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LEGISLATIVE ACTION

Senate	.	House
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The Committee on General Government Appropriations (Dean)
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; permit or license
24 required.-

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

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

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



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

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

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

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

69 (b) However, if a person, party, firm, association, or
70 corporation holds a permit or license issued before July 1,



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71 2010, pursuant to subsection (1) to legally possess a species
72 listed in paragraph (a), the person, party, firm, association,
73 or corporation may possess the reptile for the remainder of the
74 reptile's life. If the reptile survives the death or dissolution
75 of the permittee or licensee, possession of the reptile may be
76 transferred to another person, party, firm, association, or
77 corporation holding a permit or license to legally possess the
78 reptile for the remainder of the reptile's life.

79 (c) If the commission designates a reptile as a conditional
80 or prohibited species after July 1, 2010, the commission may
81 authorize the personal possession of the reptile by a person,
82 party, firm, association, or corporation permitted or licensed
83 to legally possess the reptile before the effective date of the
84 designation of the reptile as a conditional or prohibited
85 species. The personal possession of any such reptile is not a
86 violation of paragraph (a) if such personal possession is
87 authorized by the commission.

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

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

94 379.374 Bond required, amount.—

95 (2) No person, party, firm, association, or corporation
96 shall possess or exhibit to the public either with or without
97 charge or admission fee, any Class I wildlife, as defined in s.
98 379.303 and commission rule, without having first guaranteed
99 financial responsibility, in the sum of \$10,000, for any



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100 liability which may be incurred in the possession or exhibition
101 to the public of Class I wildlife. The commission shall adopt,
102 by rule, the methods of payment that satisfy the financial
103 responsibility, which may include cash, the establishment of a
104 trust fund, an irrevocable letter of credit, casualty insurance,
105 a corporate guarantee, or any combination thereof, in the sum of
106 \$10,000 which shall be posted with the commission. In lieu of
107 the \$10,000 financial responsibility guarantee required in this
108 subsection, the person, party, firm, association, or corporation
109 ~~exhibitor~~ has the option to maintain comprehensive general
110 liability insurance, with minimum limits of \$2 million per
111 occurrence and \$2 million annual aggregate, as shall protect the
112 person, party, firm, association, or corporation ~~exhibitor~~ from
113 claims for damage for personal injury, including accidental
114 death, as well as claims for property damage which may arise.
115 Proof of such insurance shall be submitted to the commission.

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

118 379.3761 Exhibition or sale of wildlife; fees;
119 classifications.—

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



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

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

144 Section 5. Paragraph (a) of subsection (3) of section
145 379.401, Florida Statutes, is amended to read:

146 379.401 Penalties and violations; civil penalties for
147 noncriminal infractions; criminal penalties; suspension and
148 forfeiture of licenses and permits.—

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

152 1. Rules or orders of the commission prohibiting the sale
153 of saltwater fish.

154 2. Rules or orders of the commission prohibiting the
155 illegal importation or possession of exotic marine plants or
156 animals.

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



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

160 5. Section 379.28, prohibiting the importation of
161 freshwater fish.

162 ~~6. Section 379.231, prohibiting the importation of~~
163 ~~nonindigenous species of the animal kingdom without a permit~~
164 ~~issued by the commission.~~

165 ~~6.7.~~ Section 379.354(17), prohibiting the taking of game,
166 freshwater fish, or saltwater fish while a required license is
167 suspended or revoked.

168 ~~7.8.~~ Section 379.3014, prohibiting the illegal sale or
169 possession of alligators.

170 ~~8.9.~~ Section 379.404(1), (3), and (6), prohibiting the
171 illegal taking and possession of deer and wild turkey.

172 ~~9.10.~~ Section 379.406, prohibiting the possession and
173 transportation of commercial quantities of freshwater game fish.

174 Section 6. Section 379.4015, Florida Statutes, is amended
175 to read:

176 379.4015 Nonnative and captive wildlife penalties.—

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

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

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

183 2. Rules or orders of the commission relating to the filing
184 of reports or other documents required of persons who are
185 licensed to possess captive wildlife.

186 3. Rules or orders of the commission requiring permits to



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187 possess captive wildlife for which a fee is charged, when the
188 person being charged was issued the permit and the permit has
189 expired less than 1 year prior to the violation.

