

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Troutman offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

9 370.01 Definitions.--In construing these statutes, where
10 the context does not clearly indicate otherwise, the word,
11 phrase, or term:

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

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18 recreational amounts of any saltwater product being taken or
19 harvested; or that is harvesting any saltwater product in an
20 amount that is at least two times the recreational bag limit for
21 the saltwater product being taken or harvested.

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

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

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

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

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

38
39 Upon final disposition of any alleged offense for which a
40 citation for any violation of this chapter or the rules of the
41 commission has been issued, the court shall, within 10 days,
42 certify the disposition to the commission.

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

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47 (a) For a violation involving more than 100 illegal blue
48 crabs, spiny lobster ~~erawfish~~, or stone crabs, an additional
49 penalty of \$10 for each illegal blue crab, spiny lobster
50 ~~erawfish~~, stone crab, or part thereof.

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

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

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

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

- 66 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 67 2. Atlantic sturgeon (*Acipenser oxyrinchus*);
- 68 3. Common snook (*Centropomus undecimalis*);
- 69 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 70 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 71 6. Leatherback turtle (*Dermochelys coriacea*);
- 72 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
73 *imbracata*);
- 74 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 75 9. West Indian manatee (*Trichechus manatus latirostris*),

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76
77 an additional penalty of \$100 for each unit of marine life or
78 part thereof.

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

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

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

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

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

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105 single violation involving possession of more than 25 stone
106 crabs during the closed season or possession of 25 or more
107 whole-bodied or egg-bearing stone crabs; any violation for trap
108 molestation, trap robbing, or pulling traps at night; or any
109 combination of violations in any 3-consecutive-year period
110 wherein more than 75 illegal stone crabs in the aggregate are
111 involved.

112 (j) Upon the arrest and conviction for a major violation
113 involving spiny lobster ~~erawfish~~, the licenseholder must show
114 just cause why his or her license should not be suspended or
115 revoked. For the purposes of this paragraph, a "major violation"
116 means a major violation as prescribed for illegal spiny lobster
117 ~~erawfish~~; any single violation involving possession of more than
118 25 spiny lobster ~~erawfish~~ during the closed season or possession
119 of more than 25 wrung spiny lobster ~~erawfish~~ tails or more than
120 25 egg-bearing or stripped spiny lobster ~~erawfish~~; any violation
121 for trap molestation, trap robbing, or pulling traps at night;
122 or any combination of violations in any 3-consecutive-year
123 period wherein more than 75 illegal spiny lobster ~~erawfish~~ in
124 the aggregate are involved.

125 (k) Upon the arrest and conviction for a major violation
126 involving blue crabs, the licenseholder shall show just cause
127 why his or her saltwater products license should not be
128 suspended or revoked. This paragraph shall not apply to an
129 individual fishing with no more than five traps. For the
130 purposes of this paragraph, a "major violation" means a major
131 violation as prescribed for illegal blue crabs, any single
132 violation wherein 50 or more illegal blue crabs are involved;
133 any violation for trap molestation, trap robbing, or pulling

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

137 (l) Upon the conviction for a major violation involving
138 finfish, the licenseholder must show just cause why his or her
139 saltwater products license should not be suspended or revoked.
140 For the purposes of this paragraph, a major violation is
141 prescribed for the taking and harvesting of illegal finfish, any
142 single violation involving the possession of more than 100
143 pounds of illegal finfish, or any combination of violations in
144 any 3-consecutive-year period wherein more than 200 pounds of
145 illegal finfish in the aggregate are involved.

146 (m) For a violation involving the taking or harvesting of
147 any marine life species, as those species are defined by rule of
148 the commission, the harvest of which is prohibited, or the
149 taking or harvesting of such a species out of season, or with an
150 illegal gear or chemical, or any violation involving the
151 possession of 25 or more individual specimens of marine life
152 species, or any combination of violations in any 3-year period
153 involving more than 70 such specimens in the aggregate, the
154 suspension or revocation of the licenseholder's marine life
155 endorsement as provided in paragraph (h).

156
157 The penalty provisions of this subsection apply to commercial
158 harvesters and wholesale and retail dealers as defined in s.
159 370.07. Any other person who commits a major violation under
160 this subsection commits a Level Three violation under s. 372.83.

161 Notwithstanding the provisions of s. 948.01, no court may
162 suspend, defer, or withhold adjudication of guilt or imposition
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163 of sentence for any major violation prescribed in this
164 subsection. The proceeds from the penalties assessed pursuant to
165 this subsection shall be deposited into the Marine Resources
166 Conservation Trust Fund to be used for marine fisheries research
167 or into the commission's Federal Law Enforcement Trust Fund as
168 provided in s. 372.107, as applicable.

169 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
170 CERTAIN FINFISH.--

171 (a) It is a major violation under ~~pursuant to~~ this
172 section, ~~punishable as provided in paragraph (3)(b)~~, for any
173 person to be in possession of any species of trout, snook, or
174 redbfish which is three fish in excess of the recreational or
175 commercial daily bag limit.

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

180 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
181 HARVESTED PRODUCTS.--In addition to other penalties authorized
182 in this chapter, any violation of s. 370.06 or s. 370.07, or
183 rules of the commission implementing s. 370.06 or s. 370.07,
184 involving the purchase of saltwater products by a commercial
185 wholesale dealer, retail dealer, or restaurant facility for
186 public consumption from an unlicensed person, firm, or
187 corporation, ~~or the sale of saltwater products by an unlicensed~~
188 ~~person, firm, or corporation~~ or the purchase or sale of any
189 saltwater product known to be taken in violation of s. 16, Art.
190 X of the State Constitution, or rule or statute implementing the
191 provisions thereof, by a commercial wholesale dealer, retail

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192 dealer, or restaurant facility, for public consumption, is a
193 major violation, and the commission may assess the following
194 penalties:

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

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

202 (c) For a third or subsequent violation occurring within a
203 24-month period, the commission shall assess a civil penalty of
204 \$5,000 and shall suspend the wholesale or retail dealer's
205 license privileges for up to 24 months.

206
207 Any proceeds from the civil penalties assessed pursuant to this
208 subsection shall be deposited into the Marine Resources
209 Conservation Trust Fund and shall be used as follows: 40 percent
210 for administration and processing purposes and 60 percent for
211 law enforcement purposes.

212 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
213 HARVEST.--It is a major violation and punishable as provided in
214 this subsection for any an unlicensed person, firm, or
215 corporation who is required to be licensed under this chapter as
216 a commercial harvester or a wholesale or retail dealer to sell
217 or purchase any saltwater product or to harvest or attempt to
218 harvest any saltwater product with intent to sell the saltwater
219 product.

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

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

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

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

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

243 5. A fourth or subsequent violation is a felony of the
244 third degree, punishable as provided in s. 775.082 or s.
245 775.083, with a mandatory minimum term of imprisonment of 1
246 year, and such person shall be assessed a civil penalty of
247 \$5,000 and all license privileges under this chapter and chapter
248 372 shall be permanently revoked.

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

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

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

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

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278 3. A third violation within 24 months of the second
279 violation or subsequent violation is a third degree felony,
280 punishable as provided in ss. 775.082 and 775.083, with a
281 mandatory minimum term of imprisonment of 1 year, and such
282 commercial harvester or wholesale or retail dealer ~~person~~ shall
283 be assessed a mandatory civil penalty of up to \$5,000 and an
284 additional suspension of all license privileges under this
285 chapter and chapter 372 for a period not exceeding 24 months.
286 All property involved in such offense shall be forfeited
287 pursuant to s. 370.061.

288 (d) Any commercial harvester ~~person~~ who harvests or
289 attempts to harvest any saltwater product with intent to sell
290 the saltwater product without having purchased a saltwater
291 products license with the requisite endorsements is subject to
292 penalties as follows:

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

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

301 3. A third violation is a misdemeanor of the first degree,
302 punishable as provided in s. 775.082 or s. 775.083, with a
303 mandatory minimum term of imprisonment of 6 months, and such
304 commercial harvester ~~person~~ may also be assessed a civil penalty
305 of up to \$5,000 and is subject to a suspension of all license

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306 | privileges under this chapter and chapter 372 for a period not
307 | exceeding 6 months.

308 | 4. A third violation within 1 year after a second
309 | violation is a felony of the third degree, punishable as
310 | provided in s. 775.082 or s. 775.083, with a mandatory minimum
311 | term of imprisonment of 1 year, and such commercial harvester
312 | ~~person~~ shall also be assessed a civil penalty of \$5,000 and all
313 | license privileges under this chapter and chapter 372 shall be
314 | permanently revoked.

315 | 5. A fourth or subsequent violation is a felony of the
316 | third degree, punishable as provided in s. 775.082 or s.
317 | 775.083, with a mandatory minimum term of imprisonment of 1
318 | year, and such commercial harvester ~~person~~ shall also be
319 | assessed a mandatory civil penalty of \$5,000 and all license
320 | privileges under this chapter and chapter 372 shall be
321 | permanently revoked.

322 |
323 | For purposes of this subsection, a violation means any judicial
324 | disposition other than acquittal or dismissal.

325 | (12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
326 | purposes of imposing license or permit suspensions or
327 | revocations authorized by this chapter, the license or permit
328 | under which the violation was committed is subject to suspension
329 | or revocation by the commission. For purposes of assessing
330 | monetary civil or administrative penalties authorized by this
331 | chapter, the commercial harvester ~~person, firm, or corporation~~
332 | cited and subsequently receiving a judicial disposition of other
333 | than dismissal or acquittal in a court of law is subject to the
334 | monetary penalty assessment by the commission. However, if the
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335 license or permit holder of record is not the commercial
336 harvester ~~person, firm, or corporation~~ receiving the citation
337 and judicial disposition, the license or permit may be suspended
338 or revoked only after the license or permit holder has been
339 notified by the commission that the license or permit has been
340 cited in a major violation and is now subject to suspension or
341 revocation should the license or permit be cited for subsequent
342 major violations.

343 Section 3. Section 370.028, Florida Statutes, is amended
344 to read:

345 370.028 Enforcement of commission rules; penalties for
346 violation of rule.--Rules of the Fish and Wildlife Conservation
347 Commission shall be enforced by any law enforcement officer
348 certified pursuant to s. 943.13. Except as provided under s.
349 372.83, any person who violates or otherwise fails to comply
350 with any rule adopted by the commission shall be punished
351 pursuant to s. 370.021(1).

352 Section 4. Paragraph (d) of subsection (5) of section
353 370.061, Florida Statutes, is amended to read:

354 370.061 Confiscation, seizure, and forfeiture of property
355 and products.--

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

358 (d) For purposes of confiscation under this subsection,
359 the term "saltwater products" has the meaning set out in s.
360 370.01(27) ~~s. 370.01(26)~~, except that the term does not include
361 saltwater products harvested under the authority of a
362 recreational license unless the amount of such harvested

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

365 Section 5. Section 370.063, Florida Statutes, is amended
366 to read:

367 370.063 Special recreational spiny lobster ~~erawfish~~
368 license.--There is created a special recreational spiny lobster
369 ~~erawfish~~ license, to be issued to qualified persons as provided
370 by this section for the recreational harvest of spiny lobster
371 ~~erawfish (spiny lobster)~~ beginning August 5, 1994.

372 (1) The special recreational spiny lobster ~~erawfish~~
373 license shall be available to any individual spiny lobster
374 ~~erawfish~~ trap number holder who also possesses a saltwater
375 products license during the 1993-1994 license year. A person
376 issued a special recreational spiny lobster ~~erawfish~~ license may
377 not also possess a trap number.

378 (2) The special recreational spiny lobster ~~erawfish~~
379 license is required in order to harvest spiny lobster ~~erawfish~~
380 from state territorial waters in quantities in excess of the
381 regular recreational bag limit but not in excess of a special
382 bag limit as established by the Marine Fisheries Commission for
383 these harvesters before the 1994-1995 license year. Such special
384 bag limit does not apply during the 2-day sport season
385 established by the Fish and Wildlife Conservation Commission.

386 (3) The holder of a special recreational spiny lobster
387 ~~erawfish~~ license must also possess the recreational spiny
388 lobster ~~erawfish~~ permit required by s. 372.57(8) (d).

