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HB 7013, Engrossed 1, Corrected

2016 Legislature

1  
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 or  
5 regulations relating to control and management of  
6 state game lands; amending s. 379.2257, F.S.; revising  
7 penalties for violations of wildlife management area  
8 rules and regulations on United States Forest Service  
9 lands; amending s. 379.2425, F.S.; authorizing  
10 spearfishing in specified areas by commission rule or  
11 order; providing a penalty for violations of  
12 commission rules or orders relating to spearfishing;  
13 amending s. 379.2431, F.S.; prohibiting certain  
14 possession of any marine turtle species or hatchling  
15 or parts thereof; providing penalties; amending s.  
16 379.29, F.S.; revising penalties for violations  
17 relating to the contamination of fresh waters;  
18 amending s. 379.295, F.S.; providing a penalty for  
19 violations relating to the use of explosives and other  
20 substances or force in fresh waters; amending s.  
21 379.33, F.S.; deleting base penalty provisions for  
22 violation of or failure to comply with any commission  
23 rule; amending s. 379.3502, F.S.; deleting violation  
24 provisions for altering or changing, in any manner, a  
25 license or permit; providing a penalty for violations  
26 relating to loaning or transferring a license or



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27 | permit to another person or using a borrowed or  
28 | transferred license or permit; amending s. 379.3503,  
29 | F.S.; revising penalties for violations of swearing or  
30 | affirming to a false statement on a license or permit  
31 | application; amending s. 379.3504, F.S.; revising  
32 | penalties for violations relating to entering false  
33 | information on a license or permit; amending s.  
34 | 379.3511, F.S.; revising penalties relating to the  
35 | sale of specified licenses and permits by appointed  
36 | subagents; amending s. 379.354, F.S.; providing a  
37 | penalty for violations relating to possession of  
38 | recreational hunting, fishing, and trapping licenses,  
39 | permits, and authorization numbers; amending s.  
40 | 379.357, F.S.; revising penalties for violations  
41 | relating to the purchase of a tarpon tag and the sale  
42 | of tarpon; amending s. 379.359, F.S.; authorizing,  
43 | rather than requiring, the commission to retain a  
44 | portion of voluntary contributions to Southeastern  
45 | Guide Dogs, Inc.; amending s. 379.363, F.S.; providing  
46 | a penalty for violations relating to freshwater fish  
47 | dealers' licenses; amending s. 379.364, F.S.;  
48 | providing a penalty for violations relating to fur and  
49 | hide dealers' licenses; amending s. 379.365, F.S.;  
50 | deleting penalty provisions for violations of stone  
51 | crab regulations by persons other than commercial  
52 | harvesters; amending s. 379.3751, F.S.; providing a



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



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79 and wildlife while trespassing; repealing s. 379.403,  
80 F.S., relating to the illegal killing, taking,  
81 possessing, or selling of wildlife or game; amending  
82 s. 379.409, F.S.; revising penalties for the illegal  
83 killing, possessing, or capturing of alligators or  
84 other crocodilia or their eggs; amending s. 379.411,  
85 F.S.; revising penalties for the intentional killing  
86 or wounding of any species designated as endangered,  
87 threatened, or of special concern; amending s.  
88 379.4115, F.S.; revising penalties for violations  
89 relating to killing a Florida or wild panther;  
90 providing an effective date.

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

93  
94  
95 Section 1. Section 379.2223, Florida Statutes, is amended  
96 to read:

97 379.2223 Control and management of state game lands.—

98 (1) The Fish and Wildlife Conservation Commission is  
99 authorized to make, adopt, promulgate, amend, repeal, and  
100 enforce all reasonable rules and regulations necessary for the  
101 protection, control, operation, management, or development of  
102 lands or waters owned by, leased by, or otherwise assigned to,  
103 the commission for fish or wildlife management purposes,  
104 including, but not being limited to, the right of ingress and



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105 egress. Before any such rule or regulation is adopted, other  
 106 than one relating to wild animal life, marine life, or  
 107 freshwater aquatic life, the commission shall obtain the consent  
 108 and agreement, in writing, of the owner, in the case of  
 109 privately owned lands or waters, or the owner or primary  
 110 custodian, in the case of public lands or waters.

