

**FWC report on statutes and rules that disqualify from employment or licensure persons who have been convicted of a crime (pursuant to Chapter 2011-207, Laws of Florida)**

**December 2015**

<u>Statute or Rule</u>	<u>Pertinent Language from Statute or Rule</u>	<u>Is the statute/rule readily available to prospective employees/licensees? If so, where is it available?</u>	<u>Suggested alternatives to the statute/rule which will protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders</u>	<u>Additional Information</u>
Section 943.13(4), F.S. - Officers' Minimum Qualifications for Employment or Appointment	"On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Department of Management Services shall: (4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer."	Yes. The statute is readily available to all FWC applicants on the State of Florida website, and notification that a person is ineligible to be an FWC officer due to pertinent criminal convictions is explained on the FWC website at: <a href="http://myfwc.com/get-involved/employment/law-enforcement/disqualifier-list/">http://myfwc.com/get-involved/employment/law-enforcement/disqualifier-list/</a>	The Florida Department of Law Enforcement is the lead on this statute and FWC therefore defers to FDLE as the appropriate agency to suggest alternatives.	

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<p>Sections 775.087 - Possession or Use of Weapon; 790.23 - Felons - Possession of Firearms Unlawful; 790.25 - Lawful Ownership and Possession of Firearms; 790.233 - Possession of Firearm Prohibited when Subject to an Injunction Against Domestic Violence; and 790.235 - Possession of Firearm by Violent Career Criminal Unlawful, F.S.</p>	<p>Persons employed to work for FWC in Hunter Safety positions are required to handle firearms. The listed statutes prohibit specified individuals from handling a firearm. Therefore, the specified persons are ineligible to be employed in hunter safety positions at FWC. Applicants who have their right to handle a firearm restored are eligible for employment in the Hunter Safety positions.</p>	<p>Yes. The statutes (requiring that no convicted felon may handle a firearm) are explained on the State of Florida website at: <a href="http://myflorida.custhelp.com/app/answers/detail/a_id/1917/kw/hunter/session/L3RpbWUvMTMyMjc1MjAwOC9zaWQvSDI2M3B2S2s%3D">http://myflorida.custhelp.com/app/answers/detail/a_id/1917/kw/hunter/session/L3RpbWUvMTMyMjc1MjAwOC9zaWQvSDI2M3B2S2s%3D</a></p>	<p>No alternative is suggested. These provisions are necessary to protect public safety.</p>	
<p>Section 435.06(2)(a), F.S. Exclusion from Employment</p>	<p>"(2)(a) An employer may not hire, select, or otherwise allow an employee to have contact with any vulnerable person that would place the employee in a role that requires background screening until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment. If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select, or otherwise allow the employee to have contact with any vulnerable person that would place the employee in a role that requires background screening unless the employee is granted an exemption for the disqualification by the agency as provided under s. 435.07" Applicants who have been found guilty, entered a guilty plea or pled nolo contendere to the offenses listed in Section 435.04, F.S. are not eligible for hire into specified positions which includes employees who work with youth.</p>	<p>No.</p>	<p>Section 435.07, F. S. provides an alternative. It creates a process for agency heads to grant exemptions to the employment restrictions imposed by Section 435.04, F.S. No additional alternatives are suggested. These provisions - as they relate to the Commission - are necessary to protect youth, a vulnerable population.</p>	

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379.3751(1)(b) - Taking and possession of alligators; trapping licenses; fees.--	"A person who has been convicted of any violation of s. 379.3015 or s. 379.409 or rules of the commission relating to the illegal taking of crocodilian species may not be issued a license for a period of 5 years subsequent to such conviction. If a violation involves the unauthorized taking of an endangered crocodilian species, a license may not be issued for 10 years subsequent to the conviction."	Yes. The statute is printed on page 24 of the Alligator Regulations Booklet made available on FWC's website at: ( <a href="http://myfwc.com/media/1531908/alligator_rules_booklet.pdf">http://myfwc.com/media/1531908/alligator_rules_booklet.pdf</a> ).	No alternative is suggested, because being denied alligator licensing does not impact a person's employability. This provision is necessary as a deterrent from illegal exploitation of a commercialized wildlife species.	
Rule 68A-25.042(2)(b)2., F.A.C. - Regulations Governing Statewide Alligator Trapping, Permitting, Taking, and Sale	"(2)(b) Applicants for an [alligator] harvest permit shall: 2. 2. Not have been convicted of any violation of Section 379.409 or 379.3015, F.S., or rules of the Commission relating to the illegal taking of any crocodilian species: a. For a period of five (5) years preceding the date of application; or b. For a period of ten (10) years preceding the date of application if such conviction involved the taking of an endangered crocodilian species."	Yes. The rule is printed in the Alligator Regulations Booklet made available on FWC's website at: ( <a href="http://myfwc.com/media/1531908/alligator_rules_booklet.pdf">http://myfwc.com/media/1531908/alligator_rules_booklet.pdf</a> ).	No alternative is suggested, because being denied alligator licensing does not impact a person's employability. This provision is necessary as a deterrent from illegal exploitation of a commercialized wildlife species.	
Rule 68A-25.052(4)(b), F.A.C. - Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	"(b) The executive director shall not issue an alligator processing facility permit or shall revoke said permit for any person who has been convicted of any violation of Section 379.409 or 379.3015, F.S., or the rules of the Commission relating to the illegal taking of any crocodilian species: 1. For five (5) years following such conviction; or 2. For ten (10) years following, if such conviction involves the taking of an endangered crocodilian species."	Yes. The rule is printed in the Alligator Regulations Booklet made available on FWC's website at: ( <a href="http://myfwc.com/media/1531908/alligator_rules_booklet.pdf">http://myfwc.com/media/1531908/alligator_rules_booklet.pdf</a> ).	No alternative is suggested, because being denied alligator licensing does not impact a person's employability. This provision is necessary as a deterrent from illegal exploitation of a commercialized wildlife species.	
s. 379.404(1), F.S. - Illegal Taking and Possession of Deer and Wild Turkey; 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. 379.401 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."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, an administrative suspension notice and method of appeal is sent to the license holder when the first suspension takes place.	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	

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Section 379.404(3), F.S. - Illegal Taking and Possession of Deer and Wild Turkey; Penalty	"(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 s. 379.401 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."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	
379.2525(4), F.S. Noncultured Shellfish Harvesting	"...Should the master or any of the crew of said vessel be found guilty of using dredges or other instruments in fishing oysters on natural reefs contrary to law, or fishing on the natural oyster or clam reefs out of season, or unlawfully taking oysters or clams belonging to a lessee, such vessel shall be declared forfeited by the court, and ordered sold and the proceeds of the sale shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund; any person guilty of such violations shall not be permitted to have any license provided for in this chapter within a period of 1 year from the date of conviction..."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	
379.362(5)(a)1, F.S. - Wholesale and Retail Saltwater Products Dealers; Regulations	"...The commission may revoke, suspend, or deny the renewal of the [wholesale or retail dealer] license of any licensee: Upon the conviction of the licensee of any violation of the laws or regulations designed for the conservation of saltwater products..."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	In addition to, or in lieu of, the penalty imposed pursuant to this subsection [s. 379.362(5)(a), F.S.], the commission may impose penalties pursuant to s. 379.407. [s. 379.362(5)(c), F.S.] - which includes additional provisions for revocation or suspension of licenses. The subsections of Section 379.407 providing for suspension of revocation of licenses are also detailed in this report.

