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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/23/2009 01:51 PM

Senator Baker moved the following:

Senate Amendment (with title amendment)

Delete lines 1229 - 1337

and insert:

Section 31. Effective July 1, 2010, section 379.2211,
Florida Statutes, is repealed.

Section 32. Effective July 1, 2010, section 379.2212,
Florida Statutes, is repealed.

Section 33. Subsections (1) and (5) of section 379.304,
Florida Statutes, are amended to read:

379.304 Exhibition or sale of wildlife.-



240412

13 (1) Permits issued pursuant to s. 379.3761 ~~this section~~ and
14 places where wildlife is kept or held in captivity shall be
15 subject to inspection by officers of the commission at all
16 times. The commission shall have the power to release or
17 confiscate any specimens of any wildlife, specifically birds,
18 mammals, amphibians, or reptiles, whether indigenous to the
19 state or not, when it is found that conditions under which they
20 are being confined are unsanitary, or unsafe to the public in
21 any manner, or that the species of wildlife are being
22 maltreated, mistreated, or neglected or kept in any manner
23 contrary to the provisions of chapter 828, any such permit to
24 the contrary notwithstanding. Before any such wildlife is
25 confiscated or released under the authority of this section, the
26 owner thereof shall have been advised in writing of the
27 existence of such unsatisfactory conditions; the owner shall
28 have been given 30 days in which to correct such conditions; the
29 owner shall have failed to correct such conditions; the owner
30 shall have had an opportunity for a proceeding pursuant to
31 chapter 120; and the commission shall have ordered such
32 confiscation or release after careful consideration of all
33 evidence in the particular case in question. The final order of
34 the commission shall constitute final agency action.

35 (5) A violation of this section is punishable as provided
36 by s. 379.4015 ~~379.401~~.

37 Section 34. Section 379.338, Florida Statutes, is amended
38 to read:

39 379.338 Confiscation and disposition of illegally taken
40 wildlife, freshwater fish, and saltwater fish ~~game~~.-

41 (1) All wildlife, game and freshwater fish, and saltwater



240412

42 fish seized under the authority of this chapter, any other
43 chapter, or rules of the commission shall, upon conviction of
44 the offender or sooner in accordance with a court order if the
45 court so orders, be forfeited to the investigating law
46 enforcement agency. The law enforcement agency may elect to
47 retain the wildlife, freshwater fish, or saltwater fish for the
48 agency's official use; transfer it to another unit of state or
49 local government for official use; donate it to a charitable
50 organization; sell it at public sale pursuant to s. 705.103; or
51 destroy the wildlife, freshwater fish, or saltwater fish if none
52 of the other options is practicable or if the wildlife,
53 freshwater fish, or saltwater fish is unwholesome or otherwise
54 not of appreciable value. All illegally possessed live wildlife,
55 freshwater fish, and saltwater fish that are properly documented
56 as evidence as provided in s. 379.3381 may be returned to the
57 habitat unharmed. Any unclaimed wildlife, freshwater fish, or
58 saltwater fish shall be retained by the investigating law
59 enforcement agency and disposed of in accordance with this
60 subsection and given to some hospital or charitable institution
61 and receipt therefor sent to the Fish and Wildlife Conservation
62 Commission.

63 (2) All furs or hides or fur-bearing animals seized under
64 the authority of this chapter shall, upon conviction of the
65 offender, be forfeited and sent to the commission, which shall
66 sell the same ~~and deposit the proceeds of such sale to the~~
67 ~~credit of the State Game Trust Fund.~~ If any such hides or furs
68 are seized and the offender is unknown, the court shall order
69 such hides or furs sent to the Fish and Wildlife Conservation
70 Commission, which shall sell such hides and furs.



240412

71 (3) Except as otherwise provided by law, and deposit the
72 proceeds of any such sale under this section shall be deposited
73 in to the credit of the State Game Trust Fund or in the Marine
74 Resources Conservation Trust Fund.

75 (4) Any state, county, or municipal law enforcement agency
76 that enforces or assists the commission in enforcing this
77 chapter, which enforcement results in a forfeiture of property
78 as provided in this section, is entitled to receive all or a
79 share of any property based upon its participation in the
80 enforcement.

81 Section 35. Section 379.3381, Florida Statutes, is created
82 to read:

83 379.3381 Photographic evidence of illegally taken wildlife,
84 freshwater fish, and saltwater fish.-In any prosecution for a
85 violation of this chapter, any other chapter, or rules of the
86 commission, a photograph of illegally taken wildlife, freshwater
87 fish, or saltwater fish may be deemed competent evidence of such
88 property and may be admissible in the prosecution to the same
89 extent as if such wildlife, freshwater fish, or saltwater fish
90 were introduced as evidence. Such photograph shall bear a
91 written description of the wildlife, freshwater fish, or
92 saltwater fish alleged to have been illegally taken, the name of
93 the violator, the location where the alleged illegal taking
94 occurred, the name of the investigating law enforcement officer,
95 the date the photograph was taken, and the name of the
96 photographer. Such writing shall be made under oath by the
97 investigating law enforcement officer, and the photograph shall
98 be identified by the signature of the photographer.

