

## House Bill No. 471

An act relating to fish and wildlife; amending s. 370.01, F.S.; defining the term “commercial harvester”; amending s. 370.021, F.S.; providing for base penalties; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; amending s. 370.028, F.S.; conforming penalty provisions; amending s. 370.061, F.S.; correcting a cross-reference; amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121, 370.13, 370.135, 370.14, and 370.142, F.S.; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; deleting obsolete provisions; amending s. 372.562, F.S.; conforming a provision providing an exemption from fees and requirements; amending s. 372.57, F.S.; specifying seasonal recreational activities for which a license or permit is required; increasing fees for certain licenses to conform; providing a fee for a crossbow season permit; providing for crossbow season permits; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; conforming provisions relating to the spiny lobster; amending s. 372.5704, F.S.; conforming penalty provisions; amending ss. 372.571 and 372.573, F.S.; correcting cross-references; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety education course requirement for a specified time period and for a specified number of times; providing for a special authorization and conditions to hunt using a hunter safety education deferral; deleting the mandatory minimum number of instructional hours for persons required to take the hunter safety education course; providing an exemption for the display of hunter safety education certificates; providing penalties; amending s. 372.83, F.S.; revising the penalties for violations of rules, orders, and regulations of the Fish and Wildlife Conservation Commission; creating penalties for recreational violations of certain saltwater fishing regulations established in ch. 370, F.S.; providing for court appearances in certain circumstances; providing for Level One, Level Two, Level Three, and Level Four offenses; providing for enhanced penalties for multiple violations; providing for suspension and revocation of licenses and permits, including exemptions from licensing and permit requirements; defining the term “conviction” for purposes of penalty provisions; creating s. 372.935, F.S.; providing penalties for violations involving captive wildlife and poisonous or venomous reptiles; specifying violations that constitute noncriminal infractions or second-degree misdemeanors; amending ss. 372.26, 372.265, 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022, 372.99, and 372.9903, F.S.; conforming penalty provisions; amending s. 921.0022, F.S.; deleting certain Level One offense designations; creating s. 372.831, F.S.; creating the Wildlife Violators Compact; providing findings and purposes; providing defini-

tions; providing procedures for states issuing citations for wildlife violations; providing requirements for the home state of a violator; providing for reciprocal recognition of a license suspension; providing procedures for administering the compact; providing for entry into and withdrawal from the compact; providing for construction of the compact and for severability; creating s. 372.8311, F.S.; providing for enforcement of the compact by the Fish and Wildlife Conservation Commission; providing that actions committed or omitted by the Fish and Wildlife Conservation Commission in enforcing the compact are subject to review under ch. 120, F.S.; requiring that the Fish and Wildlife Conservation Commission update the automated licensing system by August 1, 2006; repealing s. 372.711, F.S., relating to noncriminal infractions; repealing s. 372.912, F.S.; relating to poisonous or venomous reptile hunts; providing an effective date.

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

Section 1. Present subsections (5) through (28) of section 370.01, Florida Statutes, are redesignated as subsections (6) through (29), respectively, and a new subsection (5) is added to that section, to read:

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(5) “Commercial harvester” means any person, firm, or corporation that takes, harvests, or attempts to take or harvest saltwater products for sale or with intent to sell; that is operating under or is required to operate under a license or permit or authorization issued pursuant to this chapter; that is using gear that is prohibited for use in the harvest of recreational amounts of any saltwater product being taken or harvested; or that is harvesting any saltwater product in an amount that is at least two times the recreational bag limit for the saltwater product being taken or harvested.

Section 2. Subsections (1), (2), (4), (5), (6), and (12) of section 370.021, Florida Statutes, are amended to read:

370.021 Administration; rules, publications, records; penalties; injunctions.—

(1) BASE PENALTIES.—Unless otherwise provided by law, any person, firm, or corporation who violates ~~is convicted for violating~~ any provision of this chapter, or any rule of the Fish and Wildlife Conservation Commission relating to the conservation of marine resources, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12 months, by imprisonment for not more than 6 months or by a fine of not less than \$250 nor more than \$1,000, or by both such fine and imprisonment.

Upon final disposition of any alleged offense for which a citation for any violation of this chapter or the rules of the commission has been issued, the court shall, within 10 days, certify the disposition to the commission.

(2) MAJOR VIOLATIONS.—In addition to the penalties provided in paragraphs (1)(a) and (b), the court shall assess additional penalties against any commercial harvester ~~person, firm, or corporation~~ convicted of major violations as follows:

(a) For a violation involving more than 100 illegal blue crabs, spiny lobster ~~crayfish~~, or stone crabs, an additional penalty of \$10 for each illegal blue crab, spiny lobster ~~crayfish~~, stone crab, or part thereof.

(b) For a violation involving the taking or harvesting of shrimp from a nursery or other prohibited area, or any two violations within a 12-month period involving shrimping gear, minimum size (count), or season, an additional penalty of \$10 for each pound of illegal shrimp or part thereof.

(c) For a violation involving the taking or harvesting of oysters from nonapproved areas or the taking or possession of unculled oysters, an additional penalty of \$10 for each bushel of illegal oysters.

(d) For a violation involving the taking or harvesting of clams from non-approved areas, an additional penalty of \$100 for each 500 count bag of illegal clams.

(e) For a violation involving the taking, harvesting, or possession of any of the following species, which are endangered, threatened, or of special concern:

1. Shortnose sturgeon (*Acipenser brevirostrum*);
2. Atlantic sturgeon (*Acipenser oxyrinchus*);
3. Common snook (*Centropomus undecimalis*);
4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
5. Atlantic green turtle (*Chelonia mydas mydas*);
6. Leatherback turtle (*Dermochelys coriacea*);
7. Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*);
8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
9. West Indian manatee (*Trichechus manatus latirostris*),

an additional penalty of \$100 for each unit of marine life or part thereof.

(f) For a second or subsequent conviction within 24 months for any violation of the same law or rule involving the taking or harvesting of more than 100 pounds of any finfish, an additional penalty of \$5 for each pound of illegal finfish.

(g) For any violation involving the taking, harvesting, or possession of more than 1,000 pounds of any illegal finfish, an additional penalty equivalent to the wholesale value of the illegal finfish.

(h) Permits issued to any ~~commercial harvester person, firm, or corporation~~ by the commission to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the commission, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in this subsection:

1. Upon a first conviction, for up to 30 calendar days.
2. Upon a second conviction which occurs within 12 months after a prior violation, for up to 90 calendar days.
3. Upon a third conviction which occurs within 24 months after a prior conviction, for up to 180 calendar days.
4. Upon a fourth conviction which occurs within 36 months after a prior conviction, for a period of 6 months to 3 years.

(i) Upon the arrest and conviction for a major violation involving stone crabs, the licenseholder must show just cause why his or her license should not be suspended or revoked. For the purposes of this paragraph, a “major violation” means a major violation as prescribed for illegal stone crabs; any single violation involving possession of more than 25 stone crabs during the closed season or possession of 25 or more whole-bodied or egg-bearing stone crabs; any violation for trap molestation, trap robbing, or pulling traps at night; or any combination of violations in any 3-consecutive-year period wherein more than 75 illegal stone crabs in the aggregate are involved.

(j) Upon the arrest and conviction for a major violation involving spiny lobster crawfish, the licenseholder must show just cause why his or her license should not be suspended or revoked. For the purposes of this paragraph, a “major violation” means a major violation as prescribed for illegal spiny lobster crawfish; any single violation involving possession of more than 25 spiny lobster crawfish during the closed season or possession of more than 25 wrung spiny lobster crawfish tails or more than 25 egg-bearing or stripped spiny lobster crawfish; any violation for trap molestation, trap robbing, or pulling traps at night; or any combination of violations in any 3-consecutive-year period wherein more than 75 illegal spiny lobster crawfish in the aggregate are involved.

(k) Upon the arrest and conviction for a major violation involving blue crabs, the licenseholder shall show just cause why his or her saltwater products license should not be suspended or revoked. This paragraph shall not apply to an individual fishing with no more than five traps. For the purposes of this paragraph, a “major violation” means a major violation as prescribed for illegal blue crabs, any single violation wherein 50 or more illegal blue crabs are involved; any violation for trap molestation, trap robbing, or pulling traps at night; or any combination of violations in any 3-consecutive-year period wherein more than 100 illegal blue crabs in the aggregate are involved.

(l) Upon the conviction for a major violation involving finfish, the licensee must show just cause why his or her saltwater products license should not be suspended or revoked. For the purposes of this paragraph, a major violation is prescribed for the taking and harvesting of illegal finfish, any single violation involving the possession of more than 100 pounds of illegal finfish, or any combination of violations in any 3-consecutive-year period wherein more than 200 pounds of illegal finfish in the aggregate are involved.