389 (4) As a condition precedent to the issuance of a special
390 recreational spiny lobster ~~erawfish~~ license, the applicant must
391 agree to file quarterly reports with the Fish and Wildlife

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392 Conservation Commission in such form as the commission requires,
393 detailing the amount of the licenseholder's spiny lobster
394 ~~erawfish (spiny lobster)~~ harvest in the previous quarter,
395 including the harvest of other recreational harvesters aboard
396 the licenseholder's vessel.

397 (5) The Fish and Wildlife Conservation Commission shall
398 issue special recreational spiny lobster ~~erawfish~~ licenses. The
399 fee for each such license is \$100 per year. Each license issued
400 in any license year must be renewed by June 30 of each
401 subsequent year by the initial individual holder thereof.
402 Noncompliance with the reporting requirement in subsection (4)
403 or with the special recreational bag limit established under
404 subsection (6) constitutes grounds for which the commission may
405 refuse to renew the license for a subsequent license year. The
406 number of such licenses outstanding in any one license year may
407 not exceed the number issued for the 1994-1995 license year. A
408 license is not transferable by any method. Licenses that are not
409 renewed expire and may be reissued by the commission in the
410 subsequent license year to new applicants otherwise qualified
411 under this section.

412 (6) To promote conservation of the spiny lobster
413 ~~(erawfish)~~ resource, consistent with equitable distribution and
414 availability of the resource, the commission shall establish a
415 spiny lobster management plan incorporating the special
416 recreational spiny lobster ~~erawfish~~ license, including, but not
417 limited to, the establishment of a special recreational bag
418 limit for the holders of such license as required by subsection
419 (2). Such special recreational bag limit must not be less than
420 twice the higher of the daily recreational bag limits.

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

424 (a) Thirty-five percent for research and the development
425 of reliable recreational catch statistics for the spiny lobster
426 ~~erawfish (spiny lobster)~~ fishery.

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

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

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

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

434 370.08 Fishers and equipment; regulation.--

435 (8) PENALTIES.--A commercial harvester who violates this
436 section shall be punished under s. 370.021. Any other person who
437 violates this section commits a Level Two violation under s.
438 372.83.

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

441 370.081 Illegal importation or possession of nonindigenous
442 marine plants and animals; rules and regulations.--

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

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

447 370.1105 Saltwater finfish; fishing traps regulated.--

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448 (4) A commercial harvester who violates this section shall
449 be punished under s. 370.021. Any other person who violates this
450 section commits a Level Two violation under s. 372.83.

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

453 370.1121 Bonefish; regulation.--

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

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

461 370.13 Stone crab; regulation.--

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

466 (a) It is unlawful to violate commission rules regulating
467 stone crab trap certificates and trap tags. No person may use an
468 expired tag or a stone crab trap tag not issued by the
469 commission or possess or use a stone crab trap in or on state
470 waters or adjacent federal waters without having a trap tag
471 required by the commission firmly attached thereto.

472 1. In addition to any other penalties provided in s.
473 370.021, for any commercial harvester who violates this
474 paragraph, person, firm, or corporation who violates rule 68B-
475 13.010(2), Florida Administrative Code, or rule 68B-13.011(5),

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476 ~~(6), (7), (8), or (11), Florida Administrative Code,~~ the
477 following administrative penalties apply.

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

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

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

492 ~~d.4-~~ A fourth violation that occurs within 48 months of
493 any three previous such violations, shall result in permanent
494 revocation of all of the violator's saltwater fishing
495 privileges, including having the commission proceed against the
496 endorsement holder's saltwater products license in accordance
497 with s. 370.021.

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

500

501 Any commercial harvester ~~person~~ assessed an administrative
502 penalty under this paragraph shall, within 30 calendar days
503 after notification, pay the administrative penalty to the
504 commission, or request an administrative hearing under ss.
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505 120.569 and 120.57. The proceeds of all administrative
506 penalties collected under this paragraph shall be deposited in
507 the Marine Resources Conservation Trust Fund.

508 (b) It is unlawful for any commercial harvester ~~person~~ to
509 remove the contents of another harvester's stone crab trap or
510 take possession of such without the express written consent of
511 the trap owner available for immediate inspection. Unauthorized
512 possession of another's trap gear or removal of trap contents
513 constitutes theft.

514 1. Any commercial harvester ~~person~~ convicted of theft of
515 or from a trap pursuant to this subsection or s. 370.1107 shall,
516 in addition to the penalties specified in s. 370.021 and the
517 provisions of this section, permanently lose all ~~his or her~~
518 saltwater fishing privileges, including saltwater products
519 licenses, stone crab or incidental take endorsements, and all
520 trap certificates allotted to such commercial harvester ~~him or~~
521 ~~her~~ by the commission. In such cases, trap certificates and
522 endorsements are nontransferable.

523 2. In addition, any commercial harvester ~~person, firm, or~~
524 ~~corporation~~ convicted of violating the prohibitions referenced
525 in this paragraph shall also be assessed an administrative
526 penalty of up to \$5,000. Immediately upon receiving a citation
527 for a violation involving theft of or from a trap and until
528 adjudicated for such a violation, or, upon receipt of a judicial
529 disposition other than dismissal or acquittal on such a
530 violation, the violator is prohibited from transferring any
531 stone crab or spiny lobster certificates.

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

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534 (c)1. It is unlawful to violate ~~Any person, firm, or~~
535 ~~corporation convicted of violating~~ commission rules that
536 prohibit any of the following: ~~, commits a felony of the third~~
537 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
538 ~~775.084.~~

539 a.1. The willful molestation of any stone crab trap, line,
540 or buoy that is the property of any licenseholder, without the
541 permission of that licenseholder.

542 b.2. The bartering, trading, or sale, or conspiring or
543 aiding in such barter, trade, or sale, or supplying, agreeing to
544 supply, aiding in supplying, or giving away stone crab trap tags
545 or certificates unless the action is duly authorized by the
546 commission as provided by commission rules.

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

549 d.4. Possession of forged, counterfeit, or imitation stone
550 crab trap tags.

551 e.5. Engaging in the commercial harvest of stone crabs
552 during the time either of the endorsements is under suspension
553 or revocation.

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

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

559
560 In addition, any commercial harvester ~~person, firm, or~~
561 ~~corporation~~ convicted of violating this paragraph shall also be
562 assessed an administrative penalty of up to \$5,000, and the

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563 incidental take endorsement and/or the stone crab endorsement
564 under which the violation was committed may be suspended for up
565 to 24 calendar months. Immediately upon receiving a citation
566 involving a violation of this paragraph and until adjudicated
567 for such a violation, or if convicted of such a violation, the
568 person, firm, or corporation committing the violation is
569 prohibited from transferring any stone crab certificates or
570 endorsements.

571 (d) For any commercial harvester ~~person, firm, or~~
572 ~~corporation~~ convicted of fraudulently reporting the actual value
573 of transferred stone crab certificates, the commission may
574 automatically suspend or permanently revoke the seller's or the
575 purchaser's stone crab endorsements. If the endorsement is
576 permanently revoked, the commission shall also permanently
577 deactivate the endorsement holder's stone crab certificate
578 accounts. Whether an endorsement is suspended or revoked, the
579 commission may also levy a fine against the holder of the
580 endorsement of up to twice the appropriate surcharge to be paid
581 based on the fair market value of the transferred certificates.

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

584 370.135 Blue crab; regulation.--

585 (1)(a) No commercial harvester ~~person, firm, or~~
586 ~~corporation~~ shall transport on the water, fish with or cause to
587 be fished with, set, or place any trap designed for taking blue
588 crabs unless such commercial harvester ~~person, firm, or~~
589 ~~corporation~~ is the holder of a valid saltwater products license
590 issued pursuant to s. 370.06 and the trap has a current state
591 number permanently attached to the buoy. The trap number shall
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592 be affixed in legible figures at least 1 inch high on each buoy
593 used. The saltwater products license must be on board the boat,
594 and both the license and the crabs shall be subject to
595 inspection at all times. Only one trap number may be issued for
596 each boat by the commission upon receipt of an application on
597 forms prescribed by it. This subsection shall not apply to an
598 individual fishing with no more than five traps.

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

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

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

609
610 Any commercial harvester ~~person~~ receiving a judicial disposition
611 other than dismissal or acquittal on a charge of willful
612 molestation of a trap, in addition to the penalties specified in
613 s. 370.021, shall lose all saltwater fishing privileges for a
614 period of 24 calendar months.

615 (c)1. It is unlawful for any person to remove the contents
616 of or take possession of another harvester's blue crab trap
617 without the express written consent of the trap owner available
618 for immediate inspection. Unauthorized possession of another's
619 trap gear or removal of trap contents constitutes theft.

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620 a. Any commercial harvester ~~person~~ receiving a judicial
621 disposition other than dismissal or acquittal on a charge of
622 theft of or from a trap pursuant to this section or s. 370.1107
623 shall, in addition to the penalties specified in s. 370.021 and
624 the provisions of this section, permanently lose all ~~his or her~~
625 saltwater fishing privileges, including any ~~his or her~~ saltwater
626 products license and blue crab endorsement. In such cases
627 endorsements, ~~landings history, and trap certificates~~ are
628 nontransferable.

629 b. In addition, any commercial harvester ~~person, firm, or~~
630 ~~corporation~~ receiving a judicial disposition other than
631 dismissal or acquittal for violating this subsection or s.
632 370.1107 shall also be assessed an administrative penalty of up
633 to \$5,000. Immediately upon receiving a citation for a violation
634 involving theft of or from a trap and until adjudicated for such
635 a violation, or receiving a judicial disposition other than
636 dismissal or acquittal for such a violation, the commercial
637 harvester ~~person, firm, or corporation~~ committing the violation
638 is prohibited from transferring any blue crab endorsements,
639 ~~landings history, or trap certificates~~.

640 2. A commercial harvester who violates this paragraph
641 shall be punished under s. 370.021. Any other person who
642 violates this paragraph commits a Level Two violation under s.
643 372.83.

644 Section 12. Section 370.14, Florida Statutes, is amended
645 to read:

646 370.14 Spiny lobster ~~Crawfish~~; regulation.--

647 (1) It is the intent of the Legislature to maintain the
648 spiny lobster ~~crawfish~~ industry for the economy of the state and
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649 to conserve the stocks supplying this industry. The provisions
650 of this act regulating the taking of spiny lobster ~~saltwater~~
651 ~~erawfish~~ are for the purposes of ensuring and maintaining the
652 highest possible production of spiny lobster ~~saltwater~~ ~~erawfish~~.

653 (2) (a) 1. Each commercial harvester ~~person~~ taking or
654 attempting to take spiny lobster ~~erawfish~~ with a trap in
655 commercial quantities or for commercial purposes shall obtain
656 and exhibit a spiny lobster ~~erawfish~~ trap number, as required by
657 the Fish and Wildlife Conservation Commission. The annual fee
658 for a spiny lobster ~~erawfish~~ trap number is \$125. This trap
659 number may be issued by the commission upon the receipt of
660 application by the commercial harvester ~~person~~ when accompanied
661 by the payment of the fee. The design of the applications and of
662 the trap number shall be determined by the commission. Any trap
663 or device used in taking or attempting to take spiny lobster
664 ~~erawfish~~, other than a trap with the trap number, shall be
665 seized and destroyed by the commission. The proceeds of the fees
666 imposed by this paragraph shall be deposited and used as
667 provided in paragraph (b). The commission may adopt rules to
668 carry out the intent of this section.

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

674 (b) Twenty-five dollars of the \$125 fee for a spiny
675 lobster ~~erawfish~~ trap number required under subparagraph (a) 1.
676 must be used only for trap retrieval as provided in s. 370.143.

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677 The remainder of the fees collected pursuant to paragraph (a)
678 shall be deposited as follows:

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

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

685 (3) The spiny lobster ~~erawfish~~ license must be on board
686 the boat, and both the license and the harvested spiny lobster
687 ~~erawfish~~ shall be subject to inspection at all times. Only one
688 license shall be issued for each boat. The spiny lobster
689 ~~erawfish~~ license number must be prominently displayed above the
690 topmost portion of the boat so as to be easily and readily
691 identified.

