

By Senator Dean

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1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 379.101, F.S.; defining the
4 term "fish and wildlife"; amending s. 379.2223, F.S.;
5 revising penalties for violations of commission rules
6 relating to control and management of state game
7 lands; amending s. 379.2257, F.S.; revising penalties
8 for violations of commission rules relating to
9 cooperative agreements with the United States Forest
10 Service; amending s. 379.2425, F.S.; authorizing
11 exceptions to the prohibition on spearfishing;
12 specifying penalties for violating the prohibition;
13 amending s. 379.29, F.S.; revising penalties related
14 to the contamination of fresh waters; amending s.
15 379.295, F.S.; specifying penalties associated with
16 the prohibition on the use of explosives and other
17 substances injurious to fish; amending s. 379.33,
18 F.S.; deleting penalty provisions associated with the
19 general enforcement of commission rules; amending s.
20 379.3502, F.S.; deleting a provision regarding the
21 alteration of licenses or permits; specifying
22 penalties for the unlawful transfer of a license or
23 permit; amending s. 379.3503, F.S.; specifying
24 penalties for swearing or affirming a false statement
25 in an application for a license or permit; amending s.
26 379.3504, F.S.; specifying penalties for entering
27 false information on an application for a license or
28 permit; amending s. 379.3511, F.S.; revising penalties
29 for violations related to subagent sales of hunting,
30 fishing, and trapping licenses and permits; amending
31 s. 379.354, F.S.; specifying penalties for violations
32 related to recreational licenses, permits, and

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33 authorization numbers; amending s. 379.357, F.S.;

34 providing that the purchase of a tarpon tag does not

35 accord the purchaser with certain rights; revising

36 penalties related to the tarpon license program;

37 amending s. 379.359, F.S.; authorizing, rather than

38 requiring, the commission to retain a portion of

39 voluntary contributions for Southeastern Guide Dogs,

40 Inc.; amending s. 379.363, F.S.; specifying penalties

41 for violations related to freshwater fish dealer

42 licenses; amending s. 379.364, F.S.; specifying

43 penalties for violations related to the licensure of

44 fur and hide dealers; amending s. 379.365, F.S.;

45 revising penalties for violations related to stone

46 crabs; amending s. 379.3751, F.S.; specifying

47 penalties for violations related to the taking and

48 possession of alligators; amending s. 379.3752, F.S.;

49 specifying penalties for violations of requirements

50 related to tagging of alligators and alligator hides;

51 amending s. 379.401, F.S.; revising the penalties

52 associated with the violation of commission rules

53 related to the filing of documentation; specifying

54 penalties for the violation of commission rules or

55 orders related to the return of unused Convention on

56 the International Trade on Endangered Species (CITES)

57 tags; authorizing imposition of a modified penalty for

58 a specified offense if certain conditions are met;

59 specifying that persons who commit certain Level One

60 violations may be required to provide proof of a

61 license or permit to satisfy a citation; providing

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62 that violations of commission rules or orders
63 regarding all traps are Level Two violations unless
64 otherwise specified; providing that violations of
65 rules or orders of the commission relating certain
66 alligator-related programs are Level Two violations;
67 providing that certain specified unclassified
68 violations are Level Two violations; revising the
69 levels to which specified violations are assigned;
70 revising penalty provisions for Level Four violations;
71 specifying penalties for certain violations while
72 engaged in trespass; specifying that certain fines
73 collected for trespass violations be deposited in the
74 State Game Trust Fund; repealing s. 379.403, F.S.,
75 relating to the illegal killing, taking, possessing,
76 or selling of wildlife or game and related fines;
77 amending s. 379.409, F.S.; revising penalties for the
78 illegal killing, possessing, or capturing of
79 alligators or other crocodilia or crocodilian eggs;
80 amending s. 379.411, F.S.; revising penalties for the
81 unlawful intentional killing or wounding of any
82 species designated as endangered, threatened, or of
83 special concern; amending s. 379.4115, F.S.; revising
84 penalties for the killing of Florida or wild panthers;
85 amending ss. 379.3004, 379.337, 589.19, and 810.09,
86 F.S.; conforming cross-references; providing an
87 effective date.

88
89 Be It Enacted by the Legislature of the State of Florida:
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91 Section 1. Present subsections (14) through (39) of section
92 379.101, Florida Statutes, are redesignated as subsections (15)
93 through (40), respectively, and a new subsection (14) is added
94 to that section, to read:

95 379.101 Definitions.—In construing these statutes, where
96 the context does not clearly indicate otherwise, the word,
97 phrase, or term:

98 (14) "Fish and wildlife" means any member of the animal
99 kingdom, including, but not limited to, any mammal, fish, bird,
100 amphibian, reptile, mollusk, crustacean, arthropod, or other
101 invertebrate.

