

By Senator Dockery

15-749B-03

1 A bill to be entitled
2 An act relating to the Fish and Wildlife
3 Conservation Commission; amending s. 372.001,
4 F.S.; providing and revising definitions;
5 amending s. 372.0222, F.S.; authorizing the
6 commission to purchase certain promotional
7 items; amending s. 372.05, F.S.; authorizing
8 the executive director to establish additional
9 positions for purposes of administering
10 research contracts and grants; amending s.
11 372.16, F.S.; deleting an obsolete reference
12 relating to private game preserves and farms;
13 amending s. 372.57, F.S.; revising provisions
14 specifying fees and requirements for
15 recreational licenses, permits, and
16 authorization numbers; clarifying language
17 relating to recreational vessel licenses;
18 authorizing the establishment of a recreational
19 sport season crawfish permit in Monroe County
20 and providing for a fee to be established by
21 the county commission; amending s. 372.6673,
22 F.S.; revising provisions relating to issuance
23 and expiration dates of alligator trapping
24 licenses; amending s. 372.921, F.S.; revising
25 provisions relating to license requirements for
26 the sale and exhibition of wildlife; amending
27 s. 372.99, F.S.; requiring clerks of the court
28 to notify the commission within a specified
29 time period of the disposition of any citation
30 issued under ch. 372, F.S.; providing an
31 effective date.

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

2
3 Section 1. Present subsection (16) of section 372.001,
4 Florida Statutes, is renumbered as subsection (17) and
5 amended, present subsection (17) is renumbered as subsection
6 (18), and a new subsection (16) is added to that section, to
7 read:

8 372.001 Definitions.--In construing these statutes,
9 when applied to saltwater and freshwater fish, shellfish,
10 crustacea, sponges, wild birds, and wild animals, where the
11 context permits, the word, phrase, or term:

12 (16) "Saltwater fish" means any saltwater species of
13 finfish of the classes Agnatha, Chondrichthyes, or
14 Osteichthyes and marine invertebrates that of the classes
15 Gastropoda, Bivalvia, or Crustacea, or of the phylum
16 Echinodermata, but does not include nonliving shells or
17 echinoderms.

18 (17)(16) "Take" means taking, attempting to take,
19 pursuing, hunting, molesting, capturing, or killing any
20 wildlife or freshwater or saltwater fish, or their nests or
21 eggs, by any means, whether or not such actions result in
22 obtaining possession of such wildlife or freshwater or
23 saltwater fish or their nests or eggs.

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

26 372.0222 Private publication agreements; advertising;
27 costs of production.--

28 (6) The commission shall provide services and
29 information designed to inform Floridians and visitors about
30 Florida' s unique and diverse fish, game, and wildlife, and
31 make it available by means of commonly used media. For the

1 accomplishment of those purposes, the commission may make
2 expenditures to:

3 (d) Purchase and distribute promotional items to
4 increase public awareness regarding boating safety and other
5 programs that promote public safety or resource conservation.

6 Section 3. Subsection (4) of section 372.05, Florida
7 Statutes, is amended to read:

8 372.05 Duties of executive director.--The executive
9 director of the Fish and Wildlife Conservation Commission
10 shall:

11 (4) Appoint, fix salaries of, and at pleasure remove,
12 subject to the approval of the commission, assistants and
13 other employees who shall have such powers and duties as may
14 be assigned to them by the commission or executive director.
15 Notwithstanding the provisions of s. 216.262(1)(a) and
16 pursuant to s. 216.351, the executive director is authorized
17 to establish additional temporary full-time equivalent
18 positions needed to implement research contracts and grants if
19 all costs for such positions are fully funded through those
20 contracts and grants and if no such position is established
21 for longer than the term of the contract or grant.

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

24 372.16 Private game preserves and farms; penalty.--

25 (4) Any person violating this section for the first
26 offense commits a misdemeanor of the second degree, punishable
27 as provided in s. 775.082 or s. 775.083, and for a second or
28 subsequent offense commits a misdemeanor of the first degree,
29 punishable as provided in s. 775.082 or s. 775.083. Any person
30 convicted of violating this section shall forfeit to the
31 commission any license ~~or permit~~ issued under this section;

1 and no further license ~~or permit~~ shall be issued to such
2 person for a period of 1 year following such conviction.

3 Section 5. Subsections (1) and (3), paragraph (c) of
4 subsection (7), and paragraph (d) of subsection (8) of section
5 372.57, Florida Statutes, are amended to read:

6 372.57 Recreational licenses, permits, and
7 authorization numbers; fees established.--

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

19 (3) PERSONAL POSSESSION REQUIRED.--Each license,
20 permit, or authorization number must be in the personal
21 possession of the person to whom it is issued while such
22 person is ~~hunting, fishing, or taking,~~ attempting to take, or
23 possessing game, freshwater or saltwater fish, or fur-bearing
24 animals. Any person ~~hunting, fishing, or taking,~~ attempting to
25 take, or possessing game, freshwater or saltwater fish, or
26 fur-bearing animals who fails to produce a license, permit, or
27 authorization number at the request of a commission law
28 enforcement officer commits a violation of the law.

