

By the Council for Ready Infrastructure and
Representatives Baxley and Harrington

1 A bill to be entitled
2 An act relating to the Fish and Wildlife
3 Conservation Commission; amending s. 327.73,
4 F.S.; authorizing dismissal of certain
5 violations for failure to possess a boating
6 safety identification card; authorizing a
7 dismissal fee in certain circumstances;
8 amending s. 370.25, F.S.; authorizing state
9 universities to receive financial and technical
10 assistance from the commission for the siting
11 and development of artificial reefs;
12 authorizing the commission to accept title to
13 certain vessels on behalf of the state for use
14 in the artificial reef program and to adopt
15 rules regarding the transfer of such titles;
16 amending s. 372.001, F.S.; revising and
17 reorganizing definitions; creating s. 372.002,
18 F.S.; providing legislative intent regarding
19 the right to hunt, fish, and take game in the
20 state; amending s. 372.105, F.S.; revising
21 provisions relating to sources and uses of
22 funds in the Lifetime Fish and Wildlife Trust
23 Fund; amending s. 372.106, F.S.; specifying
24 distribution of certain funds in the Dedicated
25 License Trust Fund; amending s. 372.16, F.S.;
26 revising and reorganizing provisions relating
27 to private game preserves and farms; creating
28 s. 372.551, F.S.; authorizing the commission to
29 establish processes and vendor fees for the
30 sale of licenses and permits and the issuance
31 of authorization numbers; requiring the use of

1 competitive bidding procedures; amending s.
2 372.561, F.S.; revising provisions relating to
3 issuance of recreational licenses, permits, and
4 authorization numbers to take wild animal life,
5 freshwater aquatic life, and marine life, and
6 administrative costs and reporting requirements
7 related thereto; creating s. 372.562, F.S.;
8 providing exemptions from recreational license
9 and permit fees and requirements; creating an
10 exemption for commission employees in the
11 performance of duties; creating an exemption
12 for persons authorized by commission permit;
13 amending s. 372.57, F.S.; revising and
14 reorganizing provisions specifying fees and
15 requirements for recreational licenses,
16 permits, and authorization numbers, including
17 hunting licenses, saltwater and freshwater
18 fishing licenses, 5-year licenses, and lifetime
19 licenses; creating an annual gold sportsman's
20 license; providing for pier licenses and
21 recreational vessel licenses, and providing
22 fees therefor; providing for snook permits and
23 crawfish permits; providing permit fees and
24 providing for the use of revenues therefrom;
25 renumbering and amending s. 370.0608, F.S.;
26 providing for the deposit of saltwater licenses
27 and fees into the Marine Resources Conservation
28 Trust Fund; revising purposes for which
29 licenses and fees may be used; renumbering and
30 amending s. 370.0609, F.S.; providing for the
31 expenditure of funds through grants and

1 contracts to specified research institutes;
2 renumbering and amending s. 370.062, F.S.,
3 relating to issuance of license tags for
4 harvesting tarpon; modifying date for tax
5 collector's return of unissued tags; deleting
6 provisions relating to transfer of tag fees to
7 the Marine Resources Conservation Trust Fund
8 within a specified period; amending s. 372.574,
9 F.S.; conforming subagent duties and reporting
10 requirements; amending s. 372.661, F.S.;
11 clarifying provisions relating to private
12 hunting preserves; correcting a cross
13 reference; amending s. 372.711, F.S.; providing
14 for dismissal of violations of license or
15 permit possession requirements under certain
16 conditions; authorizing a dismissal fee under
17 certain conditions; reenacting ss. 372.711(1)
18 and 372.83(1)(h), F.S.; reenacting provisions
19 referencing penalties for violations of
20 hunting, fishing, and trapping license and
21 permit requirements; amending s. 372.921, F.S.;
22 including amphibians in provisions relating to
23 exhibition of wildlife; providing rulemaking
24 authority; providing a penalty; amending s.
25 372.922, F.S.; clarifying classifications of
26 types of wildlife; requiring a permit for
27 personal possession; providing a fee exemption
28 for personal possession of wildlife by an
29 exhibitor or seller; amending s. 705.101, F.S.;
30 including derelict vessels within the
31 definition of "abandoned property"; amending

1 ss. 212.06, 215.20, 370.0603, 370.063, 372.571,
2 372.5712, 372.5715, 372.5717, 372.573, 372.65,
3 372.7015, 372.7016, and 810.09, F.S.;
4 correcting cross references; deleting obsolete
5 language; repealing s. 370.0605, F.S., relating
6 to saltwater fishing licenses and fees;
7 repealing s. 370.0615, F.S., relating to
8 lifetime saltwater fishing licenses; repealing
9 s. 370.1111, F.S., relating to snook fishing
10 permits; repealing s. 370.14(10) and (11),
11 F.S., relating to recreational crawfish taking
12 permits and issuance of a crawfish stamp;
13 repealing s. 372.05(4), F.S., relating to
14 duties of the executive director of the
15 commission; repealing s. 372.06, F.S., relating
16 to meetings of the commission; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (b) of subsection (8) of section
22 212.06, Florida Statutes, is amended to read:

23 212.06 Sales, storage, use tax; collectible from
24 dealers; "dealer" defined; dealers to collect from purchasers;
25 legislative intent as to scope of tax.--

26 (8)

27 (b) The presumption that tangible personal property
28 used in another state, territory of the United States, or the
29 District of Columbia for 6 months or longer before being
30 imported into this state was not purchased for use in this
31 state does not apply to any boat for which a saltwater fishing

1 license fee is required to be paid pursuant to s. 372.57(7)
2 ~~370.0605(2)(b)1., 2., or 3.~~, either directly or indirectly,
3 for the purpose of taking, attempting to take, or possessing
4 any saltwater ~~marine~~ fish for noncommercial purposes. Use tax
5 shall apply and be due on such a boat as provided in this
6 paragraph, and proof of payment of such tax must be presented
7 prior to the first such licensure of the boat, registration of
8 the boat pursuant to chapter 328, and titling of the boat
9 pursuant to chapter 328. A boat that is first licensed within
10 1 year after purchase shall be subject to use tax on the full
11 amount of the purchase price; a boat that is first licensed in
12 the second year after purchase shall be subject to use tax on
13 90 percent of the purchase price; a boat that is first
14 licensed in the third year after purchase shall be subject to
15 use tax on 80 percent of the purchase price; a boat that is
16 first licensed in the fourth year after purchase shall be
17 subject to use tax on 70 percent of the purchase price; a boat
18 that is first licensed in the fifth year after purchase shall
19 be subject to use tax on 60 percent of the purchase price; and
20 a boat that is first licensed in the sixth year after
21 purchase, or later, shall be subject to use tax on 50 percent
22 of the purchase price. If the purchaser fails to provide the
23 purchase invoice on such boat, the fair market value of the
24 boat at the time of importation into this state shall be used
25 to compute the tax.

26 Section 2. Paragraph (1) of subsection (4) of section
27 215.20, Florida Statutes, is amended to read:

28 215.20 Certain income and certain trust funds to
29 contribute to the General Revenue Fund.--

30 (4) The income of a revenue nature deposited in the
31 following described trust funds, by whatever name designated,

1 is that from which the deductions authorized by subsection (3)
2 shall be made:

3 (1) The Marine Resources Conservation Trust Fund
4 created by s. 370.0603 ~~370.0608~~, with the exception of those
5 fees collected for recreational saltwater fishing licenses as
6 provided in s. 372.57 ~~370.0605~~.

7 Section 3. Subsection (4) of section 327.73, Florida
8 Statutes, is amended to read:

9 327.73 Noncriminal infractions.--

10 (4) Any person charged with a noncriminal infraction
11 under this section may:

12 (a) Pay the civil penalty, either by mail or in
13 person, within 30 days of the date of receiving the citation;
14 or,

15 (b) If he or she has posted bond, forfeit bond by not
16 appearing at the designated time and location.

17
18 If the person cited follows either of the above procedures, he
19 or she shall be deemed to have admitted the noncriminal
20 infraction and to have waived the right to a hearing on the
21 issue of commission of the infraction. Such admission shall
22 not be used as evidence in any other proceedings. If a person
23 who is cited for a violation of s. 327.395 can show a boating
24 safety identification card issued to that person and valid at
25 the time of the citation, the clerk of the court may dismiss
26 the case and may assess a \$5 dismissal fee.

