

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to fish and wildlife; amending s. 370.01,
7 F.S.; defining the term "commercial harvester"; amending
8 s. 370.021, F.S.; providing for base penalties; conforming
9 penalty provisions for commercial harvesters; providing
10 penalties for persons other than commercial harvesters;
11 amending s. 370.028, F.S.; conforming penalty provisions;
12 amending s. 370.061, F.S.; correcting a cross-reference;
13 amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121,
14 370.13, 370.135, 370.14, and 370.142, F.S.; conforming
15 penalty provisions for commercial harvesters; providing
16 penalties for persons other than commercial harvesters;
17 amending s. 372.57, F.S.; specifying seasonal recreational
18 activities for which a license or permit is required;
19 increasing fees for certain licenses to conform; providing
20 fees for crossbow and archery season permits; providing
21 for crossbow and archery season permits; providing
22 penalties for the production, possession, and use of
23 fraudulent fishing and hunting licenses; providing

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24 penalties for the taking of game and fish with a suspended
25 or revoked license; amending s. 372.5704, F.S.; conforming
26 penalty provisions; amending ss. 372.571 and 372.573,
27 F.S.; correcting cross-references; amending s. 372.5717,
28 F.S.; authorizing the Fish and Wildlife Conservation
29 Commission to defer the hunter safety education course
30 requirement for a specified time period and for a
31 specified number of times; providing for special
32 authorization and conditions to hunt using a hunter safety
33 education deferral; deleting the mandatory minimum number
34 of instructional hours for persons required to take the
35 hunter safety education course; providing an exemption for
36 the display of hunter safety education certificates;
37 providing penalties; amending s. 372.83, F.S.; revising
38 the penalties for violations of rules, orders, and
39 regulations of the Fish and Wildlife Conservation
40 Commission; creating penalties for recreational violations
41 of certain saltwater fishing regulations established in
42 ch. 370, F.S.; providing for court appearances in certain
43 circumstances; providing for Level One, Level Two, Level
44 Three, and Level Four offenses; providing for enhanced
45 penalties for multiple violations; providing for
46 suspension and revocation of licenses and permits,
47 including exemptions from licensing and permit
48 requirements; defining the term "conviction" for purposes
49 of penalty provisions; creating s. 372.935, F.S.;
50 providing penalties for violations involving captive
51 wildlife and poisonous or venomous reptiles; specifying

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52 | violations that constitute noncriminal infractions or
53 | second degree misdemeanors; amending ss. 372.26, 372.265,
54 | 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022,
55 | 372.99, and 372.9903, F.S.; conforming penalty provisions;
56 | creating s. 372.831, F.S.; creating the Wildlife Violators
57 | Compact; providing findings and purposes; providing
58 | definitions; providing procedures for states issuing
59 | citations for wildlife violations; providing requirements
60 | for the home state of a violator; providing for reciprocal
61 | recognition of a license suspension; providing procedures
62 | for administering the compact; providing for entry into
63 | and withdrawal from the compact; providing for
64 | construction of the compact and for severability; creating
65 | s. 372.8311, F.S.; providing for enforcement of the
66 | compact by the Fish and Wildlife Conservation Commission;
67 | providing that a suspension under the compact is subject
68 | to limited review under ch. 120, F.S.; providing that
69 | actions taken by another state or its courts are not
70 | reviewable; repealing s. 372.711, F.S., relating to
71 | noncriminal infractions; repealing s. 372.912, F.S.,
72 | relating to organized poisonous reptile hunts; providing
73 | an effective date.

74 |
75 | Be It Enacted by the Legislature of the State of Florida:

76 |
77 | Section 1. Present subsections (5) through (28) of section
78 | 370.01, Florida Statutes, are redesignated as subsections (6)

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79 | through (29), respectively, and a new subsection (5) is added to
80 | that section to read:

81 | 370.01 Definitions.--In construing these statutes, where
82 | the context does not clearly indicate otherwise, the word,
83 | phrase, or term:

84 | (5) "Commercial harvester" means any person, firm, or
85 | corporation that takes, harvests, or attempts to take or harvest
86 | saltwater products for sale or with intent to sell as evidenced
87 | by any of the following:

88 | (a) The person, firm, or corporation is operating under or
89 | is required to operate under a license or permit or
90 | authorization issued pursuant to this chapter;

91 | (b) The person, firm, or corporation is using gear that is
92 | prohibited for use in the harvest of recreational amounts of any
93 | saltwater product being taken or harvested; or

94 | (c) The person, firm, or corporation is harvesting any
95 | saltwater product in an amount that is at least 2 times the
96 | recreational bag limit for the saltwater product being taken or
97 | harvested.

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

100 | 370.021 Administration; rules, publications, records;
101 | penalties; injunctions.--

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

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

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

114
115 Upon final disposition of any alleged offense for which a
116 citation for any violation of this chapter or the rules of the
117 commission has been issued, the court shall, within 10 days,
118 certify the disposition to the commission.

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

123 (a) For a violation involving more than 100 illegal blue
124 crabs, crawfish, or stone crabs, an additional penalty of \$10
125 for each illegal blue crab, crawfish, stone crab, or part
126 thereof.

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

132 (c) For a violation involving the taking or harvesting of
133 oysters from nonapproved areas or the taking or possession of

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134 unculled oysters, an additional penalty of \$10 for each bushel
135 of illegal oysters.

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

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

- 142 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 143 2. Atlantic sturgeon (*Acipenser oxyrhynchus*);
- 144 3. Common snook (*Centropomus undecimalis*);
- 145 4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- 146 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 147 6. Leatherback turtle (*Dermochelys coriacea*);
- 148 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*
149 *imbracata*);
- 150 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 151 9. West Indian manatee (*Trichechus manatus latirostris*),
152

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

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

159 (g) For any violation involving the taking, harvesting, or
160 possession of more than 1,000 pounds of any illegal finfish, an

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161 additional penalty equivalent to the wholesale value of the
162 illegal finfish.

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

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

176 (i) Upon the arrest and conviction for a major violation
177 involving stone crabs, the licenseholder must show just cause
178 why his or her license should not be suspended or revoked. For
179 the purposes of this paragraph, a "major violation" means a
180 major violation as prescribed for illegal stone crabs; any
181 single violation involving possession of more than 25 stone
182 crabs during the closed season or possession of 25 or more
183 whole-bodied or egg-bearing stone crabs; any violation for trap
184 molestation, trap robbing, or pulling traps at night; or any
185 combination of violations in any 3-consecutive-year period
186 wherein more than 75 illegal stone crabs in the aggregate are
187 involved.

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188 (j) Upon the arrest and conviction for a major violation
189 involving crawfish, the licenseholder must show just cause why
190 his or her license should not be suspended or revoked. For the
191 purposes of this paragraph, a "major violation" means a major
192 violation as prescribed for illegal crawfish; any single
193 violation involving possession of more than 25 crawfish during
194 the closed season or possession of more than 25 wrung crawfish
195 tails or more than 25 egg-bearing or stripped crawfish; any
196 violation for trap molestation, trap robbing, or pulling traps
197 at night; or any combination of violations in any 3-consecutive-
198 year period wherein more than 75 illegal crawfish in the
199 aggregate are involved.

200 (k) Upon the arrest and conviction for a major violation
201 involving blue crabs, the licenseholder shall show just cause
202 why his or her saltwater products license should not be
203 suspended or revoked. This paragraph shall not apply to an
204 individual fishing with no more than five traps. For the
205 purposes of this paragraph, a "major violation" means a major
206 violation as prescribed for illegal blue crabs, any single
207 violation wherein 50 or more illegal blue crabs are involved;
208 any violation for trap molestation, trap robbing, or pulling
209 traps at night; or any combination of violations in any 3-
210 consecutive-year period wherein more than 100 illegal blue crabs
211 in the aggregate are involved.

212 (l) Upon the conviction for a major violation involving
213 finfish, the licenseholder must show just cause why his or her
214 saltwater products license should not be suspended or revoked.
215 For the purposes of this paragraph, a major violation is

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216 prescribed for the taking and harvesting of illegal finfish, any
217 single violation involving the possession of more than 100
218 pounds of illegal finfish, or any combination of violations in
219 any 3-consecutive-year period wherein more than 200 pounds of
220 illegal finfish in the aggregate are involved.

221 (m) For a violation involving the taking or harvesting of
222 any marine life species, as those species are defined by rule of
223 the commission, the harvest of which is prohibited, or the
224 taking or harvesting of such a species out of season, or with an
225 illegal gear or chemical, or any violation involving the
226 possession of 25 or more individual specimens of marine life
227 species, or any combination of violations in any 3-year period
228 involving more than 70 such specimens in the aggregate, the
229 suspension or revocation of the licenseholder's marine life
230 endorsement as provided in paragraph (h).

231
232 The penalty provisions of this subsection apply to commercial
233 harvesters and wholesale and retail saltwater products dealers
234 as defined in s. 370.07. Any other person who commits a major
235 violation under this subsection commits a Level Three violation
236 under s. 372.83. Notwithstanding the provisions of s. 948.01, no
237 court may suspend, defer, or withhold adjudication of guilt or
238 imposition of sentence for any major violation prescribed in
239 this subsection. The proceeds from the penalties assessed
240 pursuant to this subsection shall be deposited into the Marine
241 Resources Conservation Trust Fund to be used for marine
242 fisheries research or into the commission's Federal Law
243 Enforcement Trust Fund as provided in s. 372.107, as applicable.

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244 (4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING
245 CERTAIN FINFISH.--

246 (a) It is a major violation pursuant to this section,
247 ~~punishable as provided in paragraph (3)(b)~~, for any person to be
248 in possession of any species of trout, snook, or redfish which
249 is three fish in excess of the recreational or commercial daily
250 bag limit.

251 (b) A commercial harvester who violates this subsection
252 shall be punished as provided in paragraph (3)(b). Any other
253 person who violates this subsection commits a Level Three
254 violation under s. 372.83.

255 (5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY
256 HARVESTED PRODUCTS.--In addition to other penalties authorized
257 in this chapter, any violation of s. 370.06 or s. 370.07, or
258 rules of the commission implementing s. 370.06 or s. 370.07,
259 involving the purchase of saltwater products by a commercial
260 wholesale dealer, retail dealer, or restaurant facility for
261 public consumption from an unlicensed person, firm, or
262 corporation, ~~or the sale of saltwater products by an unlicensed~~
263 ~~person, firm, or corporation~~ or the purchase or sale of any
264 saltwater product known to be taken in violation of s. 16, Art.
265 X of the State Constitution, or rule or statute implementing the
266 provisions thereof, by a commercial wholesale dealer, retail
267 dealer, or restaurant facility, for public consumption, is a
268 major violation, and the commission may assess the following
269 penalties:

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

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

277 (c) For a third or subsequent violation occurring within a
278 24-month period, the commission shall assess a civil penalty of
279 \$5,000 and shall suspend the wholesale or retail dealer's
280 license privileges for up to 24 months.

281
282 Any proceeds from the civil penalties assessed pursuant to this
283 subsection shall be deposited into the Marine Resources
284 Conservation Trust Fund and shall be used as follows: 40 percent
285 for administration and processing purposes and 60 percent for
286 law enforcement purposes.

287 (6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR
288 HARVEST.--It is a major violation and punishable as provided in
289 this subsection for any an unlicensed person, firm, or
290 corporation who is required to be licensed as a commercial
291 harvester or a wholesale or retail saltwater products dealer
292 under this chapter to sell or purchase any saltwater product or
293 to harvest or attempt to harvest any saltwater product with
294 intent to sell the saltwater product.

295 (a) Any person, firm, or corporation who sells or
296 purchases any saltwater product without having purchased the

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297 licenses required by this chapter for such sale is subject to
298 ~~additional~~ penalties as follows:

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

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

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

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

318 5. A fourth or subsequent violation is a felony of the
319 third degree, punishable as provided in s. 775.082 or s.
320 775.083, with a mandatory minimum term of imprisonment of 1
321 year, and such person shall be assessed a civil penalty of
322 \$5,000 and all license privileges under this chapter and chapter
323 372 shall be permanently revoked.

