

By the Committees on General Government Appropriations; and Environmental Preservation and Conservation; and Senators Sobel, Constantine, and Lynn

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1 A bill to be entitled
2 An act relating to wildlife regulation; amending s.
3 379.231, F.S.; prohibiting the import or release of
4 nonnative animals in this state unless authorized by
5 the Fish and Wildlife Commission; conforming a cross-
6 reference to changes made by the act; amending s.
7 379.372, F.S.; prohibiting persons or entities from
8 keeping, possessing, importing, selling, bartering,
9 trading, or breeding certain reptiles in this state;
10 providing exceptions; providing that such prohibitions
11 do not apply to specified zoological facilities;
12 amending s. 379.374, F.S.; providing bonding
13 requirements for the possession of certain wildlife;
14 amending s. 379.3761, F.S.; requiring that any person
15 or entity wishing to keep wildlife in captivity or
16 sell specified species of wildlife obtain a permit
17 from the commission; amending s. 379.401, F.S.;
18 removing a provision classifying the importation of
19 nonindigenous species a Level Three violation;
20 amending s. 479.4015, F.S.; classifying violations
21 relating to the importation, sale, introduction, and
22 release of certain types of nonnative wildlife into
23 this state; requiring the imposition of minimum fines
24 for certain violations; authorizing the commission to
25 impose specified civil penalties for certain
26 violations of state law; limiting the amount of such
27 penalties; authorizing the commission to consider
28 certain factors when determining the amount of such
29 penalty; requiring that the proceeds from the payment

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30 of such penalties be deposited into the State Game
31 Trust Fund and used for specified purposes; requiring
32 that the commission submit a report containing certain
33 information to the President of the Senate and the
34 Speaker of the House of Representatives on or before a
35 specified deadline; requiring that the commission
36 annually evaluate the placement of additional species
37 on the list of reptiles of concern beginning by a
38 specified date; amending ss. 379.101, 379.244, 379.26,
39 379.304, 379.361, 379.363, and 379.3762, F.S.;

40 revising terminology to conform to changes made by the
41 act; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 379.231, Florida Statutes, is amended to
46 read:

47 379.231 Regulation of nonnative ~~foreign~~ animals.-

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

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

57 (2) ~~(3)~~ A person in violation of this section commits a
58 Level Three violation under s. 379.4015 ~~s. 379.401~~.

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59 Section 2. Section 379.372, Florida Statutes, is amended to
60 read:

61 379.372 Capturing, keeping, possessing, transporting, or
62 exhibiting venomous reptiles, or reptiles of concern,
63 conditional reptiles, or prohibited reptiles; license required.-

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

69 (b) ~~(2)~~ By December 31, 2007, the commission shall establish
70 a list of reptiles of concern, including venomous, nonvenomous,
71 native, nonnative, or other reptiles, which require additional
72 regulation for capture, possession, transportation, or
73 exhibition due to their nature, habits, status, or potential to
74 negatively impact humans, the environment, or ecology, ~~or~~
75 humans.

76 (c) ~~(3)~~ It shall be unlawful for any person, party, firm,
77 association, or corporation, whether licensed hereunder or not,
78 to capture, keep, possess, or exhibit any venomous reptile or
79 reptile of concern in any manner not approved as safe, secure,
80 and proper by the commission. Venomous reptiles or reptiles of
81 concern held in captivity are subject to inspection by the
82 commission. The commission shall determine whether the reptiles
83 are securely, safely, and properly penned. In the event that the
84 reptiles are not safely penned, the commission shall report the
85 situation in writing to the person, party, firm, association, or
86 corporation owning the reptiles. Failure of the person, party,
87 firm, association, or corporation to correct the situation

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88 within 30 days after such written notice shall be grounds for
89 revocation of the license or permit of the person, party, firm,
90 association, or corporation.

91 (d)~~(4)~~ Venomous reptiles or reptiles of concern shall be
92 transported in a safe, secure, and proper manner. The commission
93 shall establish by rule the requirements for the transportation
94 of venomous reptiles or reptiles of concern.

