



263502

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2014	.	
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The Committee on Agriculture (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (5) through (8) of section 379.407, Florida Statutes, are renumbered as subsections (6) through (9), respectively, and a new subsection (5) is added to that section, to read:

379.407 Administration; rules, publications, records; penalties; injunctions.-



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11 (5) PENALTIES FOR POSSESSION OF SPINY LOBSTER; CLOSED
12 SEASON AND WRUNG TAILS.—It is a major violation under this
13 section for any person, firm, or corporation to be in possession
14 of spiny lobster during the closed season or, while on the
15 water, to be in possession of spiny lobster tails that have been
16 wrung or separated from the body, unless such possession is
17 allowed by commission rule. Any person, firm, or corporation
18 that violates this subsection is subject to penalties as
19 follows:

20 (a) A first violation is a misdemeanor of the second
21 degree, punishable as provided in s. 775.082 or s. 775.083. If
22 the violation involves 25 or more lobster, the violation is a
23 misdemeanor of the first degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 (b) A second violation is a misdemeanor of the first
26 degree, punishable as provided in s. 775.082 or s. 775.083, and
27 such person is subject to a suspension of all license privileges
28 under this chapter for a period not to exceed 90 days.

29 (c) A third violation is a misdemeanor of the first degree,
30 punishable as provided in s. 775.082 or s. 775.083, with a
31 mandatory minimum term of imprisonment of 6 months, and such
32 person may be assessed a civil penalty of up to \$2,500 and is
33 subject to a suspension of all license privileges under this
34 chapter for a period not to exceed 6 months.

35 (d) A third violation within 1 year after a second
36 violation is a felony of the third degree, punishable as
37 provided in s. 775.082 or s. 775.083, with a mandatory minimum
38 term of imprisonment of 1 year, and such person shall be
39 assessed a civil penalty of \$5,000 and all license privileges



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40 under this chapter shall be permanently revoked.

41 (e) A fourth or subsequent violation is a felony of the
42 third degree, punishable as provided in s. 775.082 or s.
43 775.083, with a mandatory minimum term of imprisonment of 1
44 year, and such person shall be assessed a civil penalty of
45 \$5,000 and all license privileges under this chapter shall be
46 permanently revoked.

47 Section 2. Paragraph (a) of subsection (2) of section
48 379.401, Florida Statutes, is amended to read:

49 379.401 Penalties and violations; civil penalties for
50 noncriminal infractions; criminal penalties; suspension and
51 forfeiture of licenses and permits.—

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

54 1. Rules or orders of the commission relating to seasons or
55 time periods for the taking of wildlife, freshwater fish, or
56 saltwater fish.

57 2. Rules or orders of the commission establishing bag,
58 possession, or size limits or restricting methods of taking
59 wildlife, freshwater fish, or saltwater fish.

60 3. Rules or orders of the commission prohibiting access or
61 otherwise relating to access to wildlife management areas or
62 other areas managed by the commission.

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

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

67 6. Rules or orders of the commission relating to restricted
68 hunting areas, critical wildlife areas, or bird sanctuaries.



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- 69 7. Rules or orders of the commission relating to tagging
70 requirements for wildlife and fur-bearing animals.
- 71 8. Rules or orders of the commission relating to the use of
72 dogs for the taking of wildlife.
- 73 9. Rules or orders of the commission which are not
74 otherwise classified.
- 75 10. Rules or orders of the commission prohibiting the
76 unlawful use of finfish traps.
- 77 11. All prohibitions in this chapter which are not
78 otherwise classified.
- 79 12. Section 379.33, prohibiting the violation of or
80 noncompliance with commission rules.
- 81 13. Section 379.407(7) ~~379.407(6)~~, prohibiting the sale,
82 purchase, harvest, or attempted harvest of any saltwater product
83 with intent to sell.
- 84 14. Section 379.2421, prohibiting the obstruction of
85 waterways with net gear.
- 86 15. Section 379.413, prohibiting the unlawful taking of
87 bonefish.
- 88 16. Section 379.365(2) (a) and (b), prohibiting the
89 possession or use of stone crab traps without trap tags and
90 theft of trap contents or gear.
- 91 17. Section 379.366(4) (b), prohibiting the theft of blue
92 crab trap contents or trap gear.
- 93 18. Section 379.3671(2) (c), prohibiting the possession or
94 use of spiny lobster traps without trap tags or certificates and
95 theft of trap contents or trap gear.
- 96 19. Section 379.357, prohibiting the possession of tarpon
97 without purchasing a tarpon tag.



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98 20. Rules or orders of the commission prohibiting the
99 feeding or enticement of alligators or crocodiles.

100 21. Section 379.105, prohibiting the intentional harassment
101 of hunters, fishers, or trappers.

102 Section 3. This act shall take effect July 1, 2014.

103

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

105 And the title is amended as follows:

106 Delete everything before the enacting clause
107 and insert:

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 A bill to be entitled

109

 An act relating to spiny lobster; amending s. 379.407,
110 F.S.; providing penalties for certain violations
111 relating to possession of spiny lobster; amending s.
112 379.401, F.S.; conforming a cross-reference; providing
113 an effective date.