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CS/HB 47

2014 Legislature

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 2 An act relating to spiny lobster; amending s. 379.407,  
 3 F.S.; providing penalties for certain violations  
 4 relating to possession of spiny lobster; amending s.  
 5 379.401, F.S.; conforming a cross-reference; providing  
 6 an effective date.

7  
 8 Be It Enacted by the Legislature of the State of Florida:

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

14 379.407 Administration; rules, publications, records;  
 15 penalties; injunctions.—

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

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

ENROLLED

CS/HB 47

2014 Legislature

27 the violation involves 25 or more lobster, the violation is a  
28 misdemeanor of the first degree, punishable as provided in s.  
29 775.082 or s. 775.083.

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

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

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

46 (e) A fourth or subsequent violation is a felony of the  
47 third degree, punishable as provided in s. 775.082 or s.  
48 775.083, with a mandatory minimum term of imprisonment of 1  
49 year, and such person shall be assessed a civil penalty of  
50 \$5,000 and all license privileges under this chapter shall be  
51 permanently revoked.

52 Section 2. Paragraph (a) of subsection (2) of section

ENROLLED

CS/HB 47

2014 Legislature

53 379.401, Florida Statutes, is amended to read:

54 379.401 Penalties and violations; civil penalties for  
55 noncriminal infractions; criminal penalties; suspension and  
56 forfeiture of licenses and permits.—

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

59 1. Rules or orders of the commission relating to seasons  
60 or time periods for the taking of wildlife, freshwater fish, or  
61 saltwater fish.

62 2. Rules or orders of the commission establishing bag,  
63 possession, or size limits or restricting methods of taking  
64 wildlife, freshwater fish, or saltwater fish.

65 3. Rules or orders of the commission prohibiting access or  
66 otherwise relating to access to wildlife management areas or  
67 other areas managed by the commission.

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

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

72 6. Rules or orders of the commission relating to  
73 restricted hunting areas, critical wildlife areas, or bird  
74 sanctuaries.

75 7. Rules or orders of the commission relating to tagging  
76 requirements for wildlife and fur-bearing animals.

77 8. Rules or orders of the commission relating to the use  
78 of dogs for the taking of wildlife.

ENROLLED

CS/HB 47

2014 Legislature

- 79           9. Rules or orders of the commission which are not  
80 otherwise classified.
- 81           10. Rules or orders of the commission prohibiting the  
82 unlawful use of finfish traps.
- 83           11. All prohibitions in this chapter which are not  
84 otherwise classified.
- 85           12. Section 379.33, prohibiting the violation of or  
86 noncompliance with commission rules.
- 87           13. Section 379.407(7) ~~379.407(6)~~, prohibiting the sale,  
88 purchase, harvest, or attempted harvest of any saltwater product  
89 with intent to sell.
- 90           14. Section 379.2421, prohibiting the obstruction of  
91 waterways with net gear.
- 92           15. Section 379.413, prohibiting the unlawful taking of  
93 bonefish.
- 94           16. Section 379.365(2)(a) and (b), prohibiting the  
95 possession or use of stone crab traps without trap tags and  
96 theft of trap contents or gear.
- 97           17. Section 379.366(4)(b), prohibiting the theft of blue  
98 crab trap contents or trap gear.
- 99           18. Section 379.3671(2)(c), prohibiting the possession or  
100 use of spiny lobster traps without trap tags or certificates and  
101 theft of trap contents or trap gear.
- 102           19. Section 379.357, prohibiting the possession of tarpon  
103 without purchasing a tarpon tag.
- 104           20. Rules or orders of the commission prohibiting the

ENROLLED

CS/HB 47

2014 Legislature

105 | feeding or enticement of alligators or crocodiles.

106 |       21. Section 379.105, prohibiting the intentional  
107 | harassment of hunters, fishers, or trappers.

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