

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; amending s. 372.561, F.S.;
8 effective July 1, 2003; revising amounts tax
9 collectors may retain for the sale of licenses
10 and permits; creating s. 372.562, F.S.;
11 providing exemptions from recreational license
12 and permit fees and requirements; creating an
13 exemption for commission employees in the
14 performance of duties; creating an exemption
15 for persons authorized by commission permit;
16 amending s. 372.57, F.S.; revising and
17 reorganizing provisions specifying fees and
18 requirements for recreational licenses,
19 permits, and authorization numbers, including
20 hunting licenses, saltwater and freshwater
21 fishing licenses, 5-year licenses, and lifetime
22 licenses; creating an annual gold sportsman's
23 license; providing for pier licenses and
24 recreational vessel licenses, and providing
25 fees therefor; providing for snook permits and
26 crawfish permits; providing permit fees and
27 providing for the use of revenues therefrom;
28 renumbering and amending s. 370.0608, F.S.;
29 providing for the deposit of saltwater licenses
30 and fees into the Marine Resources Conservation
31 Trust Fund; revising purposes for which

1 licenses and fees may be used; renumbering and
2 amending s. 370.0609, F.S.; providing for the
3 expenditure of funds through grants and
4 contracts to specified research institutes;
5 renumbering and amending s. 370.062, F.S.,
6 relating to issuance of license tags for
7 harvesting tarpon; modifying date for tax
8 collector's return of unissued tags; deleting
9 provisions relating to transfer of tag fees to
10 the Marine Resources Conservation Trust Fund
11 within a specified period; amending s. 372.574,
12 F.S.; conforming subagent duties and reporting
13 requirements; amending s. 372.574, F.S.;
14 effective July 1, 2003; repealing tax
15 collectors' authority to appoint subagents;
16 clarifying the authority of the Fish and
17 Wildlife Conservation Commission to select and
18 appoint subagents; amending s. 372.661, F.S.;
19 clarifying provisions relating to private
20 hunting preserves; correcting a cross
21 reference; amending s. 372.711, F.S.; providing
22 for dismissal of violations of license or
23 permit possession requirements under certain
24 conditions; authorizing a dismissal fee under
25 certain conditions; reenacting ss. 372.711(1)
26 and 372.83(1)(h), F.S.; reenacting provisions
27 referencing penalties for violations of
28 hunting, fishing, and trapping license and
29 permit requirements; amending s. 372.921, F.S.;
30 including amphibians in provisions relating to
31 exhibition of wildlife; providing rulemaking

1 authority; providing a penalty; amending s.
2 372.922, F.S.; clarifying classifications of
3 types of wildlife; requiring a permit for
4 personal possession; providing a fee exemption
5 for personal possession of wildlife by an
6 exhibitor or seller; amending s. 705.101, F.S.;
7 including derelict vessels within the
8 definition of "abandoned property"; amending
9 ss. 212.06, 215.20, 370.0603, 370.063, 372.571,
10 372.5712, 372.5715, 372.5717, 372.573, 372.65,
11 372.7015, 372.7016, and 810.09, F.S.;
12 correcting cross references; deleting obsolete
13 language; repealing s. 370.0605, F.S., relating
14 to saltwater fishing licenses and fees;
15 repealing s. 370.0615, F.S., relating to
16 lifetime saltwater fishing licenses; repealing
17 s. 370.1111, F.S., relating to snook fishing
18 permits; repealing s. 370.14(10) and (11),
19 F.S., relating to recreational crawfish taking
20 permits and issuance of a crawfish stamp;
21 repealing s. 372.05(4), F.S., relating to
22 duties of the executive director of the
23 commission; repealing s. 372.06, F.S., relating
24 to meetings of the commission; amending s.
25 372.27, F.S.; authorizing persons to fish in a
26 portion of the Rainbow River; providing an
27 exception for a portion of the Rainbow River
28 within the Rainbow Springs State Park;
29 repealing s. 372.60, F.S.; effective July 1,
30 2003; relating to the issuance of replacement
31 licenses; providing effective dates.

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

2

3 Section 1. Paragraph (b) of subsection (8) of section
4 212.06, Florida Statutes, is amended to read:

5 212.06 Sales, storage, use tax; collectible from
6 dealers; "dealer" defined; dealers to collect from purchasers;
7 legislative intent as to scope of tax.--

8 (8)

9 (b) The presumption that tangible personal property
10 used in another state, territory of the United States, or the
11 District of Columbia for 6 months or longer before being
12 imported into this state was not purchased for use in this
13 state does not apply to any boat for which a saltwater fishing
14 license fee is required to be paid pursuant to s. 372.57(7)
15 ~~370.0605(2)(b)1., 2., or 3.~~, either directly or indirectly,
16 for the purpose of taking, attempting to take, or possessing
17 any saltwater ~~marine~~ fish for noncommercial purposes. Use tax
18 shall apply and be due on such a boat as provided in this
19 paragraph, and proof of payment of such tax must be presented
20 prior to the first such licensure of the boat, registration of
21 the boat pursuant to chapter 328, and titling of the boat
22 pursuant to chapter 328. A boat that is first licensed within
23 1 year after purchase shall be subject to use tax on the full
24 amount of the purchase price; a boat that is first licensed in
25 the second year after purchase shall be subject to use tax on
26 90 percent of the purchase price; a boat that is first
27 licensed in the third year after purchase shall be subject to
28 use tax on 80 percent of the purchase price; a boat that is
29 first licensed in the fourth year after purchase shall be
30 subject to use tax on 70 percent of the purchase price; a boat
31 that is first licensed in the fifth year after purchase shall

1 be subject to use tax on 60 percent of the purchase price; and
2 a boat that is first licensed in the sixth year after
3 purchase, or later, shall be subject to use tax on 50 percent
4 of the purchase price. If the purchaser fails to provide the
5 purchase invoice on such boat, the fair market value of the
6 boat at the time of importation into this state shall be used
7 to compute the tax.

8 Section 2. Paragraph (1) of subsection (4) of section
9 215.20, Florida Statutes, is amended to read:

10 215.20 Certain income and certain trust funds to
11 contribute to the General Revenue Fund.--

12 (4) The income of a revenue nature deposited in the
13 following described trust funds, by whatever name designated,
14 is that from which the deductions authorized by subsection (3)
15 shall be made:

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

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

22 327.73 Noncriminal infractions.--

23 (4) Any person charged with a noncriminal infraction
24 under this section may:

25 (a) Pay the civil penalty, either by mail or in
26 person, within 30 days of the date of receiving the citation;
27 or,

28 (b) If he or she has posted bond, forfeit bond by not
29 appearing at the designated time and location.
30
31

1 If the person cited follows either of the above procedures, he
2 or she shall be deemed to have admitted the noncriminal
3 infraction and to have waived the right to a hearing on the
4 issue of commission of the infraction. Such admission shall
5 not be used as evidence in any other proceedings. If a person
6 who is cited for a violation of s. 327.395 can show a boating
7 safety identification card issued to that person and valid at
8 the time of the citation, the clerk of the court may dismiss
9 the case and may assess a \$5 dismissal fee.