99 Section 36. Paragraphs (n) through (q) of subsection (2) of



240412

100 section 379.353, Florida Statutes, are redesignated as
101 paragraphs (m) through (p), respectively, and paragraphs (h) and
102 (m) of subsection (2) of that section are amended to read:

103 379.353 Recreational licenses and permits; exemptions from
104 fees and requirements.-

105 (2) A hunting, freshwater fishing, or saltwater fishing
106 license or permit is not required for:

107 (h) Any resident saltwater fishing from land or from a
108 structure fixed to the land who has been determined eligible for
109 the food stamp, temporary cash assistance, or Medicaid programs
110 by the Department of Children and Family Services. A benefit
111 issuance or program identification card issued by the Department
112 of Children and Family Services or the Agency for Health Care
113 Administration shall serve as proof of program eligibility. The
114 individual must have the benefit issuance or program
115 identification card and positive proof of identification in his
116 or her possession when fishing.

117 ~~(m) Any resident fishing for a saltwater species in fresh~~
118 ~~water from land or from a structure fixed to land.~~

119 Section 37. Effective July 1, 2010, paragraphs (h), (i),
120 and (j) of subsection (4) and subsections (8), (11), and (12) of
121 section 379.354 are amended to read:

122 379.354 Recreational licenses, permits, and authorization
123 numbers; fees established.-

124 (4) RESIDENT HUNTING AND FISHING LICENSES.-The licenses and
125 fees for residents participating in hunting and fishing
126 activities in this state are as follows:

127 (h) Annual sportsman's license, \$79, except that an annual
128 sportsman's license for a resident 64 years of age or older is



240412

129 \$12. A sportsman's license authorizes the person to whom it is
130 issued to take game and freshwater fish, subject to the state
131 and federal laws, rules, and regulations, including rules of the
132 commission, in effect at the time of the taking. Other
133 authorized activities include activities authorized by a
134 management area permit, a muzzle-loading gun season permit, a
135 crossbow season permit, a turkey permit, a Florida waterfowl
136 permit, a deer permit, and an archery season permit.

137 (i) Annual gold sportsman's license, \$98.50. The gold
138 sportsman's license authorizes the person to whom it is issued
139 to take freshwater fish, saltwater fish, and game, subject to
140 the state and federal laws, rules, and regulations, including
141 rules of the commission, in effect at the time of taking. Other
142 authorized activities include activities authorized by a
143 management area permit, a muzzle-loading gun season permit, a
144 crossbow season permit, a turkey permit, a Florida waterfowl
145 permit, an archery season permit, a snook permit, a deer permit,
146 and a spiny lobster permit.

147 (j) Annual military gold sportsman's license, \$18.50. The
148 gold sportsman's license authorizes the person to whom it is
149 issued to take freshwater fish, saltwater fish, and game,
150 subject to the state and federal laws, rules, and regulations,
151 including rules of the commission, in effect at the time of
152 taking. Other authorized activities include activities
153 authorized by a management area permit, a muzzle-loading gun
154 season permit, a crossbow season permit, a turkey permit, a
155 Florida waterfowl permit, an archery season permit, a snook
156 permit, a deer permit, and a spiny lobster permit. Any resident
157 who is an active or retired member of the United States Armed



240412

158 Forces, the United States Armed Forces Reserve, the National
159 Guard, the United States Coast Guard, or the United States Coast
160 Guard Reserve is eligible to purchase the military gold
161 sportsman's license upon submission of a current military
162 identification card.

163 (8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY
164 PERMITS.—In order to ensure that the cultural heritage of
165 hunting and sport fishing, recognized in s. 379.104, is passed
166 on to future Floridians, the commission shall use up to 10
167 percent of the proceeds from the below-stated hunting and sport
168 fishing-related permits to promote hunting and sport fishing
169 activities, with an emphasis on youth participation. In addition
170 to any license required under this chapter, the following
171 permits and fees for specified hunting, fishing, and other
172 recreational uses and activities are required:

173 (a) An annual Florida waterfowl permit for a resident or
174 nonresident to take wild ducks or geese within the state or its
175 coastal waters is \$5 ~~\$3~~. Revenue generated from the sale of
176 waterfowl permits or that pro rata portion of any license that
177 includes waterfowl hunting privileges provided for in this
178 section shall be used for conservation, research, or management
179 of waterfowl; for the development, restoration, maintenance, and
180 preservation of wetlands within the state; or for promoting the
181 hunting heritage.

