

1 A bill to be entitled
2 An act relating to fish and wildlife; amending s. 370.01,
3 F.S.; defining the term "commercial harvester"; amending
4 s. 370.021, F.S.; providing for base penalties; conforming
5 penalty provisions for commercial harvesters; providing
6 penalties for persons other than commercial harvesters;
7 conforming provisions relating to the spiny lobster;
8 amending s. 370.028, F.S.; conforming penalty provisions;
9 amending s. 370.061, F.S.; correcting a cross-reference;
10 amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121,
11 370.13, 370.135, 370.14, and 370.142, F.S.; conforming
12 penalty provisions for commercial harvesters; providing
13 penalties for persons other than commercial harvesters;
14 conforming provisions relating to the spiny lobster;
15 deleting obsolete provisions; amending s. 372.562, F.S.;
16 conforming a provision providing an exemption from fees
17 and requirements; amending s. 372.57, F.S.; specifying
18 seasonal recreational activities for which a license or
19 permit is required; increasing fees for certain licenses
20 to conform; providing a fee for a crossbow season permit;
21 providing for crossbow season permits; providing penalties
22 for the production, possession, and use of fraudulent
23 fishing and hunting licenses; providing penalties for the
24 taking of game and fish with a suspended or revoked
25 license; conforming provisions relating to the spiny
26 lobster; amending s. 372.5704, F.S.; conforming penalty
27 provisions; amending ss. 372.571 and 372.573, F.S.;

28 | correcting cross-references; amending s. 372.5717, F.S.;

29 | authorizing the Fish and Wildlife Conservation Commission

30 | to defer the hunter safety education course requirement

31 | for a specified time period and for a specified number of

32 | times; providing for a special authorization and

33 | conditions to hunt using a hunter safety education

34 | deferral; deleting the mandatory minimum number of

35 | instructional hours for persons required to take the

36 | hunter safety education course; providing an exemption for

37 | the display of hunter safety education certificates;

38 | providing penalties; amending s. 372.83, F.S.; revising

39 | the penalties for violations of rules, orders, and

40 | regulations of the Fish and Wildlife Conservation

41 | Commission; creating penalties for recreational violations

42 | of certain saltwater fishing regulations established in

43 | ch. 370, F.S.; providing for court appearances in certain

44 | circumstances; providing for Level One, Level Two, Level

45 | Three, and Level Four offenses; providing for enhanced

46 | penalties for multiple violations; providing for

47 | suspension and revocation of licenses and permits,

48 | including exemptions from licensing and permit

49 | requirements; defining the term "conviction" for purposes

50 | of penalty provisions; creating s. 372.935, F.S.;

51 | providing penalties for violations involving captive

52 | wildlife and poisonous or venomous reptiles; specifying

53 | violations that constitute noncriminal infractions or

54 | second-degree misdemeanors; amending ss. 372.26, 372.265,

55 | 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022,
56 | 372.99, and 372.9903, F.S.; conforming penalty provisions;
57 | amending s. 921.0022, F.S.; deleting certain Level One
58 | offense designations; creating s. 372.831, F.S.; creating
59 | the Wildlife Violators Compact; providing findings and
60 | purposes; providing definitions; providing procedures for
61 | states issuing citations for wildlife violations;
62 | providing requirements for the home state of a violator;
63 | providing for reciprocal recognition of a license
64 | suspension; providing procedures for administering the
65 | compact; providing for entry into and withdrawal from the
66 | compact; providing for construction of the compact and for
67 | severability; creating s. 372.8311, F.S.; providing for
68 | enforcement of the compact by the Fish and Wildlife
69 | Conservation Commission; providing that actions committed
70 | or omitted by the Fish and Wildlife Conservation
71 | Commission in enforcing the compact are subject to review
72 | under ch. 120, F.S.; requiring that the Fish and Wildlife
73 | Conservation Commission update the automated licensing
74 | system by August 1, 2006; repealing s. 372.711, F.S.,
75 | relating to noncriminal infractions; repealing s. 372.912,
76 | F.S.; relating to poisonous or venomous reptile hunts;
77 | providing an effective date.

78 |
79 | Be It Enacted by the Legislature of the State of Florida:
80 |

81 Section 1. Present subsections (5) through (28) of section
 82 370.01, Florida Statutes, are redesignated as subsections (6)
 83 through (29), respectively, and a new subsection (5) is added to
 84 that section, to read:

85 370.01 Definitions.--In construing these statutes, where
 86 the context does not clearly indicate otherwise, the word,
 87 phrase, or term:

88 (5) "Commercial harvester" means any person, firm, or
 89 corporation that takes, harvests, or attempts to take or harvest
 90 saltwater products for sale or with intent to sell; that is
 91 operating under or is required to operate under a license or
 92 permit or authorization issued pursuant to this chapter; that is
 93 using gear that is prohibited for use in the harvest of
 94 recreational amounts of any saltwater product being taken or
 95 harvested; or that is harvesting any saltwater product in an
 96 amount that is at least two times the recreational bag limit for
 97 the saltwater product being taken or 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:

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, spiny lobster ~~erawfish~~, or stone crabs, an additional
 125 penalty of \$10 for each illegal blue crab, spiny lobster
 126 ~~erawfish~~, stone crab, or part 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

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 oxyrinchus*);
- 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 *imbricata*);
- 150 8. Atlantic ridley turtle (*Lepidochelys kempi*); 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

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.

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

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

213 (l) Upon the conviction for a major violation involving
214 finfish, the licenseholder must show just cause why his or her

215 saltwater products license should not be suspended or revoked.
216 For the purposes of this paragraph, a major violation is
217 prescribed for the taking and harvesting of illegal finfish, any
218 single violation involving the possession of more than 100
219 pounds of illegal finfish, or any combination of violations in
220 any 3-consecutive-year period wherein more than 200 pounds of
221 illegal finfish in the aggregate are involved.

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

232
233 The penalty provisions of this subsection apply to commercial
234 harvesters and wholesale and retail dealers as defined in s.
235 370.07. Any other person who commits a major violation under
236 this subsection commits a Level Three violation under s. 372.83.
237 Notwithstanding the provisions of s. 948.01, no court may
238 suspend, defer, or withhold adjudication of guilt or imposition
239 of sentence for any major violation prescribed in this
240 subsection. The proceeds from the penalties assessed pursuant to
241 this subsection shall be deposited into the Marine Resources

242 Conservation Trust Fund to be used for marine fisheries research
 243 or into the commission's Federal Law Enforcement Trust Fund as
 244 provided in s. 372.107, as applicable.

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

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

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

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

269 major violation, and the commission may assess the following
 270 penalties:

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

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

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

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

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

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

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

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

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

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

319 5. A fourth or subsequent violation is a felony of the
320 third degree, punishable as provided in s. 775.082 or s.
321 775.083, with a mandatory minimum term of imprisonment of 1
322 year, and such person shall be assessed a civil penalty of

323 \$5,000 and all license privileges under this chapter and chapter
324 372 shall be permanently revoked.

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

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

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

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

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

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

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

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

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

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

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

398
 399 For purposes of this subsection, a violation means any judicial
 400 disposition other than acquittal or dismissal.

401 (12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For
 402 purposes of imposing license or permit suspensions or
 403 revocations authorized by this chapter, the license or permit

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

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

421 | 370.028 Enforcement of commission rules; penalties for
422 | violation of rule.--Rules of the Fish and Wildlife Conservation
423 | Commission shall be enforced by any law enforcement officer
424 | certified pursuant to s. 943.13. Except as provided under s.
425 | 372.83, any person who violates or otherwise fails to comply
426 | with any rule adopted by the commission shall be punished
427 | pursuant to s. 370.021(1).

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

430 370.061 Confiscation, seizure, and forfeiture of property
 431 and products.--

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

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

441 Section 5. Section 370.063, Florida Statutes, is amended
 442 to read:

443 370.063 Special recreational spiny lobster ~~erawfish~~
 444 license.--There is created a special recreational spiny lobster
 445 ~~erawfish~~ license, to be issued to qualified persons as provided
 446 by this section for the recreational harvest of spiny lobster
 447 ~~erawfish (spiny lobster)~~ beginning August 5, 1994.

448 (1) The special recreational spiny lobster ~~erawfish~~
 449 license shall be available to any individual spiny lobster
 450 ~~erawfish~~ trap number holder who also possesses a saltwater
 451 products license during the 1993-1994 license year. A person
 452 issued a special recreational spiny lobster ~~erawfish~~ license may
 453 not also possess a trap number.

454 (2) The special recreational spiny lobster ~~erawfish~~
 455 license is required in order to harvest spiny lobster ~~erawfish~~
 456 from state territorial waters in quantities in excess of the

457 regular recreational bag limit but not in excess of a special
458 bag limit as established by the Marine Fisheries Commission for
459 these harvesters before the 1994-1995 license year. Such special
460 bag limit does not apply during the 2-day sport season
461 established by the Fish and Wildlife Conservation Commission.

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

465 (4) As a condition precedent to the issuance of a special
466 recreational spiny lobster ~~erawfish~~ license, the applicant must
467 agree to file quarterly reports with the Fish and Wildlife
468 Conservation Commission in such form as the commission requires,
469 detailing the amount of the licenseholder's spiny lobster
470 ~~erawfish~~ (~~spiny lobster~~) harvest in the previous quarter,
471 including the harvest of other recreational harvesters aboard
472 the licenseholder's vessel.

473 (5) The Fish and Wildlife Conservation Commission shall
474 issue special recreational spiny lobster ~~erawfish~~ licenses. The
475 fee for each such license is \$100 per year. Each license issued
476 in any license year must be renewed by June 30 of each
477 subsequent year by the initial individual holder thereof.
478 Noncompliance with the reporting requirement in subsection (4)
479 or with the special recreational bag limit established under
480 subsection (6) constitutes grounds for which the commission may
481 refuse to renew the license for a subsequent license year. The
482 number of such licenses outstanding in any one license year may
483 not exceed the number issued for the 1994-1995 license year. A

484 license is not transferable by any method. Licenses that are not
485 renewed expire and may be reissued by the commission in the
486 subsequent license year to new applicants otherwise qualified
487 under this section.

488 (6) To promote conservation of the spiny lobster
489 ~~(crawfish)~~ resource, consistent with equitable distribution and
490 availability of the resource, the commission shall establish a
491 spiny lobster management plan incorporating the special
492 recreational spiny lobster ~~crawfish~~ license, including, but not
493 limited to, the establishment of a special recreational bag
494 limit for the holders of such license as required by subsection
495 (2). Such special recreational bag limit must not be less than
496 twice the higher of the daily recreational bag limits.

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

500 (a) Thirty-five percent for research and the development
501 of reliable recreational catch statistics for the spiny lobster
502 ~~crawfish (spiny lobster)~~ fishery.