102 Section 2. Subsection (2) of section 379.2223, Florida
103 Statutes, is amended to read:

104 379.2223 Control and management of state game lands.—

105 (2) Any person violating or otherwise failing to comply
106 with any rule or regulation so adopted is subject to penalties
107 as provided in s. 379.401 ~~commits a misdemeanor of the second~~
108 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

109 Section 3. Subsection (3) of section 379.2257, Florida
110 Statutes, is amended to read:

111 379.2257 Cooperative agreements with United States U.S.
112 Forest Service; penalty.—The Fish and Wildlife Conservation
113 Commission is authorized and empowered:

114 (3) In addition to the requirements of chapter 120, notice
115 of the making, adoption, and promulgation of the above rules and
116 regulations shall be given by posting said notices, or copies of
117 the rules and regulations, in the offices of the county judges
118 and in the post offices within the area to be affected and
119 within 10 miles thereof. In addition to the posting of said

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120 notices, as aforesaid, copies of said notices or of said rules
121 and regulations shall also be published in newspapers published
122 at the county seats of Baker, Columbia, Marion, Lake, Putnam,
123 and Liberty Counties, or so many thereof as have newspapers,
124 once not more than 35 nor less than 28 days and once not more
125 than 21 nor less than 14 days prior to the opening of the state
126 hunting season in said areas. Any person violating any rules or
127 regulations promulgated by the commission to cover these areas
128 under cooperative agreements between the Fish and Wildlife
129 Conservation Commission and the United States Forest Service is
130 subject to penalties as provided in s. 379.401, ~~none of which~~
131 ~~shall be in conflict with the laws of Florida, shall be guilty~~
132 ~~of a misdemeanor of the second degree, punishable as provided in~~
133 ~~s. 775.082 or s. 775.083.~~

134 Section 4. Paragraph (a) of subsection (2) of section
135 379.2425, Florida Statutes, is amended, and subsection (4) is
136 added to that section, to read:

137 379.2425 Spearfishing; definition; limitations; penalty.—

138 (2) (a) Except as otherwise provided by commission rule or
139 order, spearfishing is prohibited within the boundaries of the
140 John Pennekamp Coral Reef State Park, the waters of Collier
141 County, and the area in Monroe County known as Upper Keys, which
142 includes all salt waters under the jurisdiction of the Fish and
143 Wildlife Conservation Commission beginning at the county line
144 between Miami-Dade and Monroe Counties and running south,
145 including all of the keys down to and including Long Key.

146 (4) A person who violates this section commits a Level Two
147 violation under s. 379.401.

148 Section 5. Subsection (2) of section 379.29, Florida

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149 Statutes, is amended to read:

150 379.29 Contaminating fresh waters.—

151 (2) A Any person, firm, or corporation violating ~~any of the~~
152 ~~provisions of this section~~ commits a Level Two violation under
153 s. 379.401 ~~shall be guilty of a misdemeanor of the second~~
154 ~~degree, punishable as provided in s. 775.082 or s. 775.083 for~~
155 ~~the first offense, and for the second or subsequent offense~~
156 ~~shall be guilty of a misdemeanor of the first degree, punishable~~
157 ~~as provided in s. 775.082 or s. 775.083.~~

158 Section 6. Section 379.295, Florida Statutes, is amended to
159 read:

160 379.295 Use of explosives and other substances prohibited.—
161 No person may throw or place, or cause to be thrown or placed,
162 any dynamite, lyddite, gunpowder, cannon cracker, acids,
163 filtration discharge, debris from mines, Indian berries,
164 sawdust, green walnuts, walnut leaves, creosote, oil, or other
165 explosives or deleterious substance or force into the fresh
166 waters of this state whereby fish therein are or may be injured.
167 Nothing in this section may be construed as preventing the
168 release of water slightly discolored by mining operations or
169 water escaping from such operations as the result of
170 providential causes. A person who violates this section commits
171 a Level Two violation under s. 379.401.

172 Section 7. Section 379.33, Florida Statutes, is amended to
173 read:

174 379.33 Enforcement of commission rules; ~~penalties for~~
175 ~~violation of rule.~~—Rules of the Fish and Wildlife Conservation
176 Commission shall be enforced by any law enforcement officer
177 certified pursuant to s. 943.13. ~~Except as provided under s.~~

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178 ~~379.401, any person who violates or otherwise fails to comply~~
179 ~~with any rule adopted by the commission shall be punished~~
180 ~~pursuant to s. 379.407(1).~~

181 Section 8. Section 379.3502, Florida Statutes, is amended
182 to read:

183 379.3502 License and permit not transferable.—A person may
184 ~~not alter or change in any manner, or loan or transfer to~~
185 ~~another, unless otherwise provided, any license or permit issued~~
186 ~~pursuant to the provisions of this chapter, and such license or~~
187 ~~permit may be used only by nor may any other person, other than~~
188 ~~the person to whom it is issued. A person who violates this~~
189 ~~section commits a Level Two violation under s. 379.401, use the~~
190 ~~same.~~

191 Section 9. Section 379.3503, Florida Statutes, is amended
192 to read:

193 379.3503 False statement in application for license or
194 permit.—A ~~Any~~ person who swears or affirms to any false
195 statement in any application for license or permit provided by
196 this chapter commits a Level Two violation under s. 379.401, ~~is~~
197 ~~guilty of violating this chapter, and shall be subject to the~~
198 ~~penalty provided in s. 379.401, and any false statement~~
199 ~~contained in any application for such license or permit renders~~
200 ~~the license or permit void.~~

201 Section 10. Section 379.3504, Florida Statutes, is amended
202 to read:

203 379.3504 Entering false information on licenses or
204 permits.—Whoever knowingly and willfully enters false
205 information on, or allows or causes false information to be
206 entered on or shown upon, any license or permit issued under ~~the~~