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

332 (c) Any commercial harvester or wholesale or retail
333 saltwater products dealer ~~person~~ whose license privileges under
334 this chapter are under suspension and who during such period of
335 suspension sells or purchases or attempts to sell or purchase
336 any saltwater product shall be assessed the following penalties:

337 1. A first violation, or a second violation occurring more
338 than 12 months after a first violation, is a first degree
339 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
340 and such commercial harvester or wholesale or retail saltwater
341 products dealer ~~person~~ may be assessed a civil penalty of up to
342 \$2,500 and an additional suspension of all license privileges
343 under this chapter and chapter 372 for a period not exceeding 90
344 days.

345 2. A second violation occurring within 12 months of a
346 first violation is a third degree felony, punishable as provided
347 in ss. 775.082 and 775.083, with a mandatory minimum term of
348 imprisonment of 1 year, and such commercial harvester or
349 wholesale or retail saltwater products dealer ~~person~~ may be
350 assessed a civil penalty of up to \$5,000 and an additional
351 suspension of all license privileges under this chapter and

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352 chapter 372 for a period not exceeding 180 days. All property
353 involved in such offense shall be forfeited pursuant to s.
354 370.061.

355 3. A third violation within 24 months of the second
356 violation or subsequent violation is a third degree felony,
357 punishable as provided in ss. 775.082 and 775.083, with a
358 mandatory minimum term of imprisonment of 1 year, and such
359 commercial harvester or wholesale or retail saltwater products
360 dealer ~~person~~ shall be assessed a mandatory civil penalty of up
361 to \$5,000 and an additional suspension of all license privileges
362 under this chapter and chapter 372 for a period not exceeding 24
363 months. All property involved in such offense shall be forfeited
364 pursuant to s. 370.061.

365 (d) Any commercial harvester ~~person~~ who harvests or
366 attempts to harvest any saltwater product with intent to sell
367 the saltwater product without having purchased a saltwater
368 products license with the requisite endorsements is subject to
369 penalties as follows:

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

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

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

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

385 4. A third violation within 1 year after a second
386 violation is a felony of the third degree, punishable as
387 provided in s. 775.082 or s. 775.083, with a mandatory minimum
388 term of imprisonment of 1 year, and such commercial harvester
389 ~~person~~ shall also be assessed a civil penalty of \$5,000 and all
390 license privileges under this chapter and chapter 372 shall be
391 permanently revoked.

392 5. A fourth or subsequent violation is a felony of the
393 third degree, punishable as provided in s. 775.082 or s.
394 775.083, with a mandatory minimum term of imprisonment of 1
395 year, and such commercial harvester ~~person~~ shall also be
396 assessed a mandatory civil penalty of \$5,000 and all license
397 privileges under this chapter and chapter 372 shall be
398 permanently revoked.

399
400 For purposes of this subsection, a violation means any judicial
401 disposition other than acquittal or dismissal.

402 (12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
403 purposes of imposing license or permit suspensions or
404 revocations authorized by this chapter, the license or permit
405 under which the violation was committed is subject to suspension
406 or revocation by the commission. For purposes of assessing
407 monetary civil or administrative penalties authorized by this

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408 chapter, the commercial harvester ~~person, firm, or corporation~~
 409 cited and subsequently receiving a judicial disposition of other
 410 than dismissal or acquittal in a court of law is subject to the
 411 monetary penalty assessment by the commission. However, if the
 412 license or permit holder of record is not the commercial
 413 harvester ~~person, firm, or corporation~~ receiving the citation
 414 and judicial disposition, the license or permit may be suspended
 415 or revoked only after the license or permit holder has been
 416 notified by the commission that the license or permit has been
 417 cited in a major violation and is now subject to suspension or
 418 revocation should the license or permit be cited for subsequent
 419 major violations.

420 Section 3. Section 370.028, Florida Statutes, is amended
 421 to read:

422 370.028 Enforcement of commission rules; penalties for
 423 violation of rule.--Rules of the Fish and Wildlife Conservation
 424 Commission shall be enforced by any law enforcement officer
 425 certified pursuant to s. 943.13. Except as provided under s.
 426 372.83, any person who violates or otherwise fails to comply
 427 with any rule adopted by the commission shall be punished
 428 pursuant to s. 370.021(1).

429 Section 4. Paragraph (d) of subsection (5) of section
 430 370.061, Florida Statutes, is amended to read:

431 370.061 Confiscation, seizure, and forfeiture of property
 432 and products.--

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

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435 (d) For purposes of confiscation under this subsection,
 436 the term "saltwater products" has the meaning set out in s.
 437 370.01~~(27)~~~~(26)~~, except that the term does not include saltwater
 438 products harvested under the authority of a recreational license
 439 unless the amount of such harvested products exceeds three times
 440 the applicable recreational bag limit for trout, snook, or
 441 redbfish.

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

444 370.063 Special recreational crawfish license.--There is
 445 created a special recreational crawfish license, to be issued to
 446 qualified persons as provided by this section for the
 447 recreational harvest of crawfish (spiny lobster) beginning
 448 August 5, 1994.

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

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

453 370.08 Fishers and equipment; regulation.--

454 (8) PENALTIES.--A commercial harvester who violates this
 455 section shall be punished under s. 370.021. Any other person who
 456 violates this section commits a Level Two violation under s.
 457 372.83.

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

460 370.081 Illegal importation or possession of nonindigenous
 461 marine plants and animals; rules and regulations.--

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

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

466 370.1105 Saltwater finfish; fishing traps regulated.--

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

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

472 370.1121 Bonefish; regulation.--

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

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

480 370.13 Stone crab; regulation.--

481 (2) PENALTIES.--For purposes of this subsection,
482 conviction is any disposition other than acquittal or dismissal,
483 regardless of whether the violation was adjudicated under any
484 state or federal law.

485 (a) It is unlawful to violate commission rules regulating
486 stone crab trap certificates and trap tags. No person may use an
487 expired tag or a stone crab trap tag not issued by the
488 commission or possess or use a stone crab trap in or on state

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489 | waters or adjacent federal waters without having a trap tag
490 | required by the commission firmly attached thereto.

491 | 1. In addition to any other penalties provided in s.
492 | 370.021, for any commercial harvester who violates this
493 | paragraph, person, firm, or corporation who violates rule 68B-
494 | 13.010(2), Florida Administrative Code, or rule 68B-13.011(5),
495 | (6), (7), (8), or (11), Florida Administrative Code, the
496 | following administrative penalties apply.

497 | a.1- For a first violation, the commission shall assess an
498 | administrative penalty of up to \$1,000 and the stone crab
499 | endorsement under which the violation was committed may be
500 | suspended for the remainder of the current license year.

501 | b.2- For a second violation that occurs within 24 months
502 | of any previous such violation, the commission shall assess an
503 | administrative penalty of up to \$2,000 and the stone crab
504 | endorsement under which the violation was committed may be
505 | suspended for 12 calendar months.

506 | c.3- For a third violation that occurs within 36 months of
507 | any previous two such violations, the commission shall assess an
508 | administrative penalty of up to \$5,000 and the stone crab
509 | endorsement under which the violation was committed may be
510 | suspended for 24 calendar months.

511 | d.4- A fourth violation that occurs within 48 months of
512 | any three previous such violations, shall result in permanent
513 | revocation of all of the violator's saltwater fishing
514 | privileges, including having the commission proceed against the
515 | endorsement holder's saltwater products license in accordance
516 | with s. 370.021.

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

519
520 Any commercial harvester ~~person~~ assessed an administrative
521 penalty under this paragraph shall, within 30 calendar days
522 after notification, pay the administrative penalty to the
523 commission, or request an administrative hearing under ss.
524 120.569 and 120.57. The proceeds of all administrative penalties
525 collected under this paragraph shall be deposited in the Marine
526 Resources Conservation Trust Fund.

527 (b) It is unlawful for any commercial harvester ~~person~~ to
528 remove the contents of another harvester's trap or take
529 possession of such without the express written consent of the
530 trap owner available for immediate inspection. Unauthorized
531 possession of another's trap gear or removal of trap contents
532 constitutes theft.

533 1. Any commercial harvester ~~person~~ convicted of theft of
534 or from a trap pursuant to this subsection or s. 370.1107 shall,
535 in addition to the penalties specified in s. 370.021 and the
536 provisions of this section, permanently lose all ~~his or her~~
537 saltwater fishing privileges, including saltwater products
538 licenses, stone crab or incidental take endorsements, and all
539 trap certificates allotted to such commercial harvester ~~him or~~
540 ~~her~~ by the commission. In such cases, trap certificates and
541 endorsements are nontransferable.

542 2. In addition, any commercial harvester ~~person, firm, or~~
543 ~~corporation~~ convicted of violating the prohibitions referenced
544 in this paragraph shall also be assessed an administrative

545 penalty of up to \$5,000. Immediately upon receiving a citation
546 for a violation involving theft of or from a trap and until
547 adjudicated for such a violation, or, upon receipt of a judicial
548 disposition other than dismissal or acquittal on such a
549 violation, the violator is prohibited from transferring any
550 stone crab or lobster certificates.

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

553 (c)1. It is unlawful to violate ~~Any person, firm, or~~
554 ~~corporation convicted of violating~~ commission rules that
555 prohibit any of the following: ~~, commits a felony of the third~~
556 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
557 ~~775.084.~~

558 a.1. The willful molestation of any stone crab trap, line,
559 or buoy that is the property of any licenseholder, without the
560 permission of that licenseholder.

561 b.2. The bartering, trading, or sale, or conspiring or
562 aiding in such barter, trade, or sale, or supplying, agreeing to
563 supply, aiding in supplying, or giving away stone crab trap tags
564 or certificates unless the action is duly authorized by the
565 commission as provided by commission rules.

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

568 d.4. Possession of forged, counterfeit, or imitation stone
569 crab trap tags.

570 e.5. Engaging in the commercial harvest of stone crabs
571 during the time either of the endorsements is under suspension
572 or revocation.

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

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

578
579 In addition, any commercial harvester ~~person, firm, or~~
580 ~~corporation~~ convicted of violating this paragraph shall also be
581 assessed an administrative penalty of up to \$5,000, and the
582 incidental take endorsement and/or the stone crab endorsement
583 under which the violation was committed may be suspended for up
584 to 24 calendar months. Immediately upon receiving a citation
585 involving a violation of this paragraph and until adjudicated
586 for such a violation, or if convicted of such a violation, the
587 person, firm, or corporation committing the violation is
588 prohibited from transferring any stone crab certificates or
589 endorsements.

590 (d) For any commercial harvester ~~person, firm, or~~
591 ~~corporation~~ convicted of fraudulently reporting the actual value
592 of transferred stone crab certificates, the commission may
593 automatically suspend or permanently revoke the seller's or the
594 purchaser's stone crab endorsements. If the endorsement is
595 permanently revoked, the commission shall also permanently
596 deactivate the endorsement holder's stone crab certificate
597 accounts. Whether an endorsement is suspended or revoked, the
598 commission may also levy a fine against the holder of the
599 endorsement of up to twice the appropriate surcharge to be paid
600 based on the fair market value of the transferred certificates.

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

603 370.135 Blue crab; regulation.--

604 (1) (a) No commercial harvester ~~person, firm, or~~
605 ~~corporation~~ shall transport on the water, fish with or cause to
606 be fished with, set, or place any trap designed for taking blue
607 crabs unless such commercial harvester ~~person, firm, or~~
608 ~~corporation~~ is the holder of a valid saltwater products license
609 issued pursuant to s. 370.06 and the trap has a current state
610 number permanently attached to the buoy. The trap number shall
611 be affixed in legible figures at least 1 inch high on each buoy
612 used. The saltwater products license must be on board the boat,
613 and both the license and the crabs shall be subject to
614 inspection at all times. Only one trap number may be issued for
615 each boat by the commission upon receipt of an application on
616 forms prescribed by it. This subsection shall not apply to an
617 individual fishing with no more than five traps.

