

By the Committees on Criminal Justice; and Environment and Natural Resources; and Senator Wright

591-03462-20

2020688c2

1 A bill to be entitled
2 An act relating to the illegal taking, possession, and
3 sale of bears; amending s. 379.401, F.S.; providing
4 that a person commits specified violations for the
5 illegal taking, possession, and sale of bears;
6 creating s. 379.4041, F.S.; prohibiting the illegal
7 taking, possession, and sale of bears; providing an
8 exception; providing penalties; providing an effective
9 date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (a) of subsection (3) and paragraph
14 (a) of subsection (4) of section 379.401, Florida Statutes, are
15 amended to read:

16 379.401 Penalties and violations; civil penalties for
17 noncriminal infractions; criminal penalties; suspension and
18 forfeiture of licenses and permits.—

19 (3) LEVEL THREE VIOLATIONS.—

20 (a) A person commits a Level Three violation if he or she
21 violates any of the following provisions:

22 1. Rules or orders of the commission prohibiting the sale
23 of saltwater fish.

24 2. Rules or orders of the commission prohibiting the
25 illegal importation or possession of exotic marine plants or
26 animals.

27 3. Section 379.28, prohibiting the importation of
28 freshwater fish.

29 4. Section 379.3014, prohibiting the illegal sale or

591-03462-20

2020688c2

30 possession of alligators.

31 5. Section 379.354(17), prohibiting the taking of game,
32 freshwater fish, or saltwater fish while a required license is
33 suspended or revoked.

34 6. Section 379.357(4), prohibiting the sale, transfer, or
35 purchase of tarpon.

36 7. Section 379.404(1), (3), and (6), prohibiting the
37 illegal taking and possession of deer and wild turkey.

38 8. Section 379.4041(1), prohibiting the illegal taking and
39 possession of bears.

40 9.8. Section 379.406, prohibiting the possession and
41 transportation of commercial quantities of freshwater game fish.

42 10.9. Section 379.407(2), establishing major violations.

43 11.10. Section 379.407(4), prohibiting the possession of
44 certain finfish in excess of recreational daily bag limits.

45 (4) LEVEL FOUR VIOLATIONS.—

46 (a) A person commits a Level Four violation if he or she
47 violates any of the following provisions:

48 1. Section 379.354(16), prohibiting the making, forging,
49 counterfeiting, or reproduction of a recreational license or the
50 possession of same without authorization from the commission.

51 2. Section 379.365(2)(c), prohibiting criminal activities
52 relating to the taking of stone crabs.

53 3. Section 379.366(4)(c), prohibiting criminal activities
54 relating to the taking and harvesting of blue crabs.

55 4. Section 379.367(4), prohibiting the willful molestation
56 of spiny lobster gear.

57 5. Section 379.3671(2)(c)5., prohibiting the unlawful
58 reproduction, possession, sale, trade, or barter of spiny

591-03462-20

2020688c2

59 lobster trap tags or certificates.

60 6. Section 379.404(5), prohibiting the sale of illegally-
61 taken deer or wild turkey.

62 7. Section 379.4041(2), prohibiting the sale of illegally-
63 taken bears.

64 ~~8.7.~~ Section 379.405, prohibiting the molestation or theft
65 of freshwater fishing gear.

66 ~~9.8.~~ Section 379.409, prohibiting the unlawful killing,
67 injuring, possessing, or capturing of alligators or other
68 crocodilia or their eggs.

69 ~~10.9.~~ Section 379.411, prohibiting the intentional killing
70 or wounding of any species designated as endangered, threatened,
71 or of special concern.

72 ~~11.10.~~ Section 379.4115, prohibiting the killing of any
73 Florida or wild panther.

74 Section 2. Section 379.4041, Florida Statutes, is created
75 to read:

76 379.4041 Illegal taking, possession, and sale of bears.-

77 (1) Unless a person is acting under the authority of rule
78 68A-4.009, Florida Administrative Code, a person who takes a
79 bear or possesses a freshly killed bear during the closed season
80 prescribed by law or rules of the commission commits a Level
81 Three violation under s. 379.401 and forfeits any license or
82 permit issued to him or her under this chapter for 3 years after
83 the date of the violation. A person who commits a subsequent
84 offense of such taking or possession is permanently ineligible
85 for issuance of any license or permit under this chapter.

86 (2) A person who possesses for sale or sells a bear taken
87 in violation of this section or rules of the commission commits

591-03462-20

2020688c2

88 a Level Four violation under s. 379.401.

89 Section 3. This act shall take effect July 1, 2020.