(m) For a violation involving the taking or harvesting of any marine life species, as those species are defined by rule of the commission, the harvest of which is prohibited, or the taking or harvesting of such a species out of season, or with an illegal gear or chemical, or any violation involving the possession of 25 or more individual specimens of marine life species, or any combination of violations in any 3-year period involving more than 70 such specimens in the aggregate, the suspension or revocation of the licensee's marine life endorsement as provided in paragraph (h).

The penalty provisions of this subsection apply to commercial harvesters and wholesale and retail dealers as defined in s. 370.07. Any other person who commits a major violation under this subsection commits a Level Three violation under s. 372.83. Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any major violation prescribed in this subsection. The proceeds from the penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund to be used for marine fisheries research or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.

(4) **ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING CERTAIN FINFISH.—**

(a) ~~It is a major violation under pursuant to this section, punishable as provided in paragraph (3)(b),~~ for any person to be in possession of any species of trout, snook, or redfish which is three fish in excess of the recreational or commercial daily bag limit.

(b) A commercial harvester who violates this subsection shall be punished as provided under paragraph (3)(b). Any other person who violates this subsection commits a Level Three violation under s. 372.83.

(5) **SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY HARVESTED PRODUCTS.—**In addition to other penalties authorized in this chapter, any violation of s. 370.06 or s. 370.07, or rules of the commission implementing s. 370.06 or s. 370.07, involving the purchase of saltwater products by a commercial wholesale dealer, retail dealer, or restaurant facility for public consumption from an unlicensed person, firm, or corporation, ~~or the sale of saltwater products by an unlicensed person, firm, or corporation~~ or the purchase or sale of any saltwater product known to be taken in violation of s. 16, Art. X of the State Constitution, or rule or statute implementing the provisions thereof, by a commercial wholesale dealer, retail dealer, or restaurant facility, for public consumption, is a major violation, and the commission may assess the following penalties:

(a) For a first violation, the commission may assess a civil penalty of up to \$2,500 and may suspend the wholesale or retail dealer's license privileges for up to 90 calendar days.

(b) For a second violation occurring within 12 months of a prior violation, the commission may assess a civil penalty of up to \$5,000 and may suspend the wholesale or retail dealer's license privileges for up to 180 calendar days.

(c) For a third or subsequent violation occurring within a 24-month period, the commission shall assess a civil penalty of \$5,000 and shall suspend the wholesale or retail dealer's license privileges for up to 24 months.

Any proceeds from the civil penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and shall be used as follows: 40 percent for administration and processing purposes and 60 percent for law enforcement purposes.

(6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR HARVEST.—It is a major violation and punishable as provided in this subsection for any an unlicensed person, firm, or corporation who is required to be licensed under this chapter as a commercial harvester or a wholesale or retail dealer to sell or purchase any saltwater product or to harvest or attempt to harvest any saltwater product with intent to sell the saltwater product.

(a) Any person, firm, or corporation who sells or purchases any saltwater product without having purchased the licenses required by this chapter for such sale is subject to ~~additional~~ penalties as follows:

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

2. A second violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and such person may also be assessed a civil penalty of up to \$2,500 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 90 days.

3. A third violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 6 months, and such person may also be assessed a civil penalty of up to \$5,000 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 6 months.

4. A third violation within 1 year after a second violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such person shall be assessed a civil penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

5. A fourth or subsequent violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such person shall be assessed a civil

penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

(b) Any person whose license privileges under this chapter have been permanently revoked and who thereafter sells or purchases or who attempts to sell or purchase any saltwater product commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such person shall also be assessed a civil penalty of \$5,000. All property involved in such offense shall be forfeited pursuant to s. 370.061.

(c) Any commercial harvester or wholesale or retail dealer ~~person~~ whose license privileges under this chapter are under suspension and who during such period of suspension sells or purchases or attempts to sell or purchase any saltwater product shall be assessed the following penalties:

1. A first violation, or a second violation occurring more than 12 months after a first violation, is a first degree misdemeanor, punishable as provided in ss. 775.082 and 775.083, and such commercial harvester or wholesale or retail dealer ~~person~~ may be assessed a civil penalty of up to \$2,500 and an additional suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 90 days.

2. A second violation occurring within 12 months of a first violation is a third degree felony, punishable as provided in ss. 775.082 and 775.083, with a mandatory minimum term of imprisonment of 1 year, and such commercial harvester or wholesale or retail dealer ~~person~~ may be assessed a civil penalty of up to \$5,000 and an additional suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 180 days. All property involved in such offense shall be forfeited pursuant to s. 370.061.

3. A third violation within 24 months of the second violation or subsequent violation is a third degree felony, punishable as provided in ss. 775.082 and 775.083, with a mandatory minimum term of imprisonment of 1 year, and such commercial harvester or wholesale or retail dealer ~~person~~ shall be assessed a mandatory civil penalty of up to \$5,000 and an additional suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 24 months. All property involved in such offense shall be forfeited pursuant to s. 370.061.

(d) Any commercial harvester ~~person~~ who harvests or attempts to harvest any saltwater product with intent to sell the saltwater product without having purchased a saltwater products license with the requisite endorsements is subject to penalties as follows:

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

2. A second violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and such commercial harvester ~~person~~ may also be assessed a civil penalty of up to \$2,500 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 90 days.

3. A third violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 6 months, and such commercial harvester person may also be assessed a civil penalty of up to \$5,000 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 6 months.

4. A third violation within 1 year after a second violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such commercial harvester person shall also be assessed a civil penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

5. A fourth or subsequent violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such commercial harvester person shall also be assessed a mandatory civil penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

For purposes of this subsection, a violation means any judicial disposition other than acquittal or dismissal.

(12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.—For purposes of imposing license or permit suspensions or revocations authorized by this chapter, the license or permit under which the violation was committed is subject to suspension or revocation by the commission. For purposes of assessing monetary civil or administrative penalties authorized by this chapter, the commercial harvester person, firm, or corporation cited and subsequently receiving a judicial disposition of other than dismissal or acquittal in a court of law is subject to the monetary penalty assessment by the commission. However, if the license or permitholder of record is not the commercial harvester person, firm, or corporation receiving the citation and judicial disposition, the license or permit may be suspended or revoked only after the license or permitholder has been notified by the commission that the license or permit has been cited in a major violation and is now subject to suspension or revocation should the license or permit be cited for subsequent major violations.

Section 3. Section 370.028, Florida Statutes, is amended to read:

370.028 Enforcement of commission rules; penalties for violation of rule.—Rules of the Fish and Wildlife Conservation Commission shall be enforced by any law enforcement officer certified pursuant to s. 943.13. Except as provided under s. 372.83, any person who violates or otherwise fails to comply with any rule adopted by the commission shall be punished pursuant to s. 370.021(1).

Section 4. Paragraph (d) of subsection (5) of section 370.061, Florida Statutes, is amended to read:

370.061 Confiscation, seizure, and forfeiture of property and products.—

(5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS; PROCEDURE.—

(d) For purposes of confiscation under this subsection, the term “saltwater products” has the meaning set out in s. 370.01(27) s. 370.01(26), except that the term does not include saltwater products harvested under the authority of a recreational license unless the amount of such harvested products exceeds three times the applicable recreational bag limit for trout, snook, or redfish.

Section 5. Section 370.063, Florida Statutes, is amended to read:

370.063 Special recreational spiny lobster crawfish license.—There is created a special recreational spiny lobster crawfish license, to be issued to qualified persons as provided by this section for the recreational harvest of spiny lobster crawfish (~~spiny lobster~~) beginning August 5, 1994.

(1) The special recreational spiny lobster crawfish license shall be available to any individual spiny lobster crawfish trap number holder who also possesses a saltwater products license during the 1993-1994 license year. A person issued a special recreational spiny lobster crawfish license may not also possess a trap number.

(2) The special recreational spiny lobster crawfish license is required in order to harvest spiny lobster crawfish from state territorial waters in quantities in excess of the regular recreational bag limit but not in excess of a special bag limit as established by the Marine Fisheries Commission for these harvesters before the 1994-1995 license year. Such special bag limit does not apply during the 2-day sport season established by the Fish and Wildlife Conservation Commission.

(3) The holder of a special recreational spiny lobster crawfish license must also possess the recreational spiny lobster crawfish permit required by s. 372.57(8)(d).

(4) As a condition precedent to the issuance of a special recreational spiny lobster crawfish license, the applicant must agree to file quarterly reports with the Fish and Wildlife Conservation Commission in such form as the commission requires, detailing the amount of the licenseholder's spiny lobster crawfish (~~spiny lobster~~) harvest in the previous quarter, including the harvest of other recreational harvesters aboard the licenseholder's vessel.

(5) The Fish and Wildlife Conservation Commission shall issue special recreational spiny lobster crawfish licenses. The fee for each such license is \$100 per year. Each license issued in any license year must be renewed by June 30 of each subsequent year by the initial individual holder thereof. Noncompliance with the reporting requirement in subsection (4) or with the special recreational bag limit established under subsection (6) constitutes grounds for which the commission may refuse to renew the license for a subsequent license year. The number of such licenses outstanding in any one license year may not exceed the number issued for the 1994-1995 license year. A license is not transferable by any method. Licenses that are not

renewed expire and may be reissued by the commission in the subsequent license year to new applicants otherwise qualified under this section.