111 (2) A person who violates a rule or regulation adopted  
 112 pursuant to this section is subject to penalties as provided in  
 113 s. 379.401 ~~Any person violating or otherwise failing to comply~~  
 114 ~~with any rule or regulation so adopted commits a misdemeanor of~~  
 115 ~~the second degree, punishable as provided in s. 775.082 or s.~~  
 116 ~~775.083.~~

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

119 379.2257 Cooperative agreements with United States U.S.  
 120 Forest Service; penalty.—The Fish and Wildlife Conservation  
 121 Commission is authorized and empowered:

122 (3) In addition to the requirements of chapter 120, notice  
 123 of the making and, ~~adoption, and promulgation of the above rules~~  
 124 and regulations pursuant to this section shall be given by  
 125 posting the said notices, ~~or~~ copies of the rules and  
 126 regulations, ~~in~~ the offices of the county judges and in the post  
 127 offices within the area to be affected and within 10 miles  
 128 thereof. In addition to the posting of the said notices, ~~as~~  
 129 ~~aforsaid,~~ copies of the said notices or ~~of said~~ rules and  
 130 regulations shall ~~also~~ be published in newspapers published at



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131 the county seats of Baker, Columbia, Marion, Lake, Putnam, and  
 132 Liberty Counties, or so many thereof as have newspapers, once  
 133 between 28 and ~~not more than 35 nor less than 28~~ days and once  
 134 between 14 and ~~not more than 21 nor less than 14~~ days before  
 135 ~~prior to~~ the opening of the state hunting season in those said  
 136 areas. A Any person who violates ~~violating~~ any rules or  
 137 regulations of ~~promulgated by~~ the commission to manage such  
 138 ~~cover these~~ areas under cooperative agreements between the ~~Fish~~  
 139 ~~and Wildlife Conservation~~ commission and the United States  
 140 Forest Service is subject to penalties as provided in s.  
 141 379.401, ~~none of which shall be in conflict with the laws of~~  
 142 ~~Florida, shall be guilty of a misdemeanor of the second degree,~~  
 143 ~~punishable as provided in s. 775.082 or s. 775.083.~~

144 Section 3. Paragraph (a) of subsection (2) of section  
 145 379.2425, Florida Statutes, is amended, and subsection (4) is  
 146 added to that section, to read:

147 379.2425 Spearfishing; definition; limitations; penalty.-

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

156 (4) A person who violates this section commits a Level Two



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157 violation under s. 379.401.

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

160 379.2431 Marine animals; regulation.—

161 (1) PROTECTION OF MARINE TURTLES.—

162 (d) Except as authorized in this paragraph, or unless  
163 otherwise provided by the Federal Endangered Species Act or its  
164 implementing regulations, a person, firm, or corporation may  
165 not:

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

168 ~~2.~~ knowingly possess, take, disturb, mutilate, destroy,  
169 cause to be destroyed, transfer, sell, offer to sell, molest, or  
170 harass any marine turtle species or hatchling, or parts thereof,  
171 ~~turtles~~ or the eggs or nest of any marine turtle species ~~turtles~~  
172 described in this subsection. The commission may:

173 ~~1.3. The commission may~~ Issue a special permit or loan  
174 agreement to a ~~any~~ person, firm, or corporation, ~~to enable the~~  
175 ~~holder~~ to possess a marine turtle species or hatchling, or parts  
176 thereof, including nests ~~or,~~ eggs, ~~or hatchlings,~~ for  
177 scientific, education, or exhibition purposes, or for  
178 conservation activities such as the relocation of nests, eggs,  
179 or marine turtles or hatchlings away from construction sites.  
180 Notwithstanding other provisions of law, the commission may  
181 issue such special permit or loan agreement to a ~~any~~ properly  
182 accredited person as defined in paragraph (c) for the purposes



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183 of marine turtle conservation.

184 2.4. ~~The commission shall have the authority to~~ Adopt  
185 rules pursuant to chapter 120 to prescribe terms, conditions,  
186 and restrictions for marine turtle conservation, and to permit  
187 the possession of marine turtle species or hatchlings, ~~turtles~~  
188 or parts thereof, including nests or eggs.

189 (e)1. A ~~Any~~ person, firm, or corporation that commits any  
190 act prohibited in paragraph (d) involving any egg of any marine  
191 turtle species described in this subsection shall pay a penalty  
192 of \$100 per egg in addition to other penalties provided in this  
193 paragraph.

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

198 3. For a second or subsequent violation of subparagraph  
199 2., a ~~any~~ person, firm, or corporation that illegally possesses  
200 11 or fewer ~~of any~~ eggs of any marine turtle species described  
201 in this subsection commits a third degree felony, punishable as  
202 provided in s. 775.082, s. 775.083, or s. 775.084.

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

207 5. A ~~Any~~ person, firm, or corporation that illegally  
208 takes, disturbs, mutilates, destroys, causes to be destroyed,





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209 transfers, sells, offers to sell, molests, or harasses any  
 210 marine turtle species or hatchling, or parts thereof, or the  
 211 eggs or nest of any marine turtle species ~~as~~ described in this  
 212 subsection, commits a third degree felony, punishable as  
 213 provided in s. 775.082, s. 775.083, or s. 775.084.

214 6. A person, firm, or corporation that illegally possesses  
 215 any marine turtle species or hatchling, or parts thereof, or the  
 216 nest of any marine turtle species described in this subsection,  
 217 commits a felony of the third degree, punishable as provided in  
 218 s. 775.082, s. 775.083, or s. 775.084.