29 (7) VESSEL LICENSES.--▲

30 (c)1. A license for any person who operates any vessel
31 licensed to carry no more than 10 customers, or for any person

1 licensed to operate any vessel carrying 6 or fewer customers,
2 wherein a fee is paid, either directly or indirectly, for the
3 purpose of taking or attempting to take saltwater fish, is
4 \$400 per year; provided that:-

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

11 ~~2.3.~~ A person who operates a vessel required to be
12 licensed pursuant to paragraph (b) or this paragraph may
13 obtain a license in her or his own name, and such license
14 shall be transferable and apply to any vessel operated by the
15 purchaser, provided that the purchaser has paid the
16 appropriate license fee.

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

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

27 2. The commission is authorized to establish by rule a
28 Monroe County recreational sport season crawfish permit. The
29 commission shall set the fee for the permit at no more than
30 \$10. The permit is in addition to the permit required by
31 subparagraph 1. Notwithstanding any other provision of this

1 chapter, there are no exclusions, exceptions, or exemptions
2 from this permit fee for all persons taking or possessing
3 crawfish during the recreational sport season for the species
4 in Monroe County as established by the commission.

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

7 372.6673 Taking and possession of alligators; trapping
8 licenses; fees.--

9 (1)(a) No person shall take or possess any alligator
10 or the eggs thereof without having first obtained from the
11 commission a trapping license and paid the fee provided in
12 this section. Such license shall be dated when issued and
13 remain valid for 12 months after the date of issuance ~~from~~
14 ~~June 1 to June 30 of the following year~~ and shall authorize
15 the person to whom it is issued to take or possess alligators
16 and their eggs, and to sell, possess, and process alligators
17 and their hides and meat, in accordance with law and
18 commission rules. Such license shall not be transferable and
19 shall not be valid unless it bears on its face in indelible
20 ink the name of the person to whom it is issued. Such license
21 shall be in the personal possession of the licensee while such
22 person is taking alligators or their eggs or is selling,
23 possessing, or processing alligators or their eggs, hides, or
24 meat. The failure of the licensee to exhibit such license to
25 the commission or its wildlife officers, when such person is
26 found taking alligators or their eggs or is found selling,
27 possessing, or processing alligators or their eggs, hides, or
28 meat, shall be a violation of law.

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

31 372.921 Exhibition of wildlife.--

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

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

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

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

22
23 The fees prescribed by this subsection shall be submitted to
24 the commission with the application for permit required by
25 subsection (1) and shall be deposited in the State Game Trust
26 Fund.

27 Section 8. Section 372.99, Florida Statutes, is
28 amended to read:

29 372.99 Illegal taking and possession of deer and wild
30 turkey; evidence; penalty.--

31

1 (1) Whoever takes or kills any deer or wild turkey, or
2 possesses a freshly killed deer or wild turkey, during the
3 closed season prescribed by law or by the rules and
4 regulations of the Fish and Wildlife Conservation Commission,
5 or whoever takes or attempts to take any deer or wild turkey
6 by the use of gun and light in or out of closed season, is
7 guilty of a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083, and shall forfeit any
9 license or permit issued to her or him under the provisions of
10 this chapter. No license shall be issued to such person for a
11 period of 3 years following any such violation on the first
12 offense. Any person guilty of a second or subsequent violation
13 shall be permanently ineligible for issuance of a license or
14 permit thereafter.

15 (2) The display or use of a light in a place where
16 deer might be found and in a manner capable of disclosing the
17 presence of deer, together with the possession of firearms or
18 other weapons customarily used for the taking of deer, between
19 1 hour after sunset and 1 hour before sunrise, shall be prima
20 facie evidence of an intent to violate the provisions of
21 subsection (1). This subsection does not apply to an owner or
22 her or his employee when patrolling or inspecting the land of
23 the owner, provided the employee has satisfactory proof of
24 employment on her or his person.

25 (3) Whoever takes or kills any doe deer; fawn or baby
26 deer; or deer, whether male or female, which does not have one
27 or more antlers at least 5 inches in length, except as
28 provided by law or the rules of the Fish and Wildlife
29 Conservation Commission, during the open season prescribed by
30 the rules of the commission, is guilty of a misdemeanor of the
31 first degree, punishable as provided in s. 775.082 or s.

1 775.083, and may be required to forfeit any license or permit
2 issued to such person for a period of 3 years following any
3 such violation on the first offense. Any person guilty of a
4 second or subsequent violation shall be permanently ineligible
5 for issuance of a license or permit thereafter.

6 (4) Any person who cultivates agricultural crops may
7 apply to the Fish and Wildlife Conservation Commission for a
8 permit to take or kill deer on land which that person is
9 currently cultivating. When said person can show, to the
10 satisfaction of the Fish and Wildlife Conservation Commission,
11 that such taking or killing of deer is justified because of
12 damage to the person's crops caused by deer, the Fish and
13 Wildlife Conservation Commission may issue a limited permit to
14 the applicant to take or kill deer without being in violation
15 of subsection (1) or subsection (3).

16 (5) Whoever possesses for sale or sells deer or wild
17 turkey taken in violation of this chapter or the rules and
18 regulations of the commission is guilty of a felony of the
19 third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.

21 (6) Any person who enters upon private property and
22 shines lights upon such property, without the express
23 permission of the owner of the property and with the intent to
24 take deer by utilizing such shining lights, shall be guilty of
25 a misdemeanor of the second degree, punishable as provided in
26 s. 775.082 or s. 775.083.

27 (7) Upon final disposition of any alleged offense for
28 which a citation for any violation of this chapter or the
29 rules of the commission has been issued, the court shall,
30 within 10 days after the final disposition of the action,
31 certify the disposition to the commission.