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207 ~~provisions of this chapter in order to avoid prosecution,~~ or to
208 assist another in avoiding ~~to avoid~~ prosecution, or for any
209 other wrongful purpose commits a Level Two violation under s.
210 379.401 ~~shall be punished as provided in s. 379.401.~~

211 Section 11. Paragraphs (d), (e), and (f) of subsection (1)
212 of section 379.3511, Florida Statutes, are amended, and a new
213 subsection (4) is added to that section, to read:

214 379.3511 Appointment of subagents for the sale of hunting,
215 fishing, and trapping licenses and permits.-

216 (1) Subagents shall serve at the pleasure of the
217 commission. The commission may establish, by rule, procedures
218 for the selection and appointment of subagents. The following
219 are requirements for subagents so appointed:

220 ~~(d) Any person who willfully violates any of the provisions~~
221 ~~of this section commits a misdemeanor of the second degree,~~
222 ~~punishable as provided in s. 775.082 or s. 775.083.~~

223 ~~(d)~~ (e) A subagent may charge and receive as his or her
224 compensation 50 cents for each license or permit sold. This
225 charge is in addition to the sum required by law to be collected
226 for the sale and issuance of each license or permit. This charge
227 does not apply to the shoreline fishing license; however, for
228 each shoreline fishing license issued, the subagent may retain
229 50 cents from other license proceeds otherwise due the
230 commission.

231 ~~(e)~~ (f) A subagent shall submit payment for and report the
232 sale of licenses and permits to the commission as prescribed by
233 the commission.

234 (4) A person who willfully violates this section commits a
235 Level Two violation under s. 379.401.

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236 Section 12. Subsection (18) is added to section 379.354,
237 Florida Statutes, to read:

238 379.354 Recreational licenses, permits, and authorization
239 numbers; fees established.-

240 (18) PENALTY.-Unless otherwise provided, a person who
241 violates this section commits a Level One violation under s.
242 379.401.

243 Section 13. Subsections (3) through (7) of section 379.357,
244 Florida Statutes, are amended to read:

245 379.357 Fish and Wildlife Conservation Commission license
246 program for tarpon; fees; penalties.-

247 (3) An individual may not take, kill, or possess any fish
248 of the species *Megalops atlanticus*, commonly known as tarpon,
249 unless the individual has purchased a tarpon tag and securely
250 attached it through the lower jaw of the fish.

251 ~~(4) Any individual including a taxidermist who possesses a~~
252 ~~tarpon which does not have a tag securely attached as required~~
253 ~~by this section commits a Level Two violation under s. 379.401.~~
254 ~~Provided, however, A taxidermist may remove the tag during the~~
255 ~~process of mounting a tarpon, but the tag must. The removed tag~~
256 ~~shall remain with the fish during any subsequent storage or~~
257 ~~shipment. Purchase of a tarpon tag does not give the purchaser~~
258 ~~any right to harvest or possess tarpon in contravention of~~
259 ~~commission rule. A person who violates this subsection commits a~~
260 ~~Level Two violation under s. 379.401.~~

261 ~~(4)(5) An Purchase of a tarpon tag shall not accord the~~
262 ~~purchaser any right to harvest or possess tarpon in~~
263 ~~contravention of rules adopted by the commission. No individual~~
264 may not sell, offer for sale, barter, exchange for merchandise,

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265 transport for sale, either within or without the state, offer to
266 purchase, or purchase any species of fish known as tarpon. A
267 person who violates this subsection commits a Level Three
268 violation under s. 379.401.

269 (5) ~~(6)~~ The commission shall prescribe and provide suitable
270 forms and tags necessary to administer ~~carry out the provisions~~
271 ~~of~~ this section.

272 (6) ~~(7)~~ ~~The provisions of~~ This section does ~~shall~~ not apply
273 to a person ~~anyone~~ who immediately returns a tarpon, uninjured,
274 to the water at the place where the fish was caught.

275 Section 14. Section 379.359, Florida Statutes, is amended
276 to read:

277 379.359 License application provision for voluntary
278 contribution to Southeastern Guide Dogs, Inc.—The application
279 for any license for recreational activities issued under this
280 part must include a check-off provision that permits the
281 applicant for licensure to make a voluntary contribution of \$2.
282 The Fish and Wildlife Conservation Commission may ~~shall~~ retain
283 up to 90 cents from each contribution to cover administrative
284 costs. The remainder shall be distributed quarterly by the Fish
285 and Wildlife Conservation Commission to Southeastern Guide Dogs,
286 Inc., located in Palmetto. Southeastern Guide Dogs, Inc., shall
287 use the contributions to breed, raise, and train guide dogs for
288 the blind, specifically for the “Paws for Patriots” program,
289 including in-residence training for veterans who are provided
290 guide dogs by Southeastern Guide Dogs, Inc.

291 Section 15. Subsection (4) is added to section 379.363,
292 Florida Statutes, to read:

293 379.363 Freshwater fish dealer’s license.—

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294 (4) A person who violates this section commits a Level Two
295 violation under s. 379.401.

296 Section 16. Subsection (5) is added to section 379.364,
297 Florida Statutes, to read:

298 379.364 License required for fur and hide dealers.—

299 (5) A person who violates this section commits a Level Two
300 violation under s. 379.401.