219 ~~7.6.~~ Notwithstanding s. 777.04, a ~~any~~ person, firm, or  
 220 corporation that solicits or conspires with another person,  
 221 firm, or corporation, to commit an act prohibited by this  
 222 subsection commits a felony of the third degree, punishable as  
 223 provided in s. 775.082, s. 775.083, or s. 775.084.

224 ~~8.7.~~ The proceeds from the penalties assessed pursuant to  
 225 this paragraph shall be deposited into the Marine Resources  
 226 Conservation Trust Fund.

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

229 379.29 Contaminating fresh waters.—

230 (2) A ~~Any~~ person, firm, or corporation that violates  
 231 ~~violating any of the provisions of this section~~ commits a Level  
 232 Two violation under s. 379.401 ~~shall be guilty of a misdemeanor~~  
 233 ~~of the second degree, punishable as provided in s. 775.082 or s.~~  
 234 ~~775.083 for the first offense, and for the second or subsequent~~



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235 ~~offense shall be guilty of a misdemeanor of the first degree,~~  
 236 ~~punishable as provided in s. 775.082 or s. 775.083.~~

237 Section 6. Section 379.295, Florida Statutes, is amended  
 238 to read:

239 379.295 Use of explosives and other substances or force  
 240 prohibited.—~~A No~~ person may not throw or place, or cause to be  
 241 thrown or placed, any dynamite, lyddite, gunpowder, cannon  
 242 cracker, acids, filtration discharge, debris from mines, Indian  
 243 berries, sawdust, green walnuts, walnut leaves, creosote, oil,  
 244 or other explosives or deleterious substance or force into the  
 245 fresh waters of this state whereby fish therein are or may be  
 246 injured. Nothing in this section may be construed as preventing  
 247 the release of water slightly discolored by mining operations or  
 248 water escaping from such operations as the result of  
 249 providential causes. A person who violates this section commits  
 250 a Level Two violation under s. 379.401.

251 Section 7. Section 379.33, Florida Statutes, is amended to  
 252 read:

253 379.33 Enforcement of commission rules; ~~penalties for~~  
 254 ~~violation of rule.~~—Rules of the Fish and Wildlife Conservation  
 255 commission shall be enforced by any law enforcement officer  
 256 certified pursuant to s. 943.13. ~~Except as provided under s.~~  
 257 ~~379.401, any person who violates or otherwise fails to comply~~  
 258 ~~with any rule adopted by the commission shall be punished~~  
 259 ~~pursuant to s. 379.407(1).~~

260 Section 8. Section 379.3502, Florida Statutes, is amended



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261 to read:

262 379.3502 License and permit not transferable.—A person may  
 263 not ~~alter or change in any manner, or~~ loan or transfer to  
 264 another person, unless otherwise provided by commission rule or  
 265 order, any license or permit issued pursuant to ~~the provisions~~  
 266 ~~of~~ this chapter, and a ~~nor may any other~~ person, other than the  
 267 person to whom the license or permit ~~it~~ is issued, may not use a  
 268 borrowed or transferred license or permit the same. A person who  
 269 violates this section commits a Level Two violation under s.  
 270 379.401.

271 Section 9. Section 379.3503, Florida Statutes, is amended  
 272 to read:

273 379.3503 False statement in application for license or  
 274 permit.—A ~~Any~~ person who swears or affirms to any false  
 275 statement in any application for a license or permit provided by  
 276 this chapter commits a Level Two violation under, ~~is guilty of~~  
 277 ~~violating this chapter, and shall be subject to the penalty~~  
 278 ~~provided in~~ s. 379.401, and any false statement contained in any  
 279 application for such license or permit renders the license or  
 280 permit void.

281 Section 10. Section 379.3504, Florida Statutes, is amended  
 282 to read:

283 379.3504 Entering false information on licenses or  
 284 permits.—Whoever knowingly and willfully enters false  
 285 information on, or allows or causes false information to be  
 286 entered on or shown upon, any license or permit issued under the



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

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

294 379.3511 Appointment of subagents for the sale of hunting,  
 295 fishing, and trapping licenses and permits.—

296 (1) Subagents shall serve at the pleasure of the  
 297 commission. The commission may establish, by rule, procedures  
 298 for the selection and appointment of subagents. The following  
 299 are requirements for appointed subagents ~~so appointed~~:

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

303 (d)(e) A subagent may charge and receive as his or her  
 304 compensation 50 cents for each license or permit sold. This  
 305 charge is in addition to the sum required by law to be collected  
 306 for the sale and issuance of each license or permit. This charge  
 307 does not apply to the shoreline fishing license; however, for  
 308 each shoreline fishing license issued, the subagent may retain  
 309 50 cents from other license proceeds otherwise due the  
 310 commission.

