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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on General Government Appropriations (Aronberg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 379.231, Florida Statutes, is amended to read:

379.231 Regulation of nonnative ~~foreign~~ animals.—

(1) It is unlawful to import for sale or use, or to release within this state, any species of the animal kingdom not native indigenous to Florida unless authorized by ~~without having obtained a permit to do so from~~ the Fish and Wildlife Conservation Commission.



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13           ~~(2) The Fish and Wildlife Conservation Commission is~~  
14 ~~authorized to issue or deny such a permit upon the completion of~~  
15 ~~studies of the species made by it to determine any detrimental~~  
16 ~~effect the species might have on the ecology of the state.~~

17           ~~(2)(3)~~ A person in violation of this section commits a  
18 Level Three violation under s. 379.4015 ~~s. 379.401~~.

19           Section 2. Section 379.372, Florida Statutes, is amended to  
20 read:

21           379.372 Capturing, keeping, possessing, transporting, or  
22 exhibiting venomous reptiles, ~~or~~ reptiles of concern,  
23 conditional reptiles, or prohibited reptiles; license required.-

24           (1) (a) No person, party, firm, association, or corporation  
25 shall capture, keep, possess, or exhibit any poisonous or  
26 venomous reptile or reptile of concern without first having  
27 obtained a special permit or license therefor from the Fish and  
28 Wildlife Conservation Commission as provided in this section.

29           (b)(2) By December 31, 2007, the commission shall establish  
30 a list of reptiles of concern, including venomous, nonvenomous,  
31 native, nonnative, or other reptiles, which require additional  
32 regulation for capture, possession, transportation, or  
33 exhibition due to their nature, habits, status, or potential to  
34 negatively impact humans, the environment, or ecology, ~~or~~  
35 ~~humans~~.

36           (c)(3) It shall be unlawful for any person, party, firm,  
37 association, or corporation, whether licensed hereunder or not,  
38 to capture, keep, possess, or exhibit any venomous reptile or  
39 reptile of concern in any manner not approved as safe, secure,  
40 and proper by the commission. Venomous reptiles or reptiles of  
41 concern held in captivity are subject to inspection by the



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42 commission. The commission shall determine whether the reptiles  
43 are securely, safely, and properly penned. In the event that the  
44 reptiles are not safely penned, the commission shall report the  
45 situation in writing to the person, party, firm, association, or  
46 corporation owning the reptiles. Failure of the person, party,  
47 firm, association, or corporation to correct the situation  
48 within 30 days after such written notice shall be grounds for  
49 revocation of the license or permit of the person, party, firm,  
50 association, or corporation.

51 (d)(4) Venomous reptiles or reptiles of concern shall be  
52 transported in a safe, secure, and proper manner. The commission  
53 shall establish by rule the requirements for the transportation  
54 of venomous reptiles or reptiles of concern.

55 (2) (a) No person, party, firm, association, or corporation  
56 shall keep, possess, import into the state, sell, barter, trade,  
57 or breed the following species for personal use or for sale for  
58 personal use:

- 59 1. Burmese or Indian python (*Python molurus*).
- 60 2. Reticulated python (*Python reticulatus*).
- 61 3. Northern African python (*Python sebae*).
- 62 4. Southern African python (*Python natalensis*).
- 63 5. Amethystine or scrub python (*Morelia amethystinus*).
- 64 6. Green Anaconda (*Eunectes murinus*).
- 65 7. Nile monitor (*Varanus niloticus*).
- 66 8. Any other reptile designated as a conditional or  
67 prohibited species by the commission.

68 (b) If a person, party, firm, association, or corporation  
69 holds a permit issued before July 1, 2010, under subsection (1)  
70 to legally possess a species listed in paragraph (a), that



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71 person, party, firm, association, or corporation may possess  
72 such reptile for the remainder of the life of the reptile.

73 (c) If a person, party, firm, association, or corporation  
74 holds a permit issued before July 1, 2010, under subsection (1)  
75 to legally possess a reptile listed in paragraph (a), and the  
76 reptile remains alive following the death or dissolution of the  
77 licensee, the reptile may be legally transferred to another  
78 entity holding a permit authorizing possession of the reptile  
79 for the remainder of the life of the reptile.

