

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 WITHDRAWN \_\_\_\_\_ (Y/N)  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. Paragraph (a) of subsection (2) of section  
 8 379.365, Florida Statutes, is amended to read:

9 379.365 Stone crab; regulation.—

10 (2) PENALTIES.—For purposes of this subsection, conviction  
 11 is any disposition other than acquittal or dismissal, regardless  
 12 of whether the violation was adjudicated under any state or  
 13 federal law.

14 (a) It is unlawful to violate commission rules regulating  
 15 stone crab trap certificates and trap tags. No person may use an  
 16 expired tag or a stone crab trap tag not issued by the  
 17 commission or possess or use a stone crab trap in or on state

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18 waters or adjacent federal waters without having a trap tag  
19 required by the commission firmly attached thereto.

20 1. In addition to any other penalties provided in s.  
21 379.407, for any commercial harvester who violates this  
22 paragraph, the following administrative penalties apply:—

23 a. For a first violation, the commission shall assess an  
24 additional administrative penalty of up to \$1,000.

25 b. For a second violation that occurs within 24 months of  
26 any previous such violation, the commission shall assess an  
27 additional administrative penalty of up to \$2,000 and the stone  
28 crab endorsement under which the violation was committed may be  
29 suspended for 12 ~~calendar~~ months.

30 c. For a third violation that occurs within 36 months of  
31 any previous two such violations, the commission shall assess an  
32 additional administrative penalty of up to \$5,000 and the stone  
33 crab endorsement under which the violation was committed may be  
34 suspended for 24 ~~calendar~~ months.

35 d. A fourth violation that occurs within 48 months of any  
36 three previous such violations, shall result in permanent  
37 revocation of all of the violator's saltwater fishing  
38 privileges, including having the commission proceed against the  
39 endorsement holder's saltwater products license in accordance  
40 with s. 379.407.

41 2. Any other person who violates ~~the provisions of~~ this  
42 paragraph commits a Level Two violation under s. 379.401.  
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44 Any commercial harvester assessed an administrative penalty  
45 under this paragraph shall, within 30 calendar days after  
46 notification, pay the administrative penalty to the commission,  
47 or request an administrative hearing under ss. 120.569 and  
48 120.57. The proceeds of all administrative penalties collected  
49 under this paragraph shall be deposited in the Marine Resources  
50 Conservation Trust Fund.

51 Section 2. Paragraph (c) of subsection (2) of section  
52 379.3671, Florida Statutes, is amended to read:

53 379.3671 Spiny lobster trap certificate program.—

54 (2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES;  
55 PENALTIES.—The Fish and Wildlife Conservation Commission shall  
56 establish a trap certificate program for the spiny lobster  
57 fishery of this state and shall be responsible for its  
58 administration and enforcement as follows:

59 (c) *Prohibitions; penalties.*—

60 1. It is unlawful for a person to possess or use a spiny  
61 lobster trap in or on state waters or adjacent federal waters  
62 without having affixed thereto the trap tag required by this  
63 section. It is unlawful for a person to possess or use any other  
64 gear or device designed to attract and enclose or otherwise aid  
65 in the taking of spiny lobster by trapping that is not a trap as  
66 defined by commission rule.

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

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70           3. It is unlawful for any person to willfully molest, take  
71 possession of, or remove the contents of another harvester's  
72 spiny lobster trap without the express written consent of the  
73 trap owner available for immediate inspection. Unauthorized  
74 possession of another's trap gear or removal of trap contents  
75 constitutes theft.

76           a. A commercial harvester who violates this subparagraph  
77 shall be punished under ss. 379.367 and 379.407. Any commercial  
78 harvester receiving a judicial disposition other than dismissal  
79 or acquittal on a charge of theft of or from a trap pursuant to  
80 this subparagraph or s. 379.402 shall, in addition to the  
81 penalties specified in ss. 379.367 and 379.407 and the  
82 provisions of this section, permanently lose all his or her  
83 saltwater fishing privileges, including his or her saltwater  
84 products license, spiny lobster endorsement, and all trap  
85 certificates allotted to him or her through this program. In  
86 such cases, trap certificates and endorsements are  
87 nontransferable.

88           b. Any commercial harvester receiving a judicial  
89 disposition other than dismissal or acquittal on a charge of  
90 willful molestation of a trap, in addition to the penalties  
91 specified in ss. 379.367 and 379.407, shall lose all saltwater  
92 fishing privileges for a period of 24 ~~calendar~~ months.

93           c. In addition, any commercial harvester charged with  
94 violating this subparagraph and receiving a judicial disposition  
95 other than dismissal or acquittal for violating this

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96 subparagraph or s. 379.402 shall also be assessed an  
97 administrative penalty of up to \$5,000.

