

By the Committee on Appropriations; and Senator Dean

576-04193-16

20161282c1

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 379.2223, F.S.; revising
4 penalties for violations of commission rules relating
5 to control and management of state game lands;
6 amending s. 379.2257, F.S.; revising penalties for
7 violations of commission rules relating to cooperative
8 agreements with the United States Forest Service;
9 amending s. 379.2425, F.S.; authorizing exceptions to
10 the prohibition on spearfishing; specifying penalties
11 for violating the prohibition; amending s. 379.2431,
12 F.S.; prohibiting certain possession of any marine
13 turtle species or hatchling or parts thereof;
14 providing penalties; amending s. 379.29, F.S.;
15 revising penalties related to the contamination of
16 fresh waters; amending s. 379.295, F.S.; specifying
17 penalties associated with the prohibition on the use
18 of explosives and other substances injurious to fish;
19 amending s. 379.33, F.S.; deleting penalty provisions
20 associated with the general enforcement of commission
21 rules; amending s. 379.3502, F.S.; deleting a
22 provision regarding the alteration of licenses or
23 permits; specifying penalties for the unlawful
24 transfer of a license or permit; amending s. 379.3503,
25 F.S.; specifying penalties for swearing or affirming a
26 false statement in an application for a license or
27 permit; amending s. 379.3504, F.S.; specifying
28 penalties for entering false information on an
29 application for a license or permit; amending s.
30 379.3511, F.S.; revising penalties for violations
31 related to subagent sales of hunting, fishing, and
32 trapping licenses and permits; amending s. 379.354,

576-04193-16

20161282c1

33 F.S.; specifying penalties for violations related to
34 recreational licenses, permits, and authorization
35 numbers; amending s. 379.357, F.S.; providing that the
36 purchase of a tarpon tag does not accord the purchaser
37 with certain rights; revising penalties related to the
38 tarpon license program; amending s. 379.359, F.S.;
39 authorizing, rather than requiring, the commission to
40 retain a portion of voluntary contributions for
41 Southeastern Guide Dogs, Inc.; amending s. 379.363,
42 F.S.; specifying penalties for violations related to
43 freshwater fish dealer licenses; amending s. 379.364,
44 F.S.; specifying penalties for violations related to
45 the licensure of fur and hide dealers; amending s.
46 379.365, F.S.; revising penalties for violations
47 related to stone crabs; amending s. 379.3751, F.S.;
48 specifying penalties for violations related to the
49 taking and possession of alligators; amending s.
50 379.3752, F.S.; specifying penalties for violations of
51 requirements related to tagging of alligators and
52 alligator hides; amending s. 379.401, F.S.; revising
53 the penalties associated with the violation of
54 commission rules related to the filing of
55 documentation; specifying penalties for the violation
56 of commission rules or orders related to the return of
57 unused Convention on the International Trade on
58 Endangered Species (CITES) tags; authorizing the
59 imposition of a modified penalty for a specified
60 offense if certain conditions are met; specifying that
61 persons who commit certain Level One violations may be

576-04193-16

20161282c1

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

88
89 Be It Enacted by the Legislature of the State of Florida:
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576-04193-16

20161282c1

91 Section 1. Subsection (2) of section 379.2223, Florida
92 Statutes, is amended to read:

93 379.2223 Control and management of state game lands.—

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

98 Section 2. Subsection (3) of section 379.2257, Florida
99 Statutes, is amended to read:

100 379.2257 Cooperative agreements with United States U.S.
101 Forest Service; penalty.—The Fish and Wildlife Conservation
102 Commission is authorized and empowered:

103 (3) In addition to the requirements of chapter 120, notice
104 of the making, adoption, and promulgation of the above rules and
105 regulations shall be given by posting said notices, or copies of
106 the rules and regulations, in the offices of the county judges
107 and in the post offices within the area to be affected and
108 within 10 miles thereof. In addition to the posting of said
109 notices, as aforesaid, copies of said notices or of said rules
110 and regulations shall also be published in newspapers published
111 at the county seats of Baker, Columbia, Marion, Lake, Putnam,
112 and Liberty Counties, or so many thereof as have newspapers,
113 once not more than 35 nor less than 28 days and once not more
114 than 21 nor less than 14 days prior to the opening of the state
115 hunting season in said areas. Any person violating any rules or
116 regulations promulgated by the commission to cover these areas
117 under cooperative agreements between the Fish and Wildlife
118 Conservation Commission and the United States Forest Service is
119 subject to penalties as provided in s. 379.401, ~~none of which~~