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

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

203 (d) Any person cited for an infraction under this
204 subsection may:

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

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

211 (e) Any person charged with a noncriminal infraction under
212 this subsection may:

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

215 2. If the person has posted bond, forfeit bond by not



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216 appearing at the designated time and location.

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

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

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

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

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



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

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

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

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

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

258 4. Rules or orders of the commission relating to wild
259 animal life designated by the commission as a conditional or
260 prohibited species.

261 5.4. Section 379.372, relating to capturing, keeping,
262 possessing, transporting, or exhibiting venomous reptiles, ~~or~~
263 reptiles of concern, conditional reptiles, or prohibited
264 reptiles.

265 6.5. Section 379.373, relating to requiring a license or
266 permit for the capturing, keeping, possessing, or exhibiting of
267 venomous reptiles or reptiles of concern.

268 7.6. Section 379.374, relating to bonding requirements for
269 public exhibits of venomous reptiles.

270 8.7. Section 379.305, relating to commission rules and
271 regulations to prevent the escape of venomous reptiles or
272 reptiles of concern.

273 9.8. Section 379.304, relating to exhibition or sale of



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274 wildlife.

275 ~~10.9.~~ Section 379.3761, relating to exhibition or sale of
276 wildlife.

277 ~~11.10.~~ Section 379.3762, relating to personal possession of
278 wildlife.

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

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

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

298 (e) A person who commits any offense classified as a Level
299 Two violation within a 10-year period of any three previous
300 convictions of Level Two or higher violations commits a
301 misdemeanor of the first degree, punishable as provided in s.
302 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and



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303 a suspension of all licenses issued under this chapter related
304 to captive wildlife for 3 years.

305 (f) In addition to being subject to the penalties under
306 paragraphs (b)-(e), a person who commits a Level Two violation
307 that is a violation of s. 379.372 or rules or orders of the
308 commission relating to wild animal life designated by the
309 commission as a conditional or prohibited species shall receive
310 a minimum mandatory fine of \$100 and must immediately surrender
311 the animal for which the violation was issued unless a permit or
312 license for possession of the animal is lawfully obtained.

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

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

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

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

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

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

331 5. Rules or orders of the commission prohibiting knowingly



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332 entering false information on an application for a license or
333 permit when the license or permit is to possess wildlife in
334 captivity.

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

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

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

343 9. Section 379.305, relating to release or escape of
344 nonnative venomous reptiles or reptiles of concern.

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

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

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

359 (a) A person commits a Level Four violation if he or she
360 violates any Level Three provision after the permanent



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361 revocation of a license or permit.

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

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

370 (6) CIVIL PENALTY.—

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

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

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

386 3. The costs incurred by the commission related to the
387 escape, recovery, and care of the animal for which the violation
388 was issued shall be added to the civil penalty.

389 4. The civil penalty assessed for a violation may not



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390 exceed \$5,000 for each animal unless:
391 a. The violator has a history of noncompliance;
392 b. The economic benefit of the violation exceeds \$5,000; or
393 c. The costs incurred by the commission related to the
394 escape, recovery, and care of the animal for which the violation
395 was issued exceeds \$5,000.
396 5. The civil penalty assessed pursuant to this subsection
397 may be reduced by the commission for mitigating circumstances,
398 including good faith efforts to comply before or after discovery
399 of the violations by the commission.
400 (b) The proceeds of all civil penalties collected pursuant
401 to this subsection shall be deposited into the State Game Trust
402 Fund and shall be used for management, administration, auditing,
403 and research purposes.
404 (7) ~~(6)~~ CONVICTION DEFINED.—For purposes of this section,
405 the term "conviction" means any judicial disposition other than
406 acquittal or dismissal.
407 (8) ~~(7)~~ COMMISSION LIMITATIONS.—Nothing in this section
408 shall limit the commission from suspending or revoking any
409 license to possess wildlife in captivity by administrative
410 action in accordance with chapter 120. For purposes of
411 administrative action, a conviction of a criminal offense shall
412 mean any judicial disposition other than acquittal or dismissal.
413 (9) ANNUAL REPORT.—By January 1 of each year, the
414 commission shall submit a report listing each species designated
415 by the commission as a conditional or prohibited species or a
416 reptile of concern to the President of the Senate and the
417 Speaker of the House of Representatives.
418 Section 7. By December 31, 2010, the Fish and Wildlife



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419 Conservation Commission shall evaluate the addition of species,
420 such as iguanas, to the list of reptiles of concern.