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<p>379.362(5)(a)2., F.S. - Wholesale and Retail Saltwater Products Dealers; Regulations</p>	<p>"...The commission may revoke, suspend, or deny the renewal of the [wholesale or retail dealer] license of any licensee: Upon conviction of the licensee of knowingly dealing in, buying, selling, transporting, possessing, or taking any saltwater product, at any time and from any waters, in violation of the laws of this state..."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	<p>In addition to, or in lieu of, the penalty imposed pursuant to this subsection [s. 379.362(5)(a), F.S.], the commission may impose penalties pursuant to s. 379.407. [s. 379.362(5)(c), F.S.] - which includes additional provisions for revocation or suspension of licenses. The subsections of Section 379.407 providing for suspension of revocation of licenses are also detailed in this report.</p>
<p>379.362(5)(a)3., F.S. - Wholesale and Retail Saltwater Products Dealers; Regulations</p>	<p>"...The commission may revoke, suspend, or deny the renewal of the [wholesale or retail dealer] license of any licensee: Upon satisfactory evidence of any violation of the laws or any regulations of this state designed for the conservation of saltwater products or of any of the laws of this state relating to dealing in, buying, selling, transporting, possession, or taking of saltwater products."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	<p>In addition to, or in lieu of, the penalty imposed pursuant to this subsection [s. 379.362(5)(a), F.S.], the commission may impose penalties pursuant to s. 379.407. [s. 379.362(5)(c), F.S.] - which includes additional provisions for revocation or suspension of licenses. The subsections of Section 379.407 providing for suspension of revocation of licenses are also detailed in this report.</p>

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<p>379.362(5)(b), F.S. - Wholesale and Retail Saltwater Products Dealers; Regulations</p>	<p>"Upon revocation of such [wholesale or retail dealer] license[under any of the circumstances listed in section 379.362(5)(a)], no other or further license may be issued to the dealer within 3 years from the date of revocation except upon special order of the commission. After revocation, it is unlawful for such dealer to exercise any of the privileges of a licensed wholesale or retail dealer."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	
<p>379.365(2)(a)1, F.S. - Stone Crab; Regulation</p>	<p>"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. 379.407, for any commercial harvester who violates this paragraph, the following administrative penalties apply. a. For a first violation, the commission shall assess an administrative penalty of up to \$1,000. b. 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. 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. 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. 379.407."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violations involving untagged stone crab traps.</p>	<p>No alternatives are suggested, because even with the suspensions imposed in this section, the licenseholder subject to the suspension of the stone crab endorsement could commercially harvest stone crab under a stone crab endorsement issued on a vessel saltwater products license to another harvester, during the period of their suspension.</p>	

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<p>379.365(2)(b)1, F.S. - Stone Crab; Regulation</p>	<p>"(b) It is unlawful for any commercial harvester 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 convicted of theft of or from a trap pursuant to this subsection or s. 379.402 shall, in addition to the penalties specified in s. 379.407 and the provisions of this section, permanently lose all saltwater fishing privileges, including saltwater products licenses, stone crab or incidental take endorsements, and all trap certificates allotted to such commercial harvester by the commission. In such cases, trap certificates and endorsements are nontransferable."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. The penalty is also explained on commission signage regarding tampering or theft of traps placed at boat ramps and other public places, and is explained in recreational and commercial saltwater fishing regulations publications.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. All statutes that relate to the theft of saltwater products from licensed trap fishermen are intentionally strict. This is to prevent people from stealing the products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.</p>	
<p>379.365(2)(c), F.S. - Stone Crab; Regulation</p>	<p>"(c)1. It is unlawful to violate commission rules that prohibit any of the following: a. 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. 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. The making, altering, forging, counterfeiting, or reproducing of stone crab trap tags. d. Possession of forged, counterfeit, or imitation stone crab trap tags. e. 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. 379.401. In addition, any commercial harvester 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."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternatives are suggested, because even with the suspensions imposed in this section, the licenseholder subject to the suspension of the stone crab endorsement could commercially harvest stone crab under a stone crab endorsement issued on a vessel saltwater products license to another harvester, during the period of their suspension.</p>	

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<p>379.365(2)(d), F.S. - Stone Crab; Regulation</p>	<p>"(d) For any commercial harvester 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."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternatives are suggested, because even with the suspensions imposed in this section, the licenseholder subject to the suspension of the stone crab endorsement could commercially harvest stone crab under a stone crab endorsement issued on a saltwater products license issued to another harvester, during the period of their suspension. If the license is permanently revoked, the licenseholder could still continue to commercially harvest saltwater products other than stone crab under a saltwater products license issued in his/her name.</p>	
<p>379.365(2)(e), F.S. - Stone Crab; Regulation</p>	<p>"During any period of suspension or revocation of an endorsement holder's endorsement, he or she shall remove all traps subject to that endorsement from the water within 15 days after notice provided by the commission. Failure to do so will extend the period of suspension or revocation for an additional 6 calendar months."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the additional possible penalties are explained in the administrative letter sent to the licensee when the license is first suspended.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	

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<p>379.366(4)(a), F.S. - Blue Crab; Regulation</p>	<p>"(4)(a) Untagged trap penalties.—By July 1, 2008, the commission shall adopt by rule the administrative penalties authorized by this subsection. In addition to any other penalties provided in s. 379.407 for any blue crab endorsement holder who violates commission rules requiring the placement of trap tags for traps used for the directed harvest of blue crabs, the following administrative penalties apply:</p> <ol style="list-style-type: none"> <li>1. For a first violation, the commission shall assess an administrative penalty of up to \$1,000.</li> <li>2. For a second violation that occurs within 24 months after any previous such violation, the commission shall assess an administrative penalty of up to \$2,000, and the blue crab endorsement holder's blue crab fishing privileges may be suspended for 12 calendar months.</li> <li>3. For a third violation that occurs within 36 months after any two previous such violations, the commission shall assess an administrative penalty of up to \$5,000, and the blue crab endorsement holder's blue crab fishing privileges may be suspended for 24 calendar months.</li> <li>4. A fourth violation that occurs within 48 months after 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. 379.407." </li></ol>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the possible penalties are explained in the administrative letter sent to the licensee when convicted of a 1st violation involving untagged blue crab traps and in all subsequent Notice of Administrative Penalty Assessment letters.</p>	<p>No alternatives are suggested. A licenseholder could continue to harvest saltwater products other than blue crab during the period of suspension.</p>	
<p>379.366(4)(b), F.S. - Blue Crab; Regulation</p>	<p>"(b) Trap theft; prohibitions and penalties.—It is unlawful for any person to remove or take possession of the contents of another harvester's blue crab trap without the express written consent of the trap owner, which must be available for immediate inspection. Unauthorized possession of another harvester's blue crab trap gear or removal of trap contents constitutes theft.</p> <ol style="list-style-type: none"> <li>1. Any commercial harvester receiving a judicial disposition other than dismissal or acquittal on a charge of theft of or from a trap as prohibited by this paragraph shall, in addition to the penalties specified in s. 379.407 and this section, permanently lose all saltwater fishing privileges, including any saltwater products licenses, blue crab endorsements, and blue crab trap tags allotted to him or her by the commission. In such cases, endorsements are nontransferable." </li></ol>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. The penalty is also explained on commission signage regarding tampering or theft of traps placed at boat ramps and other public places, and is explained in recreational and commercial saltwater fishing regulations publications.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. All statutes that relate to the theft of saltwater products from licensed trap fishermen are intentionally strict. This is to prevent people from stealing the products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.</p>	