301 Section 17. Paragraph (a) of subsection (2) of section
302 379.365, Florida Statutes, is amended to read:

303 379.365 Stone crab; regulation.—

304 (2) PENALTIES.—For purposes of this subsection, conviction
305 is any disposition other than acquittal or dismissal, regardless
306 of whether the violation was adjudicated under any state or
307 federal law.

308 (a) It is unlawful to violate commission rules regulating
309 stone crab trap certificates and trap tags. A ~~No~~ person may not
310 use an expired tag or a stone crab trap tag not issued by the
311 commission or possess or use a stone crab trap in or on state
312 waters or adjacent federal waters without having a trap tag
313 required by the commission firmly attached to the trap ~~thereto~~.

314 ~~1.~~ In addition to any other penalties provided in s.
315 379.407, the following administrative penalties apply to a ~~for~~
316 ~~any~~ commercial harvester who violates this paragraph; ~~the~~
317 ~~following administrative penalties apply.~~

318 ~~1.a.~~ For a first violation, the commission shall assess an
319 administrative penalty of up to \$1,000.

320 ~~2.b.~~ For a second violation that occurs within 24 months of
321 any previous such violation, the commission shall assess an
322 administrative penalty of up to \$2,000 and the stone crab

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323 endorsement under which the violation was committed may be
324 suspended for 12 calendar months.

325 ~~3.e.~~ For a third violation that occurs within 36 months of
326 any previous two such violations, the commission shall assess an
327 administrative penalty of up to \$5,000 and the stone crab
328 endorsement under which the violation was committed may be
329 suspended for 24 calendar months.

330 ~~4.d.~~ A fourth violation that occurs within 48 months of any
331 three previous such violations, shall result in permanent
332 revocation of all of the violator's saltwater fishing
333 privileges, including having the commission proceed against the
334 endorsement holder's saltwater products license in accordance
335 with s. 379.407.

336 ~~2. Any other person who violates the provisions of this~~
337 ~~paragraph commits a Level Two violation under s. 379.401.~~

338
339 Any commercial harvester assessed an administrative penalty
340 under this paragraph shall, within 30 calendar days after
341 notification, pay the administrative penalty to the commission,
342 or request an administrative hearing under ss. 120.569 and
343 120.57. The proceeds of all administrative penalties collected
344 under this paragraph shall be deposited in the Marine Resources
345 Conservation Trust Fund.

346 Section 18. Subsection (5) is added to section 379.3751,
347 Florida Statutes, to read:

348 379.3751 Taking and possession of alligators; trapping
349 licenses; fees.—

350 (5) A person who violates this section commits a Level Two
351 violation under s. 379.401.

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352 Section 19. Subsection (3) is added to section 379.3752,
353 Florida Statutes, to read:

354 379.3752 Required tagging of alligators and hides; fees;
355 revenues.—The tags provided in this section shall be required in
356 addition to any license required under s. 379.3751.

357 (3) A person who violates this section commits a Level Two
358 violation under s. 379.401.

359 Section 20. Section 379.401, Florida Statutes, is amended
360 to read:

361 379.401 Penalties and violations; civil penalties for
362 noncriminal infractions; criminal penalties; suspension and
363 forfeiture of licenses and permits.—

364 (1) (a) LEVEL ONE VIOLATIONS.—A person commits a Level One
365 violation if he or she violates any of the following provisions:

366 1. Rules or orders of the commission relating to the filing
367 of reports or other documents required to be filed by persons
368 who hold any recreational licenses and permits or any alligator
369 licenses and permits issued by the commission.

370 2. Rules or orders of the commission relating to quota hunt
371 permits, daily use permits, hunting zone assignments, camping,
372 alcoholic beverages, vehicles, and check stations within
373 wildlife management areas or other areas managed by the
374 commission.

375 3. Rules or orders of the commission relating to daily use
376 permits, alcoholic beverages, swimming, possession of firearms,
377 operation of vehicles, and watercraft speed within fish
378 management areas managed by the commission.

379 4. Rules or orders of the commission relating to vessel
380 size or specifying motor restrictions on specified water bodies.

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381 5. Rules or orders of the commission requiring the return
382 of unused Convention on the International Trade on Endangered
383 Species (CITES) tags issued under the Statewide Alligator
384 Harvest Program or the Statewide Nuisance Alligator Program.

385 ~~7.5.~~ Section 379.354(1)-(15), providing for recreational
386 licenses to hunt, fish, and trap.

387 ~~8.6.~~ Section 379.3581, providing hunter safety course
388 requirements.

389 ~~6.7.~~ Section 379.3003, prohibiting deer hunting unless
390 required clothing is worn.

391 (b) A person who commits a Level One violation commits a
392 noncriminal infraction and shall be cited to appear before the
393 county court.

394 (c)1. The civil penalty for committing a Level One
395 violation involving the license and permit requirements of s.
396 379.354 is \$50 plus the cost of the license or permit, unless
397 subparagraph 2. applies. Alternatively, a person who violates
398 the license and permit requirements of s. 379.354 and who is
399 subject to the penalties imposed by this subparagraph, except a
400 person who violates s. 379.354(6), (7), (8)(f), or (8)(h), may
401 purchase the license or permit and shall provide proof of such
402 license or permit and pay a civil penalty of \$50.

