

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.; increasing
12 the license fee for private game preserves and
13 farms; deleting an obsolete reference relating
14 to private game preserves and farms; amending
15 s. 372.57, F.S.; revising provisions specifying
16 fees and requirements for recreational
17 licenses, permits, and authorization numbers;
18 clarifying language relating to recreational
19 vessel licenses; increasing a nonresident
20 hunting license fee; increasing fees for
21 nonresident turkey permits; amending s.
22 372.6673, F.S.; revising provisions relating to
23 issuance and expiration dates of alligator
24 trapping licenses; amending s. 372.661, F.S.;
25 increasing the private hunting preserve license
26 fee; amending s. 372.87, F.S.; increasing the
27 reptile license fee; amending s. 372.921, F.S.;
28 revising provisions relating to license
29 requirements for the sale or exhibition of
30 wildlife; increasing permit fees; amending s.
31 372.922, F.S.; increasing the permit fee for

1 personal possession of certain wildlife;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

29 372.0222 Private publication agreements; advertising;
30 costs of production.--

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1 (6) The commission shall provide services and
2 information designed to inform Floridians and visitors about
3 Florida's unique and diverse fish, game, and wildlife, and
4 make it available by means of commonly used media. For the
5 accomplishment of those purposes, the commission may make
6 expenditures to:

7 (d) Purchase and distribute promotional items to
8 increase public awareness regarding boating safety and other
9 programs that promote public safety or resource conservation.

10 Section 3. Section 372.07, Florida Statutes, is
11 amended to read:

12 372.07 Police powers of commission and its agents.--

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

26 (2) Such officers shall have power and authority to
27 enforce throughout the state all laws relating to game,
28 nongame birds, fish, and fur-bearing animals and all rules and
29 regulations of the Fish and Wildlife Conservation Commission
30 relating to wild animal life, marine life, and freshwater
31 aquatic life, and in connection with said laws, rules, and

1 regulations, in the enforcement thereof and in the performance
2 of their duties thereunder, to:

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

4 (b) Execute warrants and search warrants for the
5 violation of said laws;

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

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

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

22 (f) Secure and execute search warrants and in
23 pursuance thereof to enter any building, enclosure, or car and
24 to break open, when found necessary, any apartment, chest,
25 locker, box, trunk, crate, basket, bag, package, or container
26 and examine the contents thereof;

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

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

8 (4) Upon final disposition of any alleged offense for
9 which a citation for any violation of this chapter or the
10 rules of the commission has been issued, the court shall,
11 within 10 days after the final disposition of the action,
12 certify the disposition to the commission.

13 Section 4. Subsections (1) and (4) of section 372.16,
14 Florida Statutes, are amended to read:

15 372.16 Private game preserves and farms; penalty.--

16 (1) Any person owning land in this state may
17 establish, maintain, and operate within the boundaries
18 thereof, a private preserve and farm, not exceeding an area of
19 640 acres, for the protection, preservation, propagation,
20 rearing, and production of game birds and animals for private
21 and commercial purposes, provided that no two game preserves
22 shall join each other or be connected. Before any private game
23 preserve or farm is established, the owner or operator shall
24 secure a license from the commission, the fee for which is \$50
25 ~~\$5~~ per year.

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

1 the commission any license ~~or permit~~ issued under this
2 section; and no further license ~~or permit~~ shall be issued to
3 such person for a period of 1 year following such conviction.

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

8 372.57 Recreational licenses, permits, and
9 authorization numbers; fees established.--

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

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

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

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

6 (7) VESSEL LICENSES.--

7 (c)1. A license for any person who operates any vessel
8 licensed to carry no more than 10 customers, or for any person
9 licensed to operate any vessel carrying 6 or fewer customers,
10 wherein a fee is paid, either directly or indirectly, for the
11 purpose of taking or attempting to take saltwater fish, is
12 \$400 per year.