576-04193-16

20161282c1

120 ~~shall be in conflict with the laws of Florida, shall be guilty~~
121 ~~of a misdemeanor of the second degree, punishable as provided in~~
122 ~~s. 775.082 or s. 775.083.~~

123 Section 3. Paragraph (a) of subsection (2) of section
124 379.2425, Florida Statutes, is amended, and subsection (4) is
125 added to that section, to read:

126 379.2425 Spearfishing; definition; limitations; penalty.—

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

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

137 Section 4. Paragraphs (d) and (e) of subsection (1) of
138 section 379.2431, Florida Statutes, are amended to read:

139 379.2431 Marine animals; regulation.—

140 (1) PROTECTION OF MARINE TURTLES.—

141 (d) Except as authorized in this paragraph, or unless
142 otherwise provided by the Federal Endangered Species Act or its
143 implementing regulations, a person, firm, or corporation may
144 not:

145 ~~1. Knowingly possess the eggs of any marine turtle species~~
146 ~~described in this subsection.~~

147 ~~2.~~ knowingly possess, take, disturb, mutilate, destroy,
148 cause to be destroyed, transfer, sell, offer to sell, molest, or

576-04193-16

20161282c1

149 harass any marine turtle species or hatchling, or parts thereof,
150 ~~turtles~~ or the eggs or nest of any marine turtle species ~~turtles~~
151 described in this subsection. The commission may:

152 ~~1.3. The commission may~~ Issue a special permit or loan
153 agreement to a any person, firm, or corporation, ~~to enable the~~
154 ~~holder~~ to possess a marine turtle species or hatchling, or parts
155 thereof, including nests ~~or,~~ eggs, ~~or hatchlings,~~ for
156 scientific, education, or exhibition purposes, or for
157 conservation activities such as the relocation of nests, eggs,
158 or marine turtles or hatchlings away from construction sites.
159 Notwithstanding other provisions of law, the commission may
160 issue such special permit or loan agreement to a any properly
161 accredited person as defined in paragraph (c) for the purposes
162 of marine turtle conservation.

163 ~~2.4. The commission shall have the authority to~~ Adopt rules
164 pursuant to chapter 120 to prescribe terms, conditions, and
165 restrictions for marine turtle conservation, and to permit the
166 possession of marine turtle species or hatchlings, ~~turtles~~ or
167 parts thereof, including nests or eggs.

168 (e)1. A Any person, firm, or corporation that commits any
169 act prohibited in paragraph (d) involving any egg of any marine
170 turtle species described in this subsection shall pay a penalty
171 of \$100 per egg in addition to other penalties provided in this
172 paragraph.

173 2. A Any person, firm, or corporation that illegally
174 possesses 11 or fewer ~~of any~~ eggs of any marine turtle species
175 described in this subsection commits a first degree misdemeanor,
176 punishable as provided in ss. 775.082 and 775.083.

177 3. For a second or subsequent violation of subparagraph 2.,

576-04193-16

20161282c1

178 a ~~any~~ person, firm, or corporation that illegally possesses 11
179 or fewer ~~of any~~ eggs of any marine turtle species described in
180 this subsection commits a third degree felony, punishable as
181 provided in s. 775.082, s. 775.083, or s. 775.084.

182 4. A ~~Any~~ person, firm, or corporation that illegally
183 possesses more than 11 ~~of any~~ eggs of any marine turtle species
184 described in this subsection commits a third degree felony,
185 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

186 5. A ~~Any~~ person, firm, or corporation that illegally takes,
187 disturbs, mutilates, destroys, causes to be destroyed,
188 transfers, sells, offers to sell, molests, or harasses any
189 marine turtle species or hatchling, or parts thereof, or the
190 eggs or nest of any marine turtle species ~~as~~ described in this
191 subsection, commits a third degree felony, punishable as
192 provided in s. 775.082, s. 775.083, or s. 775.084.

193 6. A person, firm, or corporation that illegally possesses
194 any marine turtle species or hatchling, or parts thereof, or the
195 nest of any marine turtle species described in this subsection,
196 commits a felony of the third degree, punishable as provided in
197 s. 775.082, s. 775.083, or s. 775.084.

