

1                   A bill to be entitled  
2           An act relating to crustaceans; amending s. 379.365,  
3           F.S.; specifying that for violations related to stone  
4           crab traps which involve fewer than 100 traps, each  
5           untagged trap may be charged as a separate count;  
6           specifying maximum penalties for such violations;  
7           revising the criminal and administrative penalties for  
8           violations related to stone crab traps; amending s.  
9           379.3671, F.S.; specifying that for violations related  
10          to spiny lobster traps involving fewer than 100 traps,  
11          each untagged trap or unlawful trap tag may be charged  
12          as a separate count; specifying maximum penalties for  
13          such violations; revising the criminal and  
14          administrative penalties for violations related to  
15          spiny lobster traps; amending s. 379.407, F.S.;  
16          prohibiting certain persons from being in the  
17          possession of undersized spiny lobsters; specifying  
18          that for violations related to undersized spiny  
19          lobsters in which fewer than 100 lobsters are  
20          involved, each undersized lobster may be charged as a  
21          separate count; specifying maximum penalties for such  
22          violations; specifying the criminal and administrative  
23          penalties for violations related to undersized spiny  
24          lobsters; amending s. 921.0022, F.S.; revising the  
25          offense severity ranking chart to include certain  
26          violations related to stone crabs and spiny lobsters;

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27 providing an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:

30  
31 Section 1. Paragraph (a) of subsection (2) of section  
32 379.365, Florida Statutes, is amended to read:

33 379.365 Stone crab; regulation.—

34 (2) PENALTIES.—For purposes of this subsection, conviction  
35 is any disposition other than acquittal or dismissal, regardless  
36 of whether the violation was adjudicated under any state or  
37 federal law.

38 (a) It is unlawful to violate commission rules regulating  
39 stone crab trap certificates and trap tags. No person may use an  
40 expired tag or a stone crab trap tag not issued by the  
41 commission or possess or use a stone crab trap in or on state  
42 waters or adjacent federal waters without having a trap tag  
43 required by the commission firmly attached thereto. For  
44 violations involving fewer than 100 stone crab traps, each  
45 untagged trap may be charged as a separate misdemeanor count  
46 under sub-subparagraphs 1.a.-1.d. However, the total misdemeanor  
47 penalty for any one scheme or course of conduct may not exceed 4  
48 years' imprisonment and a civil fine of \$4,000 under such  
49 subparagraphs.

50 1. In addition to any other penalties provided in s.  
51 379.407, for any commercial harvester who violates this  
52 paragraph, the following ~~administrative~~ penalties apply:—

53 a. ~~For~~ A first violation is a misdemeanor of the second  
 54 degree, punishable as provided in s. 775.082 or s. 775.083. In  
 55 addition, the commission shall impose ~~,the commission shall~~  
 56 ~~assess~~ an administrative penalty of up to \$1,000 on the  
 57 violator.

58 b. ~~For~~ A second violation is a misdemeanor of the first  
 59 degree, punishable as provided in s. 775.082 or s. 775.083. In  
 60 addition, the commission shall impose ~~that occurs within 24~~  
 61 ~~months of any previous such violation, the commission shall~~  
 62 ~~assess~~ an administrative penalty of up to \$2,000 on the violator  
 63 and shall suspend all of the violator's license privileges under  
 64 this chapter and the stone crab endorsement under which the  
 65 ~~violation was committed may be suspended for a period of up to~~  
 66 12 calendar months.

67 c. ~~For~~ A third or subsequent violation is a misdemeanor of  
 68 the first degree, punishable as provided in s. 775.082 or s.  
 69 775.083. In addition, the commission shall impose ~~that occurs~~  
 70 ~~within 36 months of any previous two such violations, the~~  
 71 ~~commission shall assess~~ an administrative penalty of up to  
 72 \$5,000 on the violator and shall suspend all of the violator's  
 73 license privileges under this chapter and the stone crab  
 74 ~~endorsement under which the violation was committed may be~~  
 75 ~~suspended for a period of up to 24 calendar months.~~

76 d. A fourth violation that occurs within 48 months of any  
 77 three previous such violations, shall be punished by ~~shall~~  
 78 ~~result in permanent revocation of all of the violator's~~ license

