporation that takes, harvests, or attempts to take or harvest saltwater products for sale.
- Provides that the civil penalty for a Level One violation involving the licensing and permit requirements of s. 372.57, F.S., is \$50 plus the cost of the license or permit, unless the person commits a Level One violation involving this statute and has committed the same Level One violation within the preceding 36 months, in which case the civil penalty is \$100 plus the cost of the license or permit.
- Provides that the civil penalty for any other Level One violation is \$50, unless the person has previously committed the same Level One violation within the preceding 36 months, in which case the civil penalty is \$100.
- Provides that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any resident who holds a valid license under s. 372.65(1)(a), F.S.
- Provides that, for purposes of incorporating the crossbow permit, hunter safety exemption, and Wildlife Violator Compact, the commission must update the automated licensing system by no later than August 1, 2006.
- Repeals s. 372.912, F.S., relating to noncriminal infractions.