

By Senator Kirkpatrick

5-1082-99

1 A bill to be entitled
 2 An act relating to the Fish and Wildlife
 3 Conservation Commission; amending s. 372.16,
 4 F.S.; revising license fees for private game
 5 preserves; amending s. 372.57, F.S.; providing
 6 for a nonresident turkey permit fee; providing
 7 for fishing rod licenses and fees; creating s.
 8 372.579, F.S.; authorizing the commission to
 9 adopt license or permit processing fees;
 10 amending s. 372.661, F.S.; revising private
 11 hunting preserve license fees; amending s.
 12 372.87, F.S.; revising venomous reptile license
 13 fees; amending s. 372.921, F.S.; revising
 14 wildlife exhibition permit fees; amending s.
 15 372.922, F.S.; revising the classifications and
 16 permit fees for wildlife; providing an
 17 effective date.

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

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 21 Section 1. Subsection (4) of section 372.16, Florida
 22 Statutes, is amended to read:

23 372.16 Private game preserves and farms; penalty.--

24 (4) Any person violating the provisions of this
 25 section shall for the first offense be guilty of a misdemeanor
 26 of the second degree, punishable as provided in s. 775.082 or
 27 s. 775.083, and for a second or subsequent offense shall be
 28 guilty of a misdemeanor of the first degree, punishable as
 29 provided in s. 775.082 or s. 775.083. Any person convicted of
 30 violating the provisions of this section shall forfeit, to the
 31 Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~

1 Commission, any license or permit issued under the provisions
2 hereof; and no further license or permit shall be issued to
3 such person for a period of 1 year following such conviction.
4 Before any private game preserve or farm is established, the
5 owner or operator shall secure a license from the Fish and
6 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission,
7 the fee for which shall be ~~\$25~~\$5 per year.

8 Section 2. Subsection (4) of section 372.57, Florida
9 Statutes, 1998 Supplement, is amended, and subsection (16) is
10 added to that section to read:

11 372.57 Licenses and permits; exemptions; fees.--No
12 person, except as provided herein, shall take game, freshwater
13 fish, or fur-bearing animals within this state without having
14 first obtained a license, permit, or authorization and paid
15 the fees hereinafter set forth, unless such license is issued
16 without fee as provided in s. 372.561. Such license, permit,
17 or authorization shall authorize the person to whom it is
18 issued to take game, freshwater fish, or fur-bearing animals
19 in accordance with law and commission rules. Such license,
20 permit, or authorization is not transferable. Each license or
21 permit must bear on its face in indelible ink the name of the
22 person to whom it is issued and other information requested by
23 the commission. Such license, permit, or authorization issued
24 by the commission or any agent must be in the personal
25 possession of the person to whom issued while taking game,
26 freshwater fish, or fur-bearing animals. The failure of such
27 person to exhibit such license, permit, or authorization to
28 the commission or its wildlife officers, when such person is
29 found taking game, freshwater fish, or fur-bearing animals, is
30 a violation of law. A positive form of identification is
31 required when using an authorization, a lifetime license, a

1 5-year license, or when otherwise required by the license or
2 permit. The lifetime licenses and 5-year licenses provided
3 herein shall be embossed with the name, date of birth, the
4 date of issuance, and other pertinent information as deemed
5 necessary by the commission. A certified copy of the
6 applicant's birth certificate shall accompany all applications
7 for a lifetime license for residents 12 years of age and
8 younger. Each applicant for a license, permit, or
9 authorization shall provide the applicant's social security
10 number on the application form. Disclosure of social security
11 numbers obtained through this requirement shall be limited to
12 the purpose of administration of the Title IV-D child support
13 enforcement program and use by the commission, and as
14 otherwise provided by law.

15 (4) In addition to any license required by this
16 chapter, the following permits and fees for certain hunting,
17 fishing, and recreational uses, and the activities authorized
18 thereby, are:

19 (a) A Florida waterfowl permit to take wild ducks or
20 geese within this state or its coastal waters is \$3.

21 (b)1. Management area permits to hunt, fish, or
22 otherwise use for outdoor recreational purposes, land owned,
23 leased, or managed by the commission or the State of Florida
24 for the use and benefit of the commission, up to \$25 annually.
25 Permits, and fees thereof, for short-term use of land which is
26 owned, leased, or managed by the commission may be established
27 by rule of the commission for any activity on such lands.
28 Such permits and fees may be in lieu of or in addition to the
29 annual management area permit. Other than for hunting or
30 fishing, the provisions of this paragraph shall not apply on
31 any lands not owned by the commission, unless the commission

1 shall have obtained the written consent of the owner or
2 primary custodian of such lands.