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<p>379.366(4)(c)3, F.S. - Blue Crab; Regulation</p>	<p>"c) Criminal activities prohibited.— 1. It is unlawful for any commercial harvester or any other person to: a. Willfully molest any blue crab trap, line, or buoy that is the property of any licensee without the permission of that licensee. b. Barter, trade, lease, or sell a blue crab trap tag or conspire or aid in such barter, trade, lease, or sale unless duly authorized by commission rules. c. Supply, agree to supply, aid in supplying, or give away a blue crab trap tag unless duly authorized by commission rules. d. Make, alter, forge, counterfeit, or reproduce a blue crab trap tag. e. Possess an altered, forged, counterfeit, or imitation blue crab trap tag. f. Possess a number of original trap tags or replacement trap tags, the sum of which exceeds by 1 percent the number of traps allowed by commission rules. g. Engage in the commercial harvest of blue crabs while the blue crab endorsements of the licensee are under suspension or revocation. 3. A commercial harvester convicted of violating this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, shall also be assessed an administrative penalty of up to \$5,000, and is immediately prohibited from transferring any blue crab endorsement. All blue crab endorsements issued to a commercial harvester convicted of violating this paragraph may be suspended for up to 24 calendar months."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternatives are suggested, but a licensee could continue to harvest saltwater products other than blue crab during the period of suspension.</p>	
<p>379.366(4)(d), F.S. - Blue Crab; Regulation</p>	<p>"(d) Endorsement transfers; fraudulent reports; penalties.—For a commercial harvester convicted of fraudulently reporting the actual value of transferred blue crab endorsements, the commission may automatically suspend or permanently revoke the seller's or the purchaser's blue crab endorsements. If the endorsement is permanently revoked, the commission shall also permanently deactivate the endorsement holder's blue crab trap tag accounts."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternatives are suggested, but a licensee could continue to harvest saltwater products other than blue crab during the period of suspension. If their license has been revoked, the licensee could continue to harvest blue crabs under a blue crab endorsement issued on a vessel saltwater products license issued to another harvester.</p>	
<p>379.366(4)(e), F.S. - Blue Crab; Regulation</p>	<p>"e) Prohibitions during endorsement suspension and revocation.—During any period of suspension or after revocation of a blue crab endorsement holder's endorsements, he or she shall, within 15 days after notice provided by the commission, remove from the water all traps subject to that endorsement. Failure to do so shall extend the period of suspension for an additional 6 calendar months."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the additional possible penalties are explained in the administrative letter sent to the licensee when the license is first suspended.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	

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379.3671(2)(c)3a , F.S. - Spiny Lobster Trap Certificate Program	"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. 379.367 and 379.407. Any commercial harvester 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. 379.402 shall, in addition to the penalties specified in ss. 379.367 and 379.407 and the provisions of this section, permanently lose all his or her saltwater fishing privileges, including his or her saltwater products license, spiny lobster endorsement, and all trap certificates allotted to him or her through this program. In such cases, trap certificates and endorsements are nontransferable."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . The penalty is also explained on Commission signage regarding tampering or theft of traps placed at boat ramps and other public places, and is explained in recreational and commercial saltwater fishing regulations publications.	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. All statutes that relate to the theft of saltwater products from licensed trap fishermen are intentionally strict. This is to prevent people from stealing the products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.	
379.3671(2)(c)3b , F.S. - Spiny Lobster Trap Certificate Program	"b. Any commercial harvester 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. 379.367 and 379.407, shall lose all saltwater fishing privileges for a period of 24 calendar months."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	
379.3671(2)(c)4b , F.S. - Spiny Lobster Trap Certificate Program	"4. In addition to any other penalties provided in s. 379.407, a commercial harvester who violates the provisions of this section or commission rules relating to spiny lobster traps shall be punished as follows: 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 penalty of up to \$2,000 and the spiny lobster endorsement issued under s. 379.367(2) or (6) may be suspended for the remainder of the current license year."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, possible future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st violation involving spiny lobster traps.	No alternatives are suggested, but a licenseholder could continue to harvest saltwater products other than spiny lobster during the period of suspension, or they could harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester.	
379.3671(2)(c)4c, F.S. - Spiny Lobster Trap Certificate Program	"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 penalty of up to \$5,000 and may suspend the spiny lobster endorsement issued under s. 379.367(2) or (6) for a period of up to 24 months or may revoke the spiny lobster endorsement and, if revoking the spiny lobster endorsement, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 379.407(2)(h)."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, possible future penalties are explained in the administrative letter sent to the licensee when convicted of a 1st and subsequent violations involving spiny lobster traps.	No alternatives are suggested, but a licenseholder could continue to harvest saltwater products other than spiny lobster during the period of suspension, or they could harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester.	

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379.3671(2)(c)4e F.S. - Spiny Lobster Trap Certificate Program	"d. Any person assessed an additional administrative penalty pursuant to this section shall within 30 calendar days after notification: (I) Pay the administrative penalty to the commission; or (II) Request an administrative hearing pursuant to the provisions of ss. 120.569 and 120.57. e. The commission shall suspend the spiny lobster endorsement issued under s. 379.367(2) or (6) for any person failing to comply with the provisions of sub-subparagraph d."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, the possible additional penalties are explained in the administrative letter sent to the licensee when the 1st and subsequent administrative penalties are assessed.	No alternatives are suggested, but a licenseholder could continue to harvest saltwater products other than spiny lobster during the period of suspension, or they could harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester.	
379.3671(2)(c)6, F.S. - Spiny Lobster Trap Certificate Program	6.a. Any commercial harvester who violates the provisions of subparagraph 5., or any commercial harvester who engages in the commercial harvest, trapping, or possession of spiny lobster without a spiny lobster endorsement as required by s. 379.367(2) or (6) or during any period while such spiny lobster endorsement 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 who violates the provisions of sub-subparagraph 5.c. c. In addition to any penalty imposed pursuant to sub-subparagraph a., any commercial harvester receiving any judicial disposition other than acquittal or dismissal for a violation of subparagraph 5. shall be assessed an administrative penalty of up to \$5,000, and the spiny lobster endorsement under which the violation was committed may be suspended for up to 24 calendar months."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternatives are suggested, but a licenseholder could continue to harvest saltwater products other than spiny lobster during the period of suspension, or they could harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester.	
379.401(6), F.S. - Penalties and Violations; Suspension and Forfeiture of Licenses and Permits	"(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."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	

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379.405(2), F.S. - Illegal Molestation of or Theft From Freshwater Fishing Gear	"(2) Any person, firm, or corporation convicted pursuant to subsection (1) of removing the contents of freshwater fishing gear without the express written consent of the owner shall permanently lose all of his or her freshwater and saltwater fishing privileges, including his or her recreational and commercial licenses and endorsements, and shall be assessed an administrative penalty of not more than \$5,000. The endorsements of such person, firm, or corporation are not transferable."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested. This is to prevent people from stealing the products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.	
379.407(2)(b)2, F.S. - Administration; Penalties	"(b)1. 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. 2. For violations involving the taking of food shrimp in certain closed areas: a. Any person with a saltwater products license issued by the commission who is convicted of taking food shrimp in Santa Rosa Sound in violation of commission rule designating a closed area shall have that license and the saltwater products license of the boat involved in the violation revoked and shall be ineligible to make application for such a license for a period of 2 years from the date of such conviction. If a person who does not have a saltwater products license is convicted hereunder, that person and the boat involved in the violation shall not be eligible for such a license for 5 years."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, but a licenseholder could continue to harvest saltwater products under a vessel saltwater products license issued to another harvester during the period of his/her license revocation.	
379.407(2)(h), F.S. - Administration; Penalties	"(h) Permits issued to any commercial harvester by the commission to take or harvest saltwater products, or any license issued pursuant to s. 379.361 or s. 379.362 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."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, but a licenseholder could continue to harvest saltwater products under a vessel saltwater products license issued to another harvester during the period of his/her license revocation.	