10 Section 4. Paragraph (c) of subsection (2) of section
11 370.0603, Florida Statutes, is amended to read:

12 370.0603 Marine Resources Conservation Trust Fund;
13 purposes.--

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

16 (c) All fees collected pursuant to ss. ~~370.062,~~
17 370.063, and 370.142, and 372.5704.

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

20 370.063 Special recreational crawfish license.--There
21 is created a special recreational crawfish license, to be
22 issued to qualified persons as provided by this section for
23 the recreational harvest of crawfish (spiny lobster) beginning
24 August 5, 1994.

25 (3) The holder of a special recreational crawfish
26 license must also possess the recreational crawfish permit
27 required by s. 372.57(8)(d)~~370.14(10)~~ and the license
28 ~~required by s. 370.0605.~~

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

31

1 370.25 Artificial reef program; grants and financial
2 and technical assistance to local governments.--

3 (1) An artificial reef program is created within the
4 ~~Fish and Wildlife Conservation~~ commission to enhance saltwater
5 opportunities and to promote proper management of fisheries
6 resources associated with artificial reefs for the public
7 interest. Under the program, the commission may provide grants
8 and financial and technical assistance to coastal local
9 governments, state universities, and nonprofit corporations
10 qualified under s. 501(c)(3) of the Internal Revenue Code for
11 the siting and development of artificial reefs as well as for
12 monitoring and evaluating such reefs and their recreational,
13 economic, and biological effectiveness. The commission is
14 authorized to accept title, on behalf of the state, to vessels
15 for use in the artificial reef program as offshore artificial
16 reefs.The program may be funded from state, federal, and
17 private contributions.

18 (3) The commission may adopt by rule criteria for
19 siting, constructing, managing, and evaluating the
20 effectiveness of artificial reefs placed in state or adjacent
21 federal waters and criteria implementing the transfer of
22 vessel titles to the state for use as an offshore artificial
23 reef, ~~consistent with this section.~~

24 Section 7. Section 372.001, Florida Statutes, is
25 amended to read:

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

28 372.001 Definitions.--In construing these statutes,
29 when applied to saltwater and freshwater fish, shellfish,
30 crustacea, sponges, wild birds, and wild animals, where the
31 context permits, the word, phrase, or term:

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

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

8 (3) "Commission" means the Fish and Wildlife
9 Conservation Commission.

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

15 (5) "Fish and game" includes all fresh and saltwater
16 fish, shellfish, crustacea, sponges, wild birds, and wild
17 animals.

18 (6) "Fish management area" means a pond, lake, or
19 other water within a county, or within several counties,
20 designated to improve fishing for public use, and established
21 and specifically circumscribed for authorized management by
22 the commission and the board of county commissioners of the
23 county in which such waters lie, under agreement between the
24 commission and an owner with approval by the board of county
25 commissioners or under agreement with the board of county
26 commissioners for use of public waters in the county in which
27 such waters lie.

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

31

1 (8) "Fresh water," except where otherwise provided by
2 law, includes all lakes, rivers, canals, and other waterways
3 of Florida, to such point or points where the fresh and salt
4 waters commingle to such an extent as to become unpalatable
5 and unfit for human consumption because of the saline content,
6 or to such point or points as may be fixed by order of the
7 commission by and with the consent of the board of county
8 commissioners of the county or counties to be affected by such
9 order. The Steinhatchee River shall be considered fresh water
10 from its source to mouth.

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

13 (10) "Fur-bearing animals" includes muskrat, mink,
14 raccoon, otter, civet cat, skunk, red and gray fox, and
15 opossum.

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

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

23 (13) "Open season" means that portion of the year
24 during which the laws of Florida for the preservation of fish
25 and game permit the taking of particular species of game or
26 varieties of fish.

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

30 (15) "Resident" means:
31

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

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

5 (16) "Take" means taking, attempting to take,
6 pursuing, hunting, molesting, capturing, or killing any
7 wildlife or freshwater fish, or their nests or eggs, by any
8 means, whether or not such actions result in obtaining
9 possession of such wildlife or freshwater fish or their nests
10 or eggs.

11 (17) "Transport" includes shipping, transporting,
12 carrying, importing, exporting, or receiving or delivering for
13 shipment, transportation, carriage, or export.

14 Section 8. Section 372.002, Florida Statutes, is
15 created to read:

16 372.002 Right to hunt and fish.--The Legislature
17 recognizes that hunting, fishing, and the taking of game are a
18 valued part of the cultural heritage of Florida and should be
19 forever preserved for Floridians. The Legislature further
20 recognizes that these activities play an important part in the
21 state's economy and in the conservation, preservation, and
22 management of the state's natural areas and resources.
23 Therefore, the Legislature intends that the citizens of
24 Florida have a right to hunt, fish, and take game, subject to
25 the regulations and restrictions prescribed by general law and
26 by s. 9, Art. IV of the State Constitution.

27 Section 9. Paragraph (b) of subsection (2) and
28 subsection (3) of section 372.105, Florida Statutes, are
29 amended to read:

30 372.105 Lifetime Fish and Wildlife Trust Fund.--

31

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

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

6 (3) The fund is declared to constitute a special trust
7 derived from a contractual relationship between the state and
8 the members of the public whose investments contribute to the
9 fund. In recognition of such special trust, the following
10 limitations and restrictions are placed on expenditures from
11 the funds:

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

14 (b) The interest income received and accruing from the
15 investments of proceeds from the sale of lifetime freshwater
16 fishing licenses and lifetime hunting licenses ~~the fund~~ shall
17 be spent in furtherance of the commission's ~~exercise of the~~
18 ~~regulatory and executive powers of the state with respect to~~
19 ~~the~~ management, protection, and conservation of wild animal
20 life and freshwater aquatic life as set forth in s. 9, Art. IV
21 of the State Constitution and this chapter and as otherwise
22 authorized by the Legislature.

23 (c) The interest income received and accruing from the
24 investments of proceeds from the sale of lifetime saltwater
25 fishing licenses shall be expended for marine law enforcement,
26 marine research, and marine fishery enhancement.

27 (d)~~(c)~~ No expenditures or disbursements from the
28 interest income derived from the sale of lifetime licenses
29 shall be made for any purpose until the respective holders of
30 such licenses attain the age of 16 years. The Fish and
31 Wildlife Conservation Commission as administrator of the fund

1 shall determine actuarially on an annual basis the amounts of
2 interest income within the fund which may be disbursed
3 pursuant to this paragraph. The director shall cause deposits
4 of proceeds from the sale of lifetime licenses to be
5 identifiable by the ages of the license recipients.

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

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

12 Section 10. Section 372.106, Florida Statutes, is
13 amended to read:

14 372.106 Dedicated License Trust Fund.--

15 (1) There is established within the Fish and Wildlife
16 Conservation Commission the Dedicated License Trust Fund. The
17 fund shall be credited with moneys collected pursuant to s.
18 ~~ss. 370.0605 and 372.57~~ for 5-year licenses and permits and
19 replacement 5-year licenses.

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

24 (b) One-fifth of the total proceeds from the sale of
25 5-year saltwater fishing licenses, permits, and replacement
26 licenses, and all interest derived therefrom, shall be
27 appropriated annually to the Marine Resources Conservation
28 Trust Fund.

29 (3)~~(2)~~ The fund shall be exempt from the provisions of
30 s. 215.20.