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

697 (b) A commercial harvester who violates this subsection
698 commits a felony of the third degree, punishable as provided in
699 s. 775.082 or s. 775.083. Any other person who violates this
700 subsection commits a Level Four violation under s. 372.83.

701 (5) Any spiny lobster ~~erawfish~~ licenseholder, upon selling
702 licensed spiny lobster ~~erawfish~~ traps, shall furnish the
703 commission notice of such sale of all or part of his or her
704 interest within 15 days thereof. Any holder of said license
705 shall also notify the commission within 15 days if his or her

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

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

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

721 (c) At the time the spiny lobster ~~crawfish~~ cargo is
722 delivered to the permitholder's place of business, the spiny
723 lobster ~~crawfish~~ cargo shall be weighed and shall be available
724 for inspection by the commission. A signed receipt of such
725 quantity in pounds shall be forwarded to the commission within
726 48 hours after shipment weigh-in completion. If requested by the
727 commission, the weigh-in process will be delayed up to 4 hours
728 to allow for a commission representative to be present during
729 the process.

730 (d) Within 48 hours after shipment weigh-in completion,
731 the permitholder shall submit to the commission, on forms
732 provided by the commission, a sworn report of the quantity in
733 pounds of the spiny lobster ~~saltwater crawfish~~ received, which
734 report shall include the location of said spiny lobster ~~crawfish~~

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735 and a sworn statement that said spiny lobster ~~erawfish~~ were
736 taken at least 50 miles from Florida's shoreline. The landing
737 of spiny lobster ~~erawfish~~ or spiny lobster ~~erawfish~~ tails from
738 which the eggs, swimmerettes, or pleopods have been removed; the
739 falsification of information as to area from which spiny lobster
740 ~~erawfish~~ were obtained; or the failure to file the report called
741 for in this section shall be grounds to revoke the permit.

742 (e) Each permitholder shall keep throughout the period of
743 the closed season copies of the bill of sale or invoices
744 covering each transaction involving spiny lobster ~~erawfish~~
745 imported under this permit. Such invoices and bills shall be
746 kept available at all times for inspection by the commission.

747 (7) (a) A Florida-licensed seafood dealer may obtain a
748 special permit to import, process, and package uncooked tails of
749 spiny lobster ~~saltwater erawfish~~ upon the payment of the sum of
750 \$100 to the commission.

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

756 (c) All special permits issued under this subsection are
757 nontransferable.

758 (8) No common carrier or employee of said carrier may
759 carry, knowingly receive for carriage, or permit the carriage of
760 any spiny lobster ~~erawfish~~ of the species *Panulirus argus*,
761 regardless of where taken, during the closed season, except of
762 the species *Panulirus argus* lawfully imported from a foreign
763 country for reshipment outside of the territorial limits of the

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764 state under United States Customs bond or in accordance with
765 paragraph (7) (a).

766 Section 13. Paragraph (c) of subsection (2) of section
767 370.142, Florida Statutes, is amended to read:

768 370.142 Spiny lobster trap certificate program.--

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

774 (c) Prohibitions; penalties.--

775 1. It is unlawful for a person to possess or use a spiny
776 lobster trap in or on state waters or adjacent federal waters
777 without having affixed thereto the trap tag required by this
778 section. It is unlawful for a person to possess or use any
779 other gear or device designed to attract and enclose or
780 otherwise aid in the taking of spiny lobster by trapping that is
781 not a trap as defined by commission rule ~~in rule 68B-24.006(2),~~
782 ~~Florida Administrative Code.~~

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

786 3. It is unlawful for any person to willfully molest, take
787 possession of, or remove the contents of another harvester's
788 spiny lobster trap without the express written consent of the
789 trap owner available for immediate inspection. Unauthorized
790 possession of another's trap gear or removal of trap contents
791 constitutes theft.

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792 a. A commercial harvester who violates this subparagraph
793 shall be punished under ss. 370.021 and 370.14. Any commercial
794 harvester ~~person~~ receiving a judicial disposition other than
795 dismissal or acquittal on a charge of theft of or from a trap
796 pursuant to this subparagraph or s. 370.1107 shall, in addition
797 to the penalties specified in ss. 370.021 and 370.14 and the
798 provisions of this section, permanently lose all his or her
799 saltwater fishing privileges, including his or her saltwater
800 products license, spiny lobster ~~crawfish~~ endorsement, and all
801 trap certificates allotted to him or her through this program.
802 In such cases, trap certificates and endorsements are
803 nontransferable.

804 b. Any commercial harvester ~~person~~ receiving a judicial
805 disposition other than dismissal or acquittal on a charge of
806 willful molestation of a trap, in addition to the penalties
807 specified in ss. 370.021 and 370.14, shall lose all saltwater
808 fishing privileges for a period of 24 calendar months.

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

814
815 Immediately upon receiving a citation for a violation involving
816 theft of or from a trap, or molestation of a trap, and until
817 adjudicated for such a violation or, upon receipt of a judicial
818 disposition other than dismissal or acquittal of such a
819 violation, the person, firm, or corporation committing the

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820 violation is prohibited from transferring any spiny lobster
821 ~~erawfish~~ trap certificates and endorsements.

822 4. In addition to any other penalties provided in s.
823 370.021, a commercial harvester, ~~as defined by rule 68B-~~
824 ~~24.002(1), Florida Administrative Code,~~ who violates the
825 provisions of this section, or commission rules ~~the provisions~~
826 relating to spiny lobster traps ~~of chapter 68B-24, Florida~~
827 ~~Administrative Code,~~ shall be punished as follows:

828 a. If the first violation is for violation of subparagraph
829 1. or subparagraph 2., the commission shall assess an additional
830 administrative civil penalty of up to \$1,000 and the spiny
831 lobster ~~erawfish~~ trap number issued pursuant to s. 370.14(2) or
832 (6) may be suspended for the remainder of the current license
833 year. For all other first violations, the commission shall
834 assess an additional administrative civil penalty of up to \$500.

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

842 c. For a third or subsequent violation of subparagraph 1.,
843 subparagraph 2., or subparagraph 3. which occurs within 36
844 months of any previous two such violations, the commission shall
845 assess an additional administrative civil penalty of up to
846 \$5,000 and may suspend the spiny lobster ~~erawfish~~ trap number
847 issued pursuant to s. 370.14(2) or (6) for a period of up to 24
848 months or may revoke the spiny lobster ~~erawfish~~ trap number and,

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849 | if revoking the spiny lobster ~~erawfish~~ trap number, may also
850 | proceed against the licenseholder's saltwater products license
851 | in accordance with the provisions of s. 370.021(2)(h).

852 | d. Any person assessed an additional administrative ~~civil~~
853 | penalty pursuant to this section shall within 30 calendar days
854 | after notification:

855 | (I) Pay the administrative ~~civil~~ penalty to the
856 | commission; or

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

859 | e. The commission shall suspend the spiny lobster ~~erawfish~~
860 | trap number issued pursuant to s. 370.14(2) or (6) for any
861 | person failing to comply with the provisions of sub-subparagraph
862 | d.

863 | 5.a. It is unlawful for any person to make, alter, forge,
864 | counterfeit, or reproduce a spiny lobster trap tag or
865 | certificate.

866 | b. It is unlawful for any person to knowingly have in his
867 | or her possession a forged, counterfeit, or imitation spiny
868 | lobster trap tag or certificate.

869 | c. It is unlawful for any person to barter, trade, sell,
870 | supply, agree to supply, aid in supplying, or give away a spiny
871 | lobster trap tag or certificate or to conspire to barter, trade,
872 | sell, supply, aid in supplying, or give away a spiny lobster
873 | trap tag or certificate unless such action is duly authorized by
874 | the commission as provided in this chapter or in the rules of
875 | the commission.

876 | 6.a. Any commercial harvester ~~person~~ who violates the
877 | provisions of subparagraph 5., or any commercial harvester
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878 ~~person~~ who engages in the commercial harvest, trapping, or
879 possession of spiny lobster without a spiny lobster ~~erawfish~~
880 trap number as required by s. 370.14(2) or (6) or during any
881 period while such spiny lobster ~~erawfish~~ trap number is under
882 suspension or revocation, commits a felony of the third degree,
883 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

892 7. Any certificates for which the annual certificate fee
893 is not paid for a period of 3 years shall be considered
894 abandoned and shall revert to the commission. During any period
895 of trap reduction, any certificates reverting to the commission
896 shall become permanently unavailable and be considered in that
897 amount to be reduced during the next license-year period.
898 Otherwise, any certificates that revert to the commission are to
899 be reallocated in such manner as provided by the commission.

900 8. The proceeds of all civil penalties collected pursuant
901 to subparagraph 4. and all fines collected pursuant to sub-
902 subparagraph 6.b. shall be deposited into the Marine Resources
903 Conservation Trust Fund.

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

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

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

910 372.562 Recreational licenses and permits; exemptions from
911 fees and requirements.--

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

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

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

919 372.57 Recreational licenses, permits, and authorization
920 numbers; fees established.--

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

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

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

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

927 (d) Annual combination hunting and freshwater fishing
928 license, \$22.

929 (e) Annual combination freshwater fishing and saltwater
930 fishing license, \$24.

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

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

934 However, a resident with a valid hunting license or a no-cost
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935 license who is taking fur-bearing animals for noncommercial
936 purposes using guns or dogs only, and not traps or other
937 devices, is not required to purchase this license. Also, a
938 resident 65 years of age or older is not required to purchase
939 this license.

940 (h) Annual sportsman's license, \$71 ~~\$66~~, except that an
941 annual sportsman's license for a resident 64 years of age or
942 older is \$12. A sportsman's license authorizes the person to
943 whom it is issued to take game and freshwater fish, subject to
944 the state and federal laws, rules, and regulations, including
945 rules of the commission, in effect at the time of the taking.
946 Other authorized activities include activities authorized by a
947 management area permit, a muzzle-loading gun season permit, a
948 crossbow season permit, a turkey permit, a Florida waterfowl
949 permit, and an archery season permit.

950 (i) Annual gold sportsman's license, \$87 ~~\$82~~. The gold
951 sportsman's license authorizes the person to whom it is issued
952 to take freshwater fish, saltwater fish, and game, subject to
953 the state and federal laws, rules, and regulations, including
954 rules of the commission, in effect at the time of taking. Other
955 authorized activities include activities authorized by a
956 management area permit, a muzzle-loading gun season permit, a
957 crossbow season permit, a turkey permit, a Florida waterfowl
958 permit, an archery season permit, a snook permit, and a spiny
959 lobster ~~erawfish~~ permit.

960 (j) Annual military gold sportsman's license, \$18.50. The
961 gold sportsman's license authorizes the person to whom it is
962 issued to take freshwater fish, saltwater fish, and game,
963 subject to the state and federal laws, rules, and regulations,

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964 including rules of the commission, in effect at the time of
965 taking. Other authorized activities include activities
966 authorized by a management area permit, a muzzle-loading gun
967 season permit, a crossbow season permit, a turkey permit, a
968 Florida waterfowl permit, an archery season permit, a snook
969 permit, and a spiny lobster ~~crawfish~~ permit. Any resident who is
970 an active or retired member of the United States Armed Forces,
971 the United States Armed Forces Reserve, the National Guard, the
972 United States Coast Guard, or the United States Coast Guard
973 Reserve is eligible to purchase the military gold sportsman's
974 license upon submission of a current military identification
975 card.

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

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

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

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

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

991 (d) An annual spiny lobster ~~crawfish~~ permit for a resident
992 or nonresident to take or possess any spiny lobster ~~crawfish~~ for
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993 recreational purposes from any waters of the state is \$2.
994 Revenue generated from the sale of spiny lobster ~~erawfish~~
995 permits shall be used exclusively for programs to benefit the
996 spiny lobster ~~erawfish~~ population.

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

998 1. An annual archery season permit for a resident or
999 nonresident to hunt within the state during any archery season
1000 authorized by the commission.

1001 2. An annual crossbow season permit for a resident or
1002 nonresident to hunt within the state during any crossbow season
1003 authorized by the commission.