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

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

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

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

510 370.08 Fishers and equipment; regulation.--

511 (8) PENALTIES.--A commercial harvester who violates this
 512 section shall be punished under s. 370.021. Any other person who
 513 violates this section commits a Level Two violation under s.
 514 372.83.

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

517 370.081 Illegal importation or possession of nonindigenous
 518 marine plants and animals; rules and regulations.--

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

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

523 370.1105 Saltwater finfish; fishing traps regulated.--

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

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

529 370.1121 Bonfish; regulation.--

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

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

537 370.13 Stone crab; regulation.--

538 (2) PENALTIES.--For purposes of this subsection,
539 conviction is any disposition other than acquittal or dismissal,
540 regardless of whether the violation was adjudicated under any
541 state or federal law.

542 (a) It is unlawful to violate commission rules regulating
543 stone crab trap certificates and trap tags. No person may use an
544 expired tag or a stone crab trap tag not issued by the
545 commission or possess or use a stone crab trap in or on state
546 waters or adjacent federal waters without having a trap tag
547 required by the commission firmly attached thereto.

548 1. In addition to any other penalties provided in s.
549 370.021, for any commercial harvester who violates this
550 paragraph, person, firm, or corporation who violates rule 68B-
551 13.010(2), Florida Administrative Code, or rule 68B-13.011(5),
552 (6), (7), (8), or (11), Florida Administrative Code, the
553 following administrative penalties apply.

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

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

563 c.3- For a third violation that occurs within 36 months of
564 any previous two such violations, the commission shall assess an

565 administrative penalty of up to \$5,000 and the stone crab
566 endorsement under which the violation was committed may be
567 suspended for 24 calendar months.

568 ~~d.4.~~ A fourth violation that occurs within 48 months of
569 any three previous such violations, shall result in permanent
570 revocation of all of the violator's saltwater fishing
571 privileges, including having the commission proceed against the
572 endorsement holder's saltwater products license in accordance
573 with s. 370.021.

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

576
577 Any commercial harvester ~~person~~ assessed an administrative
578 penalty under this paragraph shall, within 30 calendar days
579 after notification, pay the administrative penalty to the
580 commission, or request an administrative hearing under ss.
581 120.569 and 120.57. The proceeds of all administrative
582 penalties collected under this paragraph shall be deposited in
583 the Marine Resources Conservation Trust Fund.

584 (b) It is unlawful for any commercial harvester ~~person~~ to
585 remove the contents of another harvester's stone crab trap or
586 take possession of such without the express written consent of
587 the trap owner available for immediate inspection. Unauthorized
588 possession of another's trap gear or removal of trap contents
589 constitutes theft.

590 1. Any commercial harvester ~~person~~ convicted of theft of
591 or from a trap pursuant to this subsection or s. 370.1107 shall,

592 | in addition to the penalties specified in s. 370.021 and the
 593 | provisions of this section, permanently lose all ~~his or her~~
 594 | saltwater fishing privileges, including saltwater products
 595 | licenses, stone crab or incidental take endorsements, and all
 596 | trap certificates allotted to such commercial harvester ~~him or~~
 597 | ~~her~~ by the commission. In such cases, trap certificates and
 598 | endorsements are nontransferable.

599 | 2. In addition, any commercial harvester ~~person, firm, or~~
 600 | ~~corporation~~ convicted of violating the prohibitions referenced
 601 | in this paragraph shall also be assessed an administrative
 602 | penalty of up to \$5,000. Immediately upon receiving a citation
 603 | for a violation involving theft of or from a trap and until
 604 | adjudicated for such a violation, or, upon receipt of a judicial
 605 | disposition other than dismissal or acquittal on such a
 606 | violation, the violator is prohibited from transferring any
 607 | stone crab or spiny lobster certificates.

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

610 | (c)1. It is unlawful to violate ~~Any person, firm, or~~
 611 | ~~corporation convicted of violating~~ commission rules that
 612 | prohibit any of the following: ~~, commits a felony of the third~~
 613 | ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
 614 | ~~775.084.~~

615 | a.1. The willful molestation of any stone crab trap, line,
 616 | or buoy that is the property of any licenseholder, without the
 617 | permission of that licenseholder.

618 ~~b.2.~~ The bartering, trading, or sale, or conspiring or
619 aiding in such barter, trade, or sale, or supplying, agreeing to
620 supply, aiding in supplying, or giving away stone crab trap tags
621 or certificates unless the action is duly authorized by the
622 commission as provided by commission rules.

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

625 ~~d.4.~~ Possession of forged, counterfeit, or imitation stone
626 crab trap tags.

627 ~~e.5.~~ Engaging in the commercial harvest of stone crabs
628 during the time either of the endorsements is under suspension
629 or revocation.

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

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

635
636 In addition, any commercial harvester ~~person, firm, or~~
637 ~~corporation~~ convicted of violating this paragraph shall also be
638 assessed an administrative penalty of up to \$5,000, and the
639 incidental take endorsement and/or the stone crab endorsement
640 under which the violation was committed may be suspended for up
641 to 24 calendar months. Immediately upon receiving a citation
642 involving a violation of this paragraph and until adjudicated
643 for such a violation, or if convicted of such a violation, the
644 person, firm, or corporation committing the violation is

645 prohibited from transferring any stone crab certificates or
 646 endorsements.

647 (d) For any commercial harvester ~~person, firm, or~~
 648 ~~corporation~~ convicted of fraudulently reporting the actual value
 649 of transferred stone crab certificates, the commission may
 650 automatically suspend or permanently revoke the seller's or the
 651 purchaser's stone crab endorsements. If the endorsement is
 652 permanently revoked, the commission shall also permanently
 653 deactivate the endorsement holder's stone crab certificate
 654 accounts. Whether an endorsement is suspended or revoked, the
 655 commission may also levy a fine against the holder of the
 656 endorsement of up to twice the appropriate surcharge to be paid
 657 based on the fair market value of the transferred certificates.

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

660 370.135 Blue crab; regulation.--

661 (1)(a) No commercial harvester ~~person, firm, or~~
 662 ~~corporation~~ shall transport on the water, fish with or cause to
 663 be fished with, set, or place any trap designed for taking blue
 664 crabs unless such commercial harvester ~~person, firm, or~~
 665 ~~corporation~~ is the holder of a valid saltwater products license
 666 issued pursuant to s. 370.06 and the trap has a current state
 667 number permanently attached to the buoy. The trap number shall
 668 be affixed in legible figures at least 1 inch high on each buoy
 669 used. The saltwater products license must be on board the boat,
 670 and both the license and the crabs shall be subject to
 671 inspection at all times. Only one trap number may be issued for

672 each boat by the commission upon receipt of an application on
673 forms prescribed by it. This subsection shall not apply to an
674 individual fishing with no more than five traps.

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

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

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

685
686 Any commercial harvester ~~person~~ receiving a judicial disposition
687 other than dismissal or acquittal on a charge of willful
688 molestation of a trap, in addition to the penalties specified in
689 s. 370.021, shall lose all saltwater fishing privileges for a
690 period of 24 calendar months.

691 (c)1. It is unlawful for any person to remove the contents
692 of or take possession of another harvester's blue crab trap
693 without the express written consent of the trap owner available
694 for immediate inspection. Unauthorized possession of another's
695 trap gear or removal of trap contents constitutes theft.

696 a. Any commercial harvester ~~person~~ receiving a judicial
697 disposition other than dismissal or acquittal on a charge of
698 theft of or from a trap pursuant to this section or s. 370.1107

699 shall, in addition to the penalties specified in s. 370.021 and
 700 the provisions of this section, permanently lose all ~~his or her~~
 701 saltwater fishing privileges, including any ~~his or her~~ saltwater
 702 products license and blue crab endorsement. In such cases
 703 endorsements, ~~landings history, and trap certificates~~ are
 704 nontransferable.

705 b. In addition, any commercial harvester ~~person, firm, or~~
 706 ~~corporation~~ receiving a judicial disposition other than
 707 dismissal or acquittal for violating this subsection or s.
 708 370.1107 shall also be assessed an administrative penalty of up
 709 to \$5,000. Immediately upon receiving a citation for a violation
 710 involving theft of or from a trap and until adjudicated for such
 711 a violation, or receiving a judicial disposition other than
 712 dismissal or acquittal for such a violation, the commercial
 713 harvester ~~person, firm, or corporation~~ committing the violation
 714 is prohibited from transferring any blue crab endorsements,
 715 ~~landings history, or trap certificates.~~

716 2. A commercial harvester who violates this paragraph
 717 shall be punished under s. 370.021. Any other person who
 718 violates this paragraph commits a Level Two violation under s.
 719 372.83.

720 Section 12. Section 370.14, Florida Statutes, is amended
 721 to read:

722 370.14 Spiny lobster ~~Crawfish~~; regulation.--

723 (1) It is the intent of the Legislature to maintain the
 724 spiny lobster ~~crawfish~~ industry for the economy of the state and
 725 to conserve the stocks supplying this industry. The provisions

726 of this act regulating the taking of spiny lobster ~~saltwater~~
727 ~~erawfish~~ are for the purposes of ensuring and maintaining the
728 highest possible production of spiny lobster ~~saltwater~~ ~~erawfish~~.

729 (2) (a) 1. Each commercial harvester ~~person~~ taking or
730 attempting to take spiny lobster ~~erawfish~~ with a trap in
731 commercial quantities or for commercial purposes shall obtain
732 and exhibit a spiny lobster ~~erawfish~~ trap number, as required by
733 the Fish and Wildlife Conservation Commission. The annual fee
734 for a spiny lobster ~~erawfish~~ trap number is \$125. This trap
735 number may be issued by the commission upon the receipt of
736 application by the commercial harvester ~~person~~ when accompanied
737 by the payment of the fee. The design of the applications and of
738 the trap number shall be determined by the commission. Any trap
739 or device used in taking or attempting to take spiny lobster
740 ~~erawfish~~, other than a trap with the trap number, shall be
741 seized and destroyed by the commission. The proceeds of the fees
742 imposed by this paragraph shall be deposited and used as
743 provided in paragraph (b). The commission may adopt rules to
744 carry out the intent of this section.

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

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

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

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

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

761 (3) The spiny lobster ~~erawfish~~ license must be on board
762 the boat, and both the license and the harvested spiny lobster
763 ~~erawfish~~ shall be subject to inspection at all times. Only one
764 license shall be issued for each boat. The spiny lobster
765 ~~erawfish~~ license number must be prominently displayed above the
766 topmost portion of the boat so as to be easily and readily
767 identified.

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

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

777 (5) Any spiny lobster ~~erawfish~~ licenseholder, upon selling
778 licensed spiny lobster ~~erawfish~~ traps, shall furnish the
779 commission notice of such sale of all or part of his or her

780 interest within 15 days thereof. Any holder of said license
781 shall also notify the commission within 15 days if his or her
782 address no longer conforms to the address appearing on the
783 license and shall, as a part of such notification, furnish the
784 commission with his or her new address.