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<p>379.407(3)(b)2, F.S. - Administration; Penalties</p>	<p>"2. In addition to being subject to the other penalties provided in this chapter, any violation of s. 16(b), Art. X of the State Constitution, or any statute or rule of the commission which implements the gear prohibitions and restrictions specified therein shall be considered a major violation; and any person, firm, or corporation receiving any judicial disposition other than acquittal or dismissal of such violation shall be subject to the following additional penalties:</p> <p>a. For a first major violation within a 7-year period, a civil penalty of \$2,500 and suspension of all saltwater products license privileges for 90 calendar days following final disposition shall be imposed.</p> <p>b. For a second major violation under this subparagraph charged within 7 years of a previous judicial disposition, which results in a second judicial disposition other than acquittal or dismissal, a civil penalty of \$5,000 and suspension of all saltwater products license privileges for 12 months shall be imposed.</p> <p>c. For a third or subsequent major violation under this subparagraph, charged within a 7-year period, resulting in a third or subsequent judicial disposition other than acquittal or dismissal, a civil penalty of \$5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation shall be imposed.</p> <p>d. For a first flagrant violation under this subparagraph, a civil penalty of \$5,000 and a suspension of all saltwater license privileges for 12 months shall be imposed. For a second or subsequent flagrant violation under this subparagraph, a civil penalty of \$5,000, a lifetime revocation of the saltwater products license, and the forfeiture of all gear and equipment used in the violation shall be imposed."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	
<p>379.407(3)(c), F.S. - Administration; Penalties</p>	<p>"(c) During the period of suspension or revocation of saltwater license privileges under this subsection, the licensee shall not participate in the taking or harvesting, or attempt the taking or harvesting, of saltwater products from any vessel within the waters of the state; be aboard any vessel on which a commercial quantity of saltwater products is possessed through an activity requiring a license pursuant to this section; or engage in any other activity requiring a license, permit, or certificate issued pursuant to this chapter. Any person who is convicted of violating this paragraph:</p> <p>1. Upon a first or second conviction, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.</p> <p>2. Upon a third or subsequent conviction, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	

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<p>379.407(4)(b), F.S. - Administration; Penalties</p>	<p>"4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING CERTAIN FINFISH.—                  (a) It is a major violation under this section 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)."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the possible penalties are explained in the administrative letter sent to the licensee when convicted of a 1st and subsequent violations.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	
<p>379.407(5), F.S. - Administration; Penalties</p>	<p>(5) PENALTIES FOR POSSESSION OF SPINY LOBSTER; CLOSED SEASON AND WRUNG TAILS.—It is a major violation under this section for any person, firm, or corporation to be in possession of spiny lobster during the closed season or, while on the water, to be in possession of spiny lobster tails that have been wrung or separated from the body, unless such possession is allowed by commission rule. Any person, firm, or corporation that violates this subsection is subject to penalties as follows:                  (a) A first violation is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If the violation involves 25 or more lobster, the violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.                  (b) A second violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and such person is subject to a suspension of all license privileges under this chapter for a period not to exceed 90 days.                  (c) 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 be assessed a civil penalty of up to \$2,500 and is subject to a suspension of all license privileges under this chapter for a period not to exceed 6 months.                  (d) 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 shall be permanently revoked.                  (e) 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 shall be permanently revoked.</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	

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<p>379.407(6), F.S. - Administration; Penalties</p>	<p>"(6) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY HARVESTED PRODUCTS.—In addition to other penalties authorized in this chapter, any violation of s. 379.361 or s. 379.362, or rules of the commission implementing s. 379.361 or s. 379.362, 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 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:</p> <p>(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.</p> <p>(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.</p> <p>(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."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	
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<p>379.407(7)(a), F.S. - Administration; Penalties</p>	<p>"(7) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR HARVEST.—It is a major violation and punishable as provided in this subsection for any 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.</p> <p>(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 penalties as follows:</p> <ol style="list-style-type: none"> <li>1. A first violation is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.</li> <li>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 for a period not exceeding 90 days.</li> <li>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 for a period not exceeding 6 months.</li> <li>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 shall be permanently revoked.</li> <li>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 shall be permanently revoked." </li></ol>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the possible penalties are explained in the administrative letter sent to the licensee when convicted of a 1st and subsequent violations.</p>	<p>No alternative is suggested. This statute prevents repeat violators of licensing requirements from purchasing a license after multiple violations. This protects licensed businesses from unfair competition, and protects public safety by insuring only licensed wholesome products. If unlicensed people sell saltwater products without a license their product is not inspected for quality control. This is a consumer health issue as there is no way to guarantee that proper storage methods were used bringing the product to the end consumer.</p>	
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<p>379.407(7)(c), F.S. - Administration; Penalties</p>	<p>"(c) Any commercial harvester or wholesale or retail dealer 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:</p> <ol style="list-style-type: none"> <li>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 may be assessed a civil penalty of up to \$2,500 and an additional suspension of all license privileges under this chapter for a period not exceeding 90 days.</li> <li>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 may be assessed a civil penalty of up to \$5,000 and an additional suspension of all license privileges under this chapter for a period not exceeding 180 days. All property involved in such offense shall be forfeited pursuant to s. 379.337.</li> <li>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 shall be assessed a mandatory civil penalty of up to \$5,000 and an additional suspension of all license privileges under this chapter for a period not exceeding 24 months. All property involved in such offense shall be forfeited pursuant to s. 379.337."</li> </ol>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the possible penalties are explained in the administrative letter sent to the licensee when convicted of a 1st and subsequent violations.</p>	<p>No alternative is suggested. This statute prevent violators of licensing requirements from purchasing a license to harvest saltwater products. This protects licensed businesses from unfair competition, and protects public safety by insuring only licensed wholesome products are brought to the end consumer. If unlicensed people sell saltwater products without a license their product is not inspected for quality control. This is a consumer health issue as there is no way to guarantee that proper storage methods were used bringing the product to the end consumer.</p>	
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<p>379.407(7)(d), F.S. - Administration; Penalties</p>	<p>"(d) Any commercial harvester 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:</p> <ol style="list-style-type: none"> <li>1. A first violation is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.</li> <li>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 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 for a period not exceeding 90 days.</li> <li>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 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 for a period not exceeding 6 months.</li> <li>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 shall also be assessed a civil penalty of \$5,000 and all license privileges under this chapter shall be permanently revoked.</li> <li>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 shall also be assessed a mandatory civil penalty of \$5,000 and all license privileges under this chapter shall be permanently revoked." </li></ol>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the possible penalties are explained in all administrative letters sent to the licensee when convicted of a violation, as well as all administrative letters sent upon the suspension or revocation of a violator's license.</p>	<p>No alternative is suggested. This statute prevents repeat violators of licensing requirements from purchasing a license after multiple violations. This protects licensed businesses from unfair competition, and protects public safety by insuring only licensed wholesome products. If unlicensed people sell saltwater products without a license their product is not inspected for quality control. This is a consumer health issue as there is no way to guarantee that proper storage methods were used bringing the product to the end consumer. This statute is cumulative, enforcing increasingly stiff penalties on violators as they continue to break the same law.</p>	
<p>379.407(8), F.S. - Administration; Penalties</p>	<p>"(8) REVOCATION OF LICENSES.—Any person licensed under this chapter who has been convicted of taking aquaculture species raised at a certified facility shall have his or her license revoked for 5 years by the commission pursuant to the provisions and procedures of s. 120.60."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, but a licenseholder could continue to harvest saltwater products under a vessel saltwater products license issued to another harvester during the period of his/her suspension. Furthermore, this statute is designed to strongly discourage theft from certified and licensed aquaculture facilities. This protects public health by preventing products that have not been properly handled or stored make it to the end consumer. It also protects law-abiding businesses from loss of business due to theft.</p>	