80 (d) If the commission designates a species of reptile as a  
81 conditional or prohibited species after July 1, 2010, the  
82 commission may authorize the personal possession of that newly  
83 designated species by those licensed to possess that species of  
84 reptile before the effective date of the species' designation by  
85 the commission as a conditional or prohibited species. The  
86 personal possession of such reptile is not a violation of  
87 paragraph (a) if the personal possession was authorized by the  
88 commission.

89 (e) This subsection does not apply to traveling wildlife  
90 exhibitors that are licensed or registered under the United  
91 States Animal Welfare Act or to zoological facilities that are  
92 licensed or exempted by the commission from the licensure  
93 requirement.

94 Section 3. Subsection (2) of section 379.374, Florida  
95 Statutes, is amended to read:

96 379.374 Bond required, amount.—

97 (2) No person, party, firm, association, or corporation  
98 shall possess or exhibit to the public either with or without  
99 charge or admission fee, any Class I wildlife, as defined in s.



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100 379.303 and commission rule, without having first guaranteed  
101 financial responsibility, in the sum of \$10,000, for any  
102 liability which may be incurred in the possession or exhibition  
103 to the public of Class I wildlife. The commission shall adopt,  
104 by rule, the methods of payment that satisfy the financial  
105 responsibility, which may include cash, the establishment of a  
106 trust fund, an irrevocable letter of credit, casualty insurance,  
107 a corporate guarantee, or any combination thereof, in the sum of  
108 \$10,000 which shall be posted with the commission. In lieu of  
109 the \$10,000 financial responsibility guarantee required in this  
110 subsection, the person, party, firm, association, or corporation  
111 ~~exhibitor~~ has the option to maintain comprehensive general  
112 liability insurance, with minimum limits of \$2 million per  
113 occurrence and \$2 million annual aggregate, as shall protect the  
114 person, party, firm, association, or corporation ~~exhibitor~~ from  
115 claims for damage for personal injury, including accidental  
116 death, as well as claims for property damage which may arise.  
117 Proof of such insurance shall be submitted to the commission.

118 Section 4. Subsections (1) and (4) of section 379.3761,  
119 Florida Statutes, are amended to read:

120 379.3761 Exhibition or sale of wildlife; fees;  
121 classifications.—

122 (1) In order to provide humane treatment and sanitary  
123 surroundings for wild animals kept in captivity, no person,  
124 party, firm, corporation, or association, or corporation shall  
125 have, or be in possession of, in captivity for the purpose of  
126 public display with or without charge or for public sale any  
127 wildlife, specifically birds, mammals, amphibians, and reptiles,  
128 whether native ~~indigenous~~ to Florida or not, without having



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129 first secured a permit from the commission authorizing such  
130 person, party, firm, association, or corporation to have in its  
131 possession in captivity the species and number of wildlife  
132 specified within such permit; however, this section does not  
133 apply to any wildlife not protected by law and the rules of the  
134 commission. No person, party, firm, association, or corporation  
135 may sell any wild animal life designated by commission rule as a  
136 conditional or prohibited species, Class I or Class II wildlife,  
137 reptile of concern, or venomous reptile in this state, including  
138 a sale with delivery made in this state, regardless of the  
139 origin of the sale or the location of the initial transaction,  
140 unless authorized by the commission.

141 (4) The provisions of this section relative to licensing  
142 for exhibition do not apply to any municipal, county, state, or  
143 other publicly owned wildlife exhibit or any traveling zoo,  
144 circus, or exhibit licensed under chapter 205. ~~The provisions of~~  
145 ~~this section do not apply to any traveling zoo, circus, or~~  
146 ~~exhibit licensed as provided by chapter 205.~~

147 Section 5. Paragraph (a) of subsection (3) of section  
148 379.401, Florida Statutes, is amended to read:

149 379.401 Penalties and violations; civil penalties for  
150 noncriminal infractions; criminal penalties; suspension and  
151 forfeiture of licenses and permits.—

152 (3) (a) LEVEL THREE VIOLATIONS.—A person commits a Level  
153 Three violation if he or she violates any of the following  
154 provisions:

155 1. Rules or orders of the commission prohibiting the sale  
156 of saltwater fish.