311 (e)(f) A subagent shall submit payment for and report the  
 312 sale of licenses and permits to the commission as prescribed by



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313 the commission.

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

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

318 379.354 Recreational licenses, permits, and authorization  
 319 numbers; fees established.—

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

323 Section 13. Subsections (3) through (7) of section  
 324 379.357, Florida Statutes, are amended to read:

325 379.357 Fish and Wildlife Conservation Commission license  
 326 program for tarpon; fees; penalties.—

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

331 ~~(4) Any individual including a taxidermist who possesses a~~  
 332 ~~tarpon which does not have a tag securely attached as required~~  
 333 ~~by this section commits a Level Two violation under s. 379.401.~~  
 334 ~~Provided, however,~~ A taxidermist may remove the tag during the  
 335 process of mounting a tarpon. The removed tag shall remain with  
 336 the fish during any subsequent storage or shipment. The purchase  
 337 of a tarpon tag does not authorize the purchaser to harvest or  
 338 possess tarpon in violation of commission rules. A person who



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339 violates this subsection commits a Level Two violation under s.  
 340 379.401.

341 (4) ~~(5)~~ A person ~~Purchase of a tarpon tag shall not accord~~  
 342 ~~the purchaser any right to harvest or possess tarpon in~~  
 343 ~~contravention of rules adopted by the commission. No individual~~  
 344 may not sell, offer for sale, barter, exchange for merchandise,  
 345 transport for sale, either within or without the state, offer to  
 346 purchase, or purchase any species of fish known as tarpon. A  
 347 person who violates this subsection commits a Level Three  
 348 violation under s. 379.401.

349 (5) ~~(6)~~ The commission shall prescribe and provide suitable  
 350 forms and tags necessary to carry out the provisions of this  
 351 section.

352 (6) ~~(7)~~ ~~The provisions of~~ This section does ~~shall~~ not apply  
 353 to anyone who immediately returns a tarpon uninjured to the  
 354 water at the place where the fish was caught.

355 Section 14. Section 379.359, Florida Statutes, is amended  
 356 to read:

357 379.359 License application provision for voluntary  
 358 contribution to Southeastern Guide Dogs, Inc.—The application  
 359 for any license for recreational activities issued under this  
 360 part must include a check-off provision that permits the  
 361 applicant for licensure to make a voluntary contribution of \$2.  
 362 The ~~Fish and Wildlife Conservation~~ commission may ~~shall~~ retain  
 363 up to 90 cents from each contribution to cover administrative  
 364 costs. The remainder shall be distributed quarterly by the ~~Fish~~



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365 ~~and Wildlife Conservation~~ commission to Southeastern Guide Dogs,  
366 Inc., located in Palmetto. Southeastern Guide Dogs, Inc., shall  
367 use the contributions to breed, raise, and train guide dogs for  
368 the blind, specifically for the "Paws for Patriots" program,  
369 including in-residence training for veterans who are provided  
370 guide dogs by Southeastern Guide Dogs, Inc.

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

373 379.363 Freshwater fish dealer's license.—

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

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

378 379.364 License required for fur and hide dealers.—

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

381 Section 17. Paragraph (a) of subsection (2) of section  
382 379.365, Florida Statutes, is amended to read:

383 379.365 Stone crab; regulation.—

384 (2) PENALTIES.—For purposes of this subsection, conviction  
385 is any disposition other than acquittal or dismissal, regardless  
386 of whether the violation was adjudicated under any state or  
387 federal law.

388 (a) It is unlawful to violate commission rules regulating  
389 stone crab trap certificates and trap tags. No person may use an  
390 expired tag or a stone crab trap tag not issued by the



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391 commission or possess or use a stone crab trap in or on state  
 392 waters or adjacent federal waters without having a trap tag  
 393 required by the commission firmly attached thereto.

394 ~~1.~~ In addition to any other penalties provided in s.  
 395 379.407, for a ~~any~~ commercial harvester who violates this  
 396 paragraph, the following administrative penalties apply:-

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

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

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

409 4.d. A fourth violation that occurs within 48 months after  
 410 ~~of~~ any three previous such violations, shall result in permanent  
 411 revocation of all of the violator's saltwater fishing  
 412 privileges, including having the commission proceed against the  
 413 endorsement holder's saltwater products license in accordance  
 414 with s. 379.407.

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





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417  
 418 Any commercial harvester assessed an administrative penalty  
 419 under this paragraph shall, within 30 calendar days after  
 420 notification, pay the administrative penalty to the commission,  
 421 or request an administrative hearing under ss. 120.569 and  
 422 120.57. The proceeds of all administrative penalties collected  
 423 under this paragraph shall be deposited in the Marine Resources  
 424 Conservation Trust Fund.

