



CHAMBER ACTION

The Committee on Natural Resources recommends the following:

Committee Substitute

Remove the entire bill and insert:

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. 372.05, F.S.; authorizing the executive director to establish additional positions; providing for funding of said positions; 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; increasing the cost of a 10-day nonresident game hunting license; clarifying language relating to recreational vessel licenses; increasing the cost of turkey permits for nonresidents; 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



HB 1063

2003
CS

29 provisions relating to issuance and expiration dates of
 30 alligator trapping licenses; amending s. 372.921, F.S.;
 31 revising provisions relating to license requirements for
 32 the sale and exhibition of wildlife; amending s. 372.99,
 33 F.S.; requiring clerks of the court to notify the
 34 commission within a specified time period of the
 35 disposition of any citation issued under ch. 372, F.S.;
 36 providing an effective date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

39
 40 Section 1. Present subsection (16) of section 372.001,
 41 Florida Statutes, is renumbered as subsection (17) and amended,
 42 present subsection (17) is renumbered as subsection (18), and a
 43 new subsection (16) is added to said section, to read:

44 372.001 Definitions.--In construing these statutes, when
 45 applied to saltwater and freshwater fish, shellfish, crustacea,
 46 sponges, wild birds, and wild animals, where the context
 47 permits, the word, phrase, or term:

48 (16) "Saltwater fish" means any saltwater species of
 49 finfish of the classes Agnatha, Chondrichthyes, or Osteichthyes
 50 and marine invertebrates that of the classes Gastropoda,
 51 Bivalvia, or Crustacea, or of the phylum Echinodermata, but does
 52 not include nonliving shells or echinoderms.

53 (17)~~(16)~~ "Take" means taking, attempting to take,
 54 pursuing, hunting, molesting, capturing, or killing any wildlife
 55 or freshwater or saltwater fish, or their nests or eggs, by any
 56 means, whether or not such actions result in obtaining



HB 1063

2003
CS

57 | possession of such wildlife or freshwater or saltwater fish or
58 | their nests or eggs.

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

61 | 372.0222 Private publication agreements; advertising;
62 | costs of production.--

63 | (6) The commission shall provide services and information
64 | designed to inform Floridians and visitors about Florida's
65 | unique and diverse fish, game, and wildlife, and make it
66 | available by means of commonly used media. For the
67 | accomplishment of those purposes, the commission may make
68 | expenditures to:

69 | (d) Purchase and distribute promotional items to increase
70 | public awareness regarding boating safety and other programs
71 | that promote public safety or resource conservation.

72 | Section 3. Subsection (4) of section 372.05, Florida
73 | Statutes, is amended to read:

74 | 372.05 Duties of executive director.--The executive
75 | director of the Fish and Wildlife Conservation Commission shall:

76 | (4) Appoint, fix salaries of, and at pleasure remove,
77 | subject to the approval of the commission, assistants and other
78 | employees who shall have such powers and duties as may be
79 | assigned to them by the commission or executive director.
80 | Notwithstanding the provisions of s. 216.262(1)(a), and pursuant
81 | to s. 216.351, the executive director is authorized to establish
82 | additional temporary full-time equivalent positions needed to
83 | implement research contracts and grants, provided that all costs
84 | for such positions are fully funded through those contracts and



HB 1063

2003
CS

85 grants and that no such position shall be established for longer
86 than the term of the contract or grant.

87 Section 4. Subsection (4) of section 372.16, Florida
88 Statutes, is amended to read:

89 372.16 Private game preserves and farms; penalty.--

90 (4) Any person violating this section for the first
91 offense commits a misdemeanor of the second degree, punishable
92 as provided in s. 775.082 or s. 775.083, and for a second or
93 subsequent offense commits a misdemeanor of the first degree,
94 punishable as provided in s. 775.082 or s. 775.083. Any person
95 convicted of violating this section shall forfeit to the
96 commission any license ~~or permit~~ issued under this section; and
97 no further license ~~or permit~~ shall be issued to such person for
98 a period of 1 year following such conviction.