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

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

797 (c) At the time the spiny lobster ~~crawfish~~ cargo is
798 delivered to the permitholder's place of business, the spiny
799 lobster ~~crawfish~~ cargo shall be weighed and shall be available
800 for inspection by the commission. A signed receipt of such
801 quantity in pounds shall be forwarded to the commission within
802 48 hours after shipment weigh-in completion. If requested by the
803 commission, the weigh-in process will be delayed up to 4 hours
804 to allow for a commission representative to be present during
805 the process.

806 (d) Within 48 hours after shipment weigh-in completion,
807 the permitholder shall submit to the commission, on forms
808 provided by the commission, a sworn report of the quantity in
809 pounds of the spiny lobster ~~saltwater crawfish~~ received, which
810 report shall include the location of said spiny lobster ~~crawfish~~
811 and a sworn statement that said spiny lobster ~~crawfish~~ were
812 taken at least 50 miles from Florida's shoreline. The landing
813 of spiny lobster ~~crawfish~~ or spiny lobster ~~crawfish~~ tails from
814 which the eggs, swimmerettes, or pleopods have been removed; the
815 falsification of information as to area from which spiny lobster
816 ~~crawfish~~ were obtained; or the failure to file the report called
817 for in this section shall be grounds to revoke the permit.

818 (e) Each permitholder shall keep throughout the period of
819 the closed season copies of the bill of sale or invoices
820 covering each transaction involving spiny lobster ~~crawfish~~
821 imported under this permit. Such invoices and bills shall be
822 kept available at all times for inspection by the commission.

823 (7) (a) A Florida-licensed seafood dealer may obtain a
824 special permit to import, process, and package uncooked tails of
825 spiny lobster ~~saltwater crawfish~~ upon the payment of the sum of
826 \$100 to the commission.

827 (b) A special permit must be obtained by any airplane or
828 seagoing vessel other than a common carrier used to transport
829 spiny lobster ~~saltwater crawfish~~ or spiny lobster ~~crawfish~~ tails
830 for purchase by licensed seafood dealers for purposes as
831 provided herein upon the payment of \$50.

832 (c) All special permits issued under this subsection are
 833 nontransferable.

834 (8) No common carrier or employee of said carrier may
 835 carry, knowingly receive for carriage, or permit the carriage of
 836 any spiny lobster ~~erawfish~~ of the species Panulirus argus,
 837 regardless of where taken, during the closed season, except of
 838 the species Panulirus argus lawfully imported from a foreign
 839 country for reshipment outside of the territorial limits of the
 840 state under United States Customs bond or in accordance with
 841 paragraph (7) (a).

842 Section 13. Paragraph (c) of subsection (2) of section
 843 370.142, Florida Statutes, is amended to read:

844 370.142 Spiny lobster trap certificate program.--

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

850 (c) Prohibitions; penalties.--

851 1. It is unlawful for a person to possess or use a spiny
 852 lobster trap in or on state waters or adjacent federal waters
 853 without having affixed thereto the trap tag required by this
 854 section. It is unlawful for a person to possess or use any
 855 other gear or device designed to attract and enclose or
 856 otherwise aid in the taking of spiny lobster by trapping that is
 857 not a trap as defined by commission rule ~~in rule 68B-24.006(2),~~
 858 ~~Florida Administrative Code.~~

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

862 3. It is unlawful for any person to willfully molest, take
863 possession of, or remove the contents of another harvester's
864 spiny lobster trap without the express written consent of the
865 trap owner available for immediate inspection. Unauthorized
866 possession of another's trap gear or removal of trap contents
867 constitutes theft.

868 a. A commercial harvester who violates this subparagraph
869 shall be punished under ss. 370.021 and 370.14. Any commercial
870 harvester ~~person~~ receiving a judicial disposition other than
871 dismissal or acquittal on a charge of theft of or from a trap
872 pursuant to this subparagraph or s. 370.1107 shall, in addition
873 to the penalties specified in ss. 370.021 and 370.14 and the
874 provisions of this section, permanently lose all his or her
875 saltwater fishing privileges, including his or her saltwater
876 products license, spiny lobster ~~crayfish~~ endorsement, and all
877 trap certificates allotted to him or her through this program.
878 In such cases, trap certificates and endorsements are
879 nontransferable.

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

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

890
891 Immediately upon receiving a citation for a violation involving
892 theft of or from a trap, or molestation of a trap, and until
893 adjudicated for such a violation or, upon receipt of a judicial
894 disposition other than dismissal or acquittal of such a
895 violation, the person, firm, or corporation committing the
896 violation is prohibited from transferring any spiny lobster
897 ~~erawfish~~ trap certificates and endorsements.

898 4. In addition to any other penalties provided in s.
899 370.021, a commercial harvester, ~~as defined by rule 68B-~~
900 ~~24.002(1), Florida Administrative Code,~~ who violates the
901 provisions of this section, or commission rules ~~the provisions~~
902 relating to spiny lobster traps ~~of chapter 68B-24, Florida~~
903 ~~Administrative Code,~~ shall be punished as follows:

904 a. If the first violation is for violation of subparagraph
905 1. or subparagraph 2., the commission shall assess an additional
906 administrative ~~civil~~ penalty of up to \$1,000 and the spiny
907 lobster ~~erawfish~~ trap number issued pursuant to s. 370.14(2) or
908 (6) may be suspended for the remainder of the current license
909 year. For all other first violations, the commission shall
910 assess an additional administrative ~~civil~~ penalty of up to \$500.

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

918 c. For a third or subsequent violation of subparagraph 1.,
 919 subparagraph 2., or subparagraph 3. which occurs within 36
 920 months of any previous two such violations, the commission shall
 921 assess an additional administrative ~~civil~~ penalty of up to
 922 \$5,000 and may suspend the spiny lobster ~~erawfish~~ trap number
 923 issued pursuant to s. 370.14(2) or (6) for a period of up to 24
 924 months or may revoke the spiny lobster ~~erawfish~~ trap number and,
 925 if revoking the spiny lobster ~~erawfish~~ trap number, may also
 926 proceed against the licenseholder's saltwater products license
 927 in accordance with the provisions of s. 370.021(2) (h).

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

931 (I) Pay the administrative ~~civil~~ penalty to the
 932 commission; or

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

935 e. The commission shall suspend the spiny lobster ~~erawfish~~
 936 trap number issued pursuant to s. 370.14(2) or (6) for any

937 person failing to comply with the provisions of sub-subparagraph
938 d.

939 5.a. It is unlawful for any person to make, alter, forge,
940 counterfeit, or reproduce a spiny lobster trap tag or
941 certificate.

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

945 c. It is unlawful for any person to barter, trade, sell,
946 supply, agree to supply, aid in supplying, or give away a spiny
947 lobster trap tag or certificate or to conspire to barter, trade,
948 sell, supply, aid in supplying, or give away a spiny lobster
949 trap tag or certificate unless such action is duly authorized by
950 the commission as provided in this chapter or in the rules of
951 the commission.

952 6.a. Any commercial harvester ~~person~~ who violates the
953 provisions of subparagraph 5., or any commercial harvester
954 ~~person~~ who engages in the commercial harvest, trapping, or
955 possession of spiny lobster without a spiny lobster ~~crawfish~~
956 trap number as required by s. 370.14(2) or (6) or during any
957 period while such spiny lobster ~~crawfish~~ trap number is under
958 suspension or revocation, commits a felony of the third degree,
959 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

960 b. In addition to any penalty imposed pursuant to sub-
961 subparagraph a., the commission shall levy a fine of up to twice
962 the amount of the appropriate surcharge to be paid on the fair
963 market value of the transferred certificates, as provided in

964 subparagraph (a)1., on any commercial harvester ~~person~~ who
 965 violates the provisions of sub-subparagraph 5.c.

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

968 7. Any certificates for which the annual certificate fee
 969 is not paid for a period of 3 years shall be considered
 970 abandoned and shall revert to the commission. During any period
 971 of trap reduction, any certificates reverting to the commission
 972 shall become permanently unavailable and be considered in that
 973 amount to be reduced during the next license-year period.
 974 Otherwise, any certificates that revert to the commission are to
 975 be reallocated in such manner as provided by the commission.

976 8. The proceeds of all civil penalties collected pursuant
 977 to subparagraph 4. and all fines collected pursuant to sub-
 978 subparagraph 6.b. shall be deposited into the Marine Resources
 979 Conservation Trust Fund.

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

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

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

986 372.562 Recreational licenses and permits; exemptions from
 987 fees and requirements.--

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

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

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

995 372.57 Recreational licenses, permits, and authorization
 996 numbers; fees established.--

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

1000 (a) Annual freshwater fishing license, \$12.

1001 (b) Annual saltwater fishing license, \$12.

1002 (c) Annual hunting license to take game, \$11.

1003 (d) Annual combination hunting and freshwater fishing
 1004 license, \$22.

1005 (e) Annual combination freshwater fishing and saltwater
 1006 fishing license, \$24.

1007 (f) Annual combination hunting, freshwater fishing, and
 1008 saltwater fishing license, \$34.

1009 (g) Annual license to take fur-bearing animals, \$25.

1010 However, a resident with a valid hunting license or a no-cost
 1011 license who is taking fur-bearing animals for noncommercial
 1012 purposes using guns or dogs only, and not traps or other
 1013 devices, is not required to purchase this license. Also, a
 1014 resident 65 years of age or older is not required to purchase
 1015 this license.

1016 (h) Annual sportsman's license, \$71 ~~\$66~~, except that an
1017 annual sportsman's license for a resident 64 years of age or
1018 older is \$12. A sportsman's license authorizes the person to
1019 whom it is issued to take game and freshwater fish, subject to
1020 the state and federal laws, rules, and regulations, including
1021 rules of the commission, in effect at the time of the taking.
1022 Other authorized activities include activities authorized by a
1023 management area permit, a muzzle-loading gun season permit, a
1024 crossbow season permit, a turkey permit, a Florida waterfowl
1025 permit, and an archery season permit.

1026 (i) Annual gold sportsman's license, \$87 ~~\$82~~. The gold
1027 sportsman's license authorizes the person to whom it is issued
1028 to take freshwater fish, saltwater fish, and game, subject to
1029 the state and federal laws, rules, and regulations, including
1030 rules of the commission, in effect at the time of taking. Other
1031 authorized activities include activities authorized by a
1032 management area permit, a muzzle-loading gun season permit, a
1033 crossbow season permit, a turkey permit, a Florida waterfowl
1034 permit, an archery season permit, a snook permit, and a spiny
1035 lobster ~~crayfish~~ permit.

