

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Raschein offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

11 379.407 Administration; rules, publications, records;
 12 penalties; injunctions.—

13 (5) PENALTIES FOR POSSESSION OF SPINY LOBSTER; CLOSED
 14 SEASON AND WRUNG TAILS.—It is a major violation under this
 15 section for any person, firm, or corporation to be in possession
 16 of spiny lobster during the closed season or, while on the
 17 water, to be in possession of spiny lobster tails that have been

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18 wrung or separated from the body, unless such possession is
19 allowed by commission rule. Any person, firm, or corporation
20 that violates this subsection is subject to penalties as
21 follows:

22 (a) A first violation is a misdemeanor of the second
23 degree, punishable as provided in s. 775.082 or s. 775.083. If
24 the violation involves 25 or more lobster, the violation is a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083.

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

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

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

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43 (e) A fourth or subsequent violation is a felony of the
44 third degree, punishable as provided in s. 775.082 or s.
45 775.083, with a mandatory minimum term of imprisonment of 1
46 year, and such person shall be assessed a civil penalty of
47 \$5,000 and all license privileges under this chapter shall be
48 permanently revoked.

49 Section 2. Paragraph (a) of subsection (2) of section
50 379.401, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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94 17. Section 379.366(4) (b), prohibiting the theft of blue
95 crab trap contents or trap gear.

96 18. Section 379.3671(2) (c), prohibiting the possession or
97 use of spiny lobster traps without trap tags or certificates and
98 theft of trap contents or trap gear.

99 19. Section 379.357, prohibiting the possession of tarpon
100 without purchasing a tarpon tag.

101 20. Rules or orders of the commission prohibiting the
102 feeding or enticement of alligators or crocodiles.

103 21. Section 379.105, prohibiting the intentional
104 harassment of hunters, fishers, or trappers.

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

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

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to spiny lobster; amending s. 379.407,

112

F.S.; providing penalties for certain violations

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relating to possession of spiny lobster; amending s.

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379.401, F.S.; conforming a cross-reference; providing

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an effective date.