95 (2) (a) No person, party, firm, association, or corporation
96 shall keep, possess, import into the state, sell, barter, trade,
97 or breed the following species for personal use or for sale for
98 personal use:

- 99 1. Burmese or Indian python (Python molurus).
- 100 2. Reticulated python (Python reticulatus).
- 101 3. Northern African python (Python sebae).
- 102 4. Southern African python (Python natalensis).
- 103 5. Amethystine or scrub python (Morelia amethystinus).
- 104 6. Green Anaconda (Eunectes murinus).
- 105 7. Nile monitor (Varanus niloticus).
- 106 8. Any other reptile designated as a conditional or
107 prohibited species by the commission.

108 (b) If a person, party, firm, association, or corporation
109 holds a permit issued before July 1, 2010, under subsection (1)
110 to legally possess a species listed in paragraph (a), that
111 person, party, firm, association, or corporation may possess
112 such reptile for the remainder of the life of the reptile.

113 (c) If a person, party, firm, association, or corporation
114 holds a permit issued before July 1, 2010, under subsection (1)
115 to legally possess a reptile listed in paragraph (a), and the
116 reptile remains alive following the death or dissolution of the

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117 licensee, the reptile may be legally transferred to another
118 entity holding a permit authorizing possession of the reptile
119 for the remainder of the life of the reptile.

120 (d) If the commission designates a species of reptile as a
121 conditional or prohibited species after July 1, 2010, the
122 commission may authorize the personal possession of that newly
123 designated species by those licensed to possess that species of
124 reptile before the effective date of the species' designation by
125 the commission as a conditional or prohibited species. The
126 personal possession of such reptile is not a violation of
127 paragraph (a) if the personal possession was authorized by the
128 commission.

129 (e) This subsection does not apply to traveling wildlife
130 exhibitors that are licensed or registered under the United
131 States Animal Welfare Act or to zoological facilities that are
132 licensed or exempted by the commission from the licensure
133 requirement.

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

136 379.374 Bond required, amount.—

137 (2) No person, party, firm, association, or corporation
138 shall possess or exhibit to the public either with or without
139 charge or admission fee, any Class I wildlife, as defined in s.
140 379.303 and commission rule, without having first guaranteed
141 financial responsibility, in the sum of \$10,000, for any
142 liability which may be incurred in the possession or exhibition
143 to the public of Class I wildlife. The commission shall adopt,
144 by rule, the methods of payment that satisfy the financial
145 responsibility, which may include cash, the establishment of a

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146 trust fund, an irrevocable letter of credit, casualty insurance,
147 a corporate guarantee, or any combination thereof, in the sum of
148 \$10,000 which shall be posted with the commission. In lieu of
149 the \$10,000 financial responsibility guarantee required in this
150 subsection, the person, party, firm, association, or corporation
151 ~~exhibitor~~ has the option to maintain comprehensive general
152 liability insurance, with minimum limits of \$2 million per
153 occurrence and \$2 million annual aggregate, as shall protect the
154 person, party, firm, association, or corporation ~~exhibitor~~ from
155 claims for damage for personal injury, including accidental
156 death, as well as claims for property damage which may arise.
157 Proof of such insurance shall be submitted to the commission.

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

160 379.3761 Exhibition or sale of wildlife; fees;
161 classifications.—

162 (1) In order to provide humane treatment and sanitary
163 surroundings for wild animals kept in captivity, no person,
164 party, firm, corporation, or association, or corporation shall
165 have, or be in possession of, in captivity for the purpose of
166 public display with or without charge or for public sale any
167 wildlife, specifically birds, mammals, amphibians, and reptiles,
168 whether native ~~indigenous~~ to Florida or not, without having
169 first secured a permit from the commission authorizing such
170 person, party, firm, association, or corporation to have in its
171 possession in captivity the species and number of wildlife
172 specified within such permit; however, this section does not
173 apply to any wildlife not protected by law and the rules of the
174 commission. No person, party, firm, association, or corporation

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175 may sell any wild animal life designated by commission rule as a
176 conditional or prohibited species, Class I or Class II wildlife,
177 reptile of concern, or venomous reptile in this state, including
178 a sale with delivery made in this state, regardless of the
179 origin of the sale or the location of the initial transaction,
180 unless authorized by the commission.

