

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FILED

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IN RE: :
:
MODIFICATION OF FORFEITURE :
OF COLLATERAL SCHEDULE :
COVERING LAWS AND :
REGULATIONS ENFORCED BY THE :
UNITED STATES DEPARTMENT OF :
AGRICULTURE, FOREST SERVICE, IN :
THE MIDDLE DISTRICT OF FLORIDA :

6-06-MC-32

Misc. No.: _____

ORDER

THIS CAUSE comes before the Court upon the Government's Application for Court Order to modify the Forfeiture of Collateral Schedule for laws and regulations enforced by the United States Department of Agriculture, Forest Service.

This Order supersedes all earlier Orders establishing in the Middle District of Florida a plan known as the Forfeiture of Collateral System for the Department of Agriculture, Forest Service. From the date of this Order all forfeitures of collateral on petty offenses shall be handled in accordance with the schedule attached to this Order.

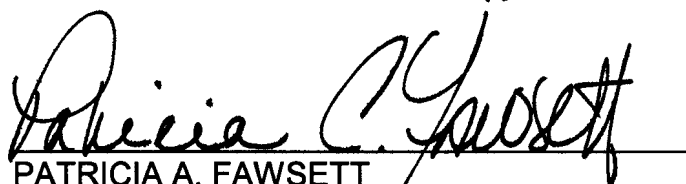
Under this plan, collateral may be posted in lieu of the personal appearance of a person charged with certain petty offenses under the laws and/or regulations of the United States. Upon the failure of the person charged with a petty offense violation to appear before the United States Magistrate Judge for trial of the offense, collateral in the appropriate amount, as shown on the attached schedule, shall be forfeited to the United States and serve as the fine for said offense. The posting of collateral shall

signify that the person does not contest the charge or request a hearing. Forfeiture of collateral shall constitute an admission of guilt.

Nothing herein shall prohibit a United States Magistrate Judge, or law enforcement officer, from requiring the personal appearance of the person accused before the Magistrate Judge, whether the offense to be charged appears in the schedule or does not appear.

Offenses for which collateral may be posted in lieu of appearance and the amount of said collateral shall be as shown on the schedule of violations and fines attached hereto.

DONE and ORDERED at Orlando, Florida, this 19th day of April, 2006.


PATRICIA A. FAWSETT
Chief United States District Judge

Copies to:

All United States Magistrate Judges
Middle District of Florida

Ashley B. Moody, AUSA
Tampa Division

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

IN RE:

MODIFICATION OF FORFEITURE
OF COLLATERAL SCHEDULE
COVERING LAWS AND
REGULATIONS ENFORCED BY THE
UNITED STATES, DEPARTMENT OF
AGRICULTURE, FOREST SERVICE, IN
THE MIDDLE DISTRICT OF FLORIDA

6-06-MC-32-ORL

Misc. No.: _____

**APPLICATION FOR ORDER MODIFYING THE EXISTING
FORFEITURE OF COLLATERAL SCHEDULE FOR
LAWS AND REGULATIONS ENFORCED BY THE
UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE**

The United States of America, by and through the undersigned Assistant United States Attorney, and pursuant to Middle District of Florida Local Rules 6.03, moves this Court to issue the attached Order modifying the Court's Forfeiture of Collateral Schedule for laws and regulations enforced by the United States Department of Agriculture, Forest Service.

WHEREFORE, the United States respectfully requests that this application be granted and the attached Order be issued.

Respectfully submitted,

PAUL I. PEREZ
Assistant United States Attorney

By: *Ashley Moody*
ASHLEY B. MOODY

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**SECTION VII
U.S. Forest Service Regulations
Subpart A and B**

PREFATORY NOTE: Nothing herein shall preclude the Issuing Officer's prerogative to make any offense a mandatory court appearance ("M.C.A."), should circumstances warrant.

Subpart A: General Prohibitions

Section	Offenses	Collateral
36 C.F.R. Section No.		

