

CHAPTER 2020-66

Committee Substitute for House Bill No. 327

An act relating to illegal taking, possession, and sale of bears; amending s. 379.401, F.S.; providing that a person commits specified violations for the illegal taking, possession, and sale of bears; creating s. 379.4041, F.S.; prohibiting the illegal taking, possession, and sale of bears; providing an exception; providing penalties; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) and paragraph (a) of subsection (4) 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.

(3) LEVEL THREE VIOLATIONS.—

(a) 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 379.28, prohibiting the importation of freshwater fish.

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

5. 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 379.404(1), (3), and (6), prohibiting the illegal taking and possession of deer and wild turkey.

8. Section 379.4041(1), prohibiting the illegal taking and possession of bears.

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

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

~~11.10.~~ Section 379.407(4), prohibiting the possession of certain finfish in excess of recreational daily bag limits.

(4) LEVEL FOUR VIOLATIONS.—

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

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

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

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

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

7. Section 379.4041(2), prohibiting the sale of illegally-taken bears.

~~8.7.~~ Section 379.405, prohibiting the molestation or theft of freshwater fishing gear.

~~9.8.~~ Section 379.409, prohibiting the unlawful killing, injuring, possessing, or capturing of alligators or other crocodilia or their eggs.

~~10.9.~~ Section 379.411, prohibiting the intentional killing or wounding of any species designated as endangered, threatened, or of special concern.

~~11.10.~~ Section 379.4115, prohibiting the killing of any Florida or wild panther.

Section 2. Section 379.4041, Florida Statutes, is created to read:

379.4041 Illegal taking, possession, and sale of bears.—

(1) Unless a person is acting under the authority of rule 68A-4.009, Florida Administrative Code, a person who takes a bear or possesses a freshly killed bear during the closed season prescribed by law or rules of the commission commits a Level Three violation under s. 379.401 and forfeits any license or permit issued to him or her under this chapter for 3 years after the date of the violation. A person who commits a subsequent offense of such

taking or possession is permanently ineligible for issuance of any license or permit under this chapter.

(2) A person who possesses for sale or sells a bear taken in violation of this section or rules of the commission commits a Level Four violation under s. 379.401.

Section 3. This act shall take effect July 1, 2020.

Approved by the Governor June 20, 2020.

Filed in Office Secretary of State June 20, 2020.