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

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

626 2. Any other person who violates this paragraph commits a
627 Level Four violation under s. 372.83.
628

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629 | Any commercial harvester ~~person~~ receiving a judicial disposition
630 | other than dismissal or acquittal on a charge of willful
631 | molestation of a trap, in addition to the penalties specified in
632 | s. 370.021, shall lose all saltwater fishing privileges for a
633 | period of 24 calendar months.

634 | (c)1. It is unlawful for any person to remove the contents
635 | of or take possession of another harvester's trap without the
636 | express written consent of the trap owner available for
637 | immediate inspection. Unauthorized possession of another's trap
638 | gear or removal of trap contents constitutes theft.

639 | a. Any commercial harvester ~~person~~ receiving a judicial
640 | disposition other than dismissal or acquittal on a charge of
641 | theft of or from a trap pursuant to this section or s. 370.1107
642 | shall, in addition to the penalties specified in s. 370.021 and
643 | the provisions of this section, permanently lose all ~~his or her~~
644 | saltwater fishing privileges, including any ~~his or her~~ saltwater
645 | products license and blue crab endorsement. In such cases
646 | endorsements, landings history, and trap certificates are
647 | nontransferable.

648 | b. In addition, any commercial harvester ~~person, firm, or~~
649 | ~~corporation~~ receiving a judicial disposition other than
650 | dismissal or acquittal for violating this subsection or s.
651 | 370.1107 shall also be assessed an administrative penalty of up
652 | to \$5,000. Immediately upon receiving a citation for a violation
653 | involving theft of or from a trap and until adjudicated for such
654 | a violation, or receiving a judicial disposition other than
655 | dismissal or acquittal for such a violation, the commercial
656 | harvester ~~person, firm, or corporation~~ committing the violation

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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657 is prohibited from transferring any blue crab endorsements,
658 landings history, or trap certificates.

659 2. A commercial harvester who violates this paragraph
660 shall be punished under s. 370.021. Any other person who
661 violates this paragraph commits a Level Two violation under s.
662 372.83.

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

665 370.14 Crawfish; regulation.--

666 (2)(a)1. Each commercial harvester ~~person~~ taking or
667 attempting to take crawfish with a trap in commercial quantities
668 or for commercial purposes shall obtain and exhibit a crawfish
669 trap number, as required by the Fish and Wildlife Conservation
670 Commission. The annual fee for a crawfish trap number is \$125.
671 This trap number may be issued by the commission upon the
672 receipt of application by the commercial harvester ~~person~~ when
673 accompanied by the payment of the fee. The design of the
674 applications and of the trap number shall be determined by the
675 commission. Any trap or device used in taking or attempting to
676 take crawfish, other than a trap with the trap number, shall be
677 seized and destroyed by the commission. The proceeds of the fees
678 imposed by this paragraph shall be deposited and used as
679 provided in paragraph (b). The commission may adopt rules to
680 carry out the intent of this section.

681 2. Each commercial harvester ~~person~~ taking or attempting
682 to take crawfish in commercial quantities or for commercial
683 purposes by any method, other than with a trap having a crawfish

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684 trap number issued by the commission, must pay an annual fee of
685 \$100.

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

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

694 Section 13. Paragraph (c) of subsection (2) of section
695 370.142, Florida Statutes, is amended to read:

696 370.142 Spiny lobster trap certificate program.--

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

702 (c) Prohibitions; penalties.--

703 1. It is unlawful for a person to possess or use a spiny
704 lobster trap in or on state waters or adjacent federal waters
705 without having affixed thereto the trap tag required by this
706 section. It is unlawful for a person to possess or use any other
707 gear or device designed to attract and enclose or otherwise aid
708 in the taking of spiny lobster by trapping that is not a trap as
709 defined by rule of the commission ~~in rule 68B-24.006(2), Florida~~
710 ~~Administrative Code.~~

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

714 3. It is unlawful for any person to willfully molest, take
715 possession of, or remove the contents of another harvester's
716 trap without the express written consent of the trap owner
717 available for immediate inspection. Unauthorized possession of
718 another's trap gear or removal of trap contents constitutes
719 theft.

720 a. A commercial harvester who violates this subparagraph
721 shall be punished under ss. 370.021 and 370.14. Any commercial
722 harvester ~~person~~ receiving a judicial disposition other than
723 dismissal or acquittal on a charge of theft of or from a trap
724 pursuant to this subparagraph or s. 370.1107 shall, in addition
725 to the penalties specified in ss. 370.021 and 370.14 and the
726 provisions of this section, permanently lose all his or her
727 saltwater fishing privileges, including his or her saltwater
728 products license, crawfish endorsement, and all trap
729 certificates allotted to him or her through this program. In
730 such cases, trap certificates and endorsements are
731 nontransferable.

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

737 c. In addition, any commercial harvester ~~person, firm, or~~
738 ~~corporation~~ charged with violating this paragraph and receiving

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739 a judicial disposition other than dismissal or acquittal for
740 violating this subparagraph or s. 370.1107 shall also be
741 assessed an administrative penalty of up to \$5,000.

742
743 Immediately upon receiving a citation for a violation involving
744 theft of or from a trap, or molestation of a trap, and until
745 adjudicated for such a violation or, upon receipt of a judicial
746 disposition other than dismissal or acquittal of such a
747 violation, the person, firm, or corporation committing the
748 violation is prohibited from transferring any crawfish trap
749 certificates and endorsements.

750 4. In addition to any other penalties provided in s.
751 370.021, a commercial harvester, ~~as defined by rule 68B-~~
752 ~~24.002(1), Florida Administrative Code,~~ who violates the
753 provisions of this section, or commission rules ~~the provisions~~
754 relating to traps ~~of chapter 68B-24, Florida Administrative~~
755 ~~Code,~~ shall be punished as follows:

756 a. If the first violation is for violation of subparagraph
757 1. or subparagraph 2., the commission shall assess an additional
758 administrative ~~civil~~ penalty of up to \$1,000 and the crawfish
759 trap number issued pursuant to s. 370.14(2) or (6) may be
760 suspended for the remainder of the current license year. For all
761 other first violations, the commission shall assess an
762 additional administrative ~~civil~~ penalty of up to \$500.

763 b. For a second violation of subparagraph 1. or
764 subparagraph 2. which occurs within 24 months of any previous
765 such violation, the commission shall assess an additional
766 administrative ~~civil~~ penalty of up to \$2,000 and the crawfish

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767 trap number issued pursuant to s. 370.14(2) or (6) may be
768 suspended for the remainder of the current license year.

769 c. For a third or subsequent violation of subparagraph 1.,
770 subparagraph 2., or subparagraph 3. which occurs within 36
771 months of any previous two such violations, the commission shall
772 assess an additional administrative ~~civil~~ penalty of up to
773 \$5,000 and may suspend the crawfish trap number issued pursuant
774 to s. 370.14(2) or (6) for a period of up to 24 months or may
775 revoke the crawfish trap number and, if revoking the crawfish
776 trap number, may also proceed against the licenseholder's
777 saltwater products license in accordance with the provisions of
778 s. 370.021(2) (h).

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

782 (I) Pay the administrative ~~civil~~ penalty to the
783 commission; or

784 (II) Request an administrative hearing pursuant to the
785 provisions of s. 120.60.

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

789 5.a. It is unlawful for any person to make, alter, forge,
790 counterfeit, or reproduce a spiny lobster trap tag or
791 certificate.

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

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795 c. It is unlawful for any person to barter, trade, sell,
796 supply, agree to supply, aid in supplying, or give away a spiny
797 lobster trap tag or certificate or to conspire to barter, trade,
798 sell, supply, aid in supplying, or give away a spiny lobster
799 trap tag or certificate unless such action is duly authorized by
800 the commission as provided in this chapter or in the rules of
801 the commission.

802 6.a. Any commercial harvester ~~person~~ who violates the
803 provisions of subparagraph 5., or any commercial harvester
804 ~~person~~ who engages in the commercial harvest, trapping, or
805 possession of spiny lobster without a crawfish trap number as
806 required by s. 370.14(2) or (6) or during any period while such
807 crawfish trap number is under suspension or revocation, commits
808 a felony of the third degree, punishable as provided in s.
809 775.082, s. 775.083, or s. 775.084.

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

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

818 7. Any certificates for which the annual certificate fee
819 is not paid for a period of 3 years shall be considered
820 abandoned and shall revert to the commission. During any period
821 of trap reduction, any certificates reverting to the commission
822 shall become permanently unavailable and be considered in that

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823 amount to be reduced during the next license-year period.
824 Otherwise, any certificates that revert to the commission are to
825 be reallocated in such manner as provided by the commission.

826 8. The proceeds of all civil penalties collected pursuant
827 to subparagraph 4. and all fines collected pursuant to sub-
828 subparagraph 6.b. shall be deposited into the Marine Resources
829 Conservation Trust Fund.

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

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

834 Section 14. Subsections (4), (8), (11), and (12) of
835 section 372.57, Florida Statutes, are amended, and subsections
836 (16) and (17) are added to that section, to read:

837 372.57 Recreational licenses, permits, and authorization
838 numbers; fees established.--

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

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

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

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

845 (d) Annual combination hunting and freshwater fishing
846 license, \$22.

847 (e) Annual combination freshwater fishing and saltwater
848 fishing license, \$24.

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

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851 (g) Annual license to take fur-bearing animals, \$25.
852 However, a resident with a valid hunting license or a no-cost
853 license who is taking fur-bearing animals for noncommercial
854 purposes using guns or dogs only, and not traps or other
855 devices, is not required to purchase this license. Also, a
856 resident 65 years of age or older is not required to purchase
857 this license.

858 (h) Annual sportsman's license, \$71 ~~\$66~~, except that an
859 annual sportsman's license for a resident 64 years of age or
860 older is \$12. A sportsman's license authorizes the person to
861 whom it is issued to take game and freshwater fish, subject to
862 the state and federal laws, rules, and regulations, including
863 rules of the commission, in effect at the time of the taking.
864 Other authorized activities include activities authorized by a
865 management area permit, a muzzle-loading gun season permit, a
866 crossbow season permit, a turkey permit, a Florida waterfowl
867 permit, and an archery season permit.

868 (i) Annual gold sportsman's license, \$87 ~~\$82~~. The gold
869 sportsman's license authorizes the person to whom it is issued
870 to take freshwater fish, saltwater fish, and game, subject to
871 the state and federal laws, rules, and regulations, including
872 rules of the commission, in effect at the time of taking. Other
873 authorized activities include activities authorized by a
874 management area permit, a muzzle-loading gun season permit, a
875 crossbow season permit, a turkey permit, a Florida waterfowl
876 permit, an archery season permit, a snook permit, and a crawfish
877 permit.

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878 (j) Annual military gold sportsman's license, \$18.50. The
 879 gold sportsman's license authorizes the person to whom it is
 880 issued to take freshwater fish, saltwater fish, and game,
 881 subject to the state and federal laws, rules, and regulations,
 882 including rules of the commission, in effect at the time of
 883 taking. Other authorized activities include activities
 884 authorized by a management area permit, a muzzle-loading gun
 885 season permit, a crossbow season permit, a turkey permit, a
 886 Florida waterfowl permit, an archery season permit, a snook
 887 permit, and a crawfish permit. Any resident who is an active or
 888 retired member of the United States Armed Forces, the United
 889 States Armed Forces Reserve, the National Guard, the United
 890 States Coast Guard, or the United States Coast Guard Reserve is
 891 eligible to purchase the military gold sportsman's license upon
 892 submission of a current military identification card.

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

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

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

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

904 (c) An annual snook permit for a resident or nonresident
 905 to take or possess any snook from any waters of the state is \$2.

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906 Revenue generated from the sale of snook permits shall be used
907 exclusively for programs to benefit the snook population.

908 (d) An annual crawfish permit for a resident or
909 nonresident to take or possess any crawfish for recreational
910 purposes from any waters of the state is \$2. Revenue generated
911 from the sale of crawfish permits shall be used exclusively for
912 programs to benefit the crawfish population.