**INTERFERING WITH FOREST OFFICER
36 CFR 261.3**

261.3(a)	Threatening, resisting, intimidating, or interfering with any forest officer.....	\$300.00
261.3(b)	Giving any false, fictitious, or fraudulent report or other information to forest officer knowing that such report is false.....	\$150.00
261.3(c)	Threatening, intimidating, or intentionally interfering with any forest officer, volunteer, or enrollee.....	\$300.00

**DISORDERLY CONDUCT
36 CFR 261.4**

261.4(a)	Engaging in fighting.....	\$250.00
261.4(b)	Addressing offensive, derisive, or annoying communication.....	\$150.00
261.4(c)	Making statements or actions likely to incite lawless action.....	\$150.00
261.4(d)	Making unreasonable noise.....	\$100.00

FIRE
36 CFR 261.5

261.5(a)	Negligently throwing or placing burning, ignited, or other substance into National Forest where it might start a fire.....	\$500.00
261.5(b)	Firing a tracer or incendiary ammunition.....	\$100.00
261.5(c)	Causing timber, trees, brush, or grass to burn except as authorized by permit.....	\$500.00
261.5(d)	Leaving a fire without extinguishing it.....	\$100.00
261.5(e)	Allowing fire to escape from control.....	\$200.00
261.5(f)	Failure to remove all flammable materials around campfires.....	\$ 50.00

TIMBER
36 CFR 261.6

261.6(a)	Cutting or damaging timber not authorized by permit or contract.....	\$150.00
261.6(b)	Cutting standing tree without authorization.....	\$250.00
261.6(c)	Removing any timber or other forest product cut under permit or timber sale contract.....	\$250.00
261.6(d)	Fraudulently marking timber for cutting or removal.....	\$250.00
261.6(e)	Removing undesignated timber or forest product under contract or permit.....	\$250.00
261.6(f)	Selling or exchanging trees, timber, or forest products obtained under free use permit.....	\$100.00
261.6(g)	Violating export or substitution restrictions in 36 CFR 223.10 through 223.164.....	\$250.00
261.6(h)	Removing any timber, tree, or other forest product without a permit, contract, or other legal authorization.....	\$250.00

261.6(i) Violating the Forest Resources
Conservation and Shortage Relief Act..... M.C.A.

LIVESTOCK
36 CFR 261.7

261.7(a) Unauthorized livestock..... \$150.00

261.7(b) Failure to remove livestock
when requested..... \$250.00

261.7(c) Failure to close gates..... \$100.00

261.7(d) Molesting, injuring, removing, or
releasing any livestock impounded
under 36 CFR 262.10 while in custody
of the Forest Service..... \$200.00

FISH AND WILDLIFE
36 CFR 261.8

The following are prohibited to the extent Federal or State law is violated:

261.8(a) Hunting, trapping, fishing, molesting
killing or having in possession any
kind of wild animal, bird or fish, or
taking the eggs of any such bird:

Failure to carry and display
license when requested..... \$ 75.00

Fishing without a License..... \$100.00

Hunting without a license..... \$150.00

Destroy or molest eggs, nest, young..... \$250.00

Exceeding bag/creel limit
First animal, bird, or fish..... \$175.00
Each additional..... \$ 50.00

Shooting from vehicle or roadway..... \$250.00

Taking fish unlawfully..... \$150.00

Taking game or fish during
closed season..... \$250.00

Hunting over bait..... \$150.00

Possessing wild animal, bird or fish
during closed season..... \$500.00

Making false statements or altering,
 borrowing, or lending license..... \$150.00

Killing male deer with less than 5
 inch antlers..... \$250.00

Killing deer by spotlighting..... \$500.00

Killing deer out of season..... \$500.00

Employment of light where deer
 frequent with weapon in possession..... \$250.00

Killing antlerless deer..... \$500.00

Killing turkey during closed
 season..... \$500.00

Violation of hunting and fishing
 regulations not set forth
 specifically herein..... \$150.00

261.8(b) Possessing unlawful weapon..... \$100.00

261.8(c) Possessing equipment which could
 be used for hunting, fishing, or
 trapping in a closed area..... \$100.00

