

1 A bill to be entitled
2 An act relating to wildlife regulation; amending s.
3 379.231, F.S.; revising provisions relating to the sale,
4 use, or release of nonnative animals; amending s. 379.372,
5 F.S.; prohibiting any person from keeping, possessing,
6 importing, selling, bartering, trading, or breeding
7 certain specified reptile species, including reptiles
8 designated as conditional or prohibited species by the
9 Fish and Wildlife Conservation Commission; providing
10 certain exceptions applicable to reptiles for which the
11 owner holds a permit or license issued before or after
12 specified dates; providing an exemption for specified
13 exhibitors and zoological facilities; amending s. 379.374,
14 F.S.; providing bonding requirements for the possession of
15 certain wildlife; amending s. 379.3761, F.S.; revising
16 provisions relating to the exhibition and sale of
17 wildlife; prohibiting the sale of specified wild animal
18 life in the state unless authorized by the commission;
19 clarifying provisions relating to exhibition licensing;
20 amending s. 379.401, F.S.; deleting a reference to conform
21 to changes made by the act; amending s. 379.4015, F.S.;
22 revising captive wildlife penalties to include wild animal
23 life designated as conditional and prohibited species;
24 providing civil penalties for violations relating to
25 import, capture, possession, sale, use, exhibition,
26 transport, or release of wildlife, including venomous
27 reptiles, reptiles of concern, conditional reptiles,
28 prohibited reptiles, and wild animal life designated as

29 conditional and prohibited species; providing limitations;
 30 providing for penalty mitigation under certain conditions;
 31 requiring proceeds to be deposited into the State Game
 32 Trust Fund and used for specified purposes; requiring the
 33 commission to submit a specified annual report to the
 34 Legislature; directing the commission to evaluate the
 35 addition of species to the list of reptiles of concern;
 36 amending ss. 379.101, 379.244, 379.26, 379.304, 379.361,
 37 379.363, and 379.3762, F.S.; conforming terminology;
 38 providing an effective date.

39

40 Be It Enacted by the Legislature of the State of Florida:

41

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

44 379.231 Regulation of nonnative ~~foreign~~ animals.—

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

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

54 (2)(3) A person in violation of this section commits a
 55 Level Three violation under s. 379.4015 ~~s. 379.401~~.

56 Section 2. Section 379.372, Florida Statutes, is amended

57 | to read:

58 | 379.372 Capturing, keeping, possessing, transporting, or
 59 | exhibiting venomous reptiles, ~~or~~ reptiles of concern,
 60 | conditional reptiles, or prohibited reptiles; permit or license
 61 | required.—

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

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

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

85 firm, association, or corporation to correct the situation
 86 within 30 days after such written notice shall be grounds for
 87 revocation of the permit or license ~~or permit~~ of the person,
 88 party, firm, association, or corporation.

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

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

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

106 (b) However, if a person, party, firm, association, or
 107 corporation holds a permit or license issued before July 1,
 108 2010, pursuant to subsection (1) to legally possess a species
 109 listed in paragraph (a), the person, party, firm, association,
 110 or corporation may possess the reptile for the remainder of the
 111 reptile's life. If the reptile survives the death or dissolution
 112 of the permittee or licensee, possession of the reptile may be

113 transferred to another person, party, firm, association, or
114 corporation holding a permit or license to legally possess the
115 reptile for the remainder of the reptile's life.

116 (c) If the commission designates a reptile as a
117 conditional or prohibited species after July 1, 2010, the
118 commission may authorize the personal possession of the reptile
119 by a person, party, firm, association, or corporation permitted
120 or licensed to legally possess the reptile before the effective
121 date of the designation of the reptile as a conditional or
122 prohibited species. The personal possession of any such reptile
123 is not a violation of paragraph (a) if such personal possession
124 is authorized by the commission.

125 (d) This subsection does not apply to traveling wildlife
126 exhibitors licensed or registered under the Animal Welfare Act
127 or to zoological facilities that are licensed by the commission
128 or that are exempted from the licensure requirement.

