

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 or regulations relating to control and management of
7 state game lands; amending s. 379.2257, F.S.; revising
8 penalties for violations of wildlife management area
9 rules and regulations on United States Forest Service
10 lands; amending s. 379.2425, F.S.; authorizing
11 spearfishing in specified areas by commission rule or
12 order; providing a penalty for violations of
13 commission rules or orders relating to spearfishing;
14 amending s. 379.29, F.S.; revising penalties for
15 violations relating to the contamination of fresh
16 waters; amending s. 379.295, F.S.; providing a penalty
17 for violations relating to the use of explosives and
18 other substances or force in fresh waters; amending s.
19 379.33, F.S.; deleting base penalty provisions for
20 violation of or failure to comply with any commission
21 rule; amending s. 379.3502, F.S.; deleting violation
22 provisions for altering or changing, in any manner, a
23 license or permit; providing a penalty for violations
24 relating to loaning or transferring a license or
25 permit to another person or using a borrowed or
26 transferred license or permit; amending s. 379.3503,

27 F.S.; revising penalties for violations of swearing or
28 affirming to a false statement on a license or permit
29 application; amending s. 379.3504, F.S.; revising
30 penalties for violations relating to entering false
31 information on a license or permit; amending s.
32 379.3511, F.S.; revising penalties relating to the
33 sale of specified licenses and permits by appointed
34 subagents; amending s. 379.354, F.S.; providing a
35 penalty for violations relating to possession of
36 recreational hunting, fishing, and trapping licenses,
37 permits, and authorization numbers; amending s.
38 379.357, F.S.; revising penalties for violations
39 relating to the purchase of a tarpon tag and the sale
40 of tarpon; amending s. 379.359, F.S.; authorizing,
41 rather than requiring, the commission to retain a
42 portion of voluntary contributions to Southeastern
43 Guide Dogs, Inc.; amending s. 379.363, F.S.; providing
44 a penalty for violations relating to freshwater fish
45 dealers' licenses; amending s. 379.364, F.S.;
46 providing a penalty for violations relating to fur and
47 hide dealers' licenses; amending s. 379.365, F.S.;
48 deleting penalty provisions for violations of stone
49 crab regulations by persons other than commercial
50 harvesters; amending s. 379.3751, F.S.; providing a
51 penalty for violations relating to trapping licenses
52 for taking and possessing alligators; amending s.

53 379.3752, F.S.; providing a penalty for violations
54 relating to the tagging of alligators and hides;
55 amending s. 379.401, F.S.; providing penalties for
56 violations relating to filing reports and documents by
57 persons who hold alligator licenses and permits;
58 reducing the penalties for failure to return CITES
59 tags issued under the Statewide Alligator Harvest
60 Program and the Stateside Nuisance Alligator Program;
61 providing an alternative penalty for specified
62 violations relating to recreational fishing, hunting,
63 and trapping licenses; increasing the civil penalty
64 amount for Level One repeat violations; providing that
65 the unlawful use of any trap is a Level Two violation;
66 providing that violations relating to record
67 requirements for alligators is a Level Two violation;
68 providing that violations relating to the return of
69 CITES tags issued in a program other than the
70 Statewide Alligator Harvest Program or the Statewide
71 Nuisance Alligator Program is a Level Two violation;
72 deleting penalty provisions for the sale, purchase,
73 harvest, or attempted harvest of any saltwater product
74 with intent to sell; providing additional criminal
75 penalties for Level Four violations; providing
76 additional penalties for the illegal taking of fish
77 and wildlife while trespassing; repealing s. 379.403,
78 F.S., relating to the illegal killing, taking,

79 | possessing, or selling of wildlife or game; amending
 80 | s. 379.409, F.S.; revising penalties for the illegal
 81 | killing, possessing, or capturing of alligators or
 82 | other crocodilia or their eggs; amending s. 379.411,
 83 | F.S.; revising penalties for the intentional killing
 84 | or wounding of any species designated as endangered,
 85 | threatened, or of special concern; amending s.
 86 | 379.4115, F.S.; revising penalties for violations
 87 | relating to killing a Florida or wild panther;
 88 | amending ss. 379.3004, 379.337, 589.19, and 810.09,
 89 | F.S.; conforming cross-references; providing an
 90 | effective date.

91 |
 92 | Be It Enacted by the Legislature of the State of Florida:

93 |
 94 | Section 1. Section 379.101, Florida Statutes, is amended
 95 | to read:

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

99 | (1) "Authorization" means a number issued by the Fish and
 100 | Wildlife Conservation Commission, or its authorized agent, which
 101 | serves in lieu of a license or permits and affords the privilege
 102 | purchased for a specified period of time.

103 | (2) "Beaches" and "shores" shall mean the coastal and
 104 | intracoastal shoreline of this state bordering upon the waters

105 of the Atlantic Ocean, the Gulf of Mexico, the Straits of
106 Florida, and any part thereof, and any other bodies of water
107 under the jurisdiction of the State of Florida, between the mean
108 high-water line and as far seaward as may be necessary to
109 effectively carry out the purposes of this act.

110 (3) "Closed season" shall be that portion of the year
111 wherein the laws or rules of Florida forbid the taking of
112 particular species of game or varieties of fish.

113 (4) "Coastal construction" includes any work or activity
114 which is likely to have a material physical effect on existing
115 coastal conditions or natural shore processes.

116 (5) "Commercial harvester" means any person, firm, or
117 corporation that takes, harvests, or attempts to take or harvest
118 saltwater products for sale or with intent to sell; that is
119 operating under or is required to operate under a license or
120 permit or authorization issued pursuant to this chapter; that is
121 using gear that is prohibited for use in the harvest of
122 recreational amounts of any saltwater product being taken or
123 harvested; or that is harvesting any saltwater product in an
124 amount that is at least two times the recreational bag limit for
125 the saltwater product being taken or harvested.

126 (6) "Commission" shall mean the Fish and Wildlife
127 Conservation Commission.

128 (7) "Common carrier" shall include any person, firm, or
129 corporation, who undertakes for hire, as a regular business, to
130 transport persons or commodities from place to place offering

131 his or her services to all such as may choose to employ the
 132 common carrier and pay his or her charges.

133 (8) "Coon oysters" are oysters found growing in bunches
 134 along the shore between high-water mark and low-water mark.

135 (9) "Department" shall mean the Department of
 136 Environmental Protection.