403 2. The civil penalty for committing a Level One violation
404 involving the license and permit requirements of s. 379.354 is
405 \$250 ~~\$100~~ plus the cost of the license or permit if the person
406 cited has previously committed the same Level One violation
407 within the preceding 36 months. Alternatively, a person who
408 violates the license and permit requirements of s. 379.354 and
409 who is subject to the penalties imposed by this subparagraph,

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410 except a person who violates s. 379.354(6), (7), (8)(f), or
411 (8)(h), may purchase the license or permit and shall provide
412 proof of such license or permit and pay a civil penalty of \$250.

413 (d)1. The civil penalty for any other Level One violation
414 is \$50 unless subparagraph 2. applies.

415 2. The civil penalty for any other Level One violation is
416 \$250 ~~\$100~~ if the person cited has previously committed the same
417 Level One violation within the preceding 36 months.

418 (e) A person cited for a Level One violation shall sign and
419 accept a citation to appear before the county court. The issuing
420 officer may indicate on the citation the time and location of
421 the scheduled hearing and shall indicate the applicable civil
422 penalty.

423 (f) A person cited for a Level One violation may pay the
424 civil penalty, and, if applicable, provide proof of the license
425 or permit required under s. 379.354, by mail or in person,
426 within 30 days after receipt of the citation. If the civil
427 penalty is paid, the person is ~~shall be~~ deemed to have admitted
428 committing the Level One violation and to have waived his or her
429 right to a hearing before the county court. Such admission may
430 not be used as evidence in any other proceedings except to
431 determine the appropriate fine for any subsequent violation
432 ~~violations.~~

433 (g) A person who refuses to accept a citation, ~~who fails~~ to
434 pay the civil penalty for a Level One violation, or ~~who fails~~ to
435 appear before a county court as required commits a misdemeanor
436 of the second degree, punishable as provided in s. 775.082 or s.
437 775.083.

438 (h) A person who elects to, or is required to, appear

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439 before the county court is ~~or who is required to appear before~~
440 ~~the county court shall be~~ deemed to have waived the limitations
441 on civil penalties provided under paragraphs (c) and (d). After
442 a hearing, the county court shall determine if a Level One
443 violation has been committed; and, if so, may impose a civil
444 penalty of not less than \$50 for a first-time violation, and not
445 more than \$500 for subsequent violations. A person found guilty
446 of committing a Level One violation may appeal that finding to
447 the circuit court. The commission of a violation must be proved
448 beyond a reasonable doubt.

449 (i) A person cited for violating the requirements of s.
450 379.354 relating to personal possession of a license or permit
451 may not be convicted if, prior to or at the time of a county
452 court hearing, he or she ~~the person~~ produces the required
453 license or permit for verification by the hearing officer or the
454 court clerk. The license or permit must have been valid at the
455 time the person was cited. The clerk or hearing officer may
456 assess a \$10 fee for costs under this paragraph.

457 (2) (a) LEVEL TWO VIOLATIONS.—A person commits a Level Two
458 violation if he or she violates any of the following provisions:

459 1. Rules or orders of the commission relating to seasons or
460 time periods for the taking of wildlife, freshwater fish, or
461 saltwater fish.

462 2. Rules or orders of the commission establishing bag,
463 possession, or size limits or restricting methods of taking
464 wildlife, freshwater fish, or saltwater fish.

465 3. Rules or orders of the commission prohibiting access or
466 otherwise relating to access to wildlife management areas or
467 other areas managed by the commission.

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- 468 4. Rules or orders of the commission relating to the
469 feeding of saltwater fish.
- 470 5. Rules or orders of the commission relating to landing
471 requirements for freshwater fish or saltwater fish.
- 472 6. Rules or orders of the commission relating to restricted
473 hunting areas, critical wildlife areas, or bird sanctuaries.
- 474 7. Rules or orders of the commission relating to tagging
475 requirements for wildlife and fur-bearing animals.
- 476 8. Rules or orders of the commission relating to the use of
477 dogs for the taking of wildlife.
- 478 9. Rules or orders of the commission which are not
479 otherwise classified.
- 480 10. Rules or orders of the commission prohibiting the
481 unlawful use of ~~finfish~~ traps, unless otherwise provided by law.
- 482 11. Rules or orders of the commission which require the
483 maintenance of records relating to alligators.
- 484 12. Rules or orders of the commission requiring the return
485 of unused CITES tags issued under an alligator management
486 program other than the Statewide Alligator Harvest Program or
487 Statewide Nuisance Alligator Program.
- 488 ~~13.11.~~ All requirements or prohibitions in this chapter
489 which are not otherwise classified.
- 490 ~~12. Section 379.33, prohibiting the violation of or~~
491 ~~noncompliance with commission rules.~~
- 492 ~~13. Section 379.407(7), prohibiting the sale, purchase,~~
493 ~~harvest, or attempted harvest of any saltwater product with~~
494 ~~intent to sell.~~
- 495 15.14. Section 379.2421, relating to fishers and equipment,
496 unless otherwise provided in that section ~~prohibiting the~~

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497 ~~obstruction of waterways with net gear.~~

498 ~~31.15.~~ Section 379.413, prohibiting the unlawful taking of
499 bonefish.

500 16. Section 379.2425, relating to spearfishing.

501 17. Section 379.29, prohibiting the contamination of fresh
502 waters.

503 18. Section 379.295, prohibiting the use of explosives and
504 other substances in fresh waters.