182 (b)1. An annual Florida turkey permit for a resident to
183 take wild turkeys within the state is \$10 ~~\$5~~. Revenue generated
184 from the sale of resident wild turkey permits or that pro rata
185 portion of any license that includes turkey hunting privileges
186 provided for in this section shall be used for the conservation,



240412

187 research, or management of wild turkeys or promoting the hunting
188 heritage.

189 2. An annual Florida turkey permit for a nonresident to
190 take wild turkeys within the state is \$125 ~~\$100~~. Revenue
191 generated from the sale of nonresident wild turkey permits or
192 that pro rata portion of any license that includes turkey
193 hunting privileges provided for in this section shall be used
194 for the conservation, research, or management of wild turkeys or
195 promoting the hunting heritage.

196 (c) The commission shall prepare an annual report
197 documenting the use of funds generated under the provisions of
198 paragraphs (a) and (b), to be submitted to the Governor, the
199 Speaker of the House of Representatives, and the President of
200 the Senate on or before September 1 of each year.

201 (d) ~~(e)~~ An annual snook permit for a resident or nonresident
202 to take or possess any snook from any waters of the state is \$10
203 ~~\$2~~. Revenue generated from the sale of snook permits shall be
204 used exclusively for programs to benefit the snook population.

205 (e) ~~(d)~~ An annual spiny lobster permit for a resident or
206 nonresident to take or possess any spiny lobster for
207 recreational purposes from any waters of the state is \$5 ~~\$2~~.
208 Revenue generated from the sale of spiny lobster permits shall
209 be used exclusively for programs to benefit the spiny lobster
210 population.

211 (f) An annual deer permit for a resident or nonresident to
212 take deer within the state during any season authorized by the
213 commission is \$5. Revenue generated from the sale of deer
214 permits shall be used for the conservation, research, or
215 management of white-tailed deer or promoting the hunting



240412

216 heritage.

217 (g)~~(e)~~ A \$5 fee is imposed for each of the following
218 permits:

219 1. An annual archery season permit for a resident or
220 nonresident to hunt within the state during any archery season
221 authorized by the commission.

222 2. An annual crossbow season permit for a resident or
223 nonresident to hunt within the state during any crossbow season
224 authorized by the commission.

225 3. An annual muzzle-loading gun season permit for a
226 resident or nonresident to hunt within the state during any
227 muzzle-loading gun season authorized by the commission.

228 (h)~~(f)~~ A special use permit for a resident or nonresident
229 to participate in limited entry hunting or fishing activities as
230 authorized by commission rule shall not exceed \$150 ~~\$100~~ per day
231 or \$300 ~~\$250~~ per week. Notwithstanding any other provision of
232 this chapter, there are no exclusions, exceptions, or exemptions
233 from this permit fee. In addition to the permit fee, the
234 commission may charge each special use permit applicant a
235 nonrefundable application fee not to exceed \$10.

236 (i)~~(g)~~ 1. A management area permit for a resident or
237 nonresident to hunt on, fish on, or otherwise use for outdoor
238 recreational purposes land owned, leased, or managed by the
239 commission, or by the state for the use and benefit of the
240 commission, shall not exceed \$30 ~~\$25~~ per year.

241 2. A management area permit for a resident or nonresident
242 to hike, camp, or otherwise engage in other outdoor recreational
243 activities, excepting hunting or fishing, on management area
244 lands may not exceed \$5 per day or \$30 per year.



240412

245 ~~3.2.~~ Permit fees for short-term use of land that is owned,
246 leased, or managed by the commission may be established by rule
247 of the commission for activities on such lands. Such permits may
248 be in lieu of, or in addition to, the annual management area
249 permit authorized in subparagraphs 1. and 2. ~~subparagraph 1.~~

250 ~~4.3.~~ Other than for hunting or fishing, the provisions of
251 this paragraph shall not apply on any lands not owned by the
252 commission, unless the commission has obtained the written
253 consent of the owner or primary custodian of such lands.

254 ~~(j)(h)~~1. A recreational user permit is required to hunt on,
255 fish on, or otherwise use for outdoor recreational purposes land
256 leased by the commission from private nongovernmental owners,
257 ~~except for those lands located directly north of the~~
258 ~~Apalachicola National Forest, east of the Ochlocknee River until~~
259 ~~the point the river meets the dam forming Lake Talquin, and~~
260 ~~south of the closest federal highway.~~ The fee for a recreational
261 user permit shall be based upon the economic compensation
262 desired by the landowner, game population levels, desired hunter
263 density, and administrative costs. The permit fee shall be set
264 by commission rule on a per-acre basis. The recreational user
265 permit fee, less administrative costs of up to \$30 ~~\$25~~ per
266 permit, shall be remitted to the landowner as provided in the
267 lease agreement for each area.