31

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

3 372.16 Private game preserves and farms; penalty.--

4 (1) Any person owning land in this state may, ~~after~~
5 ~~having secured a license therefor from the Fish and Wildlife~~
6 ~~Conservation Commission,~~ establish, maintain, and operate
7 within the boundaries thereof, a private preserve and farm,
8 not exceeding an area of 640 acres, for the protection,
9 preservation, propagation, rearing, and production of game
10 birds and animals for private and commercial purposes,
11 provided that no two game preserves shall join each other or
12 be connected. Before any private game preserve or farm is
13 established, the owner or operator shall secure a license from
14 the commission, the fee for which is \$5 per year.

15 (4) Any person violating ~~the provisions of this~~
16 section ~~shall~~ for the first offense commits ~~be guilty of~~ a
17 misdemeanor of the second degree, punishable as provided in s.
18 775.082 or s. 775.083, and for a second or subsequent offense
19 commits ~~shall be guilty of~~ a misdemeanor of the first degree,
20 punishable as provided in s. 775.082 or s. 775.083. Any
21 person convicted of violating ~~the provisions of this section~~
22 shall forfeit, ~~to the Fish and Wildlife Conservation~~
23 ~~commission,~~ any license or permit issued under this section
24 ~~the provisions hereof;~~ and no further license or permit shall
25 be issued to such person for a period of 1 year following such
26 conviction. ~~Before any private game preserve or farm is~~
27 ~~established, the owner or operator shall secure a license from~~
28 ~~the Fish and Wildlife Conservation Commission, the fee for~~
29 ~~which shall be \$5 per year.~~

30 Section 12. Section 372.551, Florida Statutes, is
31 created to read:

1 372.551 Competitive bidding for certain sale of
2 licenses and permits and the issuance of authorization
3 numbers.--The commission is authorized to establish the
4 following, using competitive bidding procedures:

5 (1) A process and a vendor fee for the sale of
6 licenses and permits, and the issuance of authorization
7 numbers, over the telephone.

8 (2) A process and a vendor fee for the electronic sale
9 of licenses and permits and for the electronic issuance of
10 authorization numbers.

11 Section 13. Section 372.561, Florida Statutes, is
12 amended to read:

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

15 372.561 Recreational licenses, permits, and
16 authorization numbers to take wild animal life, freshwater
17 aquatic life, and marine life; issuance; costs; reporting.--

18 (1) This section applies to all recreational licenses
19 and permits and to any authorization numbers issued by the
20 commission for the use of such recreational licenses or
21 permits.

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

24 (3) The commission shall issue a license, permit, or
25 authorization number to take wild animal life, freshwater
26 aquatic life, or marine life when an applicant provides proof
27 that she or he is entitled to such license, permit, or
28 authorization number. Each applicant for a recreational
29 license, permit, or authorization number shall provide her or
30 his social security number on the application form.
31 Disclosure of social security numbers obtained through this

1 requirement shall be limited to the purposes of administration
2 of the Title IV-D program for child support enforcement, use
3 by the commission, and as otherwise provided by law.

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

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

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

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

16 3. For each type of saltwater fishing tag or license
17 sold, including combination saltwater fishing and freshwater
18 fishing licenses, or combination saltwater fishing, freshwater
19 fishing, and hunting licenses, a tax collector may retain
20 \$1.50.

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

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

26 1. The tax collector is responsible to the commission
27 for the fees for all licenses and permits sold and for the
28 value of all licenses and permits reported as lost.

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

31

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

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

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

10 Section 14. Effective July 1, 2003, section 372.561,
11 Florida Statutes, is amended to read:

12 372.561 Recreational licenses, permits, and
13 authorization numbers to take wild animal life, freshwater
14 aquatic life, and marine life; issuance; costs; reporting.--

15 (1) This section applies to all recreational licenses
16 and permits and to any authorization numbers issued by the
17 commission for the use of such recreational licenses or
18 permits.

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

21 (3) The commission shall issue a license, permit, or
22 authorization number to take wild animal life, freshwater
23 aquatic life, or marine life when an applicant provides proof
24 that she or he is entitled to such license, permit, or
25 authorization number. Each applicant for a recreational
26 license, permit, or authorization number shall provide her or
27 his social security number on the application form.
28 Disclosure of social security numbers obtained through this
29 requirement shall be limited to the purposes of administration
30 of the Title IV-D program for child support enforcement, use
31 by the commission, and as otherwise provided by law.

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

5 (5) In addition to any license or permit fee, the sum
6 of \$1.50 shall be charged for each license or management area
7 permit, except for replacement licenses, to cover the cost of
8 issuing such license or permit.

9 (6)(a) The fee established pursuant to s. 372.561(5)
10 shall be distributed as follows:

11 1. For each hunting license and freshwater fishing
12 license sold by a tax collector, including the combination
13 freshwater fishing and hunting license, the sportsman's
14 license, and the gold sportsman' license, a tax collector may
15 retain \$1.00.

16 2. For each management area permit sold by a tax
17 collector, a tax collector may retain \$1.00.

18 3. For each saltwater fishing tag and saltwater
19 fishing license sold by a tax collector, including the
20 combination saltwater fishing and freshwater fishing license
21 and the combination saltwater fishing, freshwater fishing, and
22 hunting license, a tax collector may retain \$1.50.

23 4. For licenses and management area permits sold by
24 subagents, a tax collector may retain 50 cents for each
25 license sold in the tax collector's county.

26 5. Any and all remaining fees shall be deposited in
27 the State Game Trust Fund and shall be used to support an
28 automated license system and administration of the license
29 program.

30 (b) Tax collectors shall remit license and permit
31 revenue to the commission weekly.

1 (7)(a) The sum of \$10 shall be charged for each
2 replacement lifetime license and \$2 for all other replacement
3 licenses and permits. A tax collector may retain \$1.00 for
4 each replacement license.

5 (b) Fees collected from the issuance of replacement
6 licenses shall be deposited in the State Game Trust Fund.

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

10 ~~2. For each management area permit sold, a tax~~
11 ~~collector may retain \$1.~~

12 ~~3. For each type of saltwater fishing tag or license~~
13 ~~sold, including combination saltwater fishing and freshwater~~
14 ~~fishing licenses, or combination saltwater fishing, freshwater~~
15 ~~fishing, and hunting licenses, a tax collector may retain~~
16 ~~\$1.50.~~

17 ~~(b) Tax collectors shall remit license and permit~~
18 ~~moneys, along with a report of funds collected and other~~
19 ~~required documentation, to the commission weekly.~~

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

22 ~~1. The tax collector is responsible to the commission~~
23 ~~for the fees for all licenses and permits sold and for the~~
24 ~~value of all licenses and permits reported as lost.~~

25 ~~2. The tax collector shall report stolen licenses and~~
26 ~~permits to the appropriate law enforcement agency.~~

27 ~~3. The tax collector shall submit a written report and~~
28 ~~a copy of the law enforcement agency's report to the~~
29 ~~commission within 5 days after discovering a theft.~~

30
31

1 ~~4. The tax collector is responsible for the fees for~~
2 ~~all licenses and permits sold or lost by a subagent appointed~~
3 ~~pursuant to s. 372.574.~~

4 (8)(7) The commission is authorized to adopt rules
5 pursuant to ss. 120.536(1) and 120.54 to implement the
6 provisions of this section.