157 2. Rules or orders of the commission prohibiting the



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158 illegal importation or possession of exotic marine plants or  
159 animals.

160 3. Section 379.407(2), establishing major violations.

161 4. Section 379.407(4), prohibiting the possession of  
162 certain finfish in excess of recreational daily bag limits.

163 5. Section 379.28, prohibiting the importation of  
164 freshwater fish.

165 ~~6. Section 379.231, prohibiting the importation of~~  
166 ~~nonindigenous species of the animal kingdom without a permit~~  
167 ~~issued by the commission.~~

168 ~~6.7.~~ Section 379.354(17), prohibiting the taking of game,  
169 freshwater fish, or saltwater fish while a required license is  
170 suspended or revoked.

171 ~~7.8.~~ Section 379.3014, prohibiting the illegal sale or  
172 possession of alligators.

173 ~~8.9.~~ Section 379.404(1), (3), and (6), prohibiting the  
174 illegal taking and possession of deer and wild turkey.

175 ~~9.10.~~ Section 379.406, prohibiting the possession and  
176 transportation of commercial quantities of freshwater game fish.

177 Section 6. Section 379.4015, Florida Statutes, is amended  
178 to read:

179 379.4015 Nonnative and captive wildlife penalties.—

180 (1) LEVEL ONE.—Unless otherwise provided by law, the  
181 following classifications and penalties apply:

182 (a) A person commits a Level One violation if he or she  
183 violates any of the following provisions:

184 1. Rules or orders of the commission requiring free permits  
185 or other authorizations to possess captive wildlife.

186 2. Rules or orders of the commission relating to the filing



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187 of reports or other documents required of persons who are  
188 licensed to possess captive wildlife.

189 3. Rules or orders of the commission requiring permits to  
190 possess captive wildlife for which a fee is charged, when the  
191 person being charged was issued the permit and the permit has  
192 expired less than 1 year prior to the violation.

193 (b) Any person cited for committing any offense classified  
194 as a Level One violation commits a noncriminal infraction,  
195 punishable as provided in this section.

196 (c) Any person cited for committing a noncriminal  
197 infraction specified in paragraph (a) shall be cited to appear  
198 before the county court. The civil penalty for any noncriminal  
199 infraction is \$50 if the person cited has not previously been  
200 found guilty of a Level One violation and \$250 if the person  
201 cited has previously been found guilty of a Level One violation,  
202 except as otherwise provided in this subsection. Any person  
203 cited for failing to have a required permit or license shall pay  
204 an additional civil penalty in the amount of the license fee  
205 required.

206 (d) Any person cited for an infraction under this  
207 subsection may:

208 1. Post a bond, which shall be equal in amount to the  
209 applicable civil penalty; or

210 2. Sign and accept a citation indicating a promise to  
211 appear before the county court. The officer may indicate on the  
212 citation the time and location of the scheduled hearing and  
213 shall indicate the applicable civil penalty.

214 (e) Any person charged with a noncriminal infraction under  
215 this subsection may:





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216           1. Pay the civil penalty, either by mail or in person,  
217 within 30 days after the date of receiving the citation; or

218           2. If the person has posted bond, forfeit bond by not  
219 appearing at the designated time and location.

220           (f) If the person cited follows either of the procedures in  
221 subparagraph (e)1. or subparagraph (e)2., he or she shall be  
222 deemed to have admitted the infraction and to have waived his or  
223 her right to a hearing on the issue of commission of the  
224 infraction. Such admission shall not be used as evidence in any  
225 other proceedings except to determine the appropriate fine for  
226 any subsequent violations.

227           (g) Any person who willfully refuses to post bond or accept  
228 and sign a summons commits a misdemeanor of the second degree,  
229 punishable as provided in s. 775.082 or s. 775.083. Any person  
230 who fails to pay the civil penalty specified in this subsection  
231 within 30 days after being cited for a noncriminal infraction or  
232 to appear before the court pursuant to this subsection commits a  
233 misdemeanor of the second degree, punishable as provided in s.  
234 775.082 or s. 775.083.