268 2. One minor dependent under 16 years of age may hunt under
269 the supervision of the permittee and is exempt from the
270 recreational user permit requirements. The spouse and dependent
271 children of a permittee are exempt from the recreational user
272 permit requirements when engaged in outdoor recreational
273 activities other than hunting and when accompanied by a



240412

274 permittee. Notwithstanding any other provision of this chapter,
275 no other exclusions, exceptions, or exemptions from the
276 recreational user permit fee are authorized.

277 (11) RESIDENT LIFETIME HUNTING LICENSES.—

278 (a) Lifetime hunting licenses are available to residents
279 only, as follows, for:

280 1. Persons 4 years of age or younger, for a fee of \$ 200.

281 2. Persons 5 years of age or older, but under 13 years of
282 age, for a fee of \$ 350.

283 3. Persons 13 years of age or older, for a fee of \$ 500.

284 (b) The following activities are authorized by the purchase
285 of a lifetime hunting license:

286 1. Taking, or attempting to take or possess, game
287 consistent with the state and federal laws and regulations and
288 rules of the commission in effect at the time of the taking.

289 2. All activities authorized by a muzzle-loading gun season
290 permit, a crossbow season permit, a turkey permit, an archery
291 season permit, a Florida waterfowl permit, a deer permit, and a
292 management area permit, excluding fishing.

293 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.—

294 (a) Lifetime sportsman's licenses are available to
295 residents only, as follows, for:

296 1. Persons 4 years of age or younger, for a fee of \$ 400.

297 2. Persons 5 years of age or older, but under 13 years of
298 age, for a fee of \$ 700.

299 3. Persons 13 years of age or older, for a fee of \$ 1,000.

300 (b) The following activities are authorized by the purchase
301 of a lifetime sportsman's license:

302 1. Taking, or attempting to take or possess, freshwater and



240412

303 saltwater fish, and game, consistent with the state and federal
304 laws and regulations and rules of the commission in effect at
305 the time of taking.

306 2. All activities authorized by a management area permit, a
307 muzzle-loading gun season permit, a crossbow season permit, a
308 turkey permit, an archery season permit, a Florida waterfowl
309 permit, a snook permit, a deer permit, and a spiny lobster
310 permit.

311
312 ===== T I T L E A M E N D M E N T =====

313 And the title is amended as follows:

314 Delete lines 117 - 152

315 and insert:

316 weeds and plants; repealing s. 379.2211, F.S.,
317 relating to the use of funds for the Florida waterfowl
318 permit program; repealing s. 379.2212, F.S., relating
319 to the use of funds for the Florida wild turkey permit
320 program; amending s. 379.304, F.S.; providing that
321 anyone violating the provisions governing the sale or
322 exhibition of wildlife is subject to specified
323 penalties relating to captive wildlife; amending s.
324 379.338, F.S.; authorizing an investigating law
325 enforcement agency to dispose of illegally taken
326 wildlife, freshwater fish, or saltwater fish in
327 certain specified ways; requiring that live wildlife,
328 freshwater fish, and saltwater fish be properly
329 documented as evidence and returned to the habitat
330 unharmed; requiring that nonnative species be disposed
331 of in accordance with rules of the Fish and Wildlife



240412

332 Conservation Commission; providing for the disposition
333 of furs and hides; requiring that the proceeds of
334 sales be deposited in the State Game Trust Fund or the
335 Marine Resources Conservation Trust Fund; requiring
336 the Fish and Wildlife Conservation Commission to give
337 to a state, municipal, or county law enforcement
338 agency that enforces or assists the commission in
339 enforcing the law all or a portion of the value of any
340 property forfeited during an enforcement action;
341 creating s. 379.3381, F.S.; providing that photographs
342 of wildlife or freshwater or saltwater fish may be
343 offered into evidence to the same extent as if the
344 wildlife, freshwater fish, or saltwater fish were
345 directly introduced as evidence; requiring that the
346 photograph be accompanied by a writing containing
347 specified information relating to the illegal seizure
348 of the wildlife or freshwater or saltwater fish;
349 amending s. 379.353, F.S.; providing that a resident
350 of this state is exempt from paying certain
351 recreational licenses if the person is eligible for
352 food stamp, temporary cash assistance, or Medicaid
353 programs and has been issued a benefit issuance or
354 program identification card by the Department of
355 Children and Family Services or the Agency for Health
356 Care Administration; amending s. 379.354, F.S.;
357 increasing hunting and fishing permit fees; creating a
358 deer permit; providing for the use of the revenues
359 from the sales of certain hunting and fishing permits;
360 creating an outdoor recreational permit on wildlife



240412

361 management areas controlled by Fish and Wildlife
362 Conservation Commission; deleting certain exceptions
363 to the recreational user permit requirement; amending
364 s. 379.3671,