27 Section 4. Paragraph (c) of subsection (2) of section
28 370.0603, Florida Statutes, is amended to read:

29 370.0603 Marine Resources Conservation Trust Fund;
30 purposes.--

31

1 (2) The Marine Resources Conservation Trust Fund shall
2 receive the proceeds from:

3 (c) All fees collected pursuant to ss. ~~370.062,~~
4 370.063, and 370.142, and 372.5704.

5 Section 5. Subsection (3) of section 370.063, Florida
6 Statutes, is amended to read:

7 370.063 Special recreational crawfish license.--There
8 is created a special recreational crawfish license, to be
9 issued to qualified persons as provided by this section for
10 the recreational harvest of crawfish (spiny lobster) beginning
11 August 5, 1994.

12 (3) The holder of a special recreational crawfish
13 license must also possess the recreational crawfish permit
14 required by s. 372.57(8)(d)~~370.14(10) and the license~~
15 ~~required by s. 370.0605.~~

16 Section 6. Subsections (1) and (3) of section 370.25,
17 Florida Statutes, are amended to read:

18 370.25 Artificial reef program; grants and financial
19 and technical assistance to local governments.--

20 (1) An artificial reef program is created within the
21 ~~Fish and Wildlife Conservation~~ commission to enhance saltwater
22 opportunities and to promote proper management of fisheries
23 resources associated with artificial reefs for the public
24 interest. Under the program, the commission may provide grants
25 and financial and technical assistance to coastal local
26 governments, state universities, and nonprofit corporations
27 qualified under s. 501(c)(3) of the Internal Revenue Code for
28 the siting and development of artificial reefs as well as for
29 monitoring and evaluating such reefs and their recreational,
30 economic, and biological effectiveness. The commission is
31 authorized to accept title, on behalf of the state, to vessels

1 for use in the artificial reef program as offshore artificial
2 reefs.The program may be funded from state, federal, and
3 private contributions.

4 (3) The commission may adopt by rule criteria for
5 siting, constructing, managing, and evaluating the
6 effectiveness of artificial reefs placed in state or adjacent
7 federal waters and criteria implementing the transfer of
8 vessel titles to the state for use as an offshore artificial
9 reef, ~~consistent with this section.~~

10 Section 7. Section 372.001, Florida Statutes, is
11 amended to read:

12 (Substantial rewording of section. See
13 s. 372.001, F.S., for present text.)

14 372.001 Definitions.--In construing these statutes,
15 when applied to saltwater and freshwater fish, shellfish,
16 crustacea, sponges, wild birds, and wild animals, where the
17 context permits, the word, phrase, or term:

18 (1) "Authorization number" means a number issued by
19 the commission, or its authorized agent, which serves in lieu
20 of a license or permit and affords the privilege purchased for
21 a specified period of time.

22 (2) "Closed season" means that portion of the year
23 during which the laws of Florida forbid the taking of
24 particular species of game or varieties of fish.

25 (3) "Commission" means the Fish and Wildlife
26 Conservation Commission.

27 (4) "Common carrier" includes any person, firm, or
28 corporation which undertakes for hire, as a regular business,
29 the transportation of persons or commodities from place to
30 place, offering its services to all who may choose to employ
31 it and pay its charges.

1 (5) "Fish and game" includes all fresh and saltwater
2 fish, shellfish, crustacea, sponges, wild birds, and wild
3 animals.

4 (6) "Fish management area" means a pond, lake, or
5 other water within a county, or within several counties,
6 designated to improve fishing for public use, and established
7 and specifically circumscribed for authorized management by
8 the commission and the board of county commissioners of the
9 county in which such waters lie, under agreement between the
10 commission and an owner with approval by the board of county
11 commissioners or under agreement with the board of county
12 commissioners for use of public waters in the county in which
13 such waters lie.

14 (7) "Fish pond" means a body of water that does not
15 occur naturally and that has been constructed and is
16 maintained primarily for the purpose of fishing.

17 (8) "Fresh water," except where otherwise provided by
18 law, includes all lakes, rivers, canals, and other waterways
19 of Florida, to such point or points where the fresh and salt
20 waters commingle to such an extent as to become unpalatable
21 and unfit for human consumption because of the saline content,
22 or to such point or points as may be fixed by order of the
23 commission by and with the consent of the board of county
24 commissioners of the county or counties to be affected by such
25 order. The Steinhatchee River shall be considered fresh water
26 from its source to mouth.

27 (9) "Freshwater fish" includes all classes of pisces
28 that are indigenous to fresh water.

29 (10) "Fur-bearing animals" includes muskrat, mink,
30 raccoon, otter, civet cat, skunk, red and gray fox, and
31 opossum.

1 (11) "Game" means deer, bear, squirrel, rabbits, and,
2 where designated by commission rules, wild hogs, ducks, geese,
3 rails, coots, gallinules, snipe, woodcock, wild turkeys,
4 grouse, pheasants, quail, and doves.

5 (12) "Nongame" includes all species and populations of
6 indigenous wild vertebrates and invertebrates in the state
7 that are not defined as game.

8 (13) "Open season" means that portion of the year
9 during which the laws of Florida for the preservation of fish
10 and game permit the taking of particular species of game or
11 varieties of fish.

12 (14) "Private hunting preserve" includes any area set
13 aside by a private individual or concern on which artificially
14 propagated game or birds are taken.

15 (15) "Resident" means:

16 (a) Any person who has continually resided in this
17 state for 6 months; or

18 (b) Any member of the United States Armed Forces who
19 is stationed in this state.

20 (16) "Take" means taking, attempting to take,
21 pursuing, hunting, molesting, capturing, or killing any
22 wildlife or freshwater fish, or their nests or eggs, by any
23 means, whether or not such actions result in obtaining
24 possession of such wildlife or freshwater fish or their nests
25 or eggs.

26 (17) "Transport" includes shipping, transporting,
27 carrying, importing, exporting, or receiving or delivering for
28 shipment, transportation, carriage, or export.

29 Section 8. Section 372.002, Florida Statutes, is
30 created to read:

31

1 372.002 Right to hunt and fish.--The Legislature
2 recognizes that hunting, fishing, and the taking of game are a
3 valued part of the cultural heritage of Florida and should be
4 forever preserved for Floridians. The Legislature further
5 recognizes that these activities play an important part in the
6 state's economy and in the conservation, preservation, and
7 management of the state's natural areas and resources.
8 Therefore, the Legislature intends that the citizens of
9 Florida have a right to hunt, fish, and take game, subject to
10 the regulations and restrictions prescribed by general law and
11 by s. 9, Art. IV of the State Constitution.

12 Section 9. Paragraph (b) of subsection (2) and
13 subsection (3) of section 372.105, Florida Statutes, are
14 amended to read:

15 372.105 Lifetime Fish and Wildlife Trust Fund.--

16 (2) The principal of the fund shall be derived from
17 the following:

18 (b) Proceeds from the sale of lifetime licenses issued
19 in accordance with s. 372.57 ~~with the exception of the~~
20 ~~saltwater portion of the lifetime sportsman's license.~~

21 (3) The fund is declared to constitute a special trust
22 derived from a contractual relationship between the state and
23 the members of the public whose investments contribute to the
24 fund. In recognition of such special trust, the following
25 limitations and restrictions are placed on expenditures from
26 the funds:

27 (a) No expenditure or disbursement shall be made from
28 the principal of the fund.

29 (b) The interest income received and accruing from the
30 investments of proceeds from the sale of lifetime freshwater
31 fishing licenses and lifetime hunting licenses ~~the fund~~ shall

1 be spent in furtherance of the commission's ~~exercise of the~~
2 ~~regulatory and executive powers of the state with respect to~~
3 ~~the~~ management, protection, and conservation of wild animal
4 life and freshwater aquatic life as set forth in s. 9, Art. IV
5 of the State Constitution and this chapter and as otherwise
6 authorized by the Legislature.

7 (c) The interest income received and accruing from the
8 investments of proceeds from the sale of lifetime saltwater
9 fishing licenses shall be expended for marine law enforcement,
10 marine research, and marine fishery enhancement.

11 (d)~~(c)~~ No expenditures or disbursements from the
12 interest income derived from the sale of lifetime licenses
13 shall be made for any purpose until the respective holders of
14 such licenses attain the age of 16 years. The Fish and
15 Wildlife Conservation Commission as administrator of the fund
16 shall determine actuarially on an annual basis the amounts of
17 interest income within the fund which may be disbursed
18 pursuant to this paragraph. The director shall cause deposits
19 of proceeds from the sale of lifetime licenses to be
20 identifiable by the ages of the license recipients.