7 Section 15. Section 372.562, Florida Statutes, is
8 created to read:

9 372.562 Recreational licenses and permits; exemptions
10 from fees and requirements.--

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

14 (a) To be totally and permanently disabled for
15 purposes of workers' compensation under chapter 440 as
16 verified by an order of a judge of compensation claims or
17 written confirmation by the carrier providing workers'
18 compensation benefits, or to be totally and permanently
19 disabled by the Railroad Retirement Board, by the United
20 States Department of Veterans Affairs or its predecessor, or
21 by any branch of the United States Armed Forces, or who holds
22 a valid identification card issued under the provisions of s.
23 295.17, upon proof of same. Any license issued under this
24 paragraph after January 1, 1997, expires after 5 years and
25 must be reissued, upon request, every 5 years thereafter.

26 (b) To be disabled by the United States Social
27 Security Administration, upon proof of same. Any license
28 issued under this paragraph after October 1, 1999, expires
29 after 2 years and must be reissued, upon proof of
30 certification of disability, every 2 years thereafter.

31

1 A disability license issued after July 1, 1997, and before
2 July 1, 2000, retains the rights vested thereunder until the
3 license has expired.

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

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

8 (b) Any person hunting or fishing on her or his
9 homestead property, or on the homestead property of the
10 person's spouse or minor child; or any minor child hunting or
11 fishing on the homestead property of her or his parent.

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

15 (d) Any resident fishing for recreational purposes
16 only, within her or his county of residence with live or
17 natural bait, using poles or lines not equipped with a fishing
18 line retrieval mechanism, except on a legally established fish
19 management area.

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

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

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

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

31

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

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

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

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

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

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

13 (o) Any resident 65 years of age or older who has in
14 her or his possession proof of age and residency. A no-cost
15 license under this paragraph may be obtained from any tax
16 collector's office upon proof of age and residency and must be
17 in the possession of the resident during hunting, freshwater
18 fishing, and saltwater fishing activities.

19 (p) Any employee of the commission who takes
20 freshwater fish, saltwater fish, or game as part of employment
21 with the commission, or any other person authorized by
22 commission permit to take freshwater fish, saltwater fish, or
23 game for scientific or educational purposes.

24 Section 16. Section 372.57, Florida Statutes, is
25 amended to read:

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

28 372.57 Recreational licenses, permits, and
29 authorization numbers; fees established.--

30 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
31 REQUIRED.--Except as provided in s. 372.562, no person shall

1 hunt, fish, or take fur-bearing animals within this state
2 without having first obtained a license, permit, or
3 authorization number and paid the fees set forth in this
4 chapter. Such license, permit, or authorization number shall
5 authorize the person to whom it is issued to hunt, fish, take
6 fur-bearing animals, and participate in outdoor recreational
7 activities in accordance with the laws of the state and rules
8 of the commission.

9 (2) NONTRANSFERABILITY; INFORMATION AND
10 DOCUMENTATION.--

11 (a) Licenses, permits, and authorization numbers
12 issued under this chapter are not transferable. Each license
13 and permit must bear on its face in indelible ink the name of
14 the person to whom it is issued and other information as
15 deemed necessary by the commission. Licenses issued to the
16 owner, operator, or custodian of a vessel that directly or
17 indirectly collects fees for taking or attempting to take or
18 possess saltwater fish for noncommercial purposes must include
19 the vessel registration number or federal documentation
20 number.

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

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

1 (3) PERSONAL POSSESSION REQUIRED.--Each license,
2 permit, or authorization number must be in the personal
3 possession of the person to whom it is issued while such
4 person is hunting, fishing, or taking fur-bearing animals. Any
5 person hunting, fishing, or taking fur-bearing animals who
6 fails to produce a license, permit, or authorization number at
7 the request of a commission law enforcement officer commits a
8 violation of the law.

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

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

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

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

15 (d) Annual combination hunting and freshwater fishing
16 license, \$22.

17 (e) Annual combination freshwater fishing and
18 saltwater fishing license, \$24.

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

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

22 However, a resident with a valid hunting license or a no-cost
23 license who is taking fur-bearing animals for noncommercial
24 purposes using guns or dogs only, and not traps or other
25 devices, is not required to purchase this license. Also, a
26 resident 65 years of age or older is not required to purchase
27 this license.

28 (h) Annual sportsman's license, \$66, except that an
29 annual sportsman's license for a resident 64 years of age or
30 older is \$12. A sportsman's license authorizes the person to
31 whom it is issued to take game and freshwater fish, subject to

1 the state and federal laws, rules, and regulations, including
2 rules of the commission, in effect at the time of the taking.
3 Other authorized activities include activities authorized by a
4 management area permit, a muzzle-loading gun permit, a turkey
5 permit, a Florida waterfowl permit, and an archery permit.

6 (i) Annual gold sportsman's license, \$82. The gold
7 sportsman's license authorizes the person to whom it is issued
8 to take freshwater fish, saltwater fish, and game, subject to
9 the state and federal laws, rules, and regulations, including
10 rules of the commission, in effect at the time of taking.

11 Other authorized activities include activities authorized by a
12 management area permit, a muzzle-loading gun permit, a turkey
13 permit, a Florida waterfowl permit, an archery permit, a snook
14 permit, and a crawfish permit.

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

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

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

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

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

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

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

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

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

30 However, a nonresident with a valid Florida hunting license
31 who is taking fur-bearing animals for noncommercial purposes

1 using guns or dogs only, and not traps or other devices, is
2 not required to purchase this license.

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

9 (7) VESSEL LICENSES.--

10 (a) No person may operate any vessel wherein a fee is
11 paid, either directly or indirectly, for the purpose of
12 taking, attempting to take, or possessing any saltwater fish
13 for noncommercial purposes unless she or he has obtained a
14 license for each vessel for that purpose, and has paid the
15 license fee pursuant to paragraphs (b) and (c) for such
16 vessel.

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

22 (c)1. A license for any person who operates any vessel
23 licensed to carry no more than 10 customers, or for any person
24 licensed to operate any vessel carrying 6 or fewer customers,
25 wherein a fee is paid, either directly or indirectly, for the
26 purpose of taking or attempting to take saltwater fish, is
27 \$400 per year.

28 2. A license for any person licensed to operate any
29 vessel carrying six or fewer customers, wherein a fee is paid,
30 either directly or indirectly, for the purpose of taking or
31

1 attempting to take saltwater fish, is \$200 per year. The
2 license must be kept aboard the vessel at all times.

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

9 (d) A license for a recreational vessel not for hire
10 and for which no fee is paid, either directly or indirectly,
11 by guests for the purpose of taking or attempting to take
12 saltwater fish noncommercially is \$2,000 per year. The
13 license may be purchased at the option of the vessel owner and
14 must be kept aboard the vessel at all times. A log of species
15 taken and the date the species were taken shall be maintained
16 and a copy of the log filed with the commission at the time of
17 renewal of the license.

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

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

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

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

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

6 (d) An annual crawfish permit for a resident or
7 nonresident to take or possess any crawfish for recreational
8 purposes from any waters of the state is \$2. Revenue
9 generated from the sale of crawfish permits shall be used
10 exclusively for programs to benefit the crawfish population.