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

914 1. An annual archery season permit for a resident or
915 nonresident to hunt within the state during any archery season
916 authorized by the commission.

917 2. An annual crossbow season permit for a resident or
918 nonresident to hunt within the state during any crossbow season
919 authorized by the commission.

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

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

929 ~~(f)(g)~~ A special use permit for a resident or nonresident
930 to participate in limited entry hunting or fishing activities as
931 authorized by commission rule shall not exceed \$100 per day or
932 \$250 per week. Notwithstanding any other provision of this
933 chapter, there are no exclusions, exceptions, or exemptions from

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934 | this permit fee. In addition to the permit fee, the commission
935 | may charge each special use permit applicant a nonrefundable
936 | application fee not to exceed \$10.

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

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

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

951 | (h)~~(i)~~1. A recreational user permit is required to hunt
952 | on, fish on, or otherwise use for outdoor recreational purposes
953 | land leased by the commission from private nongovernmental
954 | owners, except for those lands located directly north of the
955 | Apalachicola National Forest, east of the Ochlocknee River until
956 | the point the river meets the dam forming Lake Talquin, and
957 | south of the closest federal highway. The fee for a recreational
958 | user permit shall be based upon the economic compensation
959 | desired by the landowner, game population levels, desired hunter
960 | density, and administrative costs. The permit fee shall be set
961 | by commission rule on a per-acre basis. The recreational user

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962 permit fee, less administrative costs of up to \$25 per permit,
963 shall be remitted to the landowner as provided in the lease
964 agreement for each area.

965 2. One minor dependent, 16 years of age or younger, may
966 hunt under the supervision of the permittee and is exempt from
967 the recreational user permit requirements. The spouse and
968 dependent children of a permittee are exempt from the
969 recreational user permit requirements when engaged in outdoor
970 recreational activities other than hunting and when accompanied
971 by a permittee. Notwithstanding any other provision of this
972 chapter, no other exclusions, exceptions, or exemptions from the
973 recreational user permit fee are authorized.

974 (11) RESIDENT LIFETIME HUNTING LICENSES.--

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

- 977 1. Persons 4 years of age or younger, for a fee of \$200.
- 978 2. Persons 5 years of age or older, but under 13 years of
979 age, for a fee of \$350.
- 980 3. Persons 13 years of age or older, for a fee of \$500.

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

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

986 2. All activities authorized by a muzzle-loading gun
987 season permit, a crossbow season permit, a turkey permit, an
988 archery season permit, a Florida waterfowl permit, and a
989 management area permit, excluding fishing.

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

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

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

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

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

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

999 1. Taking, or attempting to take or possess, freshwater
1000 and saltwater fish, and game, consistent with the state and
1001 federal laws and regulations and rules of the commission in
1002 effect at the time of taking.

1003 2. All activities authorized by a management area permit,
1004 a muzzle-loading gun season permit, a crossbow season permit, a
1005 turkey permit, an archery season permit, a Florida waterfowl
1006 permit, a snook permit, and a crawfish permit.

1007 (16) PROHIBITED LICENSES OR PERMITS.--A person may not
1008 make, forge, or counterfeit a license or permit required under
1009 this section, except for those persons authorized by the
1010 commission to make or reproduce such a license or permit. A
1011 person may not knowingly possess a forgery, counterfeit, or
1012 unauthorized reproduction of such a license or permit. A person
1013 who violates this subsection commits a Level Four violation
1014 under s. 372.83.

1015 (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
1016 game, freshwater fish, saltwater fish, or fur-bearing animals
1017 within this state if a license issued to such person as required

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1018 | under this section or a privilege granted to such person under
 1019 | s. 372.562 is suspended or revoked. A person who violates this
 1020 | subsection commits a Level Three violation under s. 372.83.

1021 | Section 15. Subsection (5) of section 372.5704, Florida
 1022 | Statutes, is amended to read:

1023 | 372.5704 Fish and Wildlife Conservation Commission license
 1024 | program for tarpon; fees; penalties.--

1025 | (5) Any individual including a taxidermist who possesses a
 1026 | tarpon which does not have a tag securely attached as required
 1027 | by this section commits a Level Two violation under s. 372.83
 1028 | ~~shall be subject to penalties as prescribed in s. 370.021.~~

1029 | Provided, however, a taxidermist may remove the tag during the
 1030 | process of mounting a tarpon. The removed tag shall remain with
 1031 | the fish during any subsequent storage or shipment.

1032 | Section 16. Section 372.571, Florida Statutes, is amended
 1033 | to read:

1034 | 372.571 Expiration of licenses and permits.--Each license
 1035 | or permit issued under this chapter must be dated when issued.
 1036 | Each license or permit issued under this chapter remains valid
 1037 | for 12 months after the date of issuance, except for a lifetime
 1038 | license issued pursuant to s. 372.57 which is valid from the
 1039 | date of issuance until the death of the individual to whom the
 1040 | license is issued unless otherwise revoked in accordance with s.
 1041 | 372.99, or a 5-year license issued pursuant to s. 372.57 which
 1042 | is valid for 5 consecutive years from the date of purchase
 1043 | unless otherwise revoked in accordance with s. 372.99, or a
 1044 | license issued pursuant to s. 372.57(5)(a), (b), (c), or (f) or
 1045 | (8)(f) ~~(8)(g)~~ or (g)2. ~~(h)2.~~, which is valid for the period

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1046 | specified on the license. A resident lifetime license or a
 1047 | resident 5-year license that has been purchased by a resident of
 1048 | this state and who subsequently resides in another state shall
 1049 | be honored for activities authorized by that license.

1050 | Section 17. Section 372.5717, Florida Statutes, is amended
 1051 | to read:

1052 | 372.5717 Hunter safety course; requirements; penalty.--

1053 | (1) This section may be cited as the Senator Joe Carlucci
 1054 | Hunter Safety Act.

1055 | (2) (a) Except as provided in paragraph (b), a person born
 1056 | on or after June 1, 1975, may not be issued a license to take
 1057 | wild animal life with the use of a firearm, gun, bow, or
 1058 | crossbow in this state without having first successfully
 1059 | completed a hunter safety course as provided in this section,
 1060 | and without having in his or her personal possession a hunter
 1061 | safety certification card, as provided in this section.

1062 | (b) A person born on or after June 1, 1975, who has not
 1063 | successfully completed a hunter safety course may apply to the
 1064 | commission for a special authorization to hunt under
 1065 | supervision. The special authorization for supervised hunting
 1066 | shall be designated on any license or permit required under this
 1067 | chapter for a person to take game or fur-bearing animals and
 1068 | shall be valid for not more than 1 year. A special authorization
 1069 | for supervised hunting may not be issued more than once to the
 1070 | person applying for such authorization. A person issued a
 1071 | license with a special authorization to hunt under supervision
 1072 | must hunt under the supervision of, and in the presence of, a
 1073 | person 21 years of age or older who is licensed to hunt under s.

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1074 | 372.57 or who is exempt from licensing requirements or eligible
 1075 | for a free license under s. 372.562.

1076 | (3) The Fish and Wildlife Conservation Commission shall
 1077 | institute and coordinate a statewide hunter safety course that
 1078 | ~~which~~ must be offered in every county and consist of not ~~less~~
 1079 | ~~than 12 hours nor~~ more than 16 hours of instruction including,
 1080 | but not limited to, instruction in the competent and safe
 1081 | handling of firearms, conservation, and hunting ethics.

1082 | (4) The commission shall issue a permanent hunter safety
 1083 | certification card to each person who successfully completes the
 1084 | hunter safety course. The commission shall maintain records of
 1085 | hunter safety certification cards issued and shall establish
 1086 | procedures for replacing lost or destroyed cards.

1087 | (5) A hunter safety certification card issued by a
 1088 | wildlife agency of another state, or any Canadian province,
 1089 | which shows that the holder of the card has successfully
 1090 | completed a hunter safety course approved by the commission is
 1091 | an acceptable substitute for the hunter safety certification
 1092 | card issued by the commission.

1093 | (6) All persons subject to the requirements of subsection
 1094 | (2) must have in their personal possession, proof of compliance
 1095 | with this section, while taking or attempting to take wildlife
 1096 | with the use of a firearm, gun, bow, or crossbow and must,
 1097 | unless the requirement to complete a hunter safety course is
 1098 | deferred under this section, display a valid hunter safety
 1099 | certification card ~~to county tax collectors or their subagents~~
 1100 | in order to purchase a Florida hunting license. After the
 1101 | issuance of such a license, the license itself shall serve as

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1102 proof of compliance with this section. A holder of a lifetime
 1103 license whose license does not indicate on the face of the
 1104 license that a hunter safety course has been completed must have
 1105 in his or her personal possession a hunter safety certification
 1106 card, as provided by this section, while attempting to take wild
 1107 animal life with the use of a firearm, gun, bow, or crossbow.

1108 (7) The hunter safety requirements of this section do not
 1109 apply to persons for whom licenses are not required under s.
 1110 372.562(2).

1111 (8) A person who violates this section shall be cited for
 1112 a Level One violation under s. 372.83 and shall be punished
 1113 ~~noncriminal infraction, punishable~~ as provided in s. 372.83 ~~s.~~
 1114 ~~372.711~~.

1115 Section 18. Section 372.573, Florida Statutes, is amended
 1116 to read:

1117 372.573 Management area permit revenues.--The commission
 1118 shall expend the revenue generated from the sale of the
 1119 management area permit as provided for in s. 372.57(8)(g) ~~s.~~
 1120 ~~372.57(8)(h)~~ or that pro rata portion of any license that
 1121 includes management area privileges as provided for in s.
 1122 372.57(4)(h), (i), and (j) for the lease, management, and
 1123 protection of lands for public hunting, fishing, and other
 1124 outdoor recreation.

1125 Section 19. Section 372.83, Florida Statutes, is amended
 1126 to read:

1127 (Substantial rewording of section. See
 1128 s. 372.83, F.S., for present text.)

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1129 372.83 Penalties and violations; civil penalties for
 1130 noncriminal infractions; criminal penalties; suspension and
 1131 forfeiture of licenses and permits.--

1132 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One
 1133 violation if he or she violates any of the following provisions:

1134 1. Rules or orders of the commission relating to the
 1135 filing of reports or other documents required to be filed by
 1136 persons who hold recreational licenses and permits issued by the
 1137 commission.

1138 2. Rules or orders of the commission relating to quota
 1139 hunt permits, daily use permits, hunting zone assignments,
 1140 camping, alcoholic beverages, vehicles, and check stations
 1141 within wildlife management areas or other areas managed by the
 1142 commission.

1143 3. Rules or orders of the commission relating to daily use
 1144 permits, alcoholic beverages, swimming, possession of firearms,
 1145 operation of vehicles, and watercraft speed within fish
 1146 management areas managed by the commission.

1147 4. Rules or orders of the commission relating to vessel
 1148 size or specifying motor restrictions on specified water bodies.

1149 5. Section 370.063, providing for special recreational
 1150 crawfish licenses.

1151 6. Subsections (1) through (15) of s. 372.57, providing
 1152 for recreational licenses to hunt, fish, and trap.

1153 7. Section 372.5717, providing hunter safety course
 1154 requirements.

1155 8. Section 372.988, prohibiting deer hunting unless
 1156 required clothing is worn.

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1157 (b) A person who commits a Level One violation commits a
1158 noncriminal infraction and shall be cited to appear before the
1159 county court.

1160 (c)1. The civil penalty for committing a Level One
1161 violation involving the license and permit requirements of s.
1162 372.57 is \$50, plus the cost of the license or permit if the
1163 person cited has not previously committed a Level One violation.

1164 2. The civil penalty for committing a Level One violation
1165 involving the license and permit requirements of s. 372.57 is
1166 \$250, plus the cost of the license or permit if the person cited
1167 has previously committed a Level One violation.

1168 (d)1. The civil penalty for any other Level One violation
1169 is \$50 if the person cited has not previously committed a Level
1170 One violation.