181 (4) The provisions of this section relative to licensing
182 for exhibition do not apply to any municipal, county, state, or
183 other publicly owned wildlife exhibit or any traveling zoo,
184 circus, or exhibit licensed under chapter 205. ~~The provisions of~~
185 ~~this section do not apply to any traveling zoo, circus, or~~
186 ~~exhibit licensed as provided by chapter 205.~~

187 Section 5. Paragraph (a) of subsection (3) of section
188 379.401, Florida Statutes, is amended to read:

189 379.401 Penalties and violations; civil penalties for
190 noncriminal infractions; criminal penalties; suspension and
191 forfeiture of licenses and permits.—

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

195 1. Rules or orders of the commission prohibiting the sale
196 of saltwater fish.

197 2. Rules or orders of the commission prohibiting the
198 illegal importation or possession of exotic marine plants or
199 animals.

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

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

203 5. Section 379.28, prohibiting the importation of

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204 freshwater fish.

205 ~~6. Section 379.231, prohibiting the importation of~~
206 ~~nonindigenous species of the animal kingdom without a permit~~
207 ~~issued by the commission.~~

208 ~~6.7.~~ Section 379.354(17), prohibiting the taking of game,
209 freshwater fish, or saltwater fish while a required license is
210 suspended or revoked.

211 ~~7.8.~~ Section 379.3014, prohibiting the illegal sale or
212 possession of alligators.

213 ~~8.9.~~ Section 379.404(1), (3), and (6), prohibiting the
214 illegal taking and possession of deer and wild turkey.

215 ~~9.10.~~ Section 379.406, prohibiting the possession and
216 transportation of commercial quantities of freshwater game fish.

217 Section 6. Section 379.4015, Florida Statutes, is amended
218 to read:

219 379.4015 Nonnative and captive wildlife penalties.—

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

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

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

226 2. Rules or orders of the commission relating to the filing
227 of reports or other documents required of persons who are
228 licensed to possess captive wildlife.

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

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

236 (c) Any person cited for committing a noncriminal
237 infraction specified in paragraph (a) shall be cited to appear
238 before the county court. The civil penalty for any noncriminal
239 infraction is \$50 if the person cited has not previously been
240 found guilty of a Level One violation and \$250 if the person
241 cited has previously been found guilty of a Level One violation,
242 except as otherwise provided in this subsection. Any person
243 cited for failing to have a required permit or license shall pay
244 an additional civil penalty in the amount of the license fee
245 required.

246 (d) Any person cited for an infraction under this
247 subsection may:

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

250 2. Sign and accept a citation indicating a promise to
251 appear before the county court. The officer may indicate on the
252 citation the time and location of the scheduled hearing and
253 shall indicate the applicable civil penalty.

254 (e) Any person charged with a noncriminal infraction under
255 this subsection may:

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

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

260 (f) If the person cited follows either of the procedures in
261 subparagraph (e)1. or subparagraph (e)2., he or she shall be

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262 deemed to have admitted the infraction and to have waived his or
263 her right to a hearing on the issue of commission of the
264 infraction. Such admission shall not be used as evidence in any
265 other proceedings except to determine the appropriate fine for
266 any subsequent violations.

267 (g) Any person who willfully refuses to post bond or accept
268 and sign a summons commits a misdemeanor of the second degree,
269 punishable as provided in s. 775.082 or s. 775.083. Any person
270 who fails to pay the civil penalty specified in this subsection
271 within 30 days after being cited for a noncriminal infraction or
272 to appear before the court pursuant to this subsection commits a
273 misdemeanor of the second degree, punishable as provided in s.
274 775.082 or s. 775.083.

275 (h) Any person electing to appear before the county court
276 or who is required to appear shall be deemed to have waived the
277 limitations on the civil penalty specified in paragraph (c). The
278 court, after a hearing, shall make a determination as to whether
279 an infraction has been committed. If the commission of an
280 infraction has been proven, the court may impose a civil penalty
281 not less than those amounts in paragraph (c) and not to exceed
282 \$500.