(6) To promote conservation of the spiny lobster (~~crawfish~~) resource, consistent with equitable distribution and availability of the resource, the commission shall establish a spiny lobster management plan incorporating the special recreational spiny lobster ~~crawfish~~ license, including, but not limited to, the establishment of a special recreational bag limit for the holders of such license as required by subsection (2). Such special recreational bag limit must not be less than twice the higher of the daily recreational bag limits.

(7) The proceeds of the fees collected under this section must be deposited in the Marine Resources Conservation Trust Fund and used as follows:

(a) Thirty-five percent for research and the development of reliable recreational catch statistics for the spiny lobster ~~crawfish~~ (~~spiny lobster~~) fishery.

(b) Twenty percent for administration of this section.

(c) Forty-five percent to be used for enforcement of this section.

(8) Any person who violates this section commits a Level One violation under s. 372.83.

Section 6. Subsection (8) is added to section 370.08, Florida Statutes, to read:

370.08 Fishers and equipment; regulation.—

(8) PENALTIES.—A commercial harvester who violates this section shall be punished under s. 370.021. Any other person who violates this section commits a Level Two violation under s. 372.83.

Section 7. Subsection (6) is added to section 370.081, Florida Statutes, to read:

370.081 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.—

(6) Any person who violates this section commits a Level Three violation under s. 372.83.

Section 8. Subsection (4) is added to section 370.1105, Florida Statutes, to read:

370.1105 Saltwater finfish; fishing traps regulated.—

(4) A commercial harvester who violates this section shall be punished under s. 370.021. Any other person who violates this section commits a Level Two violation under s. 372.83.

Section 9. Subsection (3) is added to section 370.1121, Florida Statutes, to read:

370.1121 Bonefish; regulation.—

(3) A commercial harvester or wholesale or retail saltwater products dealer who violates this section shall be punished under s. 370.021. Any other person who violates this section commits a Level Two violation under s. 372.83.

Section 10. Paragraphs (a), (b), (c), and (d) of subsection (2) of section 370.13, Florida Statutes, are amended to read:

370.13 Stone crab; regulation.—

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

(a) It is unlawful to violate commission rules regulating stone crab trap certificates and trap tags. No person may use an expired tag or a stone crab trap tag not issued by the commission or possess or use a stone crab trap in or on state waters or adjacent federal waters without having a trap tag required by the commission firmly attached thereto.

1. In addition to any other penalties provided in s. 370.021, for any commercial harvester who violates this paragraph, person, firm, or corporation who violates rule 68B-13.010(2), Florida Administrative Code, or rule 68B-13.011(5), (6), (7), (8), or (11), Florida Administrative Code, the following administrative penalties apply.

a.1. For a first violation, the commission shall assess an administrative penalty of up to \$1,000 and the stone crab endorsement under which the violation was committed may be suspended for the remainder of the current license year.

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

c.3. For a third violation that occurs within 36 months of any previous two such violations, the commission shall assess an administrative penalty of up to \$5,000 and the stone crab endorsement under which the violation was committed may be suspended for 24 calendar months.

d.4. A fourth violation that occurs within 48 months of any three previous such violations, shall result in permanent revocation of all of the violator's saltwater fishing privileges, including having the commission proceed against the endorsement holder's saltwater products license in accordance with s. 370.021.

2. Any other person who violates the provisions of this paragraph commits a Level Two violation under s. 372.83.

Any commercial harvester person assessed an administrative penalty under this paragraph shall, within 30 calendar days after notification, pay the

administrative penalty to the commission, or request an administrative hearing under ss. 120.569 and 120.57. The proceeds of all administrative penalties collected under this paragraph shall be deposited in the Marine Resources Conservation Trust Fund.

(b) It is unlawful for any commercial harvester person to remove the contents of another harvester's stone crab trap or take possession of such without the express written consent of the trap owner available for immediate inspection. Unauthorized possession of another's trap gear or removal of trap contents constitutes theft.

1. Any commercial harvester person convicted of theft of or from a trap pursuant to this subsection or s. 370.1107 shall, in addition to the penalties specified in s. 370.021 and the provisions of this section, permanently lose all ~~his or her~~ saltwater fishing privileges, including saltwater products licenses, stone crab or incidental take endorsements, and all trap certificates allotted to such commercial harvester ~~him or her~~ by the commission. In such cases, trap certificates and endorsements are nontransferable.

2. In addition, any commercial harvester person, firm, or corporation convicted of violating the prohibitions referenced in this paragraph shall also be assessed an administrative penalty of up to \$5,000. Immediately upon receiving a citation for a violation involving theft of or from a trap and until adjudicated for such a violation, or, upon receipt of a judicial disposition other than dismissal or acquittal on such a violation, the violator is prohibited from transferring any stone crab or spiny lobster certificates.

3. Any other person who violates the provisions of this paragraph commits a Level Two violation under s. 372.83.

(c)1. It is unlawful to violate ~~Any person, firm, or corporation convicted of violating~~ commission rules that prohibit any of the following: ~~commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

a.1. The willful molestation of any stone crab trap, line, or buoy that is the property of any licenseholder, without the permission of that licenseholder.

b.2. The bartering, trading, or sale, or conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates unless the action is duly authorized by the commission as provided by commission rules.

c.3. The making, altering, forging, counterfeiting, or reproducing of stone crab trap tags.

d.4. Possession of forged, counterfeit, or imitation stone crab trap tags.

e.5. Engaging in the commercial harvest of stone crabs during the time either of the endorsements is under suspension or revocation.

2. Any commercial harvester who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other person who violates this paragraph commits a Level Four violation under s. 372.83.

In addition, any ~~commercial harvester person, firm, or corporation~~ convicted of violating this paragraph shall also be assessed an administrative penalty of up to \$5,000, and the incidental take endorsement and/or the stone crab endorsement under which the violation was committed may be suspended for up to 24 calendar months. Immediately upon receiving a citation involving a violation of this paragraph and until adjudicated for such a violation, or if convicted of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any stone crab certificates or endorsements.

(d) For any ~~commercial harvester person, firm, or corporation~~ convicted of fraudulently reporting the actual value of transferred stone crab certificates, the commission may automatically suspend or permanently revoke the seller's or the purchaser's stone crab endorsements. If the endorsement is permanently revoked, the commission shall also permanently deactivate the endorsement holder's stone crab certificate accounts. Whether an endorsement is suspended or revoked, the commission may also levy a fine against the holder of the endorsement of up to twice the appropriate surcharge to be paid based on the fair market value of the transferred certificates.

Section 11. Subsection (1) of section 370.135, Florida Statutes, is amended to read:

370.135 Blue crab; regulation.—

(1)(a) No ~~commercial harvester person, firm, or corporation~~ shall transport on the water, fish with or cause to be fished with, set, or place any trap designed for taking blue crabs unless such ~~commercial harvester person, firm, or corporation~~ is the holder of a valid saltwater products license issued pursuant to s. 370.06 and the trap has a current state number permanently attached to the buoy. The trap number shall be affixed in legible figures at least 1 inch high on each buoy used. The saltwater products license must be on board the boat, and both the license and the crabs shall be subject to inspection at all times. Only one trap number may be issued for each boat by the commission upon receipt of an application on forms prescribed by it. This subsection shall not apply to an individual fishing with no more than five traps.

(b) It is ~~unlawful a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084,~~ for any person willfully to molest any blue crab traps, lines, or buoys, as defined herein, belonging to another without the express written consent of the trap owner.

1. A commercial harvester who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any other person who violates this paragraph commits a Level Four violation under s. 372.83.

Any commercial harvester person receiving a judicial disposition other than dismissal or acquittal on a charge of willful molestation of a trap, in addition to the penalties specified in s. 370.021, shall lose all saltwater fishing privileges for a period of 24 calendar months.

(c)1. It is unlawful for any person to remove the contents of or take possession of another harvester's blue crab trap without the express written consent of the trap owner available for immediate inspection. Unauthorized possession of another's trap gear or removal of trap contents constitutes theft.

a. Any commercial harvester person receiving a judicial disposition other than dismissal or acquittal on a charge of theft of or from a trap pursuant to this section or s. 370.1107 shall, in addition to the penalties specified in s. 370.021 and the provisions of this section, permanently lose all ~~his or her~~ saltwater fishing privileges, including any his or her saltwater products license and blue crab endorsement. In such cases endorsements, ~~landings history, and trap certificates~~ are nontransferable.

b. In addition, any commercial harvester person, firm, or corporation receiving a judicial disposition other than dismissal or acquittal for violating this subsection or s. 370.1107 shall also be assessed an administrative penalty of up to \$5,000. Immediately upon receiving a citation for a violation involving theft of or from a trap and until adjudicated for such a violation, or receiving a judicial disposition other than dismissal or acquittal for such a violation, the commercial harvester person, firm, or corporation committing the violation is prohibited from transferring any blue crab endorsements, ~~landings history, or trap certificates~~.