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

131 379.374 Bond required, amount.—

132 (2) No person, party, firm, association, or corporation
133 shall possess or exhibit to the public either with or without
134 charge or admission fee, any Class I wildlife, as defined in s.
135 379.303 and commission rule, without having first guaranteed
136 financial responsibility, in the sum of \$10,000, for any
137 liability which may be incurred in the possession or exhibition
138 to the public of Class I wildlife. The commission shall adopt,
139 by rule, the methods of payment that satisfy the financial
140 responsibility, which may include cash, the establishment of a

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141 trust fund, an irrevocable letter of credit, casualty insurance,
142 a corporate guarantee, or any combination thereof, in the sum of
143 \$10,000 which shall be posted with the commission. In lieu of
144 the \$10,000 financial responsibility guarantee required in this
145 subsection, the person, party, firm, association, or corporation
146 ~~exhibitor~~ has the option to maintain comprehensive general
147 liability insurance, with minimum limits of \$2 million per
148 occurrence and \$2 million annual aggregate, as shall protect the
149 person, party, firm, association, or corporation ~~exhibitor~~ from
150 claims for damage for personal injury, including accidental
151 death, as well as claims for property damage which may arise.
152 Proof of such insurance shall be submitted to the commission.

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

155 379.3761 Exhibition or sale of wildlife; fees;
156 classifications.—

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

169 commission. No person, party, firm, corporation, or association
 170 may sell any wild animal life designated by commission rule as
 171 Class I or Class II wildlife, a conditional or prohibited
 172 species, a venomous reptile, or a reptile of concern in the
 173 state, including a sale with delivery made in this state,
 174 regardless of the origin of the sale or the location of the
 175 initial transaction, unless authorized by the commission.

176 (4) The provisions of this section relative to licensing
 177 for exhibition do not apply to any municipal, county, state, or
 178 other publicly owned wildlife exhibit or. ~~The provisions of this~~
 179 ~~section do not apply to~~ any traveling zoo, circus, or exhibit
 180 licensed under ~~as provided by~~ chapter 205.

181 Section 5. Paragraph (a) of subsection (3) of section
 182 379.401, Florida Statutes, is amended to read:

183 379.401 Penalties and violations; civil penalties for
 184 noncriminal infractions; criminal penalties; suspension and
 185 forfeiture of licenses and permits.—

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

189 1. Rules or orders of the commission prohibiting the sale
 190 of saltwater fish.

191 2. Rules or orders of the commission prohibiting the
 192 illegal importation or possession of exotic marine plants or
 193 animals.

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

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

197 5. Section 379.28, prohibiting the importation of
198 freshwater fish.

199 ~~6. Section 379.231, prohibiting the importation of~~
200 ~~nonindigenous species of the animal kingdom without a permit~~
201 ~~issued by the commission.~~

202 ~~6.7.~~ Section 379.354(17), prohibiting the taking of game,
203 freshwater fish, or saltwater fish while a required license is
204 suspended or revoked.

205 ~~7.8.~~ Section 379.3014, prohibiting the illegal sale or
206 possession of alligators.

207 ~~8.9.~~ Section 379.404(1), (3), and (6), prohibiting the
208 illegal taking and possession of deer and wild turkey.

209 ~~9.10.~~ Section 379.406, prohibiting the possession and
210 transportation of commercial quantities of freshwater game fish.

211 Section 6. Section 379.4015, Florida Statutes, is amended
212 to read:

213 379.4015 Nonnative and captive wildlife penalties.—

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

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

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

220 2. Rules or orders of the commission relating to the
221 filing of reports or other documents required of persons who are
222 licensed to possess captive wildlife.

223 3. Rules or orders of the commission requiring permits to
224 possess captive wildlife for which a fee is charged, when the

225 person being charged was issued the permit and the permit has
 226 expired less than 1 year prior to the violation.