13 2. A license for any person licensed to operate any
14 vessel carrying 6 or fewer customers but who operates a vessel
15 carrying 4 or fewer customers, wherein a fee is paid, either
16 directly or indirectly, for the purpose of taking or
17 attempting to take saltwater fish, is \$200 per year. The
18 license must be kept aboard the vessel at all times.

19 3. A person who operates a vessel required to be
20 licensed pursuant to paragraph (b) or this paragraph may
21 obtain a license in her or his own name, and such license
22 shall be transferable and apply to any vessel operated by the
23 purchaser, provided that the purchaser has paid the
24 appropriate license fee.

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

30 (b)1. An annual Florida turkey permit for a resident
31 ~~or nonresident~~ to take wild turkeys within the state is \$5.

1 2. An annual Florida turkey permit for a nonresident
2 to take wild turkeys within the state is \$100.

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

5 372.661 Private hunting preserve license fees;
6 exception.--

7 (1) Any person who operates a private hunting preserve
8 commercially or otherwise shall be required to pay a license
9 fee of ~~\$70~~\$25 for each such preserve; provided, however, that
10 during the open season established for wild game of any
11 species a private individual may take artificially propagated
12 game of such species up to the bag limit prescribed for the
13 particular species without being required to pay the license
14 fee required by this section; provided further that if any
15 such individual shall charge a fee for taking such game she or
16 he shall be required to pay the license fee required by this
17 section and to comply with the rules of the commission
18 relative to the operation of private hunting preserves.

19 Section 7. Paragraph (a) of subsection (1) of section
20 372.6673, Florida Statutes, is amended to read:

21 372.6673 Taking and possession of alligators; trapping
22 licenses; fees.--

23 (1)(a) No person shall take or possess any alligator
24 or the eggs thereof without having first obtained from the
25 commission a trapping license and paid the fee provided in
26 this section. Such license shall be dated when issued and
27 remain valid for 12 months after the date of issuance ~~from~~
28 ~~June 1 to June 30 of the following year~~ and shall authorize
29 the person to whom it is issued to take or possess alligators
30 and their eggs, and to sell, possess, and process alligators
31 and their hides and meat, in accordance with law and

1 commission rules. Such license shall not be transferable and
2 shall not be valid unless it bears on its face in indelible
3 ink the name of the person to whom it is issued. Such license
4 shall be in the personal possession of the licensee while such
5 person is taking alligators or their eggs or is selling,
6 possessing, or processing alligators or their eggs, hides, or
7 meat. The failure of the licensee to exhibit such license to
8 the commission or its wildlife officers, when such person is
9 found taking alligators or their eggs or is found selling,
10 possessing, or processing alligators or their eggs, hides, or
11 meat, shall be a violation of law.

12 Section 8. Section 372.87, Florida Statutes, is
13 amended to read:

14 372.87 License fee; renewal, revocation.--The Fish and
15 Wildlife Conservation Commission is hereby authorized and
16 empowered to issue a license or permit for the keeping,
17 possessing, or exhibiting of poisonous or venomous reptiles,
18 upon payment of an annual fee of \$100~~\$5~~ and upon assurance
19 that all of the provisions of ss. 372.86-372.91 and such other
20 reasonable rules and regulations as said commission may
21 prescribe will be fully complied with in all respects. Such
22 permit may be revoked by the Fish and Wildlife Conservation
23 Commission upon violation of any of the provisions of ss.
24 372.86-372.91 or upon violation of any of the rules and
25 regulations prescribed by said commission relating to the
26 keeping, possessing, and exhibiting of any poisonous and
27 venomous reptiles. Such permits or licenses shall be for an
28 annual period to be prescribed by the said commission and
29 shall be renewable from year to year upon the payment of said
30 ~~\$5~~ fee and shall be subject to the same conditions,
31 limitations, and restrictions as herein set forth.

1 Section 9. Section 372.921, Florida Statutes, is
2 amended to read:

3 372.921 Exhibition or sale of wildlife.--

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

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

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

22 (b) For over 25 Class I or Class II ~~10 Class I, Class~~
23 ~~II, or Class III~~ individual specimens in the aggregate of all
24 species, the sum of \$250~~\$25~~ per annum.

