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A bill to be entitled

An act relating to the Fish and Wildlife Conservation Commission; amending s. 372.001, F.S.; providing and revising definitions; amending s. 372.0222, F.S.; authorizing the commission to purchase certain promotional items; amending s. 372.16, F.S.; deleting an obsolete reference relating to private game preserves and farms; amending s. 372.57, F.S.; revising provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers; clarifying language relating to recreational vessel licenses; authorizing the establishment of a recreational sport season crawfish permit in Monroe County and providing for a fee to be established by the county commission; amending s. 372.6673, F.S.; revising provisions relating to issuance and expiration dates of alligator trapping licenses; amending s. 372.921, F.S.; revising provisions relating to license requirements for the sale and exhibition of wildlife; amending s. 372.99, F.S.; requiring clerks of the court to notify the commission within a specified time period of the disposition of any citation issued under ch. 372, F.S.; providing an effective date.

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

Section 1. Present subsection (16) of section 372.001, Florida Statutes, is renumbered as subsection (17) and amended, present subsection (17) is renumbered as subsection (18), and a new subsection (16) is added to said section, to read:



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

34 (16) "Saltwater fish" means any saltwater species of
 35 finfish of the classes Agnatha, Chondrichthyes, or Osteichthyes
 36 and marine invertebrates that of the classes Gastropoda,
 37 Bivalvia, or Crustacea, or of the phylum Echinodermata, but does
 38 not include nonliving shells or echinoderms.

39 ~~(17)~~(16) "Take" means taking, attempting to take,
 40 pursuing, hunting, molesting, capturing, or killing any wildlife
 41 or freshwater or saltwater fish, or their nests or eggs, by any
 42 means, whether or not such actions result in obtaining
 43 possession of such wildlife or freshwater or saltwater fish or
 44 their nests or eggs.

45 Section 2. Paragraph (d) is added to subsection (6) of
 46 section 372.0222, Florida Statutes, to read:

47 372.0222 Private publication agreements; advertising;
 48 costs of production.--

49 (6) The commission shall provide services and information
 50 designed to inform Floridians and visitors about Florida's
 51 unique and diverse fish, game, and wildlife, and make it
 52 available by means of commonly used media. For the
 53 accomplishment of those purposes, the commission may make
 54 expenditures to:

55 (d) Purchase and distribute promotional items to increase
 56 public awareness regarding boating safety and other programs
 57 that promote public safety or resource conservation.

58 Section 3. Subsection (4) of section 372.16, Florida
 59 Statutes, is amended to read:



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60 372.16 Private game preserves and farms; penalty.--

61 (4) Any person violating this section for the first
62 offense commits a misdemeanor of the second degree, punishable
63 as provided in s. 775.082 or s. 775.083, and for a second or
64 subsequent offense commits a misdemeanor of the first degree,
65 punishable as provided in s. 775.082 or s. 775.083. Any person
66 convicted of violating this section shall forfeit to the
67 commission any license ~~or permit~~ issued under this section; and
68 no further license ~~or permit~~ shall be issued to such person for
69 a period of 1 year following such conviction.

70 Section 4. Subsections (1) and (3), paragraph (c) of
71 subsection (7), and paragraph (d) of subsection (8) of section
72 372.57, Florida Statutes, are amended to read:

73 372.57 Recreational licenses, permits, and authorization
74 numbers; fees established.--

75 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
76 REQUIRED.--Except as provided in s. 372.562, no person shall
77 ~~hunt, fish, or take~~ game, freshwater or saltwater fish, or fur-
78 bearing animals within this state without having first obtained
79 a license, permit, or authorization number and paid the fees set
80 forth in this chapter. Such license, permit, or authorization
81 number shall authorize the person to whom it is issued to ~~hunt,~~
82 ~~fish,~~ take game, freshwater or saltwater fish, or fur-bearing
83 animals, and participate in outdoor recreational activities in
84 accordance with the laws of the state and rules of the
85 commission.