137 (10) "Erosion control," "beach preservation," and
 138 "hurricane protection" shall include any activity, work,
 139 program, project, or other thing deemed necessary by the
 140 Department of Environmental Protection to effectively preserve,
 141 protect, restore, rehabilitate, stabilize, and improve the
 142 beaches and shores of this state, as defined above.

143 (11) "Exhibit" means to present or display upon request.

144 (12) "Finfish" means any member of the classes Agnatha,
 145 Chondrichthyes, or Osteichthyes.

146 (13) "Fish and game" means all fresh and saltwater fish,
 147 shellfish, crustacea, sponges, wild birds, and wild animals.

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

152 (15)-(14) "Fish management area" means a pond, lake, or
 153 other water within a county, or within several counties,
 154 designated to improve fishing for public use, and established
 155 and specifically circumscribed for authorized management by the
 156 commission and the board of county commissioners of the county

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157 | in which such waters lie, under agreement between the commission
158 | and an owner with approval by the board of county commissioners
159 | or under agreement with the board of county commissioners for
160 | use of public waters in the county in which such waters lie.

161 | (16)~~(15)~~ "Fish pond" means a body of water that does not
162 | occur naturally and that has been constructed and is maintained
163 | primarily for the purpose of fishing.

164 | (17)~~(16)~~ "Food fish" shall include mullet, trout, redfish,
165 | sheephead, pompano, mackerel, bluefish, red snapper, grouper,
166 | black drum, jack crevalle, and all other fish generally used for
167 | human consumption.

168 | (18)~~(17)~~ "Fresh water," except where otherwise provided by
169 | law, means all lakes, rivers, canals, and other waterways of
170 | Florida, to such point or points where the fresh and salt waters
171 | commingle to such an extent as to become unpalatable and unfit
172 | for human consumption because of the saline content, or to such
173 | point or points as may be fixed by order of the commission by
174 | and with the consent of the board of county commissioners of the
175 | county or counties to be affected by such order. The
176 | Steinhatchee River shall be considered fresh water from its
177 | source to mouth.

178 | (19)~~(18)~~ "Freshwater fish" means all classes of pisces
179 | that are native to fresh water.

180 | (20)~~(19)~~ "Fur-bearing animals" means muskrat, mink,
181 | raccoon, otter, civet cat, skunk, red and gray fox, and opossum.

182 | (21)~~(20)~~ "Game" means deer, bear, squirrel, rabbits, and,

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183 where designated by commission rules, wild hogs, ducks, geese,
184 rails, coots, gallinules, snipe, woodcock, wild turkeys, grouse,
185 pheasants, quail, and doves.

186 (22)~~(21)~~ "Guide" shall include any person engaged in the
187 business of guiding hunters or hunting parties, fishers or
188 fishing parties, for compensation.

189 (23)~~(22)~~ "Marine fish" means any saltwater species of
190 finfish of the classes Agnatha, Chondrichthyes, and
191 Osteichthyes, and marine invertebrates in the classes
192 Gastropoda, Bivalvia, and Crustacea, or the phylum
193 Echinodermata, but does not include nonliving shells or
194 echinoderms.

195 (24)~~(23)~~ "Molest," in connection with any fishing trap or
196 its buoy or buoy line, means to touch, bother, disturb, or
197 interfere or tamper with, in any manner.

198 (25)~~(24)~~ A "natural oyster or clam reef" or "bed" or "bar"
199 shall be considered and defined as an area containing not less
200 than 100 square yards of the bottom where oysters or clams are
201 found in a stratum.

202 (26)~~(25)~~ "Nongame" means all species and populations of
203 native wild vertebrates and invertebrates in the state that are
204 not defined as game.

205 (27)~~(26)~~ "Nonresident alien" shall mean those individuals
206 from other nations who can provide documentation from the Bureau
207 of Citizenship and Immigration Services evidencing permanent
208 residency status in the United States. For the purposes of this

209 chapter, a "nonresident alien" shall be considered a
 210 "nonresident."

211 (28)~~(27)~~ "Open season" shall be that portion of the year
 212 wherein the laws of Florida for the preservation of fish and
 213 game permit the taking of particular species of game or
 214 varieties of fish.

215 (29)~~(28)~~ "Private hunting preserve" includes any area set
 216 aside by a private individual or concern on which artificially
 217 propagated game or birds are taken.

218 (30)~~(29)~~ "Reef bunch oysters" are oysters found growing on
 219 the bars or reefs in the open bay and exposed to the air between
 220 high and low tide.

221 (31)~~(30)~~ "Resident" or "resident of Florida" means:

222 (a) For purposes of part VII, a citizen of the United
 223 States who has continuously resided in this state for 1 year
 224 before applying for a hunting, fishing, or other license.
 225 However, for purposes of ss. 379.363, 379.364, 379.3711,
 226 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752,
 227 379.3761, and 379.3762, the term means a citizen of the United
 228 States who has continuously resided in this state for 6 months
 229 before applying for a hunting, fishing, or other license.

230 (b) For purposes of part VI:

231 1. A member of the United States Armed Forces who is
 232 stationed in the state and his or her family members residing
 233 with such member; or

234 2. A person who has declared Florida as his or her only

235 state of residence as evidenced by a valid Florida driver
236 license or identification card that has both a Florida address
237 and a Florida residency verified by the Department of Highway
238 Safety and Motor Vehicles, or, in the absence thereof, one of
239 the following:

- 240 a. A current Florida voter information card;
- 241 b. A sworn statement manifesting and evidencing domicile
242 in Florida in accordance with s. 222.17;
- 243 c. Proof of a current Florida homestead exemption; or
- 244 d. For a child younger than 18 years of age, a student
245 identification card from a Florida school or, if accompanied by
246 his or her parent at the time of purchase, the parent's proof of
247 residency.

248 (32)~~(31)~~ "Resident alien" means a person who has
249 continuously resided in this state for at least 1 year and can
250 provide documentation from the Bureau of Citizenship and
251 Immigration Services evidencing permanent residency status in
252 the United States. For the purposes of this chapter, a "resident
253 alien" is considered a "resident."

254 (33)~~(32)~~ "Restricted species" means any species of
255 saltwater products which the state by law, or the Fish and
256 Wildlife Conservation Commission by rule, has found it necessary
257 to so designate. The term includes a species of saltwater
258 products designated by the commission as restricted within a
259 geographical area or during a particular time period of each
260 year. Designation as a restricted species does not confer the

261 authority to sell a species pursuant to s. 379.361 if the law or
 262 rule prohibits the sale of the species.