79 privileges under this chapter ~~saltwater fishing privileges,~~  
 80 ~~including having the commission proceed against the endorsement~~  
 81 ~~holder's saltwater products license in accordance with s.~~  
 82 ~~379.407.~~

83 e. Any violation involving 100 or more untagged stone crab  
 84 traps is a felony of the third degree, punishable as provided in  
 85 s. 775.082, s. 775.083, or s. 775.084 and a mandatory civil fine  
 86 of at least \$500. In addition, the commission shall impose an  
 87 administrative penalty of up to \$2,000 against the violator and  
 88 may suspend the violator's license privileges under this chapter  
 89 for a period of up to 12 months. The administrative penalty and  
 90 suspension may be assessed in addition to the penalties  
 91 specified in sub-subparagraphs a.-d.

92 2. Any other person who violates ~~the provisions~~ of this  
 93 paragraph commits a Level Two violation under s. 379.401.

94  
 95 Within 30 days after notification, a ~~Any~~ commercial harvester  
 96 assessed an administrative penalty under this paragraph shall,  
 97 ~~within 30 calendar days after notification,~~ pay the  
 98 administrative penalty to the commission, or request an  
 99 administrative hearing under ss. 120.569 and 120.57. The  
 100 proceeds of ~~all~~ administrative penalties collected under this  
 101 paragraph shall be deposited in the Marine Resources  
 102 Conservation Trust Fund.

103 Section 2. Paragraph (c) of subsection (2) of section  
 104 379.3671, Florida Statutes, is amended to read:

105 379.3671 Spiny lobster trap certificate program.—

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

111 (c) *Prohibitions; penalties.*—

112 1. It is unlawful for a person to possess or use a spiny  
 113 lobster trap in or on state waters or adjacent federal waters  
 114 without having affixed thereto the trap tag required by this  
 115 section. It is unlawful for a person to possess or use any other  
 116 gear or device designed to attract and enclose or otherwise aid  
 117 in the taking of spiny lobster by trapping that is not a trap as  
 118 defined by commission rule. For violations involving fewer than  
 119 100 spiny lobster traps, each untagged trap may be charged as a  
 120 separate misdemeanor count. However the total misdemeanor  
 121 penalty for any one scheme or course of conduct may not exceed 4  
 122 years' imprisonment and a civil fine of \$4,000.

123 2. It is unlawful for a person to possess or use spiny  
 124 lobster trap tags without having the necessary number of  
 125 certificates on record as required by this section. For  
 126 violations involving fewer than 100 spiny lobster trap tags,  
 127 each unlawful trap tag may be charged as a separate misdemeanor  
 128 count. However, the total misdemeanor penalty for any one scheme  
 129 or course of conduct may not exceed 4 years' imprisonment and a  
 130 civil fine of \$4,000.

131           3. It is unlawful for any person to willfully molest, take  
 132 possession of, or remove the contents of another harvester's  
 133 spiny lobster trap without the express written consent of the  
 134 trap owner available for immediate inspection. Unauthorized  
 135 possession of another's trap gear or removal of trap contents  
 136 constitutes theft.

137           a. A commercial harvester who violates this subparagraph  
 138 shall be punished under ss. 379.367 and 379.407. Any commercial  
 139 harvester receiving a judicial disposition other than dismissal  
 140 or acquittal on a charge of theft of or from a trap pursuant to  
 141 this subparagraph or s. 379.402 shall, in addition to the  
 142 penalties specified in ss. 379.367 and 379.407 and the  
 143 provisions of this section, permanently lose all his or her  
 144 saltwater fishing privileges, including his or her saltwater  
 145 products license, spiny lobster endorsement, and all trap  
 146 certificates allotted to him or her through this program. In  
 147 such cases, trap certificates and endorsements are  
 148 nontransferable.

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

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

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

159 |  
 160 | Immediately upon receiving a citation for a violation involving  
 161 | theft of or from a trap, or molestation of a trap, and until  
 162 | adjudicated for such a violation or, upon receipt of a judicial  
 163 | disposition other than dismissal or acquittal of such a  
 164 | violation, the commercial harvester committing the violation is  
 165 | prohibited from transferring any spiny lobster trap certificates  
 166 | and endorsements.

