

By Representative Feeney

1 A bill to be entitled
2 An act relating to game and fish; creating s.
3 372.7015, F.S.; providing a fine for the
4 illegal taking or killing of wildlife or game;
5 providing for the disposition of the fine;
6 creating s. 372.7016, F.S.; establishing a
7 "Voluntary Authorized Hunter Identification
8 Program"; providing that persons who hunt on
9 private land enrolled in the program must have
10 identification and authorization available
11 while hunting when demanded by law enforcement
12 officers; providing definitions; providing
13 penalties for violations; amending s. 810.09,
14 F.S.; providing that unauthorized persons
15 shooting lethal projectiles across private land
16 are guilty of trespassing; providing
17 definitions; providing penalties; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 372.7015, Florida Statutes, is
23 created to read:
24 372.7015 Illegal taking of wildlife or game; fines;
25 disposition of fines.--In addition to any other penalty
26 provided for in this chapter for illegally killing or taking
27 wildlife or game in or out of season, any person who violates
28 the provisions of this chapter by illegally taking or killing
29 wildlife or game in or out of season shall pay a fine of \$250
30 for each such violation, including court costs and any
31 restitution ordered by the court. All fines collected

1 pursuant to this section shall be deposited into the State
2 Game Trust Fund in the Game and Fresh Water Fish Commission.

3 Section 2. Section 372.7016, Florida Statutes, is
4 created to read:

5 372.7016 Volunteer Authorized Hunter Identification
6 Program.--

7 (1) There is hereby created the "Voluntary Authorized
8 Hunter Identification Program" to assist landowners and law
9 enforcement officials in better controlling trespass and
10 illegal or unauthorized hunting. Landowners wishing to
11 participate in the program shall:

12 (a) Annually notify the sheriff's office in the county
13 in which the land is situated and the respective area
14 supervisor of the Game and Fresh Water Fish Commission by
15 letter of their desire to participate in the program, and
16 provide a description of their property which they wish to
17 have in the program by township, range, section, partial
18 section, or other geographical description.

19 (b) Provide a means of identifying authorized hunters
20 as provided in subsection (2).

21 (2) Any person hunting on private land enrolled in the
22 Voluntary Authorized Hunter Identification Program shall have
23 readily available on the land at all times when hunting on the
24 property written authorization from the owner or his
25 authorized representative to be on the land for the purpose of
26 hunting. The written authorization shall be presented on
27 demand to any law enforcement officer, owner, or authorized
28 agent of the owner.

29 (a) For purposes of this section, the term "hunting"
30 means to be engaged in or reasonably equipped to engage in the
31 pursuit or taking by any means of any animal described in s.

1 372.001(3), or s. 372.001(4), and the term "written
2 authorization" means a card, letter, or other written
3 instrument which shall include, but need not be limited to,
4 the name of the person or entity owning the property, the name
5 and signature of the person granting the authorization, a
6 description by township, range, section, partial section, or
7 other geographical description of the land to which the
8 authorization applies, and a statement of the time period
9 during which the authorization is valid.

10 (b) Failure by any person hunting on private land
11 enrolled in the program to present written authorization to
12 hunt on said land to any law enforcement officer or the owner
13 or representative thereof within 72 hours of demand therefore
14 shall be prima facie evidence of violation of s. 810.09(2)(c),
15 punishable as provided in s. 775.082, s. 775.083, or s.
16 775.084.

17 (c) Nothing herein shall be construed to in any way
18 weaken, restrict or otherwise reduce authority granted to
19 private land owners pursuant to s. 810.09(2)(c).

20 Section 3. Paragraph (f) is added to subsection (2) of
21 section 810.09, Florida Statutes, 1996 Supplement, to read:

22 810.09 Trespass on property other than structure or
23 conveyance.--

24 (2)

25 (f) Any person who in taking or attempting to take any
26 animal described in s. 372.001(3) or s. 372.001(4), or any
27 threatened or endangered species, or in killing, attempting to
28 kill, or endangering any animal described in s. 585.01(13)
29 knowingly propels or causes to be propelled any potentially
30 lethal projectile over or across private land without
31 authorization to be on that property as provided in s.

1 372.7016, is guilty of trespass by physical invasion which is
2 a felony of the third degree punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084. For purposes of this
4 section, the term "potentially lethal projectile" means, but
5 need not be restricted to, any projectile launched from any
6 firearm, bow, crossbow or similar tensile device. This
7 section shall not apply to any governmental agent or employee
8 acting within the scope of his or her official duties.

9 Section 4. This act shall take effect October 1, 1997.

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11 HOUSE SUMMARY

12 Provides a \$250 fine for taking or killing game illegally
13 in addition to any other penalty provided for by law for
14 the illegal taking or killing of game. Provides that the
15 fine shall be deposited into the State Game Trust Fund in
16 the Game and Fresh Water Fish Commission.

17 Creates the "Voluntary Authorized Hunter Identification
18 Program" to assist landowners and law enforcement
19 officials in better controlling trespass and illegal or
20 unauthorized hunting. Provides that unauthorized persons
21 shooting lethal projectiles across private lands are
22 guilty of trespassing. See bill for details.