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

427 379.3751 Taking and possession of alligators; trapping  
 428 licenses; fees.—

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

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

433 379.3752 Required tagging of alligators and hides; fees;  
 434 revenues.—The tags provided in this section shall be required in  
 435 addition to any license required under s. 379.3751.

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

438 Section 20. Subsections (1) through (5) of section  
 439 379.401, Florida Statutes, are amended to read:

440 379.401 Penalties and violations; civil penalties for  
 441 noncriminal infractions; criminal penalties; suspension and  
 442 forfeiture of licenses and permits.—



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

445 1. Rules or orders of the commission relating to the  
446 filing of reports or other documents required to be filed by  
447 persons who hold any recreational licenses and permits or any  
448 alligator licenses and permits issued by the commission.

449 2. Rules or orders of the commission relating to quota  
450 hunt permits, daily use permits, hunting zone assignments,  
451 camping, alcoholic beverages, vehicles, and check stations  
452 within wildlife management areas or other areas managed by the  
453 commission.

454 3. Rules or orders of the commission relating to daily use  
455 permits, alcoholic beverages, swimming, possession of firearms,  
456 operation of vehicles, and watercraft speed within fish  
457 management areas managed by the commission.

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

460 5. Rules or orders of the commission requiring the return  
461 of unused CITES tags issued under the Statewide Alligator  
462 Harvest Program or the Statewide Nuisance Alligator Program.

463 6. Section 379.3003, prohibiting deer hunting unless  
464 required clothing is worn.

465 ~~7.5.~~ Section 379.354(1)-(15), providing for recreational  
466 licenses to hunt, fish, and trap.

467 ~~8.6.~~ Section 379.3581, providing hunter safety course  
468 requirements.



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469           ~~7. Section 379.3003, prohibiting deer hunting unless~~  
 470 ~~required clothing is worn.~~

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

474           (c)1. The civil penalty for committing a Level One  
 475 violation involving the license and permit requirements of s.  
 476 379.354 is \$50 plus the cost of the license or permit, unless  
 477 subparagraph 2. applies. Alternatively, except for a person who  
 478 violates s. 379.354(6), (7), (8)(f), or (8)(h), a person who  
 479 violates the license and permit requirements of s. 379.354 and  
 480 is subject to the penalties of this subparagraph may purchase  
 481 the license or permit, provide proof of such license or permit,  
 482 and pay a civil penalty of \$50.

483           2. The civil penalty for committing a Level One violation  
 484 involving the license and permit requirements of s. 379.354 is  
 485 \$250 ~~\$100~~ plus the cost of the license or permit if the person  
 486 cited has previously committed the same Level One violation  
 487 within the preceding 36 months. Alternatively, except for a  
 488 person who violates s. 379.354(6), (7), (8)(f), or (8)(h), a  
 489 person who violates the license and permit requirements of s.  
 490 379.354 and is subject to the penalties of this subparagraph may  
 491 purchase the license or permit, provide proof of such license or  
 492 permit, and pay a civil penalty of \$250.

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



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495           2. The civil penalty for any other Level One violation is  
496 \$250 ~~\$100~~ if the person cited has previously committed the same  
497 Level One violation within the preceding 36 months.

498           (e) A person cited for a Level One violation shall sign  
499 and accept a citation to appear before the county court. The  
500 issuing officer may indicate on the citation the time and  
501 location of the scheduled hearing and shall indicate the  
502 applicable civil penalty.

503           (f) A person cited for a Level One violation may pay the  
504 civil penalty, and, if applicable, provide proof of the license  
505 or permit required under s. 379.354 by mail or in person within  
506 30 days after receipt of the citation. If the civil penalty is  
507 paid, the person shall be deemed to have admitted committing the  
508 Level One violation and to have waived his or her right to a  
509 hearing before the county court. Such admission may not be used  
510 as evidence in any other proceedings except to determine the  
511 appropriate fine for any subsequent violations.

512           (g) A person who refuses to accept a citation, who fails  
513 to pay the civil penalty for a Level One violation, or who fails  
514 to appear before a county court as required commits a  
515 misdemeanor of the second degree, punishable as provided in s.  
516 775.082 or s. 775.083.

517           (h) A person who elects to appear before the county court  
518 or who is required to appear before the county court shall be  
519 deemed to have waived the limitations on civil penalties  
520 provided under paragraphs (c) and (d). After a hearing, the



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521 county court shall determine if a Level One violation has been  
522 committed, and if so, may impose a civil penalty of not less  
523 than \$50 for a first-time violation, and not more than \$500 for  
524 subsequent violations. A person found guilty of committing a  
525 Level One violation may appeal that finding to the circuit  
526 court. The commission of a violation must be proved beyond a  
527 reasonable doubt.