3 2. A recreational user permit fee to hunt, fish, or
4 otherwise use for outdoor recreational purposes, land leased
5 by the commission from private nongovernmental owners, except
6 for those lands located directly north of the Apalachicola
7 National Forest, east of the Ochlockonee River until the point
8 the river meets the dam forming Lake Talquin, and south of the
9 closest federal highway. The fee for this permit shall be
10 based upon economic compensation desired by the landowner,
11 game population levels, desired hunter density, and
12 administrative costs. The permit fee shall be set by
13 commission rule on a per-acre basis. On property currently in
14 the private landowner payment program, the prior year's
15 landowner payment shall be used to augment the landowner lease
16 fee so as to decrease the permit fee for the users of that
17 property. The spouse and dependent children of a permittee are
18 exempt from the permit fee when engaged in outdoor
19 recreational activities other than hunting in the company of
20 the permittee. Notwithstanding any other provision of this
21 chapter, there are no other exclusions, exceptions, or
22 exemptions from this permit fee. The landowner lease fee, less
23 an administrative permit fee of up to \$25 per permit, shall be
24 remitted to the landowner as provided in the lease agreement
25 for each area.

26 (c) A muzzle-loading gun permit to hunt within this
27 state with a muzzle-loading gun during those game seasons in
28 which hunting with a modern firearm is not allowed is \$5.

29 (d) An archery permit to hunt within this state with a
30 bow and arrow during those game seasons in which hunting with
31 a firearm is not allowed is \$5.

1 (e) A Florida turkey permit for a resident to take
2 wild turkeys within this state is \$5.

3 (f) A Florida turkey permit for a nonresident to take
4 wild turkeys within this state is \$100.

5 ~~(g)(f)~~ A special use permit for limited entry hunting
6 or fishing, where such hunting or fishing is authorized by
7 commission rule, shall be up to \$100 per day but shall not
8 exceed \$250 per week. Notwithstanding any other provision of
9 this chapter, there are no exclusions, exceptions, or
10 exemptions from this fee. In addition to the fee, the
11 commission may charge each applicant for a special use permit
12 a nonrefundable application fee of up to \$10.

13 ~~(h)(g)~~ The fee for a permanent hunting and fishing
14 license for a resident 64 years of age or older is \$12.

15 (16) Notwithstanding other provisions of this chapter,
16 the commission may sell fishing rod licenses. The fishing rod
17 license for a resident or nonresident must be adopted by
18 commission rule and must not exceed \$200 per license. The
19 license is valid for 1 year from the date of issuance. The
20 fishing rod license allows a person, resident or nonresident,
21 to fish with a rod to which the license is attached, within
22 the state, without the necessity of any other license or
23 permit required by chapter 372 or chapter 370, except for
24 permits or tags required by s. 370.111, s. 370.062, or s.
25 372.57(4)(f). Each license must be permanently attached to the
26 rod. Damaged rods with licenses or damaged licenses must be
27 returned to the commission for issuance of a replacement
28 license. The commission may charge up to \$5 for each
29 replacement license. The commission, by rule, may limit the
30 counties from which the licenses may be obtained and may limit

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1 the waterbodies upon which the permitted rods may be used,
2 based upon economic and administrative feasibility.

3 Section 3. Section 372.579, Florida Statutes, is
4 created to read:

5 372.579 Processing applications for licenses and
6 permits.--The commission may by rule adopt a processing fee,
7 not to exceed \$100, for each license or permit required by
8 chapter 39, Florida Administrative Code. The commission shall
9 annually report actions taken under this section to the
10 President of the Senate and the Speaker of the House of
11 Representatives.

12 Section 4. Subsection (1) of section 372.661, Florida
13 Statutes, is amended to read:

14 372.661 Private hunting preserve, license;
15 exception.--

16 (1) Any person who operates a private hunting preserve
17 commercially or otherwise shall be required to pay a license
18 fee of ~~\$50~~\$25 for each such preserve; provided, however, that
19 during the open season established for wild game of any
20 species a private individual may take artificially propagated
21 game of such species up to the bag limit prescribed for the
22 particular species without being required to pay the license
23 fee required by this section; provided further that if any
24 such individual shall charge a fee for taking such game she or
25 he shall be required to pay the license fee required by this
26 section and to comply with the rules and regulations of the
27 ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission
28 relative to the operation of private hunting preserves.