261.8(d) Possessing a dog not on a leash
 or otherwise confined..... \$ 75.00

261.8(e) Curtailing free movement of animal
 or plant in a cave..... \$100.00

PROPERTY
36 CFR 261.9

261.9(a) Damaging any natural feature or other
 property..... \$250.00

261.9(b) Removing natural feature or property..... \$150.00

261.9(c) Damaging any classified plant..... \$250.00

261.9(d) Removing any classified plant..... \$250.00

261.9(e) Unauthorized entry into building..... \$100.00

261.9(f) Using any pesticide except for personal
 use as an insect repellent or as provided
 by special-use authorization..... \$150.00

261.9(g)	Digging in, excavating, disturbing, or in anyway damaging paleontological or historic sites.....	M.C.A.
261.9(h)	Removing any paleontological, pre-historic, historic, or archaeological resource, structure, site, artifact, or property.....	M.C.A.
261.9(i)	Excavating, damaging, or removing any vertebrate fossil or any paleontological resource.....	M.C.A.
261.9(j)	Excavating, damaging, or removing any cave resource without a special use permit.....	M.C.A.

OCCUPANCY AND USE
36 CFR 261.10

261.10(a)	Placing or maintaining road, trail, fence, etc. without permit.....	\$500.00
261.10(b)	Occupying National Forest Land for residence without permit.....	\$150.00
261.10(c)	Unauthorized commercial activity.....	\$150.00
261.10(d)	Discharging firearms or other implement.....	\$150.00
261.10(e)	Abandoning any personal property.....	\$150.00
261.10(f)	Placing vehicle or other object so as to impede or cause a safety hazard.....	\$100.00
261.10(g)	Commercial distribution of printed material without a permit.....	\$ 50.00
261.10(h)	When distributing commercial material, obstructing use of area, misrepresenting the purposes or affiliation, or misrepresenting the availability of the material without cost.....	\$250.00
261.10(i)	Operating devices which produce noise so as to unreasonably disturb any person.....	\$100.00
261.10(j)	Operating public address system without a permit.....	\$100.00
261.10(k)	Conducting meeting, assembly, or special event without a permit.....	\$250.00

261.10(l)	Violating any term or condition of a special-use authorization, contract, or approved operating plan.....	\$250.00
261.10(m)	Failing to stop a vehicle when directed to do so by a Forest Officer.....	\$250.00
261.10(n)	Failing to pay any special use fee or other charges as required.....	\$100.00
216.10(o)	Discharging or igniting firecrackers, rockets, or other fireworks or explosives into or within a cave.....	\$150.00

**SANITATION
36 CFR 261.11**

261.11(a)	Depositing in any toilet or plumbing structures anything that may cause damage.....	\$150.00
261.11(b)	Possessing or leaving debris in exposed or unsanitary condition.....	\$150.00
261.11(c)	Placing substance in or near lake or stream.....	\$300.00
261.11(d)	Failure to remove or deposit debris in proper receptacles.....	\$150.00
261.11(e)	Illegal dumping of refuse.....	\$300.00

**NATIONAL FOREST SYSTEM ROADS & TRAILS
36 CFR 261.12**

261.12(a)	Violation of load, weight, height, etc., on Forest Service Roads or trails.....	\$100.00
261.12(b)	Failure to have vehicle weighed.....	\$100.00
261.12(c)	Damaging or leaving in damaging condition roads or trails.....	\$100.00
261.12(d)	Blocking or restricting the use of roads or trails.....	\$ 75.00

**MOTOR VEHICLE USE
36 CFR 261.13**

261.13 Possess or operate a motor vehicle on National Forest System lands where prohibited..... \$150.00

**USE BY OVER-SNOW VEHICLES
36 CFR 261.14**

261.14 Possess or operate an over-snow vehicle on National Forest System lands where prohibited..... \$150.00

**USE OF VEHICLES OFF ROADS
36 CFR 261.15**

261.15(a) Operating vehicle without a proper license as required by State law
 Vehicle License..... \$150.00
 Driver's License..... \$150.00

261.15(b) Operating vehicle without proper brakes..... \$ 50.00

261.15(c) Operating a vehicle without proper lights during night hours..... \$ 50.00

261.15(d) Operating a vehicle in violation of the noise emission standards..... \$ 50.00

261.15(e) Operating a vehicle while under the influence of alcohol or drugs..... M.C.A.