167 |         4. In addition to any other penalties provided in s.  
 168 | 379.407, a commercial harvester who violates the provisions of  
 169 | this section or commission rules relating to spiny lobster traps  
 170 | shall be punished as follows:

171 |         a. A ~~If the~~ first violation is a misdemeanor of the second  
 172 | degree, punishable as provided in s. 775.082 or s. 775.083. In  
 173 | addition, the commission shall impose an ~~is for violation of~~  
 174 | ~~subparagraph 1. or subparagraph 2., the commission shall assess~~  
 175 | ~~an additional~~ administrative penalty of up to \$1,000 on the  
 176 | violator. For all other first violations, the commission shall  
 177 | ~~assess an additional administrative penalty of up to \$500.~~

178 |         b. ~~For~~ A second violation is a misdemeanor of the first  
 179 | degree, punishable as provided in s. 775.082 or s. 775.083. In  
 180 | addition, the commission shall impose an ~~of subparagraph 1. or~~  
 181 | ~~subparagraph 2. which occurs within 24 months of any previous~~  
 182 | ~~such violation, the commission shall assess an additional~~

183 administrative penalty of up to \$2,000 on the violator and shall  
184 suspend the violator's license privileges under this chapter for  
185 a period of up to 12 months and the spiny lobster endorsement  
186 issued under s. 379.367(2) or (6) may be suspended for the  
187 remainder of the current license year.

188 c. ~~For~~ A third or subsequent violation is a misdemeanor of  
189 the first degree, punishable as provided in s. 775.082 or s.  
190 775.083. In addition, the commission shall impose an ~~of~~  
191 ~~subparagraph 1., subparagraph 2., or subparagraph 3. which~~  
192 ~~occurs within 36 months of any previous two such violations, the~~  
193 ~~commission shall assess an additional~~ administrative penalty of  
194 up to \$5,000 on the violator and shall suspend the violator's  
195 license privileges under this chapter and may suspend the spiny  
196 lobster endorsement issued under s. 379.367(2) or (6) for a  
197 period of up to 24 months or may revoke the spiny lobster  
198 endorsement issued under s. 379.367(2) or (6) and, if revoking  
199 the spiny lobster endorsement, may also proceed against the  
200 licenseholder's saltwater products license in accordance with  
201 the provisions of s. 379.407(2) (h).

202 d. A violation that involves 100 or more untagged spiny  
203 lobster traps or unlawful trap tags is a felony of the third  
204 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
205 775.084 and by a mandatory civil fine of at least \$500. In  
206 addition, the commission shall impose an administrative penalty  
207 of up to \$2,000 on the violator and may suspend the violator's  
208 license privileges under this chapter for an additional period



209 of up to 12 months.

210 e.d. Within 30 days after notification, a Any person  
 211 assessed an additional administrative penalty pursuant to this  
 212 section shall ~~within 30 calendar days after notification:~~

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

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

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

219 5.a. It is unlawful for any person to make, alter, forge,  
 220 counterfeit, or reproduce a spiny lobster trap tag or  
 221 certificate.

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

225 c. It is unlawful for any person to barter, trade, sell,  
 226 supply, agree to supply, aid in supplying, or give away a spiny  
 227 lobster trap tag or certificate or to conspire to barter, trade,  
 228 sell, supply, aid in supplying, or give away a spiny lobster  
 229 trap tag or certificate unless such action is duly authorized by  
 230 the commission as provided in this chapter or in the rules of  
 231 the commission.

232 6.a. Any commercial harvester who violates the provisions  
 233 of subparagraph 5., or any commercial harvester who engages in  
 234 the commercial harvest, trapping, or possession of spiny lobster

235 without a spiny lobster endorsement as required by s. 379.367(2)  
236 or (6) or during any period while such spiny lobster endorsement  
237 is under suspension or revocation, commits a felony of the third  
238 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
239 775.084.

240 b. In addition to any penalty imposed pursuant to sub-  
241 subparagraph a., the commission shall levy a fine of up to twice  
242 the amount of the appropriate surcharge to be paid on the fair  
243 market value of the transferred certificates, as provided in  
244 subparagraph (a)1., on any commercial harvester who violates the  
245 provisions of sub-subparagraph 5.c.