98  
99 Immediately upon receiving a citation for a violation involving  
100 theft of or from a trap, or molestation of a trap, and until  
101 adjudicated for such a violation or, upon receipt of a judicial  
102 disposition other than dismissal or acquittal of such a  
103 violation, the commercial harvester committing the violation is  
104 prohibited from transferring any spiny lobster trap certificates  
105 and endorsements.

106 4. In addition to any other penalties provided in s.  
107 379.407, a commercial harvester who violates the provisions of  
108 this section or commission rules relating to spiny lobster traps  
109 shall be punished as follows:

110 a. If the first violation is for a violation of  
111 subparagraph 1. or subparagraph 2., the commission shall assess  
112 an additional administrative penalty of up to \$1,000. For all  
113 other first violations, the commission shall assess an  
114 additional administrative penalty of up to \$500.

115 b. For a second violation of subparagraph 1. or  
116 subparagraph 2. which occurs within 24 months of any previous  
117 such violation, the commission shall assess an additional  
118 administrative penalty of up to \$2,000 and the spiny lobster  
119 endorsement issued under s. 379.367(2) or (6) may be suspended  
120 for 12 months ~~the remainder of the current license year.~~

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121 c. For a third ~~or subsequent~~ violation of subparagraph 1.  
122 ~~or~~ subparagraph 2., ~~or subparagraph 3.~~ which occurs within 36  
123 months of any previous two such violations, the commission shall  
124 assess an additional administrative penalty of up to \$5,000 and  
125 ~~may suspend~~ the spiny lobster endorsement issued under s.  
126 379.367(2) or (6) may be suspended for a ~~period of up to~~ 24  
127 months ~~or may revoke the spiny lobster endorsement and, if~~  
128 ~~revoking the spiny lobster endorsement, may also proceed against~~  
129 ~~the licenseholder's saltwater products license in accordance~~  
130 ~~with the provisions of s. 379.407(2)(h).~~

131 d. A fourth violation that occurs within 48 months of any  
132 three previous such violations, shall result in permanent  
133 revocation of all of the violator's saltwater fishing  
134 privileges, including having the commission proceed against the  
135 endorsement holder's saltwater products license in accordance  
136 with s. 379.407.

137 ~~e.d.~~ Any person assessed an additional administrative  
138 penalty pursuant to this section shall within 30 calendar days  
139 after notification:

140 (I) Pay the administrative penalty to the commission; or

141 (II) Request an administrative hearing pursuant to the  
142 provisions of ss. 120.569 and 120.57.

143 ~~f.e.~~ The commission shall suspend the spiny lobster  
144 endorsement issued under s. 379.367(2) or (6) of ~~for~~ any person  
145 failing to comply with ~~the provisions of~~ sub-subparagraph e. d.

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146           5.a. It is unlawful for any person to make, alter, forge,  
147 counterfeit, or reproduce a spiny lobster trap tag or  
148 certificate.

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

152           c. It is unlawful for any person to barter, trade, sell,  
153 supply, agree to supply, aid in supplying, or give away a spiny  
154 lobster trap tag or certificate or to conspire to barter, trade,  
155 sell, supply, aid in supplying, or give away a spiny lobster  
156 trap tag or certificate unless such action is duly authorized by  
157 the commission as provided in this chapter or in the rules of  
158 the commission.

159           6.a. Any commercial harvester who violates the provisions  
160 of subparagraph 5., or any commercial harvester who engages in  
161 the commercial harvest, trapping, or possession of spiny lobster  
162 without a spiny lobster endorsement as required by s. 379.367(2)  
163 or (6) or during any period while such spiny lobster endorsement  
164 is under suspension or revocation, commits a felony of the third  
165 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
166 775.084.

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

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171 subparagraph (a)1., on any commercial harvester who violates the  
172 provisions of sub-subparagraph 5.c.

173 c. In addition to any penalty imposed pursuant to sub-  
174 subparagraph a., any commercial harvester receiving any judicial  
175 disposition other than acquittal or dismissal for a violation of  
176 subparagraph 5. shall be assessed an administrative penalty of  
177 up to \$5,000, and the spiny lobster endorsement under which the  
178 violation was committed may be suspended for up to 24 ~~calendar~~  
179 months. Immediately upon issuance of a citation involving a  
180 violation of subparagraph 5. and until adjudication of such a  
181 violation, and after receipt of any judicial disposition other  
182 than acquittal or dismissal for such a violation, the commercial  
183 harvester holding the spiny lobster endorsement listed on the  
184 citation is prohibited from transferring any spiny lobster trap  
185 certificates.