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379.408, F.S. - Forfeiture or Denial of Licenses or Permits	"Forfeiture or denial of licenses and permits.—Any person convicted as aforesaid shall forfeit to the state any license or permit that may have been issued to her or him under the provisions of this law, or other law of this state relating to game shall forthwith surrender the same to the court. If such violation occurs in the open season, relating to game, no license or permit shall be issued under the provisions of this law to such person at any time during the remainder of such open season, or if such violation occurs during the closed season no license shall be issued to such person for the open season on game next following."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	
68B-13.012(1)(b)2, F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(1) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a), F.S., for conviction of a violation involving use of stone crab traps without current year trap tags (paragraph 68B-13.010(2)(b) and subsections 68B-13.011(5) and (11), F.A.C.), as follows: (b) For a second conviction occurring within 24 months of any previous such conviction: 2. Involving 6 up to and including 20 untagged stone crab traps – \$75 per untagged trap and suspension of the stone crab endorsement for 12 calendar months"	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violations involving untagged stone crab traps.	No alternatives are suggested, because even with the suspensions imposed in this section, the licenseholder subject to the suspension of the stone crab endorsement could commercially harvest stone crab under a stone crab endorsement issued on a vessel saltwater products license to another harvester, during the period of suspension.	This rule implements the authority established in s. 379.365(2)(a)1, F.S.
68B-13.012(1)(b)3, F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(1) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a), F.S., for conviction of a violation involving use of stone crab traps without current year trap tags (paragraph 68B-13.010(2)(b) and subsections 68B-13.011(5) and (11), F.A.C.), as follows: (b) For a second conviction occurring within 24 months of any previous such conviction: 3. Involving 21 or more untagged stone crab traps – \$2000 and suspension of the stone crab endorsement for 12 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violation involving untagged stone crab traps.	No alternatives are suggested, because even with the suspensions imposed in this section, the licenseholder subject to the suspension of the stone crab endorsement could commercially harvest stone crab under a stone crab endorsement issued on a vessel saltwater products license to another harvester, during the period of suspension.	This rule implements the authority established in s. 379.365(2)(a)1, F.S.
68B-13.012(1)(c)1, F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(1) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a), F.S., for conviction of a violation involving use of stone crab traps without current year trap tags (paragraph 68B-13.010(2)(b) and subsections 68B-13.011(5) and (11), F.A.C.), as follows: (c) For a third conviction occurring within 36 months of two previous such convictions: 1. Involving 5 or fewer untagged stone crab traps – \$100 per untagged trap and suspension of the stone crab endorsement for 24 calendar months; 2. Involving 6 up to and including 20 untagged stone crab traps – \$2500 and suspension of the stone crab endorsement for 24 calendar months; 3. Involving 21 or more untagged stone crab traps – \$5000 and suspension of the stone crab endorsement for 24 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violations involving untagged stone crab traps.	No alternatives are suggested, because even with the suspensions imposed in this section, the licenseholder subject to the suspension of the stone crab endorsement could commercially harvest stone crab under a stone crab endorsement issued on a vessel saltwater products license to another harvester, during the period of suspension.	This rule implements the authority established in s. 379.365(2)(a)1, F.S.

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68B-13.012(1)(d), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(1) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a), F.S., for conviction of a violation involving use of stone crab traps without current year trap tags (paragraph 68B-13.010(2)(b) and subsections 68B-13.011(5) and (11), F.A.C.), as follows: (d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of untagged stone crab traps involved – permanent revocation of the saltwater products license, all endorsements and associated fishing privileges."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violations involving untagged stone crab.	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	This rule implements the authority established in s. 379.365(2)(a)1, F.S.
68B-13.012(2)(a)2, F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(2) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S, for conviction of a violation involving the possession or use of any stone crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of stone crab trap tags (subsections 68B-13.011(5), (6) and (7), F.A.C., as follows: (a) For a first conviction: 2. Involving 16 or more illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the license year."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, but a licenseholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension.	This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.
68B-13.012(2)(b), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(2) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S, for conviction of a violation involving the possession or use of any stone crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of stone crab trap tags (subsections 68B-13.011(5), (6) and (7), F.A.C., as follows: (b) For a second conviction occurring within 24 months of a previous such violation: 1. Involving 10 or fewer illegal stone crab trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months; 2. Involving 11 or more illegal stone crab trap tags – \$2000 and suspension of the stone crab endorsement for 12 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violation.	No alternative is suggested, but a licenseholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension.	This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.

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68B-13.012(2)(c), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(2) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S, for conviction of a violation involving the possession or use of any stone crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of stone crab trap tags (subsections 68B-13.011(5), (6) and (7), F.A.C., as follows: (c) For a third conviction occurring within 36 months of two previous such violations: 1. Involving 5 or fewer illegal stone crab trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months; 2. Involving 6 or more illegal stone crab trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violations.	No alternative is suggested, but a licenseeholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension.	This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.
68B-13.012(2)(d), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(2) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S, for conviction of a violation involving the possession or use of any stone crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of stone crab trap tags (subsections 68B-13.011(5), (6) and (7), F.A.C., as follows: (d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of illegal stone crab trap tags involved, permanent revocation of the saltwater products license, all endorsements and associated fishing privileges."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st violation as well as all subsequent violations.	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.
68B-13.012(3)(a)2, F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(3) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S., for conviction of a violation involving the sale, barter, trade, loan, or giving of stone crab trap certificates or trap tags without authorization from the Commission (subsection 68B-13.011(8), F.A.C.) as follows: (a) For a first conviction: 2. Involving 6 or more stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for the remainder of the fishing season."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, but a licenseeholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension.	This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.
68B-13.012(3)(b), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(3) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S., for conviction of a violation involving the sale, barter, trade, loan, or giving of stone crab trap certificates or trap tags without authorization from the Commission (subsection 68B-13.011(8), F.A.C.) as follows: (b) For a second conviction occurring within 24 months of a previous such violation: 1. Involving 5 or fewer stone crab trap certificates or trap tags – \$1000 and suspension of the stone crab endorsement for 12 calendar months; 2. Involving 6 or more stone crab trap certificates or trap tags – \$2000 and suspension of the stone crab endorsement for 12 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st violation and all subsequent violations.	No alternative is suggested, but a licenseeholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension.	This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.

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<p>68B-13.012(3)(c), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(3) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S., for conviction of a violation involving the sale, barter, trade, loan, or giving of stone crab trap certificates or trap tags without authorization from the Commission (subsection 68B-13.011(8), F.A.C.) as follows: (c) For a third conviction occurring within 36 months of two previous such violations: 1. Involving 5 or fewer stone crab trap certificates or trap tags – \$3000 and suspension of the stone crab endorsement for 24 calendar months; 2. Involving 6 or more stone crab trap certificates or trap tags – \$5000 and suspension of the stone crab endorsement for 24 calendar months."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st violation and all subsequent violations.</p>	<p>No alternative is suggested, but a licenseholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension.</p>	<p>This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.</p>
<p>68B-13.012(3)(d), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(3) It shall be the policy of the Commission to assess administrative penalties pursuant to Section 379.365(2)(a) and (c), F.S., for conviction of a violation involving the sale, barter, trade, loan, or giving of stone crab trap certificates or trap tags without authorization from the Commission (subsection 68B-13.011(8), F.A.C.) as follows: (d) For a fourth conviction occurring within 48 months of three previous such violations, regardless of the number of stone crab trap tags involved, permanent revocation of the saltwater products license, all endorsements and associated fishing privileges."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st violation and all subsequent violations.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	<p>This rule implements the authority established in ss. 379.365(2)(a) and (c), F.S.</p>
<p>68B-13.012(4), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(4) It shall be the policy of the Commission to assess an administrative penalty pursuant to Section 379.365(2)(d), F.S., for conviction of a violation involving fraudulently reporting the actual value of stone crab trap certificates on the Commission's trap certificate transfer form (subsection 68B-13.011(10), F.A.C.) as follows: (a) If the difference between the actual value and the reported value of the trap certificate(s) is less than 25% of the actual value – suspension of the purchaser's stone crab endorsement for six calendar months. (b) If the difference between the actual value and the reported value of the trap certificate(s) is between 25% and 49.9% of the actual value – suspension of the purchaser's stone crab endorsement for 12 calendar months and a fine in the amount equal to the original surcharge owed the Commission. (c) If the difference between the actual value and the reported value of the trap certificate(s) is equal to or greater than 50% of the actual value – permanent revocation of the purchaser's stone crab endorsement and a fine in an amount equal to twice the original surcharge owed the Commission."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, but a licenseholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension.</p>	<p>This rule implements the authority established in s. 379.365(2)(d), F.S.</p>

