

By the Committee on Agriculture; and Senator Latvala

575-01048-14

2014194c1

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

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

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

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

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

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

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

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

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

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

52 Section 2. Paragraph (a) of subsection (2) of section
53 379.401, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

80 10. Rules or orders of the commission prohibiting the
81 unlawful use of finfish traps.

82 11. All prohibitions in this chapter which are not
83 otherwise classified.

84 12. Section 379.33, prohibiting the violation of or
85 noncompliance with commission rules.

86 13. Section 379.407(7) ~~379.407(6)~~, prohibiting the sale,
87 purchase, harvest, or attempted harvest of any saltwater product

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88 with intent to sell.

89 14. Section 379.2421, prohibiting the obstruction of
90 waterways with net gear.

91 15. Section 379.413, prohibiting the unlawful taking of
92 bonefish.

93 16. Section 379.365(2) (a) and (b), prohibiting the
94 possession or use of stone crab traps without trap tags and
95 theft of trap contents or gear.

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

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

101 19. Section 379.357, prohibiting the possession of tarpon
102 without purchasing a tarpon tag.

103 20. Rules or orders of the commission prohibiting the
104 feeding or enticement of alligators or crocodiles.

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

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