1004 3. An annual muzzle-loading gun season permit for a
1005 resident or nonresident to hunt within the state during any ~~with~~
1006 ~~a muzzle-loading gun~~ season ~~is \$5. Hunting with a muzzle-loading~~
1007 ~~gun is limited to game seasons in which hunting with a modern~~
1008 ~~firearm is not authorized by the commission.~~

1009 ~~(f) An annual archery permit for a resident or nonresident~~
1010 ~~to hunt within the state with a bow and arrow is \$5. Hunting~~
1011 ~~with an archery permit is limited to those game seasons in which~~
1012 ~~hunting with a firearm is not authorized by the commission.~~

1013 ~~(f)(g)~~ A special use permit for a resident or nonresident
1014 to participate in limited entry hunting or fishing activities as
1015 authorized by commission rule shall not exceed \$100 per day or
1016 \$250 per week. Notwithstanding any other provision of this
1017 chapter, there are no exclusions, exceptions, or exemptions from
1018 this permit fee. In addition to the permit fee, the commission
1019 may charge each special use permit applicant a nonrefundable
1020 application fee not to exceed \$10.

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1021 ~~(g)~~(h)1. A management area permit for a resident or
1022 nonresident to hunt on, fish on, or otherwise use for outdoor
1023 recreational purposes land owned, leased, or managed by the
1024 commission, or by the state for the use and benefit of the
1025 commission, shall not exceed \$25 per year.

1026 2. Permit fees for short-term use of land that is owned,
1027 leased, or managed by the commission may be established by rule
1028 of the commission for activities on such lands. Such permits
1029 may be in lieu of, or in addition to, the annual management area
1030 permit authorized in subparagraph 1.

1031 3. Other than for hunting or fishing, the provisions of
1032 this paragraph shall not apply on any lands not owned by the
1033 commission, unless the commission has obtained the written
1034 consent of the owner or primary custodian of such lands.

1035 ~~(h)~~(i)1. A recreational user permit is required to hunt
1036 on, fish on, or otherwise use for outdoor recreational purposes
1037 land leased by the commission from private nongovernmental
1038 owners, except for those lands located directly north of the
1039 Apalachicola National Forest, east of the Ochlocknee River until
1040 the point the river meets the dam forming Lake Talquin, and
1041 south of the closest federal highway. The fee for a recreational
1042 user permit shall be based upon the economic compensation
1043 desired by the landowner, game population levels, desired hunter
1044 density, and administrative costs. The permit fee shall be set
1045 by commission rule on a per-acre basis. The recreational user
1046 permit fee, less administrative costs of up to \$25 per permit,
1047 shall be remitted to the landowner as provided in the lease
1048 agreement for each area.

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1049 2. One minor dependent, 16 years of age or younger, may
1050 hunt under the supervision of the permittee and is exempt from
1051 the recreational user permit requirements. The spouse and
1052 dependent children of a permittee are exempt from the
1053 recreational user permit requirements when engaged in outdoor
1054 recreational activities other than hunting and when accompanied
1055 by a permittee. Notwithstanding any other provision of this
1056 chapter, no other exclusions, exceptions, or exemptions from the
1057 recreational user permit fee are authorized.

1058 (11) RESIDENT LIFETIME HUNTING LICENSES.--

1059 (a) Lifetime hunting licenses are available to residents
1060 only, as follows, for:

1061 1. Persons 4 years of age or younger, for a fee of \$200.

1062 2. Persons 5 years of age or older, but under 13 years of
1063 age, for a fee of \$350.

1064 3. Persons 13 years of age or older, for a fee of \$500.

1065 (b) The following activities are authorized by the
1066 purchase of a lifetime hunting license:

1067 1. Taking, or attempting to take or possess, game
1068 consistent with the state and federal laws and regulations and
1069 rules of the commission in effect at the time of the taking.

1070 2. All activities authorized by a muzzle-loading gun
1071 season permit, a crossbow season permit, a turkey permit, an
1072 archery season permit, a Florida waterfowl permit, and a
1073 management area permit, excluding fishing.

1074 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

1075 (a) Lifetime sportsman's licenses are available to
1076 residents only, as follows, for:

1077 1. Persons 4 years of age or younger, for a fee of \$400.

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1078 2. Persons 5 years of age or older, but under 13 years of
1079 age, for a fee of \$700.

1080 3. Persons 13 years of age or older, for a fee of \$1,000.

1081 (b) The following activities are authorized by the
1082 purchase of a lifetime sportsman's license:

1083 1. Taking, or attempting to take or possess, freshwater
1084 and saltwater fish, and game, consistent with the state and
1085 federal laws and regulations and rules of the commission in
1086 effect at the time of taking.

1087 2. All activities authorized by a management area permit,
1088 a muzzle-loading gun season permit, a crossbow season permit, a
1089 turkey permit, an archery season permit, a Florida waterfowl
1090 permit, a snook permit, and a spiny lobster ~~crayfish~~ permit.

1091 (16) PROHIBITED LICENSES OR PERMITS.--A person may not
1092 make, forge, counterfeit, or reproduce a license or permit
1093 required under this section, except for those persons authorized
1094 by the commission to make or reproduce such a license or permit.
1095 A person may not knowingly possess a forgery, counterfeit, or
1096 unauthorized reproduction of such a license or permit. A person
1097 who violates this subsection commits a Level Four violation
1098 under s. 372.83.

1099 (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
1100 game, freshwater fish, saltwater fish, or fur-bearing animals
1101 within this state if a license issued to such person as required
1102 under this section or a privilege granted to such person under
1103 s. 372.562 is suspended or revoked. A person who violates this
1104 subsection commits a Level Three violation under s. 372.83.

1105 Section 16. Subsection (5) of section 372.5704, Florida
1106 Statutes, is amended to read:

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1107 372.5704 Fish and Wildlife Conservation Commission license
1108 program for tarpon; fees; penalties.--

1109 (5) Any individual including a taxidermist who possesses a
1110 tarpon which does not have a tag securely attached as required
1111 by this section commits a Level Two violation under s. 372.83
1112 ~~shall be subject to penalties as prescribed in s. 370.021.~~

1113 Provided, however, a taxidermist may remove the tag during the
1114 process of mounting a tarpon. The removed tag shall remain with
1115 the fish during any subsequent storage or shipment.

1116 Section 17. Section 372.571, Florida Statutes, is amended
1117 to read:

1118 372.571 Expiration of licenses and permits.--Each license
1119 or permit issued under this chapter must be dated when issued.
1120 Each license or permit issued under this chapter remains valid
1121 for 12 months after the date of issuance, except for a lifetime
1122 license issued pursuant to s. 372.57 which is valid from the
1123 date of issuance until the death of the individual to whom the
1124 license is issued unless otherwise revoked in accordance with s.
1125 372.99, or a 5-year license issued pursuant to s. 372.57 which
1126 is valid for 5 consecutive years from the date of purchase
1127 unless otherwise revoked in accordance with s. 372.99, or a
1128 license issued pursuant to s. 372.57(5)(a), (b), (c), or (f) or
1129 (8)(f) ~~(8)(g)~~ or (g)(h)2., which is valid for the period
1130 specified on the license. A resident lifetime license or a
1131 resident 5-year license that has been purchased by a resident of
1132 this state and who subsequently resides in another state shall
1133 be honored for activities authorized by that license.

1134 Section 18. Section 372.5717, Florida Statutes, is amended
1135 to read:

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1136 372.5717 Hunter safety course; requirements; penalty.--

1137 (1) This section may be cited as the Senator Joe Carlucci
1138 Hunter Safety Act.

1139 (2) (a) Except as provided in paragraph (b), a person born
1140 on or after June 1, 1975, may not be issued a license to take
1141 wild animal life with the use of a firearm, gun, bow, or
1142 crossbow in this state without having first successfully
1143 completed a hunter safety course as provided in this section,
1144 and without having in his or her personal possession a hunter
1145 safety certification card, as provided in this section.

1146 (b) A person born on or after June 1, 1975, who has not
1147 successfully completed a hunter safety course may apply to the
1148 commission for a special authorization to hunt under
1149 supervision. The special authorization for supervised hunting
1150 shall be designated on any license or permit required under this
1151 chapter for a person to take game or fur-bearing animals, and
1152 shall be valid for not more than 1 year. A special authorization
1153 for supervised hunting may not be issued more than once to the
1154 person applying for such authorization. A person issued a
1155 license with a special authorization to hunt under supervision
1156 must hunt under the supervision of, and in the presence of, a
1157 person 21 years or age or older who is licensed to hunt pursuant
1158 to s. 372.57 or who is exempt from licensing requirements or
1159 eligible for a free license pursuant to s. 372.562.

1160 (3) The Fish and Wildlife Conservation Commission shall
1161 institute and coordinate a statewide hunter safety course that
1162 ~~which~~ must be offered in every county and consist of not ~~less~~
1163 ~~than 12 hours nor~~ more than 16 hours of instruction including,

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1164 but not limited to, instruction in the competent and safe
1165 handling of firearms, conservation, and hunting ethics.

1166 (4) The commission shall issue a permanent hunter safety
1167 certification card to each person who successfully completes the
1168 hunter safety course. The commission shall maintain records of
1169 hunter safety certification cards issued and shall establish
1170 procedures for replacing lost or destroyed cards.

1171 (5) A hunter safety certification card issued by a
1172 wildlife agency of another state, or any Canadian province,
1173 which shows that the holder of the card has successfully
1174 completed a hunter safety course approved by the commission is
1175 an acceptable substitute for the hunter safety certification
1176 card issued by the commission.

1177 (6) All persons subject to the requirements of subsection
1178 (2) must have in their personal possession, proof of compliance
1179 with this section, while taking or attempting to take wildlife
1180 with the use of a firearm, gun, bow, or crossbow and must,
1181 unless the requirement to complete a hunter safety course is
1182 deferred pursuant to this section, display a valid hunter safety
1183 certification card ~~to county tax collectors or their subagents~~
1184 in order to purchase a Florida hunting license. After the
1185 issuance of such a license, the license itself shall serve as
1186 proof of compliance with this section. A holder of a lifetime
1187 license whose license does not indicate on the face of the
1188 license that a hunter safety course has been completed must have
1189 in his or her personal possession a hunter safety certification
1190 card, as provided by this section, while attempting to take wild
1191 animal life with the use of a firearm, gun, bow, or crossbow.

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1192 (7) The hunter safety requirements of this section do not
1193 apply to persons for whom licenses are not required under s.
1194 372.562(2).

1195 (8) A person who violates this section commits a Level One
1196 violation under s. 372.83 ~~shall be cited for a noncriminal~~
1197 ~~infraction, punishable as provided in s. 372.711.~~

1198 Section 19. Section 372.573, Florida Statutes, is amended
1199 to read:

1200 372.573 Management area permit revenues.--The commission
1201 shall expend the revenue generated from the sale of the
1202 management area permit as provided for in s. 372.57(8)(g) ~~s.~~
1203 ~~372.57(8)(h)~~ or that pro rata portion of any license that
1204 includes management area privileges as provided for in s.
1205 372.57(4)(h), (i), and (j) for the lease, management, and
1206 protection of lands for public hunting, fishing, and other
1207 outdoor recreation.

1208 Section 20. Section 372.83, Florida Statutes, is amended
1209 to read:

1210 (Substantial rewording of section. See
1211 372.83, F.S., for present text.)

1212 372.83 Penalties and violations; civil penalties for
1213 noncriminal infractions; criminal penalties; suspension and
1214 forfeiture of licenses and permits.--

1215 (1)(a) LEVEL ONE VIOLATIONS.--A person commits a Level One
1216 violation if he or she violates any of the following provisions:

1217 1. Rules or orders of the commission relating to the
1218 filing of reports or other documents required to be filed by
1219 persons who hold recreational licenses and permits issued by the
1220 commission.

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1221 2. Rules or orders of the commission relating to quota
1222 hunt permits, daily use permits, hunting zone assignments,
1223 camping, alcoholic beverages, vehicles, and check stations
1224 within wildlife management areas or other areas managed by the
1225 commission.

1226 3. Rules or orders of the commission relating to daily use
1227 permits, alcoholic beverages, swimming, possession of firearms,
1228 operation of vehicles, and watercraft speed within fish
1229 management areas managed by the commission.