235           (h) Any person electing to appear before the county court  
236 or who is required to appear shall be deemed to have waived the  
237 limitations on the civil penalty specified in paragraph (c). The  
238 court, after a hearing, shall make a determination as to whether  
239 an infraction has been committed. If the commission of an  
240 infraction has been proven, the court may impose a civil penalty  
241 not less than those amounts in paragraph (c) and not to exceed  
242 \$500.

243           (i) At a hearing under this chapter, the commission of a  
244 charged infraction must be proved beyond a reasonable doubt.



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245 (j) If a person is found by the hearing official to have  
246 committed an infraction, she or he may appeal that finding to  
247 the circuit court.

248 (2) LEVEL TWO.—Unless otherwise provided by law, the  
249 following classifications and penalties apply:

250 (a) A person commits a Level Two violation if he or she  
251 violates any of the following provisions:

252 1. Unless otherwise stated in subsection (1), rules or  
253 orders of the commission that require a person to pay a fee to  
254 obtain a permit to possess captive wildlife or that require the  
255 maintenance of records relating to captive wildlife.

256 2. Rules or orders of the commission relating to captive  
257 wildlife not specified in subsection (1) or subsection (3).

258 3. Rules or orders of the commission that require housing  
259 of wildlife in a safe manner when a violation results in an  
260 escape of wildlife other than Class I wildlife.

261 4. Rules or orders of the commission relating to wild  
262 animal life identified by commission rule as either conditional  
263 species or prohibited species.

264 5.4. Section 379.372, relating to capturing, keeping,  
265 possessing, transporting, or exhibiting venomous reptiles, ~~or~~  
266 reptiles of concern, conditional reptiles, or prohibited  
267 reptiles.

268 6.5. Section 379.373, relating to requiring a license or  
269 permit for the capturing, keeping, possessing, or exhibiting of  
270 venomous reptiles or reptiles of concern.

271 7.6. Section 379.374, relating to bonding requirements for  
272 public exhibits of venomous reptiles.

273 8.7. Section 379.305, relating to commission rules and



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274 regulations to prevent the escape of venomous reptiles or  
275 reptiles of concern.

276 ~~9.8.~~ Section 379.304, relating to exhibition or sale of  
277 wildlife.

278 ~~10.9.~~ Section 379.3761, relating to exhibition or sale of  
279 wildlife.

280 ~~11.10.~~ Section 379.3762, relating to personal possession of  
281 wildlife.

282 (b) A person who commits any offense classified as a Level  
283 Two violation and who has not been convicted of a Level Two or  
284 higher violation within the past 3 years commits a misdemeanor  
285 of the second degree, punishable as provided in s. 775.082 or s.  
286 775.083.

287 (c) Unless otherwise stated in this subsection, a person  
288 who commits any offense classified as a Level Two violation  
289 within a 3-year period of any previous conviction of a Level Two  
290 or higher violation commits a misdemeanor of the first degree,  
291 punishable as provided in s. 775.082 or s. 775.083 with a  
292 minimum mandatory fine of \$250.

293 (d) Unless otherwise stated in this subsection, a person  
294 who commits any offense classified as a Level Two violation  
295 within a 5-year period of any two previous convictions of Level  
296 Two or higher violations commits a misdemeanor of the first  
297 degree, punishable as provided in s. 775.082 or s. 775.083, with  
298 a minimum mandatory fine of \$500 and a suspension of all  
299 licenses issued under this chapter related to captive wildlife  
300 for 1 year.

301 (e) A person who commits any offense classified as a Level  
302 Two violation within a 10-year period of any three previous



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303 convictions of Level Two or higher violations commits a  
304 misdemeanor of the first degree, punishable as provided in s.  
305 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and  
306 a suspension of all licenses issued under this chapter related  
307 to captive wildlife for 3 years.

308 (f) In addition to being subject to the penalties under  
309 paragraphs (b)-(e), a person who commits a Level Two violation  
310 that is a violation of s. 379.372 or rules or orders relating to  
311 wild animal life identified as conditional or prohibited shall  
312 receive a minimum mandatory fine of \$100 and immediately  
313 surrender the wildlife for which the violation was issued unless  
314 such person lawfully obtains a permit for possession.