21 (e)~~(d)~~ Any limitations or restrictions specified by
22 the donors on the uses of the interest income derived from
23 gifts, grants, and voluntary contributions shall be respected
24 but shall not be binding.

25 (f)~~(e)~~ The fund shall be exempt from the provisions of
26 s. 215.20.

27 Section 10. Section 372.106, Florida Statutes, is
28 amended to read:

29 372.106 Dedicated License Trust Fund.--

30 (1) There is established within the Fish and Wildlife
31 Conservation Commission the Dedicated License Trust Fund. The

1 fund shall be credited with moneys collected pursuant to s.
2 ~~ss. 370.0605 and 372.57~~ for 5-year licenses and permits and
3 replacement 5-year licenses.

4 (2)(a) One-fifth of the total proceeds from the sale
5 of 5-year hunting and freshwater fishing licenses, permits,
6 and replacement licenses, and all interest derived therefrom,
7 shall be appropriated annually to the State Game Trust Fund.

8 (b) One-fifth of the total proceeds from the sale of
9 5-year saltwater fishing licenses, permits, and replacement
10 licenses, and all interest derived therefrom, shall be
11 appropriated annually to the Marine Resources Conservation
12 Trust Fund.

13 (3)~~(2)~~ The fund shall be exempt from the provisions of
14 s. 215.20.

15 Section 11. Subsections (1) and (4) of section 372.16,
16 Florida Statutes, are amended to read:

17 372.16 Private game preserves and farms; penalty.--

18 (1) Any person owning land in this state may, ~~after~~
19 ~~having secured a license therefor from the Fish and Wildlife~~
20 ~~Conservation Commission,~~ establish, maintain, and operate
21 within the boundaries thereof, a private preserve and farm,
22 not exceeding an area of 640 acres, for the protection,
23 preservation, propagation, rearing, and production of game
24 birds and animals for private and commercial purposes,
25 provided that no two game preserves shall join each other or
26 be connected. Before any private game preserve or farm is
27 established, the owner or operator shall secure a license from
28 the commission, the fee for which is \$5 per year.

29 (4) Any person violating ~~the provisions of this~~
30 section ~~shall~~ for the first offense commits ~~be guilty of a~~
31 misdemeanor of the second degree, punishable as provided in s.

1 775.082 or s. 775.083, and for a second or subsequent offense
2 ~~commits shall be guilty of a misdemeanor of the first degree,~~
3 ~~punishable as provided in s. 775.082 or s. 775.083. Any~~
4 ~~person convicted of violating the provisions of this section~~
5 ~~shall forfeit, to the Fish and Wildlife Conservation~~
6 ~~commission, any license or permit issued under this section~~
7 ~~the provisions hereof; and no further license or permit shall~~
8 ~~be issued to such person for a period of 1 year following such~~
9 ~~conviction. Before any private game preserve or farm is~~
10 ~~established, the owner or operator shall secure a license from~~
11 ~~the Fish and Wildlife Conservation Commission, the fee for~~
12 ~~which shall be \$5 per year.~~

13 Section 12. Section 372.551, Florida Statutes, is
14 created to read:

15 372.551 Competitive bidding for certain sale of
16 licenses and permits and the issuance of authorization
17 numbers.--The commission is authorized to establish the
18 following, using competitive bidding procedures:

19 (1) A process and a vendor fee for the sale of
20 licenses and permits, and the issuance of authorization
21 numbers, over the telephone.

22 (2) A process and a vendor fee for the electronic sale
23 of licenses and permits and for the electronic issuance of
24 authorization numbers.

25 Section 13. Section 372.561, Florida Statutes, is
26 amended to read:

27 (Substantial rewording of section. See
28 s. 372.561, F.S., for present text.)

29 372.561 Recreational licenses, permits, and
30 authorization numbers to take wild animal life, freshwater
31 aquatic life, and marine life; issuance; costs; reporting.--

1 (1) This section applies to all recreational licenses
2 and permits and to any authorization numbers issued by the
3 commission for the use of such recreational licenses or
4 permits.

5 (2) The commission shall establish forms for the
6 issuance of recreational licenses and permits.

7 (3) The commission shall issue a license, permit, or
8 authorization number to take wild animal life, freshwater
9 aquatic life, or marine life when an applicant provides proof
10 that she or he is entitled to such license, permit, or
11 authorization number. Each applicant for a recreational
12 license, permit, or authorization number shall provide her or
13 his social security number on the application form.

14 Disclosure of social security numbers obtained through this
15 requirement shall be limited to the purposes of administration
16 of the Title IV-D program for child support enforcement, use
17 by the commission, and as otherwise provided by law.

18 (4) Licenses and permits to take wild animal life,
19 freshwater aquatic life, or marine life may be sold by the
20 commission, by any tax collector in the state, or by any
21 subagent authorized under s. 372.574.

22 (5) In addition to any license or permit fee, the sum
23 of \$1.50 shall be charged for each license or management area
24 permit to cover the cost of issuing such license or permit.

25 (6)(a)1. For each type of hunting or freshwater
26 fishing license sold and for each type of sportsman's license
27 sold, a tax collector may retain \$1.

28 2. For each management area permit sold, a tax
29 collector may retain \$1.

30 3. For each type of saltwater fishing tag or license
31 sold, including combination saltwater fishing and freshwater

1 fishing licenses, or combination saltwater fishing, freshwater
2 fishing, and hunting licenses, a tax collector may retain
3 \$1.50.

4 (b) Tax collectors shall remit license and permit
5 moneys, along with a report of funds collected and other
6 required documentation, to the commission weekly.

7 (c) Tax collectors shall maintain records of all
8 licenses and permits sold, voided, stolen, or lost.

9 1. The tax collector is responsible to the commission
10 for the fees for all licenses and permits sold and for the
11 value of all licenses and permits reported as lost.

12 2. The tax collector shall report stolen licenses and
13 permits to the appropriate law enforcement agency.

14 3. The tax collector shall submit a written report and
15 a copy of the law enforcement agency's report to the
16 commission within 5 days after discovering a theft.

17 4. The tax collector is responsible for the fees for
18 all licenses and permits sold or lost by a subagent appointed
19 pursuant to s. 372.574.

20 (7) The commission is authorized to adopt rules
21 pursuant to ss. 120.536(1) and 120.54 to implement the
22 provisions of this section.

23 Section 14. Section 372.562, Florida Statutes, is
24 created to read:

25 372.562 Recreational licenses and permits; exemptions
26 from fees and requirements.--

27 (1) Hunting, freshwater fishing, and saltwater fishing
28 licenses and permits shall be issued without fee to any
29 resident who is certified or determined:

30 (a) To be totally and permanently disabled for
31 purposes of workers' compensation under chapter 440 as

1 verified by an order of a judge of compensation claims or
2 written confirmation by the carrier providing workers'
3 compensation benefits, or to be totally and permanently
4 disabled by the Railroad Retirement Board, by the United
5 States Department of Veterans Affairs or its predecessor, or
6 by any branch of the United States Armed Forces, or who holds
7 a valid identification card issued under the provisions of s.
8 295.17, upon proof of same. Any license issued under this
9 paragraph after January 1, 1997, expires after 5 years and
10 must be reissued, upon request, every 5 years thereafter.

11 (b) To be disabled by the United States Social
12 Security Administration, upon proof of same. Any license
13 issued under this paragraph after October 1, 1999, expires
14 after 2 years and must be reissued, upon proof of
15 certification of disability, every 2 years thereafter.

16
17 A disability license issued after July 1, 1997, and before
18 July 1, 2000, retains the rights vested thereunder until the
19 license has expired.

20 (2) A hunting, freshwater fishing, or saltwater
21 fishing license or permit is not required for:

22 (a) Any child under 16 years of age, except as
23 otherwise provided in this chapter.

24 (b) Any person hunting or fishing on her or his
25 homestead property, or on the homestead property of the
26 person's spouse or minor child; or any minor child hunting or
27 fishing on the homestead property of her or his parent.

28 (c) Any resident who is a member of the United States
29 Armed Forces and not stationed in this state, when home on
30 leave for 30 days or less, upon submission of orders.

31

1 (d) Any resident fishing for recreational purposes
2 only, within her or his county of residence with live or
3 natural bait, using poles or lines not equipped with a fishing
4 line retrieval mechanism, except on a legally established fish
5 management area.