99 Section 5. Subsections (1) and (3), paragraph (f) of
100 subsection (5), paragraph (c) of subsection (7), and paragraphs
101 (b) and (d) of subsection (8) of section 372.57, Florida
102 Statutes, are amended to read:

103 372.57 Recreational licenses, permits, and authorization
104 numbers; fees established.--

105 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
106 REQUIRED.--Except as provided in s. 372.562, no person shall
107 ~~hunt, fish, or~~ take game, freshwater or saltwater fish, or fur-
108 bearing animals within this state without having first obtained
109 a license, permit, or authorization number and paid the fees set
110 forth in this chapter. Such license, permit, or authorization
111 number shall authorize the person to whom it is issued to ~~hunt,~~
112 ~~fish,~~ take game, freshwater or saltwater fish, or fur-bearing



HB 1063

2003
CS

113 animals, and participate in outdoor recreational activities in
114 accordance with the laws of the state and rules of the
115 commission.

116 (3) PERSONAL POSSESSION REQUIRED.--Each license, permit,
117 or authorization number must be in the personal possession of
118 the person to whom it is issued while such person is ~~hunting,~~
119 ~~fishing,~~ or taking, attempting to take, or possessing game,
120 freshwater or saltwater fish, or fur-bearing animals. Any person
121 ~~hunting, fishing, or taking, attempting to take, or possessing~~
122 game, freshwater or saltwater fish, or fur-bearing animals who
123 fails to produce a license, permit, or authorization number at
124 the request of a commission law enforcement officer commits a
125 violation of the law.

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

129 (f) Hunting license to take game for 10 consecutive days,
130 \$45 ~~\$25~~.

131 (7) VESSEL LICENSES.---

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

138 ~~2-~~ a license for any person licensed to operate any vessel
139 carrying 6 or fewer customers but who operates a vessel carrying
140 4 or fewer customers, wherein a fee is paid, either directly or



HB 1063

2003
CS

141 indirectly, for the purpose of taking or attempting to take
142 saltwater fish, is \$200 per year. The license must be kept
143 aboard the vessel at all times.

144 2.3. A person who operates a vessel required to be
145 licensed pursuant to paragraph (b) or this paragraph may obtain
146 a license in her or his own name, and such license shall be
147 transferable and apply to any vessel operated by the purchaser,
148 provided that the purchaser has paid the appropriate license
149 fee.

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

154 (b) An annual Florida turkey permit ~~for a resident or~~
155 ~~nonresident~~ to take wild turkeys within the state is \$5 for a
156 resident or \$100 for a nonresident.

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

162 2. The commission is authorized to establish by rule a
163 Monroe County recreational sport season crawfish permit. The
164 commission shall set the fee for the permit at no more than \$10.
165 The permit is in addition to the permit required by subparagraph
166 1. Notwithstanding any other provision of this chapter, there
167 are no exclusions, exceptions, or exemptions from this permit
168 fee for all persons taking or possessing crawfish during the



HB 1063

2003
CS

169 recreational sport season for the species in Monroe County as
170 established by the commission.

171 Section 6. Paragraph (a) of subsection (1) of section
172 372.6673, Florida Statutes, is amended to read:

173 372.6673 Taking and possession of alligators; trapping
174 licenses; fees.--

175 (1)(a) No person shall take or possess any alligator or
176 the eggs thereof without having first obtained from the
177 commission a trapping license and paid the fee provided in this
178 section. Such license shall be dated when issued and remain
179 valid for 12 months after the date of issuance ~~from June 1 to~~
180 ~~June 30 of the following year~~ and shall authorize the person to
181 whom it is issued to take or possess alligators and their eggs,
182 and to sell, possess, and process alligators and their hides and
183 meat, in accordance with law and commission rules. Such license
184 shall not be transferable and shall not be valid unless it bears
185 on its face in indelible ink the name of the person to whom it
186 is issued. Such license shall be in the personal possession of
187 the licensee while such person is taking alligators or their
188 eggs or is selling, possessing, or processing alligators or
189 their eggs, hides, or meat. The failure of the licensee to
190 exhibit such license to the commission or its wildlife officers,
191 when such person is found taking alligators or their eggs or is
192 found selling, possessing, or processing alligators or their
193 eggs, hides, or meat, shall be a violation of law.