315 (3) LEVEL THREE.—Unless otherwise provided by law, the  
316 following classifications and penalties apply:

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

319 1. Rules or orders of the commission that require housing  
320 of wildlife in a safe manner when a violation results in an  
321 escape of Class I wildlife.

322 2. Rules or orders of the commission related to captive  
323 wildlife when the violation results in serious bodily injury to  
324 another person by captive wildlife that consists of a physical  
325 condition that creates a substantial risk of death, serious  
326 personal disfigurement, or protracted loss or impairment of the  
327 function of any bodily member or organ.

328 3. Rules or orders of the commission relating to the use of  
329 gasoline or other chemical or gaseous substances on wildlife.

330 4. Rules or orders of the commission prohibiting the  
331 release of wildlife for which only conditional possession is



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332 allowed.

333 5. Rules or orders of the commission prohibiting knowingly  
334 entering false information on an application for a license or  
335 permit when the license or permit is to possess wildlife in  
336 captivity.

337 6. Rules or orders of the commission relating to the  
338 illegal importation and possession of nonnative ~~nonindigenous~~  
339 marine plants and animals.

340 7. Rules or orders of the commission relating to the  
341 importation, possession, or release of fish and wildlife for  
342 which possession is prohibited.

343 8. Section 379.231, relating to illegal importation or  
344 release ~~introduction~~ of nonnative ~~foreign~~ wildlife.

345 9. Section 379.305, relating to release or escape of  
346 nonnative venomous reptiles or reptiles of concern.

347 (b)1. A person who commits any offense classified as a  
348 Level Three violation and who has not been convicted of a Level  
349 Three or higher violation within the past 10 years commits a  
350 misdemeanor of the first degree, punishable as provided in s.  
351 775.082 or s. 775.083.

352 2. A person who commits any offense classified as a Level  
353 Three violation within a 10-year period of any previous  
354 conviction of a Level Three or higher violation commits a  
355 misdemeanor of the first degree, punishable as provided in s.  
356 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and  
357 permanent revocation of all licenses or permits to possess  
358 captive wildlife issued under this chapter.

359 (4) LEVEL FOUR.—Unless otherwise provided by law, the  
360 following classifications and penalties apply:



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361 (a) A person commits a Level Four violation if he or she  
362 violates any Level Three provision after the permanent  
363 revocation of a license or permit.

364 (b) A person who commits any offense classified as a Level  
365 Four violation commits a felony of the third degree, punishable  
366 as provided in s. 775.082 or s. 775.083.

367 (5) SUSPENSION OR REVOCATION OF LICENSE.—The court may  
368 order the suspension or revocation of any license or permit  
369 issued to a person to possess captive wildlife pursuant to this  
370 chapter if that person commits a criminal offense or a  
371 noncriminal infraction as specified under this section.

372 (6) CIVIL PENALTY.—

373 (a) In addition to other applicable penalties, the  
374 commission may impose against any person, party, firm,  
375 association, or corporation convicted of a criminal violation of  
376 any provision of s. 379.231, s. 379.372, s. 379.3761, or s.  
377 379.3762 a civil penalty of not more than \$5,000 for each  
378 animal, unless otherwise authorized pursuant to subparagraphs  
379 1.-5. For all related violations attributable to a specific  
380 violation, the total civil penalty may not exceed \$10,000 for  
381 each assessment for each animal.

382 1. The history of noncompliance of the violator for any  
383 previous violation of this chapter or rules or orders of the  
384 commission shall be considered in determining the amount of the  
385 civil penalty.

386 2. The direct economic benefit gained by the violator from  
387 the violation may be added to the scheduled civil penalty.

388 3. The costs incurred by the commission related to the  
389 escape, recovery, and care of the wildlife for which the



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390 violation was issued shall be added to the civil penalty.

391 4. The civil penalty assessed for a violation may not  
392 exceed \$5,000 for each animal unless:

393 a. The violator has a history of noncompliance;

394 b. The economic benefit of the violation exceeds \$5,000; or

395 c. The costs incurred by the commission related to the  
396 escape, recovery, and care of the wildlife for which the  
397 violation was issued exceeds \$5,000.