246 c. In addition to any penalty imposed pursuant to sub-  
247 subparagraph a., any commercial harvester receiving any judicial  
248 disposition other than acquittal or dismissal for a violation of  
249 subparagraph 5. shall be assessed an administrative penalty of  
250 up to \$5,000, and the spiny lobster endorsement under which the  
251 violation was committed may be suspended for up to 24 ~~calendar~~  
252 months. Immediately upon issuance of a citation involving a  
253 violation of subparagraph 5. and until adjudication of such a  
254 violation, and after receipt of any judicial disposition other  
255 than acquittal or dismissal for such a violation, the commercial  
256 harvester holding the spiny lobster endorsement listed on the  
257 citation is prohibited from transferring any spiny lobster trap  
258 certificates.

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

261 7. Prior to the 2010-2011 license year, any certificates  
 262 for which the annual certificate fee is not paid for a period of  
 263 3 years shall be considered abandoned and shall revert to the  
 264 commission. Beginning with the 2010-2011 license year, any  
 265 certificate for which the annual certificate fee is not paid for  
 266 a period of 2 consecutive years shall be considered abandoned  
 267 and shall revert to the commission. During any period of trap  
 268 reduction, any certificates reverting to the commission shall  
 269 become permanently unavailable and be considered in that amount  
 270 to be reduced during the next license-year period. Otherwise,  
 271 any certificates that revert to the commission are to be  
 272 reallocated in such manner as provided by the commission.

273 8. The proceeds of all administrative penalties collected  
 274 pursuant to subparagraph 4. and all fines collected pursuant to  
 275 sub-subparagraph 6.b. shall be deposited into the Marine  
 276 Resources Conservation Trust Fund.

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

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

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

283 379.407 Administration; rules, publications, records;  
 284 penalties; injunctions.—

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

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

294        1.~~(a)~~ A first violation is a misdemeanor of the second  
 295 degree, punishable as provided in s. 775.082 or s. 775.083. If  
 296 the violation involves 25 or more lobster, the violation is a  
 297 misdemeanor of the first degree, punishable as provided in s.  
 298 775.082 or s. 775.083.

299        2.~~(b)~~ A second violation is a misdemeanor of the first  
 300 degree, punishable as provided in s. 775.082 or s. 775.083, and  
 301 such person is subject to a suspension of his or her ~~all~~ license  
 302 privileges under this chapter for a period not to exceed 90  
 303 days.

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

310        4.~~(d)~~ A third violation within 1 year after a second  
 311 violation is a felony of the third degree, punishable as  
 312 provided in s. 775.082 or s. 775.083, with a mandatory minimum

313 term of imprisonment of 1 year, and such person shall be  
314 assessed a civil penalty of \$5,000 and all license privileges  
315 under this chapter shall be permanently revoked.

316 5.-(e) A fourth or subsequent violation is a felony of the  
317 third degree, punishable as provided in s. 775.082 or s.  
318 775.083, with a mandatory minimum term of imprisonment of 1  
319 year, and such person shall be assessed a civil penalty of  
320 \$5,000 and all license privileges under this chapter shall be  
321 permanently revoked.

322 (b) It is a major violation under this section for a  
323 recreational or commercial harvester to be in possession of an  
324 undersized spiny lobster, unless authorized to do so by  
325 commission rule. For violations of this paragraph involving  
326 fewer than 100 lobsters, each undersized spiny lobster may be  
327 charged as a separate misdemeanor count under subparagraphs 1.  
328 and 2. However, the total misdemeanor penalty for any one scheme  
329 or course of conduct may not exceed 4 years' imprisonment and a  
330 civil fine of \$4,000 under such subparagraphs. Any person that  
331 violates this paragraph is subject to the following penalties:

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

334 2. A second violation is a misdemeanor of the first  
335 degree, punishable as provided in s. 775.082 or s. 775.083.

336 3. If a violation involves more than 100 spiny lobsters,  
337 the violation is a felony of the third degree, punishable as  
338 provided in s. 775.082, s. 775.083, or s. 775.084 and a

339 mandatory civil fine of at least \$500. In addition, the  
 340 commission shall assess the violator with an administrative  
 341 penalty of up to \$2,000 and may suspend the violator's license  
 342 privileges under this chapter for a period of up to 12 months.

