

ENROLLED

CS/HB 1161

2023 Legislature

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An act relating to venomous reptiles; amending s. 379.305, F.S.; revising the penalty for certain release or escape of nonnative venomous reptiles; providing a penalty for specified activities involving venomous reptiles without a special permit or license issued by the Fish and Wildlife Conservation Commission; amending s. 379.4015, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (2) of section 379.305, Florida Statutes, is amended, and subsections (3) and (4) are added to that section, to read:

379.305 Rules and regulations; penalties.—

(2) A person who knowingly releases a nonnative ~~venomous reptile or~~ reptile of concern ~~to the wild~~ or who through gross negligence allows a nonnative ~~venomous reptile or~~ reptile of concern to escape commits a Level Three violation, punishable as provided in s. 379.4015.

(3) A person who knowingly releases a nonnative venomous reptile or who through gross negligence allows a nonnative venomous reptile to escape commits a Level Four violation,

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26 punishable as provided in s. 379.4015.

27 (4) A person who knowingly purchases, sells, attempts to
 28 sell, offers to sell, conspires to sell, barter, exchanges,
 29 trades, or imports for sale or use, any venomous reptile species
 30 without having first obtained a special permit or license from
 31 the commission as provided in s. 379.372 commits a Level Four
 32 violation, punishable as provided in s. 379.4015.

33 Section 2. Paragraph (a) of subsection (2), paragraph (a)
 34 of subsection (3), and subsection (4) of section 379.4015,
 35 Florida Statutes, are amended to read:

36 379.4015 Nonnative and captive wildlife penalties.—

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

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

41 1. Unless otherwise stated in subsection (1), rules or
 42 orders of the commission that require a person to pay a fee to
 43 obtain a permit to possess captive wildlife or that require the
 44 maintenance of records relating to captive wildlife.

45 2. Rules or orders of the commission relating to captive
 46 wildlife not specified in subsection (1), ~~or~~ subsection (3), or
 47 subsection (4).

48 3. Rules or orders of the commission that require housing
 49 of wildlife in a safe manner when a violation results in an
 50 escape of wildlife other than Class I wildlife or venomous

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51 reptiles.

52 4. Rules or orders of the commission relating to wild
53 animal life identified by commission rule as either conditional
54 species or prohibited species.

55 5. Section 379.372, relating to capturing, keeping,
56 possessing, transporting, or exhibiting venomous reptiles,
57 reptiles of concern, conditional reptiles, or prohibited
58 reptiles.

59 6. Section 379.373, relating to requiring a license or
60 permit for the capturing, keeping, possessing, or exhibiting of
61 venomous reptiles or reptiles of concern.

62 7. Section 379.374, relating to bonding requirements for
63 public exhibits of venomous reptiles.

64 8. Section 379.305, relating to commission rules and
65 regulations to prevent the escape of venomous reptiles or
66 reptiles of concern.

67 9. Section 379.304, relating to exhibition or sale of
68 wildlife.

69 10. Section 379.3761, relating to exhibition or sale of
70 wildlife.

71 11. Section 379.3762, relating to personal possession of
72 wildlife.

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

75 (a) A person commits a Level Three violation if he or she

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76 | violates any of the following provisions:

77 | 1. Rules or orders of the commission that require housing
78 | of wildlife in a safe manner when a violation results in an
79 | escape of Class I wildlife or venomous reptiles.

80 | 2. Rules or orders of the commission related to captive
81 | wildlife when the violation results in serious bodily injury to
82 | another person by captive wildlife that consists of a physical
83 | condition that creates a substantial risk of death, serious
84 | personal disfigurement, or protracted loss or impairment of the
85 | function of any bodily member or organ.

86 | 3. Rules or orders of the commission relating to the use
87 | of gasoline or other chemical or gaseous substances on wildlife.

88 | 4. Rules or orders of the commission prohibiting the
89 | release of wildlife for which only conditional possession is
90 | allowed.

91 | 5. Rules or orders of the commission prohibiting knowingly
92 | entering false information on an application for a license or
93 | permit when the license or permit is to possess wildlife in
94 | captivity.

95 | 6. Rules or orders of the commission relating to the
96 | illegal importation and possession of nonnative marine plants
97 | and animals.

98 | 7. Rules or orders of the commission relating to the
99 | importation, possession, or release of fish and wildlife for
100 | which possession is prohibited.

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101 8. Section 379.231, relating to illegal importation or
102 release of nonnative wildlife.

103 9. Section 379.305, relating to release or escape of
104 nonnative ~~venomous reptiles or~~ reptiles of concern.

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

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

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

113 (c) A person commits a Level Four violation if he or she
114 violates any of the following provisions:

115 1. Section 379.305(3), relating to release or escape of
116 nonnative venomous reptiles.

117 2. Section 379.305(4), relating to purchase, sale, attempt
118 to sell, offer for sale, conspiracy to sell, barter, exchange,
119 trade, or import for sale or use of any species of venomous
120 reptile.

121 Section 3. This act shall take effect July 1, 2023.