1036 (j) Annual military gold sportsman's license, \$18.50. The
1037 gold sportsman's license authorizes the person to whom it is
1038 issued to take freshwater fish, saltwater fish, and game,
1039 subject to the state and federal laws, rules, and regulations,
1040 including rules of the commission, in effect at the time of
1041 taking. Other authorized activities include activities
1042 authorized by a management area permit, a muzzle-loading gun

1043 season permit, a crossbow season permit, a turkey permit, a
1044 Florida waterfowl permit, an archery season permit, a snook
1045 permit, and a spiny lobster ~~crayfish~~ permit. Any resident who is
1046 an active or retired member of the United States Armed Forces,
1047 the United States Armed Forces Reserve, the National Guard, the
1048 United States Coast Guard, or the United States Coast Guard
1049 Reserve is eligible to purchase the military gold sportsman's
1050 license upon submission of a current military identification
1051 card.

1052 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
1053 PERMITS.--In addition to any license required under this
1054 chapter, the following permits and fees for specified hunting,
1055 fishing, and recreational uses and activities are required:

1056 (a) An annual Florida waterfowl permit for a resident or
1057 nonresident to take wild ducks or geese within the state or its
1058 coastal waters is \$3.

1059 (b)1. An annual Florida turkey permit for a resident to
1060 take wild turkeys within the state is \$5.

1061 2. An annual Florida turkey permit for a nonresident to
1062 take wild turkeys within the state is \$100.

1063 (c) An annual snook permit for a resident or nonresident
1064 to take or possess any snook from any waters of the state is \$2.
1065 Revenue generated from the sale of snook permits shall be used
1066 exclusively for programs to benefit the snook population.

1067 (d) An annual spiny lobster ~~crayfish~~ permit for a resident
1068 or nonresident to take or possess any spiny lobster ~~crayfish~~ for
1069 recreational purposes from any waters of the state is \$2.

1070 Revenue generated from the sale of spiny lobster ~~erawfish~~
 1071 permits shall be used exclusively for programs to benefit the
 1072 spiny lobster ~~erawfish~~ population.

1073 (e) A \$5 fee is imposed for each of the following permits:

1074 1. An annual archery season permit for a resident or
 1075 nonresident to hunt within the state during any archery season
 1076 authorized by the commission.

1077 2. An annual crossbow season permit for a resident or
 1078 nonresident to hunt within the state during any crossbow season
 1079 authorized by the commission.

1080 3. An annual muzzle-loading gun season permit for a
 1081 resident or nonresident to hunt within the state during any with
 1082 a muzzle-loading gun season is \$5. Hunting with a muzzle loading
 1083 gun is limited to game seasons in which hunting with a modern
 1084 firearm is not authorized by the commission.

1085 ~~(f) An annual archery permit for a resident or nonresident~~
 1086 ~~to hunt within the state with a bow and arrow is \$5. Hunting~~
 1087 ~~with an archery permit is limited to those game seasons in which~~
 1088 ~~hunting with a firearm is not authorized by the commission.~~

1089 (f)(g) A special use permit for a resident or nonresident
 1090 to participate in limited entry hunting or fishing activities as
 1091 authorized by commission rule shall not exceed \$100 per day or
 1092 \$250 per week. Notwithstanding any other provision of this
 1093 chapter, there are no exclusions, exceptions, or exemptions from
 1094 this permit fee. In addition to the permit fee, the commission
 1095 may charge each special use permit applicant a nonrefundable
 1096 application fee not to exceed \$10.

1097 (g)~~(h)~~1. A management area permit for a resident or
1098 nonresident to hunt on, fish on, or otherwise use for outdoor
1099 recreational purposes land owned, leased, or managed by the
1100 commission, or by the state for the use and benefit of the
1101 commission, shall not exceed \$25 per year.

1102 2. Permit fees for short-term use of land that is owned,
1103 leased, or managed by the commission may be established by rule
1104 of the commission for activities on such lands. Such permits
1105 may be in lieu of, or in addition to, the annual management area
1106 permit authorized in subparagraph 1.

1107 3. Other than for hunting or fishing, the provisions of
1108 this paragraph shall not apply on any lands not owned by the
1109 commission, unless the commission has obtained the written
1110 consent of the owner or primary custodian of such lands.

1111 (h)~~(i)~~1. A recreational user permit is required to hunt
1112 on, fish on, or otherwise use for outdoor recreational purposes
1113 land leased by the commission from private nongovernmental
1114 owners, except for those lands located directly north of the
1115 Apalachicola National Forest, east of the Ochlocknee River until
1116 the point the river meets the dam forming Lake Talquin, and
1117 south of the closest federal highway. The fee for a recreational
1118 user permit shall be based upon the economic compensation
1119 desired by the landowner, game population levels, desired hunter
1120 density, and administrative costs. The permit fee shall be set
1121 by commission rule on a per-acre basis. The recreational user
1122 permit fee, less administrative costs of up to \$25 per permit,

1123 shall be remitted to the landowner as provided in the lease
 1124 agreement for each area.

1125 2. One minor dependent, 16 years of age or younger, may
 1126 hunt under the supervision of the permittee and is exempt from
 1127 the recreational user permit requirements. The spouse and
 1128 dependent children of a permittee are exempt from the
 1129 recreational user permit requirements when engaged in outdoor
 1130 recreational activities other than hunting and when accompanied
 1131 by a permittee. Notwithstanding any other provision of this
 1132 chapter, no other exclusions, exceptions, or exemptions from the
 1133 recreational user permit fee are authorized.

1134 (11) RESIDENT LIFETIME HUNTING LICENSES.--

1135 (a) Lifetime hunting licenses are available to residents
 1136 only, as follows, for:

- 1137 1. Persons 4 years of age or younger, for a fee of \$200.
- 1138 2. Persons 5 years of age or older, but under 13 years of
 1139 age, for a fee of \$350.
- 1140 3. Persons 13 years of age or older, for a fee of \$500.

1141 (b) The following activities are authorized by the
 1142 purchase of a lifetime hunting license:

1143 1. Taking, or attempting to take or possess, game
 1144 consistent with the state and federal laws and regulations and
 1145 rules of the commission in effect at the time of the taking.

1146 2. All activities authorized by a muzzle-loading gun
 1147 season permit, a crossbow season permit, a turkey permit, an
 1148 archery season permit, a Florida waterfowl permit, and a
 1149 management area permit, excluding fishing.

1150 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

1151 (a) Lifetime sportsman's licenses are available to
 1152 residents only, as follows, for:

1153 1. Persons 4 years of age or younger, for a fee of \$400.

1154 2. Persons 5 years of age or older, but under 13 years of
 1155 age, for a fee of \$700.

1156 3. Persons 13 years of age or older, for a fee of \$1,000.

1157 (b) The following activities are authorized by the
 1158 purchase of a lifetime sportsman's license:

1159 1. Taking, or attempting to take or possess, freshwater
 1160 and saltwater fish, and game, consistent with the state and
 1161 federal laws and regulations and rules of the commission in
 1162 effect at the time of taking.

1163 2. All activities authorized by a management area permit,
 1164 a muzzle-loading gun season permit, a crossbow season permit, a
 1165 turkey permit, an archery season permit, a Florida waterfowl
 1166 permit, a snook permit, and a spiny lobster ~~erawfish~~ permit.

1167 (16) PROHIBITED LICENSES OR PERMITS.--A person may not
 1168 make, forge, counterfeit, or reproduce a license or permit
 1169 required under this section, except for those persons authorized
 1170 by the commission to make or reproduce such a license or permit.
 1171 A person may not knowingly possess a forgery, counterfeit, or
 1172 unauthorized reproduction of such a license or permit. A person
 1173 who violates this subsection commits a Level Four violation
 1174 under s. 372.83.

1175 (17) SUSPENDED OR REVOKED LICENSES.--A person may not take
 1176 game, freshwater fish, saltwater fish, or fur-bearing animals

1177 within this state if a license issued to such person as required
 1178 under this section or a privilege granted to such person under
 1179 s. 372.562 is suspended or revoked. A person who violates this
 1180 subsection commits a Level Three violation under s. 372.83.

1181 Section 16. Subsection (5) of section 372.5704, Florida
 1182 Statutes, is amended to read:

1183 372.5704 Fish and Wildlife Conservation Commission license
 1184 program for tarpon; fees; penalties.--

1185 (5) Any individual including a taxidermist who possesses a
 1186 tarpon which does not have a tag securely attached as required
 1187 by this section commits a Level Two violation under s. 372.83
 1188 ~~shall be subject to penalties as prescribed in s. 370.021.~~

1189 Provided, however, a taxidermist may remove the tag during the
 1190 process of mounting a tarpon. The removed tag shall remain with
 1191 the fish during any subsequent storage or shipment.

1192 Section 17. Section 372.571, Florida Statutes, is amended
 1193 to read:

1194 372.571 Expiration of licenses and permits.--Each license
 1195 or permit issued under this chapter must be dated when issued.
 1196 Each license or permit issued under this chapter remains valid
 1197 for 12 months after the date of issuance, except for a lifetime
 1198 license issued pursuant to s. 372.57 which is valid from the
 1199 date of issuance until the death of the individual to whom the
 1200 license is issued unless otherwise revoked in accordance with s.
 1201 372.99, or a 5-year license issued pursuant to s. 372.57 which
 1202 is valid for 5 consecutive years from the date of purchase
 1203 unless otherwise revoked in accordance with s. 372.99, or a

1204 license issued pursuant to s. 372.57(5) (a), (b), (c), or (f) or
 1205 (8) (f) ~~(8) (g)~~ or (g) (h)2., which is valid for the period
 1206 specified on the license. A resident lifetime license or a
 1207 resident 5-year license that has been purchased by a resident of
 1208 this state and who subsequently resides in another state shall
 1209 be honored for activities authorized by that license.

1210 Section 18. Section 372.5717, Florida Statutes, is amended
 1211 to read:

1212 372.5717 Hunter safety course; requirements; penalty.--

1213 (1) This section may be cited as the Senator Joe Carlucci
 1214 Hunter Safety Act.

1215 (2) (a) Except as provided in paragraph (b), a person born
 1216 on or after June 1, 1975, may not be issued a license to take
 1217 wild animal life with the use of a firearm, gun, bow, or
 1218 crossbow in this state without having first successfully
 1219 completed a hunter safety course as provided in this section,
 1220 and without having in his or her personal possession a hunter
 1221 safety certification card, as provided in this section.

1222 (b) A person born on or after June 1, 1975, who has not
 1223 successfully completed a hunter safety course may apply to the
 1224 commission for a special authorization to hunt under
 1225 supervision. The special authorization for supervised hunting
 1226 shall be designated on any license or permit required under this
 1227 chapter for a person to take game or fur-bearing animals, and
 1228 shall be valid for not more than 1 year. A special authorization
 1229 for supervised hunting may not be issued more than once to the
 1230 person applying for such authorization. A person issued a

1231 license with a special authorization to hunt under supervision
 1232 must hunt under the supervision of, and in the presence of, a
 1233 person 21 years or age or older who is licensed to hunt pursuant
 1234 to s. 372.57 or who is exempt from licensing requirements or
 1235 eligible for a free license pursuant to s. 372.562.