186 d. Any other person who violates the provisions of  
187 subparagraph 5. commits a Level Four violation under s. 379.401.

188 7. Prior to the 2010-2011 license year, any certificates  
189 for which the annual certificate fee is not paid for a period of  
190 3 years shall be considered abandoned and shall revert to the  
191 commission. Beginning with the 2010-2011 license year, any  
192 certificate for which the annual certificate fee is not paid for  
193 a period of 2 consecutive years shall be considered abandoned  
194 and shall revert to the commission. During any period of trap  
195 reduction, any certificates reverting to the commission shall  
196 become permanently unavailable and be considered in that amount



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197 to be reduced during the next license-year period. Otherwise,  
198 any certificates that revert to the commission are to be  
199 reallocated in such manner as provided by the commission.

200 8. The proceeds of all administrative penalties collected  
201 pursuant to subparagraph 4. and all fines collected pursuant to  
202 sub-subparagraph 6.b. shall be deposited into the Marine  
203 Resources Conservation Trust Fund.

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

206 10. Except as otherwise provided, any person who violates  
207 this paragraph commits a Level Two violation under s. 379.401.

208 Section 3. Subsection (5) of section 379.407, Florida  
209 Statutes, is amended to read:

210 379.407 Administration; rules, publications, records;  
211 penalties; injunctions.—

212 (5) PENALTIES FOR POSSESSION OF SPINY LOBSTER; CLOSED  
213 SEASON AND WRUNG TAILS.—

214 (a) It is a major violation under this section for any  
215 person, firm, or corporation to be in possession of spiny  
216 lobster during the closed season or, while on the water, to be  
217 in possession of spiny lobster tails that have been wrung or  
218 separated from the body, unless such possession is allowed by  
219 commission rule. Any person, firm, or corporation that violates  
220 this paragraph ~~subsection~~ is subject to penalties as follows:

221 1.~~(a)~~ A first violation is a misdemeanor of the second  
222 degree, punishable as provided in s. 775.082 or s. 775.083. If

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223 the violation involves 25 or more lobster, the violation is a  
224 misdemeanor of the first degree, punishable as provided in s.  
225 775.082 or s. 775.083.

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

230 3.~~(e)~~ A third violation is a misdemeanor of the first  
231 degree, punishable as provided in s. 775.082 or s. 775.083, with  
232 a mandatory minimum term of imprisonment of 6 months, and such  
233 person may be assessed a civil penalty of up to \$2,500 and is  
234 subject to a suspension of all license privileges under this  
235 chapter for a period not to exceed 6 months.

236 4.~~(d)~~ A third violation within 1 year after a second  
237 violation is a felony of the third degree, punishable as  
238 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
239 term of imprisonment of 1 year, and such person shall be  
240 assessed a civil penalty of \$5,000 and all license privileges  
241 under this chapter shall be permanently revoked.

242 5.~~(e)~~ A fourth or subsequent violation is a felony of the  
243 third degree, punishable as provided in s. 775.082 or s.  
244 775.083, with a mandatory minimum term of imprisonment of 1  
245 year, and such person shall be assessed a civil penalty of  
246 \$5,000 and all license privileges under this chapter shall be  
247 permanently revoked.

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248 (b) It is a major violation under this section for a  
249 recreational or commercial harvester to be in possession of an  
250 undersized spiny lobster, unless authorized to do so by  
251 commission rule. For violations of this paragraph involving  
252 fewer than 100 undersized lobsters, each undersized spiny  
253 lobster may be charged as a separate misdemeanor count under  
254 subparagraphs 1. and 2. However, the total misdemeanor penalty  
255 for any one scheme or course of conduct may not exceed 4 years'  
256 imprisonment and a fine of \$4,000 under such subparagraphs. Any  
257 person that violates this paragraph is subject to the following  
258 penalties:

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

261 2. A second or subsequent violation is a misdemeanor of  
262 the first degree, punishable as provided in s. 775.082 or s.  
263 775.083.

264 3. If a violation involves 100 or more undersized spiny  
265 lobsters, the violation is a felony of the third degree,  
266 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
267 and a mandatory fine of at least \$500. In addition, the  
268 commission shall assess the violator with an administrative  
269 penalty of up to \$2,000 and may suspend the violator's license  
270 privileges under this chapter for a period of up to 12 months.

271 Section 4. Paragraph (e) of subsection (3) of section  
272 921.0022, Florida Statutes, is amended to read:

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273 921.0022 Criminal Punishment Code; offense severity  
 274 ranking chart.—

275 (3) OFFENSE SEVERITY RANKING CHART

276 (e) LEVEL 5

277

Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.