1230 4. Rules or orders of the commission relating to vessel
1231 size or specifying motor restrictions on specified water bodies.

1232 5. Section 370.063, providing for special recreational
1233 spiny lobster licenses.

1234 6. Subsections (1) through (15) of s. 372.57, providing
1235 for recreational licenses to hunt, fish, and trap.

1236 7. Section 372.5717, providing hunter safety course
1237 requirements.

1238 8. Section 372.988, prohibiting deer hunting unless
1239 required clothing is worn.

1240 (b) A person who commits a Level One violation commits a
1241 noncriminal infraction and shall be cited to appear before the
1242 county court.

1243 (c)1. The civil penalty for committing a Level One
1244 violation involving the license and permit requirements of s.
1245 372.57 is \$50 plus the cost of the license or permit, unless
1246 subparagraph 2. applies.

1247 2. The civil penalty for committing a Level One violation
1248 involving the license and permit requirements of s. 372.57 is
1249 \$100 plus the cost of the license or permit, if the person cited
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1250 has previously committed the same Level One violation within the
1251 preceding 36 months.

1252 (d)1. The civil penalty for any other Level One violation
1253 is \$50 unless subparagraph 2. applies.

1254 2. The civil penalty for any other Level One violation is
1255 \$100 if the person cited has previously committed the same Level
1256 One violation within the preceding 36 months.

1257 (e) A person cited for a Level One violation shall sign
1258 and accept a citation to appear before the county court. The
1259 issuing officer may indicate on the citation the time and
1260 location of the scheduled hearing and shall indicate the
1261 applicable civil penalty.

1262 (f) A person cited for a Level One violation may pay the
1263 civil penalty by mail or in person within 30 days after receipt
1264 of the citation. If the civil penalty is paid, the person shall
1265 be deemed to have admitted committing the Level One violation
1266 and to have waived his or her right to a hearing before the
1267 county court. Such admission may not be used as evidence in any
1268 other proceedings except to determine the appropriate fine for
1269 any subsequent violations.

1270 (g) A person who refuses to accept a citation, who fails
1271 to pay the civil penalty for a Level One violation, or who fails
1272 to appear before a county court as required commits a
1273 misdemeanor of the second degree, punishable as provided in s.
1274 775.082 or s. 775.083.

1275 (h) A person who elects to appear before the county court
1276 or who is required to appear before the county court shall be
1277 deemed to have waived the limitations on civil penalties
1278 provided under paragraphs (c) and (d). After a hearing, the

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1279 county court shall determine if a Level One violation has been
1280 committed, and if so, may impose a civil penalty of not less
1281 than \$50 for a first-time violation, and not more than \$500 for
1282 subsequent violations. A person found guilty of committing a
1283 Level One violation may appeal that finding to the circuit
1284 court. The commission of a violation must be proved beyond a
1285 reasonable doubt.

1286 (i) A person cited for violating the requirements of s.
1287 372.57 relating to personal possession of a license or permit
1288 may not be convicted if, prior to or at the time of a county
1289 court hearing, the person produces the required license or
1290 permit for verification by the hearing officer or the court
1291 clerk. The license or permit must have been valid at the time
1292 the person was cited. The clerk or hearing officer may assess a
1293 \$5 fee for costs under this paragraph.

1294 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
1295 violation if he or she violates any of the following provisions:

1296 1. Rules or orders of the commission relating to seasons
1297 or time periods for the taking of wildlife, freshwater fish, or
1298 saltwater fish.

1299 2. Rules or orders of the commission establishing bag,
1300 possession, or size limits or restricting methods of taking
1301 wildlife, freshwater fish, or saltwater fish.

1302 3. Rules or orders of the commission prohibiting access or
1303 otherwise relating to access to wildlife management areas or
1304 other areas managed by the commission.

1305 4. Rules or orders of the commission relating to the
1306 feeding of wildlife, freshwater fish, or saltwater fish.

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1307 5. Rules or orders of the commission relating to landing
1308 requirements for freshwater fish or saltwater fish.

1309 6. Rules or orders of the commission relating to
1310 restricted hunting areas, critical wildlife areas, or bird
1311 sanctuaries.

1312 7. Rules or orders of the commission relating to tagging
1313 requirements for game and fur-bearing animals.

1314 8. Rules or orders of the commission relating to the use
1315 of dogs for the taking of game.

1316 9. Rules or orders of the commission which are not
1317 otherwise classified.

1318 10. All prohibitions in chapter 370 which are not
1319 otherwise classified.

1320 11. Section 370.028, prohibiting the violation of or
1321 noncompliance with commission rules.

1322 12. Subsection 370.021(6) prohibiting the sale, purchase,
1323 harvest, or attempted harvest of any saltwater product with
1324 intent to sell.

1325 13. Section 370.08, prohibiting the obstruction of
1326 waterways with net gear.

1327 14. Section 370.1105, prohibiting the unlawful use of
1328 finfish traps.

1329 15. Section 370.1121, prohibiting the unlawful taking of
1330 bonefish.

1331 16. Paragraphs 370.13(2)(a) and (b), prohibiting the
1332 possession or use of stone crab traps without trap tags and
1333 theft of trap contents or gear.

1334 17. Paragraph 370.135(1)(c), prohibiting the theft of blue
1335 crab trap contents or trap gear.

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1336 18. Paragraph 370.142 (2)(c), prohibiting the possession
1337 or use of spiny lobster traps without trap tags or certificates
1338 and theft of trap contents or trap gear.

1339 19. Section 372.5704, prohibiting the possession of tarpon
1340 without purchasing a tarpon tag.

1341 20. Section 372.667, prohibiting the feeding or enticement
1342 of alligators or crocodiles.

1343 21. Section 372.705, prohibiting the intentional
1344 harassment of hunters, fishers, or trappers.

1345 (b)1. A person who commits a Level Two violation but who
1346 has not been convicted of a Level Two or higher violation within
1347 the past 3 years commits a misdemeanor of the second degree,
1348 punishable as provided in s. 775.082 or s. 775.083.

1349 2. Unless the stricter penalties in subparagraph 3. or
1350 subparagraph 4. apply, a person who commits a Level Two
1351 violation within 3 years after a previous conviction for a Level
1352 Two or higher violation commits a misdemeanor of the first
1353 degree, punishable as provided in s. 775.082 or s. 775.083, with
1354 a minimum mandatory fine of \$250.

1355 3. Unless the stricter penalties in subparagraph 4. apply,
1356 a person who commits a Level Two violation within 5 years after
1357 two previous convictions for a Level Two or higher violation,
1358 commits a misdemeanor of the first degree, punishable as
1359 provided in s. 775.082 or s. 775.083, with a minimum mandatory
1360 fine of \$500 and a suspension of any recreational license or
1361 permit issued under s. 372.57 for 1 year. Such suspension shall
1362 include the suspension of the privilege to obtain such license
1363 or permit and the suspension of the ability to exercise any
1364 privilege granted under any exemption in s. 372.562.

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1365 4. A person who commits a Level Two violation within 10
1366 years after three previous convictions for a Level Two or higher
1367 violation commits a misdemeanor of the first degree, punishable
1368 as provided in s. 775.082 or s. 775.083, with a minimum
1369 mandatory fine of \$750 and a suspension of any recreational
1370 license or permit issued under s. 372.57 for 3 years. Such
1371 suspension shall include the suspension of the privilege to
1372 obtain such license or permit and the suspension of the ability
1373 to exercise any privilege granted under s. 372.562. If the
1374 recreational license or permit being suspended was an annual
1375 license or permit, any privileges under ss. 372.562 and 372.57
1376 may not be acquired for a 3-year period following the date of
1377 the violation.

1378 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
1379 Three violation if he or she violates any of the following
1380 provisions:

1381 1. Rules or orders of the commission prohibiting the sale
1382 of saltwater fish.

1383 2. Subsection 370.021(2), establishing major violations.

1384 3. Subsection 370.021(4), prohibiting the possession of
1385 certain finfish in excess of recreational daily bag limits.

1386 4. Section 370.081, prohibiting the illegal importation or
1387 possession of exotic marine plants or animals.

1388 5. Section 372.26, prohibiting the importation of
1389 freshwater fish.

1390 6. Section 372.265, prohibiting the importation of
1391 nonindigenous species of the animal kingdom without a permit
1392 issued by the commission.

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1393 7. Subsection 372.57(17), prohibiting the taking of game,
1394 freshwater fish, or saltwater fish while a required license is
1395 suspended or revoked.

1396 8. Section 372.662, prohibiting the illegal sale or
1397 possession of alligators.

1398 9. Subsections 372.99(1), (3), and (6), prohibiting the
1399 illegal taking and possession of deer and wild turkey.

1400 10. Section 372.9903, prohibiting the possession and
1401 transportation of commercial quantities of freshwater game fish.

1402 (b)1. A person who commits a Level Three violation but who
1403 has not been convicted of a Level Three or higher violation
1404 within the past 10 years, commits a misdemeanor of the first
1405 degree, punishable as provided in s. 775.082 or s. 775.083.

1406 2. A person who commits a Level Three violation within 10
1407 years after a previous conviction for a Level Three or higher
1408 violation, commits a misdemeanor of the first degree, punishable
1409 as provided in s. 775.082 or s. 775.083, with a minimum
1410 mandatory fine of \$750 and a suspension of any recreational
1411 license or permit issued under s. 372.57 for the remainder of
1412 the period for which the license or permit was issued up to 3
1413 years. Such suspension shall include the suspension of the
1414 privilege to obtain such license or permit and the ability to
1415 exercise any privilege granted under s. 372.562. If the
1416 recreational license or permit being suspended was an annual
1417 license or permit, any privileges under ss. 372.562 and 372.57
1418 may not be acquired for a 3-year period following the date of
1419 the violation.

1420 3. A person who commits a violation of s. 372.57(17) shall
1421 receive a mandatory fine of \$1,000. Any privileges under ss.
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1422 372.562 and 372.57 may not be acquired for a 5-year period
1423 following the date of the violation.

1424 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
1425 Four violation if he or she violates any of the following
1426 provisions:

1427 1. Paragraph 370.13(2)(c), prohibiting criminal activities
1428 relating to the taking of stone crabs.

1429 2. Paragraph 370.135(1)(b), prohibiting the willful
1430 molestation of blue crab gear.

1431 3. Subsection 370.14(4), prohibiting the willful
1432 molestation of spiny lobster gear.

1433 4. Subparagraph 370.142(2)(c)5., prohibiting the unlawful
1434 reproduction, possession, sale, trade, or barter of spiny
1435 lobster trap tags or certificates.

1436 5. Subsection 372.57(16), prohibiting the making, forging,
1437 counterfeiting, or reproduction of a recreational license or
1438 possession of same without authorization from the commission.

1439 6. Subsection 372.99(5), prohibiting the sale of
1440 illegally-taken deer or wild turkey.

1441 7. Section 372.99022, prohibiting the molestation or theft
1442 of freshwater fishing gear.

1443 (b) A person who commits a Level Four violation commits a
1444 felony of the third degree, punishable as provided in s. 775.082
1445 or s. 775.083.

1446 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
1447 chapter:

1448 (a) A person who commits a violation of any provision of
1449 this chapter commits, for the first offense, a misdemeanor of

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1450 the second degree, punishable as provided in s. 775.082 or s.
1451 775.083.

1452 (b) A person who is convicted of a second or subsequent
1453 violation of any provision of this chapter commits a misdemeanor
1454 of the first degree, punishable as provided in s. 775.082 or s.
1455 775.083.

1456 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
1457 order the suspension or forfeiture of any license or permit
1458 issued under this chapter to a person who is found guilty of
1459 committing a violation of this chapter.

1460 (7) CONVICTION DEFINED.--As used in this section, the term
1461 "conviction" means any judicial disposition other than acquittal
1462 or dismissal.

1463 Section 21. Section 372.935, Florida Statutes, is created
1464 to read:

1465 372.935 Captive wildlife; penalties for violations.--

1466 (1)(a) NONCRIMINAL INFRACTIONS.--A person commits a
1467 noncriminal infraction if he or she violates any of the
1468 following provisions:

1469 1. Rules or orders of the commission requiring a no-cost
1470 permit to possess captive wildlife for personal use.