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

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

240 (d) Any person cited for an infraction under this
 241 subsection may:

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

244 2. Sign and accept a citation indicating a promise to
 245 appear before the county court. The officer may indicate on the
 246 citation the time and location of the scheduled hearing and
 247 shall indicate the applicable civil penalty.

248 (e) Any person charged with a noncriminal infraction under
 249 this subsection may:

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

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

253 appearing at the designated time and location.

254 (f) If the person cited follows either of the procedures
255 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
256 deemed to have admitted the infraction and to have waived his or
257 her right to a hearing on the issue of commission of the
258 infraction. Such admission shall not be used as evidence in any
259 other proceedings except to determine the appropriate fine for
260 any subsequent violations.

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

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

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

279 (j) If a person is found by the hearing official to have
280 committed an infraction, she or he may appeal that finding to

281 the circuit court.

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

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

286 1. Unless otherwise stated in subsection (1), rules or
287 orders of the commission that require a person to pay a fee to
288 obtain a permit to possess captive wildlife or that require the
289 maintenance of records relating to captive wildlife.

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

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

295 4. Rules or orders of the commission relating to wild
296 animal life designated by the commission as a conditional or
297 prohibited species.

298 ~~5.4.~~ Section 379.372, relating to capturing, keeping,
299 possessing, transporting, or exhibiting venomous reptiles, ~~or~~
300 reptiles of concern, conditional reptiles, or prohibited
301 reptiles.

302 ~~6.5.~~ Section 379.373, relating to requiring a license or
303 permit for the capturing, keeping, possessing, or exhibiting of
304 venomous reptiles or reptiles of concern.

305 ~~7.6.~~ Section 379.374, relating to bonding requirements for
306 public exhibits of venomous reptiles.

307 ~~8.7.~~ Section 379.305, relating to commission rules and
308 regulations to prevent the escape of venomous reptiles or

309 reptiles of concern.

310 ~~9.8.~~ Section 379.304, relating to exhibition or sale of
311 wildlife.

312 ~~10.9.~~ Section 379.3761, relating to exhibition or sale of
313 wildlife.

314 ~~11.10.~~ Section 379.3762, relating to personal possession
315 of wildlife.

316 (b) A person who commits any offense classified as a Level
317 Two violation and who has not been convicted of a Level Two or
318 higher violation within the past 3 years commits a misdemeanor
319 of the second degree, punishable as provided in s. 775.082 or s.
320 775.083.

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

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

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

337 convictions of Level Two or higher violations commits a
338 misdemeanor of the first degree, punishable as provided in s.
339 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
340 a suspension of all licenses issued under this chapter related
341 to captive wildlife for 3 years.

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

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

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

354 1. Rules or orders of the commission that require housing
355 of wildlife in a safe manner when a violation results in an
356 escape of Class I wildlife.

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

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

365 4. Rules or orders of the commission prohibiting the
 366 release of wildlife for which only conditional possession is
 367 allowed.

368 5. Rules or orders of the commission prohibiting knowingly
 369 entering false information on an application for a license or
 370 permit when the license or permit is to possess wildlife in
 371 captivity.

372 6. Rules or orders of the commission relating to the
 373 illegal importation and possession of nonnative ~~nonindigenous~~
 374 marine plants and animals.

375 7. Rules or orders of the commission relating to the
 376 importation, possession, or release of fish and wildlife for
 377 which possession is prohibited.

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

380 9. Section 379.305, relating to release or escape of
 381 nonnative venomous reptiles or reptiles of concern.

382 (b)1. A person who commits any offense classified as a
 383 Level Three violation and who has not been convicted of a Level
 384 Three or higher violation within the past 10 years commits a
 385 misdemeanor of the first degree, punishable as provided in s.
 386 775.082 or s. 775.083.

387 2. A person who commits any offense classified as a Level
 388 Three violation within a 10-year period of any previous
 389 conviction of a Level Three or higher violation commits a
 390 misdemeanor of the first degree, punishable as provided in s.
 391 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
 392 permanent revocation of all licenses or permits to possess

393 captive wildlife issued under this chapter.