1171 2. The civil penalty for any other Level One violation is
1172 \$250 if the person cited has previously committed a Level One
1173 violation.

1174 (e) A person cited for a Level One violation shall sign
1175 and accept a citation to appear before the county court. The
1176 issuing officer may indicate on the citation the time and
1177 location of the scheduled hearing and shall indicate the
1178 applicable civil penalty.

1179 (f) A person cited for a Level One violation may pay the
1180 civil penalty by mail or in person within 30 days after receipt
1181 of the citation. If the civil penalty is paid, the person shall
1182 be deemed to have admitted committing the Level One violation
1183 and to have waived his or her right to a hearing before the
1184 county court. Such admission may not be used as evidence in any

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1185 other proceedings except to determine the appropriate fine for
1186 any subsequent violations.

1187 (g) A person who refuses to accept a citation, who fails
1188 to pay the civil penalty for a Level One violation, or who fails
1189 to appear before a county court as required commits a
1190 misdemeanor of the second degree, punishable as provided in s.
1191 775.082 or s. 775.083.

1192 (h) A person who elects to appear before the county court
1193 or who is required to appear before the county court shall be
1194 deemed to have waived the limitations on civil penalties
1195 provided under paragraph (c). After a hearing, the county court
1196 shall determine if a Level One violation has been committed and,
1197 if so, may impose a civil penalty of not less than \$50 for a
1198 first-time violation and not more than \$500 for subsequent
1199 violations. A person found guilty of committing a Level One
1200 violation may appeal that finding to the circuit court. The
1201 commission of a violation must be proved beyond a reasonable
1202 doubt.

1203 (i) A person cited for violating the requirements of s.
1204 372.57 relating to personal possession of a license or permit
1205 may not be convicted if, prior to or at the time of a county
1206 court hearing, the person produces the required license or
1207 permit for verification by the hearing officer or the court
1208 clerk. The license or permit must have been valid at the time
1209 the person was cited. The clerk or hearing officer may assess a
1210 \$5 fee for costs under this paragraph.

1211 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
1212 violation if he or she violates any of the following provisions:

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- 1213 1. Rules or orders of the commission relating to season or
 1214 time periods for the taking of wildlife, freshwater fish, or
 1215 saltwater fish.
- 1216 2. Rules or orders of the commission establishing bag,
 1217 possession, or size limits or restricting methods of taking
 1218 wildlife, freshwater fish, or saltwater fish.
- 1219 3. Rules or orders of the commission prohibiting access or
 1220 otherwise relating to access to wildlife management areas or
 1221 other areas managed by the commission.
- 1222 4. Rules or orders of the commission relating to the
 1223 feeding of wildlife, freshwater fish, or saltwater fish.
- 1224 5. Rules or orders of the commission relating to landing
 1225 requirements for freshwater fish or saltwater fish.
- 1226 6. Rules or orders of the commission relating to
 1227 restricted hunting areas, critical wildlife areas, or bird
 1228 sanctuaries.
- 1229 7. Rules or orders of the commission relating to tagging
 1230 requirements for game and fur-bearing animals.
- 1231 8. Rules or orders of the commission relating to the use
 1232 of dogs for the taking of game.
- 1233 9. Rules or orders of the commission which are not
 1234 otherwise classified.
- 1235 10. All prohibitions in chapter 370 which are not
 1236 otherwise classified.
- 1237 11. Subsection 370.021(6), prohibiting the sale, purchase,
 1238 harvest, or attempted harvest of any saltwater product with
 1239 intent to sell.

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1240 12. Section 370.028, prohibiting the violation of or
1241 noncompliance with commission rules.

1242 13. Section 370.08, prohibiting the obstruction of
1243 waterways with net gear.

1244 14. Section 370.1105, prohibiting the unlawful use of
1245 finfish traps.

1246 15. Section 370.1121, prohibiting the unlawful taking of
1247 bonefish.

1248 16. Paragraphs 370.13(2)(a) and (b), prohibiting the
1249 possession or use of stone crab traps without trap tags and
1250 theft of trap contents or gear.

1251 17. Paragraph 370.135(1)(c), prohibiting the theft of blue
1252 crab trap contents or trap gear.

1253 18. Paragraph 370.142(2)(c), prohibiting the possession or
1254 use of spiny lobster traps without trap tags or certificates and
1255 theft of trap contents or trap gear.

1256 19. Section 372.5704, prohibiting the possession of tarpon
1257 without purchasing a tarpon tag.

1258 20. Section 372.667, prohibiting the feeding or enticement
1259 of alligators or crocodiles.

1260 21. Section 372.705, prohibiting the intentional
1261 harassment of hunters, fishers, or trappers.

1262 (b)1. A person who commits a Level Two violation but who
1263 has not been convicted of a Level Two or higher violation within
1264 the past 3 years commits a misdemeanor of the second degree,
1265 punishable as provided in s. 775.082 or s. 775.083.

1266 2. Unless the stricter penalties in subparagraph 3. or
1267 subparagraph 4. apply, a person who commits a Level Two

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1268 violation within 3 years after a previous conviction for a Level
1269 Two or higher violation commits a misdemeanor of the first
1270 degree, punishable as provided in s. 775.082 or s. 775.083, with
1271 a minimum mandatory fine of \$250.

1272 3. Unless the stricter penalties in subparagraph 4. apply,
1273 a person who commits a Level Two violation within 5 years after
1274 two previous convictions for a Level Two or higher violation
1275 commits a misdemeanor of the first degree, punishable as
1276 provided in s. 775.082 or s. 775.083, with a minimum mandatory
1277 fine of \$500 and a suspension of any recreational license or
1278 permit issued under s. 372.57 for 1 year. Such suspension shall
1279 include the suspension of the privilege to obtain such license
1280 or permit and the suspension of the ability to exercise any
1281 privilege granted under any exemption in s. 372.562.

1282 4. A person who commits a Level Two violation within 10
1283 years after three previous convictions for a Level Two or higher
1284 violation commits a misdemeanor of the first degree, punishable
1285 as provided in s. 775.082 or s. 775.083, with a minimum
1286 mandatory fine of \$750 and a suspension of any recreational
1287 license or permit issued under s. 372.57 for 3 years. Such
1288 suspension shall include the suspension of the privilege to
1289 obtain such license or permit and the suspension of the ability
1290 to exercise any privilege granted under any exemption in s.
1291 372.562.

1292 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
1293 Three violation if he or she violates any of the following
1294 provisions:

- 1295 1. Rules or orders of the commission prohibiting the sale
 1296 of saltwater fish.
- 1297 2. Subsection 370.021(2), establishing major violations.
- 1298 3. Subsection 370.021(4), prohibiting the possession of
 1299 certain finfish in excess of recreational or commercial daily
 1300 bag limits.
- 1301 4. Section 370.081, prohibiting the illegal importation or
 1302 possession of exotic marine plants or animals.
- 1303 5. Section 372.26, prohibiting the importation of
 1304 freshwater fish.
- 1305 6. Section 372.265, prohibiting the importation of
 1306 nonindigenous species of the animal kingdom without a permit
 1307 issued by the commission.
- 1308 7. Subsection 372.57(17), prohibiting the taking of game,
 1309 freshwater fish, saltwater fish, or fur-bearing animals while a
 1310 required license is suspended or revoked.
- 1311 8. Section 372.662, prohibiting the illegal sale or
 1312 possession of alligators.
- 1313 9. Subsections 372.99(1), (3), and (6), prohibiting the
 1314 illegal taking and possession of deer and wild turkey.
- 1315 10. Section 372.9903, prohibiting the possession and
 1316 transportation of commercial quantities of freshwater game fish.
- 1317 (b)1. A person who commits a Level Three violation but who
 1318 has not been convicted of a Level Three or higher violation
 1319 within the past 10 years commits a misdemeanor of the first
 1320 degree, punishable as provided in s. 775.082 or s. 775.083.
- 1321 2. A person who commits a Level Three violation within 10
 1322 years after a previous conviction for a Level Three or higher

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1323 violation commits a misdemeanor of the first degree, punishable
 1324 as provided in s. 775.082 or s. 775.083, with a minimum
 1325 mandatory fine of \$750 and a suspension of any recreational
 1326 license or permit issued under s. 372.57 for the remainder of
 1327 the period for which the license or permit was issued up to 3
 1328 years. If the recreational license or permit being suspended was
 1329 an annual license or permit, any privileges under s. 372.57 may
 1330 not be acquired for a 3-year period following the date of the
 1331 violation.

1332 3. A person who commits a violation of s. 372.57(17) shall
 1333 receive a mandatory fine of \$1,000. Any privileges under s.
 1334 372.57 may not be acquired for a 5-year period following the
 1335 date of the violation.

1336 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
 1337 Four violation if he or she violates any of the following
 1338 provisions:

1339 1. Paragraph 370.13(2)(c), prohibiting the willful
 1340 molestation of stone crab gear; the illegal trade, sale, or
 1341 supply of stone crab trap tags or certificates; the unlawful
 1342 reproduction or possession of stone crab trap tags or
 1343 certificates; or the unlawful harvest of stone crabs.

1344 2. Section 370.135, prohibiting the willful molestation of
 1345 blue crab gear.

1346 3. Subsection 370.14(4), prohibiting the willful
 1347 molestation of crawfish gear.

1348 4. Subparagraph 370.142(2)(c)5., prohibiting the unlawful
 1349 reproduction of spiny lobster trap tags or certificates.

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1350 5. Subsection 372.57(16), prohibiting the making, forging,
 1351 counterfeiting, or reproduction of a recreational license or
 1352 possession of same without authorization from the commission.

1353 6. Subsection 372.99(5), prohibiting the sale of illegally
 1354 taken deer or wild turkey.

1355 7. Section 372.99022, prohibiting the molestation or theft
 1356 of freshwater fishing gear.

1357 (b) A person who commits a Level Four violation commits a
 1358 felony of the third degree, punishable as provided in s. 775.082
 1359 or s. 775.083.

1360 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
 1361 chapter:

1362 (a) A person who commits a violation of any provision of
 1363 this chapter commits, for the first offense, a misdemeanor of
 1364 the second degree, punishable as provided in s. 775.082 or s.
 1365 775.083.

1366 (b) A person who is convicted of a second or subsequent
 1367 violation of any provision of this chapter commits a misdemeanor
 1368 of the first degree, punishable as provided in s. 775.082 or s.
 1369 775.083.

1370 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
 1371 order the suspension or forfeiture of any license or permit
 1372 issued under this chapter to a person who is found guilty of
 1373 committing a violation of this chapter.

1374 (7) CONVICTION DEFINED.--As used in this section, the term
 1375 "conviction" means any judicial disposition other than acquittal
 1376 or dismissal.

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1377 Section 20. Section 372.935, Florida Statutes, is created
1378 to read:

1379 372.935 Captive wildlife penalties.--

1380 (1) LEVEL ONE.--Unless otherwise provided by law, the
1381 following classifications and penalties apply:

1382 (a) A person commits a Level One violation if she or he
1383 violates any of the following provisions:

1384 1. Rules or orders of the commission requiring free
1385 permits or other authorizations to possess captive wildlife.

1386 2. Rules or orders of the commission relating to the
1387 filing of reports or other documents required of persons who are
1388 licensed to possess captive wildlife.

1389 3. Rules or orders of the commission requiring permits to
1390 possess captive wildlife that a fee is charged for, when the
1391 person being charged was issued the permit and the permit has
1392 expired less than 1 year prior to the violation.

1393 (b) Any person cited for committing any offense classified
1394 as a Level One violation commits a noncriminal infraction,
1395 punishable as provided in this section.

1396 (c) Any person cited for committing a noncriminal
1397 infraction specified in paragraph (a) shall be cited to appear
1398 before the county court. The civil penalty for any noncriminal
1399 infraction is \$50 if the person cited has not previously been
1400 found guilty of a Level One violation and \$250 if the person
1401 cited has previously been found guilty of a Level One violation,
1402 except as otherwise provided in this subsection. Any person
1403 cited for failing to have a required permit or license shall pay

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1404 an additional civil penalty in the amount of the license fee
1405 required.