505 19. Section 379.3502, prohibiting loaning, transferring, or
506 using a borrowed or transferred license or permit.

507 20. Section 379.3503, prohibiting false statements in an
508 application for a license or permit.

509 21. Section 379.3504, prohibiting entering false
510 information on licenses or permits.

511 22. Section 379.3511, relating to the sale of hunting,
512 fishing, and trapping licenses and permits by subagents.

513 23. Section 379.357(3), prohibiting the take, kill, or
514 possession of tarpon without purchasing a tarpon tag.

515 24. Section 379.363, relating to freshwater fish dealer's
516 licenses.

517 25. Section 379.364, relating to licenses required for fur
518 and hide dealers.

519 ~~26.16.~~ Section 379.365(2)(b) ~~Section 379.365(2)(a) and (b),~~
520 prohibiting the ~~possession or use of stone crab traps without~~
521 ~~trap tags and theft of~~ stone crab trap contents or gear, unless
522 otherwise provided in law.

523 ~~27.17.~~ Section 379.366(4)(b), prohibiting the theft of blue
524 crab trap contents or trap gear, unless otherwise provided in
525 that section.

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526 ~~28.18.~~ Section 379.3671(2)(c), excluding subparagraph 5.,
527 prohibiting the ~~possession or use of spiny lobster traps without~~
528 ~~trap tags or certificates and theft of spiny lobster trap~~
529 contents or trap gear, unless otherwise provided in that
530 section.

531 ~~19. Section 379.357, prohibiting the possession of tarpon~~
532 ~~without purchasing a tarpon tag.~~

533 ~~14.20.~~ Section 379.105, prohibiting the intentional
534 harassment of hunters, fishers, or trappers.

535 29. Section 379.3751, relating to required licenses for the
536 taking and possession of alligators.

537 30. Section 379.3752, relating to required tagging of
538 alligators and hides.

539 (b)1. A person who commits a Level Two violation but who
540 has not been convicted of a Level Two or higher violation within
541 the past 3 years commits a misdemeanor of the second degree,
542 punishable as provided in s. 775.082 or s. 775.083.

543 2. Unless the stricter penalties in subparagraph 3. or
544 subparagraph 4. apply, a person who commits a Level Two
545 violation within 3 years after a previous conviction for a Level
546 Two or higher violation commits a misdemeanor of the first
547 degree, punishable as provided in s. 775.082 or s. 775.083, with
548 a minimum mandatory fine of \$250.

549 3. Unless the stricter penalties in subparagraph 4. apply,
550 a person who commits a Level Two violation within 5 years after
551 two previous convictions for a Level Two or higher violation,
552 commits a misdemeanor of the first degree, punishable as
553 provided in s. 775.082 or s. 775.083, with a minimum mandatory
554 fine of \$500 and a suspension of any recreational license or

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555 permit issued under s. 379.354 for 1 year. Such suspension shall
556 include the suspension of the privilege to obtain such license
557 or permit and the suspension of the ability to exercise any
558 privilege granted under any exemption in s. 379.353.

559 4. A person who commits a Level Two violation within 10
560 years after three previous convictions for a Level Two or higher
561 violation commits a misdemeanor of the first degree, punishable
562 as provided in s. 775.082 or s. 775.083, with a minimum
563 mandatory fine of \$750 and a suspension of any recreational
564 license or permit issued under s. 379.354 for 3 years. Such
565 suspension shall include the suspension of the privilege to
566 obtain such license or permit and the suspension of the ability
567 to exercise any privilege granted under s. 379.353. If the
568 recreational license or permit being suspended was an annual
569 license or permit, any privileges under ss. 379.353 and 379.354
570 may not be acquired for a 3-year period following the date of
571 the violation.

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

575 1. Rules or orders of the commission prohibiting the sale
576 of saltwater fish.

577 2. Rules or orders of the commission prohibiting the
578 illegal importation or possession of exotic marine plants or
579 animals.

580 ~~9.3.~~ Section 379.407(2), establishing major violations,
581 unless otherwise provided in that section.

582 ~~10.4.~~ Section 379.407(4), prohibiting the possession of
583 certain finfish in excess of recreational daily bag limits,
584

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584 unless otherwise provided in that section.

585 ~~3.5.~~ Section 379.28, prohibiting the importation of
586 freshwater fish.

587 ~~5.6.~~ Section 379.354(17), prohibiting the taking of game,
588 freshwater fish, or saltwater fish while a required license is
589 suspended or revoked.

590 ~~4.7.~~ Section 379.3014, prohibiting the illegal sale or
591 possession of alligators.

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

594 ~~7.8.~~ Section 379.404(1), (3), and (6), prohibiting the
595 illegal taking and possession of deer and wild turkey.

596 ~~8.9.~~ Section 379.406, prohibiting the possession and
597 transportation of commercial quantities of freshwater game fish.

598 (b)1. A person who commits a Level Three violation but who
599 has not been convicted of a Level Three or higher violation
600 within the past 10 years commits a misdemeanor of the first
601 degree, punishable as provided in s. 775.082 or s. 775.083.

