

By Senator Kirkpatrick

5-138-00

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 turkey permit fee for nonresident
7 hunters; providing for fishing rod licenses and
8 fees; creating s. 372.579, F.S.; authorizing
9 the commission to adopt license or permit
10 processing fees; amending s. 372.661, F.S.;
11 revising private hunting preserve license fees;
12 amending s. 372.87, F.S.; revising venomous
13 reptile license fees; amending s. 372.921,
14 F.S.; revising wildlife exhibition permit fees;
15 amending s. 372.922, F.S.; revising the
16 classifications and permit fees for wildlife;
17 providing an 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:

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372.16 Private game preserves and farms; penalty.--

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(4) Any person violating the provisions of this

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section shall for the first offense be guilty of a misdemeanor

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of the second degree, punishable as provided in s. 775.082 or

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s. 775.083, and for a second or subsequent offense shall be

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guilty of a misdemeanor of the first degree, punishable as

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provided in s. 775.082 or s. 775.083. Any person convicted of

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violating the provisions of this section shall forfeit, to the

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Fish and Wildlife Conservation Commission, any license or

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

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

10 372.57 Licenses and permits; exemptions; fees.--No
11 person, except as provided herein, shall take game, freshwater
12 fish, or fur-bearing animals within this state without having
13 first obtained a license, permit, or authorization and paid
14 the fees hereinafter set forth, unless such license is issued
15 without fee as provided in s. 372.561. Such license, permit,
16 or authorization shall authorize the person to whom it is
17 issued to take game, freshwater fish, or fur-bearing animals
18 in accordance with law and commission rules. Such license,
19 permit, or authorization is not transferable. Each license or
20 permit must bear on its face in indelible ink the name of the
21 person to whom it is issued and other information requested by
22 the commission. Such license, permit, or authorization issued
23 by the commission or any agent must be in the personal
24 possession of the person to whom issued while taking game,
25 freshwater fish, or fur-bearing animals. The failure of such
26 person to exhibit such license, permit, or authorization to
27 the commission or its wildlife officers, when such person is
28 found taking game, freshwater fish, or fur-bearing animals, is
29 a violation of law. A positive form of identification is
30 required when using an authorization, a lifetime license, a
31 5-year license, or when otherwise required by the license or

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

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

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

20 (b)1. Management area permits to hunt, fish, or
21 otherwise use for outdoor recreational purposes, land owned,
22 leased, or managed by the commission or the State of Florida
23 for the use and benefit of the commission, up to \$25 annually.
24 Permits, and fees thereof, for short-term use of land which is
25 owned, leased, or managed by the commission may be established
26 by rule of the commission for any activity on such lands.
27 Such permits and fees may be in lieu of or in addition to the
28 annual management area permit. Other than for hunting or
29 fishing, the provisions of this paragraph shall not apply on
30 any lands not owned by the commission, unless the commission
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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 recreational
16 user permit fee so as to decrease the permit fee for the users
17 of that property. One minor dependent child, 16 years old or
18 under, per permittee may hunt under the supervision of the
19 permittee and is exempt from the permit fee. The spouse and
20 dependent children of a permittee are exempt from the permit
21 fee when engaged in outdoor recreational activities other than
22 hunting in the company of the permittee. Notwithstanding any
23 other provision of this chapter, there are no other
24 exclusions, exceptions, or exemptions from this permit fee.
25 The recreational user permit fee, less an administrative
26 permit fee of up to \$25 per permit, shall be remitted to the
27 landowner as provided in the lease agreement for each area.

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

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

4 (e) A Florida turkey permit to take wild turkeys
5 within this state is \$5.

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

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

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

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

1 replacement license. The commission, by rule, may limit the
2 counties from which the licenses may be obtained and may limit
3 the waterbodies upon which the permitted rods may be used,
4 based upon economic and administrative limitations.

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

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

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

16 372.661 Private hunting preserve, license;
17 exception.--

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

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1 Section 5. Section 372.87, Florida Statutes, is
2 amended to read:

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

21 Section 6. Subsections (1), (2), and (4) of section
22 372.921, Florida Statutes, are amended to 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 Fish and Wildlife Conservation Commission

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

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

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

11 (b) For over 25 Class I or Class II ~~10~~ individual
12 specimens in the aggregate of all species, the sum of \$250~~\$25~~
13 per annum.

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

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

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

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

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

15 372.922 Personal possession of wildlife.--

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

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

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

22 (c) Class III--Wildlife specified by rule of the
23 commission, the sum of \$25 per annum.

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

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Section 8. This act shall take effect July 1, 2000.

SENATE SUMMARY

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