

**FWC COMMISSION MEETING**  
**December 12, 2018**  
**Consent Agenda Item 3**

**Substantial rewrite of 68-1.010 (mostly organizational):**

The following shall apply to all licenses, permits or other authorizations in addition to requirements specific to individual licenses.

(1) The Commission shall deny applications for any license, permit or other authorization based upon any one or more of the following grounds:

(a) Submission by the applicant of false, misleading, or inaccurate information in the application or in any supporting documentation provided by the applicant or on behalf of the applicant relating to the license, permit, or other authorization, or omission of any information which has a false, misleading or inaccurate effect.

(b) Failure of the applicant to meet eligibility requirements or criteria for issuance of the license, permit or other authorization.

(c) Authorization to conduct the activities requested in the application will endanger the health, safety or welfare of the public, wild animal life, fresh water aquatic life or marine life.

(d) Applicant has received a disposition other than acquittal or dismissal of any provision of Chapters 369, 379 or 828, F.S., or rules of the Commission, or other similar laws or rules in this or any jurisdiction that relate to the subject matter of the license, permit or authorization sought.

(e) Failure by the applicant at any time to comply with Chapters 369, 379 or 828, F.S., or the rules of the Commission or other laws or rules relating to the subject matter of the license, permit, or other authorization sought.

(f) Submission by the applicant of materially false information in any previously submitted or pending application or supporting documentation relating to the application.

(g) Failure to comply with any final order issued by the Commission, or pay fines or license fees due to the Commission.

(2) The Commission shall revoke or deny the renewal of any license, permit or other authorization based on any one or more of the following grounds:

(a) The licensee, permittee or other holder of authorization has received a disposition other than acquittal or dismissal of any provision of Chapters 369, 379 or 828, F.S., or rules of the Commission, or other similar laws or rules in this or any jurisdiction that relate to the subject matter of the license, permit or authorization.

(b) The licensee, permittee or other holder of authorization failed at any time to comply with Chapters 369, 379 or 828, F.S., or the rules of the Commission or other laws or rules relating to the subject matter of the license, permit, or other authorization.

(c) The licensee, permittee or other holder of authorization has submitted materially false information in any previously submitted or pending application or supporting documentation relating to the application, or documentation or reports required by the license, permit or authorization.

(d) The licensee, permittee or other holder of authorization is conducting activities under the license, permit or authorization in a manner that endangers the health, safety or welfare of the public, wild animal life, fresh water aquatic life or marine life.

(3) Based upon consideration of aggravating or mitigating factors in an individual case, except for explicit statutory maximum and minimum penalty requirements, Commission may deviate from the licensure actions in subsections (1) and (2), above. The Commission shall consider as aggravating or mitigating factors the following:

(a) The severity of the applicant, licensee, or permittee's conduct;

(b) The danger to the public created or occasioned by the conduct;

(c) The existence of prior violations of Chapters 369, 379 or 828, F.S., rules of the Commission or other laws or rules relating to the subject matter of the license, permit, or other authorization sought;

(d) Attempts by the applicant, licensee or permittee to correct or prevent violations, or the refusal or failure of the applicant, licensee or permittee to take reasonable measures to correct or prevent violations;

(e) Related violations by the applicant, licensee or permittee in another jurisdiction;

(f) Any other mitigating or aggravating factors that reasonably relate to public safety and welfare or the management and protection of natural resources for which the Commission is responsible.

(4) When denial of a license, permit or other authorization is required under the provisions of subsection (1) but the license, permit or other authorization was issued in error, the Commission shall, without consideration of the factors in subsection (3), revoke the license, permit or authorization.

(5) When a licensee, permittee or other holder of authorization by the Commission no longer meets the eligibility requirements or criteria for the license, permit or authorization, the Commission shall, without consideration of the factors in subsection (3), revoke the license, permit or authorization.

(6) The licensee, permittee or other holder of authorization by the Commission shall:

(a) Maintain complete and correct written and/or electronic records as required by Commission license, permit, other authorization or regulations.

(b) Submit complete and correct reports as required by Commission license, permit, other authorization or regulations.

(c) Open records and facilities of operation under the license, permit, or other authorization, to inspection by an authorized representative of the Commission.

(d) Comply with the conditions set forth under a license, permit or other authorization.

(e) Comply with Chapters 369 and 379, F.S., and rules of the Commission.

(7) The provisions of this rule shall not be construed so as to prohibit, limit, or otherwise affect any civil action or criminal prosecution, so as to limit the ability of the Commission to enter into binding stipulations with affected parties in accordance with Section 120.57(3), F.S., or so as to affect the authority of a court or the Commission to require forfeiture of any license, permit or other authorization issued pursuant to Chapters 369 or 379, F.S., as provided by law.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.1025 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-24-13, Amended \_\_\_\_\_, 18.*