261.15(f) Creating unusual smoke from vehicle..... \$ 50.00

261.15(g) Operating a vehicle in a careless and reckless manner..... \$150.00

261.15(h) Operating a vehicle in a manner that unreasonably disturbs the land, wildlife, or vegetative resources (i.e., bogging)..... \$500.00
 Repeat or aggravated violations..... M.C.A.

261.15(i) In violation of State law established for vehicles used off roads..... \$100.00

**DEVELOPED RECREATION SITES
36 CFR 261.16**

261.16(a)	Occupying campsite for other than recreation purposes.....	\$100.00
261.16(b)	Building fires outside of places built for fires.....	\$ 75.00
261.16(c)	Improper use of water faucets.....	\$ 30.00
261.16(d)	Discharging fireworks, etc.....	\$ 50.00
261.16(e)	Occupying a day use area from 10:00 PM to 6:00 AM.....	\$ 50.00
261.16(f)	Failure to remove all equipment from site after vacating area or site.....	\$ 50.00
261.16(g)	Placing or using camping equipment in unauthorized areas.....	\$ 50.00
261.16(h)	Failure to have at least one person occupy area the first night w/out permission.....	\$ 50.00
261.16(i)	Leaving camping equipment unattended for more than 24 hours w/out permission.....	\$ 50.00
261.16(j)	Failure to have animals on leash or under restrictive control.....	\$ 75.00
261.16(k)	Having animals in swimming area.....	\$ 25.00
261.16(l)	Bringing saddle animals in area unless authorized.....	\$ 50.00
261.16(m)	Operating or parking vehicle in unauthorized area.....	\$ 75.00
261.16(n)	Operating bikes or motorbikes on unauthorized trails.....	\$ 75.00
261.16(o)	Operating motor vehicles or motor-bikes, except for entering or leaving area.....	\$ 50.00
261.16(p)	Failure to deposit body waste in proper facilities.....	\$100.00

RECREATION FEES
36 CFR 261.17

261.17 Failure to pay the established fee
for use of an area..... \$ 50.00
(Note: maximum fine is \$100 per regulation)

NATIONAL FOREST WILDERNESS
36 CFR 261.18

261.18(a) Possessing or using motorized
equipment in a wilderness area..... \$150.00

261.18(b) Possessing or using a hang glider
or bicycle in a wilderness area..... \$100.00

261.18(c) Landing aircraft or dropping
supplies, etc., in wilderness..... \$250.00

[Note: 36 CFR 261.19 through 261.21 not applicable to National Forests in Florida]

UNAUTHORIZED USE OF "SMOKEY BEAR" AND "WOODSY OWL" SYMBOL
36 CFR 261.22

261.22(a) Manufacture, importation, reproduction,
or use of "Smokey Bear" symbol except
as provided by regulation..... M.C.A.

261.22(b) Manufacture, importation, reproduction,
or use of "Woodsy Owl" symbol except
as provided by regulation..... M.C.A.

[Note: 36 CFR 261.23 not applicable to the National Forests in Florida]

Subpart B: Prohibitions in Areas Designated by Order

**FIRE
36 CFR 261.52**

261.52(a)	Building or maintaining unauthorized fires.....	\$100.00
261.52(b)	Using explosives.....	M.C.A.
261.52(c)	Smoking.....	\$ 50.00
261.52(d)	Smoking in unauthorized areas.....	\$ 50.00
261.52(e)	Going in or being in a closed area.....	\$100.00
261.52(f)	Possessing, using, or discharging fireworks.....	\$100.00
261.52(g)	Failure to have fire fighting tools.....	\$ 25.00
261.52(h)	Operating internal combustion engine.....	\$100.00
261.52(i)	Operating equipment with open flames.....	\$ 50.00
261.52(j)	Using engine without spark arrestor in place.....	\$100.00
261.52(k)	Violating any State law specified in the order concerning burning, fires, or which is for the purpose of preventing or restricting the spread of fires.....	\$100.00