6 (e) Any person fishing in a fish pond of 20 acres or
7 less that is located entirely within the private property of
8 the fish pond owner.

9 (f) Any person fishing in a fish pond that is licensed
10 in accordance with s. 372.5705.

11 (g) Any person fishing who has been accepted as a
12 client for developmental disabilities services by the
13 Department of Children and Family Services, provided the
14 department furnishes proof thereof.

15 (h) Any resident fishing in saltwater from land or
16 from a structure fixed to the land.

17 (i) Any person fishing from a vessel licensed pursuant
18 to s. 372.57(7).

19 (j) Any person fishing from a vessel the operator of
20 which is licensed pursuant to s. 372.57(7).

21 (k) Any person who holds a valid saltwater products
22 license issued under s. 370.06(2).

23 (l) Any person fishing for recreational purposes from
24 a pier licensed under s. 372.57.

25 (m) Any resident fishing for a saltwater species in
26 fresh water from land or from a structure fixed to land.

27 (n) Any resident fishing for mullet in fresh water who
28 has a valid Florida freshwater fishing license.

29 (o) Any resident 65 years of age or older who has in
30 her or his possession proof of age and residency. A no-cost
31 license under this paragraph may be obtained from any tax

1 collector's office upon proof of age and residency and must be
2 in the possession of the resident during hunting, freshwater
3 fishing, and saltwater fishing activities.

4 (p) Any employee of the commission who takes
5 freshwater fish, saltwater fish, or game as part of employment
6 with the commission, or any other person authorized by
7 commission permit to take freshwater fish, saltwater fish, or
8 game for scientific or educational purposes.

9 Section 15. Section 372.57, Florida Statutes, is
10 amended to read:

11 (Substantial rewording of section. See
12 s. 372.57, F.S., for present text.)

13 372.57 Recreational licenses, permits, and
14 authorization numbers; fees established.--

15 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
16 REQUIRED.--Except as provided in s. 372.562, no person shall
17 hunt, fish, or take fur-bearing animals within this state
18 without having first obtained a license, permit, or
19 authorization number and paid the fees set forth in this
20 chapter. Such license, permit, or authorization number shall
21 authorize the person to whom it is issued to hunt, fish, take
22 fur-bearing animals, and participate in outdoor recreational
23 activities in accordance with the laws of the state and rules
24 of the commission.

25 (2) NONTRANSFERABILITY; INFORMATION AND
26 DOCUMENTATION.--

27 (a) Licenses, permits, and authorization numbers
28 issued under this chapter are not transferable. Each license
29 and permit must bear on its face in indelible ink the name of
30 the person to whom it is issued and other information as
31 deemed necessary by the commission. Licenses issued to the

1 owner, operator, or custodian of a vessel that directly or
2 indirectly collects fees for taking or attempting to take or
3 possess saltwater fish for noncommercial purposes must include
4 the vessel registration number or federal documentation
5 number.

6 (b) The lifetime licenses and 5-year licenses
7 authorized in this section shall be embossed with the name,
8 date of birth, date of issuance, and other pertinent
9 information as deemed necessary by the commission. A certified
10 copy of the applicant's birth certificate shall accompany each
11 application for a lifetime license for a resident 12 years of
12 age or younger.

13 (c) A positive form of identification is required when
14 using a free license, a lifetime license, a 5-year license, or
15 an authorization number issued under this chapter, or when
16 otherwise required by a license or permit.

17 (3) PERSONAL POSSESSION REQUIRED.--Each license,
18 permit, or authorization number must be in the personal
19 possession of the person to whom it is issued while such
20 person is hunting, fishing, or taking fur-bearing animals. Any
21 person hunting, fishing, or taking fur-bearing animals who
22 fails to produce a license, permit, or authorization number at
23 the request of a commission law enforcement officer commits a
24 violation of the law.

25 (4) RESIDENT HUNTING AND FISHING LICENSES.--The
26 licenses and fees for residents participating in hunting and
27 fishing activities in this state are as follows:

28 (a) Annual freshwater fishing license, \$12.

29 (b) Annual saltwater fishing license, \$12.

30 (c) Annual hunting license to take game, \$11.

31

1 (d) Annual combination hunting and freshwater fishing
2 license, \$22.

3 (e) Annual combination freshwater fishing and
4 saltwater fishing license, \$24.

5 (f) Annual combination hunting, freshwater fishing,
6 and saltwater fishing license, \$34.

7 (g) Annual license to take fur-bearing animals, \$25.

8 However, a resident with a valid hunting license or a no-cost
9 license who is taking fur-bearing animals for noncommercial
10 purposes using guns or dogs only, and not traps or other
11 devices, is not required to purchase this license. Also, a
12 resident 65 years of age or older is not required to purchase
13 this license.

14 (h) Annual sportsman's license, \$66, except that an
15 annual sportsman's license for a resident 64 years of age or
16 older is \$12. A sportsman's license authorizes the person to
17 whom it is issued to take game and freshwater fish, subject to
18 the state and federal laws, rules, and regulations, including
19 rules of the commission, in effect at the time of the taking.
20 Other authorized activities include activities authorized by a
21 management area permit, a muzzle-loading gun permit, a turkey
22 permit, a Florida waterfowl permit, and an archery permit.

23 (i) Annual gold sportsman's license, \$82. The gold
24 sportsman's license authorizes the person to whom it is issued
25 to take freshwater fish, saltwater fish, and game, subject to
26 the state and federal laws, rules, and regulations, including
27 rules of the commission, in effect at the time of taking.
28 Other authorized activities include activities authorized by a
29 management area permit, a muzzle-loading gun permit, a turkey
30 permit, a Florida waterfowl permit, an archery permit, a snook
31 permit, and a crawfish permit.

1 (5) NONRESIDENT HUNTING AND FISHING LICENSES.--The
2 licenses and fees for nonresidents participating in hunting
3 and fishing activities in the state are as follows:

4 (a) Freshwater fishing license to take freshwater fish
5 for 7 consecutive days, \$15.

6 (b) Saltwater fishing license to take saltwater fish
7 for 3 consecutive days, \$5.

8 (c) Saltwater fishing license to take saltwater fish
9 for 7 consecutive days, \$15.

10 (d) Annual freshwater fishing license, \$30.

11 (e) Annual saltwater fishing license, \$30.

12 (f) Hunting license to take game for 10 consecutive
13 days, \$25.

14 (g) Annual hunting license to take game, \$150.

15 (h) Annual license to take fur-bearing animals, \$25.

16 However, a nonresident with a valid Florida hunting license
17 who is taking fur-bearing animals for noncommercial purposes
18 using guns or dogs only, and not traps or other devices, is
19 not required to purchase this license.

20 (6) PIER LICENSE.--A pier license for any pier fixed
21 to land for the purpose of taking or attempting to take
22 saltwater fish is \$500 per year. The pier license may be
23 purchased at the option of the owner, operator, or custodian
24 of such pier and must be available for inspection at all
25 times.

26 (7) VESSEL LICENSES.--

27 (a) No person may operate any vessel wherein a fee is
28 paid, either directly or indirectly, for the purpose of
29 taking, attempting to take, or possessing any saltwater fish
30 for noncommercial purposes unless she or he has obtained a
31 license for each vessel for that purpose, and has paid the

1 license fee pursuant to paragraphs (b) and (c) for such
2 vessel.

3 (b) A license for any person who operates any vessel
4 licensed to carry more than 10 customers, wherein a fee is
5 paid, either directly or indirectly, for the purpose of taking
6 or attempting to take saltwater fish, is \$800 per year. The
7 license must be kept aboard the vessel at all times.

8 (c)1. A license for any person who operates any vessel
9 licensed to carry no more than 10 customers, or for any person
10 licensed to operate any vessel carrying 6 or fewer customers,
11 wherein a fee is paid, either directly or indirectly, for the
12 purpose of taking or attempting to take saltwater fish, is
13 \$400 per year.

14 2. A license for any person licensed to operate any
15 vessel carrying six or fewer customers, wherein a fee is paid,
16 either directly or indirectly, for the purpose of taking or
17 attempting to take saltwater fish, is \$200 per year. The
18 license must be kept aboard the vessel at all times.

19 3. A person who operates a vessel required to be
20 licensed pursuant to paragraph (b) or paragraph (c) may obtain
21 a license in her or his own name, and such license shall be
22 transferable and apply to any vessel operated by the
23 purchaser, provided that the purchaser has paid the
24 appropriate license fee.