11 (e) An annual muzzle-loading gun permit for a resident
12 or nonresident to hunt within the state with a muzzle-loading
13 gun is \$5. Hunting with a muzzle-loading gun is limited to
14 game seasons in which hunting with a modern firearm is not
15 authorized by the commission.

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

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

29 (h)1. A management area permit for a resident or
30 nonresident to hunt on, fish on, or otherwise use for outdoor
31 recreational purposes land owned, leased, or managed by the

1 commission, or by the state for the use and benefit of the
2 commission, shall not exceed \$25 per year.

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

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

12 (i)1. A recreational user permit is required to hunt
13 on, fish on, or otherwise use for outdoor recreational
14 purposes land leased by the commission from private
15 nongovernmental owners, except for those lands located
16 directly north of the Apalachicola National Forest, east of
17 the Ochlocknee River until the point the river meets the dam
18 forming Lake Talquin, and south of the closest federal
19 highway. The fee for a recreational user permit shall be
20 based upon the economic compensation desired by the landowner,
21 game population levels, desired hunter density, and
22 administrative costs. The permit fee shall be set by
23 commission rule on a per-acre basis. The recreational user
24 permit fee, less administrative costs of up to \$25 per permit,
25 shall be remitted to the landowner as provided in the lease
26 agreement for each area.

27 2. One minor dependent, 16 years of age or younger,
28 may hunt under the supervision of the permittee and is exempt
29 from the recreational user permit requirements. The spouse
30 and dependent children of a permittee are exempt from the
31 recreational user permit requirements when engaged in outdoor

1 recreational activities other than hunting and when
2 accompanied by a permittee. Notwithstanding any other
3 provision of this chapter, no other exclusions, exceptions, or
4 exemptions from the recreational user permit fee are
5 authorized.

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

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

9 1. A 5-year freshwater fishing or saltwater fishing
10 license is \$60 for each type of license and authorizes the
11 person to whom the license is issued to take or attempt to
12 take or possess freshwater fish or saltwater fish consistent
13 with the state and federal laws and regulations and rules of
14 the commission in effect at the time of taking.

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

20 3. The commission is authorized to sell the hunting,
21 fishing, and recreational activity permits authorized in
22 subsection (8) for a 5-year period to match the purchase of
23 5-year fishing and hunting licenses. The fee for each permit
24 issued under this paragraph shall be five times the annual
25 cost established in subsection (8).

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

30 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
31 LICENSES.--

1 (a) Lifetime freshwater fishing licenses or saltwater
2 fishing licenses are available for residents only, as follows,
3 for:

4 1. Persons 4 years of age or younger, for a fee of
5 \$125.

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

8 3. Persons 13 years of age or older, for a fee of
9 \$300.

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

12 1. Taking, or attempting to take or possess,
13 freshwater fish consistent with the state and federal laws and
14 regulations and rules of the commission in effect at the time
15 of the taking.

16 2. All activities authorized by a management area
17 permit, excluding hunting.

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

20 1. Taking, or attempting to take or possess, saltwater
21 fish consistent with the state and federal laws and
22 regulations and rules of the commission in effect at the time
23 of the taking.

24 2. All activities authorized by a snook permit and a
25 crawfish permit.

26 3. All activities for which an additional license,
27 permit, or fee is required to take or attempt to take or
28 possess saltwater fish, which additional license, permit, or
29 fee was imposed subsequent to the date of the purchase of the
30 lifetime saltwater fishing license.

31 (11) RESIDENT LIFETIME HUNTING LICENSES.--

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

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

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

7 3. Persons 13 years of age or older, for a fee of
8 \$500.

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

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

14 2. All activities authorized by a muzzle-loading gun
15 permit, a turkey permit, an archery permit, a Florida
16 waterfowl permit, and a management area permit, excluding
17 fishing.

18 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

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

21 1. Persons 4 years of age or younger, for a fee of
22 \$400.

23 2. Persons 5 years of age or older, but under 13 years
24 of age, for a fee of \$700.

25 3. Persons 13 years of age or older, for a fee of
26 \$1,000.

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

29 1. Taking, or attempting to take or possess,
30 freshwater and saltwater fish, and game, consistent with the
31

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

3 2. All activities authorized by a management area
4 permit, a muzzle-loading gun permit, a turkey permit, an
5 archery permit, a Florida waterfowl permit, a snook permit,
6 and a crawfish permit.

7 (13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.--The
8 proceeds from the sale of all lifetime licenses authorized in
9 this section shall be deposited into the Lifetime Fish and
10 Wildlife Trust Fund, to be distributed as provided in s.
11 372.105.

12 (14) RECIPROCAL FEE AGREEMENTS.--The commission is
13 authorized to reduce the fees for licenses and permits under
14 this section for residents of those states with which the
15 commission has entered into reciprocal agreements with respect
16 to such fees.

17 (15) FREE FISHING DAYS.--The commission may designate
18 by rule no more than 2 consecutive or nonconsecutive days in
19 each year as free freshwater fishing days and no more than 2
20 consecutive or nonconsecutive days in each year as free
21 saltwater fishing days. Notwithstanding any other provision
22 of this chapter, any person may take freshwater fish for
23 noncommercial purposes on a free freshwater fishing day and
24 may take saltwater fish for noncommercial purposes on a free
25 saltwater fishing day, without obtaining or possessing a
26 license or permit or paying a license or permit fee as
27 prescribed in this section. A person who takes freshwater or
28 saltwater fish on a free fishing day must comply with all
29 laws, rules, and regulations governing the holders of a
30 fishing license or permit and all other conditions and

31

1 limitations regulating the taking of freshwater or saltwater
2 fish as are imposed by law or rule.

3 Section 17. Section 370.0608, Florida Statutes, is
4 renumbered as section 372.5701, Florida Statutes, and amended
5 to read:

6 372.5701 ~~370.0608~~ Deposit of license fees; allocation
7 of federal funds.--

8 (1) Except as provided in ss. 372.105 and 372.106, all
9 saltwater license and permit fees collected pursuant to s.
10 372.57 ~~All license fees collected pursuant to s. 370.0605~~
11 shall be deposited into the Marine Resources Conservation
12 Trust Fund, to be used as follows:

13 (a) Not more than 7.5 percent of the total fees
14 collected shall be used for administration of the licensing
15 program and for information and education. ~~Not more than 5~~
16 ~~percent of the total fees collected shall be used to carry out~~
17 ~~the responsibilities of the Fish and Wildlife Conservation~~
18 ~~Commission and to provide for the award of funds to marine~~
19 ~~research institutions in this state for the purposes of~~
20 ~~enabling such institutions to conduct worthy marine research~~
21 ~~projects.~~

22 (b) Not less than 30 percent of the total fees
23 collected shall be used for law enforcement. ~~Not less than 2.5~~
24 ~~percent of the total fees collected shall be used for aquatic~~
25 ~~education purposes.~~

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

28 1. ~~The remainder of such fees shall be used by the~~
29 ~~department for the following program functions:~~
30
31

1 ~~a. Not more than 5 percent of the total fees~~
2 ~~collected, for administration of the licensing program and for~~
3 ~~information and education.~~

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

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

8 (d)~~d.~~ Not less than 30 percent of the total fees
9 collected, for fishery enhancement, including, but not limited
10 to, fishery statistics development, artificial reefs, and fish
11 hatcheries.