398 5. The civil penalty assessed pursuant to this subsection  
399 may be reduced by the commission for mitigating circumstances,  
400 including good faith efforts to comply before or after discovery  
401 of the violations by the commission.

402 (b) The proceeds of all civil penalties collected pursuant  
403 to this subsection shall be deposited into the State Game Trust  
404 Fund and shall be used for management, administration, auditing,  
405 and research purposes.

406 (7) ~~(6)~~ CONVICTION DEFINED.—For purposes of this section,  
407 the term “conviction” means any judicial disposition other than  
408 acquittal or dismissal.

409 (8) ~~(7)~~ COMMISSION LIMITATIONS.—Nothing in this section  
410 shall limit the commission from suspending or revoking any  
411 license to possess wildlife in captivity by administrative  
412 action in accordance with chapter 120. For purposes of  
413 administrative action, a conviction of a criminal offense shall  
414 mean any judicial disposition other than acquittal or dismissal.

415 (9) ANNUAL REPORT.—By January 1 of each year, the  
416 commission shall submit to the President of the Senate and the  
417 Speaker of the House of Representatives a report listing each  
418 species identified by the commission as a conditional or



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419 prohibited species or a reptile of concern.

420       Section 7. By December 31, 2010, the Fish and Wildlife  
421 Conservation Commission shall evaluate the placement of  
422 additional species, such as iguanas, on the list of reptiles of  
423 concern.

424       Section 8. Subsections (18), (25), and (34) of section  
425 379.101, Florida Statutes, are amended to read:

426       379.101 Definitions.—In construing these statutes, where  
427 the context does not clearly indicate otherwise, the word,  
428 phrase, or term:

429       (18) "Freshwater fish" means all classes of pisces that are  
430 native ~~indigenous~~ to fresh water.

431       (25) "Nongame" means all species and populations of native  
432 ~~indigenous~~ wild vertebrates and invertebrates in the state that  
433 are not defined as game.

434       (34) "Saltwater fish" means:

435       (a) Any saltwater species of finfish of the classes  
436 Agnatha, Chondrichthyes, or Osteichthyes and marine  
437 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,  
438 or of the phylum Echinodermata, but does not include nonliving  
439 shells or echinoderms; and

440       (b) All classes of pisces, shellfish, sponges, and  
441 crustacea native ~~indigenous~~ to salt water.

442       Section 9. Subsection (2) of section 379.244, Florida  
443 Statutes, is amended to read:

444       379.244 Crustacea, marine animals, fish; regulations;  
445 general provisions.—

446       (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,  
447 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.—





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448 Notwithstanding any other provisions of general or special law  
449 to the contrary, the Fish and Wildlife Conservation Commission  
450 may authorize, upon such terms, conditions, and restrictions as  
451 it may prescribe by rule, any properly accredited person to  
452 harvest or possess native ~~indigenous~~ or nonnative ~~nonindigenous~~  
453 saltwater species for experimental, scientific, education, and  
454 exhibition purposes or to harvest or possess reasonable  
455 quantities of aquacultural species for brood stock. Such  
456 authorizations may allow collection of specimens without regard  
457 to, and not limited to, size, seasonal closure, collection  
458 method, reproductive state, or bag limit. Authorizations issued  
459 under the provisions of this section may be suspended or revoked  
460 by the Fish and Wildlife Conservation Commission if it finds  
461 that the person has violated this section, Fish and Wildlife  
462 Conservation Commission rules or orders, or terms or conditions  
463 of the authorization or has submitted false or inaccurate  
464 information in his or her application.

465 Section 10. Subsections (1) and (5) of section 379.26,  
466 Florida Statutes, are amended to read:

467 379.26 Illegal importation or possession of nonindigenous  
468 marine plants and animals; rules and regulations.—

469 (1) It is unlawful to import or possess any marine plant or  
470 marine animal, not native ~~indigenous~~ to the state, which, due to  
471 the stimulating effect of the waters of the state on  
472 procreation, may endanger or infect the marine resources of the  
473 state or pose a human health hazard, except as provided in this  
474 section.