25 (d) A license for a recreational vessel not for hire
26 and for which no fee is paid, either directly or indirectly,
27 by guests for the purpose of taking or attempting to take
28 saltwater fish noncommercially is \$2,000 per year. The
29 license may be purchased at the option of the vessel owner and
30 must be kept aboard the vessel at all times. A log of species
31 taken and the date the species were taken shall be maintained

1 and a copy of the log filed with the commission at the time of
2 renewal of the license.

3 (e) The owner, operator, or custodian of a vessel the
4 operator of which has been licensed pursuant to paragraph (a)
5 must maintain and report such statistical data as required by,
6 and in a manner set forth in, the rules of the commission.

7 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL
8 ACTIVITY PERMITS.--In addition to any license required under
9 this chapter, the following permits and fees for specified
10 hunting, fishing, and recreational uses and activities are
11 required:

12 (a) An annual Florida waterfowl permit for a resident
13 or nonresident to take wild ducks or geese within the state or
14 its coastal waters is \$3.

15 (b) An annual Florida turkey permit for a resident or
16 nonresident to take wild turkeys within the state is \$5.

17 (c) An annual snook permit for a resident or
18 nonresident to take or possess any snook from any waters of
19 the state is \$2. Revenue generated from the sale of snook
20 permits shall be used exclusively for programs to benefit the
21 snook population.

22 (d) An annual crawfish permit for a resident or
23 nonresident to take or possess any crawfish for recreational
24 purposes from any waters of the state is \$2. Revenue
25 generated from the sale of crawfish permits shall be used
26 exclusively for programs to benefit the crawfish population.

27 (e) An annual muzzle-loading gun permit for a resident
28 or nonresident to hunt within the state with a muzzle-loading
29 gun is \$5. Hunting with a muzzle-loading gun is limited to
30 game seasons in which hunting with a modern firearm is not
31 authorized by the commission.

1 (f) An annual archery permit for a resident or
2 nonresident to hunt within the state with a bow and arrow is
3 \$5. Hunting with an archery permit is limited to those game
4 seasons in which hunting with a firearm is not authorized by
5 the commission.

6 (g) A special use permit for a resident or nonresident
7 to participate in limited entry hunting or fishing activities
8 as authorized by commission rule shall not exceed \$100 per day
9 or \$250 per week. Notwithstanding any other provision of this
10 chapter, there are no exclusions, exceptions, or exemptions
11 from this permit fee. In addition to the permit fee, the
12 commission may charge each special use permit applicant a
13 nonrefundable application fee not to exceed \$10.

14 (h)1. A management area permit for a resident or
15 nonresident to hunt on, fish on, or otherwise use for outdoor
16 recreational purposes land owned, leased, or managed by the
17 commission, or by the state for the use and benefit of the
18 commission, shall not exceed \$25 per year.

19 2. Permit fees for short-term use of land that is
20 owned, leased, or managed by the commission may be established
21 by rule of the commission for activities on such lands. Such
22 permits may be in lieu of, or in addition to, the annual
23 management area permit authorized in subparagraph 1.

24 3. Other than for hunting or fishing, the provisions
25 of this paragraph shall not apply on any lands not owned by
26 the commission, unless the commission has obtained the written
27 consent of the owner or primary custodian of such lands.

28 (i)1. A recreational user permit is required to hunt
29 on, fish on, or otherwise use for outdoor recreational
30 purposes land leased by the commission from private
31 nongovernmental owners, except for those lands located

1 directly north of the Apalachicola National Forest, east of
2 the Ochlocknee River until the point the river meets the dam
3 forming Lake Talquin, and south of the closest federal
4 highway. The fee for a recreational user permit shall be
5 based upon the economic compensation desired by the landowner,
6 game population levels, desired hunter density, and
7 administrative costs. The permit fee shall be set by
8 commission rule on a per-acre basis. The recreational user
9 permit fee, less administrative costs of up to \$25 per permit,
10 shall be remitted to the landowner as provided in the lease
11 agreement for each area.

12 2. One minor dependent, 16 years of age or younger,
13 may hunt under the supervision of the permittee and is exempt
14 from the recreational user permit requirements. The spouse
15 and dependent children of a permittee are exempt from the
16 recreational user permit requirements when engaged in outdoor
17 recreational activities other than hunting and when
18 accompanied by a permittee. Notwithstanding any other
19 provision of this chapter, no other exclusions, exceptions, or
20 exemptions from the recreational user permit fee are
21 authorized.

22 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

23 (a) Five-year licenses are available for residents
24 only, as follows:

25 1. A 5-year freshwater fishing or saltwater fishing
26 license is \$60 for each type of license and authorizes the
27 person to whom the license is issued to take or attempt to
28 take or possess freshwater fish or saltwater fish consistent
29 with the state and federal laws and regulations and rules of
30 the commission in effect at the time of taking.

31

1 2. A 5-year hunting license is \$55 and authorizes the
2 person to whom it is issued to take or attempt to take or
3 possess game consistent with the state and federal laws and
4 regulations and rules of the commission in effect at the time
5 of taking.

6 3. The commission is authorized to sell the hunting,
7 fishing, and recreational activity permits authorized in
8 subsection (8) for a 5-year period to match the purchase of
9 5-year fishing and hunting licenses. The fee for each permit
10 issued under this paragraph shall be five times the annual
11 cost established in subsection (8).

12 (b) Proceeds from the sale of all 5-year licenses and
13 permits shall be deposited into the Dedicated License Trust
14 Fund, to be distributed in accordance with the provisions of
15 s. 372.106.

16 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
17 LICENSES.--

18 (a) Lifetime freshwater fishing licenses or saltwater
19 fishing licenses are available for residents only, as follows,
20 for:

21 1. Persons 4 years of age or younger, for a fee of
22 \$125.

23 2. Persons 5 years of age or older, but under 13 years
24 of age, for a fee of \$225.

25 3. Persons 13 years of age or older, for a fee of
26 \$300.

27 (b) The following activities are authorized by the
28 purchase of a lifetime freshwater fishing license:

29 1. Taking, or attempting to take or possess,
30 freshwater fish consistent with the state and federal laws and
31

1 regulations and rules of the commission in effect at the time
2 of the taking.

3 2. All activities authorized by a management area
4 permit, excluding hunting.

5 (c) The following activities are authorized by the
6 purchase of a lifetime saltwater fishing license:

7 1. Taking, or attempting to take or possess, saltwater
8 fish consistent with the state and federal laws and
9 regulations and rules of the commission in effect at the time
10 of the taking.

11 2. All activities authorized by a snook permit and a
12 crawfish permit.

13 3. All activities for which an additional license,
14 permit, or fee is required to take or attempt to take or
15 possess saltwater fish, which additional license, permit, or
16 fee was imposed subsequent to the date of the purchase of the
17 lifetime saltwater fishing license.

18 (11) RESIDENT LIFETIME HUNTING LICENSES.--

19 (a) Lifetime hunting licenses are available to
20 residents only, as follows, for:

21 1. Persons 4 years of age or younger, for a fee of
22 \$200.

23 2. Persons 5 years of age or older, but under 13 years
24 of age, for a fee of \$350.

25 3. Persons 13 years of age or older, for a fee of
26 \$500.

27 (b) The following activities are authorized by the
28 purchase of a lifetime hunting license:

29 1. Taking, or attempting to take or possess, game
30 consistent with the state and federal laws and regulations and
31 rules of the commission in effect at the time of the taking.

1 2. All activities authorized by a muzzle-loading gun
2 permit, a turkey permit, an archery permit, a Florida
3 waterfowl permit, and a management area permit, excluding
4 fishing.
5 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--
6 (a) Lifetime sportsman's licenses are available to
7 residents only, as follows, for:
8 1. Persons 4 years of age or younger, for a fee of
9 \$400.
10 2. Persons 5 years of age or older, but under 13 years
11 of age, for a fee of \$700.
12 3. Persons 13 years of age or older, for a fee of
13 \$1,000.
14 (b) The following activities are authorized by the
15 purchase of a lifetime sportsman's license:
16 1. Taking, or attempting to take or possess,
17 freshwater and saltwater fish, and game, consistent with the
18 state and federal laws and regulations and rules of the
19 commission in effect at the time of taking.
20 2. All activities authorized by a management area
21 permit, a muzzle-loading gun permit, a turkey permit, an
22 archery permit, a Florida waterfowl permit, a snook permit,
23 and a crawfish permit.
24 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The
25 proceeds from the sale of all lifetime licenses authorized in
26 this section shall be deposited into the Lifetime Fish and
27 Wildlife Trust Fund, to be distributed as provided in s.
28 372.105.
29 (14) RECIPROCAL FEE AGREEMENTS.--The commission is
30 authorized to reduce the fees for licenses and permits under
31 this section for residents of those states with which the

1 commission has entered into reciprocal agreements with respect
2 to such fees.