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

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

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

290 (a) A person commits a Level Two violation if he or she

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291 violates any of the following provisions:

292 1. Unless otherwise stated in subsection (1), rules or
293 orders of the commission that require a person to pay a fee to
294 obtain a permit to possess captive wildlife or that require the
295 maintenance of records relating to captive wildlife.

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

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

301 4. Rules or orders of the commission relating to wild
302 animal life identified by commission rule as either conditional
303 species or prohibited species.

304 5.4. Section 379.372, relating to capturing, keeping,
305 possessing, transporting, or exhibiting venomous reptiles, ~~or~~
306 reptiles of concern, conditional reptiles, or prohibited
307 reptiles.

308 6.5. Section 379.373, relating to requiring a license or
309 permit for the capturing, keeping, possessing, or exhibiting of
310 venomous reptiles or reptiles of concern.

311 7.6. Section 379.374, relating to bonding requirements for
312 public exhibits of venomous reptiles.

313 8.7. Section 379.305, relating to commission rules and
314 regulations to prevent the escape of venomous reptiles or
315 reptiles of concern.

316 9.8. Section 379.304, relating to exhibition or sale of
317 wildlife.

318 10.9. Section 379.3761, relating to exhibition or sale of
319 wildlife.

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320 11.10. Section 379.3762, relating to personal possession of
321 wildlife.

322 (b) A person who commits any offense classified as a Level
323 Two violation and who has not been convicted of a Level Two or
324 higher violation within the past 3 years commits a misdemeanor
325 of the second degree, punishable as provided in s. 775.082 or s.
326 775.083.

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

333 (d) Unless otherwise stated in this subsection, a person
334 who commits any offense classified as a Level Two violation
335 within a 5-year period of any two previous convictions of Level
336 Two or higher violations commits a misdemeanor of the first
337 degree, punishable as provided in s. 775.082 or s. 775.083, with
338 a minimum mandatory fine of \$500 and a suspension of all
339 licenses issued under this chapter related to captive wildlife
340 for 1 year.

341 (e) A person who commits any offense classified as a Level
342 Two violation within a 10-year period of any three previous
343 convictions of Level Two or higher violations commits a
344 misdemeanor of the first degree, punishable as provided in s.
345 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
346 a suspension of all licenses issued under this chapter related
347 to captive wildlife for 3 years.

348 (f) In addition to being subject to the penalties under

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349 paragraphs (b)-(e), a person who commits a Level Two violation
350 that is a violation of s. 379.372 or rules or orders relating to
351 wild animal life identified as conditional or prohibited shall
352 receive a minimum mandatory fine of \$100 and immediately
353 surrender the wildlife for which the violation was issued unless
354 such person lawfully obtains a permit for possession.

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

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

359 1. Rules or orders of the commission that require housing
360 of wildlife in a safe manner when a violation results in an
361 escape of Class I wildlife.

362 2. Rules or orders of the commission related to captive
363 wildlife when the violation results in serious bodily injury to
364 another person by captive wildlife that consists of a physical
365 condition that creates a substantial risk of death, serious
366 personal disfigurement, or protracted loss or impairment of the
367 function of any bodily member or organ.

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

370 4. Rules or orders of the commission prohibiting the
371 release of wildlife for which only conditional possession is
372 allowed.

373 5. Rules or orders of the commission prohibiting knowingly
374 entering false information on an application for a license or
375 permit when the license or permit is to possess wildlife in
376 captivity.

377 6. Rules or orders of the commission relating to the

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378 illegal importation and possession of nonnative ~~nonindigenous~~
379 marine plants and animals.

380 7. Rules or orders of the commission relating to the
381 importation, possession, or release of fish and wildlife for
382 which possession is prohibited.

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

385 9. Section 379.305, relating to release or escape of
386 nonnative venomous reptiles or reptiles of concern.

387 (b)1. A person who commits any offense classified as a
388 Level Three violation and who has not been convicted of a Level
389 Three or higher violation within the past 10 years commits a
390 misdemeanor of the first degree, punishable as provided in s.
391 775.082 or s. 775.083.

392 2. A person who commits any offense classified as a Level
393 Three violation within a 10-year period of any previous
394 conviction of a Level Three or higher violation commits a
395 misdemeanor of the first degree, punishable as provided in s.
396 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
397 permanent revocation of all licenses or permits to possess
398 captive wildlife issued under this chapter.

