

Background Document
Florida Black Bear Management Update
Agenda Item 5A
February 4, 2015

Summary of Proposed Statutory Changes for Bear Feeding Penalty

Currently any violation of FWC's rule prohibiting the feeding of certain wildlife, including bears, is a 2nd degree misdemeanor, resulting in punishment of up to 60 days in jail and up to a \$500 fine, at the discretion of the judge. As part of this year's legislative package, staff has proposed amending Section 379.412 Florida Statutes to create a tiered penalty structure. Staff proposes a penalty system that starts with a civil penalty of \$100. After the first offense, each subsequent offense would be a criminal infraction and the severity of those penalties would increase from the 2nd to 4th subsequent offenses. There are multiple species involved with FWC's feeding rules and these changes would only apply to bears and crocodilians. If enacted by the Legislature, these statutory changes are expected to enhance FWC Law Enforcement's ability to achieve compliance with feeding prohibitions of bears and crocodilians. The proposed statutory language follows:

Section 8. Section 379.412, Florida Statutes, is created to read:

379.412 Penalties for feeding wildlife and freshwater fish.—

(1) The penalties in this section apply to a violation of any rules or orders of the commission that prohibit or restrict the following: feeding wildlife or freshwater fish with food or garbage; attracting or enticing wildlife or freshwater fish with food or garbage; or allowing the placement of food or garbage in a manner that attracts or entices wildlife or freshwater fish. This section does not apply to rules or orders of the commission relating to animals held in captivity, to those restricting the take of or hunting of species over bait or over intentionally placed or deposited food, or to those restricting the take or hunting of species in proximity to feeding stations.

(2) Any person who violates a prohibition or restriction identified in subsection (1):

(a) For a first violation, commits a noncriminal infraction, punishable by a civil penalty of \$100.

1. The process for issuance and acceptance of a citation under this paragraph and for payment of the civil penalty, shall be the process outlined in s. 379.401(1)(e) through (h).

(b) For second and subsequent violations, when all violations are related to freshwater fish or wildlife other than bears, alligators or other

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crocodilians, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) For a second violation, when all violations are related to bears, alligators or other crocodilians, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) For a third violation, when all violations are related to bears, alligators or other crocodilians, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) For a fourth or subsequent violation, when all violations are related to bears, alligators or other crocodilians, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) As used in this section, the term "violation" means any judicial disposition other than acquittal or dismissal.