**SPECIAL CLOSURES
36 CFR 261.53**

261.53(a)	Entering closed area for the protection of threatened, endangered, rare, etc., plants and animals.....	\$250.00
261.53(b)	Entering special biological communities.....	\$150.00
261.53(c)	Entering areas of historical, archeological interest	\$150.00
261.53(d)	Entering scientific or investigation areas.....	\$150.00
261.53(e)	Entering area closed for public health or safety, or for the protection of property.....	\$150.00

Possession of a Controlled Substance

Marijuana - less than 20 grams..... \$400.00
 Marijuana - more than 20 grams..... M.C.A.
 Possession of Marijuana 2nd offense..... M.C.A.
 Possession of all other controlled
 substances..... M.C.A.

261.53(f) Entering area closed for the
 protection of property..... \$100.00

**NATIOAL FOREST SYSTEM ROADS
 36 CFR 261.54**

264.54(a) Prohibited vehicles on closed
 roads..... \$150.00

261.54(b) Prohibited traffic on closed
 roads..... \$150.00

261.54(c) Using road for commercial hauling
 without permit..... \$150.00

261.54(d) Violation of speed, load, weight,
 height, length, width, or other
 limitations specified by order:

Improper/Expired state registration..... \$150.00
 expired more than 4 months

Improper display of registration/no
 registration receipt/no proof of
 ownership..... \$150.00

No valid operator's license in
 possession/failure to present..... \$ 75.00
 upon request

Using altered/fictitious operator's
 license..... \$250.00

Permitting unlicensed person to drive..... \$150.00

Driving while privilege suspended or
 revoked..... \$350.00

Prior conviction for driving while
 suspended or revoked..... M.C.A.

Lending Operator's license to
 another..... \$150.00

No Valid Drivers License..... \$150.00

Driving without lights when required..... \$ 75.00

Defective/improper front lights.....	\$ 50.00
Defective/improper brake lights.....	\$ 50.00
Permitting unlawful operation of a motor vehicle.....	\$250.00
Failure to use seatbelts.....	\$ 50.00
Failure to obey a traffic control device.....	\$150.00
Improper passing.....	\$150.00
Passing a stopped school bus/ Church bus	\$250.00
Speeding	
1 to 9 MPH over the limit.....	\$ 50.00
10 to 14 MPH over the limit.....	\$125.00
15 to 19 MPH over the limit.....	\$175.00
20 to 29 MPH over the limit.....	\$250.00
30 MPH and above.....	\$350.00
Attempting to elude traffic officer.....	\$500.00
Racing/drag racing.....	\$500.00
ATV (All terrain vehicles) prohibited operations.....	\$150.00
ATV on Public Roadway.....	\$150.00
Illegal parking, impeding traffic.....	\$ 50.00
Illegal parking, where official signs prohibit.....	\$100.00
Illegal parking, in a marked handicapped space/blocking emergency equipment.....	\$150.00
Driving while intoxicated.....	M.C.A.
Leaving the scene of an accident.....	M.C.A.
with injuries.....	M.C.A.
Abandonment of a vehicle/property.....	\$100.00
Failure to yield to an emergency vehicle.....	\$150.00
Failure to maintain insurance on motor vehicle.....	\$100.00
Failure to show proof of insurance.....	\$ 50.00

	Violation or State traffic law regulations not set forth specifically herein.....	\$100.00
261.54 (e)	Being on closed road.....	\$150.00
261.54 (f)	Reckless driving.....	\$250.00

**NATIONAL FOREST SYSTEM TRAILS
36 CFR 261.55**

261.55 (a)	Being on closed trail.....	\$100.00
261.55 (b)	Using bicycle or motorized vehicles on trail.....	\$100.00
261.55 (c)	Possessing or using saddle or pack animals on trail.....	\$ 75.00
261.55 (d)	Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order.....	\$100.00
261.55 (e)	Shortcutting a switchback in trail.....	\$ 50.00