198 ~~7.6.~~ Notwithstanding s. 777.04, a ~~any~~ person, firm, or
199 corporation that solicits or conspires with another person,
200 firm, or corporation, to commit an act prohibited by this
201 subsection commits a felony of the third degree, punishable as
202 provided in s. 775.082, s. 775.083, or s. 775.084.

203 ~~8.7.~~ The proceeds from the penalties assessed pursuant to
204 this paragraph shall be deposited into the Marine Resources
205 Conservation Trust Fund.

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

576-04193-16

20161282c1

207 Statutes, is amended to read:

208 379.29 Contaminating fresh waters.—

209 (2) A Any person, firm, or corporation violating ~~any of the~~
210 ~~provisions of this section~~ commits a Level Two violation under
211 s. 379.401 ~~shall be guilty of a misdemeanor of the second~~
212 ~~degree, punishable as provided in s. 775.082 or s. 775.083 for~~
213 ~~the first offense, and for the second or subsequent offense~~
214 ~~shall be guilty of a misdemeanor of the first degree, punishable~~
215 ~~as provided in s. 775.082 or s. 775.083.~~

216 Section 6. Section 379.295, Florida Statutes, is amended to
217 read:

218 379.295 Use of explosives and other substances prohibited.—
219 No person may throw or place, or cause to be thrown or placed,
220 any dynamite, lyddite, gunpowder, cannon cracker, acids,
221 filtration discharge, debris from mines, Indian berries,
222 sawdust, green walnuts, walnut leaves, creosote, oil, or other
223 explosives or deleterious substance or force into the fresh
224 waters of this state whereby fish therein are or may be injured.
225 Nothing in this section may be construed as preventing the
226 release of water slightly discolored by mining operations or
227 water escaping from such operations as the result of
228 providential causes. A person who violates this section commits
229 a Level Two violation under s. 379.401.

230 Section 7. Section 379.33, Florida Statutes, is amended to
231 read:

232 379.33 Enforcement of commission rules; ~~penalties for~~
233 ~~violation of rule.~~—Rules of the Fish and Wildlife Conservation
234 Commission shall be enforced by any law enforcement officer
235 certified pursuant to s. 943.13. ~~Except as provided under s.~~

576-04193-16

20161282c1

236 ~~379.401, any person who violates or otherwise fails to comply~~
237 ~~with any rule adopted by the commission shall be punished~~
238 ~~pursuant to s. 379.407(1).~~

239 Section 8. Section 379.3502, Florida Statutes, is amended
240 to read:

241 379.3502 License and permit not transferable.—A person may
242 ~~not alter or change in any manner, or loan or transfer to~~
243 ~~another, unless otherwise provided, any license or permit issued~~
244 ~~pursuant to the provisions of this chapter, and such license or~~
245 ~~permit may be used only by nor may any other person, other than~~
246 ~~the person to whom it is issued. A person who violates this~~
247 ~~section commits a Level Two violation under s. 379.401, use the~~
248 ~~same.~~

249 Section 9. Section 379.3503, Florida Statutes, is amended
250 to read:

251 379.3503 False statement in application for license or
252 ~~permit.—A~~ Any person who swears or affirms to any false
253 statement in any application for license or permit provided by
254 this chapter commits a Level Two violation under s. 379.401, ~~is~~
255 ~~guilty of violating this chapter, and shall be subject to the~~
256 ~~penalty provided in s. 379.401,~~ and any false statement
257 contained in any application for such license or permit renders
258 the license or permit void.

259 Section 10. Section 379.3504, Florida Statutes, is amended
260 to read:

261 379.3504 Entering false information on licenses or
262 permits.—Whoever knowingly and willfully enters false
263 information on, or allows or causes false information to be
264 entered on or shown upon, any license or permit issued under the

576-04193-16

20161282c1

265 ~~provisions of this chapter in order to avoid prosecution,~~ or to
266 assist another in avoiding ~~to avoid~~ prosecution, or for any
267 other wrongful purpose commits a Level Two violation under s.
268 379.401 ~~shall be punished as provided in s. 379.401.~~

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

272 379.3511 Appointment of subagents for the sale of hunting,
273 fishing, and trapping licenses and permits.-

274 (1) Subagents shall serve at the pleasure of the
275 commission. The commission may establish, by rule, procedures
276 for the selection and appointment of subagents. The following
277 are requirements for subagents so appointed:

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

281 (d) ~~(e)~~ A subagent may charge and receive as his or her
282 compensation 50 cents for each license or permit sold. This
283 charge is in addition to the sum required by law to be collected
284 for the sale and issuance of each license or permit. This charge
285 does not apply to the shoreline fishing license; however, for
286 each shoreline fishing license issued, the subagent may retain
287 50 cents from other license proceeds otherwise due the
288 commission.