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<p>68B-13.012(5), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(5) It shall be the policy of the Commission to assess an administrative penalty pursuant to Section 379.365(2)(c), F.S., for conviction of a violation involving the willful molestation of a stone crab trap, trap line or buoy without permission of that license holder (subsection 68B-13.011(4), F.A.C.) as follows: (a) For a first conviction – \$2500 and suspension of the stone crab endorsement or incidental take endorsement for 12 calendar months; (b) For a second and each of all subsequent such convictions – \$5000 and suspension of the stone crab or incidental take endorsement for 24 calendar months."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. The penalty is also explained on commission signage regarding tampering or theft of traps placed at boat ramps and other public places, and is explained in recreational and commercial saltwater fishing regulations publications.</p>	<p>No alternative is suggested, but a licenseholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of suspension. All statutes/rules that relate to the theft of saltwater products from licensed trap fishermen are intentionally strict. This is to prevent people from stealing products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.</p>	<p>This rule implements the authority established in s. 379.365(2)(c), F.S.</p>
<p>68B-13.012(6), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(6) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and permanently revoke all saltwater products license privileges, including all saltwater products licenses, permits, endorsements and trap certificates pursuant to Section 379.365(2)(b), F.S., for conviction of a violation involving theft of trap contents (subsection 68B-13.011(3), F.A.C.)."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. The penalty is also explained on commission signage regarding tampering or theft of traps placed at boat ramps and other public places, and is explained in recreational and commercial saltwater fishing regulations publications.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. All statutes/rules that relate to the theft of saltwater products from licensed trap fishermen are intentionally strict. This is to prevent people from stealing the products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.</p>	<p>This rule implements the authority established in s. 379.365(2)(b), F.S.</p>
<p>68B-13.012(7), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(7) It shall be the policy of the Commission to assess an administrative penalty of \$5000 and suspend the applicable endorsement pursuant to Section 379.365(2)(c)1., F.S., for conviction of a violation involving commercial harvest of stone crabs during the time period when that person's stone crab endorsement or incidental take endorsement is under suspension."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. The penalty is also explained in all administrative letters sent to licensees regarding suspension or revocation of stone crab or incidental take endorsements.</p>	<p>No alternative is suggested, but a licenseholder subject to the suspension of a stone crab endorsement could commercially harvest stone crab under the stone crab endorsement issued on a vessel saltwater products license issued to another harvester during the period of his/her suspension.</p>	<p>This rule implements the authority established in s. 379.265(2)(c)1, F.S.</p>

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68B-35.005(1)(c), F.A.C. - Pompano Endorsement Regulations	"(1) POMPANO ENDORSEMENT – No person shall be issued a pompano endorsement on their saltwater products license without first meeting each of the following criteria: (c) No applicant shall receive a pompano endorsement who, in the previous three license years, has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 379.2423 or 379.2422, F.S., or subsection 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . These restrictions are also specified on the Pompano Endorsement application form.	No alternative is suggested, but a licenseholder may exercise privileges granted by a pompano endorsement during his/her disqualification period if he/she harvests under a pompano endorsement issued on a vessel saltwater products license issued to another harvester.	
68B-45.008(1)(b), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	"(1) For conviction of a violation involving use of blue crab traps without current year trap tags pursuant to paragraph 68B-45.007(7)(b), F.A.C., the Commission shall assess administrative penalties pursuant to Section 379.366(4)(a), F.S., as follows: (b) For a second violation occurring within 24 months of any previous such violation: 1. Involving 5 or fewer untagged blue crab traps – \$50 per untagged trap; 2. Involving 6 to 20 untagged blue crab traps – \$75 per untagged trap and suspension of all blue crab fishing privileges for 12 calendar months; 3. Involving 21 or more untagged blue crab traps – \$2000 and suspension of blue crab fishing privileges for 12 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, the possible penalties are explained in the administrative letter sent to the licensee when convicted of a 1st and subsequent violations involving untagged blue crab traps.	No alternatives are suggested. A licenseholder could continue to harvest saltwater products other than blue crab during the period of suspension.	This rule implements the authority established in s. 379.366(4)(a), F.S.
68B-45.008(1)(c), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	"(1) For conviction of a violation involving use of blue crab traps without current year trap tags pursuant to paragraph 68B-45.007(7)(b), F.A.C., the Commission shall assess administrative penalties pursuant to Section 379.366(4)(a), F.S., as follows: (c) For a third violation occurring within 36 months of two previous such violations: 1. Involving 5 or fewer untagged blue crab traps – \$100 per untagged trap and suspension of all blue crab fishing privileges for 24 calendar months; 2. Involving 6 to 20 untagged blue crab traps – \$2500 and suspension of all blue crab fishing privileges for 24 calendar months; 3. Involving 21 or more untagged blue crab traps – \$5000 and suspension of all blue crab fishing privileges for 24 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: ( <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> ). Additionally, the possible penalties are explained in the administrative letter sent to the licensee when convicted of a 1st and subsequent violations involving untagged blue crab traps.	No alternatives are suggested. A licenseholder could continue to harvest saltwater products other than blue crab during the period of suspension.	This rule implements the authority established in s. 379.366(4)(a), F.S.
68B-45.008(1)(d), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	"(1) For conviction of a violation involving use of blue crab traps without current year trap tags pursuant to paragraph 68B-45.007(7)(b), F.A.C., the Commission shall assess administrative penalties pursuant to Section 379.366(4)(a), F.S., as follows: (d) For a fourth violation occurring within 48 months of three previous such violations, regardless of the number of untagged blue crab traps involved – permanent revocation of all saltwater fishing privileges, including the endorsement holder's saltwater products license, and all endorsements."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, the possible penalties are explained in the administrative letter sent to the licensee when convicted of a 1st and subsequent violations involving untagged blue crab traps.	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.	This rule implements the authority established in s. 379.366(4)(a), F.S.

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<p>68B-45.008(2), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management</p>	<p>"(2) For conviction of a violation involving trap theft, which is the unauthorized possession of another harvester's blue crab trap gear or removal of another harvester's blue crab trap contents, the Commission shall assess an administrative penalty of \$5000, permanently revoke all saltwater fishing privileges, including all saltwater products licenses, endorsements, and trap tags allotted to him or her by the Commission, and prohibit the transfer of all endorsements pursuant to Section 379.366(4)(b), F.S."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. The penalty is also explained on Commission signage regarding tampering or theft of traps placed at boat ramps and other public places, and is explained in recreational and commercial saltwater fishing regulations publications.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. All statutes/rules that relate to the theft of saltwater products from licensed trap fishermen are intentionally strict. This is to prevent people from stealing the products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.</p>	<p>This rule implements the authority established in s. 379.366(4)(b), F.S.</p>
<p>68B-45.008(3), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management</p>	<p>"(3) For conviction of a violation involving the willful molestation of a blue crab trap, trap line or buoy that is the property of any licenseholder without the permission of that licenseholder, the Commission shall assess an administrative penalty pursuant to Section 379.366(4)(c), F.S., as follows: (a) For a first violation – \$2500 and suspension of all blue crab or incidental take endorsements for 12 calendar months. (b) For a second and each of all subsequent such violations – \$5000 and suspension of all blue crab or incidental take endorsements for 24 calendar months."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, but a licenseholder could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension. All statutes/rules that relate to the theft of saltwater products from licensed trap fishermen are intentionally strict. This is to prevent people from stealing the products from licensed fishermen. Licensed fishermen leave their fishing devices unattended, so there must be a strong deterrent from theft to insure that they go unmolested.</p>	<p>This rule implements the authority established in s. 379.366(4)(c), F.S.</p>
<p>68B-45.008(4)(a)2, F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management</p>	<p>"(4) For conviction of a violation involving the bartering, trading, leasing, selling, giving, supplying, conspiracy to or aid in bartering, trading, leasing or selling, or agreeing or aiding to supply a blue crab trap tag without authorization from the Commission, the Commission shall assess administrative penalties pursuant to Section 379.366(4)(c), F.S., as follows: (a) For a first violation: 2. Involving 6 or more blue crab trap tags – \$1000 and suspension of all blue crab endorsements for the remainder of the license year."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, but a licenseholder could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.</p>	<p>This rule implements the authority established in s. 379.366(4)(c), F.S.</p>