2. A commercial harvester who violates this paragraph shall be punished under s. 370.021. Any other person who violates this paragraph commits a Level Two violation under s. 372.83.

Section 12. Section 370.14, Florida Statutes, is amended to read:

370.14 Spiny lobster ~~Crawfish~~; regulation.—

(1) It is the intent of the Legislature to maintain the spiny lobster ~~erawfish~~ industry for the economy of the state and to conserve the stocks supplying this industry. The provisions of this act regulating the taking of spiny lobster ~~saltwater erawfish~~ are for the purposes of ensuring and maintaining the highest possible production of spiny lobster ~~saltwater erawfish~~.

(2)(a)1. Each commercial harvester person taking or attempting to take spiny lobster ~~erawfish~~ with a trap in commercial quantities or for commercial purposes shall obtain and exhibit a spiny lobster ~~erawfish~~ trap number, as required by the Fish and Wildlife Conservation Commission. The annual fee for a spiny lobster ~~erawfish~~ trap number is \$125. This trap number may be issued by the commission upon the receipt of application by the commercial harvester person when accompanied by the payment of the fee. The design of the applications and of the trap number shall be determined by the commission. Any trap or device used in taking or attempting to take spiny lobster ~~erawfish~~, other than a trap with the trap number, shall be seized and

destroyed by the commission. The proceeds of the fees imposed by this paragraph shall be deposited and used as provided in paragraph (b). The commission may adopt rules to carry out the intent of this section.

2. Each commercial harvester person taking or attempting to take spiny lobster crawfish in commercial quantities or for commercial purposes by any method, other than with a trap having a spiny lobster crawfish trap number issued by the commission, must pay an annual fee of \$100.

(b) Twenty-five dollars of the \$125 fee for a spiny lobster crawfish trap number required under subparagraph (a)1. must be used only for trap retrieval as provided in s. 370.143. The remainder of the fees collected pursuant to paragraph (a) shall be deposited as follows:

1. Fifty percent of the fees collected shall be deposited in the Marine Resources Conservation Trust Fund for use in enforcing the provisions of paragraph (a) through aerial and other surveillance and trap retrieval.

2. Fifty percent of the fees collected shall be deposited as provided in s. 370.142(5).

(3) The spiny lobster crawfish license must be on board the boat, and both the license and the harvested spiny lobster crawfish shall be subject to inspection at all times. Only one license shall be issued for each boat. The spiny lobster crawfish license number must be prominently displayed above the topmost portion of the boat so as to be easily and readily identified.

(4)(a) It is unlawful a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully to molest any spiny lobster crawfish traps, lines, or buoys belonging to another without permission of the licenseholder.

(b) A commercial harvester who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Any other person who violates this subsection commits a Level Four violation under s. 372.83.

(5) Any spiny lobster crawfish licenseholder, upon selling licensed spiny lobster crawfish traps, shall furnish the commission notice of such sale of all or part of his or her interest within 15 days thereof. Any holder of said license shall also notify the commission within 15 days if his or her address no longer conforms to the address appearing on the license and shall, as a part of such notification, furnish the commission with his or her new address.

(6)(a) By a special permit granted by the commission, a Florida-licensed seafood dealer may lawfully import, process, and package spiny lobster saltwater crawfish or uncooked tails of the species *Panulirus argus* during the closed season. However, spiny lobster crawfish landed under special permit shall not be sold in the state.

(b) The licensed seafood dealer importing any such spiny lobster crawfish under the permit shall, 12 hours prior to the time the seagoing vessel or

airplane delivering such imported spiny lobster crawfish enters the state, notify the commission as to the seagoing vessel's name or the airplane's registration number and its captain, location, and point of destination.

(c) At the time the spiny lobster crawfish cargo is delivered to the permit-holder's place of business, the spiny lobster crawfish cargo shall be weighed and shall be available for inspection by the commission. A signed receipt of such quantity in pounds shall be forwarded to the commission within 48 hours after shipment weigh-in completion. If requested by the commission, the weigh-in process will be delayed up to 4 hours to allow for a commission representative to be present during the process.

(d) Within 48 hours after shipment weigh-in completion, the permit-holder shall submit to the commission, on forms provided by the commission, a sworn report of the quantity in pounds of the spiny lobster saltwater crawfish received, which report shall include the location of said spiny lobster crawfish and a sworn statement that said spiny lobster crawfish were taken at least 50 miles from Florida's shoreline. The landing of spiny lobster crawfish or spiny lobster crawfish tails from which the eggs, swimmerettes, or pleopods have been removed; the falsification of information as to area from which spiny lobster crawfish were obtained; or the failure to file the report called for in this section shall be grounds to revoke the permit.

(e) Each permit holder shall keep throughout the period of the closed season copies of the bill of sale or invoices covering each transaction involving spiny lobster crawfish imported under this permit. Such invoices and bills shall be kept available at all times for inspection by the commission.

(7)(a) A Florida-licensed seafood dealer may obtain a special permit to import, process, and package uncooked tails of spiny lobster saltwater crawfish upon the payment of the sum of \$100 to the commission.

(b) A special permit must be obtained by any airplane or seagoing vessel other than a common carrier used to transport spiny lobster saltwater crawfish or spiny lobster crawfish tails for purchase by licensed seafood dealers for purposes as provided herein upon the payment of \$50.

(c) All special permits issued under this subsection are nontransferable.

(8) No common carrier or employee of said carrier may carry, knowingly receive for carriage, or permit the carriage of any spiny lobster crawfish of the species *Panulirus argus*, regardless of where taken, during the closed season, except of the species *Panulirus argus* lawfully imported from a foreign country for reshipment outside of the territorial limits of the state under United States Customs bond or in accordance with paragraph (7)(a).

Section 13. Paragraph (c) of subsection (2) of section 370.142, Florida Statutes, is amended to read:

370.142 Spiny lobster trap certificate program.—

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.—The Fish and Wildlife Conservation Commission shall es-

establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(c) Prohibitions; penalties.—

1. It is unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined by commission rule in rule 68B-24.006(2), Florida Administrative Code.

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

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

a. A commercial harvester who violates this subparagraph shall be punished under ss. 370.021 and 370.14. Any commercial harvester person receiving a judicial disposition other than dismissal or acquittal on a charge of theft of or from a trap pursuant to this subparagraph or s. 370.1107 shall, in addition to the penalties specified in ss. 370.021 and 370.14 and the provisions of this section, permanently lose all his or her saltwater fishing privileges, including his or her saltwater products license, spiny lobster ~~crayfish~~ endorsement, and all trap certificates allotted to him or her through this program. In such cases, trap certificates and endorsements are nontransferable.

b. Any commercial harvester person receiving a judicial disposition other than dismissal or acquittal on a charge of willful molestation of a trap, in addition to the penalties specified in ss. 370.021 and 370.14, shall lose all saltwater fishing privileges for a period of 24 calendar months.

c. In addition, any commercial harvester person, firm, or corporation charged with violating this paragraph and receiving a judicial disposition other than dismissal or acquittal for violating this subparagraph or s. 370.1107 shall also be assessed an administrative penalty of up to \$5,000.

Immediately upon receiving a citation for a violation involving theft of or from a trap, or molestation of a trap, and until adjudicated for such a violation or, upon receipt of a judicial disposition other than dismissal or acquittal of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any spiny lobster ~~crayfish~~ trap certificates and endorsements.

4. In addition to any other penalties provided in s. 370.021, a commercial harvester, ~~as defined by rule 68B-24.002(1), Florida Administrative Code,~~

who violates the provisions of this section, or commission rules the provisions relating to spiny lobster traps of ~~chapter 68B-24, Florida Administrative Code~~, shall be punished as follows:

a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the commission shall assess an additional administrative civil penalty of up to \$1,000 and the spiny lobster ~~erawfish~~ trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year. For all other first violations, the commission shall assess an additional administrative civil penalty of up to \$500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the commission shall assess an additional administrative civil penalty of up to \$2,000 and the spiny lobster ~~erawfish~~ trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1., subparagraph 2., or subparagraph 3. which occurs within 36 months of any previous two such violations, the commission shall assess an additional administrative civil penalty of up to \$5,000 and may suspend the spiny lobster ~~erawfish~~ trap number issued pursuant to s. 370.14(2) or (6) for a period of up to 24 months or may revoke the spiny lobster ~~erawfish~~ trap number and, if revoking the spiny lobster ~~erawfish~~ trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(2)(h).

d. Any person assessed an additional administrative civil penalty pursuant to this section shall within 30 calendar days after notification:

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

(II) Request an administrative hearing pursuant to the provisions of ss. 120.569 and 120.57 ~~s. 120.60~~.

e. The commission shall suspend the spiny lobster ~~erawfish~~ trap number issued pursuant to s. 370.14(2) or (6) for any person failing to comply with the provisions of sub-subparagraph d.