1406 (d) Any person cited for an infraction under this
1407 subsection may:

1408 1. Post a bond, which shall be equal in amount to the
1409 applicable civil penalty; or

1410 2. Sign and accept a citation indicating a promise to
1411 appear before the county court. The officer may indicate on the
1412 citation the time and location of the scheduled hearing and
1413 shall indicate the applicable civil penalty.

1414 (e) Any person charged with a noncriminal infraction under
1415 this subsection may:

1416 1. Pay the civil penalty, either by mail or in person,
1417 within 30 days after the date of receiving the citation; or

1418 2. If the person has posted bond, forfeit bond by not
1419 appearing at the designated time and location.

1420 (f) If the person cited follows either of the procedures
1421 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
1422 deemed to have admitted the infraction and to have waived his or
1423 her right to a hearing on the issue of commission of the
1424 infraction. Such admission shall not be used as evidence in any
1425 other proceedings except to determine the appropriate fine for
1426 any subsequent violations.

1427 (g) Any person who willfully refuses to post bond or
1428 accept and sign a summons is guilty of a misdemeanor of the
1429 second degree, punishable as provided in s. 775.082 or s.
1430 775.083. Any person who fails to pay the civil penalty specified
1431 in this subsection within 30 days after being cited for a

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1432 noncriminal infraction or to appear before the court pursuant to
 1433 this subsection is guilty of a misdemeanor of the second degree,
 1434 punishable as provided in s. 775.082 or s. 775.083.

1435 (h) Any person electing to appear before the county court
 1436 or who is required to appear shall be deemed to have waived the
 1437 limitations on the civil penalty specified in paragraph (c). The
 1438 court, after a hearing, shall make a determination as to whether
 1439 an infraction has been committed. If the commission of an
 1440 infraction has been proven, the court may impose a civil penalty
 1441 not less than those amounts in paragraph (c) and not to exceed
 1442 \$500.

1443 (i) At a hearing under this chapter, the commission of a
 1444 charged infraction must be proved beyond a reasonable doubt.

1445 (j) If a person is found by the hearing official to have
 1446 committed an infraction, she or he may appeal that finding to
 1447 the circuit court.

1448 (2) LEVEL TWO.--Unless otherwise provided by law, the
 1449 following classifications and penalties apply:

1450 (a) A person commits a Level Two violation if he or she
 1451 violates any of the following provisions:

1452 1. Unless otherwise stated in subsection (1), rules or
 1453 orders of the commission that require a person to pay a fee to
 1454 obtain a permit to possess captive wildlife or that require the
 1455 maintenance of records relating to captive wildlife.

1456 2. Rules or orders of the commission relating to captive
 1457 wildlife not specified in subsections (1) or (3).

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1458 3. Rules or orders of the commission that require housing
1459 of wildlife in a safe manner when a violation results in an
1460 escape of wildlife other than Class I wildlife.

1461 4. Section 372.86, relating to possessing or exhibiting
1462 reptiles.

1463 5. Section 372.87, relating to licensing of reptiles.

1464 6. Section 372.88, relating to bonding requirements for
1465 exhibits.

1466 7. Section 372.89, relating to housing requirements.

1467 8. Section 372.90, relating to transportation.

1468 9. Section 372.901, relating to inspection.

1469 10. Section 372.91, relating to limitation of access to
1470 reptiles.

1471 11. Section 372.921, relating to exhibition or sale of
1472 wildlife.

1473 12. Section 372.922, relating to personal possession of
1474 wildlife.

1475 (b) A person who commits any offense classified as a Level
1476 Two violation, who has not been convicted of a violation that is
1477 classified as a Level Two or above within the past 3 years, is
1478 guilty of a misdemeanor of the second degree, punishable as
1479 provided in s. 775.082 or s. 775.083.

1480 (c) Unless otherwise stated in this paragraph, a person
1481 who commits any offense classified as a Level Two violation
1482 within a 3-year period of any previous conviction of any offense
1483 classified as a Level Two violation or higher is guilty of a
1484 misdemeanor of the first degree, punishable as provided in s.
1485 775.082 or s. 775.083 with a minimum mandatory fine of \$250.

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1486 (d) Unless otherwise stated in this paragraph, a person
1487 who commits any offense classified as a Level Two violation
1488 within a 5-year period of any two previous convictions of
1489 offenses that are classified as Level Two violations or above is
1490 guilty of a misdemeanor of the first degree, punishable as
1491 provided in s. 775.082 or s. 775.083 with a minimum mandatory
1492 fine of \$500 and a suspension of all licenses issued under this
1493 chapter related to captive wildlife for 1 year.

1494 (e) A person who commits any offense classified as a Level
1495 Two violation within a 10-year period of any three previous
1496 convictions of offenses classified as Level Two violations or
1497 above is guilty of a misdemeanor of the first degree, punishable
1498 as provided in s. 775.082 or s. 775.083 with a minimum mandatory
1499 fine of \$750 and a suspension of all licenses issued under this
1500 chapter related to captive wildlife for 3 years.

1501 (3) LEVEL THREE.--Unless otherwise provided by law, the
1502 following classifications and penalties apply.

1503 (a) A person is guilty of a Level Three violation if he or
1504 she violates any of the following provisions:

1505 1. Rules or orders of the commission that require housing
1506 of wildlife in a safe manner when a violation results in an
1507 escape of Class I wildlife.

1508 2. Rules or orders of the commission related to captive
1509 wildlife when the violation results in serious bodily injury to
1510 another person by captive wildlife which consists of a physical
1511 condition that creates a substantial risk of death, serious
1512 personal disfigurement, or protracted loss or impairment of the
1513 function of any bodily member or organ.

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1514 3. Rules or orders of the commission relating to the use
1515 of gasoline or other chemical or gaseous substances on wildlife.

1516 4. Rules or orders of the commission prohibiting the
1517 release of wildlife for which only conditional possession is
1518 allowed.

1519 5. Rules or orders of the commission prohibiting knowingly
1520 entering false information on an application for a license or
1521 permit when the license or permit is to possess wildlife in
1522 captivity.

1523 6. Section 372.265, relating to illegal importation or
1524 introduction of foreign wildlife.

1525 (b)1. A person who commits any offense classified as a
1526 Level Three violation, who has not been convicted of a violation
1527 that is classified as a Level Three or above within the past 10
1528 years, is guilty of a misdemeanor of the first degree,
1529 punishable as provided in s. 775.082 or s. 775.083.

1530 2. A person who commits any offense classified as a Level
1531 Three violation within a 10-year period of any previous
1532 conviction of any offense classified as a Level Three violation
1533 or above is guilty of a misdemeanor of the first degree,
1534 punishable as provided in s. 775.082 or s. 775.083 with a
1535 minimum mandatory fine of \$750 and a suspension of all licenses
1536 issued under this chapter relating to captive wildlife for 3
1537 years.

1538 (4) LEVEL FOUR.--Unless otherwise provided by law, the
1539 following classifications and penalties apply.

1540 (a) A person is guilty of a Level Four violation if he or
1541 she violates any of the following provisions:

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1542 1. Section 370.081, relating to the illegal importation
1543 and possession of nonindigenous marine plants and animals.

1544 2. Section 372.92, relating to release of reptiles of
1545 concern.

1546 3. Rules or orders of the commission relating to the
1547 importation, possession, or release of fish and wildlife for
1548 which possession is prohibited.

1549 (b) A person who commits any offense classified as a Level
1550 Four violation is guilty of a felony of the third degree,
1551 punishable as provided in s. 775.082 or s. 775.083 with a
1552 permanent revocation of all licenses or permits to possess
1553 captive wildlife issued under this chapter.

1554 (5) VIOLATIONS OF SECTION.--Unless otherwise provided in
1555 this chapter, a person who violates any provision of this
1556 section is guilty, for the first offense, of a misdemeanor of
1557 the second degree, punishable as provided in s. 775.082 or s.
1558 775.083, and is guilty, for the second offense or any subsequent
1559 offense, of a misdemeanor of the first degree, punishable as
1560 provided in s. 775.082 or s. 775.083.

1561 (6) SUSPENSION OR REVOCATION OF LICENSE.--The court may
1562 order the suspension or revocation of any license or permit
1563 issued to a person to possess captive wildlife pursuant to this
1564 chapter if that person commits a criminal offense or a
1565 noncriminal infraction as specified under this section.

1566 (7) CONVICTION DEFINED.--For purposes of this section,
1567 conviction means any judicial disposition other than acquittal
1568 or dismissal.

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1569 (8) COMMISSION LIMITATIONS.--Nothing herein shall limit
 1570 the commission from suspending or revoking any license to
 1571 possess wildlife in captivity by administrative action in
 1572 accordance with chapter 120. For purposes of administrative
 1573 action, a conviction of a criminal offense shall mean any
 1574 judicial disposition other than acquittal or dismissal.

1575 Section 21. Section 372.26, Florida Statutes, is amended
 1576 to read:

1577 372.26 Imported fish.--

1578 (1) No person shall import into the state or place in any
 1579 of the fresh waters of the state any freshwater fish of any
 1580 species without having first obtained a permit from the Fish and
 1581 Wildlife Conservation Commission. The commission is authorized
 1582 to issue or deny such a permit upon the completion of studies of
 1583 the species made by it to determine any detrimental effect the
 1584 species might have on the ecology of the state.

1585 (2) A person who violates this section commits a Level
 1586 Three violation under s. 372.83 ~~Persons in violation of this~~
 1587 ~~section shall be guilty of a misdemeanor of the first degree,~~
 1588 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1589 Section 22. Section 372.265, Florida Statutes, is amended
 1590 to read:

1591 372.265 Regulation of foreign animals.--

1592 (1) It is unlawful to import for sale or use, or to
 1593 release within this state, any species of the animal kingdom not
 1594 indigenous to Florida without having obtained a permit to do so
 1595 from the Fish and Wildlife Conservation Commission.

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1596 (2) The Fish and Wildlife Conservation Commission is
1597 authorized to issue or deny such a permit upon the completion of
1598 studies of the species made by it to determine any detrimental
1599 effect the species might have on the ecology of the state.

1600 (3) A person ~~Persons~~ in violation of this section commits
1601 a Level Three violation under s. 372.83 ~~shall be guilty of a~~
1602 ~~misdemeanor of the first degree, punishable as provided in s.~~
1603 ~~775.082 or s. 775.083.~~

1604 Section 23. Subsection (2) of section 372.661, Florida
1605 Statutes, is amended to read:

1606 372.661 Private hunting preserve license fees;
1607 exception.--

1608 (2) A commercial hunting preserve license, which shall
1609 exempt patrons of licensed preserves from the license and permit
1610 requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j);
1611 (5)(f) and (g); (8)(a), (b), and (e), ~~and (f)~~; (9)(a)2.; (11);
1612 and (12) while hunting on the licensed preserve property, shall
1613 be \$500. Such commercial hunting preserve license shall be
1614 available only to those private hunting preserves licensed
1615 pursuant to this section which are operated exclusively for
1616 commercial purposes, which are open to the public, and for which
1617 a uniform fee is charged to patrons for hunting privileges.

1618 Section 24. Section 372.662, Florida Statutes, is amended
1619 to read:

1620 372.662 Unlawful sale, possession, or transporting of
1621 alligators or alligator skins.--Whenever the sale, possession,
1622 or transporting of alligators or alligator skins is prohibited
1623 by any law of this state, or by the rules, regulations, or

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1624 orders of the Fish and Wildlife Conservation Commission adopted
 1625 pursuant to s. 9, Art. IV of the State Constitution, the sale,
 1626 possession, or transporting of alligators or alligator skins is
 1627 a Level Three violation under s. 372.83 ~~misdemeanor of the first~~
 1628 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1629 Section 25. Section 372.667, Florida Statutes, is amended
 1630 to read:

1631 372.667 Feeding or enticement of alligators or crocodiles
 1632 unlawful; penalty.--

1633 (1) No person shall intentionally feed, or entice with
 1634 feed, any wild American alligator (*Alligator mississippiensis*)
 1635 or American crocodile (*Crocodylus acutus*). However, the
 1636 provisions of this section shall not apply to:

1637 (a) Those persons feeding alligators or crocodiles
 1638 maintained in protected captivity for educational, scientific,
 1639 commercial, or recreational purposes.

