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CHAMBER ACTION

The Committee on Finance & Tax 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. 372.16, F.S.; increasing the cost of a private game preserve or farm license; 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; amending s. 372.661, F.S.; increasing the cost of a hunting preserve license; amending s. 372.87, F.S.; increasing the cost of a venomous reptile license; amending s. 372.6673, F.S.; revising provisions relating to issuance and expiration dates of alligator trapping



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29 licenses; amending s. 372.921, F.S.; revising provisions
 30 relating to license requirements for the sale and
 31 exhibition of wildlife; increasing the cost of Class I and
 32 Class II licenses; providing a fee for a Class III
 33 license; amending s. 372.922, F.S.; increasing the cost of
 34 a personal possession of wildlife license; amending s.
 35 372.99, F.S.; requiring clerks of the court to notify the
 36 commission within a specified time period of the
 37 disposition of any citation issued under ch. 372, F.S.;
 38 providing an effective date.

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

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

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

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

55 (17)~~(16)~~ "Take" means taking, attempting to take,
 56 pursuing, hunting, molesting, capturing, or killing any wildlife



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57 | or freshwater or saltwater fish, or their nests or eggs, by any
58 | means, whether or not such actions result in obtaining
59 | possession of such wildlife or freshwater or saltwater fish or
60 | their nests or eggs.

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

63 | 372.0222 Private publication agreements; advertising;
64 | costs of production.--

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

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

74 | Section 3. Subsections (1) and (4) of section 372.16,
75 | Florida Statutes, are amended to read:

76 | 372.16 Private game preserves and farms; penalty.--

77 | (1) Any person owning land in this state may establish,
78 | maintain, and operate within the boundaries thereof, a private
79 | preserve and farm, not exceeding an area of 640 acres, for the
80 | protection, preservation, propagation, rearing, and production
81 | of game birds and animals for private and commercial purposes,
82 | provided that no two game preserves shall join each other or be
83 | connected. Before any private game preserve or farm is



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84 established, the owner or operator shall secure a license from
85 the commission, the fee for which is \$50 ~~\$5~~ per year.

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

95 Section 4. Subsections (1) and (3), paragraph (f) of
96 subsection (5), paragraph (c) of subsection (7), and paragraph
97 (b) of subsection (8) of section 372.57, Florida Statutes, are
98 amended to read:

99 372.57 Recreational licenses, permits, and authorization
100 numbers; fees established.--

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



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

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

125 (f) Hunting license to take game for 10 consecutive days,
126 \$45 ~~\$25~~.

127 (7) VESSEL LICENSES.--

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

134 ~~2.~~ a license for any person licensed to operate any vessel
135 carrying 6 or fewer customers but who operates a vessel carrying
136 4 or fewer customers, wherein a fee is paid, either directly or
137 indirectly, for the purpose of taking or attempting to take
138 saltwater fish, is \$200 per year. The license must be kept
139 aboard the vessel at all times.



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140 ~~2.3-~~ A person who operates a vessel required to be
141 licensed pursuant to paragraph (b) or this paragraph may obtain
142 a license in her or his own name, and such license shall be
143 transferable and apply to any vessel operated by the purchaser,
144 provided that the purchaser has paid the appropriate license
145 fee.

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

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

153 Section 5. Paragraph (a) of subsection (1) of section
154 372.6673, Florida Statutes, is amended to read:

155 372.6673 Taking and possession of alligators; trapping
156 licenses; fees.--

157 (1)(a) No person shall take or possess any alligator or
158 the eggs thereof without having first obtained from the
159 commission a trapping license and paid the fee provided in this
160 section. Such license shall be valid ~~from June 1 to June 30 of~~
161 ~~the following year~~ and shall authorize the person to whom it is
162 issued to take or possess alligators and their eggs, and to
163 sell, possess, and process alligators and their hides and meat,
164 in accordance with law and commission rules. Such license shall
165 not be transferable and shall not be valid unless it bears on
166 its face in indelible ink the name of the person to whom it is
167 issued. Such license shall be in the personal possession of the



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168 licensee while such person is taking alligators or their eggs or
169 is selling, possessing, or processing alligators or their eggs,
170 hides, or meat. The failure of the licensee to exhibit such
171 license to the commission or its wildlife officers, when such
172 person is found taking alligators or their eggs or is found
173 selling, possessing, or processing alligators or their eggs,
174 hides, or meat, shall be a violation of law.