263 (34)~~(33)~~ "Salt water," except where otherwise provided by
 264 law, shall be all of the territorial waters of Florida excluding
 265 all lakes, rivers, canals, and other waterways of Florida from
 266 such point or points where the fresh and salt waters commingle
 267 to such an extent as to become unpalatable because of the saline
 268 content, or from such point or points as may be fixed for
 269 conservation purposes by the Department of Environmental
 270 Protection and the Fish and Wildlife Conservation Commission,
 271 with the consent and advice of the board of county commissioners
 272 of the county or counties to be affected.

273 (35)~~(34)~~ "Saltwater fish" means:

274 (a) Any saltwater species of finfish of the classes
 275 Agnatha, Chondrichthyes, or Osteichthyes and marine
 276 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,
 277 or of the phylum Echinodermata, but does not include nonliving
 278 shells or echinoderms; and

279 (b) All classes of pisces, shellfish, sponges, and
 280 crustacea native to salt water.

281 (36)~~(35)~~ "Saltwater license privileges," except where
 282 otherwise provided by law, means any license, endorsement,
 283 certificate, or permit issued pursuant to this chapter.

284 (37)~~(36)~~ "Saltwater products" means any species of
 285 saltwater fish, marine plant, or echinoderm, except shells, and
 286 salted, cured, canned, or smoked seafood.

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287 (38)~~(37)~~ "Shellfish" shall include oysters, clams, and
 288 whelks.

289 (39)~~(38)~~ "Take" means taking, attempting to take,
 290 pursuing, hunting, molesting, capturing, or killing any wildlife
 291 or freshwater or saltwater fish, or their nests or eggs, by any
 292 means, whether or not such actions result in obtaining
 293 possession of such wildlife or freshwater or saltwater fish or
 294 their nests or eggs.

295 (40)~~(39)~~ "Transport" shall include shipping, transporting,
 296 carrying, importing, exporting, receiving or delivering for
 297 shipment, transportation or carriage or export.

298 Section 2. Section 379.2223, Florida Statutes, is amended
 299 to read:

300 379.2223 Control and management of state game lands.—

301 (1) The Fish and Wildlife Conservation Commission is
 302 authorized to make, adopt, promulgate, amend, repeal, and
 303 enforce all reasonable rules and regulations necessary for the
 304 protection, control, operation, management, or development of
 305 lands or waters owned by, leased by, or otherwise assigned to,
 306 the commission for fish or wildlife management purposes,
 307 including, but not being limited to, the right of ingress and
 308 egress. Before any such rule or regulation is adopted, other
 309 than one relating to wild animal life, marine life, or
 310 freshwater aquatic life, the commission shall obtain the consent
 311 and agreement, in writing, of the owner, in the case of
 312 privately owned lands or waters, or the owner or primary

313 | custodian, in the case of public lands or waters.

314 | (2) A person who violates a rule or regulation adopted
 315 | pursuant to this section is subject to penalties as provided in
 316 | s. 379.401 ~~Any person violating or otherwise failing to comply~~
 317 | ~~with any rule or regulation so adopted commits a misdemeanor of~~
 318 | ~~the second degree, punishable as provided in s. 775.082 or s.~~
 319 | ~~775.083.~~

320 | Section 3. Subsection (3) of section 379.2257, Florida
 321 | Statutes, is amended to read:

322 | 379.2257 Cooperative agreements with United States U.S.
 323 | Forest Service; penalty.—The Fish and Wildlife Conservation
 324 | Commission is authorized and empowered:

325 | (3) In addition to the requirements of chapter 120, notice
 326 | of the making and ~~adoption, and promulgation~~ of the ~~above~~ rules
 327 | and regulations pursuant to this section shall be given by
 328 | posting the ~~said~~ notices, or copies of the rules and
 329 | regulations, in the offices of the county judges and in the post
 330 | offices within the area to be affected and within 10 miles
 331 | thereof. In addition to the posting of the ~~said~~ notices, ~~as~~
 332 | ~~aforsaid,~~ copies of the ~~said~~ notices or ~~of said~~ rules and
 333 | regulations shall ~~also~~ be published in newspapers published at
 334 | the county seats of Baker, Columbia, Marion, Lake, Putnam, and
 335 | Liberty Counties, or so many thereof as have newspapers, once
 336 | between 28 and ~~not more than 35 nor less than 28~~ days and once
 337 | between 14 and ~~not more than 21 nor less than 14~~ days before
 338 | ~~prior to~~ the opening of the state hunting season in those ~~said~~

339 areas. A Any person who violates ~~violating~~ any rules or
 340 regulations of promulgated by the commission to manage such
 341 ~~cover these~~ areas under cooperative agreements between the ~~Fish~~
 342 ~~and Wildlife Conservation~~ commission and the United States
 343 Forest Service is subject to penalties as provided in s.
 344 379.401, ~~none of which shall be in conflict with the laws of~~
 345 ~~Florida, shall be guilty of a misdemeanor of the second degree,~~
 346 ~~punishable as provided in s. 775.082 or s. 775.083.~~

347 Section 4. Paragraph (a) of subsection (2) of section
 348 379.2425, Florida Statutes, is amended, and subsection (4) is
 349 added to that section, to read:

350 379.2425 Spearfishing; definition; limitations; penalty.—

351 (2) (a) Except as otherwise provided by commission rule or
 352 order, spearfishing is prohibited within the boundaries of the
 353 John Pennekamp Coral Reef State Park, the waters of Collier
 354 County, and the area in Monroe County known as Upper Keys, which
 355 includes all salt waters under the jurisdiction of the ~~Fish and~~
 356 ~~Wildlife Conservation~~ commission beginning at the county line
 357 between Miami-Dade and Monroe Counties and running south,
 358 including all of the keys down to and including Long Key.