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

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

576-04193-16

20161282c1

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

296 379.354 Recreational licenses, permits, and authorization
297 numbers; fees established.-

298 (18) PENALTY.-Unless otherwise provided, a person who
299 violates this section commits a Level One violation under s.
300 379.401.

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

303 379.357 Fish and Wildlife Conservation Commission license
304 program for tarpon; fees; penalties.-

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

309 ~~(4) Any individual including a taxidermist who possesses a~~
310 ~~tarpon which does not have a tag securely attached as required~~
311 ~~by this section commits a Level Two violation under s. 379.401.~~
312 ~~Provided, however, A taxidermist may remove the tag during the~~
313 ~~process of mounting a tarpon, but the tag must. The removed tag~~
314 ~~shall remain with the fish during any subsequent storage or~~
315 ~~shipment. Purchase of a tarpon tag does not give the purchaser~~
316 ~~any right to harvest or possess tarpon in contravention of~~
317 ~~commission rule. A person who violates this subsection commits a~~
318 ~~Level Two violation under s. 379.401.~~

319 (4)(5) An Purchase of a tarpon tag shall not accord the
320 purchaser any right to harvest or possess tarpon in
321 contravention of rules adopted by the commission. No individual
322 may not sell, offer for sale, barter, exchange for merchandise,

576-04193-16

20161282c1

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

327 (5) ~~(6)~~ The commission shall prescribe and provide suitable
328 forms and tags necessary to administer ~~carry out the provisions~~
329 ~~of~~ this section.

330 (6) ~~(7)~~ ~~The provisions of~~ This section does ~~shall~~ not apply
331 to a person ~~anyone~~ who immediately returns a tarpon, uninjured,
332 to the water at the place where the fish was caught.

333 Section 14. Section 379.359, Florida Statutes, is amended
334 to read:

335 379.359 License application provision for voluntary
336 contribution to Southeastern Guide Dogs, Inc.—The application
337 for any license for recreational activities issued under this
338 part must include a check-off provision that permits the
339 applicant for licensure to make a voluntary contribution of \$2.
340 The Fish and Wildlife Conservation Commission may ~~shall~~ retain
341 up to 90 cents from each contribution to cover administrative
342 costs. The remainder shall be distributed quarterly by the Fish
343 and Wildlife Conservation Commission to Southeastern Guide Dogs,
344 Inc., located in Palmetto. Southeastern Guide Dogs, Inc., shall
345 use the contributions to breed, raise, and train guide dogs for
346 the blind, specifically for the “Paws for Patriots” program,
347 including in-residence training for veterans who are provided
348 guide dogs by Southeastern Guide Dogs, Inc.

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

351 379.363 Freshwater fish dealer’s license.—

576-04193-16

20161282c1

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

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

356 379.364 License required for fur and hide dealers.—

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

359 Section 17. Paragraph (a) of subsection (2) of section
360 379.365, Florida Statutes, is amended to read:

361 379.365 Stone crab; regulation.—

362 (2) PENALTIES.—For purposes of this subsection, conviction
363 is any disposition other than acquittal or dismissal, regardless
364 of whether the violation was adjudicated under any state or
365 federal law.

366 (a) It is unlawful to violate commission rules regulating
367 stone crab trap certificates and trap tags. A ~~No~~ person may not
368 use an expired tag or a stone crab trap tag not issued by the
369 commission or possess or use a stone crab trap in or on state
370 waters or adjacent federal waters without having a trap tag
371 required by the commission firmly attached to the trap ~~thereto~~.

372 ~~1.~~ In addition to any other penalties provided in s.
373 379.407, the following administrative penalties apply to a ~~for~~
374 ~~any~~ commercial harvester who violates this paragraph; ~~the~~
375 ~~following administrative penalties apply.~~

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

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

576-04193-16

20161282c1

381 endorsement under which the violation was committed may be
382 suspended for 12 calendar months.