1471 2. Rules or orders of the commission requiring that
1472 persons who are licensed to possess captive wildlife file
1473 reports or other documents.

1474 (b) A person cited for committing a noncriminal infraction
1475 under this section shall be cited to appear before the county
1476 court. The civil penalty for a person found guilty of committing
1477 a noncriminal violation under this section is \$50, and the
1478 provisions of s. 372.83(1)(e)-(i) apply under this subsection.

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1479 (2) MISDEMEANORS.--A person commits a misdemeanor of the
1480 second degree, punishable as provided in s. 775.082 or s.
1481 775.083, for violating any of the following provisions:

1482 (a) Rules or orders of the commission which require the
1483 payment of a fee for a person to obtain a permit to possess
1484 captive wildlife.

1485 (b) Rules or orders of the commission which require the
1486 maintenance of records relating to captive wildlife.

1487 (c) Rules or orders of the commission relating to captive
1488 wildlife which are not specified in subsection (1).

1489 (d) Section 372.86, prohibiting the possession or
1490 exhibition of poisonous or venomous reptiles without a license
1491 or permit.

1492 (e) Section 372.88, prohibiting the exhibition of
1493 poisonous or venomous reptiles without posting a bond.

1494 (f) Section 372.89, prohibiting the possession or
1495 exhibition of poisonous or venomous reptiles in an unsafe
1496 manner.

1497 (g) Section 372.90, prohibiting the transportation of
1498 poisonous or venomous reptiles in an unsafe manner.

1499 (h) Section 372.901, prohibiting the penning or caging of
1500 poisonous or venomous reptiles in an unsafe manner.

1501 (i) Section 372.91, prohibiting certain persons from
1502 opening containers housing poisonous or venomous reptiles.

1503 (j) Section 372.921, prohibiting the exhibition or sale of
1504 wildlife.

1505 (k) Section 372.922, prohibiting the personal possession
1506 of wildlife.

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Amendment No. (for drafter's use only)

1507 Section 22. Section 372.26, Florida Statutes, is amended
1508 to read:

1509 372.26 Imported fish.--

1510 (1) No person shall import into the state or place in any
1511 of the fresh waters of the state any freshwater fish of any
1512 species without having first obtained a permit from the Fish and
1513 Wildlife Conservation Commission. The commission is authorized
1514 to issue or deny such a permit upon the completion of studies of
1515 the species made by it to determine any detrimental effect the
1516 species might have on the ecology of the state.

1517 (2) A person who violates this section commits a Level
1518 Three violation under s. 372.83 ~~Persons in violation of this~~
1519 ~~section shall be guilty of a misdemeanor of the first degree,~~
1520 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1521 Section 23. Section 372.265, Florida Statutes, is amended
1522 to read:

1523 372.265 Regulation of foreign animals.--

1524 (1) It is unlawful to import for sale or use, or to
1525 release within this state, any species of the animal kingdom not
1526 indigenous to Florida without having obtained a permit to do so
1527 from the Fish and Wildlife Conservation Commission.

1528 (2) The Fish and Wildlife Conservation Commission is
1529 authorized to issue or deny such a permit upon the completion of
1530 studies of the species made by it to determine any detrimental
1531 effect the species might have on the ecology of the state.

1532 (3) A person ~~Persons~~ in violation of this section commits
1533 a Level Three violation under s. 372.83 ~~shall be guilty of a~~
1534 ~~misdemeanor of the first degree, punishable as provided in s.~~
1535 ~~775.082 or s. 775.083.~~

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1536 Section 24. Subsection (2) of section 372.661, Florida
1537 Statutes, is amended to read:

1538 372.661 Private hunting preserve license fees;
1539 exception.--

1540 (2) A commercial hunting preserve license, which shall
1541 exempt patrons of licensed preserves from the license and permit
1542 requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j);
1543 (5)(f) and (g); (8)(a), (b), and (e), ~~and (f)~~; (9)(a)2.; (11);
1544 and (12) while hunting on the licensed preserve property, shall
1545 be \$500. Such commercial hunting preserve license shall be
1546 available only to those private hunting preserves licensed
1547 pursuant to this section which are operated exclusively for
1548 commercial purposes, which are open to the public, and for which
1549 a uniform fee is charged to patrons for hunting privileges.

1550 Section 25. Section 372.662, Florida Statutes, is amended
1551 to read:

1552 372.662 Unlawful sale, possession, or transporting of
1553 alligators or alligator skins.--Whenever the sale, possession,
1554 or transporting of alligators or alligator skins is prohibited
1555 by any law of this state, or by the rules, regulations, or
1556 orders of the Fish and Wildlife Conservation Commission adopted
1557 pursuant to s. 9, Art. IV of the State Constitution, the sale,
1558 possession, or transporting of alligators or alligator skins is
1559 a Level Three violation under s. 372.83 ~~misdemeanor of the first~~
1560 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1561 Section 26. Section 372.667, Florida Statutes, is amended
1562 to read:

1563 372.667 Feeding or enticement of alligators or crocodiles
1564 unlawful; penalty.--

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1565 (1) No person shall intentionally feed, or entice with
1566 feed, any wild American alligator (*Alligator mississippiensis*)
1567 or American crocodile (*Crocodylus acutus*). However, the
1568 provisions of this section shall not apply to:

1569 (a) Those persons feeding alligators or crocodiles
1570 maintained in protected captivity for educational, scientific,
1571 commercial, or recreational purposes.

1572 (b) Fish and Wildlife Conservation Commission personnel,
1573 persons licensed or otherwise authorized by the commission, or
1574 county or municipal animal control personnel when relocating
1575 alligators or crocodiles by baiting or enticement.

1576 (2) For the purposes of this section, the term "maintained
1577 in protected captivity" means held in captivity under a permit
1578 issued by the Fish and Wildlife Conservation Commission pursuant
1579 to s. 372.921 or s. 372.922.

1580 (3) Any person who violates this section commits a Level
1581 Two violation under s. 372.83 ~~is guilty of a misdemeanor of the~~
1582 ~~second degree, punishable as provided in s. 775.082 or s.~~
1583 ~~775.083.~~

1584 Section 27. Section 372.705, Florida Statutes, is amended
1585 to read:

1586 372.705 Harassment of hunters, trappers, or fishers.--

1587 (1) A person may not intentionally, within a publicly or
1588 privately owned wildlife management or fish management area or
1589 on any state-owned water body:

1590 (a) Interfere with or attempt to prevent the lawful taking
1591 of fish, game, or nongame animals by another.

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1592 (b) Attempt to disturb fish, game, or nongame animals or
1593 attempt to affect their behavior with the intent to prevent
1594 their lawful taking by another.

1595 (2) Any person who violates this section commits a Level
1596 Two violation under s. 372.83 ~~subsection (1) is guilty of a~~
1597 ~~misdemeanor of the second degree, punishable as provided in s.~~
1598 ~~775.082 or s. 775.083.~~

1599 Section 28. Section 372.988, Florida Statutes, is amended
1600 to read:

1601 372.988 Required clothing for persons hunting deer.--It is
1602 a Level One violation under s. 372.83 ~~unlawful~~ for any person to
1603 hunt deer, or for any person to accompany another person hunting
1604 deer, during the open season for the taking of deer on public
1605 lands unless each person shall wear a total of at least 500
1606 square inches of daylight fluorescent orange material as an
1607 outer garment. Such clothing shall be worn above the waistline
1608 and may include a head covering. The provisions of this section
1609 shall not apply to any person hunting deer with a bow and arrow
1610 during seasons restricted to hunting with a bow and arrow.

1611 Section 29. Subsection (1) of section 372.99022, Florida
1612 Statutes, is amended to read:

1613 372.99022 Illegal molestation of or theft from freshwater
1614 fishing gear.--

1615 (1)(a) Any person, firm, or corporation that willfully
1616 molests any authorized and lawfully permitted freshwater fishing
1617 gear belonging to another without the express written consent of
1618 the owner commits a Level Four violation under s. 372.83 ~~felony~~
1619 ~~of the third degree, punishable as provided in s. 775.082, s.~~

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1620 ~~775.083, or s. 775.084.~~ Any written consent must be available
1621 for immediate inspection.

1622 (b) Any person, firm, or corporation that willfully
1623 removes the contents of any authorized and lawfully permitted
1624 freshwater fishing gear belonging to another without the express
1625 written consent of the owner commits a Level Four violation
1626 under s. 372.83 ~~felony of the third degree, punishable as~~
1627 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~ Any written
1628 consent must be available for immediate inspection.

1629
1630 A person, firm, or corporation that receives a citation for a
1631 violation of this subsection is prohibited, immediately upon
1632 receipt of such citation and until adjudicated or convicted of a
1633 felony under this subsection, from transferring any
1634 endorsements.

1635 Section 30. Section 372.99, Florida Statutes, is amended
1636 to read:

1637 372.99 Illegal taking and possession of deer and wild
1638 turkey; evidence; penalty.--

1639 (1) Whoever takes or kills any deer or wild turkey, or
1640 possesses a freshly killed deer or wild turkey, during the
1641 closed season prescribed by law or by the rules and regulations
1642 of the Fish and Wildlife Conservation Commission, or whoever
1643 takes or attempts to take any deer or wild turkey by the use of
1644 gun and light in or out of closed season, commits a Level Three
1645 violation under s. 372.83 ~~is guilty of a misdemeanor of the~~
1646 ~~first degree, punishable as provided in s. 775.082 or s.~~
1647 ~~775.083,~~ and shall forfeit any license or permit issued to her
1648 or him under the provisions of this chapter. No license shall be
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1649 issued to such person for a period of 3 years following any such
1650 violation on the first offense. Any person guilty of a second
1651 or subsequent violation shall be permanently ineligible for
1652 issuance of a license or permit thereafter.

1653 (2) The display or use of a light in a place where deer
1654 might be found and in a manner capable of disclosing the
1655 presence of deer, together with the possession of firearms or
1656 other weapons customarily used for the taking of deer, between 1
1657 hour after sunset and 1 hour before sunrise, shall be prima
1658 facie evidence of an intent to violate the provisions of
1659 subsection (1). This subsection does not apply to an owner or
1660 her or his employee when patrolling or inspecting the land of
1661 the owner, provided the employee has satisfactory proof of
1662 employment on her or his person.

1663 (3) Whoever takes or kills any doe deer; fawn or baby
1664 deer; or deer, whether male or female, which does not have one
1665 or more antlers at least 5 inches in length, except as provided
1666 by law or the rules of the Fish and Wildlife Conservation
1667 Commission, during the open season prescribed by the rules of
1668 the commission, commits a Level Three violation under 372.83 ~~is~~
1669 ~~guilty of a misdemeanor of the first degree, punishable as~~
1670 ~~provided in s. 775.082 or s. 775.083,~~ and may be required to
1671 forfeit any license or permit issued to such person for a period
1672 of 3 years following any such violation on the first offense.
1673 Any person guilty of a second or subsequent violation shall be
1674 permanently ineligible for issuance of a license or permit
1675 thereafter.

1676 (4) Any person who cultivates agricultural crops may apply
1677 to the Fish and Wildlife Conservation Commission for a permit to
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1678 take or kill deer on land which that person is currently
1679 cultivating. When said person can show, to the satisfaction of
1680 the Fish and Wildlife Conservation Commission, that such taking
1681 or killing of deer is justified because of damage to the
1682 person's crops caused by deer, the Fish and Wildlife
1683 Conservation Commission may issue a limited permit to the
1684 applicant to take or kill deer without being in violation of
1685 subsection (1) or subsection (3).