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

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

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

6.a. Any commercial harvester person who violates the provisions of subparagraph 5., or any commercial harvester ~~person~~ who engages in the com-

mercial harvest, trapping, or possession of spiny lobster without a spiny lobster ~~crayfish~~ trap number as required by s. 370.14(2) or (6) or during any period while such spiny lobster ~~crayfish~~ trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

c. Any other person who violates the provisions of subparagraph 5. commits a Level Four violation under s. 372.83.

7. Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the commission. During any period of trap reduction, any certificates reverting to the commission shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the commission are to be reallocated in such manner as provided by the commission.

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

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

10. Except as otherwise provided, any person who violates this paragraph commits a Level Two violation under s. 372.83.

Section 14. Paragraph (q) is added to subsection (2) of section 372.562, Florida Statutes, to read:

372.562 Recreational licenses and permits; exemptions from fees and requirements.—

(2) A hunting, freshwater fishing, or saltwater fishing license or permit is not required for:

(q) Any resident who holds a valid commercial fishing license issued under s. 372.65(1)(a).

Section 15. Subsections (4), (8), (11), and (12) of section 372.57, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

372.57 Recreational licenses, permits, and authorization numbers; fees established.—

(4) RESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

- (a) Annual freshwater fishing license, \$12.
- (b) Annual saltwater fishing license, \$12.
- (c) Annual hunting license to take game, \$11.
- (d) Annual combination hunting and freshwater fishing license, \$22.
- (e) Annual combination freshwater fishing and saltwater fishing license, \$24.
- (f) Annual combination hunting, freshwater fishing, and saltwater fishing license, \$34.
- (g) Annual license to take fur-bearing animals, \$25. However, a resident with a valid hunting license or a no-cost license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license. Also, a resident 65 years of age or older is not required to purchase this license.
- (h) Annual sportsman's license, ~~\$71~~ \$66, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, and an archery season permit.
- (i) Annual gold sportsman's license, ~~\$87~~ \$82. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a snook permit, and a spiny lobster erawfish permit.
- (j) Annual military gold sportsman's license, \$18.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a snook permit, and a spiny lobster erawfish permit. Any resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the military gold sportsman's license upon submission of a current military identification card.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.—In addition to any license required under this chapter, the

following permits and fees for specified hunting, fishing, and recreational uses and activities are required:

(a) An annual Florida waterfowl permit for a resident or nonresident to take wild ducks or geese within the state or its coastal waters is \$3.

(b)1. An annual Florida turkey permit for a resident to take wild turkeys within the state is \$5.

2. An annual Florida turkey permit for a nonresident to take wild turkeys within the state is \$100.

(c) An annual snook permit for a resident or nonresident to take or possess any snook from any waters of the state is \$2. Revenue generated from the sale of snook permits shall be used exclusively for programs to benefit the snook population.

(d) An annual ~~spiny lobster crawfish~~ permit for a resident or nonresident to take or possess any ~~spiny lobster crawfish~~ for recreational purposes from any waters of the state is \$2. Revenue generated from the sale of ~~spiny lobster crawfish~~ permits shall be used exclusively for programs to benefit the ~~spiny lobster crawfish~~ population.

(e) A \$5 fee is imposed for each of the following permits:

1. An annual archery season permit for a resident or nonresident to hunt within the state during any archery season authorized by the commission.

2. An annual crossbow season permit for a resident or nonresident to hunt within the state during any crossbow season authorized by the commission.

3. An annual muzzle-loading gun season permit for a resident or nonresident to hunt within the state during any with a muzzle-loading gun season is \$5. Hunting with a muzzle-loading gun is limited to game seasons in which hunting with a modern firearm is not authorized by the commission.

~~(f) An annual archery permit for a resident or nonresident to hunt within the state with a bow and arrow is \$5. Hunting with an archery permit is limited to those game seasons in which hunting with a firearm is not authorized by the commission.~~

(f)(g) A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as authorized by commission rule shall not exceed \$100 per day or \$250 per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this permit fee. In addition to the permit fee, the commission may charge each special use permit applicant a nonrefundable application fee not to exceed \$10.

(g)(h)1. A management area permit for a resident or nonresident to hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission, shall not exceed \$25 per year.

2. Permit fees for short-term use of land that is owned, leased, or managed by the commission may be established by rule of the commission for activities on such lands. Such permits may be in lieu of, or in addition to, the annual management area permit authorized in subparagraph 1.

3. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission has obtained the written consent of the owner or primary custodian of such lands.

(h)(i)1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for a recreational user permit shall be based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. The recreational user permit fee, less administrative costs of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

2. One minor dependent, 16 years of age or younger, may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when engaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter, no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

#### (11) RESIDENT LIFETIME HUNTING LICENSES.—

(a) Lifetime hunting licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$200.
2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$350.
3. Persons 13 years of age or older, for a fee of \$500.

(b) The following activities are authorized by the purchase of a lifetime hunting license:

1. Taking, or attempting to take or possess, game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, and a management area permit, excluding fishing.

## (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.—

(a) Lifetime sportsman's licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$400.
2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$700.
3. Persons 13 years of age or older, for a fee of \$1,000.

(b) The following activities are authorized by the purchase of a lifetime sportsman's license:

1. Taking, or attempting to take or possess, freshwater and saltwater fish, and game, consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. All activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, a snook permit, and a spiny lobster erawfish permit.

(16) PROHIBITED LICENSES OR PERMITS.—A person may not make, forge, counterfeit, or reproduce a license or permit required under this section, except for those persons authorized by the commission to make or reproduce such a license or permit. A person may not knowingly possess a forgery, counterfeit, or unauthorized reproduction of such a license or permit. A person who violates this subsection commits a Level Four violation under s. 372.83.

(17) SUSPENDED OR REVOKED LICENSES.—A person may not take game, freshwater fish, saltwater fish, or fur-bearing animals within this state if a license issued to such person as required under this section or a privilege granted to such person under s. 372.562 is suspended or revoked. A person who violates this subsection commits a Level Three violation under s. 372.83.

Section 16. Subsection (5) of section 372.5704, Florida Statutes, is amended to read:

372.5704 Fish and Wildlife Conservation Commission license program for tarpon; fees; penalties.—

(5) Any individual including a taxidermist who possesses a tarpon which does not have a tag securely attached as required by this section commits a Level Two violation under s. 372.83 ~~shall be subject to penalties as prescribed in s. 370.024.~~ Provided, however, a taxidermist may remove the tag during the process of mounting a tarpon. The removed tag shall remain with the fish during any subsequent storage or shipment.

Section 17. Section 372.571, Florida Statutes, is amended to read:

372.571 Expiration of licenses and permits.—Each license or permit issued under this chapter must be dated when issued. Each license or permit issued under this chapter remains valid for 12 months after the date of issuance, except for a lifetime license issued pursuant to s. 372.57 which is valid from the date of issuance until the death of the individual to whom the license is issued unless otherwise revoked in accordance with s. 372.99, or a 5-year license issued pursuant to s. 372.57 which is valid for 5 consecutive years from the date of purchase unless otherwise revoked in accordance with s. 372.99, or a license issued pursuant to s. 372.57(5)(a), (b), (c), or (f) or ~~(8)(f)~~ ~~(8)(g)~~ or ~~(g)(h)2.~~, which is valid for the period specified on the license. A resident lifetime license or a resident 5-year license that has been purchased by a resident of this state and who subsequently resides in another state shall be honored for activities authorized by that license.

Section 18. Section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(1) This section may be cited as the Senator Joe Carlucci Hunter Safety Act.

(2)(a) Except as provided in paragraph (b), a person born on or after June 1, 1975, may not be issued a license to take wild animal life with the use of a firearm, gun, bow, or crossbow in this state without having first successfully completed a hunter safety course as provided in this section, and without having in his or her personal possession a hunter safety certification card, as provided in this section.

(b) A person born on or after June 1, 1975, who has not successfully completed a hunter safety course may apply to the commission for a special authorization to hunt under supervision. The special authorization for supervised hunting shall be designated on any license or permit required under this chapter for a person to take game or fur-bearing animals, and shall be valid for not more than 1 year. A special authorization for supervised hunting may not be issued more than once to the person applying for such authorization. A person issued a license with a special authorization to hunt under supervision must hunt under the supervision of, and in the presence of, a person 21 years or age or older who is licensed to hunt pursuant to s. 372.57 or who is exempt from licensing requirements or eligible for a free license pursuant to s. 372.562.

(3) The Fish and Wildlife Conservation Commission shall institute and coordinate a statewide hunter safety course ~~that which~~ must be offered in every county and consist of ~~not less than 12 hours nor~~ more than 16 hours of instruction including, but not limited to, instruction in the competent and safe handling of firearms, conservation, and hunting ethics.

