

CHAPTER 2023-129

Committee Substitute for House Bill No. 1161

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

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

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

379.305 Rules and regulations; penalties.—

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

(3) A person who knowingly releases a nonnative venomous reptile or who through gross negligence allows a nonnative venomous reptile to escape commits a Level Four violation, punishable as provided in s. 379.4015.

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

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

379.4015 Nonnative and captive wildlife penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 that require housing of wildlife in a safe manner when a violation results in an escape of Class I wildlife or venomous reptiles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor May 24, 2023.

Filed in Office Secretary of State May 24, 2023.