

By the Committee on Governmental Oversight and Productivity;
and Senator Dockery

302-2311-03

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. 372.07, F.S.; requiring
8 clerks of the court to notify the commission
9 within a specified time period of the
10 disposition of any citation issued under ch.
11 372, F.S.; amending s. 372.16, F.S.; deleting
12 an obsolete reference relating to private game
13 preserves and farms; amending s. 372.57, F.S.;
14 revising provisions specifying fees and
15 requirements for recreational licenses,
16 permits, and authorization numbers; clarifying
17 language relating to recreational vessel
18 licenses; amending s. 372.6673, F.S.; revising
19 provisions relating to issuance and expiration
20 dates of alligator trapping licenses; amending
21 s. 372.921, F.S.; revising provisions relating
22 to license requirements for the sale and
23 exhibition of wildlife; providing an effective
24 date.

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26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Present subsection (16) of section 372.001,
29 Florida Statutes, is renumbered as subsection (17) and
30 amended, present subsection (17) is renumbered as subsection
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1 (18), and a new subsection (16) is added to that section, to
2 read:

3 372.001 Definitions.--In construing these statutes,
4 when applied to saltwater and freshwater fish, shellfish,
5 crustacea, sponges, wild birds, and wild animals, where the
6 context permits, the word, phrase, or term:

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

13 (17)(16) "Take" means taking, attempting to take,
14 pursuing, hunting, molesting, capturing, or killing any
15 wildlife or freshwater or saltwater fish, or their nests or
16 eggs, by any means, whether or not such actions result in
17 obtaining possession of such wildlife or freshwater or
18 saltwater fish or their nests or eggs.

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

21 372.0222 Private publication agreements; advertising;
22 costs of production.--

23 (6) The commission shall provide services and
24 information designed to inform Floridians and visitors about
25 Florida' s unique and diverse fish, game, and wildlife, and
26 make it available by means of commonly used media. For the
27 accomplishment of those purposes, the commission may make
28 expenditures to:

29 (d) Purchase and distribute promotional items to
30 increase public awareness regarding boating safety and other
31 programs that promote public safety or resource conservation.

1 Section 3. Section 372.07, Florida Statutes, is
2 amended to read:

3 372.07 Police powers of commission and its agents.--

4 (1) The Fish and Wildlife Conservation Commission, the
5 executive director and the executive director's assistants
6 designated by her or him, and each wildlife officer are
7 constituted peace officers with the power to make arrests for
8 violations of the laws of this state when committed in the
9 presence of the officer or when committed on lands under the
10 supervision and management of the commission. The general
11 laws applicable to arrests by peace officers of this state
12 shall also be applicable to said director, assistants, and
13 wildlife officers. Such persons may enter upon any land or
14 waters of the state for performance of their lawful duties and
15 may take with them any necessary equipment, and such entry
16 shall not constitute a trespass.

17 (2) Such officers shall have power and authority to
18 enforce throughout the state all laws relating to game,
19 nongame birds, fish, and fur-bearing animals and all rules and
20 regulations of the Fish and Wildlife Conservation Commission
21 relating to wild animal life, marine life, and freshwater
22 aquatic life, and in connection with said laws, rules, and
23 regulations, in the enforcement thereof and in the performance
24 of their duties thereunder, to:

25 (a) Go upon all premises, posted or otherwise;

26 (b) Execute warrants and search warrants for the
27 violation of said laws;

28 (c) Serve subpoenas issued for the examination,
29 investigation, and trial of all offenses against said laws;

30 (d) Carry firearms or other weapons, concealed or
31 otherwise, in the performance of their duties;

1 (e) Arrest upon probable cause without warrant any
2 person found in the act of violating any of the provisions of
3 said laws or, in pursuit immediately following such
4 violations, to examine any person, boat, conveyance, vehicle,
5 game bag, game coat, or other receptacle for wild animal life,
6 marine life, or freshwater aquatic life, or any camp, tent,
7 cabin, or roster, in the presence of any person stopping at or
8 belonging to such camp, tent, cabin, or roster, when said
9 officer has reason to believe, and has exhibited her or his
10 authority and stated to the suspected person in charge the
11 officer's reason for believing, that any of the aforesaid laws
12 have been violated at such camp;

13 (f) Secure and execute search warrants and in
14 pursuance thereof to enter any building, enclosure, or car and
15 to break open, when found necessary, any apartment, chest,
16 locker, box, trunk, crate, basket, bag, package, or container
17 and examine the contents thereof;

18 (g) Seize and take possession of all wild animal life,
19 marine life, or freshwater aquatic life taken or in possession
20 or under control of, or shipped or about to be shipped by, any
21 person at any time in any manner contrary to said laws.

22 (3) It is unlawful for any person to resist an arrest
23 authorized by this section or in any manner to interfere,
24 either by abetting, assisting such resistance, or otherwise
25 interfering with said executive director, assistants, or
26 wildlife officers while engaged in the performance of the
27 duties imposed upon them by law or regulation of the Fish and
28 Wildlife Conservation Commission.

29 (4) Upon final disposition of any alleged offense for
30 which a citation for any violation of this chapter or the
31 rules of the commission has been issued, the court shall,

1 within 10 days after the final disposition of the action,
2 certify the disposition to the commission.

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

5 372.16 Private game preserves and farms; penalty.--

6 (4) Any person violating this section for the first
7 offense commits a misdemeanor of the second degree, punishable
8 as provided in s. 775.082 or s. 775.083, and for a second or
9 subsequent offense commits a misdemeanor of the first degree,
10 punishable as provided in s. 775.082 or s. 775.083. Any person
11 convicted of violating this section shall forfeit to the
12 commission any license ~~or permit~~ issued under this section;
13 and no further license ~~or permit~~ shall be issued to such
14 person for a period of 1 year following such conviction.