343 Section 4. Paragraph (e) of subsection (3) of section  
 344 921.0022, Florida Statutes, is amended to read:

345 921.0022 Criminal Punishment Code; offense severity  
 346 ranking chart.—

347 (3) OFFENSE SEVERITY RANKING CHART

348 (e) LEVEL 5

349

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,

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353	327.30 (5)	3rd	<p>resulting in death or serious bodily injury.</p> <p>Vessel accidents involving personal injury; leaving scene.</p>
354	<p><u>379.365</u> <u>(2) (a) 1.e.</u></p>	<u>3rd</u>	<p><u>Possession or use of more than 100 untagged stone crab traps.</u></p>
355	<u>379.365 (2) (b)</u>	<u>3rd</u>	<p><u>Possession or removal of the contents of another harvester's stone crab trap.</u></p>
356	<p><u>379.365</u> <u>(2) (c) 1.</u></p>	<u>3rd</u>	<p><u>Violation of rules relating to molestation of stone crab traps, lines, or buoys; or rules relating to stone crab trap tags.</u></p>
357	379.367 (4)	3rd	<p>Willful molestation of a commercial harvester's spiny lobster trap, line,</p>

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or buoy.

358

379.3671  
(2) (c) 3.

3rd Willful molestation,  
possession, or removal of a  
commercial harvester's trap  
contents or trap gear by  
another harvester.

359

379.3671  
(2) (c) 4.d.

3rd Possession or use of more  
than 100 untagged spiny  
lobster traps or unlawful  
trap tags.

360

379.407  
(5) (b) 3.

3rd Possession of more than 100  
undersized spiny lobsters.

361

381.0041 (11) (b)

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

362

440.10 (1) (g)

2nd Failure to obtain workers'  
compensation coverage.

363

440.105 (5)

2nd Unlawful solicitation for  
the purpose of making



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workers' compensation  
claims.

364

440.381(2)

2nd

Submission of false,  
misleading, or incomplete  
information with the purpose  
of avoiding or reducing  
workers' compensation  
premiums.

365

624.401(4)(b)2.

2nd

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

366

626.902(1)(c)

2nd

Representing an  
unauthorized insurer;  
repeat offender.

367

790.01(2)

3rd

Carrying a concealed  
firearm.

368

790.162

2nd

Threat to throw or discharge  
destructive device.

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369	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
370	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
371	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
372	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
373	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
374	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
375	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with

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intent to damage any  
structure or property.

376

812.0145 (2) (b)

2nd Theft from person  
65 years of age or  
older; \$10,000 or  
more but less than  
\$50,000.

377

812.015 (8)

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

378

812.019 (1)

2nd Stolen property; dealing in  
or trafficking in.

379

812.131 (2) (b)

3rd Robbery by sudden  
snatching.

380

812.16 (2)

3rd Owning, operating, or  
conducting a chop shop.

381

817.034 (4) (a) 2.

2nd Communications fraud,  
value \$20,000 to \$50,000.

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383	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
384	817.2341 (1) , (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
385	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.
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or

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386			reencoder.
387	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
388	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
389	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
390	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.
	843.01	3rd	Resist officer with violence

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to person; resist arrest with  
violence.

391

847.0135 (5) (b)

2nd Lewd or lascivious  
exhibition using  
computer; offender 18  
years or older.

392

847.0137  
(2) & (3)

3rd Transmission of pornography by  
electronic device or equipment.

393

847.0138  
(2) & (3)

3rd Transmission of material  
harmful to minors to a minor by  
electronic device or equipment.

394

874.05 (1) (b)

2nd Encouraging or recruiting  
another to join a  
criminal gang; second or  
subsequent offense.

395

874.05 (2) (a)

2nd Encouraging or recruiting  
person under 13 years of  
age to join a criminal  
gang.

396

893.13 (1) (a) 1.

2nd Sell, manufacture, or

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deliver cocaine (or other  
s. 893.03(1) (a), (1) (b),  
(1) (d), (2) (a), (2) (b), or  
(2) (c) 4. drugs).

397

893.13(1) (c) 2.

2nd

Sell, manufacture, or  
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.

398

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.





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(2) (c) 6., (2) (c) 7.,  
(2) (c) 8., (2) (c) 9., (3), or  
(4) drugs).

402

893.1351(1)

3rd

Ownership, lease, or rental  
for trafficking in or  
manufacturing of controlled  
substance.

403

404

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