12 (2)~~2.~~ The Legislature shall annually appropriate to
13 the commission from the General Revenue Fund for the
14 activities and programs specified in subsection (1)
15 ~~subparagraph 1.~~ at least the same amount of money as was
16 appropriated to the Department of Environmental Protection
17 from the General Revenue Fund for such activities and programs
18 for fiscal year 1988-1989, and the amounts appropriated to the
19 commission for such activities and programs from the Marine
20 Resources Conservation Trust Fund shall be in addition to the
21 amount appropriated to the commission for such activities and
22 programs from the General Revenue Fund. The proceeds from
23 recreational saltwater fishing license fees paid by fishers
24 shall only be appropriated to the commission.

25 (3)~~(2)~~ Funds available from the Wallop-Breaux Aquatic
26 Resources Trust Fund shall be distributed by the commission
27 between the Division of Freshwater Fisheries and the Division
28 of Marine Fisheries in proportion to the numbers of resident
29 fresh and saltwater anglers as determined by the most current
30 data on license sales. Unless otherwise provided by federal
31

1 law, the commission, at a minimum, shall provide the
2 following:

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

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

9 ~~(3) All license fees collected pursuant to s. 370.0605~~
10 ~~shall be transferred to the Marine Resources Conservation~~
11 ~~Trust Fund within 7 days following the last business day of~~
12 ~~the week in which the license fees were received by the~~
13 ~~commission. One-fifth of the total proceeds derived from the~~
14 ~~sale of 5-year licenses and replacement 5-year licenses, and~~
15 ~~all interest derived therefrom, shall be available for~~
16 ~~appropriation annually.~~

17 Section 18. Section 370.0609, Florida Statutes, is
18 renumbered as section 372.5702, Florida Statutes, and amended
19 to read:

20 372.5702 ~~370.0609~~ Expenditure of funds.--Any moneys
21 available pursuant to s. 372.5701(1)(c) may ~~370.0608(1)(c)~~
22 ~~shall~~ be expended by the ~~Fish and Wildlife Conservation~~
23 commission within Florida through grants and contracts for
24 research with research institutions including but not limited
25 to: Florida Sea Grant; Florida Marine Resources Council;
26 Harbour Branch Oceanographic Institute; Technological Research
27 and Development Authority; Florida Marine Research Institute
28 of the Fish and Wildlife Conservation Commission; ~~Indian River~~
29 ~~Region Research Institute~~; Mote Marine Laboratory; Marine
30 Resources Development Foundation; Florida Institute of
31

1 Oceanography; ~~and~~ Rosentiel School of Marine and Atmospheric
2 Science; and Smithsonian Marine Station at Ft. Pierce.

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

6 372.5704 ~~370.062~~ Fish and Wildlife Conservation
7 Commission license program for tarpon; fees; penalties.--

8 (1) The ~~Fish and Wildlife Conservation~~ commission
9 shall establish a license program for the purpose of issuing
10 tags to individuals desiring to harvest tarpon (megalops
11 atlantica) from the waters of the state ~~of Florida~~. The tags
12 shall be nontransferable, except that the commission may allow
13 for a limited number of tags to be purchased by professional
14 fishing guides for transfer to individuals, and issued by the
15 commission in order of receipt of a properly completed
16 application for a nonrefundable fee of \$50 per tag. The
17 commission and any tax collector may sell the tags and collect
18 the fees therefor. Tarpon tags are valid from July 1 through
19 June 30. Before August 15 ~~5~~ of each year, each tax collector
20 shall submit to the commission all unissued tags for the
21 previous fiscal ~~calendar~~ year along with a written audit
22 report, on forms prescribed or approved by the commission, as
23 to the numbers of the unissued tags. To defray the cost of
24 issuing any tag, the issuing tax collector shall collect and
25 retain as his or her costs, in addition to the tag fee
26 collected, the amount allowed under s. 372.561(6)~~(4)~~ for the
27 issuance of licenses.

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

1 Section 20. Section 372.571, Florida Statutes, is
2 amended to read:

3 372.571 Expiration of licenses and permits.--Each
4 license or permit issued under this chapter must be dated when
5 issued. Each license or permit issued under this chapter
6 remains valid for 12 months after the date of issuance, except
7 for a lifetime license issued pursuant to s. 372.57 which is
8 valid from the date of issuance until the death of the
9 individual to whom the license is issued unless otherwise
10 revoked in accordance with s. 372.99, or a 5-year license
11 issued pursuant to s. 372.57 which is valid for 5 consecutive
12 years from the date of purchase unless otherwise revoked in
13 accordance with s. 372.99, or a license issued pursuant to s.
14 372.57(5)(a), (b), (c), or (f) or (8)(g) or (h)2.(2)(b) or
15 (g), which is valid for the period specified on the license.
16 A resident lifetime license or a resident 5-year license that
17 has been purchased by a resident of this state and who
18 subsequently resides in another state shall be honored for
19 activities authorized by that license.

20 Section 21. Subsection (1) of section 372.5712,
21 Florida Statutes, is amended to read:

22 372.5712 Florida waterfowl permit revenues.--
23 (1) The commission shall expend the revenues generated
24 from the sale of the Florida waterfowl permit as provided in
25 s. 372.57(8)(4)(a) or that pro rata portion of any license
26 that includes waterfowl hunting privileges, as provided in s.
27 372.57(4)(h) and (i) and (9)(a)3.(2)(k) and (14)(b) as
28 follows: A maximum of 5 percent of the gross revenues shall
29 be expended for administrative costs; a maximum of 25 percent
30 of the gross revenues shall be expended for waterfowl research
31 approved by the commission; and a maximum of 70 percent of the

1 gross revenues shall be expended for projects approved by the
2 commission, in consultation with the Waterfowl Advisory
3 Council, for the purpose of protecting and propagating
4 migratory waterfowl and for the development, restoration,
5 maintenance, and preservation of wetlands within the state.

6 Section 22. Subsection (1) of section 372.5715,
7 Florida Statutes, is amended to read:

8 372.5715 Florida wild turkey permit revenues.--

9 (1) The commission shall expend the revenues generated
10 from the sale of the turkey permit as provided for in s.
11 372.57(8)(b)~~(4)(e)~~ or that pro rata portion of any license
12 that includes turkey hunting privileges as provided for in s.
13 372.57(4)(h) and (i)~~(2)(k) and (14)(b)~~ for research and
14 management of wild turkeys.

15 Section 23. Subsection (7) of section 372.5717,
16 Florida Statutes, is amended to read:

17 372.5717 Hunter safety course; requirements;
18 penalty.--

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

22 Section 24. Section 372.573, Florida Statutes, is
23 amended to read:

24 372.573 Management area permit revenues.--The
25 commission shall expend the revenue generated from the sale of
26 the management area permit as provided for in s. 372.57(8)(h)
27 ~~(4)(b)~~ or that pro rata portion of any license that includes
28 management area privileges as provided for in s. 372.57(4)(h)
29 and (i)~~(2)(i) and (14)(b)~~ for the lease, management, and
30 protection of lands for public hunting, fishing, and other
31 outdoor recreation.