1236 (3) The Fish and Wildlife Conservation Commission shall
 1237 institute and coordinate a statewide hunter safety course that
 1238 ~~which~~ must be offered in every county and consist of not ~~less~~
 1239 ~~than 12 hours nor~~ more than 16 hours of instruction including,
 1240 but not limited to, instruction in the competent and safe
 1241 handling of firearms, conservation, and hunting ethics.

1242 (4) The commission shall issue a permanent hunter safety
 1243 certification card to each person who successfully completes the
 1244 hunter safety course. The commission shall maintain records of
 1245 hunter safety certification cards issued and shall establish
 1246 procedures for replacing lost or destroyed cards.

1247 (5) A hunter safety certification card issued by a
 1248 wildlife agency of another state, or any Canadian province,
 1249 which shows that the holder of the card has successfully
 1250 completed a hunter safety course approved by the commission is
 1251 an acceptable substitute for the hunter safety certification
 1252 card issued by the commission.

1253 (6) All persons subject to the requirements of subsection
 1254 (2) must have in their personal possession, proof of compliance
 1255 with this section, while taking or attempting to take wildlife
 1256 with the use of a firearm, gun, bow, or crossbow and must,
 1257 unless the requirement to complete a hunter safety course is

1258 deferred pursuant to this section, display a valid hunter safety
 1259 certification card ~~to county tax collectors or their subagents~~
 1260 in order to purchase a Florida hunting license. After the
 1261 issuance of such a license, the license itself shall serve as
 1262 proof of compliance with this section. A holder of a lifetime
 1263 license whose license does not indicate on the face of the
 1264 license that a hunter safety course has been completed must have
 1265 in his or her personal possession a hunter safety certification
 1266 card, as provided by this section, while attempting to take wild
 1267 animal life with the use of a firearm, gun, bow, or crossbow.

1268 (7) The hunter safety requirements of this section do not
 1269 apply to persons for whom licenses are not required under s.
 1270 372.562(2).

1271 (8) A person who violates this section commits a Level One
 1272 violation under s. 372.83 ~~shall be cited for a noncriminal~~
 1273 ~~infraction, punishable as provided in s. 372.711.~~

1274 Section 19. Section 372.573, Florida Statutes, is amended
 1275 to read:

1276 372.573 Management area permit revenues.--The commission
 1277 shall expend the revenue generated from the sale of the
 1278 management area permit as provided for in s. 372.57(8)(g) ~~s.~~
 1279 ~~372.57(8)(h)~~ or that pro rata portion of any license that
 1280 includes management area privileges as provided for in s.
 1281 372.57(4)(h), (i), and (j) for the lease, management, and
 1282 protection of lands for public hunting, fishing, and other
 1283 outdoor recreation.

1284 Section 20. Section 372.83, Florida Statutes, is amended
 1285 to read:

1286 (Substantial rewording of section. See
 1287 372.83, F.S., for present text.)

1288 372.83 Penalties and violations; civil penalties for
 1289 noncriminal infractions; criminal penalties; suspension and
 1290 forfeiture of licenses and permits.--

1291 (1) (a) LEVEL ONE VIOLATIONS.--A person commits a Level One
 1292 violation if he or she violates any of the following provisions:

1293 1. Rules or orders of the commission relating to the
 1294 filing of reports or other documents required to be filed by
 1295 persons who hold recreational licenses and permits issued by the
 1296 commission.

1297 2. Rules or orders of the commission relating to quota
 1298 hunt permits, daily use permits, hunting zone assignments,
 1299 camping, alcoholic beverages, vehicles, and check stations
 1300 within wildlife management areas or other areas managed by the
 1301 commission.

1302 3. Rules or orders of the commission relating to daily use
 1303 permits, alcoholic beverages, swimming, possession of firearms,
 1304 operation of vehicles, and watercraft speed within fish
 1305 management areas managed by the commission.

1306 4. Rules or orders of the commission relating to vessel
 1307 size or specifying motor restrictions on specified water bodies.

1308 5. Section 370.063, providing for special recreational
 1309 spiny lobster licenses.

1310 6. Subsections (1) through (15) of s. 372.57, providing
 1311 for recreational licenses to hunt, fish, and trap.

1312 7. Section 372.5717, providing hunter safety course
 1313 requirements.

1314 8. Section 372.988, prohibiting deer hunting unless
 1315 required clothing is worn.

1316 (b) A person who commits a Level One violation commits a
 1317 noncriminal infraction and shall be cited to appear before the
 1318 county court.

1319 (c)1. The civil penalty for committing a Level One
 1320 violation involving the license and permit requirements of s.
 1321 372.57 is \$50 plus the cost of the license or permit, unless
 1322 subparagraph 2. applies.

1323 2. The civil penalty for committing a Level One violation
 1324 involving the license and permit requirements of s. 372.57 is
 1325 \$100 plus the cost of the license or permit, if the person cited
 1326 has previously committed the same Level One violation within the
 1327 preceding 36 months.

1328 (d)1. The civil penalty for any other Level One violation
 1329 is \$50 unless subparagraph 2. applies.

1330 2. The civil penalty for any other Level One violation is
 1331 \$100 if the person cited has previously committed the same Level
 1332 One violation within the preceding 36 months.

1333 (e) A person cited for a Level One violation shall sign
 1334 and accept a citation to appear before the county court. The
 1335 issuing officer may indicate on the citation the time and

1336 location of the scheduled hearing and shall indicate the
1337 applicable civil penalty.

1338 (f) A person cited for a Level One violation may pay the
1339 civil penalty by mail or in person within 30 days after receipt
1340 of the citation. If the civil penalty is paid, the person shall
1341 be deemed to have admitted committing the Level One violation
1342 and to have waived his or her right to a hearing before the
1343 county court. Such admission may not be used as evidence in any
1344 other proceedings except to determine the appropriate fine for
1345 any subsequent violations.

1346 (g) A person who refuses to accept a citation, who fails
1347 to pay the civil penalty for a Level One violation, or who fails
1348 to appear before a county court as required commits a
1349 misdemeanor of the second degree, punishable as provided in s.
1350 775.082 or s. 775.083.

1351 (h) A person who elects to appear before the county court
1352 or who is required to appear before the county court shall be
1353 deemed to have waived the limitations on civil penalties
1354 provided under paragraphs (c) and (d). After a hearing, the
1355 county court shall determine if a Level One violation has been
1356 committed, and if so, may impose a civil penalty of not less
1357 than \$50 for a first-time violation, and not more than \$500 for
1358 subsequent violations. A person found guilty of committing a
1359 Level One violation may appeal that finding to the circuit
1360 court. The commission of a violation must be proved beyond a
1361 reasonable doubt.

1362 (i) A person cited for violating the requirements of s.
 1363 372.57 relating to personal possession of a license or permit
 1364 may not be convicted if, prior to or at the time of a county
 1365 court hearing, the person produces the required license or
 1366 permit for verification by the hearing officer or the court
 1367 clerk. The license or permit must have been valid at the time
 1368 the person was cited. The clerk or hearing officer may assess a
 1369 \$5 fee for costs under this paragraph.

1370 (2) (a) LEVEL TWO VIOLATIONS.--A person commits a Level Two
 1371 violation if he or she violates any of the following provisions:

1372 1. Rules or orders of the commission relating to seasons
 1373 or time periods for the taking of wildlife, freshwater fish, or
 1374 saltwater fish.

1375 2. Rules or orders of the commission establishing bag,
 1376 possession, or size limits or restricting methods of taking
 1377 wildlife, freshwater fish, or saltwater fish.

1378 3. Rules or orders of the commission prohibiting access or
 1379 otherwise relating to access to wildlife management areas or
 1380 other areas managed by the commission.

1381 4. Rules or orders of the commission relating to the
 1382 feeding of wildlife, freshwater fish, or saltwater fish.

1383 5. Rules or orders of the commission relating to landing
 1384 requirements for freshwater fish or saltwater fish.

1385 6. Rules or orders of the commission relating to
 1386 restricted hunting areas, critical wildlife areas, or bird
 1387 sanctuaries.

1388 7. Rules or orders of the commission relating to tagging
1389 requirements for game and fur-bearing animals.

1390 8. Rules or orders of the commission relating to the use
1391 of dogs for the taking of game.

1392 9. Rules or orders of the commission which are not
1393 otherwise classified.

1394 10. All prohibitions in chapter 370 which are not
1395 otherwise classified.

1396 11. Section 370.028, prohibiting the violation of or
1397 noncompliance with commission rules.

1398 12. Subsection 370.021(6) prohibiting the sale, purchase,
1399 harvest, or attempted harvest of any saltwater product with
1400 intent to sell.

1401 13. Section 370.08, prohibiting the obstruction of
1402 waterways with net gear.

1403 14. Section 370.1105, prohibiting the unlawful use of
1404 finfish traps.

1405 15. Section 370.1121, prohibiting the unlawful taking of
1406 bonfish.

1407 16. Paragraphs 370.13(2)(a) and (b), prohibiting the
1408 possession or use of stone crab traps without trap tags and
1409 theft of trap contents or gear.

1410 17. Paragraph 370.135(1)(c), prohibiting the theft of blue
1411 crab trap contents or trap gear.

1412 18. Paragraph 370.142(2)(c), prohibiting the possession
1413 or use of spiny lobster traps without trap tags or certificates
1414 and theft of trap contents or trap gear.

1415 19. Section 372.5704, prohibiting the possession of tarpon
1416 without purchasing a tarpon tag.

1417 20. Section 372.667, prohibiting the feeding or enticement
1418 of alligators or crocodiles.

1419 21. Section 372.705, prohibiting the intentional
1420 harassment of hunters, fishers, or trappers.

1421 (b)1. A person who commits a Level Two violation but who
1422 has not been convicted of a Level Two or higher violation within
1423 the past 3 years commits a misdemeanor of the second degree,
1424 punishable as provided in s. 775.082 or s. 775.083.

1425 2. Unless the stricter penalties in subparagraph 3. or
1426 subparagraph 4. apply, a person who commits a Level Two
1427 violation within 3 years after a previous conviction for a Level
1428 Two or higher violation commits a misdemeanor of the first
1429 degree, punishable as provided in s. 775.082 or s. 775.083, with
1430 a minimum mandatory fine of \$250.

1431 3. Unless the stricter penalties in subparagraph 4. apply,
1432 a person who commits a Level Two violation within 5 years after
1433 two previous convictions for a Level Two or higher violation,
1434 commits a misdemeanor of the first degree, punishable as
1435 provided in s. 775.082 or s. 775.083, with a minimum mandatory
1436 fine of \$500 and a suspension of any recreational license or
1437 permit issued under s. 372.57 for 1 year. Such suspension shall
1438 include the suspension of the privilege to obtain such license
1439 or permit and the suspension of the ability to exercise any
1440 privilege granted under any exemption in s. 372.562.