(4) The commission shall issue a permanent hunter safety certification card to each person who successfully completes the hunter safety course. The commission shall maintain records of hunter safety certification cards issued and shall establish procedures for replacing lost or destroyed cards.

(5) A hunter safety certification card issued by a wildlife agency of another state, or any Canadian province, which shows that the holder of the card has successfully completed a hunter safety course approved by the commission is an acceptable substitute for the hunter safety certification card issued by the commission.

(6) All persons subject to the requirements of subsection (2) must have in their personal possession, proof of compliance with this section, while taking or attempting to take wildlife with the use of a firearm, gun, bow, or crossbow and must, unless the requirement to complete a hunter safety course is deferred pursuant to this section, display a valid hunter safety certification card ~~to county tax collectors or their subagents~~ in order to purchase a Florida hunting license. After the issuance of such a license, the license itself shall serve as proof of compliance with this section. A holder of a lifetime license whose license does not indicate on the face of the license that a hunter safety course has been completed must have in his or her personal possession a hunter safety certification card, as provided by this section, while attempting to take wild animal life with the use of a firearm, gun, bow, or crossbow.

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 372.562(2).

(8) A person who violates this section commits a Level One violation under s. 372.83 ~~shall be cited for a noncriminal infraction, punishable as provided in s. 372.711.~~

Section 19. Section 372.573, Florida Statutes, is amended to read:

372.573 Management area permit revenues.—The commission shall expend the revenue generated from the sale of the management area permit as provided for in s. 372.57(8)(g) ~~s. 372.57(8)(h)~~ or that pro rata portion of any license that includes management area privileges as provided for in s. 372.57(4)(h), (i), and (j) for the lease, management, and protection of lands for public hunting, fishing, and other outdoor recreation.

Section 20. Section 372.83, Florida Statutes, is amended to read:

(Substantial rewording of section. See 372.83, F.S., for present text.)

372.83 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.—

(1)(a) LEVEL ONE VIOLATIONS.—A person commits a Level One violation if he or she violates any of the following provisions:

1. Rules or orders of the commission relating to the filing of reports or other documents required to be filed by persons who hold recreational licenses and permits issued by the commission.

2. Rules or orders of the commission relating to quota hunt permits, daily use permits, hunting zone assignments, camping, alcoholic beverages, vehi-

cles, and check stations within wildlife management areas or other areas managed by the commission.

3. Rules or orders of the commission relating to daily use permits, alcoholic beverages, swimming, possession of firearms, operation of vehicles, and watercraft speed within fish management areas managed by the commission.

4. Rules or orders of the commission relating to vessel size or specifying motor restrictions on specified water bodies.

5. Section 370.063, providing for special recreational spiny lobster licenses.

6. Subsections (1) through (15) of s. 372.57, providing for recreational licenses to hunt, fish, and trap.

7. Section 372.5717, providing hunter safety course requirements.

8. Section 372.988, prohibiting deer hunting unless required clothing is worn.

(b) A person who commits a Level One violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c)1. The civil penalty for committing a Level One violation involving the license and permit requirements of s. 372.57 is \$50 plus the cost of the license or permit, unless subparagraph 2. applies.

2. The civil penalty for committing a Level One violation involving the license and permit requirements of s. 372.57 is \$100 plus the cost of the license or permit, if the person cited has previously committed the same Level One violation within the preceding 36 months.

(d)1. The civil penalty for any other Level One violation is \$50 unless subparagraph 2. applies.

2. The civil penalty for any other Level One violation is \$100 if the person cited has previously committed the same Level One violation within the preceding 36 months.

(e) A person cited for a Level One violation shall sign and accept a citation to appear before the county court. The issuing officer may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(f) A person cited for a Level One violation may pay the civil penalty by mail or in person within 30 days after receipt of the citation. If the civil penalty is paid, the person shall be deemed to have admitted committing the Level One violation and to have waived his or her right to a hearing before the county court. Such admission may not be used as evidence in any other proceedings except to determine the appropriate fine for any subsequent violations.

(g) A person who refuses to accept a citation, who fails to pay the civil penalty for a Level One violation, or who fails to appear before a county court as required commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(h) A person who elects to appear before the county court or who is required to appear before the county court shall be deemed to have waived the limitations on civil penalties provided under paragraphs (c) and (d). After a hearing, the county court shall determine if a Level One violation has been committed, and if so, may impose a civil penalty of not less than \$50 for a first-time violation, and not more than \$500 for subsequent violations. A person found guilty of committing a Level One violation may appeal that finding to the circuit court. The commission of a violation must be proved beyond a reasonable doubt.

(i) A person cited for violating the requirements of s. 372.57 relating to personal possession of a license or permit may not be convicted if, prior to or at the time of a county court hearing, the person produces the required license or permit for verification by the hearing officer or the court clerk. The license or permit must have been valid at the time the person was cited. The clerk or hearing officer may assess a \$5 fee for costs under this paragraph.

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

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

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

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

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

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

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

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

8. Rules or orders of the commission relating to the use of dogs for the taking of game.

9. Rules or orders of the commission which are not otherwise classified.

10. All prohibitions in chapter 370 which are not otherwise classified.
  11. Section 370.028, prohibiting the violation of or noncompliance with commission rules.
  12. Subsection 370.021(6) prohibiting the sale, purchase, harvest, or attempted harvest of any saltwater product with intent to sell.
  13. Section 370.08, prohibiting the obstruction of waterways with net gear.
  14. Section 370.1105, prohibiting the unlawful use of finfish traps.
  15. Section 370.1121, prohibiting the unlawful taking of bonefish.
  16. Paragraphs 370.13(2)(a) and (b), prohibiting the possession or use of stone crab traps without trap tags and theft of trap contents or gear.
  17. Paragraph 370.135(1)(c), prohibiting the theft of blue crab trap contents or trap gear.
  18. Paragraph 370.142 (2)(c), prohibiting the possession or use of spiny lobster traps without trap tags or certificates and theft of trap contents or trap gear.
  19. Section 372.5704, prohibiting the possession of tarpon without purchasing a tarpon tag.
  20. Section 372.667, prohibiting the feeding or enticement of alligators or crocodiles.
  21. Section 372.705, prohibiting the intentional harassment of hunters, fishers, or trappers.
- (b)1. A person who commits a Level Two violation but who has not been convicted of a Level Two or higher violation within the past 3 years commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
2. Unless the stricter penalties in subparagraph 3. or subparagraph 4. apply, a person who commits a Level Two violation within 3 years after a previous conviction for a Level Two or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$250.
  3. Unless the stricter penalties in subparagraph 4. apply, a person who commits a Level Two violation within 5 years after two previous convictions for a Level Two or higher violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500 and a suspension of any recreational license or permit issued under s. 372.57 for 1 year. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege granted under any exemption in s. 372.562.

4. A person who commits a Level Two violation within 10 years after three previous convictions for a Level Two or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and a suspension of any recreational license or permit issued under s. 372.57 for 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege granted under s. 372.562. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 372.562 and 372.57 may not be acquired for a 3-year period following the date of the violation.

(3)(a) LEVEL THREE VIOLATIONS.—A person commits a Level Three violation if he or she violates any of the following provisions:

1. Rules or orders of the commission prohibiting the sale of saltwater fish.

2. Subsection 370.021(2), establishing major violations.

3. Subsection 370.021(4), prohibiting the possession of certain finfish in excess of recreational daily bag limits.

4. Section 370.081, prohibiting the illegal importation or possession of exotic marine plants or animals.

5. Section 372.26, prohibiting the importation of freshwater fish.

6. Section 372.265, prohibiting the importation of nonindigenous species of the animal kingdom without a permit issued by the commission.

7. Subsection 372.57(17), prohibiting the taking of game, freshwater fish, or saltwater fish while a required license is suspended or revoked.

8. Section 372.662, prohibiting the illegal sale or possession of alligators.

9. Subsections 372.99(1), (3), and (6), prohibiting the illegal taking and possession of deer and wild turkey.

10. Section 372.9903, prohibiting the possession and transportation of commercial quantities of freshwater game fish.

(b)1. A person who commits a Level Three violation but who has not been convicted of a Level Three or higher violation within the past 10 years, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person who commits a Level Three violation within 10 years after a previous conviction for a Level Three or higher violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and a suspension of any recreational license or permit issued under s. 372.57 for the remainder of the period for which the license or permit was issued up to 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the ability to exercise any privilege granted under s. 372.562. If

the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 372.562 and 372.57 may not be acquired for a 3-year period following the date of the violation.

3. A person who commits a violation of s. 372.57(17) shall receive a mandatory fine of \$1,000. Any privileges under ss. 372.562 and 372.57 may not be acquired for a 5-year period following the date of the violation.