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

361 Section 5. Subsection (2) of section 379.29, Florida
 362 Statutes, is amended to read:

363 379.29 Contaminating fresh waters.—

364 (2) A Any person, firm, or corporation that violates

365 ~~violating any of the provisions of this section commits a Level~~
366 ~~Two violation under s. 379.401 shall be guilty of a misdemeanor~~
367 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
368 ~~775.083 for the first offense, and for the second or subsequent~~
369 ~~offense shall be guilty of a misdemeanor of the first degree,~~
370 ~~punishable as provided in s. 775.082 or s. 775.083.~~

371 Section 6. Section 379.295, Florida Statutes, is amended
372 to read:

373 379.295 Use of explosives and other substances or force
374 prohibited.—~~A~~ ~~No~~ person may not throw or place, or cause to be
375 thrown or placed, any dynamite, lyddite, gunpowder, cannon
376 cracker, acids, filtration discharge, debris from mines, Indian
377 berries, sawdust, green walnuts, walnut leaves, creosote, oil,
378 or other explosives or deleterious substance or force into the
379 fresh waters of this state whereby fish therein are or may be
380 injured. Nothing in this section may be construed as preventing
381 the release of water slightly discolored by mining operations or
382 water escaping from such operations as the result of
383 providential causes. A person who violates this section commits
384 a Level Two violation under s. 379.401.

385 Section 7. Section 379.33, Florida Statutes, is amended to
386 read:

387 379.33 Enforcement of commission rules; ~~penalties for~~
388 ~~violation of rule.~~—Rules of the ~~Fish and Wildlife Conservation~~
389 commission shall be enforced by any law enforcement officer
390 certified pursuant to s. 943.13. ~~Except as provided under s.~~

391 ~~379.401, any person who violates or otherwise fails to comply~~
 392 ~~with any rule adopted by the commission shall be punished~~
 393 ~~pursuant to s. 379.407(1).~~

394 Section 8. Section 379.3502, Florida Statutes, is amended
 395 to read:

396 379.3502 License and permit not transferable.—A person may
 397 ~~not alter or change in any manner, or~~ loan or transfer to
 398 another person, unless otherwise provided by commission rule or
 399 order, any license or permit issued pursuant to ~~the provisions~~
 400 ~~of this chapter, and a~~ nor may any other person, other than the
 401 person to whom the license or permit ~~it~~ is issued, may not use a
 402 borrowed or transferred license or permit the same. A person who
 403 violates this section commits a Level Two violation under s.
 404 379.401.

405 Section 9. Section 379.3503, Florida Statutes, is amended
 406 to read:

407 379.3503 False statement in application for license or
 408 permit.—~~A~~ Any person who swears or affirms to any false
 409 statement in any application for a license or permit provided by
 410 this chapter commits a Level Two violation under, ~~is guilty of~~
 411 ~~violating this chapter, and shall be subject to the penalty~~
 412 ~~provided in s. 379.401,~~ and any false statement contained in any
 413 application for such license or permit renders the license or
 414 permit void.

415 Section 10. Section 379.3504, Florida Statutes, is amended
 416 to read:

417 379.3504 Entering false information on licenses or
 418 permits.—Whoever knowingly and willfully enters false
 419 information on, or allows or causes false information to be
 420 entered on or shown upon, any license or permit issued under the
 421 ~~provisions of this chapter in order to avoid prosecution or to~~
 422 assist another in avoiding ~~to avoid~~ prosecution, or for any
 423 other wrongful purpose, commits a Level Two violation under
 424 ~~shall be punished as provided in s. 379.401.~~

425 Section 11. Paragraphs (d), (e), and (f) of subsection (1)
 426 of section 379.3511, Florida Statutes, are amended, and
 427 subsection (4) is added to that section, to read:

428 379.3511 Appointment of subagents for the sale of hunting,
 429 fishing, and trapping licenses and permits.—

430 (1) Subagents shall serve at the pleasure of the
 431 commission. The commission may establish, by rule, procedures
 432 for the selection and appointment of subagents. The following
 433 are requirements for appointed subagents ~~so appointed~~:

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

437 (d)(e) A subagent may charge and receive as his or her
 438 compensation 50 cents for each license or permit sold. This
 439 charge is in addition to the sum required by law to be collected
 440 for the sale and issuance of each license or permit. This charge
 441 does not apply to the shoreline fishing license; however, for
 442 each shoreline fishing license issued, the subagent may retain

443 50 cents from other license proceeds otherwise due the
 444 commission.

445 ~~(e)-(f)~~ A subagent shall submit payment for and report the
 446 sale of licenses and permits to the commission as prescribed by
 447 the commission.

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

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

452 379.354 Recreational licenses, permits, and authorization
 453 numbers; fees established.—

454 (18) VIOLATION OF SECTION.—Unless otherwise provided by
 455 law, a person who violates this section commits a Level One
 456 violation under s. 379.401.

457 Section 13. Subsections (3) through (7) of section
 458 379.357, Florida Statutes, are amended to read:

459 379.357 Fish and Wildlife Conservation Commission license
 460 program for tarpon; fees; penalties.—

461 (3) A person ~~An individual~~ may not take, kill, or possess
 462 any fish of the species *Megalops atlanticus*, commonly known as
 463 tarpon, unless the person ~~individual~~ has purchased a tarpon tag
 464 and securely attached it through the lower jaw of the fish.

465 ~~(4) Any individual including a taxidermist who possesses a~~
 466 ~~tarpon which does not have a tag securely attached as required~~
 467 ~~by this section commits a Level Two violation under s. 379.401.~~
 468 ~~Provided, however,~~ A taxidermist may remove the tag during the

469 process of mounting a tarpon. The removed tag shall remain with
470 the fish during any subsequent storage or shipment. The purchase
471 of a tarpon tag does not authorize the purchaser to harvest or
472 possess tarpon in violation of commission rules. A person who
473 violates this subsection commits a Level Two violation under s.
474 379.401.