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

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

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

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

412 (6) CIVIL PENALTY.—

413 (a) In addition to other applicable penalties, the
414 commission may impose against any person, party, firm,
415 association, or corporation convicted of a criminal violation of
416 any provision of s. 379.231, s. 379.372, s. 379.3761, or s.
417 379.3762 a civil penalty of not more than \$5,000 for each
418 animal, unless otherwise authorized pursuant to subparagraphs
419 1.-5. For all related violations attributable to a specific
420 violator, the total civil penalty may not exceed \$10,000 for
421 each assessment for each animal.

422 1. The history of noncompliance of the violator for any
423 previous violation of this chapter or rules or orders of the
424 commission shall be considered in determining the amount of the
425 civil penalty.

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

428 3. The costs incurred by the commission related to the
429 escape, recovery, and care of the wildlife for which the
430 violation was issued shall be added to the civil penalty.

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

433 a. The violator has a history of noncompliance;

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

435 c. The costs incurred by the commission related to the

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436 escape, recovery, and care of the wildlife for which the
437 violation was issued exceeds \$5,000.

438 5. The civil penalty assessed pursuant to this subsection
439 may be reduced by the commission for mitigating circumstances,
440 including good faith efforts to comply before or after discovery
441 of the violations by the commission.

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

446 (7)~~(6)~~ CONVICTION DEFINED.—For purposes of this section,
447 the term “conviction” means any judicial disposition other than
448 acquittal or dismissal.

449 (8)~~(7)~~ COMMISSION LIMITATIONS.—Nothing in this section
450 shall limit the commission from suspending or revoking any
451 license to possess wildlife in captivity by administrative
452 action in accordance with chapter 120. For purposes of
453 administrative action, a conviction of a criminal offense shall
454 mean any judicial disposition other than acquittal or dismissal.

455 (9) ANNUAL REPORT.—By January 1 of each year, the
456 commission shall submit to the President of the Senate and the
457 Speaker of the House of Representatives a report listing each
458 species identified by the commission as a conditional or
459 prohibited species or a reptile of concern.

460 Section 7. By December 31, 2010, the Fish and Wildlife
461 Conservation Commission shall evaluate the placement of
462 additional species, such as iguanas, on the list of reptiles of
463 concern.

464 Section 8. Subsections (18), (25), and (34) of section

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465 379.101, Florida Statutes, are amended to read:

466 379.101 Definitions.—In construing these statutes, where
467 the context does not clearly indicate otherwise, the word,
468 phrase, or term:

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

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

474 (34) "Saltwater fish" means:

475 (a) Any saltwater species of finfish of the classes
476 Agnatha, Chondrichthyes, or Osteichthyes and marine
477 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,
478 or of the phylum Echinodermata, but does not include nonliving
479 shells or echinoderms; and

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

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

484 379.244 Crustacea, marine animals, fish; regulations;
485 general provisions.—

486 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
487 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.—
488 Notwithstanding any other provisions of general or special law
489 to the contrary, the Fish and Wildlife Conservation Commission
490 may authorize, upon such terms, conditions, and restrictions as
491 it may prescribe by rule, any properly accredited person to
492 harvest or possess native ~~indigenous~~ or nonnative ~~nonindigenous~~
493 saltwater species for experimental, scientific, education, and

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494 exhibition purposes or to harvest or possess reasonable
495 quantities of aquacultural species for brood stock. Such
496 authorizations may allow collection of specimens without regard
497 to, and not limited to, size, seasonal closure, collection
498 method, reproductive state, or bag limit. Authorizations issued
499 under the provisions of this section may be suspended or revoked
500 by the Fish and Wildlife Conservation Commission if it finds
501 that the person has violated this section, Fish and Wildlife
502 Conservation Commission rules or orders, or terms or conditions
503 of the authorization or has submitted false or inaccurate
504 information in his or her application.

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

507 379.26 Illegal importation or possession of nonindigenous
508 marine plants and animals; rules and regulations.—

509 (1) It is unlawful to import or possess any marine plant or
510 marine animal, not native ~~indigenous~~ to the state, which, due to
511 the stimulating effect of the waters of the state on
512 procreation, may endanger or infect the marine resources of the
513 state or pose a human health hazard, except as provided in this
514 section.