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

388 ~~4.d.~~ A fourth violation that occurs within 48 months of any
389 three previous such violations, shall result in permanent
390 revocation of all of the violator's saltwater fishing
391 privileges, including having the commission proceed against the
392 endorsement holder's saltwater products license in accordance
393 with s. 379.407.

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

396
397 Any commercial harvester assessed an administrative penalty
398 under this paragraph shall, within 30 calendar days after
399 notification, pay the administrative penalty to the commission,
400 or request an administrative hearing under ss. 120.569 and
401 120.57. The proceeds of all administrative penalties collected
402 under this paragraph shall be deposited in the Marine Resources
403 Conservation Trust Fund.

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

406 379.3751 Taking and possession of alligators; trapping
407 licenses; fees.—

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

576-04193-16

20161282c1

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

412 379.3752 Required tagging of alligators and hides; fees;
413 revenues.—The tags provided in this section shall be required in
414 addition to any license required under s. 379.3751.

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

417 Section 20. Section 379.401, Florida Statutes, is amended
418 to read:

419 379.401 Penalties and violations; civil penalties for
420 noncriminal infractions; criminal penalties; suspension and
421 forfeiture of licenses and permits.—

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

424 1. Rules or orders of the commission relating to the filing
425 of reports or other documents required to be filed by persons
426 who hold any recreational licenses and permits or any alligator
427 licenses and permits issued by the commission.

428 2. Rules or orders of the commission relating to quota hunt
429 permits, daily use permits, hunting zone assignments, camping,
430 alcoholic beverages, vehicles, and check stations within
431 wildlife management areas or other areas managed by the
432 commission.

433 3. Rules or orders of the commission relating to daily use
434 permits, alcoholic beverages, swimming, possession of firearms,
435 operation of vehicles, and watercraft speed within fish
436 management areas managed by the commission.

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

576-04193-16

20161282c1

439 5. Rules or orders of the commission requiring the return
440 of unused Convention on the International Trade on Endangered
441 Species (CITES) tags issued under the Statewide Alligator
442 Harvest Program or the Statewide Nuisance Alligator Program.

443 ~~7.5.~~ Section 379.354(1)-(15), providing for recreational
444 licenses to hunt, fish, and trap.

445 ~~8.6.~~ Section 379.3581, providing hunter safety course
446 requirements.

447 ~~6.7.~~ Section 379.3003, prohibiting deer hunting unless
448 required clothing is worn.

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

452 (c)1. The civil penalty for committing a Level One
453 violation involving the license and permit requirements of s.
454 379.354 is \$50 plus the cost of the license or permit, unless
455 subparagraph 2. applies. Alternatively, a person who violates
456 the license and permit requirements of s. 379.354 and who is
457 subject to the penalties imposed by this subparagraph, except a
458 person who violates s. 379.354(6), (7), (8)(f), or (8)(h), may
459 purchase the license or permit and shall provide proof of such
460 license or permit and pay a civil penalty of \$50.

461 2. The civil penalty for committing a Level One violation
462 involving the license and permit requirements of s. 379.354 is
463 \$250 ~~\$100~~ plus the cost of the license or permit if the person
464 cited has previously committed the same Level One violation
465 within the preceding 36 months. Alternatively, a person who
466 violates the license and permit requirements of s. 379.354 and
467 who is subject to the penalties imposed by this subparagraph,

576-04193-16

20161282c1

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

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

473 2. The civil penalty for any other Level One violation is
474 \$250 ~~\$100~~ if the person cited has previously committed the same
475 Level One violation within the preceding 36 months.

476 (e) A person cited for a Level One violation shall sign and
477 accept a citation to appear before the county court. The issuing
478 officer may indicate on the citation the time and location of
479 the scheduled hearing and shall indicate the applicable civil
480 penalty.

481 (f) A person cited for a Level One violation may pay the
482 civil penalty, and, if applicable, provide proof of the license
483 or permit required under s. 379.354, by mail or in person,
484 within 30 days after receipt of the citation. If the civil
485 penalty is paid, the person is ~~shall be~~ deemed to have admitted
486 committing the Level One violation and to have waived his or her
487 right to a hearing before the county court. Such admission may
488 not be used as evidence in any other proceedings except to
489 determine the appropriate fine for any subsequent violation
490 ~~violations.~~

491 (g) A person who refuses to accept a citation, ~~who fails~~ to
492 pay the civil penalty for a Level One violation, or ~~who fails~~ to
493 appear before a county court as required commits a misdemeanor
494 of the second degree, punishable as provided in s. 775.082 or s.
495 775.083.