86 (3) PERSONAL POSSESSION REQUIRED.--Each license, permit,
87 or authorization number must be in the personal possession of
88 the person to whom it is issued while such person is ~~hunting,~~
89 fishing, or taking, attempting to take, or possessing game,



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90 freshwater or saltwater fish, or fur-bearing animals. Any person
 91 ~~hunting, fishing, or~~ taking, attempting to take, or possessing
 92 game, freshwater or saltwater fish, or fur-bearing animals who
 93 fails to produce a license, permit, or authorization number at
 94 the request of a commission law enforcement officer commits a
 95 violation of the law.

96 (7) VESSEL LICENSES.---

97 (c)1. A license for any person who operates any vessel
 98 licensed to carry no more than 10 customers, or for any person
 99 licensed to operate any vessel carrying 6 or fewer customers,
 100 wherein a fee is paid, either directly or indirectly, for the
 101 purpose of taking or attempting to take saltwater fish, is \$400
 102 per year; provided that-

103 ~~2.~~ a license for any person licensed to operate any vessel
 104 carrying 6 or fewer customers but who operates a vessel carrying
 105 4 or fewer customers, wherein a fee is paid, either directly or
 106 indirectly, for the purpose of taking or attempting to take
 107 saltwater fish, is \$200 per year. The license must be kept
 108 aboard the vessel at all times.

109 ~~2.3.~~ A person who operates a vessel required to be
 110 licensed pursuant to paragraph (b) or this paragraph may obtain
 111 a license in her or his own name, and such license shall be
 112 transferable and apply to any vessel operated by the purchaser,
 113 provided that the purchaser has paid the appropriate license
 114 fee.

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



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119 (d)1. An annual crawfish permit for a resident or
 120 nonresident to take or possess any crawfish for recreational
 121 purposes from any waters of the state is \$2. Revenue generated
 122 from the sale of crawfish permits shall be used exclusively for
 123 programs to benefit the crawfish population.

124 2. The commission is authorized to establish by rule a
 125 Monroe County recreational sport season crawfish permit. The
 126 commission shall set the fee for the permit at no more than \$10.
 127 The permit is in addition to the permit required by subparagraph
 128 1. Notwithstanding any other provision of this chapter, there
 129 are no exclusions, exceptions, or exemptions from this permit
 130 fee for all persons taking or possessing crawfish during the
 131 recreational sport season for the species in Monroe County as
 132 established by the commission.

133 Section 5. Paragraph (a) of subsection (1) of section
 134 372.6673, Florida Statutes, is amended to read:

135 372.6673 Taking and possession of alligators; trapping
 136 licenses; fees.--

137 (1)(a) No person shall take or possess any alligator or
 138 the eggs thereof without having first obtained from the
 139 commission a trapping license and paid the fee provided in this
 140 section. Such license shall be dated when issued and remain
 141 valid for 12 months after the date of issuance ~~from June 1 to~~
 142 ~~June 30 of the following year~~ and shall authorize the person to
 143 whom it is issued to take or possess alligators and their eggs,
 144 and to sell, possess, and process alligators and their hides and
 145 meat, in accordance with law and commission rules. Such license
 146 shall not be transferable and shall not be valid unless it bears
 147 on its face in indelible ink the name of the person to whom it
 148 is issued. Such license shall be in the personal possession of



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149 the licensee while such person is taking alligators or their
 150 eggs or is selling, possessing, or processing alligators or
 151 their eggs, hides, or meat. The failure of the licensee to
 152 exhibit such license to the commission or its wildlife officers,
 153 when such person is found taking alligators or their eggs or is
 154 found selling, possessing, or processing alligators or their
 155 eggs, hides, or meat, shall be a violation of law.

156 Section 6. Subsections (1) and (2) of section 372.921,
 157 Florida Statutes, are amended to read:

158 372.921 Exhibition of wildlife.--

159 (1) In order to provide humane treatment and sanitary
 160 surroundings for wild animals kept in captivity, no person,
 161 firm, corporation, or association shall have, or be in
 162 possession of, in captivity for the purpose of public display
 163 with or without charge or for public sale any wildlife,
 164 specifically birds, mammals, amphibians, and reptiles, whether
 165 indigenous to Florida or not, without having first secured a
 166 permit from the commission authorizing such person, firm, or
 167 corporation to have in its possession in captivity the species
 168 and number of wildlife specified within such permit; however,
 169 this section does not apply to any wildlife not protected by law
 170 and the rules of the commission.