1640 (b) Fish and Wildlife Conservation Commission personnel,
 1641 persons licensed or otherwise authorized by the commission, or
 1642 county or municipal animal control personnel when relocating
 1643 alligators or crocodiles by baiting or enticement.

1644 (2) For the purposes of this section, the term "maintained
 1645 in protected captivity" means held in captivity under a permit
 1646 issued by the Fish and Wildlife Conservation Commission pursuant
 1647 to s. 372.921 or s. 372.922.

1648 (3) Any person who violates this section commits a Level
 1649 Two violation under s. 372.83 ~~is guilty of a misdemeanor of the~~
 1650 ~~second degree, punishable as provided in s. 775.082 or s.~~
 1651 ~~775.083.~~

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1652 Section 26. Section 372.705, Florida Statutes, is amended
1653 to read:

1654 372.705 Harassment of hunters, trappers, or fishers.--

1655 (1) A person may not intentionally, within a publicly or
1656 privately owned wildlife management or fish management area or
1657 on any state-owned water body:

1658 (a) Interfere with or attempt to prevent the lawful taking
1659 of fish, game, or nongame animals by another.

1660 (b) Attempt to disturb fish, game, or nongame animals or
1661 attempt to affect their behavior with the intent to prevent
1662 their lawful taking by another.

1663 (2) Any person who violates this section commits a Level
1664 Two violation under s. 372.83 ~~subsection (1) is guilty of a~~
1665 ~~misdemeanor of the second degree, punishable as provided in s.~~
1666 ~~775.082 or s. 775.083.~~

1667 Section 27. Section 372.988, Florida Statutes, is amended
1668 to read:

1669 372.988 Required clothing for persons hunting deer.--It is
1670 a Level One violation under s. 372.83 ~~unlawful~~ for any person to
1671 hunt deer, or for any person to accompany another person hunting
1672 deer, during the open season for the taking of deer on public
1673 lands unless each person shall wear a total of at least 500
1674 square inches of daylight fluorescent orange material as an
1675 outer garment. Such clothing shall be worn above the waistline
1676 and may include a head covering. The provisions of this section
1677 shall not apply to any person hunting deer with a bow and arrow
1678 during seasons restricted to hunting with a bow and arrow.

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1679 Section 28. Subsection (1) of section 372.99022, Florida
1680 Statutes, is amended to read:

1681 372.99022 Illegal molestation of or theft from freshwater
1682 fishing gear.--

1683 (1)(a) Any person, firm, or corporation that willfully
1684 molests any authorized and lawfully permitted freshwater fishing
1685 gear belonging to another without the express written consent of
1686 the owner commits a Level Four violation under s. 372.83 ~~felony~~
1687 ~~of the third degree, punishable as provided in s. 775.082, s.~~
1688 ~~775.083, or s. 775.084.~~ Any written consent must be available
1689 for immediate inspection.

1690 (b) Any person, firm, or corporation that willfully
1691 removes the contents of any authorized and lawfully permitted
1692 freshwater fishing gear belonging to another without the express
1693 written consent of the owner commits a Level Four violation
1694 under s. 372.83 ~~felony of the third degree, punishable as~~
1695 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~ Any written
1696 consent must be available for immediate inspection.

1697
1698 A person, firm, or corporation that receives a citation for a
1699 violation of this subsection is prohibited, immediately upon
1700 receipt of such citation and until adjudicated or convicted of a
1701 felony under this subsection, from transferring any
1702 endorsements.

1703 Section 29. Section 372.99, Florida Statutes, is amended
1704 to read:

1705 372.99 Illegal taking and possession of deer and wild
1706 turkey; evidence; penalty.--

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1707 (1) Whoever takes or kills any deer or wild turkey, or
1708 possesses a freshly killed deer or wild turkey, during the
1709 closed season prescribed by law or by the rules and regulations
1710 of the Fish and Wildlife Conservation Commission, or whoever
1711 takes or attempts to take any deer or wild turkey by the use of
1712 gun and light in or out of closed season, commits a Level Three
1713 violation under s. 372.83 ~~is guilty of a misdemeanor of the~~
1714 ~~first degree, punishable as provided in s. 775.082 or s.~~
1715 ~~775.083,~~ and shall forfeit any license or permit issued to her
1716 or him under the provisions of this chapter. No license shall be
1717 issued to such person for a period of 3 years following any such
1718 violation on the first offense. Any person guilty of a second or
1719 subsequent violation shall be permanently ineligible for
1720 issuance of a license or permit thereafter.

1721 (2) The display or use of a light in a place where deer
1722 might be found and in a manner capable of disclosing the
1723 presence of deer, together with the possession of firearms or
1724 other weapons customarily used for the taking of deer, between 1
1725 hour after sunset and 1 hour before sunrise, shall be prima
1726 facie evidence of an intent to violate the provisions of
1727 subsection (1). This subsection does not apply to an owner or
1728 her or his employee when patrolling or inspecting the land of
1729 the owner, provided the employee has satisfactory proof of
1730 employment on her or his person.

1731 (3) Whoever takes or kills any doe deer; fawn or baby
1732 deer; or deer, whether male or female, which does not have one
1733 or more antlers at least 5 inches in length, except as provided
1734 by law or the rules of the Fish and Wildlife Conservation

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1735 Commission, during the open season prescribed by the rules of
 1736 the commission, commits a Level Three violation under s. 372.83
 1737 ~~is guilty of a misdemeanor of the first degree, punishable as~~
 1738 ~~provided in s. 775.082 or s. 775.083,~~ and may be required to
 1739 forfeit any license or permit issued to such person for a period
 1740 of 3 years following any such violation on the first offense.
 1741 Any person guilty of a second or subsequent violation shall be
 1742 permanently ineligible for issuance of a license or permit
 1743 thereafter.

1744 (4) Any person who cultivates agricultural crops may apply
 1745 to the Fish and Wildlife Conservation Commission for a permit to
 1746 take or kill deer on land which that person is currently
 1747 cultivating. When said person can show, to the satisfaction of
 1748 the Fish and Wildlife Conservation Commission, that such taking
 1749 or killing of deer is justified because of damage to the
 1750 person's crops caused by deer, the Fish and Wildlife
 1751 Conservation Commission may issue a limited permit to the
 1752 applicant to take or kill deer without being in violation of
 1753 subsection (1) or subsection (3).

1754 (5) Whoever possesses for sale or sells deer or wild
 1755 turkey taken in violation of this chapter or the rules and
 1756 regulations of the commission commits a Level Four violation
 1757 under s. 372.83 ~~is guilty of a felony of the third degree,~~
 1758 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1759 (6) Any person who enters upon private property and shines
 1760 lights upon such property, without the express permission of the
 1761 owner of the property and with the intent to take deer by
 1762 utilizing such shining lights, commits a Level Three violation

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1763 ~~under s. 372.83 shall be guilty of a misdemeanor of the second~~
1764 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1765 Section 30. Subsection (1) of section 372.9903, Florida
1766 Statutes, is amended to read:

1767 372.9903 Illegal possession or transportation of
1768 freshwater game fish in commercial quantities; penalty.--

1769 (1) Whoever possesses, moves, or transports any black
1770 bass, bream, speckled perch, or other freshwater game fish in
1771 commercial quantities in violation of law or the rules of the
1772 Fish and Wildlife Conservation Commission commits a Level Three
1773 violation under s. 372.83 ~~shall be guilty of a misdemeanor of~~
1774 ~~the first degree, punishable as provided in s. 775.082 or s.~~
1775 ~~775.083.~~

1776 Section 31. Section 372.831, Florida Statutes, is created
1777 to read:

1778 372.831 Wildlife Violators Compact.--The Wildlife
1779 Violators Compact is created and entered into with all other
1780 jurisdictions legally joining therein in the form substantially
1781 as follows:

1783 ARTICLE I

1784 Findings and Purpose

1786 (1) The participating states find that:

1787 (a) Wildlife resources are managed in trust by the
1788 respective states for the benefit of all residents and visitors.

1789 (b) The protection of the wildlife resources of a state is
1790 materially affected by the degree of compliance with state

1791 statutes, laws, regulations, ordinances, and administrative
 1792 rules relating to the management of such resources.

1793 (c) The preservation, protection, management, and
 1794 restoration of wildlife contributes immeasurably to the
 1795 aesthetic, recreational, and economic aspects of such natural
 1796 resources.

1797 (d) Wildlife resources are valuable without regard to
 1798 political boundaries; therefore, every person should be required
 1799 to comply with wildlife preservation, protection, management,
 1800 and restoration laws, ordinances, and administrative rules and
 1801 regulations of the participating states as a condition precedent
 1802 to the continuance or issuance of any license to hunt, fish,
 1803 trap, or possess wildlife.

1804 (e) Violation of wildlife laws interferes with the
 1805 management of wildlife resources and may endanger the safety of
 1806 persons and property.

1807 (f) The mobility of many wildlife law violators
 1808 necessitates the maintenance of channels of communication among
 1809 the various states.

1810 (g) In most instances, a person who is cited for a
 1811 wildlife violation in a state other than his or her home state
 1812 is:

1813 1. Required to post collateral or a bond to secure
 1814 appearance for a trial at a later date;

1815 2. Taken into custody until the collateral or bond is
 1816 posted; or

1817 3. Taken directly to court for an immediate appearance.

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1818 (h) The purpose of the enforcement practices set forth in
1819 paragraph (g) is to ensure compliance with the terms of a
1820 wildlife citation by the cited person who, if permitted to
1821 continue on his or her way after receiving the citation, could
1822 return to his or her home state and disregard his or her duty
1823 under the terms of the citation.

1824 (i) In most instances, a person receiving a wildlife
1825 citation in his or her home state is permitted to accept the
1826 citation from the officer at the scene of the violation and
1827 immediately continue on his or her way after agreeing or being
1828 instructed to comply with the terms of the citation.

1829 (j) The enforcement practices described in paragraph (g)
1830 cause unnecessary inconvenience and, at times, a hardship for
1831 the person who is unable at the time to post collateral, furnish
1832 a bond, stand trial, or pay a fine, and thus is compelled to
1833 remain in custody until some alternative arrangement is made.

1834 (k) The enforcement practices described in paragraph (g)
1835 consume an undue amount of time of law enforcement agencies.

1836 (2) It is the policy of the participating states to:

1837 (a) Promote compliance with the statutes, laws,
1838 ordinances, regulations, and administrative rules relating to
1839 the management of wildlife resources in their respective states.

1840 (b) Recognize a suspension of the wildlife license
1841 privileges of any person whose license privileges have been
1842 suspended by a participating state and treat such suspension as
1843 if it had occurred in each respective state.

1844 (c) Allow a violator, except as provided in subsection (2)
1845 of Article III, to accept a wildlife citation and, without

1846 delay, proceed on his or her way, whether or not the violator is
 1847 a resident of the state in which the citation was issued, if the
 1848 violator's home state is party to this compact.

1849 (d) Report to the appropriate participating state, as
 1850 provided in the compact manual, any conviction recorded against
 1851 any person whose home state was not the issuing state.

1852 (e) Allow the home state to recognize and treat
 1853 convictions recorded against its residents, which convictions
 1854 occurred in a participating state, as though they had occurred
 1855 in the home state.

1856 (f) Extend cooperation to its fullest extent among the
 1857 participating states for enforcing compliance with the terms of
 1858 a wildlife citation issued in one participating state to a
 1859 resident of another participating state.

1860 (g) Maximize the effective use of law enforcement
 1861 personnel and information.

1862 (h) Assist court systems in the efficient disposition of
 1863 wildlife violations.

