

## CHAPTER 2016-107

### House Bill No. 7013

An act relating to the Fish and Wildlife Conservation Commission; amending s. 379.2223, F.S.; revising penalties for violations of commission rules or regulations relating to control and management of state game lands; amending s. 379.2257, F.S.; revising penalties for violations of wildlife management area rules and regulations on United States Forest Service lands; amending s. 379.2425, F.S.; authorizing spearfishing in specified areas by commission rule or order; providing a penalty for violations of commission rules or orders relating to spearfishing; amending s. 379.2431, F.S.; prohibiting certain possession of any marine turtle species or hatchling or parts thereof; providing penalties; amending s. 379.29, F.S.; revising penalties for violations relating to the contamination of fresh waters; amending s. 379.295, F.S.; providing a penalty for violations relating to the use of explosives and other substances or force in fresh waters; amending s. 379.33, F.S.; deleting base penalty provisions for violation of or failure to comply with any commission rule; amending s. 379.3502, F.S.; deleting violation provisions for altering or changing, in any manner, a license or permit; providing a penalty for violations relating to loaning or transferring a license or permit to another person or using a borrowed or transferred license or permit; amending s. 379.3503, F.S.; revising penalties for violations of swearing or affirming to a false statement on a license or permit application; amending s. 379.3504, F.S.; revising penalties for violations relating to entering false information on a license or permit; amending s. 379.3511, F.S.; revising penalties relating to the sale of specified licenses and permits by appointed subagents; amending s. 379.354, F.S.; providing a penalty for violations relating to possession of recreational hunting, fishing, and trapping licenses, permits, and authorization numbers; amending s. 379.357, F.S.; revising penalties for violations relating to the purchase of a tarpon tag and the sale of tarpon; amending s. 379.359, F.S.; authorizing, rather than requiring, the commission to retain a portion of voluntary contributions to Southeastern Guide Dogs, Inc.; amending s. 379.363, F.S.; providing a penalty for violations relating to freshwater fish dealers' licenses; amending s. 379.364, F.S.; providing a penalty for violations relating to fur and hide dealers' licenses; amending s. 379.365, F.S.; deleting penalty provisions for violations of stone crab regulations by persons other than commercial harvesters; amending s. 379.3751, F.S.; providing a penalty for violations relating to trapping licenses for taking and possessing alligators; amending s. 379.3752, F.S.; providing a penalty for violations relating to the tagging of alligators and hides; amending s. 379.401, F.S.; providing penalties for violations relating to filing reports and documents by persons who hold alligator licenses and permits; reducing the penalties for failure to return CITES tags issued under the Statewide Alligator Harvest Program and the Stateside Nuisance Alligator Program; providing an alternative penalty for specified

violations relating to recreational fishing, hunting, and trapping licenses; increasing the civil penalty amount for Level One repeat violations; providing that the unlawful use of any trap is a Level Two violation; providing that violations relating to record requirements for alligators is a Level Two violation; providing that violations relating to the return of CITES tags issued in a program other than the Statewide Alligator Harvest Program or the Statewide Nuisance Alligator Program is a Level Two violation; deleting penalty provisions for the sale, purchase, harvest, or attempted harvest of any saltwater product with intent to sell; providing additional criminal penalties for Level Four violations; providing additional penalties for the illegal taking of fish and wildlife while trespassing; repealing s. 379.403, F.S., relating to the illegal killing, taking, possessing, or selling of wildlife or game; amending s. 379.409, F.S.; revising penalties for the illegal killing, possessing, or capturing of alligators or other crocodilia or their eggs; amending s. 379.411, F.S.; revising penalties for the intentional killing or wounding of any species designated as endangered, threatened, or of special concern; amending s. 379.4115, F.S.; revising penalties for violations relating to killing a Florida or wild panther; providing an effective date.