515 (5) It is unlawful to release into the waters of the state
516 any nonnative ~~nonindigenous~~ saltwater species whether or not
517 included in subsection (2) or prohibited by rules and
518 regulations adopted pursuant to subsection (3) or authorized by
519 subsection (4).

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

522 379.304 Exhibition or sale of wildlife.—

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523 (1) Permits issued pursuant to s. 379.3761 and places where
524 wildlife is kept or held in captivity shall be subject to
525 inspection by officers of the commission at all times. The
526 commission shall have the power to release or confiscate any
527 specimens of any wildlife, specifically birds, mammals,
528 amphibians, or reptiles, whether native ~~indigenous~~ to the state
529 or not, when it is found that conditions under which they are
530 being confined are unsanitary, or unsafe to the public in any
531 manner, or that the species of wildlife are being maltreated,
532 mistreated, or neglected or kept in any manner contrary to the
533 provisions of chapter 828, any such permit to the contrary
534 notwithstanding. Before any such wildlife is confiscated or
535 released under the authority of this section, the owner thereof
536 shall have been advised in writing of the existence of such
537 unsatisfactory conditions; the owner shall have been given 30
538 days in which to correct such conditions; the owner shall have
539 failed to correct such conditions; the owner shall have had an
540 opportunity for a proceeding pursuant to chapter 120; and the
541 commission shall have ordered such confiscation or release after
542 careful consideration of all evidence in the particular case in
543 question. The final order of the commission shall constitute
544 final agency action.

545 Section 12. Paragraph (b) of subsection (4) of section
546 379.361, Florida Statutes, is amended to read:

547 379.361 Licenses.—

548 (4) SPECIAL ACTIVITY LICENSES.—

549 (b) The Fish and Wildlife Conservation Commission is
550 authorized to issue special activity licenses in accordance with
551 this section and s. 379.2524, to permit the importation and

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552 possession of wild anadromous sturgeon. The commission is also
553 authorized to issue special activity licenses, in accordance
554 with this section and s. 379.2524, to permit the importation,
555 possession, and aquaculture of native and nonnative anadromous
556 sturgeon until best management practices are implemented for the
557 cultivation of anadromous sturgeon pursuant to s. 597.004. The
558 special activity license shall provide for specific management
559 practices to protect native ~~indigenous~~ populations of saltwater
560 species.

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

563 379.363 Freshwater fish dealer's license.—

564 (1) No person shall engage in the business of taking for
565 sale or selling any frogs or freshwater fish, including live
566 bait, of any species or size, or importing any exotic or
567 nonnative ~~nonindigenous~~ fish, until such person has obtained a
568 license and paid the fee therefor as set forth herein. The
569 license issued shall be in the possession of the person to whom
570 issued while such person is engaging in the business of taking
571 for sale or selling freshwater fish or frogs, is not
572 transferable, shall bear on its face in indelible ink the name
573 of the person to whom it is issued, and shall be affixed to a
574 license identification card issued by the commission. Such
575 license is not valid unless it bears the name of the person to
576 whom it is issued and is so affixed. The failure of such person
577 to exhibit such license to the commission or any of its wildlife
578 officers when such person is found engaging in such business is
579 a violation of law. The license fees and activities permitted
580 under particular licenses are as follows:

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581 (a) The fee for a resident commercial fishing license,
582 which permits a resident to take freshwater fish or frogs by any
583 lawful method prescribed by the commission and to sell such fish
584 or frogs, shall be \$25. The license provided for in this
585 paragraph shall also allow noncommercial fishing as provided by
586 law and commission rules, and the license in s. 379.354(4)(a)
587 shall not be required.

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

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

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

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

601 (f) The fee for a nonresident wholesale fish buyer's
602 license, which permits a nonresident who does not sell
603 freshwater fish or frogs in Florida to buy freshwater fish or
604 frogs from resident fish dealers for resale outside the state,
605 shall be \$50.

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

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

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

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

618 379.3762 Personal possession of wildlife.—

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

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