

PENALTY CONSISTENCY FOR RECREATIONAL LICENSES

The Commission is proposing a two-phased plan that would (1) improve consistency among penalties for similar kinds of violations and (2) provide increased penalties for egregious violations and repeat offenders.

In Phase 1, the Commission, with the guidance of stakeholders groups, proposed bill language for the 2005 Legislative Session that would increase penalties for repeated violations of regulations pertaining to (1) dog hunting and (2) hunting with a suspended or revoked hunting license.

In Phase 2, the Commission is proposing to address penalties for all recreational hunting, fishing and boating regulations. The approach proposed for Phase 2 seeks to group similar types of regulations and recommend consistent penalties for each group. Completion of Phase 2 would result in a proposed bill submitted for consideration in the 2006 Legislative Session.

At this point, we are proposing six groupings of regulations:

1. Recreational licenses and permits
2. Fishing/hunting gear and equipment
3. Fishing/hunting size and bag limits
4. Closed seasons and hours
5. State-managed areas
6. Boating

Penalties would vary, depending on the violation, from a non-criminal infraction to a third-degree felony. Felony penalties are proposed only for the most serious violations, targeting egregious violations and repeat offenders.

Initiation of Phase 2 is timely because it coincides with the Legislature's interim project to combine Chapter 370 and 372, F.S., and place all recreational fish, wildlife and boating penalties in one part of the statutes.

An action team was formed in February to begin work on this project. Members include Colonel Julie Jones (LE), Mark Robson (DMF), Darrell Scovell (DFF), Nick Wiley (HGM), Charlie Shelfer

(Legal), and Jackie Fauls (LAO). Following is a proposed timeline for Phase 2:

March: Develop the scope of work, violation categories, list of affected stakeholders, and list of current violations and their penalties.

April: Research the proposed penalty matrix to make sure all current penalties are included. Propose repeal of unneeded sections of F.S. 370 and 372 due to consolidations into new matrix. Communicate with potential stakeholders to develop a stakeholder group for each subject matter area.

Present a proposed plan for the penalty matrix and stakeholder coordination at April Commission Meeting.

May to November: Complete stakeholder surveys and hold meetings to develop consistency among penalties for similar violations; keep Commission and legislative staff involved.

July: Present status report on penalty matrix at the Commission meeting on legislative and budget issues.

November: Present the proposal to the Commission.

December–January: Draft legislative language; send to stakeholders for review/comment; brief Commission and legislative staff, and include stakeholder comments.

March 2006: Session begins