194 Section 7. Subsections (1) and (2) of section 372.921,
195 Florida Statutes, are amended to read:

196 372.921 Exhibition of wildlife.--



HB 1063

2003
CS

197 (1) In order to provide humane treatment and sanitary
 198 surroundings for wild animals kept in captivity, no person,
 199 firm, corporation, or association shall have, or be in
 200 possession of, in captivity for the purpose of public display
 201 with or without charge or for public sale any wildlife,
 202 specifically birds, mammals, amphibians, and reptiles, whether
 203 indigenous to Florida or not, without having first secured a
 204 permit from the commission authorizing such person, firm, or
 205 corporation to have in its possession in captivity the species
 206 and number of wildlife specified within such permit; however,
 207 this section does not apply to any wildlife not protected by law
 208 and the rules of the commission.

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

212 (a) For not more than 10 Class I, Class II, or Class III
 213 individual specimens in the aggregate of all species, the sum of
 214 \$5 per annum.

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

218
 219 The fees prescribed by this subsection shall be submitted to the
 220 commission with the application for permit required by
 221 subsection (1) and shall be deposited in the State Game Trust
 222 Fund.

223 Section 8. Section 372.99, Florida Statutes, is amended to
 224 read:



225 | 372.99 Illegal taking and possession of deer and wild
226 | turkey; evidence; penalty.--

227 | (1) Whoever takes or kills any deer or wild turkey, or
228 | possesses a freshly killed deer or wild turkey, during the
229 | closed season prescribed by law or by the rules and regulations
230 | of the Fish and Wildlife Conservation Commission, or whoever
231 | takes or attempts to take any deer or wild turkey by the use of
232 | gun and light in or out of closed season, is guilty of a
233 | misdemeanor of the first degree, punishable as provided in s.
234 | 775.082 or s. 775.083, and shall forfeit any license or permit
235 | issued to her or him under the provisions of this chapter. No
236 | license shall be issued to such person for a period of 3 years
237 | following any such violation on the first offense. Any person
238 | guilty of a second or subsequent violation shall be permanently
239 | ineligible for issuance of a license or permit thereafter.

240 | (2) The display or use of a light in a place where deer
241 | might be found and in a manner capable of disclosing the
242 | presence of deer, together with the possession of firearms or
243 | other weapons customarily used for the taking of deer, between 1
244 | hour after sunset and 1 hour before sunrise, shall be prima
245 | facie evidence of an intent to violate the provisions of
246 | subsection (1). This subsection does not apply to an owner or
247 | her or his employee when patrolling or inspecting the land of
248 | the owner, provided the employee has satisfactory proof of
249 | employment on her or his person.

250 | (3) Whoever takes or kills any doe deer; fawn or baby
251 | deer; or deer, whether male or female, which does not have one
252 | or more antlers at least 5 inches in length, except as provided



HB 1063

2003
CS

253 | by law or the rules of the Fish and Wildlife Conservation
254 | Commission, during the open season prescribed by the rules of
255 | the commission, is guilty of a misdemeanor of the first degree,
256 | punishable as provided in s. 775.082 or s. 775.083, and may be
257 | required to forfeit any license or permit issued to such person
258 | for a period of 3 years following any such violation on the
259 | first offense. Any person guilty of a second or subsequent
260 | violation shall be permanently ineligible for issuance of a
261 | license or permit thereafter.

262 | (4) Any person who cultivates agricultural crops may apply
263 | to the Fish and Wildlife Conservation Commission for a permit to
264 | take or kill deer on land which that person is currently
265 | cultivating. When said person can show, to the satisfaction of
266 | the Fish and Wildlife Conservation Commission, that such taking
267 | or killing of deer is justified because of damage to the
268 | person's crops caused by deer, the Fish and Wildlife
269 | Conservation Commission may issue a limited permit to the
270 | applicant to take or kill deer without being in violation of
271 | subsection (1) or subsection (3).

272 | (5) Whoever possesses for sale or sells deer or wild
273 | turkey taken in violation of this chapter or the rules and
274 | regulations of the commission is guilty of a felony of the third
275 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
276 | 775.084.

277 | (6) Any person who enters upon private property and shines
278 | lights upon such property, without the express permission of the
279 | owner of the property and with the intent to take deer by
280 | utilizing such shining lights, shall be guilty of a misdemeanor



HB 1063

2003
CS

281 | of the second degree, punishable as provided in s. 775.082 or s.
282 | 775.083.

283 | (7) Upon final disposition of any alleged offense for
284 | which a citation for any violation of this chapter or the rules
285 | of the commission has been issued, the court shall, within 10
286 | days after the final disposition of the action, certify the
287 | disposition to the commission.

288 | Section 9. This act shall take effect upon becoming a law.
289 |