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

27
28 The fees prescribed by this subsection shall be submitted to
29 the commission with the application for permit required by
30 subsection (1) and shall be deposited in the State Game Trust
31 Fund.

1 (3) An applicant for a permit shall be required to
2 include in her or his application a statement showing the
3 place, number, and species of wildlife to be held in captivity
4 by the applicant and shall be required upon request by the
5 Fish and Wildlife Conservation Commission to show when, where,
6 and in what manner she or he came into possession of any
7 wildlife acquired subsequent to the effective date of this
8 act. The source of acquisition of such wildlife shall not be
9 divulged by the commission except in connection with a
10 violation of this section or a regulation of the commission in
11 which information as to source of wildlife is required as
12 evidence in the prosecution of such violation.

13 (4) Permits issued pursuant to this section and places
14 where wildlife is kept or held in captivity shall be subject
15 to inspection by officers of the commission at all times. The
16 commission shall have the power to release or confiscate any
17 specimens of any wildlife, specifically birds, mammals,
18 amphibians, or reptiles, whether indigenous to the state or
19 not, when it is found that conditions under which they are
20 being confined are unsanitary, or unsafe to the public in any
21 manner, or that the species of wildlife are being maltreated,
22 mistreated, or neglected or kept in any manner contrary to the
23 provisions of chapter 828, any such permit to the contrary
24 notwithstanding. Before any such wildlife is confiscated or
25 released under the authority of this section, the owner
26 thereof shall have been advised in writing of the existence of
27 such unsatisfactory conditions; the owner shall have been
28 given 30 days in which to correct such conditions; the owner
29 shall have failed to correct such conditions; the owner shall
30 have had an opportunity for a proceeding pursuant to chapter
31 120; and the commission shall have ordered such confiscation

1 or release after careful consideration of all evidence in the
2 particular case in question. The final order of the
3 commission shall constitute final agency action.

4 (5) In instances where wildlife is seized or taken
5 into custody by the commission, said owner or possessor of
6 such wildlife shall be responsible for payment of all expenses
7 relative to the capture, transport, boarding, veterinary care,
8 or other costs associated with or incurred due to seizure or
9 custody of wildlife. Such expenses shall be paid by said owner
10 or possessor upon any conviction or finding of guilt of a
11 criminal or noncriminal violation, regardless of adjudication
12 or plea entered, of any provision of chapter 828 or this
13 chapter, or rule of the commission or if such violation is
14 disposed of under s. 921.187. Failure to pay such expense may
15 be grounds for revocation or denial of permits to such
16 individual to possess wildlife.

17 (6) Any animal on exhibit of a type capable of
18 contracting or transmitting rabies shall be immunized against
19 rabies.

20 (7) The provisions of this section relative to
21 licensing do not apply to any municipal, county, state, or
22 other publicly owned wildlife exhibit. The provisions of this
23 section do not apply to any traveling zoo, circus, or exhibit
24 licensed as provided by chapter 205.

25 (8) This section shall not apply to the possession,
26 control, care, and maintenance of ostriches, emus, and rheas,
27 except those kept and maintained primarily for exhibition
28 purposes in zoos, carnivals, circuses, and other
29 establishments where such species are kept for display to the
30 public.

31

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

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

6 Section 10. Subsection (2) of section 372.922, Florida
7 Statutes, is amended to read:

8 372.922 Personal possession of wildlife.--

9 (2) The classifications of types of wildlife and fees
10 to be paid for permits for the personal possession of wildlife
11 shall be as follows:

12 (a) Class I--Wildlife which, because of its nature,
13 habits, or status, shall not be possessed as a personal pet.

14 (b) Class II--Wildlife considered to present a real or
15 potential threat to human safety, the sum of \$140~~\$100~~ per
16 annum.

17 (c) Class III--All other wildlife not included in
18 Class I or Class II, for which a no-cost permit must be
19 obtained from the commission.

20 Section 11. This act shall take effect upon becoming a
21 law.