475 ~~(4)-(5) A person Purchase of a tarpon tag shall not accord~~
476 ~~the purchaser any right to harvest or possess tarpon in~~
477 ~~contravention of rules adopted by the commission. No individual~~
478 ~~may not sell, offer for sale, barter, exchange for merchandise,~~
479 ~~transport for sale, either within or without the state, offer to~~
480 ~~purchase, or purchase any species of fish known as tarpon. A~~
481 ~~person who violates this subsection commits a Level Three~~
482 ~~violation under s. 379.401.~~

483 ~~(5)-(6) The commission shall prescribe and provide suitable~~
484 ~~forms and tags necessary to carry out the provisions of this~~
485 ~~section.~~

486 ~~(6)-(7) The provisions of This section does shall not apply~~
487 ~~to anyone who immediately returns a tarpon uninjured to the~~
488 ~~water at the place where the fish was caught.~~

489 Section 14. Section 379.359, Florida Statutes, is amended
490 to read:

491 379.359 License application provision for voluntary
492 contribution to Southeastern Guide Dogs, Inc.—The application
493 for any license for recreational activities issued under this
494 part must include a check-off provision that permits the

495 applicant for licensure to make a voluntary contribution of \$2.
 496 The ~~Fish and Wildlife Conservation~~ commission may ~~shall~~ retain
 497 up to 90 cents from each contribution to cover administrative
 498 costs. The remainder shall be distributed quarterly by the ~~Fish~~
 499 ~~and Wildlife Conservation~~ commission to Southeastern Guide Dogs,
 500 Inc., located in Palmetto. Southeastern Guide Dogs, Inc., shall
 501 use the contributions to breed, raise, and train guide dogs for
 502 the blind, specifically for the "Paws for Patriots" program,
 503 including in-residence training for veterans who are provided
 504 guide dogs by Southeastern Guide Dogs, Inc.

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

507 379.363 Freshwater fish dealer's license.—

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

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

512 379.364 License required for fur and hide dealers.—

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

515 Section 17. Paragraph (a) of subsection (2) of section
 516 379.365, Florida Statutes, is amended to read:

517 379.365 Stone crab; regulation.—

518 (2) PENALTIES.—For purposes of this subsection, conviction
 519 is any disposition other than acquittal or dismissal, regardless
 520 of whether the violation was adjudicated under any state or

521 federal law.

522 (a) It is unlawful to violate commission rules regulating
523 stone crab trap certificates and trap tags. No person may use an
524 expired tag or a stone crab trap tag not issued by the
525 commission or possess or use a stone crab trap in or on state
526 waters or adjacent federal waters without having a trap tag
527 required by the commission firmly attached thereto.

528 ~~1.~~ In addition to any other penalties provided in s.
529 379.407, for a ~~any~~ commercial harvester who violates this
530 paragraph, the following administrative penalties apply:~~:-~~

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

533 ~~2.b.~~ For a second violation that occurs within 24 months
534 after ~~of~~ any previous such violation, the commission shall
535 assess an administrative penalty of up to \$2,000 and the stone
536 crab endorsement under which the violation was committed may be
537 suspended for 12 calendar months.

538 ~~3.c.~~ For a third violation that occurs within 36 months
539 after ~~of~~ any previous two such violations, the commission shall
540 assess an administrative penalty of up to \$5,000 and the stone
541 crab endorsement under which the violation was committed may be
542 suspended for 24 calendar months.

543 ~~4.d.~~ A fourth violation that occurs within 48 months after
544 ~~of~~ any three previous such violations, shall result in permanent
545 revocation of all of the violator's saltwater fishing
546 privileges, including having the commission proceed against the

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547 endorsement holder's saltwater products license in accordance
548 with s. 379.407.

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

551
552 Any commercial harvester assessed an administrative penalty
553 under this paragraph shall, within 30 calendar days after
554 notification, pay the administrative penalty to the commission,
555 or request an administrative hearing under ss. 120.569 and
556 120.57. The proceeds of all administrative penalties collected
557 under this paragraph shall be deposited in the Marine Resources
558 Conservation Trust Fund.

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

561 379.3751 Taking and possession of alligators; trapping
562 licenses; fees.—

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

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

567 379.3752 Required tagging of alligators and hides; fees;
568 revenues.—The tags provided in this section shall be required in
569 addition to any license required under s. 379.3751.

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

572 Section 20. Subsections (1) through (5) of section

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573 379.401, Florida Statutes, are amended to read:

574 379.401 Penalties and violations; civil penalties for
575 noncriminal infractions; criminal penalties; suspension and
576 forfeiture of licenses and permits.—

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

579 1. Rules or orders of the commission relating to the
580 filing of reports or other documents required to be filed by
581 persons who hold any recreational licenses and permits or any
582 alligator licenses and permits issued by the commission.

583 2. Rules or orders of the commission relating to quota
584 hunt permits, daily use permits, hunting zone assignments,
585 camping, alcoholic beverages, vehicles, and check stations
586 within wildlife management areas or other areas managed by the
587 commission.

588 3. Rules or orders of the commission relating to daily use
589 permits, alcoholic beverages, swimming, possession of firearms,
590 operation of vehicles, and watercraft speed within fish
591 management areas managed by the commission.

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

594 5. Rules or orders of the commission requiring the return
595 of unused CITES tags issued under the Statewide Alligator
596 Harvest Program or the Statewide Nuisance Alligator Program.

597 6. Section 379.3003, prohibiting deer hunting unless
598 required clothing is worn.

599 ~~7.5.~~ Section 379.354(1)-(15), providing for recreational
600 licenses to hunt, fish, and trap.

601 ~~8.6.~~ Section 379.3581, providing hunter safety course
602 requirements.

603 ~~7. Section 379.3003, prohibiting deer hunting unless~~
604 ~~required clothing is worn.~~

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

608 (c)1. The civil penalty for committing a Level One
609 violation involving the license and permit requirements of s.
610 379.354 is \$50 plus the cost of the license or permit, unless
611 subparagraph 2. applies. Alternatively, except for a person who
612 violates s. 379.354(6), (7), (8)(f), or (8)(h), a person who
613 violates the license and permit requirements of s. 379.354 and
614 is subject to the penalties of this subparagraph may purchase
615 the license or permit, provide proof of such license or permit,
616 and pay a civil penalty of \$50.

617 2. The civil penalty for committing a Level One violation
618 involving the license and permit requirements of s. 379.354 is
619 \$250 ~~\$100~~ plus the cost of the license or permit if the person
620 cited has previously committed the same Level One violation
621 within the preceding 36 months. Alternatively, except for a
622 person who violates s. 379.354(6), (7), (8)(f), or (8)(h), a
623 person who violates the license and permit requirements of s.
624 379.354 and is subject to the penalties of this subparagraph may

625 purchase the license or permit, provide proof of such license or
626 permit, and pay a civil penalty of \$250.

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

629 2. The civil penalty for any other Level One violation is
630 \$250 ~~\$100~~ if the person cited has previously committed the same
631 Level One violation within the preceding 36 months.

632 (e) A person cited for a Level One violation shall sign
633 and accept a citation to appear before the county court. The
634 issuing officer may indicate on the citation the time and
635 location of the scheduled hearing and shall indicate the
636 applicable civil penalty.