602 2. A person who commits a Level Three violation within 10
603 years after a previous conviction for a Level Three or higher
604 violation commits a misdemeanor of the first degree, punishable
605 as provided in s. 775.082 or s. 775.083, with a minimum
606 mandatory fine of \$750 and a suspension of any recreational
607 license or permit issued under s. 379.354 for the remainder of
608 the period for which the license or permit was issued up to 3
609 years. Such suspension shall include the suspension of the
610 privilege to obtain such license or permit and the ability to
611 exercise any privilege granted under s. 379.353. If the
612 recreational license or permit being suspended was an annual

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613 license or permit, any privileges under ss. 379.353 and 379.354
614 may not be acquired for a 3-year period following the date of
615 the violation.

616 3. A person who commits a violation of s. 379.354(17) shall
617 receive a mandatory fine of \$1,000. Any privileges under ss.
618 379.353 and 379.354 may not be acquired for a 5-year period
619 following the date of the violation.

620 (4) (a) LEVEL FOUR VIOLATIONS.—A person commits a Level Four
621 violation if he or she violates any of the following provisions:

622 1. Section 379.354(16), prohibiting the making, forging,
623 counterfeiting, or reproduction of a recreational license, or
624 possession of a recreational license without authorization from
625 the commission.

626 2. Section 379.365(2)(c), prohibiting criminal activities
627 relating to the taking of stone crabs, unless otherwise provided
628 in that section.

629 3.2. Section 379.366(4)(c), prohibiting criminal activities
630 relating to the taking and harvesting of blue crabs, unless
631 otherwise provided in that section.

632 4.3. Section 379.367(4), prohibiting the willful
633 molestation of spiny lobster gear, unless otherwise specified in
634 that section.

635 5.4. Section 379.3671(2)(c)5., prohibiting the unlawful
636 reproduction, possession, sale, trade, or barter of spiny
637 lobster trap tags or certificates, unless otherwise specified in
638 that section.

639 ~~5. Section 379.354(16), prohibiting the making, forging,~~
640 ~~counterfeiting, or reproduction of a recreational license or~~
641 ~~possession of same without authorization from the commission.~~

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

644 7. Section 379.405, prohibiting the molestation or theft of
645 freshwater fishing gear.

646 8. Section 379.409, prohibiting the unlawful killing,
647 injuring, possessing, or capturing of alligators or other
648 crocodilia or their eggs.

649 9. Section 379.411, prohibiting the intentional killing or
650 wounding of any species designated as endangered, threatened, or
651 of special concern.

652 10. Section 379.4115, prohibiting the killing of any
653 Florida or wild panther.

654 (b) A person who commits a Level Four violation commits a
655 felony of the third degree, punishable as provided in s.
656 775.082, ~~or~~ s. 775.083, or s. 775.084.

657 (5) ILLEGAL ACTIVITIES WHILE COMMITTING BURGLARY OR
658 TRESPASS.—In addition to any other penalty provided by law, a
659 person who violates the criminal provisions of this chapter or
660 the rules or orders of the commission by illegally killing,
661 taking, possessing, or selling fish and wildlife as defined in
662 s. 379.101, in or out of season, while violating chapter 810
663 shall pay a fine of \$500 for each such violation, plus court
664 costs and any restitution ordered by the court. All fines
665 collected under this subsection shall be remitted by the clerk
666 of the court to the Department of Revenue to be deposited into
667 the State Game Trust Fund of the Fish and Wildlife Conservation
668 Commission.

669 ~~(5) VIOLATIONS OF CHAPTER.—Except as provided in this~~
670 ~~chapter:~~

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671 ~~(a) A person who commits a violation of any provision of~~
672 ~~this chapter commits, for the first offense, a misdemeanor of~~
673 ~~the second degree, punishable as provided in s. 775.082 or s.~~
674 ~~775.083.~~

675 ~~(b) A person who is convicted of a second or subsequent~~
676 ~~violation of any provision of this chapter commits a misdemeanor~~
677 ~~of the first degree, punishable as provided in s. 775.082 or s.~~
678 ~~775.083.~~

679 (6) SUSPENSION OR FORFEITURE OF LICENSE.—The court may
680 order the suspension or forfeiture of any license or permit
681 issued under this chapter to a person who is found guilty of
682 committing a violation of this chapter.

683 (7) CONVICTION DEFINED.—As used in this section, the term
684 “conviction” means any judicial disposition other than acquittal
685 or dismissal.

686 Section 21. Section 379.403, Florida Statutes, is repealed.

687 Section 22. Subsection (1) of section 379.409, Florida
688 Statutes, is amended, and subsection (4) is added to that
689 section, to read:

690 379.409 Illegal killing, possessing, or capturing of
691 alligators or other crocodilia or eggs; confiscation of
692 equipment.—

693 (1) It is unlawful to intentionally kill, injure, possess,
694 or capture, or attempt to kill, injure, possess, or capture, an
695 alligator or other crocodilian, or the eggs of an alligator or
696 other crocodilian, unless authorized by the rules of the Fish
697 and Wildlife Conservation Commission. ~~Any person who violates~~
698 ~~this section is guilty of a felony of the third degree,~~
699 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084,~~

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700 ~~in addition to such other punishment as may be provided by law.~~
701 Any equipment, including but not limited to weapons, vehicles,
702 boats, and lines, used by a person in the commission of a
703 violation of any law, rule, regulation, or order relating to
704 alligators or other crocodilia or the eggs of alligators or
705 other crocodilia shall, upon conviction of such person, be
706 confiscated by the Fish and Wildlife Conservation Commission and
707 disposed of according to rules, orders, and regulations of the
708 commission. The arresting officer shall promptly make a return
709 of the seizure, describing in detail the property seized and the
710 facts and circumstances under which it was seized, including the
711 names of all persons known to the officer who have an interest
712 in the property.