278

279

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281

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Bill No. HB 1227 (2016)

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282

379.365

3rd

Violation of rules relating to: molestation of stone crab traps, lines, or buoys; illegal trade, sale, or supplying of stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; commercial harvest of stone crabs while license is suspended or revoked.

(2) (c) 1.

283

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

284

~~379.3671~~

~~3rd~~

~~Willful molestation,~~

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~~(2) (e) 3.~~

~~possession, or removal of a  
commercial harvester's trap  
contents or trap gear by  
another harvester.~~

285

286

379.407

3rd

Possession of 100 or more  
undersized spiny lobsters.

(5) (b) 3.

287

381.0041(11) (b)

3rd Donate blood,  
plasma, or organs  
knowing HIV  
positive.

288

440.10(1) (g)

2nd

Failure to obtain workers'  
compensation coverage.

289

440.105(5)

2nd

Unlawful solicitation for  
the purpose of making  
workers' compensation  
claims.

290

440.381(2)

2nd

Submission of false,  
misleading, or incomplete  
information with the purpose

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of avoiding or reducing  
workers' compensation  
premiums.

291

624.401 (4) (b) 2.

2nd Transacting insurance  
without a certificate  
or authority; premium  
collected \$20,000 or  
more but less than  
\$100,000.

292

626.902 (1) (c)

2nd Representing an  
unauthorized insurer;  
repeat offender.

293

790.01 (2)

3rd Carrying a concealed  
firearm.

294

790.162

2nd Threat to throw or discharge  
destructive device.

295

790.163 (1)

2nd False report of deadly  
explosive or weapon of mass  
destruction.

296

790.221 (1)

2nd Possession of short-





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more but less than  
\$50,000.

303

812.015 (8) 3rd Retail theft; property  
stolen is valued at \$300  
or more and one or more  
specified acts.

304

812.019 (1) 2nd Stolen property; dealing in  
or trafficking in.

305

812.131 (2) (b) 3rd Robbery by sudden  
snatching.

306

812.16 (2) 3rd Owning, operating, or  
conducting a chop shop.

307

817.034 (4) (a) 2. 2nd Communications fraud,  
value \$20,000 to \$50,000.

308

817.234 (11) (b) 2nd Insurance fraud;  
property value  
\$20,000 or more but  
less than \$100,000.

309

817.2341 (1), 3rd Filing false financial

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(2) (a) & (3) (a)

statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

310

817.568 (2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

311

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

312

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

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313	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
314	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
315	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
316	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
317	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18



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deliver cannabis (or other  
s. 893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3.,  
(2)(c)5., (2)(c)6.,  
(2)(c)7., (2)(c)8.,  
(2)(c)9., (3), or (4)  
drugs) within 1,000 feet  
of a child care facility,  
school, or state, county,  
or municipal park or  
publicly owned  
recreational facility or  
community center.

324

893.13(1)(d)1.

1st

Sell, manufacture, or  
deliver cocaine (or other  
s. 893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or  
(2)(c)4. drugs) within  
1,000 feet of university.

325

893.13(1)(e)2.

2nd

Sell, manufacture, or  
deliver cannabis or other  
drug prohibited under s.  
893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3.,

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(2) (c) 5., (2) (c) 6.,  
(2) (c) 7., (2) (c) 8.,  
(2) (c) 9., (3), or (4)  
within 1,000 feet of  
property used for  
religious services or a  
specified business site.

326

893.13(1)(f)1.

1st

Sell, manufacture, or  
deliver cocaine (or other  
s. 893.03(1)(a), (1)(b),  
(1)(d), or (2)(a), (2)(b),  
or (2)(c)4. drugs) within  
1,000 feet of public  
housing facility.

327

893.13(4)(b)

2nd

Deliver to minor cannabis  
(or other s. 893.03(1)(c),  
(2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9., (3), or  
(4) drugs).

328

893.1351(1)

3rd

Ownership, lease, or rental  
for trafficking in or

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manufacturing of controlled  
substance.

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Section 5. This act shall take effect October 1, 2016.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to crustaceans; amending s. 379.365,  
F.S.; revising the administrative penalties for  
violations related to stone crab traps; amending s.  
379.3671, F.S.; revising the administrative penalties  
for violations related to spiny lobster traps;  
amending s. 379.407, F.S.; prohibiting certain persons  
from being in the possession of undersized spiny  
lobsters; specifying that for violations related to  
undersized spiny lobsters in which fewer than 100  
undersized lobsters are involved, each undersized  
lobster may be charged as a separate count; specifying  
maximum penalties for such violations; specifying the  
criminal and administrative penalties for violations  
related to undersized spiny lobsters; amending s.  
921.0022, F.S.; revising the offense severity ranking  
chart to include certain violations related to stone  
crabs and spiny lobsters; providing an effective date.