637 (f) A person cited for a Level One violation may pay the
638 civil penalty, and, if applicable, provide proof of the license
639 or permit required under s. 379.354 by mail or in person within
640 30 days after receipt of the citation. If the civil penalty is
641 paid, the person shall be deemed to have admitted committing the
642 Level One violation and to have waived his or her right to a
643 hearing before the county court. Such admission may not be used
644 as evidence in any other proceedings except to determine the
645 appropriate fine for any subsequent violations.

646 (g) A person who refuses to accept a citation, who fails
647 to pay the civil penalty for a Level One violation, or who fails
648 to appear before a county court as required commits a
649 misdemeanor of the second degree, punishable as provided in s.
650 775.082 or s. 775.083.

651 (h) A person who elects to appear before the county court
652 or who is required to appear before the county court shall be
653 deemed to have waived the limitations on civil penalties
654 provided under paragraphs (c) and (d). After a hearing, the
655 county court shall determine if a Level One violation has been
656 committed, and if so, may impose a civil penalty of not less
657 than \$50 for a first-time violation, and not more than \$500 for
658 subsequent violations. A person found guilty of committing a
659 Level One violation may appeal that finding to the circuit
660 court. The commission of a violation must be proved beyond a
661 reasonable doubt.

662 (i) A person cited for violating the requirements of s.
663 379.354 relating to personal possession of a license or permit
664 may not be convicted if, before ~~prior to~~ or at the time of a
665 county court hearing, the person produces the required license
666 or permit for verification by the hearing officer or the court
667 clerk. The license or permit must have been valid at the time
668 the person was cited. The clerk or hearing officer may assess a
669 \$10 fee for costs under this paragraph.

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

672 1. Rules or orders of the commission relating to seasons
673 or time periods for the taking of wildlife, freshwater fish, or
674 saltwater fish.

675 2. Rules or orders of the commission establishing bag,
676 possession, or size limits or restricting methods of taking

677 wildlife, freshwater fish, or saltwater fish.

678 3. Rules or orders of the commission prohibiting access or
 679 otherwise relating to access to wildlife management areas or
 680 other areas managed by the commission.

681 4. Rules or orders of the commission relating to the
 682 feeding of saltwater fish.

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

685 6. Rules or orders of the commission relating to
 686 restricted hunting areas, critical wildlife areas, or bird
 687 sanctuaries.

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

690 8. Rules or orders of the commission relating to the use
 691 of dogs for the taking of wildlife.

692 9. Rules or orders of the commission which are not
 693 otherwise classified.

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

696 11. Rules or orders of the commission requiring the
 697 maintenance of records relating to alligators.

698 12. Rules or orders of the commission requiring the return
 699 of unused CITES tags issued under an alligator program other
 700 than the Statewide Alligator Harvest Program or the Statewide
 701 Nuisance Alligator Program.

702 13.11. All requirements or prohibitions under ~~in~~ this

703 chapter which are not otherwise classified.

704 14. Section 379.105, prohibiting the intentional
705 harassment of hunters, fishers, or trappers.

706 15. Section 379.2421, relating to fishers and equipment.

707 16. Section 379.2425, relating to spearfishing.

708 17. Section 379.29, prohibiting the contamination of fresh
709 waters.

710 18. Section 379.295, prohibiting the use of explosives and
711 other substances or force in fresh waters.

712 19. Section 379.3502, prohibiting the loan or transfer of
713 a license or permit and the use of a borrowed or transferred
714 license or permit.

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

717 21. Section 379.3504, prohibiting entering false
718 information on licenses or permits.

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

721 23. Section 379.357(3), prohibiting the taking, killing,
722 or possession of tarpon without purchasing a tarpon tag.

723 24. Section 379.363, relating to freshwater fish dealer
724 licenses.

725 25. Section 379.364, relating to fur and hide dealer
726 licenses.

727 26. Section 379.365(2)(b), prohibiting the theft of stone
728 crab trap contents or trap gear.

729 27. Section 379.366(4) (b), prohibiting the theft of blue
 730 crab trap contents or trap gear.

731 28. Section 379.3671(2) (c), except s. 379.3671(2) (c) 5.,
 732 prohibiting the theft of spiny lobster trap contents or trap
 733 gear.

734 29. Section 379.3751, relating to licenses for the taking
 735 and possession of alligators.

736 30. Section 379.3752, relating to tagging requirements for
 737 alligators and hides.

738 ~~12. Section 379.33, prohibiting the violation of or~~
 739 ~~noncompliance with commission rules.~~

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

743 ~~14. Section 379.2421, prohibiting the obstruction of~~
 744 ~~waterways with net gear.~~

745 31.15. Section 379.413, prohibiting the unlawful taking of
 746 bonefish.

747 ~~16. Section 379.365(2) (a) and (b), prohibiting the~~
 748 ~~possession or use of stone crab traps without trap tags and~~
 749 ~~theft of trap contents or gear.~~

750 ~~17. Section 379.366(4) (b), prohibiting the theft of blue~~
 751 ~~crab trap contents or trap gear.~~

752 ~~18. Section 379.3671(2) (c), prohibiting the possession or~~
 753 ~~use of spiny lobster traps without trap tags or certificates and~~
 754 ~~theft of trap contents or trap gear.~~

755 ~~19. Section 379.357, prohibiting the possession of tarpon~~
 756 ~~without purchasing a tarpon tag.~~

757 ~~20. Section 379.105, prohibiting the intentional~~
 758 ~~harassment of hunters, fishers, or trappers.~~

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

763 2. Unless the stricter penalties in subparagraph 3. or
 764 subparagraph 4. apply, a person who commits a Level Two
 765 violation within 3 years after a previous conviction for a Level
 766 Two or higher violation commits a misdemeanor of the first
 767 degree, punishable as provided in s. 775.082 or s. 775.083, with
 768 a minimum mandatory fine of \$250.

769 3. Unless the stricter penalties in subparagraph 4. apply,
 770 a person who commits a Level Two violation within 5 years after
 771 two previous convictions for a Level Two or higher violation,
 772 commits a misdemeanor of the first degree, punishable as
 773 provided in s. 775.082 or s. 775.083, with a minimum mandatory
 774 fine of \$500 and a suspension of any recreational license or
 775 permit issued under s. 379.354 for 1 year. Such suspension shall
 776 include the suspension of the privilege to obtain such license
 777 or permit and the suspension of the ability to exercise any
 778 privilege granted under any exemption in s. 379.353.