29 Section 5. Section 372.87, Florida Statutes, is
30 amended to read:

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1 372.87 License fee; renewal, revocation.--The ~~Florida~~
2 ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission
3 is hereby authorized and empowered to issue a license or
4 permit for the keeping, possessing or exhibiting of poisonous
5 or venomous reptiles, upon payment of an annual fee of ~~\$25~~\$5
6 and upon assurance that all of the provisions of ss.
7 372.86-372.91 and such other reasonable rules and regulations
8 as said commission may prescribe will be fully complied with
9 in all respects. Such permit may be revoked by the ~~Florida~~
10 ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission
11 upon violation of any of the provisions of ss. 372.86-372.91
12 or upon violation of any of the rules and regulations
13 prescribed by said commission relating to the keeping,
14 possessing and exhibiting of any poisonous and venomous
15 reptiles. Such permits or licenses shall be for an annual
16 period to be prescribed by the said commission and shall be
17 renewable from year to year upon the payment of said ~~\$25~~\$5
18 fee and shall be subject to the same conditions, limitations
19 and restrictions as herein set forth.

20 Section 6. Subsections (1), (2), and (4) of section
21 372.921, Florida Statutes, 1998 Supplement, are amended to
22 read:

23 372.921 Exhibition of wildlife.--

24 (1) In order to provide humane treatment and sanitary
25 surroundings for wild animals kept in captivity, no person,
26 firm, corporation, or association shall have, or be in
27 possession of, in captivity for the purpose of public display
28 with or without charge or for public sale any wildlife,
29 specifically birds, mammals, amphibians, and reptiles, whether
30 indigenous to Florida or not, without having first secured a
31 permit from the ~~Game and Fresh Water~~ Fish and Wildlife

1 Conservation Commission authorizing such person, firm, or
2 corporation to have in its possession in captivity the species
3 and number of wildlife specified within such permit; however,
4 this section does not apply to any wildlife not protected by
5 law and the regulations of the ~~Game and Fresh Water~~ Fish and
6 Wildlife Conservation Commission.

7 (2) The fees to be paid for the issuance of permits
8 required by subsection (1) shall be as follows:

9 (a) For not more than 25 Class I or Class II ~~±0~~
10 individual specimens in the aggregate of all species, the sum
11 of \$100~~\$5~~ per annum.

12 (b) For over 25 Class I or Class II ~~±0~~ individual
13 specimens in the aggregate of all species, the sum of \$250~~\$25~~
14 per annum.

15 (c) For any number of Class III individual specimens
16 in the aggregate of all species, the sum of \$25 per annum.

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18 The fees prescribed by this section shall be submitted to the
19 ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission
20 with the application for permit required by subsection (1) and
21 shall be deposited in the State Game Fund.

22 (4) Permits issued pursuant to this section and places
23 where wildlife is kept or held in captivity shall be subject
24 to inspection by officers of the ~~Game and Fresh Water~~ Fish and
25 Wildlife Conservation Commission at all times. The commission
26 shall have the power to release or confiscate any specimens of
27 any wildlife, specifically birds, mammals, amphibians, or
28 reptiles, whether indigenous to the state or not, when it is
29 found that conditions under which they are being confined are
30 unsanitary, or unsafe to the public in any manner, or that the
31 species of wildlife are being maltreated, mistreated, or

1 neglected or kept in any manner contrary to the provisions of
2 chapter 828, any such permit to the contrary notwithstanding.
3 Before any such wildlife is confiscated or released under the
4 authority of this section, the owner thereof shall have been
5 advised in writing of the existence of such unsatisfactory
6 conditions; the owner shall have been given 30 days in which
7 to correct such conditions; the owner shall have failed to
8 correct such conditions; the owner shall have had an
9 opportunity for a proceeding pursuant to chapter 120; and the
10 commission shall have ordered such confiscation or release
11 after careful consideration of all evidence in the particular
12 case in question. The final order of the commission shall
13 constitute final agency action.

14 Section 7. Subsections (2) and (3) of section 372.922,
15 Florida Statutes, 1998 Supplement, are amended to read:

16 372.922 Personal possession of wildlife.--

17 (2) The classifications of types of wildlife and fees
18 to be paid for the issuance of permits shall be as follows:

19 (a) Class I--Wildlife which, because of its nature,
20 habits, or status, shall not be possessed as a personal pet.

21 (b) Class II--Wildlife considered to present a real or
22 potential threat to human safety, the sum of \$100 per annum.

23 (c) Class III--The sum of \$25 per annum.

24 (3) The commission shall adopt rules ~~promulgate~~
25 ~~regulations~~ defining Class I, and II, and III types of
26 wildlife. The commission shall also establish regulations and
27 requirements necessary to ensure that permits are granted only
28 to persons qualified to possess and care properly for wildlife
29 and that permitted wildlife possessed as personal pets will be
30 maintained in sanitary surroundings and appropriate
31 neighborhoods.

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Section 8. This act shall take effect July 1, 1999.

SENATE SUMMARY

Revises various license and permit fees of the Fish and Wildlife Conservation Commission. Authorizes new licenses and fees.