

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners  
**From:** Jackie Fauls, Legislative Affairs Director  
**Date:** September 2, 2015 (Amended)  
**Subject:** 2016 Legislative Issues

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## **Purpose:**

The purpose is for the Commission to approve proposed changes to recreational fish and wildlife penalties as the Commission's 2016 Session legislative package.

## **Summary:**

FWC staff reviewed all recreational fish and wildlife penalties to determine if they are consistent (among wildlife, freshwater fish, and saltwater fish violations), meaningful (strong enough or not strong enough), and effective at deterring the violation. The current penalty structure was created during the 2006 Session, and has not been comprehensively reviewed since. This effort did not include reviewing commercial saltwater fisheries, captive wildlife, or boating penalties. Following are the proposed statutory changes:

- Increase the additional fine for illegally taking game or fur-bearing animals while trespassing from \$250 to \$500 per violation and add all wildlife and fresh fish to the list of species affected;
- Provide violators of recreational licensing provisions a new penalty option to purchase the respective license and pay a fine, bringing them into compliance with the law; current penalties of paying a fine amount of \$50 plus the price of the license would still be available;
- Increase the fine for repeat offenders for any Level 1 violation within 3 years - from \$100 to \$250;
- Reduce the penalty from a Level 2 violation to a Level 1 violation for
  - reporting requirements by people who hold alligator licenses
  - not returning unused CITES tags issued under the recreational harvest program (Statewide Alligator Harvest Program)
  - not returning unused CITES tags issued to licensed nuisance alligator trappers;
- Change the penalty for the sale of tarpon from a Level 2 violation to a Level 3 violation to make it consistent with the penalty for rules that prohibit the sale of other saltwater species;
- Make the penalty for "changing" or "altering" a license a Level 4 violation from a Level 2 violation to be consistent with the penalty for forging or counterfeiting a license;
- Clarify that violations of rules or orders of the Commission related to the unlawful use of *any* traps (unless otherwise provided) are Level 2 violations. Currently, the statute speaks only to finfish traps;
- Remove penalties associated with the sale, purchase, harvest, or attempted harvest of any saltwater product with intent to sell from the recreational penalty statute; this will have the effect that the penalties in section 379.407, F.S. (saltwater commercial penalties), will apply to all such violators;

- Make penalties for Wildlife Management Areas on U.S. forests consistent with those of all other Wildlife Management Areas;
- Change the penalties for the following statutes from 2<sup>nd</sup> degree misdemeanors to Level 2 violations. The effect would be increased penalties for repeat offenders:
  - Section 379.2223, F.S. – Control and management of state game lands
  - Section 379.3511, F.S. – Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits; and
- Clean up and clarify statutory language and provide cross-references to penalties.

**Staff Recommendation:**

Approve the legislative proposal to modify recreational penalties and give authorization to the Executive Director, in consultation with the Chairman, to make adjustments to the proposal and advise on other legislation, as needed, through the 2016 Session.

**Staff Contact and/or Presenter:**

Jackie Fauls, Legislative Affairs Director

Major Brian Smith, Division of Law Enforcement