1441 4. A person who commits a Level Two violation within 10
1442 years after three previous convictions for a Level Two or higher
1443 violation commits a misdemeanor of the first degree, punishable
1444 as provided in s. 775.082 or s. 775.083, with a minimum
1445 mandatory fine of \$750 and a suspension of any recreational
1446 license or permit issued under s. 372.57 for 3 years. Such
1447 suspension shall include the suspension of the privilege to
1448 obtain such license or permit and the suspension of the ability
1449 to exercise any privilege granted under s. 372.562. If the
1450 recreational license or permit being suspended was an annual
1451 license or permit, any privileges under ss. 372.562 and 372.57
1452 may not be acquired for a 3-year period following the date of
1453 the violation.

1454 (3) (a) LEVEL THREE VIOLATIONS.--A person commits a Level
1455 Three violation if he or she violates any of the following
1456 provisions:

1457 1. Rules or orders of the commission prohibiting the sale
1458 of saltwater fish.

1459 2. Subsection 370.021(2), establishing major violations.

1460 3. Subsection 370.021(4), prohibiting the possession of
1461 certain finfish in excess of recreational daily bag limits.

1462 4. Section 370.081, prohibiting the illegal importation or
1463 possession of exotic marine plants or animals.

1464 5. Section 372.26, prohibiting the importation of
1465 freshwater fish.

1466 6. Section 372.265, prohibiting the importation of
1467 nonindigenous species of the animal kingdom without a permit
1468 issued by the commission.

1469 7. Subsection 372.57(17), prohibiting the taking of game,
1470 freshwater fish, or saltwater fish while a required license is
1471 suspended or revoked.

1472 8. Section 372.662, prohibiting the illegal sale or
1473 possession of alligators.

1474 9. Subsections 372.99(1), (3), and (6), prohibiting the
1475 illegal taking and possession of deer and wild turkey.

1476 10. Section 372.9903, prohibiting the possession and
1477 transportation of commercial quantities of freshwater game fish.

1478 (b)1. A person who commits a Level Three violation but who
1479 has not been convicted of a Level Three or higher violation
1480 within the past 10 years, commits a misdemeanor of the first
1481 degree, punishable as provided in s. 775.082 or s. 775.083.

1482 2. A person who commits a Level Three violation within 10
1483 years after a previous conviction for a Level Three or higher
1484 violation, commits a misdemeanor of the first degree, punishable
1485 as provided in s. 775.082 or s. 775.083, with a minimum
1486 mandatory fine of \$750 and a suspension of any recreational
1487 license or permit issued under s. 372.57 for the remainder of
1488 the period for which the license or permit was issued up to 3
1489 years. Such suspension shall include the suspension of the
1490 privilege to obtain such license or permit and the ability to
1491 exercise any privilege granted under s. 372.562. If the
1492 recreational license or permit being suspended was an annual

1493 license or permit, any privileges under ss. 372.562 and 372.57
1494 may not be acquired for a 3-year period following the date of
1495 the violation.

1496 3. A person who commits a violation of s. 372.57(17) shall
1497 receive a mandatory fine of \$1,000. Any privileges under ss.
1498 372.562 and 372.57 may not be acquired for a 5-year period
1499 following the date of the violation.

1500 (4) (a) LEVEL FOUR VIOLATIONS.--A person commits a Level
1501 Four violation if he or she violates any of the following
1502 provisions:

1503 1. Paragraph 370.13(2) (c), prohibiting criminal activities
1504 relating to the taking of stone crabs.

1505 2. Paragraph 370.135(1) (b), prohibiting the willful
1506 molestation of blue crab gear.

1507 3. Subsection 370.14(4), prohibiting the willful
1508 molestation of spiny lobster gear.

1509 4. Subparagraph 370.142(2) (c)5., prohibiting the unlawful
1510 reproduction, possession, sale, trade, or barter of spiny
1511 lobster trap tags or certificates.

1512 5. Subsection 372.57(16), prohibiting the making, forging,
1513 counterfeiting, or reproduction of a recreational license or
1514 possession of same without authorization from the commission.

1515 6. Subsection 372.99(5), prohibiting the sale of
1516 illegally-taken deer or wild turkey.

1517 7. Section 372.99022, prohibiting the molestation or theft
1518 of freshwater fishing gear.

1519 (b) A person who commits a Level Four violation commits a
 1520 felony of the third degree, punishable as provided in s. 775.082
 1521 or s. 775.083.

1522 (5) VIOLATIONS OF CHAPTER.--Except as provided in this
 1523 chapter:

1524 (a) A person who commits a violation of any provision of
 1525 this chapter commits, for the first offense, a misdemeanor of
 1526 the second degree, punishable as provided in s. 775.082 or s.
 1527 775.083.

1528 (b) A person who is convicted of a second or subsequent
 1529 violation of any provision of this chapter commits a misdemeanor
 1530 of the first degree, punishable as provided in s. 775.082 or s.
 1531 775.083.

1532 (6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may
 1533 order the suspension or forfeiture of any license or permit
 1534 issued under this chapter to a person who is found guilty of
 1535 committing a violation of this chapter.

1536 (7) CONVICTION DEFINED.--As used in this section, the term
 1537 "conviction" means any judicial disposition other than acquittal
 1538 or dismissal.

1539 Section 21. Section 372.935, Florida Statutes, is created
 1540 to read:

1541 372.935 Captive wildlife; penalties for violations.--

1542 (1) (a) NONCRIMINAL INFRACTIONS.--A person commits a
 1543 noncriminal infraction if he or she violates any of the
 1544 following provisions:

1545 1. Rules or orders of the commission requiring a no-cost
 1546 permit to possess captive wildlife for personal use.

1547 2. Rules or orders of the commission requiring that
 1548 persons who are licensed to possess captive wildlife file
 1549 reports or other documents.

1550 (b) A person cited for committing a noncriminal infraction
 1551 under this section shall be cited to appear before the county
 1552 court. The civil penalty for a person found guilty of committing
 1553 a noncriminal violation under this section is \$50, and the
 1554 provisions of s. 372.83(1)(e)-(i) apply under this subsection.

1555 (2) MISDEMEANORS.--A person commits a misdemeanor of the
 1556 second degree, punishable as provided in s. 775.082 or s.
 1557 775.083, for violating any of the following provisions:

1558 (a) Rules or orders of the commission which require the
 1559 payment of a fee for a person to obtain a permit to possess
 1560 captive wildlife.

1561 (b) Rules or orders of the commission which require the
 1562 maintenance of records relating to captive wildlife.

1563 (c) Rules or orders of the commission relating to captive
 1564 wildlife which are not specified in subsection (1).

1565 (d) Section 372.86, prohibiting the possession or
 1566 exhibition of poisonous or venomous reptiles without a license
 1567 or permit.

1568 (e) Section 372.88, prohibiting the exhibition of
 1569 poisonous or venomous reptiles without posting a bond.

1570 (f) Section 372.89, prohibiting the possession or
 1571 exhibition of poisonous or venomous reptiles in an unsafe
 1572 manner.

1573 (g) Section 372.90, prohibiting the transportation of
 1574 poisonous or venomous reptiles in an unsafe manner.

1575 (h) Section 372.901, prohibiting the penning or caging of
 1576 poisonous or venomous reptiles in an unsafe manner.

1577 (i) Section 372.91, prohibiting certain persons from
 1578 opening containers housing poisonous or venomous reptiles.

1579 (j) Section 372.921, prohibiting the exhibition or sale of
 1580 wildlife.

1581 (k) Section 372.922, prohibiting the personal possession
 1582 of wildlife.

1583 Section 22. Section 372.26, Florida Statutes, is amended
 1584 to read:

1585 372.26 Imported fish.--

1586 (1) No person shall import into the state or place in any
 1587 of the fresh waters of the state any freshwater fish of any
 1588 species without having first obtained a permit from the Fish and
 1589 Wildlife Conservation Commission. The commission is authorized
 1590 to issue or deny such a permit upon the completion of studies of
 1591 the species made by it to determine any detrimental effect the
 1592 species might have on the ecology of the state.

1593 (2) A person who violates this section commits a Level
 1594 Three violation under s. 372.83 ~~Persons in violation of this~~
 1595 ~~section shall be guilty of a misdemeanor of the first degree,~~
 1596 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1597 Section 23. Section 372.265, Florida Statutes, is amended
 1598 to read:

1599 372.265 Regulation of foreign animals.--

1600 (1) It is unlawful to import for sale or use, or to
 1601 release within this state, any species of the animal kingdom not
 1602 indigenous to Florida without having obtained a permit to do so
 1603 from the Fish and Wildlife Conservation Commission.

1604 (2) The Fish and Wildlife Conservation Commission is
 1605 authorized to issue or deny such a permit upon the completion of
 1606 studies of the species made by it to determine any detrimental
 1607 effect the species might have on the ecology of the state.

1608 (3) A person ~~Persons~~ in violation of this section commits
 1609 a Level Three violation under s. 372.83 ~~shall be guilty of a~~
 1610 ~~misdemeanor of the first degree, punishable as provided in s.~~
 1611 ~~775.082 or s. 775.083.~~

1612 Section 24. Subsection (2) of section 372.661, Florida
 1613 Statutes, is amended to read:

1614 372.661 Private hunting preserve license fees;
 1615 exception.--

1616 (2) A commercial hunting preserve license, which shall
 1617 exempt patrons of licensed preserves from the license and permit
 1618 requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j);
 1619 (5)(f) and (g); (8)(a), (b), and (e), ~~and (f)~~; (9)(a)2.; (11);
 1620 and (12) while hunting on the licensed preserve property, shall
 1621 be \$500. Such commercial hunting preserve license shall be
 1622 available only to those private hunting preserves licensed
 1623 pursuant to this section which are operated exclusively for

1624 commercial purposes, which are open to the public, and for which
 1625 a uniform fee is charged to patrons for hunting privileges.

1626 Section 25. Section 372.662, Florida Statutes, is amended
 1627 to read:

1628 372.662 Unlawful sale, possession, or transporting of
 1629 alligators or alligator skins.--Whenever the sale, possession,
 1630 or transporting of alligators or alligator skins is prohibited
 1631 by any law of this state, or by the rules, regulations, or
 1632 orders of the Fish and Wildlife Conservation Commission adopted
 1633 pursuant to s. 9, Art. IV of the State Constitution, the sale,
 1634 possession, or transporting of alligators or alligator skins is
 1635 a Level Three violation under s. 372.83 ~~misdemeanor of the first~~
 1636 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1637 Section 26. Section 372.667, Florida Statutes, is amended
 1638 to read:

1639 372.667 Feeding or enticement of alligators or crocodiles
 1640 unlawful; penalty.--

1641 (1) No person shall intentionally feed, or entice with
 1642 feed, any wild American alligator (*Alligator mississippiensis*)
 1643 or American crocodile (*Crocodylus acutus*). However, the
 1644 provisions of this section shall not apply to:

1645 (a) Those persons feeding alligators or crocodiles
 1646 maintained in protected captivity for educational, scientific,
 1647 commercial, or recreational purposes.