1 Section 25. Paragraph (h) of subsection (1) and
2 paragraphs (e) and (i) of subsection (2) of section 372.574,
3 Florida Statutes, are amended to read:

4 372.574 Appointment of subagents for the sale of
5 hunting, fishing, and trapping licenses and permits.--

6 (1) A county tax collector who elects to sell licenses
7 and permits may appoint any person as a subagent for the sale
8 of fishing, hunting, and trapping licenses and permits that
9 the tax collector is allowed to sell. The following are
10 requirements for subagents:

11 (h) A subagent shall weekly submit payment for and
12 report the sale of licenses and permits ~~to the tax collector~~
13 ~~as prescribed by the tax collector but no less frequently than~~
14 ~~monthly.~~

15 (2) If a tax collector elects not to appoint
16 subagents, the commission may appoint subagents within that
17 county. Subagents shall serve at the pleasure of the
18 commission. The commission may establish, by rule, procedures
19 for selection of subagents. The following are requirements
20 for subagents so appointed:

21 (e) A subagent may charge and receive as his or her
22 compensation 50 cents for each license or permit sold. This
23 charge is in addition to the sum required by law to be
24 collected for the sale and issuance of each license or permit.
25 ~~In addition, no later than July 1, 1997, a subagent fee for~~
26 ~~the sale of licenses over the telephone by credit card shall~~
27 ~~be established by competitive bid procedures which are~~
28 ~~overseen by the Fish and Wildlife Conservation Commission. A~~
29 ~~fee for electronic license sales may be established by~~
30 ~~competitive bid procedures that are overseen by the Fish and~~
31 ~~Wildlife Conservation Commission.~~

1 ~~(i) By July 15 of each year, each subagent shall~~
2 ~~submit to the commission all unissued stamps for the previous~~
3 ~~year along with a written audit report, on forms prescribed or~~
4 ~~approved by the commission, on the numbers of the unissued~~
5 ~~stamps.~~

6 Section 26. Effective July 1, 2003, section 372.574,
7 Florida Statutes, is amended to read:

8 372.574 Appointment of subagents for the sale of
9 hunting, fishing, and trapping licenses and permits.--

10 ~~(1) A county tax collector who elects to sell licenses~~
11 ~~and permits may appoint any person as a subagent for the sale~~
12 ~~of fishing, hunting, and trapping licenses and permits that~~
13 ~~the tax collector is allowed to sell. The following are~~
14 ~~requirements for subagents:~~

15 ~~(a) Each subagent must serve at the pleasure of the~~
16 ~~county tax collector.~~

17 ~~(b) Neither an employee of the county tax collector~~
18 ~~nor her or his relative or next of kin, by blood or otherwise,~~
19 ~~may be appointed as a subagent.~~

20 ~~(c) The tax collector may require each subagent to~~
21 ~~post an appropriate bond as determined by the tax collector,~~
22 ~~using an insurance company acceptable to the tax collector.~~
23 ~~In lieu of such bond, the tax collector may purchase blanket~~
24 ~~bonds covering all or selected subagents or may allow a~~
25 ~~subagent to post such other security as is required by the tax~~
26 ~~collector.~~

27 ~~(d) A subagent may sell licenses and permits as are~~
28 ~~determined by the tax collector at such specific locations~~
29 ~~within the county and in states contiguous to Florida as will~~
30 ~~best serve the public interest and convenience in obtaining~~
31

1 ~~licenses and permits. The commission may uniformly prohibit~~
2 ~~subagents from selling certain licenses or permits.~~

3 ~~(e) It is unlawful for any person to handle licenses~~
4 ~~or permits for a fee or compensation of any kind unless she or~~
5 ~~he has been appointed as a subagent.~~

6 ~~(f) Any person who willfully violates any of the~~
7 ~~provisions of this law is guilty of a misdemeanor of the~~
8 ~~second degree, punishable as provided in s. 775.082 or s.~~
9 ~~775.083.~~

10 ~~(g) A subagent may charge and receive as her or his~~
11 ~~compensation 50 cents for each license or permit sold. This~~
12 ~~charge is in addition to the sum required by law to be~~
13 ~~collected for the sale and issuance of each license or permit.~~

14 ~~(h) A subagent shall weekly submit payment for and~~
15 ~~report the sale of licenses and permits.~~

16 ~~(i) Subagents shall submit an activity report for~~
17 ~~sales made during the reporting period on forms prescribed or~~
18 ~~approved by the commission. Periodic audits may be performed~~
19 ~~at the discretion of the commission.~~

20 ~~(1)(2) If a tax collector elects not to appoint~~
21 ~~subagents, the commission may appoint subagents within that~~
22 ~~county. Subagents shall serve at the pleasure of the~~
23 ~~commission. The commission may establish, by rule, procedures~~
24 ~~for the selection and appointment of subagents. The following~~
25 ~~are requirements for subagents so appointed:~~

26 (a) The commission may require each subagent to post
27 an appropriate bond as determined by the commission, using an
28 insurance company acceptable to the commission. In lieu of
29 the bond, the commission may purchase blanket bonds covering
30 all or selected subagents or may allow a subagent to post
31 other security as required by the commission.

1 (b) A subagent may sell licenses and permits as
2 authorized by the commission at specific locations within the
3 county and in states as will best serve the public interest
4 and convenience in obtaining licenses and permits. The
5 commission may prohibit subagents from selling certain
6 licenses or permits.

7 (c) It is unlawful for any person to handle licenses
8 or permits for a fee or compensation of any kind unless he or
9 she has been appointed as a subagent.

10 (d) Any person who willfully violates any of the
11 provisions of this section commits a misdemeanor of the second
12 degree, punishable as provided in s. 775.082 or s. 775.083.

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

17 (f) A subagent shall submit payment for and report the
18 sale of licenses and permits to the commission as prescribed
19 by the commission.

20 ~~(g) Subagents shall maintain records of all licenses~~
21 ~~and permits sold, voided, stolen, or lost. Subagents are~~
22 ~~responsible to the commission for the fees for all licenses~~
23 ~~and permits sold and for the value of all licenses and permits~~
24 ~~reported as lost. Subagents must report all stolen licenses~~
25 ~~and permits to the appropriate law enforcement agency. The~~
26 ~~subagent shall submit a written report and a copy of the law~~
27 ~~enforcement agency's report to the commission within 5 days~~
28 ~~after discovering the theft.~~

29 ~~(h) Subagents shall submit an activity report for~~
30 ~~sales made during the reporting period on forms prescribed or~~
31

1 ~~approved by the commission. Periodic audits may be performed~~
2 ~~at the discretion of the commission.~~

3 ~~(i) By July 15 of each year, each subagent shall~~
4 ~~submit to the commission all unissued stamps for the previous~~
5 ~~year along with a written audit report, on forms prescribed or~~
6 ~~approved by the commission, on the numbers of the unissued~~
7 ~~stamps.~~

8 ~~(2)(3)~~ The Fish and Wildlife Conservation Commission
9 or any other law enforcement agency may carry out any
10 investigation necessary to secure information required to
11 carry out and enforce this section.

12 ~~(3)(4)~~ All social security numbers that are provided
13 pursuant to ss. 372.561 and 372.57 and are contained in
14 records of any subagent appointed under this section are
15 confidential as provided in those sections.