3 (15) FREE FISHING DAYS.--The commission may designate
4 by rule no more than 2 consecutive or nonconsecutive days in
5 each year as free freshwater fishing days and no more than 2
6 consecutive or nonconsecutive days in each year as free
7 saltwater fishing days. Notwithstanding any other provision
8 of this chapter, any person may take freshwater fish for
9 noncommercial purposes on a free freshwater fishing day and
10 may take saltwater fish for noncommercial purposes on a free
11 saltwater fishing day, without obtaining or possessing a
12 license or permit or paying a license or permit fee as
13 prescribed in this section. A person who takes freshwater or
14 saltwater fish on a free fishing day must comply with all
15 laws, rules, and regulations governing the holders of a
16 fishing license or permit and all other conditions and
17 limitations regulating the taking of freshwater or saltwater
18 fish as are imposed by law or rule.

19 Section 16. Section 370.0608, Florida Statutes, is
20 renumbered as section 372.5701, Florida Statutes, and amended
21 to read:

22 372.5701 ~~370.0608~~ Deposit of license fees; allocation
23 of federal funds.--

24 (1) Except as provided in ss. 372.105 and 372.106, all
25 saltwater license and permit fees collected pursuant to s.
26 372.57 ~~All license fees collected pursuant to s. 370.0605~~
27 shall be deposited into the Marine Resources Conservation
28 Trust Fund, to be used as follows:

29 (a) Not more than 7.5 percent of the total fees
30 collected shall be used for administration of the licensing
31 program and for information and education. ~~Not more than 5~~

1 ~~percent of the total fees collected shall be used to carry out~~
2 ~~the responsibilities of the Fish and Wildlife Conservation~~
3 ~~Commission and to provide for the award of funds to marine~~
4 ~~research institutions in this state for the purposes of~~
5 ~~enabling such institutions to conduct worthy marine research~~
6 ~~projects.~~

7 (b) Not less than 30 percent of the total fees
8 collected shall be used for law enforcement.~~Not less than 2.5~~
9 ~~percent of the total fees collected shall be used for aquatic~~
10 ~~education purposes.~~

11 (c) Not less than 32.5 percent of the total fees
12 collected shall be used for marine research and management.

13 ~~1. The remainder of such fees shall be used by the~~
14 ~~department for the following program functions:~~

15 a. ~~Not more than 5 percent of the total fees~~
16 ~~collected, for administration of the licensing program and for~~
17 ~~information and education.~~

18 b. ~~Not more than 30 percent of the total fees~~
19 ~~collected, for law enforcement.~~

20 c. ~~Not less than 27.5 percent of the total fees~~
21 ~~collected, for marine research.~~

22 ~~(d)~~d. Not less than 30 percent of the total fees
23 collected, for fishery enhancement, including, but not limited
24 to, fishery statistics development, artificial reefs, and fish
25 hatcheries.

26 ~~(2)~~2. The Legislature shall annually appropriate to
27 the commission from the General Revenue Fund for the
28 activities and programs specified in subsection (1)
29 ~~subparagraph 1.~~at least the same amount of money as was
30 appropriated to the Department of Environmental Protection
31 from the General Revenue Fund for such activities and programs

1 for fiscal year 1988-1989, and the amounts appropriated to the
2 commission for such activities and programs from the Marine
3 Resources Conservation Trust Fund shall be in addition to the
4 amount appropriated to the commission for such activities and
5 programs from the General Revenue Fund. The proceeds from
6 recreational saltwater fishing license fees paid by fishers
7 shall only be appropriated to the commission.

8 (3)~~(2)~~ Funds available from the Wallop-Breaux Aquatic
9 Resources Trust Fund shall be distributed by the commission
10 between the Division of Freshwater Fisheries and the Division
11 of Marine Fisheries in proportion to the numbers of resident
12 fresh and saltwater anglers as determined by the most current
13 data on license sales. Unless otherwise provided by federal
14 law, the commission, at a minimum, shall provide the
15 following:

16 (a) Not less than 5 percent or more than 10 percent of
17 the funds allocated to the commission shall be expended for an
18 aquatic resources education program; and

19 (b) Not less than 10 percent of the funds allocated to
20 the commission shall be expended for acquisition, development,
21 renovation, or improvement of boating facilities.

22 ~~(3) All license fees collected pursuant to s. 370.0605~~
23 ~~shall be transferred to the Marine Resources Conservation~~
24 ~~Trust Fund within 7 days following the last business day of~~
25 ~~the week in which the license fees were received by the~~
26 ~~commission. One-fifth of the total proceeds derived from the~~
27 ~~sale of 5-year licenses and replacement 5-year licenses, and~~
28 ~~all interest derived therefrom, shall be available for~~
29 ~~appropriation annually.~~

30
31

1 Section 17. Section 370.0609, Florida Statutes, is
2 renumbered as section 372.5702, Florida Statutes, and amended
3 to read:

4 372.5702 ~~370.0609~~ Expenditure of funds.--Any moneys
5 available pursuant to s. 372.5701(1)(c) may ~~370.0608(1)(c)1.c.~~
6 shall be expended by the ~~Fish and Wildlife Conservation~~
7 commission within Florida through grants and contracts for
8 research with research institutions including but not limited
9 to: Florida Sea Grant; Florida Marine Resources Council;
10 Harbour Branch Oceanographic Institute; Technological Research
11 and Development Authority; Florida Marine Research Institute
12 of the Fish and Wildlife Conservation Commission; ~~Indian River~~
13 ~~Region Research Institute~~; Mote Marine Laboratory; Marine
14 Resources Development Foundation; Florida Institute of
15 Oceanography; ~~and~~ Rosentiel School of Marine and Atmospheric
16 Science; and Smithsonian Marine Station at Ft. Pierce.

17 Section 18. Section 370.062, Florida Statutes, is
18 renumbered as section 372.5704, Florida Statutes, and
19 subsections (1) and (9) of said section are amended to read:

20 372.5704 ~~370.062~~ Fish and Wildlife Conservation
21 Commission license program for tarpon; fees; penalties.--

22 (1) The ~~Fish and Wildlife Conservation~~ commission
23 shall establish a license program for the purpose of issuing
24 tags to individuals desiring to harvest tarpon (*megalops*
25 *atlantica*) from the waters of the state ~~of Florida~~. The tags
26 shall be nontransferable, except that the commission may allow
27 for a limited number of tags to be purchased by professional
28 fishing guides for transfer to individuals, and issued by the
29 commission in order of receipt of a properly completed
30 application for a nonrefundable fee of \$50 per tag. The
31 commission and any tax collector may sell the tags and collect

1 the fees therefor. Tarpon tags are valid from July 1 through
2 June 30. Before August 15 5 of each year, each tax collector
3 shall submit to the commission all unissued tags for the
4 previous fiscal ~~calendar~~ year along with a written audit
5 report, on forms prescribed or approved by the commission, as
6 to the numbers of the unissued tags. To defray the cost of
7 issuing any tag, the issuing tax collector shall collect and
8 retain as his or her costs, in addition to the tag fee
9 collected, the amount allowed under s. 372.561(6)~~(4)~~ for the
10 issuance of licenses.

11 ~~(9) All tag fees collected by the commission shall be~~
12 ~~transferred to the Marine Resources Conservation Trust Fund~~
13 ~~within 7 days following the last business day of the week in~~
14 ~~which the fees were received by the commission.~~

15 Section 19. Section 372.571, Florida Statutes, is
16 amended to read:

17 372.571 Expiration of licenses and permits.--Each
18 license or permit issued under this chapter must be dated when
19 issued. Each license or permit issued under this chapter
20 remains valid for 12 months after the date of issuance, except
21 for a lifetime license issued pursuant to s. 372.57 which is
22 valid from the date of issuance until the death of the
23 individual to whom the license is issued unless otherwise
24 revoked in accordance with s. 372.99, or a 5-year license
25 issued pursuant to s. 372.57 which is valid for 5 consecutive
26 years from the date of purchase unless otherwise revoked in
27 accordance with s. 372.99, or a license issued pursuant to s.
28 372.57(5)(a), (b), (c), or (f) or (8)(g) or (h)2.~~(2)(b) or~~
29 ~~(g)~~, which is valid for the period specified on the license.
30 A resident lifetime license or a resident 5-year license that
31 has been purchased by a resident of this state and who

1 subsequently resides in another state shall be honored for
2 activities authorized by that license.