171 (2) The fees to be paid for the issuance of permits ~~for~~
 172 ~~the exhibition of wildlife~~ required by subsection (1) shall be
 173 as follows:

174 (a) For not more than 10 Class I, Class II, or Class III
 175 individual specimens in the aggregate of all species, the sum of
 176 \$5 per annum.



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

180
 181 The fees prescribed by this subsection shall be submitted to the
 182 commission with the application for permit required by
 183 subsection (1) and shall be deposited in the State Game Trust
 184 Fund.

185 Section 7. Section 372.99, Florida Statutes, is amended to
 186 read:

187 372.99 Illegal taking and possession of deer and wild
 188 turkey; evidence; penalty.--

189 (1) Whoever takes or kills any deer or wild turkey, or
 190 possesses a freshly killed deer or wild turkey, during the
 191 closed season prescribed by law or by the rules and regulations
 192 of the Fish and Wildlife Conservation Commission, or whoever
 193 takes or attempts to take any deer or wild turkey by the use of
 194 gun and light in or out of closed season, is guilty of a
 195 misdemeanor of the first degree, punishable as provided in s.
 196 775.082 or s. 775.083, and shall forfeit any license or permit
 197 issued to her or him under the provisions of this chapter. No
 198 license shall be issued to such person for a period of 3 years
 199 following any such violation on the first offense. Any person
 200 guilty of a second or subsequent violation shall be permanently
 201 ineligible for issuance of a license or permit thereafter.

202 (2) The display or use of a light in a place where deer
 203 might be found and in a manner capable of disclosing the
 204 presence of deer, together with the possession of firearms or
 205 other weapons customarily used for the taking of deer, between 1
 206 hour after sunset and 1 hour before sunrise, shall be prima



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207 facie evidence of an intent to violate the provisions of
208 subsection (1). This subsection does not apply to an owner or
209 her or his employee when patrolling or inspecting the land of
210 the owner, provided the employee has satisfactory proof of
211 employment on her or his person.

212 (3) Whoever takes or kills any doe deer; fawn or baby
213 deer; or deer, whether male or female, which does not have one
214 or more antlers at least 5 inches in length, except as provided
215 by law or the rules of the Fish and Wildlife Conservation
216 Commission, during the open season prescribed by the rules of
217 the commission, is guilty of a misdemeanor of the first degree,
218 punishable as provided in s. 775.082 or s. 775.083, and may be
219 required to forfeit any license or permit issued to such person
220 for a period of 3 years following any such violation on the
221 first offense. Any person guilty of a second or subsequent
222 violation shall be permanently ineligible for issuance of a
223 license or permit thereafter.

224 (4) Any person who cultivates agricultural crops may apply
225 to the Fish and Wildlife Conservation Commission for a permit to
226 take or kill deer on land which that person is currently
227 cultivating. When said person can show, to the satisfaction of
228 the Fish and Wildlife Conservation Commission, that such taking
229 or killing of deer is justified because of damage to the
230 person's crops caused by deer, the Fish and Wildlife
231 Conservation Commission may issue a limited permit to the
232 applicant to take or kill deer without being in violation of
233 subsection (1) or subsection (3).

234 (5) Whoever possesses for sale or sells deer or wild
235 turkey taken in violation of this chapter or the rules and
236 regulations of the commission is guilty of a felony of the third



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237 degree, punishable as provided in s. 775.082, s. 775.083, or s.
238 775.084.

239 (6) Any person who enters upon private property and shines
240 lights upon such property, without the express permission of the
241 owner of the property and with the intent to take deer by
242 utilizing such shining lights, shall be guilty of a misdemeanor
243 of the second degree, punishable as provided in s. 775.082 or s.
244 775.083.

245 (7) Upon final disposition of any alleged offense for
246 which a citation for any violation of this chapter or the rules
247 of the commission has been issued, the court shall, within 10
248 days after the final disposition of the action, certify the
249 disposition to the commission.

250 Section 8. This act shall take effect upon becoming a law.