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

18 372.57 Recreational licenses, permits, and
19 authorization numbers; fees established.--

20 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER
21 REQUIRED.--Except as provided in s. 372.562, no person shall
22 ~~hunt, fish, or take~~ game, freshwater or saltwater fish, or
23 fur-bearing animals within this state without having first
24 obtained a license, permit, or authorization number and paid
25 the fees set forth in this chapter. Such license, permit, or
26 authorization number shall authorize the person to whom it is
27 issued to ~~hunt, fish, take~~ game, freshwater or saltwater fish,
28 or fur-bearing animals, and participate in outdoor
29 recreational activities in accordance with the laws of the
30 state and rules of the commission.

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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, attempting to take, or~~
5 possessing game, freshwater or saltwater fish, or fur-bearing
6 animals. Any person ~~hunting, fishing, or taking, attempting to~~
7 take, or possessing game, freshwater or saltwater fish, or
8 fur-bearing animals who fails to produce a license, permit, or
9 authorization number at the request of a commission law
10 enforcement officer commits a violation of the law.

11 (7) VESSEL LICENSES.--

12 (c)1. A license for any person who operates any vessel
13 licensed to carry no more than 10 customers, or for any person
14 licensed to operate any vessel carrying 6 or fewer customers,
15 wherein a fee is paid, either directly or indirectly, for the
16 purpose of taking or attempting to take saltwater fish, is
17 \$400 per year; provided that-

18 ~~2-~~ a license for any person licensed to operate any
19 vessel carrying 6 or fewer customers but who operates a vessel
20 carrying 4 or fewer customers, wherein a fee is paid, either
21 directly or indirectly, for the purpose of taking or
22 attempting to take saltwater fish, is \$200 per year. The
23 license must be kept aboard the vessel at all times.

24 ~~2.3-~~ A person who operates a vessel required to be
25 licensed pursuant to paragraph (b) or this paragraph may
26 obtain a license in her or his own name, and such license
27 shall be transferable and apply to any vessel operated by the
28 purchaser, provided that the purchaser has paid the
29 appropriate license fee.

30 Section 6. Paragraph (a) of subsection (1) of section
31 372.6673, Florida Statutes, is amended to read:

1 372.6673 Taking and possession of alligators; trapping
2 licenses; fees.--

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

23 Section 7. Section 372.921, Florida Statutes, is
24 amended to read:

25 372.921 Exhibition and sale of wildlife.--

26 (1) In order to provide humane treatment and sanitary
27 surroundings for wild animals kept in captivity, no person,
28 firm, corporation, or association shall have, or be in
29 possession of, in captivity for the purpose of public display
30 with or without charge or for public sale any wildlife,
31 specifically birds, mammals, amphibians, and reptiles, whether

1 indigenous to Florida or not, without having first secured a
2 permit from the commission authorizing such person, firm, or
3 corporation to have in its possession in captivity the species
4 and number of wildlife specified within such permit; however,
5 this section does not apply to any wildlife not protected by
6 law and the rules of the commission.

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

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

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

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17 The fees prescribed by this subsection shall be submitted to
18 the commission with the application for permit required by
19 subsection (1) and shall be deposited in the State Game Trust
20 Fund.

21 (3) An applicant for a permit shall be required to
22 include in her or his application a statement showing the
23 place, number, and species of wildlife to be held in captivity
24 by the applicant and shall be required upon request by the
25 Fish and Wildlife Conservation Commission to show when, where,
26 and in what manner she or he came into possession of any
27 wildlife acquired subsequent to the effective date of this
28 act. The source of acquisition of such wildlife shall not be
29 divulged by the commission except in connection with a
30 violation of this section or a regulation of the commission in

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1 which information as to source of wildlife is required as
2 evidence in the prosecution of such violation.

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

25 (5) In instances where wildlife is seized or taken
26 into custody by the commission, said owner or possessor of
27 such wildlife shall be responsible for payment of all expenses
28 relative to the capture, transport, boarding, veterinary care,
29 or other costs associated with or incurred due to seizure or
30 custody of wildlife. Such expenses shall be paid by said owner
31 or possessor upon any conviction or finding of guilt of a

1 criminal or noncriminal violation, regardless of adjudication
2 or plea entered, of any provision of chapter 828 or this
3 chapter, or rule of the commission or if such violation is
4 disposed of under s. 921.187. Failure to pay such expense may
5 be grounds for revocation or denial of permits to such
6 individual to possess wildlife.

7 (6) Any animal on exhibit of a type capable of
8 contracting or transmitting rabies shall be immunized against
9 rabies.

10 (7) The provisions of this section relative to
11 licensing do not apply to any municipal, county, state, or
12 other publicly owned wildlife exhibit. The provisions of this
13 section do not apply to any traveling zoo, circus, or exhibit
14 licensed as provided by chapter 205.

15 (8) This section shall not apply to the possession,
16 control, care, and maintenance of ostriches, emus, and rheas,
17 except those kept and maintained primarily for exhibition
18 purposes in zoos, carnivals, circuses, and other
19 establishments where such species are kept for display to the
20 public.

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

24 (10) A violation of this section is punishable as
25 provided by s. 372.83.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2388

The Committee Substitute corrects an error in the directory language of the original bill; removes the authorization for time-limited full-time equivalent positions in the Commission; transfers the disposition notification from s. 372.99, F.S. to s. 372.07, F.S.; and eliminates reference to a special permit fee for Monroe County