1648 (b) Fish and Wildlife Conservation Commission personnel,
 1649 persons licensed or otherwise authorized by the commission, or

1650 county or municipal animal control personnel when relocating
 1651 alligators or crocodiles by baiting or enticement.

1652 (2) For the purposes of this section, the term "maintained
 1653 in protected captivity" means held in captivity under a permit
 1654 issued by the Fish and Wildlife Conservation Commission pursuant
 1655 to s. 372.921 or s. 372.922.

1656 (3) Any person who violates this section commits a Level
 1657 Two violation under s. 372.83 ~~is guilty of a misdemeanor of the~~
 1658 ~~second degree, punishable as provided in s. 775.082 or s.~~
 1659 ~~775.083.~~

1660 Section 27. Section 372.705, Florida Statutes, is amended
 1661 to read:

1662 372.705 Harassment of hunters, trappers, or fishers.--

1663 (1) A person may not intentionally, within a publicly or
 1664 privately owned wildlife management or fish management area or
 1665 on any state-owned water body:

1666 (a) Interfere with or attempt to prevent the lawful taking
 1667 of fish, game, or nongame animals by another.

1668 (b) Attempt to disturb fish, game, or nongame animals or
 1669 attempt to affect their behavior with the intent to prevent
 1670 their lawful taking by another.

1671 (2) Any person who violates this section commits a Level
 1672 Two violation under s. 372.83 ~~subsection (1) is guilty of a~~
 1673 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1674 ~~775.082 or s. 775.083.~~

1675 Section 28. Section 372.988, Florida Statutes, is amended
 1676 to read:

1677 372.988 Required clothing for persons hunting deer.--It is
1678 a Level One violation under s. 372.83 ~~unlawful~~ for any person to
1679 hunt deer, or for any person to accompany another person hunting
1680 deer, during the open season for the taking of deer on public
1681 lands unless each person shall wear a total of at least 500
1682 square inches of daylight fluorescent orange material as an
1683 outer garment. Such clothing shall be worn above the waistline
1684 and may include a head covering. The provisions of this section
1685 shall not apply to any person hunting deer with a bow and arrow
1686 during seasons restricted to hunting with a bow and arrow.

1687 Section 29. Subsection (1) of section 372.99022, Florida
1688 Statutes, is amended to read:

1689 372.99022 Illegal molestation of or theft from freshwater
1690 fishing gear.--

1691 (1) (a) Any person, firm, or corporation that willfully
1692 molests any authorized and lawfully permitted freshwater fishing
1693 gear belonging to another without the express written consent of
1694 the owner commits a Level Four violation under s. 372.83 ~~felony~~
1695 ~~of the third degree, punishable as provided in s. 775.082, s.~~
1696 ~~775.083, or s. 775.084.~~ Any written consent must be available
1697 for immediate inspection.

1698 (b) Any person, firm, or corporation that willfully
1699 removes the contents of any authorized and lawfully permitted
1700 freshwater fishing gear belonging to another without the express
1701 written consent of the owner commits a Level Four violation
1702 under s. 372.83 ~~felony of the third degree, punishable as~~

1703 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~ Any written
 1704 consent must be available for immediate inspection.

1705
 1706 A person, firm, or corporation that receives a citation for a
 1707 violation of this subsection is prohibited, immediately upon
 1708 receipt of such citation and until adjudicated or convicted of a
 1709 felony under this subsection, from transferring any
 1710 endorsements.

1711 Section 30. Section 372.99, Florida Statutes, is amended
 1712 to read:

1713 372.99 Illegal taking and possession of deer and wild
 1714 turkey; evidence; penalty.--

1715 (1) Whoever takes or kills any deer or wild turkey, or
 1716 possesses a freshly killed deer or wild turkey, during the
 1717 closed season prescribed by law or by the rules and regulations
 1718 of the Fish and Wildlife Conservation Commission, or whoever
 1719 takes or attempts to take any deer or wild turkey by the use of
 1720 gun and light in or out of closed season, commits a Level Three
 1721 violation under s. 372.83 ~~is guilty of a misdemeanor of the~~
 1722 ~~first degree, punishable as provided in s. 775.082 or s.~~
 1723 ~~775.083,~~ and shall forfeit any license or permit issued to her
 1724 or him under the provisions of this chapter. No license shall be
 1725 issued to such person for a period of 3 years following any such
 1726 violation on the first offense. Any person guilty of a second
 1727 or subsequent violation shall be permanently ineligible for
 1728 issuance of a license or permit thereafter.

1729 (2) The display or use of a light in a place where deer
 1730 might be found and in a manner capable of disclosing the
 1731 presence of deer, together with the possession of firearms or
 1732 other weapons customarily used for the taking of deer, between 1
 1733 hour after sunset and 1 hour before sunrise, shall be prima
 1734 facie evidence of an intent to violate the provisions of
 1735 subsection (1). This subsection does not apply to an owner or
 1736 her or his employee when patrolling or inspecting the land of
 1737 the owner, provided the employee has satisfactory proof of
 1738 employment on her or his person.

1739 (3) Whoever takes or kills any doe deer; fawn or baby
 1740 deer; or deer, whether male or female, which does not have one
 1741 or more antlers at least 5 inches in length, except as provided
 1742 by law or the rules of the Fish and Wildlife Conservation
 1743 Commission, during the open season prescribed by the rules of
 1744 the commission, commits a Level Three violation under 372.83 ~~is~~
 1745 ~~guilty of a misdemeanor of the first degree, punishable as~~
 1746 ~~provided in s. 775.082 or s. 775.083,~~ and may be required to
 1747 forfeit any license or permit issued to such person for a period
 1748 of 3 years following any such violation on the first offense.
 1749 Any person guilty of a second or subsequent violation shall be
 1750 permanently ineligible for issuance of a license or permit
 1751 thereafter.

1752 (4) Any person who cultivates agricultural crops may apply
 1753 to the Fish and Wildlife Conservation Commission for a permit to
 1754 take or kill deer on land which that person is currently
 1755 cultivating. When said person can show, to the satisfaction of

1756 | the Fish and Wildlife Conservation Commission, that such taking
 1757 | or killing of deer is justified because of damage to the
 1758 | person's crops caused by deer, the Fish and Wildlife
 1759 | Conservation Commission may issue a limited permit to the
 1760 | applicant to take or kill deer without being in violation of
 1761 | subsection (1) or subsection (3).

1762 | (5) Whoever possesses for sale or sells deer or wild
 1763 | turkey taken in violation of this chapter or the rules and
 1764 | regulations of the commission commits a Level Four violation
 1765 | under s. 372.83 ~~is guilty of a felony of the third degree,~~
 1766 | ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1767 | (6) Any person who enters upon private property and shines
 1768 | lights upon such property, without the express permission of the
 1769 | owner of the property and with the intent to take deer by
 1770 | utilizing such shining lights, commits a Level Three violation
 1771 | under s. 372.83 ~~shall be guilty of a misdemeanor of the second~~
 1772 | ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1773 | Section 31. Subsection (1) of section 372.9903, Florida
 1774 | Statutes, is amended to read:

1775 | 372.9903 Illegal possession or transportation of
 1776 | freshwater game fish in commercial quantities; penalty.--

1777 | (1) Whoever possesses, moves, or transports any black
 1778 | bass, bream, speckled perch, or other freshwater game fish in
 1779 | commercial quantities in violation of law or the rules of the
 1780 | Fish and Wildlife Conservation Commission commits a Level Three
 1781 | violation under s. 372.83 ~~shall be guilty of a misdemeanor of~~

1782 ~~the first degree, punishable as provided in s. 775.082 or s.~~
 1783 ~~775.083.~~

1784 Section 32. Paragraph (a) of subsection (3) of section
 1785 921.0022, Florida Statutes, is amended to read:

1786 921.0022 Criminal Punishment Code; offense severity
 1787 ranking chart.--

1788 (3) OFFENSE SEVERITY RANKING CHART

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

1796	319.35 (1) (a)	3rd	certificate of title or identification number plate. Tamper, adjust, change, etc., an odometer.
1797	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
1798	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
1799	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
1800	322.212 (5) (a)	3rd	False application for driver's license or identification card.
1801	370.13 (2) (c) 1.	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
1802			

1803	370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
1804	372.663(1)	3rd	Poach any alligator or crocodilia.
1805	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
1806	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
1807	443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
1808	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.

1809	562.27 (1)	3rd	Possess still or still apparatus.
1810	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
1811	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
1812	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
1813	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
1814	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
1815	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
1816	826.01	3rd	Bigamy.

1817	828.122 (3)	3rd	Fighting or baiting animals.
1818	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
1819	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03 (5) drugs.
1820	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
1821	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
1822	838.15 (2)	3rd	Commercial bribe receiving.
1823	838.16	3rd	Commercial bribery.
1824	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
1825	847.011 (1) (a)	3rd	Sell, distribute, etc.,

			obscene, lewd, etc., material (2nd conviction).
1826	849.01	3rd	Keeping gambling house.
1827	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
1828	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
1829	849.25 (2)	3rd	Engaging in bookmaking.
1830	860.08	3rd	Interfere with a railroad signal.
1831	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
1832	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
1833	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
1834	934.03 (1) (a)	3rd	Intercepts, or procures any

other person to intercept,
any wire or oral
communication.

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

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

ARTICLE I
Findings and Purpose

(1) The participating states find that:

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

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

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

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management,

1859 and restoration laws, ordinances, and administrative rules and
1860 regulations of the participating states as a condition precedent
1861 to the continuance or issuance of any license to hunt, fish,
1862 trap, or possess wildlife.

1863 (e) Violation of wildlife laws interferes with the
1864 management of wildlife resources and may endanger the safety of
1865 persons and property.

1866 (f) The mobility of many wildlife law violators
1867 necessitates the maintenance of channels of communication among
1868 the various states.

1869 (g) In most instances, a person who is cited for a
1870 wildlife violation in a state other than his or her home state
1871 is:

1872 1. Required to post collateral or a bond to secure
1873 appearance for a trial at a later date;

1874 2. Taken into custody until the collateral or bond is
1875 posted; or

1876 3. Taken directly to court for an immediate appearance.

1877 (h) The purpose of the enforcement practices set forth in
1878 paragraph (g) is to ensure compliance with the terms of a
1879 wildlife citation by the cited person who, if permitted to
1880 continue on his or her way after receiving the citation, could
1881 return to his or her home state and disregard his or her duty
1882 under the terms of the citation.

1883 (i) In most instances, a person receiving a wildlife
1884 citation in his or her home state is permitted to accept the
1885 citation from the officer at the scene of the violation and

1886 immediately continue on his or her way after agreeing or being
 1887 instructed to comply with the terms of the citation.

1888 (j) The practices described in paragraph (g) cause
 1889 unnecessary inconvenience and, at times, a hardship for the
 1890 person who is unable at the time to post collateral, furnish a
 1891 bond, stand trial, or pay a fine, and thus is compelled to
 1892 remain in custody until some alternative arrangement is made.