(4)(a) LEVEL FOUR VIOLATIONS.—A person commits a Level Four violation if he or she violates any of the following provisions:

1. Paragraph 370.13(2)(c), prohibiting criminal activities relating to the taking of stone crabs.

2. Paragraph 370.135(1)(b), prohibiting the willful molestation of blue crab gear.

3. Subsection 370.14(4), prohibiting the willful molestation of spiny lobster gear.

4. Subparagraph 370.142(2)(c)5., prohibiting the unlawful reproduction, possession, sale, trade, or barter of spiny lobster trap tags or certificates.

5. Subsection 372.57(16), prohibiting the making, forging, counterfeiting, or reproduction of a recreational license or possession of same without authorization from the commission.

6. Subsection 372.99(5), prohibiting the sale of illegally-taken deer or wild turkey.

7. Section 372.99022, prohibiting the molestation or theft of freshwater fishing gear.

(b) A person who commits a Level Four violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(5) VIOLATIONS OF CHAPTER.—Except as provided in this chapter:

(a) A person who commits a violation of any provision of this chapter commits, for the first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who is convicted of a second or subsequent violation of any provision of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) SUSPENSION OR FORFEITURE OF LICENSE.—The court may order the suspension or forfeiture of any license or permit issued under this chapter to a person who is found guilty of committing a violation of this chapter.

(7) CONVICTION DEFINED.—As used in this section, the term “conviction” means any judicial disposition other than acquittal or dismissal.

Section 21. Section 372.935, Florida Statutes, is created to read:

372.935 Captive wildlife; penalties for violations.—

(1)(a) NONCRIMINAL INFRACTIONS.—A person commits a noncriminal infraction if he or she violates any of the following provisions:

1. Rules or orders of the commission requiring a no-cost permit to possess captive wildlife for personal use.

2. Rules or orders of the commission requiring that persons who are licensed to possess captive wildlife file reports or other documents.

(b) A person cited for committing a noncriminal infraction under this section shall be cited to appear before the county court. The civil penalty for a person found guilty of committing a noncriminal violation under this section is \$50, and the provisions of s. 372.83(1)(e)-(i) apply under this subsection.

(2) MISDEMEANORS.—A person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for violating any of the following provisions:

(a) Rules or orders of the commission which require the payment of a fee for a person to obtain a permit to possess captive wildlife.

(b) Rules or orders of the commission which require the maintenance of records relating to captive wildlife.

(c) Rules or orders of the commission relating to captive wildlife which are not specified in subsection (1).

(d) Section 372.86, prohibiting the possession or exhibition of poisonous or venomous reptiles without a license or permit.

(e) Section 372.88, prohibiting the exhibition of poisonous or venomous reptiles without posting a bond.

(f) Section 372.89, prohibiting the possession or exhibition of poisonous or venomous reptiles in an unsafe manner.

(g) Section 372.90, prohibiting the transportation of poisonous or venomous reptiles in an unsafe manner.

(h) Section 372.901, prohibiting the penning or caging of poisonous or venomous reptiles in an unsafe manner.

(i) Section 372.91, prohibiting certain persons from opening containers housing poisonous or venomous reptiles.

(j) Section 372.921, prohibiting the exhibition or sale of wildlife.

(k) Section 372.922, prohibiting the personal possession of wildlife.

Section 22. Section 372.26, Florida Statutes, is amended to read:

372.26 Imported fish.—

(1) No person shall import into the state or place in any of the fresh waters of the state any freshwater fish of any species without having first obtained a permit from the Fish and Wildlife Conservation Commission. The commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it to determine any detrimental effect the species might have on the ecology of the state.

(2) A person who violates this section commits a Level Three violation under s. 372.83 ~~Persons in violation of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 23. Section 372.265, Florida Statutes, is amended to read:

372.265 Regulation of foreign animals.—

(1) It is unlawful to import for sale or use, or to release within this state, any species of the animal kingdom not indigenous to Florida without having obtained a permit to do so from the Fish and Wildlife Conservation Commission.

(2) The Fish and Wildlife Conservation Commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it to determine any detrimental effect the species might have on the ecology of the state.

(3) A person ~~Persons in violation of this section~~ commits a Level Three violation under s. 372.83 ~~shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 24. Subsection (2) of section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve license fees; exception.—

(2) A commercial hunting preserve license, which shall exempt patrons of licensed preserves from the license and permit requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j); (5)(f) and (g); (8)(a), (b), and (e), and (f); (9)(a)2.; (11); and (12) while hunting on the licensed preserve property, shall be \$500. Such commercial hunting preserve license shall be available only to those private hunting preserves licensed pursuant to this section which are operated exclusively for commercial purposes, which are open to the public, and for which a uniform fee is charged to patrons for hunting privileges.

Section 25. Section 372.662, Florida Statutes, is amended to read:

372.662 Unlawful sale, possession, or transporting of alligators or alligator skins.—Whenever the sale, possession, or transporting of alligators or

alligator skins is prohibited by any law of this state, or by the rules, regulations, or orders of the Fish and Wildlife Conservation Commission adopted pursuant to s. 9, Art. IV of the State Constitution, the sale, possession, or transporting of alligators or alligator skins is a Level Three violation under s. 372.83 ~~misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 26. Section 372.667, Florida Statutes, is amended to read:

372.667 Feeding or enticement of alligators or crocodiles unlawful; penalty.—

(1) No person shall intentionally feed, or entice with feed, any wild American alligator (*Alligator mississippiensis*) or American crocodile (*Crocodylus acutus*). However, the provisions of this section shall not apply to:

(a) Those persons feeding alligators or crocodiles maintained in protected captivity for educational, scientific, commercial, or recreational purposes.

(b) Fish and Wildlife Conservation Commission personnel, persons licensed or otherwise authorized by the commission, or county or municipal animal control personnel when relocating alligators or crocodiles by baiting or enticement.

(2) For the purposes of this section, the term “maintained in protected captivity” means held in captivity under a permit issued by the Fish and Wildlife Conservation Commission pursuant to s. 372.921 or s. 372.922.

(3) Any person who violates this section commits a Level Two violation under s. 372.83 ~~is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 27. Section 372.705, Florida Statutes, is amended to read:

372.705 Harassment of hunters, trappers, or fishers.—

(1) A person may not intentionally, within a publicly or privately owned wildlife management or fish management area or on any state-owned water body:

(a) Interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another.

(b) Attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another.

(2) Any person who violates this section commits a Level Two violation under s. 372.83 ~~subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 28. Section 372.988, Florida Statutes, is amended to read:

372.988 Required clothing for persons hunting deer.—It is a Level One violation under s. 372.83 ~~unlawful~~ for any person to hunt deer, or for any

person to accompany another person hunting deer, during the open season for the taking of deer on public lands unless each person shall wear a total of at least 500 square inches of daylight fluorescent orange material as an outer garment. Such clothing shall be worn above the waistline and may include a head covering. The provisions of this section shall not apply to any person hunting deer with a bow and arrow during seasons restricted to hunting with a bow and arrow.

Section 29. Subsection (1) of section 372.99022, Florida Statutes, is amended to read:

372.99022 Illegal molestation of or theft from freshwater fishing gear.—

(1)(a) Any person, firm, or corporation that willfully molests any authorized and lawfully permitted freshwater fishing gear belonging to another without the express written consent of the owner commits a Level Four violation under s. 372.83 ~~felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ Any written consent must be available for immediate inspection.

(b) Any person, firm, or corporation that willfully removes the contents of any authorized and lawfully permitted freshwater fishing gear belonging to another without the express written consent of the owner commits a Level Four violation under s. 372.83 ~~felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ Any written consent must be available for immediate inspection.

A person, firm, or corporation that receives a citation for a violation of this subsection is prohibited, immediately upon receipt of such citation and until adjudicated or convicted of a felony under this subsection, from transferring any endorsements.

Section 30. Section 372.99, Florida Statutes, is amended to read:

372.99 Illegal taking and possession of deer and wild turkey; evidence; penalty.—

(1) Whoever takes or kills any deer or wild turkey, or possesses a freshly killed deer or wild turkey, during the closed season prescribed by law or by the rules and regulations of the Fish and Wildlife Conservation Commission, or whoever takes or attempts to take any deer or wild turkey by the use of gun and light in or out of closed season, commits a Level Three violation under s. 372.83 ~~is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083,~~ and shall forfeit any license or permit issued to her or him under the provisions of this chapter. No license shall be issued to such person for a period of 3 years following any such violation on the first offense. Any person guilty of a second or subsequent violation shall be permanently ineligible for issuance of a license or permit thereafter.

(2) The display or use of a light in a place where deer might be found and in a manner capable of disclosing the presence of deer, together with the possession of firearms or other weapons customarily used for the taking of deer, between 1 hour after sunset and 1 hour before sunrise, shall be prima

facie evidence of an intent to violate the provisions of subsection (1). This subsection does not apply to an owner or her or his employee when patrolling or inspecting the land of the owner, provided the employee has satisfactory proof of employment on her or his person.