779 4. A person who commits a Level Two violation within 10
 780 years after three previous convictions for a Level Two or higher

781 violation commits a misdemeanor of the first degree, punishable
 782 as provided in s. 775.082 or s. 775.083, with a minimum
 783 mandatory fine of \$750 and a suspension of any recreational
 784 license or permit issued under s. 379.354 for 3 years. Such
 785 suspension shall include the suspension of the privilege to
 786 obtain such license or permit and the suspension of the ability
 787 to exercise any privilege granted under s. 379.353. If the
 788 recreational license or permit being suspended was an annual
 789 license or permit, any privileges under ss. 379.353 and 379.354
 790 may not be acquired for a 3-year period following the date of
 791 the violation.

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

795 1. Rules or orders of the commission prohibiting the sale
 796 of saltwater fish.

797 2. Rules or orders of the commission prohibiting the
 798 illegal importation or possession of exotic marine plants or
 799 animals.

800 ~~3. Section 379.407(2), establishing major violations.~~

801 ~~4. Section 379.407(4), prohibiting the possession of~~
 802 ~~certain finfish in excess of recreational daily bag limits.~~

803 3.5. Section 379.28, prohibiting the importation of
 804 freshwater fish.

805 4. Section 379.3014, prohibiting the illegal sale or
 806 possession of alligators.

807 ~~5.6.~~ Section 379.354(17), prohibiting the taking of game,
 808 freshwater fish, or saltwater fish while a required license is
 809 suspended or revoked.

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

812 ~~7. Section 379.3014, prohibiting the illegal sale or~~
 813 ~~possession of alligators.~~

814 ~~7.8.~~ Section 379.404(1), (3), and (6), prohibiting the
 815 illegal taking and possession of deer and wild turkey.

816 ~~8.9.~~ Section 379.406, prohibiting the possession and
 817 transportation of commercial quantities of freshwater game fish.

818 9. Section 379.407(2), establishing major violations.

819 10. Section 379.407(4), prohibiting the possession of
 820 certain finfish in excess of recreational daily bag limits.

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

825 2. A person who commits a Level Three violation within 10
 826 years after a previous conviction for a Level Three or higher
 827 violation commits a misdemeanor of the first degree, punishable
 828 as provided in s. 775.082 or s. 775.083, with a minimum
 829 mandatory fine of \$750 and a suspension of any recreational
 830 license or permit issued under s. 379.354 for the remainder of
 831 the period for which the license or permit was issued up to 3
 832 years. Such suspension shall include the suspension of the

833 | privilege to obtain such license or permit and the ability to
834 | exercise any privilege granted under s. 379.353. If the
835 | recreational license or permit being suspended was an annual
836 | license or permit, any privileges under ss. 379.353 and 379.354
837 | may not be acquired for a 3-year period following the date of
838 | the violation.

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

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

846 | 1. Section 379.354(16), prohibiting the making, forging,
847 | counterfeiting, or reproduction of a recreational license or the
848 | possession of same without authorization from the commission.

849 | ~~2.1.~~ Section 379.365(2)(c), prohibiting criminal
850 | activities relating to the taking of stone crabs.

851 | ~~3.2.~~ Section 379.366(4)(c), prohibiting criminal
852 | activities relating to the taking and harvesting of blue crabs.

853 | ~~4.3.~~ Section 379.367(4), prohibiting the willful
854 | molestation of spiny lobster gear.

855 | ~~5.4.~~ Section 379.3671(2)(c)5., prohibiting the unlawful
856 | reproduction, possession, sale, trade, or barter of spiny
857 | lobster trap tags or certificates.

858 | ~~5. Section 379.354(16), prohibiting the making, forging,~~

859 ~~counterfeiting, or reproduction of a recreational license or~~
 860 ~~possession of same without authorization from the commission.~~

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

863 7. Section 379.405, prohibiting the molestation or theft
 864 of freshwater fishing gear.

865 8. Section 379.409, prohibiting the unlawful killing,
 866 injuring, possessing, or capturing of alligators or other
 867 crocodilia or their eggs.

868 9. Section 379.411, prohibiting the intentional killing or
 869 wounding of any species designated as endangered, threatened, or
 870 of special concern.

871 10. Section 379.4115, prohibiting the killing of any
 872 Florida or wild panther.

873 (b) A person who commits a Level Four violation commits a
 874 felony of the third degree, punishable as provided in s.
 875 775.082, ~~or~~ s. 775.083, or s. 775.084.

876 (5) ILLEGAL ACTIVITIES WHILE COMMITTING TRESPASS
 877 VIOLATIONS OF CHAPTER.-In addition to any other penalty provided
 878 by law, a person who violates the criminal provisions of this
 879 chapter or rules or orders of the commission by illegally
 880 killing, taking, possessing, or selling fish and wildlife as
 881 defined in s. 379.101 in or out of season while violating
 882 chapter 810 shall pay a fine of \$500 for each such violation,
 883 plus court costs and any restitution ordered by the court. All
 884 finest collected under this subsection shall be remitted by the

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885 clerk of the court to the Department of Revenue to be deposited
886 into the State Game Trust Fund ~~Except as provided in this~~
887 ~~chapter.~~

888 ~~(a) A person who commits a violation of any provision of~~
889 ~~this chapter commits, for the first offense, a misdemeanor of~~
890 ~~the second degree, punishable as provided in s. 775.082 or s.~~
891 ~~775.083.~~

892 ~~(b) A person who is convicted of a second or subsequent~~
893 ~~violation of any provision of this chapter commits a misdemeanor~~
894 ~~of the first degree, punishable as provided in s. 775.082 or s.~~
895 ~~775.083.~~

896 Section 21. Section 379.403, Florida Statutes, is
897 repealed.

898 Section 22. Subsection (1) of section 379.409, Florida
899 Statutes, is amended, and subsection (4) is added to that
900 section, to read:

901 379.409 Illegal killing, possessing, or capturing of
902 alligators or other crocodilia or eggs; confiscation of
903 equipment.—

904 (1) A person may not ~~It is unlawful to~~ intentionally kill,
905 injure, possess, or capture, or attempt to kill, injure,
906 possess, or capture, an alligator or other crocodilian, or the
907 eggs of an alligator or other crocodilian, unless authorized by
908 the rules of the ~~Fish and Wildlife Conservation~~ commission. Any
909 ~~person who violates this section is guilty of a felony of the~~
910 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~