1864 (3) The purpose of this compact is to:

1865 (a) Provide a means through which participating states may
 1866 join in a reciprocal program to effectuate the policies
 1867 enumerated in subsection (2) in a uniform and orderly manner.

1868 (b) Provide for the fair and impartial treatment of
 1869 wildlife violators operating within participating states in
 1870 recognition of the violator's right to due process and the
 1871 sovereign status of a participating state.

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ARTICLE II

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CS1874 Definitions

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1876 As used in this compact, the term:

1877 (1) "Citation" means any summons, complaint, summons and
1878 complaint, ticket, penalty assessment, or other official
1879 document issued to a person by a wildlife officer or other peace
1880 officer for a wildlife violation which contains an order
1881 requiring the person to respond.

1882 (2) "Collateral" means any cash or other security
1883 deposited to secure an appearance for trial in connection with
1884 the issuance by a wildlife officer or other peace officer of a
1885 citation for a wildlife violation.

1886 (3) "Compliance" with respect to a citation means the act
1887 of answering a citation through an appearance in a court or
1888 tribunal, or through the payment of fines, costs, and
1889 surcharges, if any.

1890 (4) "Conviction" means a conviction, including any court
1891 conviction, for any offense related to the preservation,
1892 protection, management, or restoration of wildlife which is
1893 prohibited by state statute, law, regulation, ordinance, or
1894 administrative rule that results in suspension or revocation of
1895 a license. The term also includes the forfeiture of any bail,
1896 bond, or other security deposited to secure appearance by a
1897 person charged with having committed any such offense, the
1898 payment of a penalty assessment, a plea of nolo contendere, or
1899 the imposition of a deferred or suspended sentence by the court.

1900 (5) "Court" means a court of law, including magistrate's
1901 court and the justice of the peace court.

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1902 (6) "Home state" means the state of primary residence of a
1903 person.

1904 (7) "Issuing state" means the participating state that
1905 issues a wildlife citation to the violator.

1906 (8) "License" means any license, permit, or other public
1907 document that conveys to the person to whom it was issued the
1908 privilege of pursuing, possessing, or taking any wildlife
1909 regulated by statute, law, regulation, ordinance, or
1910 administrative rule of a participating state; any privilege to
1911 obtain such license, permit, or other public document; or any
1912 statutory exemption from the requirement to obtain such license,
1913 permit, or other public document. However, when applied to
1914 licenses issued by the State of Florida, only those licenses
1915 issued or privileges authorized pursuant to s. 372.561, s.
1916 372.562, or s. 372.57 shall be considered licenses.

1917 (9) "Licensing authority" means the department or division
1918 within each participating state that is authorized by law to
1919 issue or approve licenses or permits to hunt, fish, trap, or
1920 possess wildlife.

1921 (10) "Participating state" means any state that enacts
1922 legislation to become a member of this wildlife compact.

1923 (11) "Personal recognizance" means an agreement by a
1924 person made at the time of issuance of the wildlife citation
1925 that such person will comply with the terms of the citation.

1926 (12) "State" means any state, territory, or possession of
1927 the United States, the District of Columbia, the Commonwealth of
1928 Puerto Rico, the Provinces of Canada, and other countries.

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1929 (13) "Suspension" means any revocation, denial, or
 1930 withdrawal of any or all license privileges, including the
 1931 privilege to apply for, purchase, or exercise the benefits
 1932 conferred by any license.

1933 (14) "Terms of the citation" means those conditions and
 1934 options expressly stated upon the citation.

1935 (15) "Wildlife" means all species of animals, including,
 1936 but not limited to, mammals, birds, fish, reptiles, amphibians,
 1937 mollusks, and crustaceans, which are defined as "wildlife" and
 1938 are protected or otherwise regulated by statute, law,
 1939 regulation, ordinance, or administrative rule in a participating
 1940 state. Species included in the definition of "wildlife" vary
 1941 from state to state and the determination of whether a species
 1942 is "wildlife" for the purposes of this compact shall be based on
 1943 local law.

1944 (16) "Wildlife law" means any statute, law, regulation,
 1945 ordinance, or administrative rule developed and enacted for the
 1946 management of wildlife resources and the uses thereof.

1947 (17) "Wildlife officer" means any individual authorized by
 1948 a participating state to issue a citation for a wildlife
 1949 violation.

1950 (18) "Wildlife violation" means any cited violation of a
 1951 statute, law, regulation, ordinance, or administrative rule
 1952 developed and enacted for the management of wildlife resources
 1953 and the uses thereof.

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ARTICLE III

Procedures for Issuing State

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

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

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

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

Procedure for Home State

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1987 (1) Upon receipt of a report from the licensing authority
1988 of the issuing state reporting the failure of a violator to
1989 comply with the terms of a citation, the licensing authority of
1990 the home state shall notify the violator and shall initiate a
1991 suspension action in accordance with the home state's suspension
1992 procedures and shall suspend the violator's license privileges
1993 until satisfactory evidence of compliance with the terms of the
1994 wildlife citation has been furnished by the issuing state to the
1995 home state licensing authority. Due process safeguards shall be
1996 accorded.

1997 (2) Upon receipt of a report of conviction from the
1998 licensing authority of the issuing state, the licensing
1999 authority of the home state shall enter such conviction in its
2000 records and shall treat such conviction as though it occurred in
2001 the home state for purposes of the suspension of license
2002 privileges.

2003 (3) The licensing authority of the home state shall
2004 maintain a record of actions taken and shall make reports to
2005 issuing states as provided in the compact manual.

ARTICLE V

Reciprocal Recognition of Suspension

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2010 (1) Each participating state may recognize the suspension
2011 of license privileges of any person by any other participating
2012 state as though the violation resulting in the suspension had

2013 | occurred in that state and would have been the basis for
 2014 | suspension of license privileges in that state.

2015 | (2) Each participating state shall communicate suspension
 2016 | information to other participating states in the form and
 2017 | content contained in the compact manual.

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2019 | ARTICLE VI
 2020 | Applicability of Other Laws

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2022 | Except as expressly required by provisions of this compact, this
 2023 | compact does not affect the right of any participating state to
 2024 | apply any of its laws relating to license privileges to any
 2025 | person or circumstance or to invalidate or prevent any agreement
 2026 | or other cooperative arrangement between a participating state
 2027 | and a nonparticipating state concerning the enforcement of
 2028 | wildlife laws.

2029 |

2030 | ARTICLE VII
 2031 | Compact Administrator Procedures

2032 |

2033 | (1) For the purpose of administering the provisions of
 2034 | this compact and to serve as a governing body for the resolution
 2035 | of all matters relating to the operation of this compact, a
 2036 | board of compact administrators is established. The board shall
 2037 | be composed of one representative from each of the participating
 2038 | states to be known as the compact administrator. The compact
 2039 | administrator shall be appointed by the head of the licensing
 2040 | authority of each participating state and shall serve and be

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2041 subject to removal in accordance with the laws of the state he
 2042 or she represents. A compact administrator may provide for the
 2043 discharge of his or her duties and the performance of his or her
 2044 functions as a board member by an alternate. An alternate is not
 2045 entitled to serve unless written notification of his or her
 2046 identity has been given to the board.

2047 (2) Each member of the board of compact administrators
 2048 shall be entitled to one vote. No action of the board shall be
 2049 binding unless taken at a meeting at which a majority of the
 2050 total number of the board's votes are cast in favor thereof.
 2051 Action by the board shall be only at a meeting at which a
 2052 majority of the participating states are represented.

2053 (3) The board shall elect annually from its membership a
 2054 chair and vice chair.

2055 (4) The board shall adopt bylaws not inconsistent with the
 2056 provisions of this compact or the laws of a participating state
 2057 for the conduct of its business and shall have the power to
 2058 amend and rescind its bylaws.

2059 (5) The board may accept for any of its purposes and
 2060 functions under this compact any and all donations and grants of
 2061 moneys, equipment, supplies, materials, and services,
 2062 conditional or otherwise, from any state, the United States, or
 2063 any governmental agency, and may receive, use, and dispose of
 2064 the same.

2065 (6) The board may contract with, or accept services or
 2066 personnel from, any governmental or intergovernmental agency,
 2067 individual, firm, corporation, or private nonprofit organization
 2068 or institution.

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2069 (7) The board shall formulate all necessary procedures and
2070 develop uniform forms and documents for administering the
2071 provisions of this compact. All procedures and forms adopted
2072 pursuant to board action shall be contained in a compact manual.

2074 ARTICLE VIII

2075 Entry into Compact and Withdrawal

2076
2077 (1) This compact shall become effective at such time as it
2078 is adopted in substantially similar form by two or more states.

2079 (2) (a) Entry into the compact shall be made by resolution
2080 of ratification executed by the authorized officials of the
2081 applying state and submitted to the chair of the board.

2082 (b) The resolution shall substantially be in the form and
2083 content as provided in the compact manual and must include the
2084 following:

2085 1. A citation of the authority from which the state is
2086 empowered to become a party to this compact.

2087 2. An agreement of compliance with the terms and
2088 provisions of this compact.

2089 3. An agreement that compact entry is with all states
2090 participating in the compact and with all additional states
2091 legally becoming a party to the compact.

2092 (c) The effective date of entry shall be specified by the
2093 applying state but may not be less than 60 days after notice has
2094 been given by the chair of the board of the compact
2095 administrators or by the secretariat of the board to each

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2096 participating state that the resolution from the applying state
2097 has been received.

2098 (3) A participating state may withdraw from participation
2099 in this compact by official written notice to each participating
2100 state, but withdrawal shall not become effective until 90 days
2101 after the notice of withdrawal is given. The notice must be
2102 directed to the compact administrator of each member state. The
2103 withdrawal of any state does not affect the validity of this
2104 compact as to the remaining participating states.

2105

2106 ARTICLE IX

2107 Amendments to the Compact

2108

2109 (1) This compact may be amended from time to time.
2110 Amendments shall be presented in resolution form to the chair of
2111 the board of compact administrators and shall be initiated by
2112 one or more participating states.

2113 (2) Adoption of an amendment shall require endorsement by
2114 all participating states and shall become effective 30 days
2115 after the date of the last endorsement.

2116

2117 ARTICLE X

2118 Construction and Severability

2119

2120 This compact shall be liberally construed so as to effectuate
2121 the purposes stated herein. The provisions of this compact are
2122 severable and if any phrase, clause, sentence, or provision of
2123 this compact is declared to be contrary to the constitution of

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2124 any participating state or of the United States, or if the
 2125 applicability thereof to any government, agency, individual, or
 2126 circumstance is held invalid, the validity of the remainder of
 2127 this compact shall not be affected thereby. If this compact is
 2128 held contrary to the constitution of any participating state,
 2129 the compact shall remain in full force and effect as to the
 2130 remaining states and in full force and effect as to the
 2131 participating state affected as to all severable matters.

2132 Section 32. Section 372.8311, Florida Statutes, is created
 2133 to read:

2134 372.8311 Compact licensing and enforcement authority;
 2135 administrative review.--

2136 (1) For purposes of this chapter and the interstate
 2137 Wildlife Violators Compact, the Fish and Wildlife Conservation
 2138 Commission is the licensing authority for the State of Florida
 2139 and the commission shall enforce the interstate Wildlife
 2140 Violators Compact and shall do all things within the
 2141 commission's jurisdiction that are necessary to effectuate the
 2142 purposes and the intent of the compact. The commission may
 2143 execute a resolution of ratification to formalize the State of
 2144 Florida's entry into the compact. Upon adoption of the
 2145 interstate Wildlife Violators Compact, the commission may adopt
 2146 rules to administer the provisions of the compact.

2147 (2) Any act done or omitted pursuant to, or in enforcing,
 2148 the provisions of this compact are subject to review in
 2149 accordance with chapter 120, Florida Statutes. Notwithstanding
 2150 any other provision of this section, actions taken by another
 2151 state or its courts shall not be reviewable.

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2152 | Section 33. Sections 372.711 and 372.912, Florida
2153 | Statutes, are repealed.

2154 | Section 34. This act shall take effect October 1, 2006.