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<p>68B-45.008(4)(b), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management</p>	<p>"(4) For conviction of a violation involving the bartering, trading, leasing, selling, giving, supplying, conspiracy to or aid in bartering, trading, leasing or selling, or agreeing or aiding to supply a blue crab trap tag without authorization from the Commission, the Commission shall assess administrative penalties pursuant to Section 379.366(4)(c), F.S., as follows: (b) For a second violation occurring within 24 months of any previous such violation: 1. Involving 5 or fewer blue crab trap tags – \$1000 and suspension of all blue crab endorsements for 12 calendar months; 2. Involving 6 or more blue crab trap tags – \$2000 and suspension of all blue crab endorsements for 12 calendar months."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violations.</p>	<p>No alternative is suggested, but a licenseholder could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.</p>	<p>This rule implements the authority established in s. 379.366(4)(c), F.S.</p>
<p>68B-45.008(4)(c), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management</p>	<p>"(4) For conviction of a violation involving the bartering, trading, leasing, selling, giving, supplying, conspiracy to or aid in bartering, trading, leasing or selling, or agreeing or aiding to supply a blue crab trap tag without authorization from the Commission, the Commission shall assess administrative penalties pursuant to Section 379.366(4)(c), F.S., as follows: (c) For a third and each subsequent violation occurring within 36 months of two previous such violations: 1. Involving 5 or fewer blue crab trap tags – \$3000 and suspension of all blue crab endorsements for 24 calendar months; 2. Involving 6 or more blue crab trap tags – \$5000 and suspension of all blue crab endorsements for 24 calendar months."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, future penalties are explained in the administrative letter sent to the licensee when he or she is convicted of a 1st and subsequent violations.</p>	<p>No alternative is suggested, but a licenseholder could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.</p>	<p>This rule implements the authority established in s. 379.366(4)(c), F.S.</p>
<p>68B-45.008(5)(b), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management</p>	<p>"(5) For conviction of a violation involving the possession or use of any blue crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of blue crab trap tags, the Commission shall assess administrative penalties pursuant to Section 379.366(4)(c), F.S., as follows: (b) For a second violation occurring within 24 months of a previous such violation: 1. Involving 10 or fewer illegal blue crab trap tags – \$1000 and suspension of all blue crab endorsements for 12 calendar months; 2. Involving 11 or more illegal blue crab trap tags – \$2000 and suspension of all blue crab endorsements for 12 calendar months."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website on a page titled "Rules/Regulations" (<a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>). Additionally, future penalties are explained in the administrative letter sent to the licensee after he/she is convicted of their 1st and subsequent violations.</p>	<p>No alternative is suggested, but a licenseholder could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.</p>	<p>This rule implements the authority established in s. 379.366(4)(c), F.S.</p>

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68B-45.008(5)(c), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	"(5) For conviction of a violation involving the possession or use of any blue crab trap tags not issued by the Commission or the unlawful making, altering, forging, counterfeiting or reproducing of blue crab trap tags, the Commission shall assess administrative penalties pursuant to Section 379.366(4)(c), F.S., as follows: (c) For a third and each subsequent violation occurring within 36 months of two previous such violations: 1. Involving 5 or fewer illegal blue crab trap tags – \$3000 and suspension of all blue crab endorsements for 24 calendar months; 2. Involving 6 or more illegal blue crab trap tags – \$5000 and suspension of all blue crab endorsements for 24 calendar months."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee after he/she is convicted of their 1st and subsequent violations.	No alternative is suggested, but a licensee could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.	This rule implements the authority established in s. 379.366(4)(c), F.S.
68B-45.008(6), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	"(6) For conviction of a violation involving the possession of a number of original trap tags or replacement tags, the sum of which exceeds by one percent the number of traps allowed by Commission rules, the Commission shall assess an administrative penalty of \$5000, and suspend all blue crab endorsements for 24 months pursuant to Section 379.366(4)(c), F.S."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, but a licensee could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.	This rule implements the authority established in s. 379.366(4)(c), F.S.
68B-45.008(7), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	"(7) For conviction of a violation involving the commercial harvest of blue crabs during the time period when the license holder's blue crab or incidental take endorsements are under suspension, the Commission shall assess an administrative penalty of \$5000 and suspend all blue crab or incidental take endorsements for an additional 24 months to be applied consecutively to the current suspension period pursuant to Section 379.366(4)(c), F.S."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, this rule is explained in all administrative letters sent to licensees regarding suspension or revocation of blue crab or incidental take endorsements.	No alternative is suggested, but a licensee could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.	This rule implements the authority established in s. 379.366(4)(c), F.S.
68B-45.008(8), F.A.C. - Assessment of Administrative Penalties for Violations Relating to Blue Crab Management	"(8) For conviction of a violation involving fraudulently reporting the actual value of a transferred blue crab endorsement, the Commission shall assess an administrative penalty pursuant to Section 379.366(4)(d), F.S., as follows: (a) If the difference between the actual value and the reported value of the endorsement is less than 25% of the actual value – suspension of the purchaser's blue crab endorsements for six calendar months. (b) If the difference between the actual value and the reported value of the endorsement is between 25% and 49.9% of the actual value – suspension of all the purchaser's blue crab endorsements for 12 calendar months. (c) If the difference between the actual value and the reported value of the endorsement is equal to or greater than 50% of the actual value – permanent revocation of all the purchaser's blue crab endorsements."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, but a licensee could continue to harvest saltwater products other than blue crab during the period of his/her suspension, or could continue to harvest blue crabs under a blue crab endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.	This rule implements the authority established in s. 379.366(4)(d), F.S.

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<p>68B-8.003(1), F.A.C. - General Conditions and Restrictions</p>	<p>"(1) ELIGIBILITY. (a) A SAL [Special Activity License] or FMSEA Certification will not be issued to a person and no person shall conduct activities under a SAL if, during the 36-month period prior to the application or activity, that person has been charged with a violation of a rule in Title 68, F.A.C.; Chapter 370, 372 or 379, F.S.; or 50 CFR Parts 622, 635, 640, 648, 654, 660, or 679 unless that person has received a final disposition of acquittal or dismissal of such charged violation. (b) A Stock Collection and Release SAL, an Aquaculture Broodstock Collection SAL, or a Snook SAL will not be issued to a person and no person shall conduct activities under such SAL, if that person has been charged with a violation of a provision of Section 597.004, F.S., or Chapter 5L-3, F.A.C."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, the provision is included on all Special Activity License application forms and is also included in the FMSEA Certification workshop training materials.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct.</p>	
<p>68E-18.010(1)(b), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(1) For a first violation of the referenced regulation, a penalty of up to \$1000 shall be assessed and the crawfish trap number (also known as the crawfish endorsement) issued pursuant to Section 379.3671(2), F.S., may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows: (b) \$1000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged lobster traps."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, however, the licenseholder could continue to harvest saltwater products other than spiny lobster during the suspension of his/her spiny lobster endorsement, or could harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.</p>	<p>This rule implements the authority established in s. 379.3671(2)(c)4, F.S.</p>
<p>68E-18.010(2), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties</p>	<p>"(2) For a second violation of the referenced regulation occurring within 24 months of any previous such violation, an administrative penalty of up to \$2000 shall be assessed and the crawfish endorsement may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows: (a) \$50 per untagged trap for the possession or use of nine (9) or fewer such traps plus suspension of the crawfish endorsement for the remainder of the current license year; (b) \$75 per untagged trap for possession or use of 10 up to and including 20 such traps plus suspension of the crawfish endorsement for the remainder of the current license year; (c) \$2000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged spiny lobster traps."</p>	<p>Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>. Additionally, this rule is explained in the "Notice of Suspension and Administrative Penalty Assessment" letter sent to the licensee after conviction of 1st and subsequent violations.</p>	<p>No alternative is suggested, however, the licenseholder could continue to harvest saltwater products other than spiny lobster during the suspension of his/her spiny lobster endorsement, or could harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.</p>	<p>This rule implements the authority established in s. 379.3671(2)(c)4, F.S.</p>