3 Section 20. Subsection (1) of section 372.5712,
4 Florida Statutes, is amended to read:

5 372.5712 Florida waterfowl permit revenues.--

6 (1) The commission shall expend the revenues generated
7 from the sale of the Florida waterfowl permit as provided in
8 s. 372.57(8)(a) or that pro rata portion of any license
9 that includes waterfowl hunting privileges, as provided in s.
10 372.57(4)(h) and (i) and (9)(a)3.(2)(k) and (14)(b) as
11 follows: A maximum of 5 percent of the gross revenues shall
12 be expended for administrative costs; a maximum of 25 percent
13 of the gross revenues shall be expended for waterfowl research
14 approved by the commission; and a maximum of 70 percent of the
15 gross revenues shall be expended for projects approved by the
16 commission, in consultation with the Waterfowl Advisory
17 Council, for the purpose of protecting and propagating
18 migratory waterfowl and for the development, restoration,
19 maintenance, and preservation of wetlands within the state.

20 Section 21. Subsection (1) of section 372.5715,
21 Florida Statutes, is amended to read:

22 372.5715 Florida wild turkey permit revenues.--

23 (1) The commission shall expend the revenues generated
24 from the sale of the turkey permit as provided for in s.
25 372.57(8)(b)(4)(e) or that pro rata portion of any license
26 that includes turkey hunting privileges as provided for in s.
27 372.57(4)(h) and (i)(2)(k) and (14)(b) for research and
28 management of wild turkeys.

29 Section 22. Subsection (7) of section 372.5717,
30 Florida Statutes, is amended to read:

31

1 372.5717 Hunter safety course; requirements;
2 penalty.--

3 (7) The hunter safety requirements of this section do
4 not apply to persons for whom licenses are not required under
5 s. 372.562(2)~~372.57(1)~~.

6 Section 23. Section 372.573, Florida Statutes, is
7 amended to read:

8 372.573 Management area permit revenues.--The
9 commission shall expend the revenue generated from the sale of
10 the management area permit as provided for in s. 372.57(8)(h)
11 ~~(4)(b)~~ or that pro rata portion of any license that includes
12 management area privileges as provided for in s. 372.57(4)(h)
13 and (i)(2)(i) and (14)(b) for the lease, management, and
14 protection of lands for public hunting, fishing, and other
15 outdoor recreation.

16 Section 24. Paragraph (h) of subsection (1) and
17 paragraphs (e) and (i) of subsection (2) of section 372.574,
18 Florida Statutes, are amended to read:

19 372.574 Appointment of subagents for the sale of
20 hunting, fishing, and trapping licenses and permits.--

21 (1) A county tax collector who elects to sell licenses
22 and permits may appoint any person as a subagent for the sale
23 of fishing, hunting, and trapping licenses and permits that
24 the tax collector is allowed to sell. The following are
25 requirements for subagents:

26 (h) A subagent shall weekly submit payment for and
27 report the sale of licenses and permits ~~to the tax collector~~
28 ~~as prescribed by the tax collector but no less frequently than~~
29 ~~monthly~~.

30 (2) If a tax collector elects not to appoint
31 subagents, the commission may appoint subagents within that

1 county. Subagents shall serve at the pleasure of the
2 commission. The commission may establish, by rule, procedures
3 for selection of subagents. The following are requirements
4 for subagents so appointed:

5 (e) A subagent may charge and receive as his or her
6 compensation 50 cents for each license or permit sold. This
7 charge is in addition to the sum required by law to be
8 collected for the sale and issuance of each license or permit.

9 ~~In addition, no later than July 1, 1997, a subagent fee for~~
10 ~~the sale of licenses over the telephone by credit card shall~~
11 ~~be established by competitive bid procedures which are~~
12 ~~overseen by the Fish and Wildlife Conservation Commission. A~~
13 ~~fee for electronic license sales may be established by~~
14 ~~competitive bid procedures that are overseen by the Fish and~~
15 ~~Wildlife Conservation Commission.~~

16 ~~(i) By July 15 of each year, each subagent shall~~
17 ~~submit to the commission all unissued stamps for the previous~~
18 ~~year along with a written audit report, on forms prescribed or~~
19 ~~approved by the commission, on the numbers of the unissued~~
20 ~~stamps.~~

21 Section 25. Paragraph (a) of subsection (1) and
22 subsection (2) of section 372.65, Florida Statutes, are
23 amended to read:

24 372.65 Freshwater fish dealer's license.--

25 (1) No person shall engage in the business of taking
26 for sale or selling any frogs or freshwater fish, including
27 live bait, of any species or size, or importing any exotic or
28 nonindigenous fish, until such person has obtained a license
29 and paid the fee therefor as set forth herein. The license
30 issued shall be in the possession of the person to whom issued
31 while such person is engaging in the business of taking for

1 sale or selling freshwater fish or frogs, is not transferable,
2 shall bear on its face in indelible ink the name of the person
3 to whom it is issued, and shall be affixed to a license
4 identification card issued by the commission. Such license is
5 not valid unless it bears the name of the person to whom it is
6 issued and is so affixed. The failure of such person to
7 exhibit such license to the commission or any of its wildlife
8 officers when such person is found engaging in such business
9 is a violation of law. The license fees and activities
10 permitted under particular licenses are as follows:

11 (a) The fee for a resident commercial fishing license,
12 which permits a resident to take freshwater fish or frogs by
13 any lawful method prescribed by the commission and to sell
14 such fish or frogs, shall be \$25. The license provided for in
15 this paragraph shall also allow noncommercial fishing as
16 provided by law and commission rules, and the license in s.
17 372.57(4)(2)(a) shall not be required.

18 ~~(2) The provisions of ss. 372.561 and 372.571, except~~
19 ~~those provisions relating to issuance without fee to certain~~
20 ~~classes of persons, shall apply to licenses issued under this~~
21 ~~section.~~

22 Section 26. Section 372.661, Florida Statutes, is
23 amended to read:

24 372.661 Private hunting preserve license fees;
25 license; exception.--

26 (1) Any person who operates a private hunting preserve
27 commercially or otherwise shall be required to pay a license
28 fee of \$25 for each such preserve; provided, however, that
29 during the open season established for wild game of any
30 species a private individual may take artificially propagated
31 game of such species up to the bag limit prescribed for the

1 particular species without being required to pay the license
2 fee required by this section; provided further that if any
3 such individual shall charge a fee for taking such game she or
4 he shall be required to pay the license fee required by this
5 section and to comply with the rules ~~and regulations~~ of the
6 ~~Fish and Wildlife Conservation~~ commission relative to the
7 operation of private hunting preserves.

8 (2) A commercial hunting preserve license, which shall
9 exempt patrons of licensed preserves from the license and
10 permit licensure requirements of s. 372.57(4)(c), (d), (f),
11 (h), and (i); (5)(f) and (g); (8)(a), (b), (e), and (f);
12 (9)(a)2.; (11); and (12)~~(2)(e), (f), (g), and (i), (4)(a),~~
13 ~~(c), (d), and (e), (7), (9), and (14)(b)~~while hunting on the
14 licensed preserve property, shall be \$500. Such commercial
15 hunting preserve license shall be available only to those
16 private hunting preserves licensed pursuant to this section
17 which are operated exclusively for commercial purposes, which
18 are open to the public, and for which a uniform fee is charged
19 to patrons for hunting privileges.

20 Section 27. Section 372.7015, Florida Statutes, as
21 amended by section 14 of chapter 2001-122, Laws of Florida, is
22 amended to read:

23 372.7015 Illegal killing, taking, possessing, or
24 selling wildlife or game; fines; disposition of fines.--In
25 addition to any other penalty provided by law, any person who
26 violates the criminal provisions of this chapter and rules
27 adopted pursuant to this chapter by illegally killing, taking,
28 possessing, or selling game or fur-bearing animals as defined
29 in s. 372.001(10) or (11)~~(3) or (4)~~in or out of season while
30 violating chapter 810 shall pay a fine of \$250 for each such
31 violation, plus court costs and any restitution ordered by the

1 court. All fines collected under this section shall be
2 remitted by the clerk of the court to the Department of
3 Revenue to be deposited into the Fish and Wildlife
4 Conservation Commission's State Game Trust Fund.