16 Section 27. Paragraph (a) of subsection (1) and
17 subsection (2) of section 372.65, Florida Statutes, are
18 amended to read:

19 372.65 Freshwater fish dealer's license.--

20 (1) No person shall engage in the business of taking
21 for sale or selling any frogs or freshwater fish, including
22 live bait, of any species or size, or importing any exotic or
23 nonindigenous fish, until such person has obtained a license
24 and paid the fee therefor as set forth herein. The license
25 issued shall be in the possession of the person to whom issued
26 while such person is engaging in the business of taking for
27 sale or selling freshwater fish or frogs, is not transferable,
28 shall bear on its face in indelible ink the name of the person
29 to whom it is issued, and shall be affixed to a license
30 identification card issued by the commission. Such license is
31 not valid unless it bears the name of the person to whom it is

1 issued and is so affixed. The failure of such person to
2 exhibit such license to the commission or any of its wildlife
3 officers when such person is found engaging in such business
4 is a violation of law. The license fees and activities
5 permitted under particular licenses are as follows:

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

13 ~~(2) The provisions of ss. 372.561 and 372.571, except~~
14 ~~those provisions relating to issuance without fee to certain~~
15 ~~classes of persons, shall apply to licenses issued under this~~
16 ~~section.~~

17 Section 28. Section 372.661, Florida Statutes, is
18 amended to read:

19 372.661 Private hunting preserve license fees,
20 ~~license~~; exception.--

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

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

15 Section 29. Section 372.7015, Florida Statutes, as
 16 amended by section 14 of chapter 2001-122, Laws of Florida, is
 17 amended to read:

18 372.7015 Illegal killing, taking, possessing, or
 19 selling wildlife or game; fines; disposition of fines.--In
 20 addition to any other penalty provided by law, any person who
 21 violates the criminal provisions of this chapter and rules
 22 adopted pursuant to this chapter by illegally killing, taking,
 23 possessing, or selling game or fur-bearing animals as defined
 24 in s. 372.001~~(10) or (11)(3) or (4)~~in or out of season while
 25 violating chapter 810 shall pay a fine of \$250 for each such
 26 violation, plus court costs and any restitution ordered by the
 27 court. All fines collected under this section shall be
 28 remitted by the clerk of the court to the Department of
 29 Revenue to be deposited into the Fish and Wildlife
 30 Conservation Commission's State Game Trust Fund.
 31

1 Section 30. Paragraph (a) of subsection (2) of section
2 372.7016, Florida Statutes, is amended to read:

3 372.7016 Voluntary Authorized Hunter Identification
4 Program.--

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

13 (a) For purposes of this section, the term "hunting"
14 means to be engaged in or reasonably equipped to engage in the
15 pursuit or taking by any means of any animal described in s.
16 372.001(10) or (11)~~(3) or (4)~~, and the term "written
17 authorization" means a card, letter, or other written
18 instrument which shall include, but need not be limited to,
19 the name of the person or entity owning the property, the name
20 and signature of the person granting the authorization, a
21 description by township, range, section, partial section, or
22 other geographical description of the land to which the
23 authorization applies, and a statement of the time period
24 during which the authorization is valid.

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

28 372.711 Noncriminal infractions.--

29 (1) Any person cited for committing a noncriminal
30 infraction specified in s. 372.83 shall be cited to appear
31 before the county court. The civil penalty for any

1 noncriminal infraction involving the license and permit
2 requirements of s. 372.57 is \$50, in addition to the cost of
3 the amount of the license or permit involved in the
4 infraction, except as otherwise provided in this section. The
5 civil penalty for any other noncriminal infraction is \$50,
6 except as otherwise provided in this section.

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

17 Section 32. Paragraph (h) of subsection (1) of section
18 372.83, Florida Statutes, is reenacted to read:

19 372.83 Noncriminal infractions; criminal penalties;
20 suspension and revocation of licenses and permits.--

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

24 (h) Section 372.57, relating to hunting, fishing, and
25 trapping licenses.

26
27 A person who fails to pay the civil penalty specified in s.
28 372.711 within 30 days after being cited for a noncriminal
29 infraction or to appear before the court pursuant to that
30 section is guilty of a misdemeanor of the second degree,
31 punishable as provided in s. 775.082 or s. 775.083.

1 Section 33. Subsections (1), (2), and (4) of section
2 372.921, Florida Statutes, are amended, subsection (9) is
3 renumbered as subsection (10), and a new subsection (9) is
4 added to said section, to read:

5 372.921 Exhibition of wildlife.--

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

19 (2) The fees to be paid for the issuance of permits
20 for the exhibition of wildlife required by subsection (1)
21 shall be as follows:

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

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

28
29 The fees prescribed by this subsection ~~section~~ shall be
30 submitted to the ~~Fish and Wildlife Conservation~~ commission
31

1 with the application for permit required by subsection (1) and
2 shall be deposited in the State Game Trust Fund.

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

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

29 (10)~~(9)~~ A violation of this section is punishable as
30 provided by s. 372.83.

31

1 Section 34. Subsections (2), (3), and (5) of section
2 372.922, Florida Statutes, are amended to read:

3 372.922 Personal possession of wildlife.--

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

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

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

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

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

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

27 Section 35. Subsection (3) of section 705.101, Florida
28 Statutes, is amended to read:

29 705.101 Definitions.--As used in this chapter:

30 (3) "Abandoned property" means all tangible personal
31 property that does not have an identifiable owner and that has

1 been disposed on public property in a wrecked, inoperative, or
2 partially dismantled condition or has no apparent intrinsic
3 value to the rightful owner. ~~However,~~ Vessels determined to be
4 derelict by the Fish and Wildlife Conservation Commission or a
5 county or municipality in accordance with the provisions of s.
6 823.11 are ~~not~~ included within this definition.

7 Section 36. Paragraph (g) of subsection (2) of section
8 810.09, Florida Statutes, is amended to read:

9 810.09 Trespass on property other than structure or
10 conveyance.--

11 (2)

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

25 Section 37. Section 372.27, Florida Statutes, is
26 amended to read:

27 372.27 Silver Springs and Rainbow Springs, etc.,
28 closed to all fishing.--It is unlawful for any person to take
29 any fish within Marion County, from the waters of Rainbow
30 Springs and Rainbow River (formerly known as Blue Springs and
31 Blue Springs River) within that portion of Rainbow Springs

1 State Park lying within a radius of 1,700 feet ~~1 mile~~ from the
2 head of Rainbow ~~said~~ spring, or from the waters of Silver
3 Springs or Silver Springs Run from the head of Silver Springs
4 ~~said spring~~ to its junction with the Oklawaha River. However,
5 ~~provided, that~~ the Fish and Wildlife Conservation Commission
6 may remove or cause to be removed any gar, mud fish, or other
7 predatory fish from either spring or river when in its
8 judgment their removal is desirable.

9 Section 38. Sections 370.0605, 370.0615, 370.1111,
10 subsections (10) and (11) of section 370.14, subsection (4) of
11 section 372.05, and section 372.06, Florida Statutes, are
12 repealed.

13 Section 39. Effective July 1, 2003, section 372.60,
14 Florida Statutes, is repealed.

15 Section 40. Except where otherwise provided, this act
16 shall take effect July 1, 2002.

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