528 (i) A person cited for violating the requirements of s.  
529 379.354 relating to personal possession of a license or permit  
530 may not be convicted if, before ~~prior to~~ or at the time of a  
531 county court hearing, the person produces the required license  
532 or permit for verification by the hearing officer or the court  
533 clerk. The license or permit must have been valid at the time  
534 the person was cited. The clerk or hearing officer may assess a  
535 \$10 fee for costs under this paragraph.

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

538 1. Rules or orders of the commission relating to seasons  
539 or time periods for the taking of wildlife, freshwater fish, or  
540 saltwater fish.

541 2. Rules or orders of the commission establishing bag,  
542 possession, or size limits or restricting methods of taking  
543 wildlife, freshwater fish, or saltwater fish.

544 3. Rules or orders of the commission prohibiting access or  
545 otherwise relating to access to wildlife management areas or  
546 other areas managed by the commission.



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- 547 4. Rules or orders of the commission relating to the  
548 feeding of saltwater fish.
- 549 5. Rules or orders of the commission relating to landing  
550 requirements for freshwater fish or saltwater fish.
- 551 6. Rules or orders of the commission relating to  
552 restricted hunting areas, critical wildlife areas, or bird  
553 sanctuaries.
- 554 7. Rules or orders of the commission relating to tagging  
555 requirements for wildlife and fur-bearing animals.
- 556 8. Rules or orders of the commission relating to the use  
557 of dogs for the taking of wildlife.
- 558 9. Rules or orders of the commission which are not  
559 otherwise classified.
- 560 10. Rules or orders of the commission prohibiting the  
561 unlawful use of ~~finfish~~ traps, unless otherwise provided by law.
- 562 11. Rules or orders of the commission requiring the  
563 maintenance of records relating to alligators.
- 564 12. Rules or orders of the commission requiring the return  
565 of unused CITES tags issued under an alligator program other  
566 than the Statewide Alligator Harvest Program or the Statewide  
567 Nuisance Alligator Program.
- 568 ~~13.11.~~ All requirements or prohibitions under ~~in~~ this  
569 chapter which are not otherwise classified.
- 570 14. Section 379.105, prohibiting the intentional  
571 harassment of hunters, fishers, or trappers.
- 572 15. Section 379.2421, relating to fishers and equipment.



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- 573        16. Section 379.2425, relating to spearfishing.
- 574        17. Section 379.29, prohibiting the contamination of fresh  
575 waters.
- 576        18. Section 379.295, prohibiting the use of explosives and  
577 other substances or force in fresh waters.
- 578        19. Section 379.3502, prohibiting the loan or transfer of  
579 a license or permit and the use of a borrowed or transferred  
580 license or permit.
- 581        20. Section 379.3503, prohibiting false statements in an  
582 application for a license or permit.
- 583        21. Section 379.3504, prohibiting entering false  
584 information on licenses or permits.
- 585        22. Section 379.3511, relating to the sale of hunting,  
586 fishing, and trapping licenses and permits by subagents.
- 587        23. Section 379.357(3), prohibiting the taking, killing,  
588 or possession of tarpon without purchasing a tarpon tag.
- 589        24. Section 379.363, relating to freshwater fish dealer  
590 licenses.
- 591        25. Section 379.364, relating to fur and hide dealer  
592 licenses.
- 593        26. Section 379.365(2)(b), prohibiting the theft of stone  
594 crab trap contents or trap gear.
- 595        27. Section 379.366(4)(b), prohibiting the theft of blue  
596 crab trap contents or trap gear.
- 597        28. Section 379.3671(2)(c), except s. 379.3671(2)(c)5.,  
598 prohibiting the theft of spiny lobster trap contents or trap



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599 | gear.

600 |       29. Section 379.3751, relating to licenses for the taking  
601 | and possession of alligators.

602 |       30. Section 379.3752, relating to tagging requirements for  
603 | alligators and hides.

604 |       ~~12. Section 379.33, prohibiting the violation of or~~  
605 | ~~noncompliance with commission rules.~~

606 |       ~~13. Section 379.407(7), prohibiting the sale, purchase,~~  
607 | ~~harvest, or attempted harvest of any saltwater product with~~  
608 | ~~intent to sell.~~

609 |       ~~14. Section 379.2421, prohibiting the obstruction of~~  
610 | ~~waterways with net gear.~~

611 |       ~~31.15.~~ Section 379.413, prohibiting the unlawful taking of  
612 | bonefish.