175 Section 6. Subsection (1) of section 372.661, Florida
176 Statutes, is amended to read:

177 372.661 Private hunting preserve license fees;
178 exception.--

179 (1) Any person who operates a private hunting preserve
180 commercially or otherwise shall be required to pay a license fee
181 of \$70 ~~\$25~~ for each such preserve; provided, however, that
182 during the open season established for wild game of any species
183 a private individual may take artificially propagated game of
184 such species up to the bag limit prescribed for the particular
185 species without being required to pay the license fee required
186 by this section; provided further that if any such individual
187 shall charge a fee for taking such game she or he shall be
188 required to pay the license fee required by this section and to
189 comply with the rules of the commission relative to the
190 operation of private hunting preserves.

191 Section 7. Section 372.87, Florida Statutes, is amended to
192 read:

193 372.87 License fee; renewal, revocation.--The Fish and
194 Wildlife Conservation Commission is hereby authorized and
195 empowered to issue a license or permit for the keeping,



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196 possessing, or exhibiting of poisonous or venomous reptiles,
197 upon payment of an annual fee of \$100 ~~\$5~~ and upon assurance that
198 all of the provisions of ss. 372.86-372.91 and such other
199 reasonable rules and regulations as said commission may
200 prescribe will be fully complied with in all respects. Such
201 permit may be revoked by the Fish and Wildlife Conservation
202 Commission upon violation of any of the provisions of ss.
203 372.86-372.91 or upon violation of any of the rules and
204 regulations prescribed by said commission relating to the
205 keeping, possessing, and exhibiting of any poisonous and
206 venomous reptiles. Such permits or licenses shall be for an
207 annual period to be prescribed by the said commission and shall
208 be renewable from year to year upon the payment of said \$100 ~~\$5~~
209 fee and shall be subject to the same conditions, limitations,
210 and restrictions as herein set forth.

211 Section 8. Subsections (1) and (2) of section 372.921,
212 Florida Statutes, are amended to read:

213 372.921 Exhibition and sale of wildlife.--

214 (1) In order to provide humane treatment and sanitary
215 surroundings for wild animals kept in captivity, no person,
216 firm, corporation, or association shall have, or be in
217 possession of, in captivity for the purpose of public display
218 with or without charge or for public sale any wildlife,
219 specifically birds, mammals, amphibians, and reptiles, whether
220 indigenous to Florida or not, without having first secured a
221 permit from the commission authorizing such person, firm, or
222 corporation to have in its possession in captivity the species
223 and number of wildlife specified within such permit; however,



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224 | this section does not apply to any wildlife not protected by law
225 | and the rules of the commission.

226 | (2) The fees to be paid for the issuance of permits ~~for~~
227 | ~~the exhibition of wildlife~~ required by subsection (1) shall be
228 | as follows:

229 | (a) For not more than 25 ~~10~~ Class I or ~~7~~ Class II, ~~or Class~~
230 | ~~III~~ individual specimens in the aggregate of all species, the
231 | sum of \$150 ~~\$5~~ per annum.

232 | (b) For over 25 ~~10~~ Class I or ~~7~~ Class II, ~~or Class III~~
233 | individual specimens in the aggregate of all species, the sum of
234 | \$250 ~~\$25~~ per annum.

235 | (c) For any number of Class III individual specimens in
236 | the aggregate of all species, the sum of \$50 per annum.

237 |
238 | The fees prescribed by this subsection shall be submitted to the
239 | commission with the application for permit required by
240 | subsection (1) and shall be deposited in the State Game Trust
241 | Fund.