5 Section 28. Paragraph (a) of subsection (2) of section
6 372.7016, Florida Statutes, is amended to read:

7 372.7016 Voluntary Authorized Hunter Identification
8 Program.--

9 (2) Any person hunting on private land enrolled in the
10 Voluntary Authorized Hunter Identification Program shall have
11 readily available on the land at all times when hunting on the
12 property written authorization from the owner or his or her
13 authorized representative to be on the land for the purpose of
14 hunting. The written authorization shall be presented on
15 demand to any law enforcement officer, the owner, or the
16 authorized agent of the owner.

17 (a) For purposes of this section, the term "hunting"
18 means to be engaged in or reasonably equipped to engage in the
19 pursuit or taking by any means of any animal described in s.
20 372.001(10) or (11)~~(3) or (4)~~, and the term "written
21 authorization" means a card, letter, or other written
22 instrument which shall include, but need not be limited to,
23 the name of the person or entity owning the property, the name
24 and signature of the person granting the authorization, a
25 description by township, range, section, partial section, or
26 other geographical description of the land to which the
27 authorization applies, and a statement of the time period
28 during which the authorization is valid.

29 Section 29. Subsection (1) of section 372.711, Florida
30 Statutes, is reenacted, and subsection (8) is added to said
31 section, to read:

1 372.711 Noncriminal infractions.--
2 (1) Any person cited for committing a noncriminal
3 infraction specified in s. 372.83 shall be cited to appear
4 before the county court. The civil penalty for any
5 noncriminal infraction involving the license and permit
6 requirements of s. 372.57 is \$50, in addition to the cost of
7 the amount of the license or permit involved in the
8 infraction, except as otherwise provided in this section. The
9 civil penalty for any other noncriminal infraction is \$50,
10 except as otherwise provided in this section.

11 (8) A person charged with violating the requirement
12 for personal possession of a license or permit under s. 372.57
13 may not be convicted if, prior to or at the time of a court or
14 hearing appearance, the person produces the required license
15 or permit for verification by the hearing officer or court
16 clerk. The license or permit must have been issued to the
17 person charged with committing the violation and must have
18 been valid at the time the violation occurred. The clerk of
19 the court may assess a fee of \$5 to cover the costs of a case
20 under this subsection.

21 Section 30. Paragraph (h) of subsection (1) of section
22 372.83, Florida Statutes, is reenacted to read:

23 372.83 Noncriminal infractions; criminal penalties;
24 suspension and revocation of licenses and permits.--

25 (1) A person is guilty of a noncriminal infraction,
26 punishable as provided in s. 372.711, if she or he violates
27 any of the following provisions:

28 (h) Section 372.57, relating to hunting, fishing, and
29 trapping licenses.

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1 A person who fails to pay the civil penalty specified in s.
2 372.711 within 30 days after being cited for a noncriminal
3 infraction or to appear before the court pursuant to that
4 section is guilty of a misdemeanor of the second degree,
5 punishable as provided in s. 775.082 or s. 775.083.

6 Section 31. Subsections (1), (2), and (4) of section
7 372.921, Florida Statutes, are amended, subsection (9) is
8 renumbered as subsection (10), and a new subsection (9) is
9 added to said section, to read:

10 372.921 Exhibition of wildlife.--

11 (1) In order to provide humane treatment and sanitary
12 surroundings for wild animals kept in captivity, no person,
13 firm, corporation, or association shall have, or be in
14 possession of, in captivity for the purpose of public display
15 with or without charge or for public sale any wildlife,
16 specifically birds, mammals, amphibians, and reptiles, whether
17 indigenous to Florida or not, without having first secured a
18 permit from the ~~Fish and Wildlife Conservation~~ commission
19 authorizing such person, firm, or corporation to have in its
20 possession in captivity the species and number of wildlife
21 specified within such permit; however, this section does not
22 apply to any wildlife not protected by law and the rules
23 ~~regulations~~ of the ~~Fish and Wildlife Conservation~~ commission.

24 (2) The fees to be paid for the issuance of permits
25 for the exhibition of wildlife required by subsection (1)
26 shall be as follows:

27 (a) For not more than 10 Class I, Class II, or Class
28 III individual specimens in the aggregate of all species, the
29 sum of \$5 per annum.

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1 (b) For over 10 Class I, Class II, or Class III
2 individual specimens in the aggregate of all species, the sum
3 of \$25 per annum.

4
5 The fees prescribed by this subsection ~~section~~ shall be
6 submitted to the ~~Fish and Wildlife Conservation~~ commission
7 with the application for permit required by subsection (1) and
8 shall be deposited in the State Game Trust Fund.

9 (4) Permits issued pursuant to this section and places
10 where wildlife is kept or held in captivity shall be subject
11 to inspection by officers of the ~~Fish and Wildlife~~
12 ~~Conservation~~ commission at all times. The commission shall
13 have the power to release or confiscate any specimens of any
14 wildlife, specifically birds, mammals, amphibians, or
15 reptiles, whether indigenous to the state or not, when it is
16 found that conditions under which they are being confined are
17 unsanitary, or unsafe to the public in any manner, or that the
18 species of wildlife are being maltreated, mistreated, or
19 neglected or kept in any manner contrary to the provisions of
20 chapter 828, any such permit to the contrary notwithstanding.
21 Before any such wildlife is confiscated or released under the
22 authority of this section, the owner thereof shall have been
23 advised in writing of the existence of such unsatisfactory
24 conditions; the owner shall have been given 30 days in which
25 to correct such conditions; the owner shall have failed to
26 correct such conditions; the owner shall have had an
27 opportunity for a proceeding pursuant to chapter 120; and the
28 commission shall have ordered such confiscation or release
29 after careful consideration of all evidence in the particular
30 case in question. The final order of the commission shall
31 constitute final agency action.

1 (9) The commission is authorized to adopt rules
2 pursuant to ss. 120.536(1) and 120.54 to implement the
3 provisions of this section.

4 ~~(10)(9)~~ A violation of this section is punishable as
5 provided by s. 372.83.

6 Section 32. Subsections (2), (3), and (5) of section
7 372.922, Florida Statutes, are amended to read:

8 372.922 Personal possession of wildlife.--

9 (2) The classifications of types of wildlife and fees
10 to be paid for ~~the issuance of~~ permits for the personal
11 possession of wildlife shall be as follows:

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

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

16 (c) Class III--All other wildlife not included in
17 Class I or Class II, for which a no-cost permit must be
18 obtained from the commission.

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

27 (5) Any person, firm, corporation, or association
28 exhibiting or selling wildlife and being duly permitted as
29 provided by s. 372.921 shall be exempt from the fee
30 requirement to receive ~~obtain~~ a permit under ~~the provisions of~~
31 this section.

1 Section 33. Subsection (3) of section 705.101, Florida
2 Statutes, is amended to read:

3 705.101 Definitions.--As used in this chapter:

4 (3) "Abandoned property" means all tangible personal
5 property that does not have an identifiable owner and that has
6 been disposed on public property in a wrecked, inoperative, or
7 partially dismantled condition or has no apparent intrinsic
8 value to the rightful owner. ~~However, Vessels~~ determined to be
9 derelict by the Fish and Wildlife Conservation Commission or a
10 county or municipality in accordance with the provisions of s.
11 823.11 are ~~not~~ included within this definition.

12 Section 34. Paragraph (g) of subsection (2) of section
13 810.09, Florida Statutes, is amended to read:

14 810.09 Trespass on property other than structure or
15 conveyance.--

16 (2)

17 (g) Any person who in taking or attempting to take any
18 animal described in s. 372.001(10) or (11)~~(3) or (4)~~, or in
19 killing, attempting to kill, or endangering any animal
20 described in s. 585.01(13) knowingly propels or causes to be
21 propelled any potentially lethal projectile over or across
22 private land without authorization commits trespass, a felony
23 of the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084. For purposes of this paragraph, the
25 term "potentially lethal projectile" includes any projectile
26 launched from any firearm, bow, crossbow, or similar tensile
27 device. This section shall not apply to any governmental
28 agent or employee acting within the scope of his or her
29 official duties.

30 Section 35. Sections 370.0605, 370.0615, 370.1111,
31 subsections (10) and (11) of section 370.14, subsection (4) of

1 section 372.05, and section 372.06, Florida Statutes, are
2 repealed.
3 Section 36. This act shall take effect July 1, 2002.
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