1686 (5) Whoever possesses for sale or sells deer or wild
1687 turkey taken in violation of this chapter or the rules and
1688 regulations of the commission commits a Level Four violation
1689 under s. 372.83 ~~is guilty of a felony of the third degree,~~
1690 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1691 (6) Any person who enters upon private property and shines
1692 lights upon such property, without the express permission of the
1693 owner of the property and with the intent to take deer by
1694 utilizing such shining lights, commits a Level Three violation
1695 under s. 372.83 ~~shall be guilty of a misdemeanor of the second~~
1696 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1697 Section 31. Subsection (1) of section 372.9903, Florida
1698 Statutes, is amended to read:

1699 372.9903 Illegal possession or transportation of
1700 freshwater game fish in commercial quantities; penalty.--

1701 (1) Whoever possesses, moves, or transports any black
1702 bass, bream, speckled perch, or other freshwater game fish in
1703 commercial quantities in violation of law or the rules of the
1704 Fish and Wildlife Conservation Commission commits a Level Three
1705 violation under s. 372.83 ~~shall be guilty of a misdemeanor of~~

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1706 ~~the first degree, punishable as provided in s. 775.082 or s.~~
 1707 ~~775.083.~~

1708 Section 32. Paragraph (a) of subsection (3) of section
 1709 921.0022, Florida Statutes, is amended to read:

1710 921.0022 Criminal Punishment Code; offense severity
 1711 ranking chart.--

1712 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	Description
		(a) LEVEL 1
24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.

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1720	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
1721	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
1722	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
1723	322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
1724	322.212(5)(a)	3rd	False application for driver's license or identification card.
1725	370.13(2)(c)1.	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
1726	370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
1727			

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1728	372.663(1)	3rd	Poach any alligator or crocodilia.
1729	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
1730	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
1731	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
1732	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
1733	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
1734	562.27(1)	3rd	Possess still or still apparatus.
	713.69	3rd	Tenant removes property upon which lien has accrued, value

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			more than \$50.
1735	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
1736	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
1737	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
1738	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
1739	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
1740	826.01	3rd	Bigamy.
1741	828.122 (3)	3rd	Fighting or baiting animals.
1742	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

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HOUSE AMENDMENT

Bill No. HB 471 CS

Amendment No. (for drafter's use only)

1743	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
1744	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
1745	832.05 (2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
1746	838.15(2)	3rd	Commercial bribe receiving.
1747	838.16	3rd	Commercial bribery.
1748	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
1749	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
1750	849.01	3rd	Keeping gambling house.
1751	849.09(1)(a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing

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			for prizes, or dispose of property or money by means of lottery.
1752	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
1753	849.25 (2)	3rd	Engaging in bookmaking.
1754	860.08	3rd	Interfere with a railroad signal.
1755	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
1756	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
1757	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
1758	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
1759			
1760	Section 33. Section 372.831, Florida Statutes, is created		
1761	to read:		
1762	<u>372.831 Wildlife Violators Compact Act.--The Wildlife</u>		
1763	<u>Violators Compact is created and entered into with all other</u>		

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1764 jurisdictions legally joining therein in the form substantially
1765 as follows:

1766 ARTICLE I

1767 Findings and Purpose

1768
1769 (1) The participating states find that:

1770 (a) Wildlife resources are managed in trust by the
1771 respective states for the benefit of all residents and visitors.

1772 (b) The protection of the wildlife resources of a state is
1773 materially affected by the degree of compliance with state
1774 statutes, laws, regulations, ordinances, and administrative
1775 rules relating to the management of such resources.

1776 (c) The preservation, protection, management, and
1777 restoration of wildlife contributes immeasurably to the
1778 aesthetic, recreational, and economic aspects of such natural
1779 resources.

1780 (d) Wildlife resources are valuable without regard to
1781 political boundaries; therefore, every person should be required
1782 to comply with wildlife preservation, protection, management,
1783 and restoration laws, ordinances, and administrative rules and
1784 regulations of the participating states as a condition precedent
1785 to the continuance or issuance of any license to hunt, fish,
1786 trap, or possess wildlife.

1787 (e) Violation of wildlife laws interferes with the
1788 management of wildlife resources and may endanger the safety of
1789 persons and property.

1790 (f) The mobility of many wildlife law violators
1791 necessitates the maintenance of channels of communication among
1792 the various states.

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1793 (g) In most instances, a person who is cited for a
1794 wildlife violation in a state other than his or her home state
1795 is:

1796 1. Required to post collateral or a bond to secure
1797 appearance for a trial at a later date;

1798 2. Taken into custody until the collateral or bond is
1799 posted; or

1800 3. Taken directly to court for an immediate appearance.

1801 (h) The purpose of the enforcement practices set forth in
1802 paragraph (g) is to ensure compliance with the terms of a
1803 wildlife citation by the cited person who, if permitted to
1804 continue on his or her way after receiving the citation, could
1805 return to his or her home state and disregard his or her duty
1806 under the terms of the citation.

1807 (i) In most instances, a person receiving a wildlife
1808 citation in his or her home state is permitted to accept the
1809 citation from the officer at the scene of the violation and
1810 immediately continue on his or her way after agreeing or being
1811 instructed to comply with the terms of the citation.

1812 (j) The practices described in paragraph (g) cause
1813 unnecessary inconvenience and, at times, a hardship for the
1814 person who is unable at the time to post collateral, furnish a
1815 bond, stand trial, or pay a fine, and thus is compelled to
1816 remain in custody until some alternative arrangement is made.

1817 (k) The enforcement practices described in paragraph (g)
1818 consume an undue amount of time of law enforcement agencies.

1819 (2) It is the policy of the participating states to:

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1820 (a) Promote compliance with the statutes, laws,
1821 ordinances, regulations, and administrative rules relating to
1822 the management of wildlife resources in their respective states.

1823 (b) Recognize a suspension of the wildlife license
1824 privileges of any person whose license privileges have been
1825 suspended by a participating state and treat such suspension as
1826 if it had occurred in each respective state.

1827 (c) Allow a violator, except as provided in subsection (2)
1828 of Article III, to accept a wildlife citation and, without
1829 delay, proceed on his or her way, whether or not the violator is
1830 a resident of the state in which the citation was issued, if the
1831 violator's home state is party to this compact.

1832 (d) Report to the appropriate participating state, as
1833 provided in the compact manual, any conviction recorded against
1834 any person whose home state was not the issuing state.

1835 (e) Allow the home state to recognize and treat
1836 convictions recorded against its residents, which convictions
1837 occurred in a participating state, as though they had occurred
1838 in the home state.

1839 (f) Extend cooperation to its fullest extent among the
1840 participating states for enforcing compliance with the terms of
1841 a wildlife citation issued in one participating state to a
1842 resident of another participating state.

1843 (g) Maximize the effective use of law enforcement
1844 personnel and information.

1845 (h) Assist court systems in the efficient disposition of
1846 wildlife violations.

1847 (3) The purpose of this compact is to:

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1848 (a) Provide a means through which participating states may
1849 join in a reciprocal program to effectuate the policies
1850 enumerated in subsection (2) in a uniform and orderly manner.

1851 (b) Provide for the fair and impartial treatment of
1852 wildlife violators operating within participating states in
1853 recognition of the violator's right to due process and the
1854 sovereign status of a participating state.

1855 ARTICLE II

1856 Definitions

1857
1858 As used in this compact, the term:

1859 (1) "Citation" means any summons, complaint, summons and
1860 complaint, ticket, penalty assessment, or other official
1861 document issued to a person by a wildlife officer or other peace
1862 officer for a wildlife violation which contains an order
1863 requiring the person to respond.

1864 (2) "Collateral" means any cash or other security
1865 deposited to secure an appearance for trial in connection with
1866 the issuance by a wildlife officer or other peace officer of a
1867 citation for a wildlife violation.

1868 (3) "Compliance" with respect to a citation means the act
1869 of answering a citation through an appearance in a court or
1870 tribunal, or through the payment of fines, costs, and
1871 surcharges, if any.

1872 (4) "Conviction" means a conviction that results in
1873 suspension or revocation of a license, including any court
1874 conviction, for any offense related to the preservation,
1875 protection, management, or restoration of wildlife which is
1876 prohibited by state statute, law, regulation, ordinance, or
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1877 administrative rule. The term also includes the forfeiture of
1878 any bail, bond, or other security deposited to secure appearance
1879 by a person charged with having committed any such offense, the
1880 payment of a penalty assessment, a plea of nolo contendere, or
1881 the imposition of a deferred or suspended sentence by the court.

1882 (5) "Court" means a court of law, including magistrate's
1883 court and the justice of the peace court.

1884 (6) "Home state" means the state of primary residence of a
1885 person.

1886 (7) "Issuing state" means the participating state that
1887 issues a wildlife citation to the violator.

1888 (8) "License" means any license, permit, or other public
1889 document that conveys to the person to whom it was issued the
1890 privilege of pursuing, possessing, or taking any wildlife
1891 regulated by statute, law, regulation, ordinance, or
1892 administrative rule of a participating state; any privilege to
1893 obtain such license, permit, or other public document; or any
1894 statutory exemption from the requirement to obtain such license,
1895 permit, or other public document. However, when applied to a
1896 license, permit, or privilege issued or granted by the State of
1897 Florida, only a license or permit issued under s. 372.57, or a
1898 privilege granted under s. 372.562, shall be considered a
1899 license.

1900 (9) "Licensing authority" means the department or division
1901 within each participating state which is authorized by law to
1902 issue or approve licenses or permits to hunt, fish, trap, or
1903 possess wildlife.

1904 (10) "Participating state" means any state that enacts
1905 legislation to become a member of this wildlife compact.

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1906 (11) "Personal recognizance" means an agreement by a
1907 person made at the time of issuance of the wildlife citation
1908 that such person will comply with the terms of the citation.

1909 (12) "State" means any state, territory, or possession of
1910 the United States, the District of Columbia, the Commonwealth of
1911 Puerto Rico, the Provinces of Canada, and other countries.

1912 (13) "Suspension" means any revocation, denial, or
1913 withdrawal of any or all license privileges, including the
1914 privilege to apply for, purchase, or exercise the benefits
1915 conferred by any license.

1916 (14) "Terms of the citation" means those conditions and
1917 options expressly stated upon the citation.

1918 (15) "Wildlife" means all species of animals, including,
1919 but not limited to, mammals, birds, fish, reptiles, amphibians,
1920 mollusks, and crustaceans, which are defined as "wildlife" and
1921 are protected or otherwise regulated by statute, law,
1922 regulation, ordinance, or administrative rule in a participating
1923 state. Species included in the definition of "wildlife" vary
1924 from state to state and the determination of whether a species
1925 is "wildlife" for the purposes of this compact shall be based on
1926 local law.

1927 (16) "Wildlife law" means any statute, law, regulation,
1928 ordinance, or administrative rule developed and enacted for the
1929 management of wildlife resources and the uses thereof.

1930 (17) "Wildlife officer" means any individual authorized by
1931 a participating state to issue a citation for a wildlife
1932 violation.

1933 (18) "Wildlife violation" means any cited violation of a
1934 statute, law, regulation, ordinance, or administrative rule

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1935 developed and enacted for the management of wildlife resources
1936 and the uses thereof.

1937 ARTICLE III

1938 Procedures for Issuing State

1939
1940 (1) When issuing a citation for a wildlife violation, a
1941 wildlife officer shall issue a citation to any person whose
1942 primary residence is in a participating state in the same manner
1943 as though the person were a resident of the issuing state and
1944 shall not require such person to post collateral to secure
1945 appearance, subject to the exceptions noted in subsection (2),
1946 if the officer receives the recognizance of such person that he
1947 will comply with the terms of the citation.

1948 (2) Personal recognizance is acceptable if not prohibited
1949 by local law; by policy, procedure, or regulation of the issuing
1950 agency; or by the compact manual and if the violator provides
1951 adequate proof of identification to the wildlife officer.

1952 (3) Upon conviction or failure of a person to comply with
1953 the terms of a wildlife citation, the appropriate official shall
1954 report the conviction or failure to comply to the licensing
1955 authority of the participating state in which the wildlife
1956 citation was issued. The report shall be made in accordance with
1957 procedures specified by the issuing state and must contain
1958 information as specified in the compact manual as minimum
1959 requirements for effective processing by the home state.

1960 (4) Upon receipt of the report of conviction or
1961 noncompliance pursuant to subsection (3), the licensing
1962 authority of the issuing state shall transmit to the licensing

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1963 authority of the home state of the violator the information in
1964 the form and content prescribed in the compact manual.