242 | Section 9. Paragraph (b) of subsection (2) of section
243 | 372.922, Florida Statutes, is amended to read:

244 | 372.922 Personal possession of wildlife.--

245 | (2) The classifications of types of wildlife and fees to
246 | be paid for permits for the personal possession of wildlife
247 | shall be as follows:

248 | (b) *Class II*--Wildlife considered to present a real or
249 | potential threat to human safety, the sum of \$140 ~~\$100~~ per
250 | annum.



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251 Section 10. Section 372.99, Florida Statutes, is amended
252 to read:

253 372.99 Illegal taking and possession of deer and wild
254 turkey; evidence; penalty.--

255 (1) Whoever takes or kills any deer or wild turkey, or
256 possesses a freshly killed deer or wild turkey, during the
257 closed season prescribed by law or by the rules and regulations
258 of the Fish and Wildlife Conservation Commission, or whoever
259 takes or attempts to take any deer or wild turkey by the use of
260 gun and light in or out of closed season, is guilty of a
261 misdemeanor of the first degree, punishable as provided in s.
262 775.082 or s. 775.083, and shall forfeit any license or permit
263 issued to her or him under the provisions of this chapter. No
264 license shall be issued to such person for a period of 3 years
265 following any such violation on the first offense. Any person
266 guilty of a second or subsequent violation shall be permanently
267 ineligible for issuance of a license or permit thereafter.

268 (2) The display or use of a light in a place where deer
269 might be found and in a manner capable of disclosing the
270 presence of deer, together with the possession of firearms or
271 other weapons customarily used for the taking of deer, between 1
272 hour after sunset and 1 hour before sunrise, shall be prima
273 facie evidence of an intent to violate the provisions of
274 subsection (1). This subsection does not apply to an owner or
275 her or his employee when patrolling or inspecting the land of
276 the owner, provided the employee has satisfactory proof of
277 employment on her or his person.



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278 (3) Whoever takes or kills any doe deer; fawn or baby
279 deer; or deer, whether male or female, which does not have one
280 or more antlers at least 5 inches in length, except as provided
281 by law or the rules of the Fish and Wildlife Conservation
282 Commission, during the open season prescribed by the rules of
283 the commission, is guilty of a misdemeanor of the first degree,
284 punishable as provided in s. 775.082 or s. 775.083, and may be
285 required to forfeit any license or permit issued to such person
286 for a period of 3 years following any such violation on the
287 first offense. Any person guilty of a second or subsequent
288 violation shall be permanently ineligible for issuance of a
289 license or permit thereafter.

290 (4) Any person who cultivates agricultural crops may apply
291 to the Fish and Wildlife Conservation Commission for a permit to
292 take or kill deer on land which that person is currently
293 cultivating. When said person can show, to the satisfaction of
294 the Fish and Wildlife Conservation Commission, that such taking
295 or killing of deer is justified because of damage to the
296 person's crops caused by deer, the Fish and Wildlife
297 Conservation Commission may issue a limited permit to the
298 applicant to take or kill deer without being in violation of
299 subsection (1) or subsection (3).

300 (5) Whoever possesses for sale or sells deer or wild
301 turkey taken in violation of this chapter or the rules and
302 regulations of the commission is guilty of a felony of the third
303 degree, punishable as provided in s. 775.082, s. 775.083, or s.
304 775.084.



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305 (6) Any person who enters upon private property and shines
306 lights upon such property, without the express permission of the
307 owner of the property and with the intent to take deer by
308 utilizing such shining lights, shall be guilty of a misdemeanor
309 of the second degree, punishable as provided in s. 775.082 or s.
310 775.083.

311 (7) Upon final disposition of any alleged offense for
312 which a citation for any violation of this chapter or the rules
313 of the commission has been issued, the court shall, within 10
314 days after the final disposition of the action, certify the
315 disposition to the commission.

316 Section 11. This act shall take effect upon becoming a
317 law.