(3) Whoever takes or kills any doe deer; fawn or baby deer; or deer, whether male or female, which does not have one or more antlers at least 5 inches in length, except as provided by law or the rules of the Fish and Wildlife Conservation Commission, during the open season prescribed by the rules of the commission, commits a Level Three violation under 372.83 ~~is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083,~~ and may be required to forfeit any license or permit issued to such person for a period of 3 years following any such violation on the first offense. Any person guilty of a second or subsequent violation shall be permanently ineligible for issuance of a license or permit thereafter.

(4) Any person who cultivates agricultural crops may apply to the Fish and Wildlife Conservation Commission for a permit to take or kill deer on land which that person is currently cultivating. When said person can show, to the satisfaction of the Fish and Wildlife Conservation Commission, that such taking or killing of deer is justified because of damage to the person's crops caused by deer, the Fish and Wildlife Conservation Commission may issue a limited permit to the applicant to take or kill deer without being in violation of subsection (1) or subsection (3).

(5) Whoever possesses for sale or sells deer or wild turkey taken in violation of this chapter or the rules and regulations of the commission commits a Level Four violation under s. 372.83 ~~is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(6) Any person who enters upon private property and shines lights upon such property, without the express permission of the owner of the property and with the intent to take deer by utilizing such shining lights, commits a Level Three violation under s. 372.83 ~~shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 31. Subsection (1) of section 372.9903, Florida Statutes, is amended to read:

372.9903 Illegal possession or transportation of freshwater game fish in commercial quantities; penalty.—

(1) Whoever possesses, moves, or transports any black bass, bream, speckled perch, or other freshwater game fish in commercial quantities in violation of law or the rules of the Fish and Wildlife Conservation Commission commits a Level Three violation under s. 372.83 ~~shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 32. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

## (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
322.212(5)(a)	3rd	False application for driver's license or identification card.
<del>370.13(2)(c)1.</del>	<del>3rd</del>	<del>Molest any stone crab trap, line, or buoy which is property of licenseholder.</del>
<del>370.135(1)</del>	<del>3rd</del>	<del>Molest any blue crab trap, line, or buoy which is property of licenseholder.</del>
<del>372.663(1)</del>	<del>3rd</del>	<del>Poach any alligator or crocodilia.</del>
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.

Florida Statute	Felony Degree	Description
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05 (2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.

Florida Statute	Felony Degree	Description
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

Section 33. Section 372.831, Florida Statutes, is created to read:

372.831 Wildlife Violators Compact Act.—The Wildlife Violators Compact is created and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

#### ARTICLE I

##### Findings and Purpose

(1) The participating states find that:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.

(c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(f) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(g) In most instances, a person who is cited for a wildlife violation in a state other than his or her home state is:

1. Required to post collateral or a bond to secure appearance for a trial at a later date;
2. Taken into custody until the collateral or bond is posted; or
3. Taken directly to court for an immediate appearance.

(h) The purpose of the enforcement practices set forth in paragraph (g) is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his or her way after receiving the citation, could return to his or her home state and disregard his or her duty under the terms of the citation.

(i) In most instances, a person receiving a wildlife citation in his or her home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his or her way after agreeing or being instructed to comply with the terms of the citation.

(j) The practices described in paragraph (g) cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.

(k) The enforcement practices described in paragraph (g) consume an undue amount of time of law enforcement agencies.

(2) It is the policy of the participating states to:

(a) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to the management of wildlife resources in their respective states.

(b) Recognize a suspension of the wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in each respective state.

(c) Allow a violator, except as provided in subsection (2) of Article III, to accept a wildlife citation and, without delay, proceed on his or her way, whether or not the violator is a resident of the state in which the citation was issued, if the violator's home state is party to this compact.

(d) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(e) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

(f) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(g) Maximize the effective use of law enforcement personnel and information.

(h) Assist court systems in the efficient disposition of wildlife violations.

(3) The purpose of this compact is to:

(a) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (2) in a uniform and orderly manner.

(b) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

## ARTICLE II

### Definitions

As used in this compact, the term:

(1) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(3) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

(4) "Conviction" means a conviction that results in suspension or revocation of a license, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule. The term also includes the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the court.

(5) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(6) "Home state" means the state of primary residence of a person.

(7) "Issuing state" means the participating state that issues a wildlife citation to the violator.

(8) "License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state; any privilege to obtain such license, permit, or other public document; or any statutory exemption from the requirement to obtain such license, permit, or other

public document. However, when applied to a license, permit, or privilege issued or granted by the State of Florida, only a license or permit issued under s. 372.57, or a privilege granted under s. 372.562, shall be considered a license.

(9) “Licensing authority” means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(10) “Participating state” means any state that enacts legislation to become a member of this wildlife compact.

(11) “Personal recognizance” means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

(12) “State” means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

(13) “Suspension” means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

(14) “Terms of the citation” means those conditions and options expressly stated upon the citation.

(15) “Wildlife” means all species of animals, including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as “wildlife” and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of “wildlife” vary from state to state and the determination of whether a species is “wildlife” for the purposes of this compact shall be based on local law.

(16) “Wildlife law” means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

(17) “Wildlife officer” means any individual authorized by a participating state to issue a citation for a wildlife violation.

(18) “Wildlife violation” means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

### ARTICLE III

#### Procedures for Issuing State

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in subsection (2), if the officer receives

the recognizance of such person that he will comply with the terms of the citation.

(2) Personal recognizance is acceptable if not prohibited by local law; by policy, procedure, or regulation of the issuing agency; or by the compact manual and if the violator provides adequate proof of identification to the wildlife officer.

(3) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and must contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

(4) Upon receipt of the report of conviction or noncompliance pursuant to subsection (3), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the compact manual.

#### ARTICLE IV

##### Procedure for Home State

(1) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due-process safeguards shall be accorded.

(2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for purposes of the suspension of license privileges.

(3) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

#### ARTICLE V

##### Reciprocal Recognition of Suspension

(1) Each participating state may recognize the suspension of license privileges of any person by any other participating state as though the violation resulting in the suspension had occurred in that state and would have been the basis for suspension of license privileges in that state.

(2) Each participating state shall communicate suspension information to other participating states in the form and content contained in the compact manual.

ARTICLE VIApplicability of Other Laws

Except as expressly required by provisions of this compact, this compact does not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

ARTICLE VIICompact Administrator Procedures

(1) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he or she represents. A compact administrator may provide for the discharge of his or her duties and the performance of his or her functions as a board member by an alternate. An alternate is not entitled to serve unless written notification of his or her identity has been given to the board.

(2) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

(3) The board shall elect annually from its membership a chairman and vice chairman.

(4) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(5) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, use, and dispose of the same.

(6) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, corporation, or private nonprofit organization or institution.

(7) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIIIEntry into Compact and Withdrawal

(1) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.

(2)(a) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

(b) The resolution shall substantially be in the form and content as provided in the compact manual and must include the following:

1. A citation of the authority from which the state is empowered to become a party to this compact;

2. An agreement of compliance with the terms and provisions of this compact; and

3. An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(c) The effective date of entry shall be specified by the applying state, but may not be less than 60 days after notice has been given by the chairman of the board of the compact administrators or by the secretariat of the board to each participating state that the resolution from the applying state has been received.

(3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice must be directed to the compact administrator of each member state. The withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

ARTICLE IXAmendments to the Compact

(1) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.

(2) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

ARTICLE XConstruction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact are severable and if any

phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or if the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact is held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

## ARTICLE XI

### Title

This compact shall be known as the “Wildlife Violator Compact.”

Section 34. Section 372.8311, Florida Statutes, is created to read:

372.8311 Compact licensing and enforcement authority; administrative review.—

(1) LICENSING AND ENFORCEMENT AUTHORITY.—For purposes of this act and the interstate wildlife violator compact, the Fish and Wildlife Conservation Commission is the licensing authority for the State of Florida and shall enforce the interstate Wildlife Violators Compact and shall do all things within the commission’s jurisdiction which are necessary to effectuate the purposes and the intent of the compact. The commission may execute a resolution of ratification to formalize the State of Florida’s entry into the compact. Upon adoption of the Wildlife Violators Compact, the commission may adopt rules to administer the provisions of the compact.

(2) ADMINISTRATIVE REVIEW.—Any action committed or omitted by the Fish and Wildlife Conservation Commission under or in the enforcement of the Wildlife Violator Compact created in s. 372.831 is subject to review under chapter 120.

Section 35. For purposes of incorporating the crossbow season permit established under s. 372.57, Florida Statutes, the hunter safety course exemption established under s. 372.5717, Florida Statutes, and the Wildlife Violator Compact established under s. 372.831, Florida Statutes, the Fish and Wildlife Conservation Commission shall update the automated licensing system authorized under s. 372.551, Florida Statutes, by no later than August 1, 2006.

Section 36. Sections 372.711 and 372.912, Florida Statutes, are repealed.

Section 37. This act shall take effect July 1, 2006.

Approved by the Governor June 26, 2006.

Filed in Office Secretary of State June 26, 2006.