911 ~~or s. 775.084, in addition to such other punishment as may be~~
 912 ~~provided by law.~~ Any equipment, including, but not limited to,
 913 weapons, vehicles, boats, and lines, used by a person in ~~the~~
 914 ~~commission of~~ a violation of any law, rule, regulation, or order
 915 relating to alligators or other crocodilia or the eggs of
 916 alligators or other crocodilia shall, upon conviction of such
 917 person, be confiscated by the ~~Fish and Wildlife Conservation~~
 918 commission and disposed of according to rules and regulations of
 919 the commission. The arresting officer shall promptly make a
 920 return of the seizure, describing in detail the property seized
 921 and the facts and circumstances under which it was seized,
 922 including the names of all persons known to the officer who have
 923 an interest in the property.

924 (4) A person who violates this section commits a Level
 925 Four violation under s. 379.401, in addition to such other
 926 punishment as provided by law.

927 Section 23. Section 379.411, Florida Statutes, is amended
 928 to read:

929 379.411 Intentional killing or wounding of any species
 930 designated as endangered, threatened, or of special concern;
 931 ~~eriminal penalties. It is unlawful for~~ A person may not ~~to~~
 932 intentionally kill or wound any fish or wildlife ~~of a~~ species
 933 designated by the ~~Fish and Wildlife Conservation~~ commission as
 934 endangered, threatened, or of special concern, or ~~to~~
 935 intentionally destroy the eggs or nest of any such fish or
 936 wildlife, unless authorized by ~~except as provided for in the~~

937 rules of the commission. A ~~Any~~ person who violates this section
 938 commits a Level Four violation under s. 379.401 ~~provision with~~
 939 ~~regard to an endangered or threatened species is guilty of a~~
 940 ~~felony of the third degree, punishable as provided in s.~~
 941 ~~775.082, s. 775.083, or s. 775.084.~~

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

944 379.4115 Florida or wild panther; killing prohibited;
 945 penalty.-

946 (3) A person who violates this section commits a Level
 947 Four violation under s. 379.401 ~~convicted of unlawfully killing~~
 948 ~~a Florida panther, or unlawfully killing any member of the~~
 949 ~~species of panther occurring in the wild, is guilty of a felony~~
 950 ~~of the third degree, punishable as provided in s. 775.082, s.~~
 951 ~~775.083, or s. 775.084.~~

952 Section 25. Paragraph (a) of subsection (2) of section
 953 379.3004, Florida Statutes, is amended to read:

954 379.3004 Voluntary Authorized Hunter Identification
 955 Program.-

956 (2) Any person hunting on private land enrolled in the
 957 Voluntary Authorized Hunter Identification Program shall have
 958 readily available on the land at all times when hunting on the
 959 property written authorization from the owner or his or her
 960 authorized representative to be on the land for the purpose of
 961 hunting. The written authorization shall be presented on demand
 962 to any law enforcement officer, the owner, or the authorized

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963 agent of the owner.

964 (a) For purposes of this section, the term "hunting" means
965 to be engaged in or reasonably equipped to engage in the pursuit
966 or taking by any means of any animal described in s. 379.101(20)
967 or (21) ~~379.101(19) or (20)~~, and the term "written
968 authorization" means a card, letter, or other written instrument
969 which shall include, but need not be limited to, the name of the
970 person or entity owning the property, the name and signature of
971 the person granting the authorization, a description by
972 township, range, section, partial section, or other geographical
973 description of the land to which the authorization applies, and
974 a statement of the time period during which the authorization is
975 valid.

976 Section 26. Paragraph (d) of subsection (5) of section
977 379.337, Florida Statutes, is amended to read:

978 379.337 Confiscation, seizure, and forfeiture of property
979 and products.—

980 (5) CONFISCATION AND SALE OF PERISHABLE SALTWATER
981 PRODUCTS; PROCEDURE.—

982 (d) For purposes of confiscation under this subsection,
983 the term "saltwater products" has the meaning set out in s.
984 379.101(37) ~~379.101(36)~~, except that the term does not include
985 saltwater products harvested under the authority of a
986 recreational license unless the amount of such harvested
987 products exceeds three times the applicable recreational bag
988 limit for trout, snook, or redfish.

989 Section 27. Paragraph (b) of subsection (4) of section
 990 589.19, Florida Statutes, is amended to read:

991 589.19 Creation of certain state forests; naming of
 992 certain state forests; Operation Outdoor Freedom Program.—

993 (4)

994 (b) Participation in the Operation Outdoor Freedom Program
 995 shall be limited to Florida residents, as defined in s.

996 379.101(31)(b) ~~379.101(30)(b)~~, who:

997 1. Are honorably discharged military veterans certified by
 998 the United States Department of Veterans Affairs or its
 999 predecessor or by any branch of the United States Armed Forces
 1000 to be at least 30 percent permanently service-connected
 1001 disabled;

1002 2. Have been awarded the Military Order of the Purple
 1003 Heart; or

1004 3. Are active duty servicemembers with a service-connected
 1005 injury as determined by his or her branch of the United States
 1006 Armed Forces.

1007
 1008 Proof of eligibility under this subsection, as prescribed by the
 1009 Florida Forest Service, may be required.

1010 Section 28. Paragraph (h) of subsection (2) of section
 1011 810.09, Florida Statutes, is amended to read:

1012 810.09 Trespass on property other than structure or
 1013 conveyance.—

1014 (2)

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1015 (h) Any person who in taking or attempting to take any
1016 animal described in s. 379.101(20) or (21) ~~379.101(19) or (20)~~,
1017 or in killing, attempting to kill, or endangering any animal
1018 described in s. 585.01(13) knowingly propels or causes to be
1019 propelled any potentially lethal projectile over or across
1020 private land without authorization commits trespass, a felony of
1021 the third degree, punishable as provided in s. 775.082, s.
1022 775.083, or s. 775.084. For purposes of this paragraph, the term
1023 "potentially lethal projectile" includes any projectile launched
1024 from any firearm, bow, crossbow, or similar tensile device. This
1025 section does not apply to any governmental agent or employee
1026 acting within the scope of his or her official duties.

1027 Section 29. This act shall take effect July 1, 2016.