475 (5) It is unlawful to release into the waters of the state  
476 any nonnative ~~nonindigenous~~ saltwater species whether or not



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477 included in subsection (2) or prohibited by rules and  
478 regulations adopted pursuant to subsection (3) or authorized by  
479 subsection (4).

480 Section 11. Subsection (1) of section 379.304, Florida  
481 Statutes, is amended to read:

482 379.304 Exhibition or sale of wildlife.—

483 (1) Permits issued pursuant to s. 379.3761 and places where  
484 wildlife is kept or held in captivity shall be subject to  
485 inspection by officers of the commission at all times. The  
486 commission shall have the power to release or confiscate any  
487 specimens of any wildlife, specifically birds, mammals,  
488 amphibians, or reptiles, whether native ~~indigenous~~ to the state  
489 or not, when it is found that conditions under which they are  
490 being confined are unsanitary, or unsafe to the public in any  
491 manner, or that the species of wildlife are being maltreated,  
492 mistreated, or neglected or kept in any manner contrary to the  
493 provisions of chapter 828, any such permit to the contrary  
494 notwithstanding. Before any such wildlife is confiscated or  
495 released under the authority of this section, the owner thereof  
496 shall have been advised in writing of the existence of such  
497 unsatisfactory conditions; the owner shall have been given 30  
498 days in which to correct such conditions; the owner shall have  
499 failed to correct such conditions; the owner shall have had an  
500 opportunity for a proceeding pursuant to chapter 120; and the  
501 commission shall have ordered such confiscation or release after  
502 careful consideration of all evidence in the particular case in  
503 question. The final order of the commission shall constitute  
504 final agency action.

505 Section 12. Paragraph (b) of subsection (4) of section



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506 379.361, Florida Statutes, is amended to read:

507 379.361 Licenses.—

508 (4) SPECIAL ACTIVITY LICENSES.—

509 (b) The Fish and Wildlife Conservation Commission is  
510 authorized to issue special activity licenses in accordance with  
511 this section and s. 379.2524, to permit the importation and  
512 possession of wild anadromous sturgeon. The commission is also  
513 authorized to issue special activity licenses, in accordance  
514 with this section and s. 379.2524, to permit the importation,  
515 possession, and aquaculture of native and nonnative anadromous  
516 sturgeon until best management practices are implemented for the  
517 cultivation of anadromous sturgeon pursuant to s. 597.004. The  
518 special activity license shall provide for specific management  
519 practices to protect native ~~indigenous~~ populations of saltwater  
520 species.

521 Section 13. Subsection (1) of section 379.363, Florida  
522 Statutes, is amended to read:

523 379.363 Freshwater fish dealer's license.—

524 (1) No person shall engage in the business of taking for  
525 sale or selling any frogs or freshwater fish, including live  
526 bait, of any species or size, or importing any exotic or  
527 nonnative ~~nonindigenous~~ fish, until such person has obtained a  
528 license and paid the fee therefor as set forth herein. The  
529 license issued shall be in the possession of the person to whom  
530 issued while such person is engaging in the business of taking  
531 for sale or selling freshwater fish or frogs, is not  
532 transferable, shall bear on its face in indelible ink the name  
533 of the person to whom it is issued, and shall be affixed to a  
534 license identification card issued by the commission. Such



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535 license is not valid unless it bears the name of the person to  
536 whom it is issued and is so affixed. The failure of such person  
537 to exhibit such license to the commission or any of its wildlife  
538 officers when such person is found engaging in such business is  
539 a violation of law. The license fees and activities permitted  
540 under particular licenses are as follows:

541 (a) The fee for a resident commercial fishing license,  
542 which permits a resident to take freshwater fish or frogs by any  
543 lawful method prescribed by the commission and to sell such fish  
544 or frogs, shall be \$25. The license provided for in this  
545 paragraph shall also allow noncommercial fishing as provided by  
546 law and commission rules, and the license in s. 379.354(4) (a)  
547 shall not be required.

548 (b) The fee for a resident freshwater fish dealer's  
549 license, which permits a resident to import, export, or sell  
550 freshwater fish or frogs, including live bait, shall be \$40.