713 (4) A person who violates this section commits a Level Four
714 violation under s. 379.401, in addition to such other punishment
715 as may be provided by law.

716 Section 23. Section 379.411, Florida Statutes, is amended
717 to read:

718 379.411 Intentional killing or wounding of any species
719 designated as endangered, threatened, or of special concern;
720 criminal penalties.—It is unlawful for a person to intentionally
721 kill or wound any fish or wildlife of a species designated by
722 the Fish and Wildlife Conservation Commission as endangered,
723 threatened, or of special concern, or to intentionally destroy
724 the eggs or nest of any such fish or wildlife, except as
725 provided for in the rules of the commission. A ~~Any~~ person who
726 violates this section commits a Level Four violation under s.
727 379.401 ~~this provision with regard to an endangered or~~
728 ~~threatened species is guilty of a felony of the third degree,~~

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729 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

730 Section 24. Subsection (3) of section 379.4115, Florida
731 Statutes, is amended to read:

732 379.4115 Florida or wild panther; killing prohibited;
733 penalty.—

734 (3) A person who violates this section commits a Level Four
735 violation under s. 379.401 ~~convicted of unlawfully killing a~~
736 ~~Florida panther, or unlawfully killing any member of the species~~
737 ~~of panther occurring in the wild, is guilty of a felony of the~~
738 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
739 ~~or s. 775.084.~~

740 Section 25. Paragraph (a) of subsection (2) of section
741 379.3004, Florida Statutes, is amended to read:

742 379.3004 Voluntary Authorized Hunter Identification
743 Program.—

744 (2) Any person hunting on private land enrolled in the
745 Voluntary Authorized Hunter Identification Program shall have
746 readily available on the land at all times when hunting on the
747 property written authorization from the owner or his or her
748 authorized representative to be on the land for the purpose of
749 hunting. The written authorization shall be presented on demand
750 to any law enforcement officer, the owner, or the authorized
751 agent of the owner.

752 (a) For purposes of this section, the term "hunting" means
753 to be engaged in or reasonably equipped to engage in the pursuit
754 or taking by any means of any animal described in s. 379.101(20)
755 or (21) ~~s. 379.101(19) or (20)~~, and the term "written
756 authorization" means a card, letter, or other written instrument
757 which shall include, but need not be limited to, the name of the

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758 person or entity owning the property, the name and signature of
759 the person granting the authorization, a description by
760 township, range, section, partial section, or other geographical
761 description of the land to which the authorization applies, and
762 a statement of the time period during which the authorization is
763 valid.

764 Section 26. Paragraph (d) of subsection (5) of section
765 379.337, Florida Statutes, is amended to read:

766 379.337 Confiscation, seizure, and forfeiture of property
767 and products.—

768 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS;
769 PROCEDURE.—

770 (d) For purposes of confiscation under this subsection, the
771 term "saltwater products" has the meaning specified ~~set out~~ in
772 s. 379.101(37) ~~s. 379.101(36)~~, except that the term does not
773 include saltwater products harvested under the authority of a
774 recreational license unless the amount of such harvested
775 products exceeds three times the applicable recreational bag
776 limit for trout, snook, or redfish.

777 Section 27. Paragraph (b) of subsection (4) of section
778 589.19, Florida Statutes, is amended to read:

779 589.19 Creation of certain state forests; naming of certain
780 state forests; Operation Outdoor Freedom Program.—

781 (4)

782 (b) Participation in the Operation Outdoor Freedom Program
783 is shall be limited to Florida residents, as defined in s.
784 379.101(31)(b) ~~s. 379.101(30)(b)~~, who:

785 1. Are honorably discharged military veterans certified by
786 the United States Department of Veterans Affairs or its

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787 predecessor or by any branch of the United States Armed Forces
788 to be at least 30 percent permanently service-connected
789 disabled;

790 2. Have been awarded the Military Order of the Purple
791 Heart; or

792 3. Are active duty servicemembers with a service-connected
793 injury as determined by his or her branch of the United States
794 Armed Forces.

795

796 Proof of eligibility under this subsection, as prescribed by the
797 Florida Forest Service, may be required.

798 Section 28. Paragraph (h) of subsection (2) of section
799 810.09, Florida Statutes, is amended to read:

800 810.09 Trespass on property other than structure or
801 conveyance.—

802 (2)

803 (h) Any person who in taking or attempting to take any
804 animal described in s. 379.101(20) or (21) ~~s. 379.101(19) or~~
805 ~~(20)~~, or in killing, attempting to kill, or endangering any
806 animal described in s. 585.01(13) knowingly propels or causes to
807 be propelled any potentially lethal projectile over or across
808 private land without authorization commits trespass, a felony of
809 the third degree, punishable as provided in s. 775.082, s.
810 775.083, or s. 775.084. For purposes of this paragraph, the term
811 "potentially lethal projectile" includes any projectile launched
812 from any firearm, bow, crossbow, or similar tensile device. This
813 section does not apply to any governmental agent or employee
814 acting within the scope of his or her official duties.

815 Section 29. This act shall take effect July 1, 2016.