

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.;

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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,

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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:  
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ENROLLED

HB 471, Engrossed 1

2006 Legislature

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:

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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 kempfi*); or
- 151 9. West Indian manatee (*Trichechus manatus latirostris*),

152  
 153 an additional penalty of \$100 for each unit of marine life or  
 154 part thereof.

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

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

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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



## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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:



ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.--

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.--

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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,

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.~~

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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



ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.~~



## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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 ~~evil~~ 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 ~~evil~~ penalty of up to \$500.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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:

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.



ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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,

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.



ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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



ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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:

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

- 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.~~

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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:

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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~~



ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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~~

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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	<del>370.13 (2) (c) 1.</del>	3rd	<del>Molest any stone crab trap,          line, or buoy which is          property of licenseholder.</del>
1802			

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

1803	<del>370.135(1)</del>	3rd	<del>Molest any blue crab trap, line, or buoy which is property of licenseholder.</del>
1804	<del>372.663(1)</del>	3rd	<del>Poach any alligator or crocodilia.</del>
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.

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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.,



ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

			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

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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,

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

1994           (15) "Wildlife" means all species of animals, including,  
 1995 but not limited to, mammals, birds, fish, reptiles, amphibians,  
 1996 mollusks, and crustaceans, which are defined as "wildlife" and  
 1997 are protected or otherwise regulated by statute, law,  
 1998 regulation, ordinance, or administrative rule in a participating  
 1999 state. Species included in the definition of "wildlife" vary  
 2000 from state to state and the determination of whether a species  
 2001 is "wildlife" for the purposes of this compact shall be based on  
 2002 local law.

2003           (16) "Wildlife law" means any statute, law, regulation,  
 2004 ordinance, or administrative rule developed and enacted for the  
 2005 management of wildlife resources and the uses thereof.

2006           (17) "Wildlife officer" means any individual authorized by  
 2007 a participating state to issue a citation for a wildlife  
 2008 violation.

2009           (18) "Wildlife violation" means any cited violation of a  
 2010 statute, law, regulation, ordinance, or administrative rule  
 2011 developed and enacted for the management of wildlife resources  
 2012 and the uses thereof.

ARTICLE III

Procedures for Issuing State

2016           (1) When issuing a citation for a wildlife violation, a  
 2017 wildlife officer shall issue a citation to any person whose  
 2018 primary residence is in a participating state in the same manner  
 2019 as though the person were a resident of the issuing state and  
 2020 shall not require such person to post collateral to secure



ENROLLED

HB 471, Engrossed 1

2006 Legislature

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

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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.

ENROLLED

HB 471, Engrossed 1

2006 Legislature

2101           (2) Each member of the board of compact administrators  
 2102 shall be entitled to one vote. No action of the board shall be  
 2103 binding unless taken at a meeting at which a majority of the  
 2104 total number of the board's votes are cast in favor thereof.  
 2105 Action by the board shall be only at a meeting at which a  
 2106 majority of the participating states are represented.

2107           (3) The board shall elect annually from its membership a  
 2108 chairman and vice chairman.

2109           (4) The board shall adopt bylaws not inconsistent with the  
 2110 provisions of this compact or the laws of a participating state  
 2111 for the conduct of its business and shall have the power to  
 2112 amend and rescind its bylaws.

2113           (5) The board may accept for any of its purposes and  
 2114 functions under this compact any and all donations and grants of  
 2115 moneys, equipment, supplies, materials, and services,  
 2116 conditional or otherwise, from any state, the United States, or  
 2117 any governmental agency, and may receive, use, and dispose of  
 2118 the same.

2119           (6) The board may contract with, or accept services or  
 2120 personnel from, any governmental or intergovernmental agency,  
 2121 individual, firm, corporation, or private nonprofit organization  
 2122 or institution.

2123           (7) The board shall formulate all necessary procedures and  
 2124 develop uniform forms and documents for administering the  
 2125 provisions of this compact. All procedures and forms adopted  
 2126 pursuant to board action shall be contained in a compact manual.

ARTICLE VIII

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

Entry into Compact and Withdrawal

2128  
 2129  
 2130 (1) This compact shall become effective at such time as it  
 2131 is adopted in substantially similar form by two or more states.

2132 (2) (a) Entry into the compact shall be made by resolution  
 2133 of ratification executed by the authorized officials of the  
 2134 applying state and submitted to the chairman of the board.

2135 (b) The resolution shall substantially be in the form and  
 2136 content as provided in the compact manual and must include the  
 2137 following:

2138 1. A citation of the authority from which the state is  
 2139 empowered to become a party to this compact;

2140 2. An agreement of compliance with the terms and  
 2141 provisions of this compact; and

2142 3. An agreement that compact entry is with all states  
 2143 participating in the compact and with all additional states  
 2144 legally becoming a party to the compact.

2145 (c) The effective date of entry shall be specified by the  
 2146 applying state, but may not be less than 60 days after notice  
 2147 has been given by the chairman of the board of the compact  
 2148 administrators or by the secretariat of the board to each  
 2149 participating state that the resolution from the applying state  
 2150 has been received.

2151 (3) A participating state may withdraw from participation  
 2152 in this compact by official written notice to each participating  
 2153 state, but withdrawal shall not become effective until 90 days  
 2154 after the notice of withdrawal is given. The notice must be

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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

ENROLLED  
 HB 471, Engrossed 1

2006 Legislature

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.

## ENROLLED

HB 471, Engrossed 1

2006 Legislature

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.