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

576-04193-16

20161282c1

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

507 (i) A person cited for violating the requirements of s.
508 379.354 relating to personal possession of a license or permit
509 may not be convicted if, prior to or at the time of a county
510 court hearing, he or she ~~the person~~ produces the required
511 license or permit for verification by the hearing officer or the
512 court clerk. The license or permit must have been valid at the
513 time the person was cited. The clerk or hearing officer may
514 assess a \$10 fee for costs under this paragraph.

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

517 1. Rules or orders of the commission relating to seasons or
518 time periods for the taking of wildlife, freshwater fish, or
519 saltwater fish.

520 2. Rules or orders of the commission establishing bag,
521 possession, or size limits or restricting methods of taking
522 wildlife, freshwater fish, or saltwater fish.

523 3. Rules or orders of the commission prohibiting access or
524 otherwise relating to access to wildlife management areas or
525 other areas managed by the commission.

576-04193-16

20161282c1

526 4. Rules or orders of the commission relating to the
527 feeding of saltwater fish.

528 5. Rules or orders of the commission relating to landing
529 requirements for freshwater fish or saltwater fish.

530 6. Rules or orders of the commission relating to restricted
531 hunting areas, critical wildlife areas, or bird sanctuaries.

532 7. Rules or orders of the commission relating to tagging
533 requirements for wildlife and fur-bearing animals.

534 8. Rules or orders of the commission relating to the use of
535 dogs for the taking of wildlife.

536 9. Rules or orders of the commission which are not
537 otherwise classified.

538 10. Rules or orders of the commission prohibiting the
539 unlawful use of ~~finfish~~ traps, unless otherwise provided by law.

540 11. Rules or orders of the commission which require the
541 maintenance of records relating to alligators.

542 12. Rules or orders of the commission requiring the return
543 of unused CITES tags issued under an alligator management
544 program other than the Statewide Alligator Harvest Program or
545 Statewide Nuisance Alligator Program.

546 ~~13.11.~~ All requirements or prohibitions in this chapter
547 which are not otherwise classified.

548 ~~12. Section 379.33, prohibiting the violation of or~~
549 ~~noncompliance with commission rules.~~

550 ~~13. Section 379.407(7), prohibiting the sale, purchase,~~
551 ~~harvest, or attempted harvest of any saltwater product with~~
552 ~~intent to sell.~~

553 15.14. Section 379.2421, relating to fishers and equipment,
554 unless otherwise provided in that section ~~prohibiting the~~

576-04193-16

20161282c1

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

556 ~~31.15.~~ Section 379.413, prohibiting the unlawful taking of
557 bonefish.

558 16. Section 379.2425, relating to spearfishing.

559 17. Section 379.29, prohibiting the contamination of fresh
560 waters.

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

563 19. Section 379.3502, prohibiting loaning, transferring, or
564 using a borrowed or transferred license or permit.

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

567 21. Section 379.3504, prohibiting entering false
568 information on licenses or permits.

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

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

573 24. Section 379.363, relating to freshwater fish dealer's
574 licenses.

575 25. Section 379.364, relating to licenses required for fur
576 and hide dealers.

577 ~~26.16.~~ Section 379.365(2)(b) ~~Section 379.365(2)(a) and (b),~~
578 ~~prohibiting the possession or use of stone crab traps without~~
579 ~~trap tags and theft of~~ stone crab ~~trap contents or gear, unless~~
580 otherwise provided in law.

581 ~~27.17.~~ Section 379.366(4)(b), prohibiting the theft of blue
582 crab trap contents or trap gear, unless otherwise provided in
583 that section.

576-04193-16

20161282c1

584 ~~28.18.~~ Section 379.3671(2)(c), excluding subparagraph 5.,
585 prohibiting the ~~possession or use of spiny lobster traps without~~
586 ~~trap tags or certificates and theft of spiny lobster trap~~
587 contents or trap gear, unless otherwise provided in that
588 section.

589 ~~19.~~ Section 379.357, ~~prohibiting the possession of tarpon~~
590 ~~without purchasing a tarpon tag.~~

591 ~~14.20.~~ Section 379.105, prohibiting the intentional
592 harassment of hunters, fishers, or trappers.

