

**Notice of Change to Final Rule**  
**FAC Rule 68-1.010**  
**December 5, 2012**  
**Consent Agenda Item 7**

FISH AND WILDLIFE CONSERVATION COMMISSION

General Provisions

RULE NO.: 68-1.010      RULE TITLE: General Regulations Relating to Licenses, Permits and Other Authorizations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 38, No. 14, 4/6/12, issue of the Florida Administrative Weekly.

68-1.010 General Regulations Relating to Licenses, Permits and Other Authorizations.

(1) Applications for any license, permit or other authorization issued by the Commission shall be denied based upon any of the following grounds:

(a) Submission by the applicant of materially false information in the application or other supporting documentation relating to the license, permit, or other authorization.

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

(2) Applications for any license, permit or other authorization issued by the Commission shall, when the factors enumerated in subsection (5) warrant denial, ~~may~~ be denied based upon any of the following grounds:

(a) Applicant has received an adjudication other than acquittal or dismissal of any provision of Chapter 379, F.S., or rules of the Commission, or similar laws or rules in another jurisdiction that relate to the subject matter of the application sought.

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

(c) Failure by the applicant to comply with the provisions of subsection (3) in any previously issued license, permit or other authorization.

~~In determining whether denial is appropriate based on the grounds listed in paragraphs (2)(a) - (c), the Commission shall consider the factors enumerated in subsection (5) hereof.~~

(3) Those persons issued any license, permit or other authorization by the Commission shall:

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

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

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

(d) Fully comply with the conditions set forth for operations under a license, permit or other authorization.

(e) Fully comply with Chapter 379, F.S., and rules of the Commission.

(4) When a person issued any license, permit or other authorization by the Commission fails ~~Failure~~ to comply with any of the provisions of subsection (3), the Commission shall suspend, revoke, or deny a request for ~~may result in the suspension, revocation or non-renewal of any~~ license, permit or other authorization based on the factors in subsection (5) below. In addition,

the Commission ~~shall~~ may, subject to consideration of the factors listed in subsection (5) hereof, suspend, revoke, or deny renewal of any license, permit or other authorization issued by the Commission if the licensee or permittee defaults on his appearance bond, or receives a disposition other than dismissal or acquittal of a violation of Chapter 379, F.S., or the rules of the Commission, or if such violation is disposed of under Section 921.187, F.S., regardless of adjudication. A plea of nolo contendere shall be considered a violation for purposes of disciplinary action imposed under Chapter 379, F.S., and the rules of the Commission.

(5) Except for the denial of an application pursuant to subsection (1), the following factors shall be considered by the Commission in determining whether to deny, suspend, revoke or deny renewal of any license, permit or other authorization:

- (a) The severity of the conduct;
- (b) The danger to the public created or occasioned by the conduct;
- (c) The existence of prior violations of Chapter 379, F.S., or the rules of the Commission;
- (d) The length of time a licensee or permittee has been licensed or permitted;
- (e) The effect of denial, suspension, revocation or non-renewal upon the applicant, licensee, or permittee's existing livelihood;
- (f) Attempts by the applicant, licensee or permittee to correct or prevent violations, or the refusal or failure of the applicant, licensee or permittee to take reasonable measures to correct or prevent violations;
- (g) Related violations by an applicant, licensee or permittee in another jurisdiction;
- (h) The deterrent effect of denial, suspension, revocation or non-renewal;
- (i) Any other mitigating or aggravating factors that reasonably relate to public safety and welfare or the management and protection of natural resources for which the Commission is responsible.

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

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.1025 FS, 379.361 FS, 379.362 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.408 FS. History--New \_\_\_\_\_.