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

Section 1. Section 379.2223, Florida Statutes, is amended to read:

379.2223 Control and management of state game lands.—

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

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

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

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

(3) In addition to the requirements of chapter 120, notice of the making ~~and~~, adoption, ~~and promulgation~~ of the above rules and regulations pursuant to this section shall be given by posting the said notices, or copies of the rules and regulations, in the offices of the county judges and in the post offices within the area to be affected and within 10 miles thereof. In addition to the posting of the said notices, ~~as aforesaid~~, copies of the said notices or of said rules and regulations shall also be published in newspapers published at the county seats of Baker, Columbia, Marion, Lake, Putnam, and Liberty Counties, or so many thereof as have newspapers, once between 28 and not more than 35 nor less than 28 days and once between 14 and not more than 21 nor less than 14 days before prior to the opening of the state hunting season in those said areas. ~~A Any person who violates~~ violating any rules or regulations ~~of promulgated~~ by the commission to manage such ~~cover these~~ areas under cooperative agreements between the ~~Fish and Wildlife Conservation~~ commission and the United States Forest Service is subject to penalties as provided in s. 379.401, ~~none of which shall be in conflict with the laws of Florida, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

379.2425 Spearfishing; definition; limitations; penalty.—

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

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

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

379.2431 Marine animals; regulation.—

(1) PROTECTION OF MARINE TURTLES.—

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

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

~~2. knowingly possess, take, disturb, mutilate, destroy, cause to be destroyed, transfer, sell, offer to sell, molest, or harass any marine turtle~~

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

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

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

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

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

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

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

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

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

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

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

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

379.29 Contaminating fresh waters.—

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

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

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

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

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

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

379.3502 License and permit not transferable.—A person may not ~~alter or change in any manner, or loan or transfer to another~~ person, unless otherwise provided by commission rule or order, any license or permit issued pursuant to the provisions of this chapter, ~~and a nor may any other person, other than the person to whom the license or permit it is issued, may not use~~

a borrowed or transferred license or permit the same. A person who violates this section commits a Level Two violation under s. 379.401.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

379.359 License application provision for voluntary contribution to Southeastern Guide Dogs, Inc.—The application for any license for recreational activities issued under this part must include a check-off provision that permits the applicant for licensure to make a voluntary contribution of \$2. The Fish and Wildlife Conservation commission may shall retain up to 90

cents from each contribution to cover administrative costs. The remainder shall be distributed quarterly by the ~~Fish and Wildlife Conservation~~ commission to Southeastern Guide Dogs, Inc., located in Palmetto. Southeastern Guide Dogs, Inc., shall use the contributions to breed, raise, and train guide dogs for the blind, specifically for the “Paws for Patriots” program, including in-residence training for veterans who are provided guide dogs by Southeastern Guide Dogs, Inc.

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

379.363 Freshwater fish dealer’s license.—

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

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

379.364 License required for fur and hide dealers.—

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

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

379.365 Stone crab; regulation.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Rules or orders of the commission relating to the filing of reports or other documents required to be filed by persons who hold any recreational

licenses and permits or any alligator licenses and permits issued by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Rules or orders of the commission prohibiting the unlawful use of ~~fin~~fish traps, unless otherwise provided by law.

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

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

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

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

15. Section 379.2421, relating to fishers and equipment.

16. Section 379.2425, relating to spearfishing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A person who commits a Level Three violation within 10 years after a previous conviction for a Level Three or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and a suspension of any recreational license or permit issued under s. 379.354 for the remainder of the period for which the license or permit was issued up to 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the ability to exercise any privilege granted under s. 379.353. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 379.353 and 379.354 may not be acquired for a 3-year period following the date of the violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) A person may not~~ It is unlawful to intentionally kill, injure, possess, or capture, or attempt to kill, injure, possess, or capture, an alligator or other crocodilian, or the eggs of an alligator or other crocodilian, unless authorized by the rules of the Fish and Wildlife Conservation commission. ~~Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, in addition to such other punishment as may be provided by law.~~ Any equipment, including, but not limited to, weapons, vehicles, boats, and lines, used by a person in the ~~commission~~ of a violation of any law, rule, regulation, or order relating to alligators or other crocodilia or the eggs of alligators or other crocodilia shall, upon conviction of such person, be confiscated by the Fish and Wildlife Conservation commission and disposed of according to rules and regulations of the commission. The arresting officer shall promptly make a return of the seizure, describing in detail the property seized and the facts and circumstances under which it was seized, including the names of all persons known to the officer who have an interest in the property.

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

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

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

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

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

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

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

Approved by the Governor March 24, 2016.

Filed in Office Secretary of State March 24, 2016.