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

595 30. Section 379.3752, relating to required tagging of
596 alligators and hides.

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

601 2. Unless the stricter penalties in subparagraph 3. or
602 subparagraph 4. apply, a person who commits a Level Two
603 violation within 3 years after a previous conviction for a Level
604 Two or higher violation commits a misdemeanor of the first
605 degree, punishable as provided in s. 775.082 or s. 775.083, with
606 a minimum mandatory fine of \$250.

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

576-04193-16

20161282c1

613 permit issued under s. 379.354 for 1 year. Such suspension shall
614 include the suspension of the privilege to obtain such license
615 or permit and the suspension of the ability to exercise any
616 privilege granted under any exemption in s. 379.353.

617 4. A person who commits a Level Two violation within 10
618 years after three previous convictions for a Level Two or higher
619 violation commits a misdemeanor of the first degree, punishable
620 as provided in s. 775.082 or s. 775.083, with a minimum
621 mandatory fine of \$750 and a suspension of any recreational
622 license or permit issued under s. 379.354 for 3 years. Such
623 suspension shall include the suspension of the privilege to
624 obtain such license or permit and the suspension of the ability
625 to exercise any privilege granted under s. 379.353. If the
626 recreational license or permit being suspended was an annual
627 license or permit, any privileges under ss. 379.353 and 379.354
628 may not be acquired for a 3-year period following the date of
629 the violation.

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

633 1. Rules or orders of the commission prohibiting the sale
634 of saltwater fish.

635 2. Rules or orders of the commission prohibiting the
636 illegal importation or possession of exotic marine plants or
637 animals.

638 ~~9.3.~~ Section 379.407(2), establishing major violations,
639 unless otherwise provided in that section.

640 ~~10.4.~~ Section 379.407(4), prohibiting the possession of
641 certain finfish in excess of recreational daily bag limits,
642

576-04193-16

20161282c1

642 unless otherwise provided in that section.

643 ~~3.5.~~ Section 379.28, prohibiting the importation of
644 freshwater fish.

645 ~~5.6.~~ Section 379.354(17), prohibiting the taking of game,
646 freshwater fish, or saltwater fish while a required license is
647 suspended or revoked.

648 ~~4.7.~~ Section 379.3014, prohibiting the illegal sale or
649 possession of alligators.

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

652 ~~7.8.~~ Section 379.404(1), (3), and (6), prohibiting the
653 illegal taking and possession of deer and wild turkey.

654 ~~8.9.~~ Section 379.406, prohibiting the possession and
655 transportation of commercial quantities of freshwater game fish.

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

660 2. A person who commits a Level Three violation within 10
661 years after a previous conviction for a Level Three or higher
662 violation commits a misdemeanor of the first degree, punishable
663 as provided in s. 775.082 or s. 775.083, with a minimum
664 mandatory fine of \$750 and a suspension of any recreational
665 license or permit issued under s. 379.354 for the remainder of
666 the period for which the license or permit was issued up to 3
667 years. Such suspension shall include the suspension of the
668 privilege to obtain such license or permit and the ability to
669 exercise any privilege granted under s. 379.353. If the
670 recreational license or permit being suspended was an annual

576-04193-16

20161282c1

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

674 3. A person who commits a violation of s. 379.354(17) shall
675 receive a mandatory fine of \$1,000. Any privileges under ss.
676 379.353 and 379.354 may not be acquired for a 5-year period
677 following the date of the violation.

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

680 1. Section 379.354(16), prohibiting the making, forging,
681 counterfeiting, or reproduction of a recreational license, or
682 possession of a recreational license without authorization from
683 the commission.

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

687 3.2. Section 379.366(4)(c), prohibiting criminal activities
688 relating to the taking and harvesting of blue crabs, unless
689 otherwise provided in that section.

690 4.3. Section 379.367(4), prohibiting the willful
691 molestation of spiny lobster gear, unless otherwise specified in
692 that section.

693 5.4. Section 379.3671(2)(c)5., prohibiting the unlawful
694 reproduction, possession, sale, trade, or barter of spiny
695 lobster trap tags or certificates, unless otherwise specified in
696 that section.

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

576-04193-16

20161282c1

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

702 7. Section 379.405, prohibiting the molestation or theft of
703 freshwater fishing gear.

704 8. Section 379.409, prohibiting the unlawful killing,
705 injuring, possessing, or capturing of alligators or other
706 crocodilia or their eggs.