613 |       ~~16. Section 379.365(2)(a) and (b), prohibiting the~~  
614 | ~~possession or use of stone crab traps without trap tags and~~  
615 | ~~theft of trap contents or gear.~~

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

618 |       ~~18. Section 379.3671(2)(c), prohibiting the possession or~~  
619 | ~~use of spiny lobster traps without trap tags or certificates and~~  
620 | ~~theft of trap contents or trap gear.~~

621 |       ~~19. Section 379.357, prohibiting the possession of tarpon~~  
622 | ~~without purchasing a tarpon tag.~~

623 |       ~~20. Section 379.105, prohibiting the intentional~~  
624 | ~~harassment of hunters, fishers, or trappers.~~





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

629 2. Unless the stricter penalties in subparagraph 3. or  
630 subparagraph 4. apply, a person who commits a Level Two  
631 violation within 3 years after a previous conviction for a Level  
632 Two or higher violation commits a misdemeanor of the first  
633 degree, punishable as provided in s. 775.082 or s. 775.083, with  
634 a minimum mandatory fine of \$250.

635 3. Unless the stricter penalties in subparagraph 4. apply,  
636 a person who commits a Level Two violation within 5 years after  
637 two previous convictions for a Level Two or higher violation,  
638 commits a misdemeanor of the first degree, punishable as  
639 provided in s. 775.082 or s. 775.083, with a minimum mandatory  
640 fine of \$500 and a suspension of any recreational license or  
641 permit issued under s. 379.354 for 1 year. Such suspension shall  
642 include the suspension of the privilege to obtain such license  
643 or permit and the suspension of the ability to exercise any  
644 privilege granted under any exemption in s. 379.353.

645 4. A person who commits a Level Two violation within 10  
646 years after three previous convictions for a Level Two or higher  
647 violation commits a misdemeanor of the first degree, punishable  
648 as provided in s. 775.082 or s. 775.083, with a minimum  
649 mandatory fine of \$750 and a suspension of any recreational  
650 license or permit issued under s. 379.354 for 3 years. Such



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651 suspension shall include the suspension of the privilege to  
652 obtain such license or permit and the suspension of the ability  
653 to exercise any privilege granted under s. 379.353. If the  
654 recreational license or permit being suspended was an annual  
655 license or permit, any privileges under ss. 379.353 and 379.354  
656 may not be acquired for a 3-year period following the date of  
657 the violation.

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

661 1. Rules or orders of the commission prohibiting the sale  
662 of saltwater fish.

663 2. Rules or orders of the commission prohibiting the  
664 illegal importation or possession of exotic marine plants or  
665 animals.

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

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

669 ~~3.5.~~ Section 379.28, prohibiting the importation of  
670 freshwater fish.

671 4. Section 379.3014, prohibiting the illegal sale or  
672 possession of alligators.

673 ~~5.6.~~ Section 379.354(17), prohibiting the taking of game,  
674 freshwater fish, or saltwater fish while a required license is  
675 suspended or revoked.

676 6. Section 379.357(4), prohibiting the sale, transfer, or



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677 purchase of tarpon.

678 ~~7. Section 379.3014, prohibiting the illegal sale or~~  
 679 ~~possession of alligators.~~

680 ~~7.8.~~ Section 379.404(1), (3), and (6), prohibiting the  
 681 illegal taking and possession of deer and wild turkey.

682 ~~8.9.~~ Section 379.406, prohibiting the possession and  
 683 transportation of commercial quantities of freshwater game fish.

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

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

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

691 2. A person who commits a Level Three violation within 10  
 692 years after a previous conviction for a Level Three or higher  
 693 violation commits a misdemeanor of the first degree, punishable  
 694 as provided in s. 775.082 or s. 775.083, with a minimum  
 695 mandatory fine of \$750 and a suspension of any recreational  
 696 license or permit issued under s. 379.354 for the remainder of  
 697 the period for which the license or permit was issued up to 3  
 698 years. Such suspension shall include the suspension of the  
 699 privilege to obtain such license or permit and the ability to  
 700 exercise any privilege granted under s. 379.353. If the  
 701 recreational license or permit being suspended was an annual  
 702 license or permit, any privileges under ss. 379.353 and 379.354



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703 may not be acquired for a 3-year period following the date of  
704 the violation.

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

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

712 1. Section 379.354(16), prohibiting the making, forging,  
713 counterfeiting, or reproduction of a recreational license or the  
714 possession of same without authorization from the commission.

715 ~~2.1.~~ Section 379.365(2)(c), prohibiting criminal  
716 activities relating to the taking of stone crabs.

717 ~~3.2.~~ Section 379.366(4)(c), prohibiting criminal  
718 activities relating to the taking and harvesting of blue crabs.

719 ~~4.3.~~ Section 379.367(4), prohibiting the willful  
720 molestation of spiny lobster gear.

721 ~~5.4.~~ Section 379.3671(2)(c)5., prohibiting the unlawful  
722 reproduction, possession, sale, trade, or barter of spiny  
723 lobster trap tags or certificates.

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

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



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729           7. Section 379.405, prohibiting the molestation or theft  
730 of freshwater fishing gear.