421 Section 8. Subsections (18), (25), and (34) of section
422 379.101, Florida Statutes, are amended to read:

423 379.101 Definitions.—In construing these statutes, where
424 the context does not clearly indicate otherwise, the word,
425 phrase, or term:

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

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

431 (34) "Saltwater fish" means:

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

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

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

441 379.244 Crustacea, marine animals, fish; regulations;
442 general provisions.—

443 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
444 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.—
445 Notwithstanding any other provisions of general or special law
446 to the contrary, the Fish and Wildlife Conservation Commission
447 may authorize, upon such terms, conditions, and restrictions as



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

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

464 379.26 Illegal importation or possession of nonnative
465 ~~nonindigenous~~ marine plants and animals; rules and regulations.-

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

472 (5) It is unlawful to release into the waters of the state
473 any nonnative ~~nonindigenous~~ saltwater species whether or not
474 included in subsection (2) or prohibited by rules and
475 regulations adopted pursuant to subsection (3) or authorized by
476 subsection (4).



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

479 379.304 Exhibition or sale of wildlife.—

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

502 Section 12. Paragraph (b) of subsection (4) of section
503 379.361, Florida Statutes, is amended to read:

504 379.361 Licenses.—

505 (4) SPECIAL ACTIVITY LICENSES.—



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

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

520 379.363 Freshwater fish dealer's license.—

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



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535 officers when such person is found engaging in such business is
536 a violation of law. The license fees and activities permitted
537 under particular licenses are as follows:

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

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

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

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

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

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

563 (g) Any individual or business issued an aquaculture



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564 certificate, pursuant to s. 597.004, shall be exempt from the
565 requirements of this part with respect to aquaculture products
566 authorized under such certificate.

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

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

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

575 379.3762 Personal possession of wildlife.—

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

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

582

583 ===== T I T L E A M E N D M E N T =====

584 And the title is amended as follows:

585 Delete everything before the enacting clause
586 and insert:

587 A bill to be entitled
588 An act relating to wildlife regulation; amending s.
589 379.231, F.S.; revising provisions relating to the
590 sale, use, or release of nonnative animals; amending
591 s. 379.372, F.S.; prohibiting any person from keeping,
592 possessing, importing, selling, bartering, trading, or



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593 breeding certain specified reptile species, including
594 reptiles designated as conditional or prohibited
595 species by the Fish and Wildlife Conservation
596 Commission; providing certain exceptions applicable to
597 reptiles for which the owner holds a permit or license
598 issued before or after specified dates; providing an
599 exemption for specified exhibitors and zoological
600 facilities; amending s. 379.374, F.S.; providing
601 bonding requirements for the possession of certain
602 wildlife; amending s. 379.3761, F.S.; revising
603 provisions relating to the exhibition and sale of
604 wildlife; prohibiting the sale of specified wild
605 animal life in the state unless authorized by the
606 commission; clarifying provisions relating to
607 exhibition licensing; amending s. 379.401, F.S.;
608 deleting a reference to conform to changes made by the
609 act; amending s. 379.4015, F.S.; revising captive
610 wildlife penalties to include wild animal life
611 designated as conditional and prohibited species;
612 providing civil penalties for violations relating to
613 import, capture, possession, sale, use, exhibition,
614 transport, or release of wildlife, including venomous
615 reptiles, reptiles of concern, conditional reptiles,
616 prohibited reptiles, and wild animal life designated
617 as conditional and prohibited species; providing
618 limitations; providing for penalty mitigation under
619 certain conditions; requiring proceeds to be deposited
620 into the State Game Trust Fund and used for specified
621 purposes; requiring the commission to submit a



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622 specified annual report to the Legislature; directing
623 the commission to evaluate the addition of species to
624 the list of reptiles of concern; amending ss. 379.101,
625 379.244, 379.26, 379.304, 379.361, 379.363, and
626 379.3762, F.S.; conforming terminology; providing an
627 effective date.