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68E-18.010(3)(a) and (b), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(3) For a third or subsequent violation within 36 months of any previous two such violations, an administrative penalty of up to \$5000 shall be assessed and the crawfish endorsement may be suspended for up to 24 months or permanently revoked or the Commission may proceed against the saltwater products license pursuant to Section 379.407(2)(e), F.S. The Commission shall assess these penalties as follows: (a) \$100 per untagged spiny lobster trap and suspension of the crawfish endorsement for 12 months for possession or use of one (1) to nine (9) untagged traps; (b) \$250 per untagged spiny lobster trap and suspension of the crawfish endorsement for 24 months for possession or use of 10 to 19 untagged traps"	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> . Additionally, future penalties are explained in the administrative letter sent to the licensee after conviction of 1st and subsequent violations.	No alternative is suggested, however, the licensee could continue to harvest saltwater products other than spiny lobster during the suspension of his/her spiny lobster endorsement, or could harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester during the period of his/her suspension.	This rule implements the authority established in s. 379.3671(2)(c)4, F.S.
68E-18.010(3)(c), F.A.C. - Commission Policy Regarding the Assessment of Administrative Penalties	"(3) For a third or subsequent violation within 36 months of any previous two such violations, an administrative penalty of up to \$5000 shall be assessed and the crawfish endorsement may be suspended for up to 24 months or permanently revoked or the Commission may proceed against the saltwater products license pursuant to Section 379.407(2)(e), F.S. The Commission shall assess these penalties as follows: (c) \$5000 and revocation of the crawfish endorsement and saltwater products license for possession or use of 20 or more untagged spiny lobster traps."	Yes. A link to the Florida Administrative Code is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> ) Additionally, future penalties are explained in the administrative letter sent to the licensee after conviction of 1st and subsequent violations.	No alternative is suggested, but a licensee could continue to harvest spiny lobster under a spiny lobster endorsement on a vessel saltwater products license issued to another harvester.	This rule implements the authority established in s. 379.3671(2)(c)4, F.S.
379.302(4), F.S. - Private game preserves and farms; penalty	"(4) Any person violating this section for the first offense commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent offense commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating this section shall forfeit to the commission any license issued under s. 379.3711; and no further license shall be issued to such person for a period of 1 year following such conviction."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested. Although the applicant is ineligible for license during the specified time period, this requirement would not preclude the individual from working under the guidance of an appropriately licensed entity.	
379.4015(2), F.S. - Captive wildlife penalties	"(2) LEVEL TWO.—Unless otherwise provided by law, the following classifications and penalties apply: (d) Unless otherwise stated in this subsection, a person who commits any offense classified as a Level Two violation within a 5-year period of any two previous convictions of Level Two or higher violations 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 all licenses issued under this chapter related to captive wildlife for 1 year. (e) A person who commits any offense classified as a Level Two violation within a 10-year period of any three previous convictions of Level Two or higher violations 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 all licenses issued under this chapter related to captive wildlife for 3 years."	Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a> .	No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. These enhanced penalties are designed to address repeat offenders who demonstrate a history of failing to comply with the regulations.	

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<p>379.4015(3), F.S. Captive Wildlife Penalties</p>	<p>"(3) LEVEL THREE.—Unless otherwise provided by law, the following classifications and penalties apply: (b)1. A person who commits any offense classified as a Level Three violation and 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 any offense classified as a Level Three violation within a 10-year period of any previous conviction of 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 permanent revocation of all licenses or permits to possess captive wildlife issued under this chapter."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. These enhanced penalties are designed to address repeat offenders who demonstrate a history of failing to comply with the regulations.</p>	
<p>379.4015(5), F.S. Captive Wildlife Penalties</p>	<p>"(5) SUSPENSION OR REVOCATION OF LICENSE.—The court may order the suspension or revocation of any license or permit issued to a person to possess captive wildlife pursuant to this chapter if that person commits a criminal offense or a noncriminal infraction as specified under this section."</p>	<p>Yes. A link to the Florida Statutes is made available on the Commission's website at: <a href="http://myfwc.com/about/rules-regulations">http://myfwc.com/about/rules-regulations</a>.</p>	<p>No alternative is suggested, because this provision is necessary as a deterrent to the prohibited criminal conduct. These enhanced penalties are designed to address repeat offenders who demonstrate a history of failing to comply with the regulations.</p>	

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<p>68A-6.0022(5)(b), F.A.C. - Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements.</p>	<p>"(5) Qualification requirements for a permit to possess Class I or Class II wildlife: All applicants shall qualify for permits as follows: (b) Applicants shall not have been convicted of any violation of captive wildlife regulations or venomous reptile or reptile of concern regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application."</p>	<p>Yes. A link to "Chapter 68A-6 - Captive Wildlife Rules" of the Florida Administrative Code is posted on the Commission website at <a href="http://myfwc.com/wildlifehabitats/captive-wildlife/">http://myfwc.com/wildlifehabitats/captive-wildlife/</a>.</p>	<p>No alternative is suggested. Captive wildlife regulations are designed to be in the best interest of public safety, the wildlife and licensees. Class I wildlife is defined as wildlife which because of its nature, habits, or status, shall not be possessed as a personal pet. Examples include lions, tigers, bears elephants and great apes. Class II wildlife is defined as wildlife considered to present a real or potential threat to human safety. Examples include medium sized monkeys, wolves and bobcats. Class I and Class II wildlife are potentially dangerous animals and ineligibility for a license under these circumstances are in the best interest of public safety. Although the applicant is ineligible for a license during the specified time period, this requirement would not preclude the individual from working under the guidance of an appropriately licensed entity.</p>	
<p>68A-6.007 (2), F.A.C - Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern.</p>	<p>"(2) General qualifications: Applicants for authorization to possess venomous reptiles or reptiles of concern shall: (a) Be at least 18 years old at the time of application. (b) Not have been convicted of any violation of venomous reptile or reptile of concern or captive wildlife regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application."</p>	<p>Yes. A link to "Chapter 68A-6 - Captive Wildlife Rules" of the Florida Administrative Code is posted on the Commission website at <a href="http://myfwc.com/wildlifehabitats/captive-wildlife/">http://myfwc.com/wildlifehabitats/captive-wildlife/</a>.</p>	<p>No alternative is suggested. Captive wildlife regulations are designed to be in the best interest of public safety, the wildlife and licensees. Venomous reptiles are potentially dangerous animals. Ineligibility for a license under these circumstances are in the best interest of public safety. Although the applicant is ineligible for a license during the specified time period, this requirement would not preclude the individual from working under the guidance of an appropriately licensed entity.</p>	