**VEHICLES OFF ROADS
36 CFR 261.56**

261.56	Violation of orders for Off-Road vehicles.....	\$150.00
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**NATIONAL FOREST WILDERNESS
36 CFR 261.57**

261.57 (a)	Entering or being in area.....	\$ 75.00
261.57 (b)	Possessing camping equipment, specified in the order.....	\$ 50.00
261.57 (c)	Possessing firearm or fireworks.....	\$100.00
261.57 (d)	Possessing un-burnable containers except those intended for re-use.....	\$ 50.00
261.57 (e)	Grazing.....	\$ 50.00
261.57 (f)	Storing equipment, personal property or supplies.....	\$ 50.00

261.57(g)	Disposing of debris, garbage, or other waste.....	\$175.00
261.57(h)	Possessing or using bicycle, wagon, cart, or other vehicle.....	\$100.00

OCCUPANCY AND USE
36 CFR 261.58

261.58(a)	Camping for period longer than posted.....	\$150.00
261.58(b)	Entering or using closed site.....	\$ 75.00
261.58(c)	Entering or remaining in campground during established night periods.....	\$ 75.00
261.58(d)	Using prohibited equipment.....	\$ 50.00
261.58(e)	Camping violations.....	\$ 75.00
261.58(f)	More people in site than allowed by order.....	\$ 50.00
261.58(g)	Parking or leaving vehicle in unauthorized area.....	\$ 75.00
261.58(h)	Parking in another's parking area.....	\$ 50.00
261.58(i)	Parking more than two vehicles in camping site.....	\$ 50.00
261.58(j)	Being publicly nude.....	\$150.00
261.58(k)	Being in a closed body of water.....	\$ 50.00
261.58(l)	Being in area after sundown or before sunrise when posted.....	\$ 50.00
261.58(m)	Discharging firearm, air-rifle, or gas gun.....	\$100.00
261.58(n)	Possessing or operating a motor boat or jet boat.....	\$ 50.00
261.58(o)	Water skiing.....	\$ 50.00
261.58(p)	Storing or leaving boat or raft.....	\$ 50.00
261.58(q)	Operating water craft in excess of posted speed.....	\$ 75.00
261.58(r)	Launching boats at unauthorized areas.....	\$ 50.00

261.58(s)	Possessing or transporting birds or animals.....	\$100.00
261.58(t)	Possessing or transporting any part of tree or plant.....	\$350.00
261.58(u)	Being in an area between 10 PM and 6 AM.....	\$ 50.00
261.58(v)	Hunting or fishing.....	\$100.00
261.58(w)	Possessing or transporting any device capable of propelling a watercraft through the water.....	\$ 50.00
261.58(x)	Using wheel, roller or other mechanical device to transport watercraft over land.....	\$ 50.00
261.58(y)	Landing of aircraft or dropping material or persons from aircraft.....	\$250.00
261.58(z)	Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System.....	\$150.00
261.58(aa)	Riding horse in violation of posted instructions.....	\$100.00
261.58(bb)	Possessing a beverage that is defined as an alcoholic beverage by State Law.....	\$150.00
261.58(cc)	Possessing or storing any food or refuse, as specified in the order.....	\$ 50.00
261.58(dd)	(reserved)	
261.58(ee)	Depositing any body waste in caves except in receptacles provided for that purpose.....	\$150.00

MISDEMEANORS UNDER TITLE 18 U.S.C.

§1852	Timber removed or transported.....	M.C.A.
§1853	Trees cut or injured.....	M.C.A.
§1854	Trees boxed or pitched for turpentine.....	M.C.A.
§1856	Fires left unattended and unextinguished.....	M.C.A.
§1857	Fences destroyed; livestock entering.....	M.C.A.
§1858	Survey markers destroyed or removed.....	M.C.A.
§1863	Trespass on closed National Forest lands.....	M.C.A.

M.C.A. - MANDATORY COURT APPEARANCE