707 9. Section 379.411, prohibiting the intentional killing or
708 wounding of any species designated as endangered, threatened, or
709 of special concern.

710 10. Section 379.4115, prohibiting the killing of any
711 Florida or wild panther.

712 (b) A person who commits a Level Four violation commits a
713 felony of the third degree, punishable as provided in s.
714 775.082, ~~or~~ s. 775.083, or s. 775.084.

715 (5) ILLEGAL ACTIVITIES WHILE COMMITTING BURGLARY OR
716 TRESPASS.—In addition to any other penalty provided by law, a
717 person who violates the criminal provisions of this chapter or
718 the rules or orders of the commission by illegally killing,
719 taking, possessing, or selling fish and wildlife, in or out of
720 season, while violating chapter 810 shall pay a fine of \$500 for
721 each such violation, plus court costs and any restitution
722 ordered by the court. All fines collected under this subsection
723 shall be remitted by the clerk of the court to the Department of
724 Revenue to be deposited into the State Game Trust Fund of the
725 Fish and Wildlife Conservation Commission.

726 ~~(5) VIOLATIONS OF CHAPTER. Except as provided in this~~
727 ~~chapter:~~

728 ~~(a) A person who commits a violation of any provision of~~

576-04193-16

20161282c1

729 ~~this chapter commits, for the first offense, a misdemeanor of~~
730 ~~the second degree, punishable as provided in s. 775.082 or s.~~
731 ~~775.083.~~

732 ~~(b) A person who is convicted of a second or subsequent~~
733 ~~violation of any provision of this chapter commits a misdemeanor~~
734 ~~of the first degree, punishable as provided in s. 775.082 or s.~~
735 ~~775.083.~~

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

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

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

744 Section 22. Subsection (1) of section 379.409, Florida
745 Statutes, is amended, and subsection (4) is added to that
746 section, to read:

747 379.409 Illegal killing, possessing, or capturing of
748 alligators or other crocodilia or eggs; confiscation of
749 equipment.—

750 (1) It is unlawful to intentionally kill, injure, possess,
751 or capture, or attempt to kill, injure, possess, or capture, an
752 alligator or other crocodilian, or the eggs of an alligator or
753 other crocodilian, unless authorized by the rules of the Fish
754 and Wildlife Conservation Commission. ~~Any person who violates~~
755 ~~this section is guilty of a felony of the third degree,~~
756 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084,~~
757 ~~in addition to such other punishment as may be provided by law.~~

576-04193-16

20161282c1

758 Any equipment, including but not limited to weapons, vehicles,
759 boats, and lines, used by a person in the commission of a
760 violation of any law, rule, regulation, or order relating to
761 alligators or other crocodilia or the eggs of alligators or
762 other crocodilia shall, upon conviction of such person, be
763 confiscated by the Fish and Wildlife Conservation Commission and
764 disposed of according to rules, orders, and regulations of the
765 commission. The arresting officer shall promptly make a return
766 of the seizure, describing in detail the property seized and the
767 facts and circumstances under which it was seized, including the
768 names of all persons known to the officer who have an interest
769 in the property.

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

773 Section 23. Section 379.411, Florida Statutes, is amended
774 to read:

775 379.411 Intentional killing or wounding of any species
776 designated as endangered, threatened, or of special concern;
777 criminal penalties.—It is unlawful for a person to intentionally
778 kill or wound any fish or wildlife of a species designated by
779 the Fish and Wildlife Conservation Commission as endangered,
780 threatened, or of special concern, or to intentionally destroy
781 the eggs or nest of any such fish or wildlife, except as
782 provided for in the rules of the commission. A ~~Any~~ person who
783 violates this section commits a Level Four violation under s.
784 379.401 ~~this provision with regard to an endangered or~~
785 ~~threatened species is guilty of a felony of the third degree,~~
786 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

576-04193-16

20161282c1

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

789 379.4115 Florida or wild panther; killing prohibited;
790 penalty.—

791 (3) A person who violates this section commits a Level Four
792 violation under s. 379.401 ~~convicted of unlawfully killing a~~
793 ~~Florida panther, or unlawfully killing any member of the species~~
794 ~~of panther occurring in the wild, is guilty of a felony of the~~
795 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
796 ~~or s. 775.084.~~

797 Section 25. This act shall take effect July 1, 2016.