1965 ARTICLE IV

1966 Procedure for Home State

1967
1968 (1) Upon receipt of a report from the licensing authority
1969 of the issuing state reporting the failure of a violator to
1970 comply with the terms of a citation, the licensing authority of
1971 the home state shall notify the violator and shall initiate a
1972 suspension action in accordance with the home state's suspension
1973 procedures and shall suspend the violator's license privileges
1974 until satisfactory evidence of compliance with the terms of the
1975 wildlife citation has been furnished by the issuing state to the
1976 home state licensing authority. Due-process safeguards shall be
1977 accorded.

1978 (2) Upon receipt of a report of conviction from the
1979 licensing authority of the issuing state, the licensing
1980 authority of the home state shall enter such conviction in its
1981 records and shall treat such conviction as though it occurred in
1982 the home state for purposes of the suspension of license
1983 privileges.

1984 (3) The licensing authority of the home state shall
1985 maintain a record of actions taken and shall make reports to
1986 issuing states as provided in the compact manual.

1987 ARTICLE V

1988 Reciprocal Recognition of Suspension

1989
1990 (1) Each participating state may recognize the suspension
1991 of license privileges of any person by any other participating

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1992 | state as though the violation resulting in the suspension had
1993 | occurred in that state and would have been the basis for
1994 | suspension of license privileges in that state.

1995 | (2) Each participating state shall communicate suspension
1996 | information to other participating states in the form and
1997 | content contained in the compact manual.

1998 | ARTICLE VI

1999 | Applicability of Other Laws

2000 |
2001 | Except as expressly required by provisions of this compact, this
2002 | compact does not affect the right of any participating state to
2003 | apply any of its laws relating to license privileges to any
2004 | person or circumstance or to invalidate or prevent any agreement
2005 | or other cooperative arrangement between a participating state
2006 | and a nonparticipating state concerning the enforcement of
2007 | wildlife laws.

2008 | ARTICLE VII

2009 | Compact Administrator Procedures

2010 |
2011 | (1) For the purpose of administering the provisions of
2012 | this compact and to serve as a governing body for the resolution
2013 | of all matters relating to the operation of this compact, a
2014 | board of compact administrators is established. The board shall
2015 | be composed of one representative from each of the participating
2016 | states to be known as the compact administrator. The compact
2017 | administrator shall be appointed by the head of the licensing
2018 | authority of each participating state and shall serve and be
2019 | subject to removal in accordance with the laws of the state he
2020 | or she represents. A compact administrator may provide for the

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2021 discharge of his or her duties and the performance of his or her
2022 functions as a board member by an alternate. An alternate is not
2023 entitled to serve unless written notification of his or her
2024 identity has been given to the board.

2025 (2) Each member of the board of compact administrators
2026 shall be entitled to one vote. No action of the board shall be
2027 binding unless taken at a meeting at which a majority of the
2028 total number of the board's votes are cast in favor thereof.
2029 Action by the board shall be only at a meeting at which a
2030 majority of the participating states are represented.

2031 (3) The board shall elect annually from its membership a
2032 chairman and vice chairman.

2033 (4) The board shall adopt bylaws not inconsistent with the
2034 provisions of this compact or the laws of a participating state
2035 for the conduct of its business and shall have the power to
2036 amend and rescind its bylaws.

2037 (5) The board may accept for any of its purposes and
2038 functions under this compact any and all donations and grants of
2039 moneys, equipment, supplies, materials, and services,
2040 conditional or otherwise, from any state, the United States, or
2041 any governmental agency, and may receive, use, and dispose of
2042 the same.

2043 (6) The board may contract with, or accept services or
2044 personnel from, any governmental or intergovernmental agency,
2045 individual, firm, corporation, or private nonprofit organization
2046 or institution.

2047 (7) The board shall formulate all necessary procedures and
2048 develop uniform forms and documents for administering the

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2049 provisions of this compact. All procedures and forms adopted
2050 pursuant to board action shall be contained in a compact manual.

2051 ARTICLE VIII

2052 Entry into Compact and Withdrawal

2053
2054 (1) This compact shall become effective at such time as it
2055 is adopted in substantially similar form by two or more states.

2056 (2) (a) Entry into the compact shall be made by resolution
2057 of ratification executed by the authorized officials of the
2058 applying state and submitted to the chairman of the board.

2059 (b) The resolution shall substantially be in the form and
2060 content as provided in the compact manual and must include the
2061 following:

2062 1. A citation of the authority from which the state is
2063 empowered to become a party to this compact;

2064 2. An agreement of compliance with the terms and
2065 provisions of this compact; and

2066 3. An agreement that compact entry is with all states
2067 participating in the compact and with all additional states
2068 legally becoming a party to the compact.

2069 (c) The effective date of entry shall be specified by the
2070 applying state, but may not be less than 60 days after notice
2071 has been given by the chairman of the board of the compact
2072 administrators or by the secretariat of the board to each
2073 participating state that the resolution from the applying state
2074 has been received.

2075 (3) A participating state may withdraw from participation
2076 in this compact by official written notice to each participating
2077 state, but withdrawal shall not become effective until 90 days

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2078 after the notice of withdrawal is given. The notice must be
2079 directed to the compact administrator of each member state. The
2080 withdrawal of any state does not affect the validity of this
2081 compact as to the remaining participating states.

2082 ARTICLE IX

2083 Amendments to the Compact

2084
2085 (1) This compact may be amended from time to time.

2086 Amendments shall be presented in resolution form to the chairman
2087 of the board of compact administrators and shall be initiated by
2088 one or more participating states.

2089 (2) Adoption of an amendment shall require endorsement by
2090 all participating states and shall become effective 30 days
2091 after the date of the last endorsement.

2092 ARTICLE X

2093 Construction and Severability

2094
2095 This compact shall be liberally construed so as to effectuate
2096 the purposes stated herein. The provisions of this compact are
2097 severable and if any phrase, clause, sentence, or provision of
2098 this compact is declared to be contrary to the constitution of
2099 any participating state or of the United States, or if the
2100 applicability thereof to any government, agency, individual, or
2101 circumstance is held invalid, the validity of the remainder of
2102 this compact shall not be affected thereby. If this compact is
2103 held contrary to the constitution of any participating state,
2104 the compact shall remain in full force and effect as to the
2105 remaining states and in full force and effect as to the
2106 participating state affected as to all severable matters.

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2107 ARTICLE XI

2108 Title

2109
2110 This compact shall be known as the "Wildlife Violator
2111 Compact."

2112 Section 34. Section 372.8311, Florida Statutes, is created
2113 to read:

2114 372.8311 Compact licensing and enforcement authority;
2115 administrative review.--

2116 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of
2117 this act and the interstate wildlife violator compact, the Fish
2118 and Wildlife Conservation Commission is the licensing authority
2119 for the State of Florida and shall enforce the interstate
2120 Wildlife Violators Compact and shall do all things within the
2121 commission's jurisdiction which are necessary to effectuate the
2122 purposes and the intent of the compact. The commission may
2123 execute a resolution of ratification to formalize the State of
2124 Florida's entry into the compact. Upon adoption of the Wildlife
2125 Violators Compact, the commission may adopt rules to administer
2126 the provisions of the compact.

2127 (2) ADMINISTRATIVE REVIEW.--Any action committed or
2128 omitted by the Fish and Wildlife Conservation Commission under
2129 or in the enforcement of the Wildlife Violator Compact created
2130 in s. 372.831 is subject to review under chapter 120.

2131 Section 35. For purposes of incorporating the crossbow
2132 season permit established under s. 372.57, Florida Statutes, the
2133 hunter safety course exemption established under s. 372.5717,
2134 Florida Statutes, and the Wildlife Violator Compact established
2135 under s. 372.831, Florida Statutes, the Fish and Wildlife

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2136 Conservation Commission shall update the automated licensing
2137 system authorized under s. 372.551, Florida Statutes, by no
2138 later than August 1, 2006.

2139 Section 36. Sections 372.711 and 372.912, Florida
2140 Statutes, are repealed.

2141 Section 37. This act shall take effect July 1, 2006.

2142

2143 ===== T I T L E A M E N D M E N T =====

2144 Remove the entire title and insert:

2145 A bill to be entitled

2146 An act relating to fish and wildlife; amending s. 370.01,
2147 F.S.; defining the term "commercial harvester"; amending
2148 s. 370.021, F.S.; providing for base penalties; conforming
2149 penalty provisions for commercial harvesters; providing
2150 penalties for persons other than commercial harvesters;
2151 conforming provisions relating to the spiny lobster;
2152 amending s. 370.028, F.S.; conforming penalty provisions;
2153 amending s. 370.061, F.S.; correcting a cross-reference;
2154 amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121,
2155 370.13, 370.135, 370.14, and 370.142, F.S.; conforming
2156 penalty provisions for commercial harvesters; providing
2157 penalties for persons other than commercial harvesters;
2158 conforming provisions relating to the spiny lobster;
2159 deleting obsolete provisions; amending s. 372.562, F.S.;
2160 conforming a provision providing an exemption from fees
2161 and requirements; amending s. 372.57, F.S.; specifying
2162 seasonal recreational activities for which a license or
2163 permit is required; increasing fees for certain licenses
2164 to conform; providing a fee for a crossbow season permit;

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2165 providing for crossbow season permits; providing penalties
2166 for the production, possession, and use of fraudulent
2167 fishing and hunting licenses; providing penalties for the
2168 taking of game and fish with a suspended or revoked
2169 license; conforming provisions relating to the spiny
2170 lobster; amending s. 372.5704, F.S.; conforming penalty
2171 provisions; amending ss. 372.571 and 372.573, F.S.;
2172 correcting cross-references; amending s. 372.5717, F.S.;
2173 authorizing the Fish and Wildlife Conservation Commission
2174 to defer the hunter safety education course requirement
2175 for a specified time period and for a specified number of
2176 times; providing for a special authorization and
2177 conditions to hunt using a hunter safety education
2178 deferral; deleting the mandatory minimum number of
2179 instructional hours for persons required to take the
2180 hunter safety education course; providing an exemption for
2181 the display of hunter safety education certificates;
2182 providing penalties; amending s. 372.83, F.S.; revising
2183 the penalties for violations of rules, orders, and
2184 regulations of the Fish and Wildlife Conservation
2185 Commission; creating penalties for recreational violations
2186 of certain saltwater fishing regulations established in
2187 ch. 370, F.S.; providing for court appearances in certain
2188 circumstances; providing for Level One, Level Two, Level
2189 Three, and Level Four offenses; providing for enhanced
2190 penalties for multiple violations; providing for
2191 suspension and revocation of licenses and permits,
2192 including exemptions from licensing and permit
2193 requirements; defining the term "conviction" for purposes

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2194 of penalty provisions; creating s. 372.935, F.S.;

2195 providing penalties for violations involving captive

2196 wildlife and poisonous or venomous reptiles; specifying

2197 violations that constitute noncriminal infractions or

2198 second-degree misdemeanors; amending ss. 372.26, 372.265,

2199 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022,

2200 372.99, and 372.9903, F.S.; conforming penalty provisions;

2201 amending s. 921.0022, F.S.; deleting certain Level One

2202 offense designations; creating s. 372.831, F.S.; creating

2203 the Wildlife Violators Compact; providing findings and

2204 purposes; providing definitions; providing procedures for

2205 states issuing citations for wildlife violations;

2206 providing requirements for the home state of a violator;

2207 providing for reciprocal recognition of a license

2208 suspension; providing procedures for administering the

2209 compact; providing for entry into and withdrawal from the

2210 compact; providing for construction of the compact and for

2211 severability; creating s. 372.8311, F.S.; providing for

2212 enforcement of the compact by the Fish and Wildlife

2213 Conservation Commission; providing that actions committed

2214 or omitted by the Fish and Wildlife Conservation

2215 Commission in enforcing the compact are subject to review

2216 under ch. 120, F.S.; requiring that the Fish and Wildlife

2217 Conservation Commission update the automated licensing

2218 system by August 1, 2006; repealing s. 372.711, F.S.,

2219 relating to noncriminal infractions; repealing s. 372.912,

2220 F.S.; relating to poisonous or venomous reptile hunts;

2221 providing an effective date.

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