551 (c) The fee for a nonresident commercial fishing license,  
552 which permits a nonresident to take freshwater fish or frogs as  
553 provided in paragraph (a), shall be \$100.

554 (d) The fee for a nonresident retail fish dealer's license,  
555 which permits a nonresident to sell freshwater fish or frogs to  
556 a consumer, shall be \$100.

557 (e) The fee for a nonresident wholesale fish dealer's  
558 license, which permits a nonresident to sell freshwater fish or  
559 frogs within the state, and to buy freshwater fish or frogs for  
560 resale, shall be \$500.

561 (f) The fee for a nonresident wholesale fish buyer's  
562 license, which permits a nonresident who does not sell  
563 freshwater fish or frogs in Florida to buy freshwater fish or



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564 frogs from resident fish dealers for resale outside the state,  
565 shall be \$50.

566 (g) Any individual or business issued an aquaculture  
567 certificate, pursuant to s. 597.004, shall be exempt from the  
568 requirements of this part with respect to aquaculture products  
569 authorized under such certificate.

570 (h) There is levied, in addition to any other license fee  
571 thereon, an annual gear license fee of \$50 upon each person  
572 fishing with trawl seines used in the fresh waters of the state.

573 (i) There is levied, in addition to any other license fee  
574 thereon, an annual gear license fee of \$100 upon each person  
575 fishing with haul seines used in the fresh waters of the state.

576 Section 14. Subsection (1) of section 379.3762, Florida  
577 Statutes, is amended to read:

578 379.3762 Personal possession of wildlife.—

579 (1) It is unlawful for any person or persons to possess any  
580 wildlife as defined in this act, whether native ~~indigenous~~ to  
581 Florida or not, until she or he has obtained a permit as  
582 provided by this section from the Fish and Wildlife Conservation  
583 Commission.

584 Section 15. This act shall take effect July 1, 2010.

585  
586 ===== T I T L E A M E N D M E N T =====

587 And the title is amended as follows:

588 Delete everything before the enacting clause  
589 and insert:

590 A bill to be entitled  
591 An act relating to wildlife regulation; amending s.  
592 379.231, F.S.; prohibiting the import or release of



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593 nonnative animals in this state unless authorized by  
594 the Fish and Wildlife Commission; conforming a cross-  
595 reference to changes made by the act; amending s.  
596 379.372, F.S.; prohibiting persons or entities from  
597 keeping, possessing, importing, selling, bartering,  
598 trading, or breeding certain reptiles in this state;  
599 providing exceptions; providing that such prohibitions  
600 do not apply to specified zoological facilities;  
601 amending s. 379.374, F.S.; providing bonding  
602 requirements for the possession of certain wildlife;  
603 amending s. 379.3761, F.S.; requiring that any person  
604 or entity wishing to keep wildlife in captivity or  
605 sell specified species of wildlife obtain a permit  
606 from the commission; amending s. 379.401, F.S.;  
607 removing a provision classifying the importation of  
608 nonindigenous species a Level Three violation;  
609 amending s. 479.4015, F.S.; classifying violations  
610 relating to the importation, sale, introduction, and  
611 release of certain types of nonnative wildlife into  
612 this state; requiring the imposition of minimum fines  
613 for certain violations; authorizing the commission to  
614 impose specified civil penalties for certain  
615 violations of state law; limiting the amount of such  
616 penalties; authorizing the commission to consider  
617 certain factors when determining the amount of such  
618 penalty; requiring that the proceeds from the payment  
619 of such penalties be deposited into the State Game  
620 Trust Fund and used for specified purposes; requiring  
621 that the commission submit a report containing certain



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622 information to the President of the Senate and the  
623 Speaker of the House of Representatives on or before a  
624 specified deadline; requiring that the commission  
625 annually evaluate the placement of additional species  
626 on the list of reptiles of concern beginning by a  
627 specified date; amending ss. 379.101, 379.244, 379.26,  
628 379.304, 379.361, 379.363, and 379.3762, F.S.;  
629 revising terminology to conform to changes made by the  
630 act; providing an effective date.