1893 (k) The enforcement practices described in paragraph (g)
 1894 consume an undue amount of time of law enforcement agencies.

1895 (2) It is the policy of the participating states to:

1896 (a) Promote compliance with the statutes, laws,
 1897 ordinances, regulations, and administrative rules relating to
 1898 the management of wildlife resources in their respective states.

1899 (b) Recognize a suspension of the wildlife license
 1900 privileges of any person whose license privileges have been
 1901 suspended by a participating state and treat such suspension as
 1902 if it had occurred in each respective state.

1903 (c) Allow a violator, except as provided in subsection (2)
 1904 of Article III, to accept a wildlife citation and, without
 1905 delay, proceed on his or her way, whether or not the violator is
 1906 a resident of the state in which the citation was issued, if the
 1907 violator's home state is party to this compact.

1908 (d) Report to the appropriate participating state, as
 1909 provided in the compact manual, any conviction recorded against
 1910 any person whose home state was not the issuing state.

1911 (e) Allow the home state to recognize and treat
 1912 convictions recorded against its residents, which convictions

1913 | occurred in a participating state, as though they had occurred
 1914 | in the home state.

1915 | (f) Extend cooperation to its fullest extent among the
 1916 | participating states for enforcing compliance with the terms of
 1917 | a wildlife citation issued in one participating state to a
 1918 | resident of another participating state.

1919 | (g) Maximize the effective use of law enforcement
 1920 | personnel and information.

1921 | (h) Assist court systems in the efficient disposition of
 1922 | wildlife violations.

1923 | (3) The purpose of this compact is to:

1924 | (a) Provide a means through which participating states may
 1925 | join in a reciprocal program to effectuate the policies
 1926 | enumerated in subsection (2) in a uniform and orderly manner.

1927 | (b) Provide for the fair and impartial treatment of
 1928 | wildlife violators operating within participating states in
 1929 | recognition of the violator's right to due process and the
 1930 | sovereign status of a participating state.

1931 | ARTICLE II

1932 | Definitions

1933 |
 1934 | As used in this compact, the term:

1935 | (1) "Citation" means any summons, complaint, summons and
 1936 | complaint, ticket, penalty assessment, or other official
 1937 | document issued to a person by a wildlife officer or other peace
 1938 | officer for a wildlife violation which contains an order
 1939 | requiring the person to respond.

1940 (2) "Collateral" means any cash or other security
1941 deposited to secure an appearance for trial in connection with
1942 the issuance by a wildlife officer or other peace officer of a
1943 citation for a wildlife violation.

1944 (3) "Compliance" with respect to a citation means the act
1945 of answering a citation through an appearance in a court or
1946 tribunal, or through the payment of fines, costs, and
1947 surcharges, if any.

1948 (4) "Conviction" means a conviction that results in
1949 suspension or revocation of a license, including any court
1950 conviction, for any offense related to the preservation,
1951 protection, management, or restoration of wildlife which is
1952 prohibited by state statute, law, regulation, ordinance, or
1953 administrative rule. The term also includes the forfeiture of
1954 any bail, bond, or other security deposited to secure appearance
1955 by a person charged with having committed any such offense, the
1956 payment of a penalty assessment, a plea of nolo contendere, or
1957 the imposition of a deferred or suspended sentence by the court.

1958 (5) "Court" means a court of law, including magistrate's
1959 court and the justice of the peace court.

1960 (6) "Home state" means the state of primary residence of a
1961 person.

1962 (7) "Issuing state" means the participating state that
1963 issues a wildlife citation to the violator.

1964 (8) "License" means any license, permit, or other public
1965 document that conveys to the person to whom it was issued the
1966 privilege of pursuing, possessing, or taking any wildlife

1967 regulated by statute, law, regulation, ordinance, or
 1968 administrative rule of a participating state; any privilege to
 1969 obtain such license, permit, or other public document; or any
 1970 statutory exemption from the requirement to obtain such license,
 1971 permit, or other public document. However, when applied to a
 1972 license, permit, or privilege issued or granted by the State of
 1973 Florida, only a license or permit issued under s. 372.57, or a
 1974 privilege granted under s. 372.562, shall be considered a
 1975 license.

1976 (9) "Licensing authority" means the department or division
 1977 within each participating state which is authorized by law to
 1978 issue or approve licenses or permits to hunt, fish, trap, or
 1979 possess wildlife.

1980 (10) "Participating state" means any state that enacts
 1981 legislation to become a member of this wildlife compact.

1982 (11) "Personal recognizance" means an agreement by a
 1983 person made at the time of issuance of the wildlife citation
 1984 that such person will comply with the terms of the citation.

1985 (12) "State" means any state, territory, or possession of
 1986 the United States, the District of Columbia, the Commonwealth of
 1987 Puerto Rico, the Provinces of Canada, and other countries.

1988 (13) "Suspension" means any revocation, denial, or
 1989 withdrawal of any or all license privileges, including the
 1990 privilege to apply for, purchase, or exercise the benefits
 1991 conferred by any license.

1992 (14) "Terms of the citation" means those conditions and
 1993 options expressly stated upon the citation.

2021 appearance, subject to the exceptions noted in subsection (2),
2022 if the officer receives the recognizance of such person that he
2023 will comply with the terms of the citation.

2024 (2) Personal recognizance is acceptable if not prohibited
2025 by local law; by policy, procedure, or regulation of the issuing
2026 agency; or by the compact manual and if the violator provides
2027 adequate proof of identification to the wildlife officer.

2028 (3) Upon conviction or failure of a person to comply with
2029 the terms of a wildlife citation, the appropriate official shall
2030 report the conviction or failure to comply to the licensing
2031 authority of the participating state in which the wildlife
2032 citation was issued. The report shall be made in accordance with
2033 procedures specified by the issuing state and must contain
2034 information as specified in the compact manual as minimum
2035 requirements for effective processing by the home state.

2036 (4) Upon receipt of the report of conviction or
2037 noncompliance pursuant to subsection (3), the licensing
2038 authority of the issuing state shall transmit to the licensing
2039 authority of the home state of the violator the information in
2040 the form and content prescribed in the compact manual.

2041 ARTICLE IV

2042 Procedure for Home State

2043
2044 (1) Upon receipt of a report from the licensing authority
2045 of the issuing state reporting the failure of a violator to
2046 comply with the terms of a citation, the licensing authority of
2047 the home state shall notify the violator and shall initiate a

2048 suspension action in accordance with the home state's suspension
 2049 procedures and shall suspend the violator's license privileges
 2050 until satisfactory evidence of compliance with the terms of the
 2051 wildlife citation has been furnished by the issuing state to the
 2052 home state licensing authority. Due-process safeguards shall be
 2053 accorded.

2054 (2) Upon receipt of a report of conviction from the
 2055 licensing authority of the issuing state, the licensing
 2056 authority of the home state shall enter such conviction in its
 2057 records and shall treat such conviction as though it occurred in
 2058 the home state for purposes of the suspension of license
 2059 privileges.

2060 (3) The licensing authority of the home state shall
 2061 maintain a record of actions taken and shall make reports to
 2062 issuing states as provided in the compact manual.

2063 ARTICLE V

2064 Reciprocal Recognition of Suspension

2066 (1) Each participating state may recognize the suspension
 2067 of license privileges of any person by any other participating
 2068 state as though the violation resulting in the suspension had
 2069 occurred in that state and would have been the basis for
 2070 suspension of license privileges in that state.

2071 (2) Each participating state shall communicate suspension
 2072 information to other participating states in the form and
 2073 content contained in the compact manual.

2074 ARTICLE VI

Applicability of Other Laws

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

ARTICLE VII

Compact Administrator Procedures

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

Entry into Compact and Withdrawal

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

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

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

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

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

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

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

(3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice must be

2155 | directed to the compact administrator of each member state. The
 2156 | withdrawal of any state does not affect the validity of this
 2157 | compact as to the remaining participating states.

2158 | ARTICLE IX

2159 | Amendments to the Compact

2160 |
 2161 | (1) This compact may be amended from time to time.
 2162 | Amendments shall be presented in resolution form to the chairman
 2163 | of the board of compact administrators and shall be initiated by
 2164 | one or more participating states.

2165 | (2) Adoption of an amendment shall require endorsement by
 2166 | all participating states and shall become effective 30 days
 2167 | after the date of the last endorsement.

2168 | ARTICLE X

2169 | Construction and Severability

2170 |
 2171 | This compact shall be liberally construed so as to effectuate
 2172 | the purposes stated herein. The provisions of this compact are
 2173 | severable and if any phrase, clause, sentence, or provision of
 2174 | this compact is declared to be contrary to the constitution of
 2175 | any participating state or of the United States, or if the
 2176 | applicability thereof to any government, agency, individual, or
 2177 | circumstance is held invalid, the validity of the remainder of
 2178 | this compact shall not be affected thereby. If this compact is
 2179 | held contrary to the constitution of any participating state,
 2180 | the compact shall remain in full force and effect as to the

2181 remaining states and in full force and effect as to the
 2182 participating state affected as to all severable matters.

2183 ARTICLE XI

2184 Title

2185
 2186 This compact shall be known as the "Wildlife Violator
 2187 Compact."

2188 Section 34. Section 372.8311, Florida Statutes, is created
 2189 to read:

2190 372.8311 Compact licensing and enforcement authority;
 2191 administrative review.--

2192 (1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of
 2193 this act and the interstate wildlife violator compact, the Fish
 2194 and Wildlife Conservation Commission is the licensing authority
 2195 for the State of Florida and shall enforce the interstate
 2196 Wildlife Violators Compact and shall do all things within the
 2197 commission's jurisdiction which are necessary to effectuate the
 2198 purposes and the intent of the compact. The commission may
 2199 execute a resolution of ratification to formalize the State of
 2200 Florida's entry into the compact. Upon adoption of the Wildlife
 2201 Violators Compact, the commission may adopt rules to administer
 2202 the provisions of the compact.

2203 (2) ADMINISTRATIVE REVIEW.--Any action committed or
 2204 omitted by the Fish and Wildlife Conservation Commission under
 2205 or in the enforcement of the Wildlife Violator Compact created
 2206 in s. 372.831 is subject to review under chapter 120.

2207 Section 35. For purposes of incorporating the crossbow
2208 season permit established under s. 372.57, Florida Statutes, the
2209 hunter safety course exemption established under s. 372.5717,
2210 Florida Statutes, and the Wildlife Violator Compact established
2211 under s. 372.831, Florida Statutes, the Fish and Wildlife
2212 Conservation Commission shall update the automated licensing
2213 system authorized under s. 372.551, Florida Statutes, by no
2214 later than August 1, 2006.

2215 Section 36. Sections 372.711 and 372.912, Florida
2216 Statutes, are repealed.

2217 Section 37. This act shall take effect July 1, 2006.