731           8. Section 379.409, prohibiting the unlawful killing,  
732 injuring, possessing, or capturing of alligators or other  
733 crocodilia or their eggs.

734           9. Section 379.411, prohibiting the intentional killing or  
735 wounding of any species designated as endangered, threatened, or  
736 of special concern.

737           10. Section 379.4115, prohibiting the killing of any  
738 Florida or wild panther.

739           (b) A person who commits a Level Four violation commits a  
740 felony of the third degree, punishable as provided in s.  
741 775.082, ~~or~~ s. 775.083, or s. 775.084.

742           (5) ILLEGAL ACTIVITIES WHILE COMMITTING TRESPASS  
743 VIOLATIONS OF CHAPTER.—In addition to any other penalty provided  
744 by law, a person who violates the criminal provisions of this  
745 chapter or rules or orders of the commission by illegally  
746 killing, taking, possessing, or selling fish and wildlife in or  
747 out of season while violating chapter 810 shall pay a fine of  
748 \$500 for each such violation, plus court costs and any  
749 restitution ordered by the court. All fines collected under this  
750 subsection shall be remitted by the clerk of the court to the  
751 Department of Revenue to be deposited into the State Game Trust  
752 Fund ~~Except as provided in this chapter:~~

753           ~~(a) A person who commits a violation of any provision of~~  
754 ~~this chapter commits, for the first offense, a misdemeanor of~~



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755 ~~the second degree, punishable as provided in s. 775.082 or s.~~  
 756 ~~775.083.~~

757 ~~(b) A person who is convicted of a second or subsequent~~  
 758 ~~violation of any provision of this chapter commits a misdemeanor~~  
 759 ~~of the first degree, punishable as provided in s. 775.082 or s.~~  
 760 ~~775.083.~~

761 Section 21. Section 379.403, Florida Statutes, is  
 762 repealed.

763 Section 22. Subsection (1) of section 379.409, Florida  
 764 Statutes, is amended, and subsection (4) is added to that  
 765 section, to read:

766 379.409 Illegal killing, possessing, or capturing of  
 767 alligators or other crocodilia or eggs; confiscation of  
 768 equipment.—

769 (1) A person may not ~~It is unlawful to~~ intentionally kill,  
 770 injure, possess, or capture, or attempt to kill, injure,  
 771 possess, or capture, an alligator or other crocodilian, or the  
 772 eggs of an alligator or other crocodilian, unless authorized by  
 773 the rules of the ~~Fish and Wildlife Conservation~~ commission. Any  
 774 ~~person who violates this section is guilty of a felony of the~~  
 775 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
 776 ~~or s. 775.084, in addition to such other punishment as may be~~  
 777 ~~provided by law.~~ Any equipment, including, but not limited to,  
 778 weapons, vehicles, boats, and lines, used by a person in ~~the~~  
 779 ~~commission~~ of a violation of any law, rule, regulation, or order  
 780 relating to alligators or other crocodilia or the eggs of



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781 alligators or other crocodilia shall, upon conviction of such  
 782 person, be confiscated by the ~~Fish and Wildlife Conservation~~  
 783 commission and disposed of according to rules and regulations of  
 784 the commission. The arresting officer shall promptly make a  
 785 return of the seizure, describing in detail the property seized  
 786 and the facts and circumstances under which it was seized,  
 787 including the names of all persons known to the officer who have  
 788 an interest in the property.

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

792 Section 23. Section 379.411, Florida Statutes, is amended  
 793 to read:

794 379.411 Intentional killing or wounding of any species  
 795 designated as endangered, threatened, or of special concern;  
 796 ~~criminal penalties. It is unlawful for~~ A person may not ~~to~~  
 797 intentionally kill or wound any fish or wildlife ~~of a~~ species  
 798 designated by the ~~Fish and Wildlife Conservation~~ commission as  
 799 endangered, threatened, or of special concern, or ~~to~~  
 800 intentionally destroy the eggs or nest of any such fish or  
 801 wildlife, unless authorized by ~~except as provided for in the~~  
 802 rules of the commission. A ~~Any~~ person who violates this section  
 803 commits a Level Four violation under s. 379.401 ~~provision with~~  
 804 ~~regard to an endangered or threatened species is guilty of a~~  
 805 ~~felony of the third degree, punishable as provided in s.~~  
 806 ~~775.082, s. 775.083, or s. 775.084.~~



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

809 379.4115 Florida or wild panther; killing prohibited;  
810 penalty.—

811 (3) A person who violates this section commits a Level  
812 Four violation under s. 379.401 ~~convicted of unlawfully killing~~  
813 ~~a Florida panther, or unlawfully killing any member of the~~  
814 ~~species of panther occurring in the wild, is guilty of a felony~~  
815 ~~of the third degree, punishable as provided in s. 775.082, s.~~  
816 ~~775.083, or s. 775.084.~~

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