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

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

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

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

407 (6) CIVIL PENALTY.—

408 (a) In addition to other applicable penalties, the
409 commission may impose against any person, party, firm,
410 association, or corporation that is convicted of a criminal
411 violation of any provision of s. 379.231, s. 379.372, s.
412 379.3761, or s. 379.3762 a civil penalty of not more than \$5,000
413 for each animal, unless authorized pursuant to subparagraphs 1.-
414 5. For all related violations attributable to a specific
415 violator, the total civil penalty may not exceed \$10,000 for
416 each assessment for each animal.

417 1. The history of noncompliance of the violator for any
418 previous violation of this chapter or rules or orders of the
419 commission shall be considered in determining the amount of the
420 civil penalty.

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

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

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

428 a. The violator has a history of noncompliance;

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

430 or

431 c. The costs incurred by the commission related to the
 432 escape, recovery, and care of the animal for which the violation
 433 was issued exceeds \$5,000.

434 5. The civil penalty assessed pursuant to this subsection
 435 may be reduced by the commission for mitigating circumstances,
 436 including good faith efforts to comply before or after discovery
 437 of the violations by the commission.

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

442 ~~(7)(6)~~ CONVICTION DEFINED.—For purposes of this section,
 443 the term "conviction" means any judicial disposition other than
 444 acquittal or dismissal.

445 ~~(8)(7)~~ COMMISSION LIMITATIONS.—Nothing in this section
 446 shall limit the commission from suspending or revoking any
 447 license to possess wildlife in captivity by administrative
 448 action in accordance with chapter 120. For purposes of

449 administrative action, a conviction of a criminal offense shall
 450 mean any judicial disposition other than acquittal or dismissal.

451 (9) ANNUAL REPORT.—By January 1 of each year, the
 452 commission shall submit a report listing each species designated
 453 by the commission as a conditional or prohibited species or a
 454 reptile of concern to the President of the Senate and the
 455 Speaker of the House of Representatives.

456 Section 7. By December 31, 2010, the Fish and Wildlife
 457 Conservation Commission shall evaluate the addition of species,
 458 such as iguanas, to the list of reptiles of concern.

459 Section 8. Subsections (18), (25), and (34) of section
 460 379.101, Florida Statutes, are amended to read:

461 379.101 Definitions.—In construing these statutes, where
 462 the context does not clearly indicate otherwise, the word,
 463 phrase, or term:

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

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

469 (34) "Saltwater fish" means:

470 (a) Any saltwater species of finfish of the classes
 471 Agnatha, Chondrichthyes, or Osteichthyes and marine
 472 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,
 473 or of the phylum Echinodermata, but does not include nonliving
 474 shells or echinoderms; and

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

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

479 379.244 Crustacea, marine animals, fish; regulations;
 480 general provisions.—

481 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
 482 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.—
 483 Notwithstanding any other provisions of general or special law
 484 to the contrary, the Fish and Wildlife Conservation Commission
 485 may authorize, upon such terms, conditions, and restrictions as
 486 it may prescribe by rule, any properly accredited person to
 487 harvest or possess native ~~indigenous~~ or nonnative ~~nonindigenous~~
 488 saltwater species for experimental, scientific, education, and
 489 exhibition purposes or to harvest or possess reasonable
 490 quantities of aquacultural species for brood stock. Such
 491 authorizations may allow collection of specimens without regard
 492 to, and not limited to, size, seasonal closure, collection
 493 method, reproductive state, or bag limit. Authorizations issued
 494 under the provisions of this section may be suspended or revoked
 495 by the Fish and Wildlife Conservation Commission if it finds
 496 that the person has violated this section, Fish and Wildlife
 497 Conservation Commission rules or orders, or terms or conditions
 498 of the authorization or has submitted false or inaccurate
 499 information in his or her application.

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

502 379.26 Illegal importation or possession of nonnative
 503 ~~nonindigenous~~ marine plants and animals; rules and regulations.—

504 (1) It is unlawful to import or possess any marine plant

505 or marine animal, not native ~~indigenous~~ to the state, which, due
 506 to the stimulating effect of the waters of the state on
 507 procreation, may endanger or infect the marine resources of the
 508 state or pose a human health hazard, except as provided in this
 509 section.

510 (5) It is unlawful to release into the waters of the state
 511 any nonnative ~~nonindigenous~~ saltwater species whether or not
 512 included in subsection (2) or prohibited by rules and
 513 regulations adopted pursuant to subsection (3) or authorized by
 514 subsection (4).

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

517 379.304 Exhibition or sale of wildlife.—

518 (1) Permits issued pursuant to s. 379.3761 and places
 519 where wildlife is kept or held in captivity shall be subject to
 520 inspection by officers of the commission at all times. The
 521 commission shall have the power to release or confiscate any
 522 specimens of any wildlife, specifically birds, mammals,
 523 amphibians, or reptiles, whether native ~~indigenous~~ to the state
 524 or not, when it is found that conditions under which they are
 525 being confined are unsanitary, or unsafe to the public in any
 526 manner, or that the species of wildlife are being maltreated,
 527 mistreated, or neglected or kept in any manner contrary to the
 528 provisions of chapter 828, any such permit to the contrary
 529 notwithstanding. Before any such wildlife is confiscated or
 530 released under the authority of this section, the owner thereof
 531 shall have been advised in writing of the existence of such
 532 unsatisfactory conditions; the owner shall have been given 30

533 days in which to correct such conditions; the owner shall have
534 failed to correct such conditions; the owner shall have had an
535 opportunity for a proceeding pursuant to chapter 120; and the
536 commission shall have ordered such confiscation or release after
537 careful consideration of all evidence in the particular case in
538 question. The final order of the commission shall constitute
539 final agency action.

540 Section 12. Paragraph (b) of subsection (4) of section
541 379.361, Florida Statutes, is amended to read:

542 379.361 Licenses.—

543 (4) SPECIAL ACTIVITY LICENSES.—

544 (b) The Fish and Wildlife Conservation Commission is
545 authorized to issue special activity licenses in accordance with
546 this section and s. 379.2524, to permit the importation and
547 possession of wild anadromous sturgeon. The commission is also
548 authorized to issue special activity licenses, in accordance
549 with this section and s. 379.2524, to permit the importation,
550 possession, and aquaculture of native and nonnative anadromous
551 sturgeon until best management practices are implemented for the
552 cultivation of anadromous sturgeon pursuant to s. 597.004. The
553 special activity license shall provide for specific management
554 practices to protect native ~~indigenous~~ populations of saltwater
555 species.

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

558 379.363 Freshwater fish dealer's license.—

559 (1) No person shall engage in the business of taking for
560 sale or selling any frogs or freshwater fish, including live

561 bait, of any species or size, or importing any exotic or
562 nonnative ~~nonindigenous~~ fish, until such person has obtained a
563 license and paid the fee therefor as set forth herein. The
564 license issued shall be in the possession of the person to whom
565 issued while such person is engaging in the business of taking
566 for sale or selling freshwater fish or frogs, is not
567 transferable, shall bear on its face in indelible ink the name
568 of the person to whom it is issued, and shall be affixed to a
569 license identification card issued by the commission. Such
570 license is not valid unless it bears the name of the person to
571 whom it is issued and is so affixed. The failure of such person
572 to exhibit such license to the commission or any of its wildlife
573 officers when such person is found engaging in such business is
574 a violation of law. The license fees and activities permitted
575 under particular licenses are as follows:

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

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

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

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

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

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

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

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

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

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

613 379.3762 Personal possession of wildlife.—

614 (1) It is unlawful for any person or persons to possess
615 any wildlife as defined in this act, whether native ~~indigenous~~
616 to Florida or not, until she or he has obtained a permit as

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617 | provided by this section from the Fish and Wildlife Conservation
618 | Commission.

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