

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 1249](#)

TITLE: Police Powers of the Fish and Wildlife Conservation Commission

SPONSOR(S): Shoaf

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Natural Resources & Disasters](#)

14 Y, 0 N



[Criminal Justice](#)



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill specifies that the members of the Florida Fish and Wildlife Conservation Commission, the executive director, and law enforcement officers may enter private land in the same manner and subject to the same requirements as a law enforcement officer.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill specifies that members of the [Fish and Wildlife Conservation Commission](#) (Commission), the executive director and his or her assistants, and Commission [law enforcement officers](#) may [enter private property](#) in the same manner and subject to the same requirements as all other law enforcement officers.¹ (Section [1](#))

The effective date of the bill is July 1, 2026. (Section [2](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Florida Fish and Wildlife Conservation Commission](#)

The Fish and Wildlife Conservation Commission (Commission), created by Art. IV, s. 9 of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.² As a result of the Commission's constitutional authority, the Legislature is prohibited from adopting statutes in conflict with rules adopted by the Commission to execute such authority.³ However, the Constitution specifies that all licensing fees for taking wild animal life, freshwater aquatic life, and marine life as well as the penalties for violating the Commission regulations must be prescribed by the Legislature.⁴ In addition, the Legislature must provide for the Commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing.⁵ The Legislature may also enact laws to aid the Commission that are not inconsistent with its

¹ See [s. 943.10, F.S.](#)

² Art. [IV, s. 9, Fla. Const.](#)

³ *Id.*

⁴ *Id.*

⁵ *Id.*

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constitutionally-conferred powers, except for special laws or general laws of local application relating to hunting and fishing.⁶

Law Enforcement Officers

The Commission, the executive director, and the assistants designated by her or him, and each Commission law enforcement officer are considered peace officers with the power to make arrests for violations of laws when the act is committed in the presence of the officer or on certain state managed or owned lands.⁷ Entry onto any of these lands is not considered trespassing.⁸

Commission rules must be enforced by certified law enforcement officers.⁹ The Division of Law Enforcement within the Commission enforces all laws and rules relating to hunting, fishing, and wildlife.¹⁰ Commission law enforcement officers are authorized to do the following as part of their duties:

- Enter lands, public or private.
- Execute warrants and search warrants.
- Serve subpoenas issued for the examination, investigation, and trial of all offenses that violate laws governing fish and wildlife and Commission rules.
- Carry firearms or other weapons, concealed or otherwise, in performance of their duties.
- Arrest someone upon probable cause and without a warrant for violating laws governing fish and wildlife or Commission rules.
- Secure and execute search warrants.
- Seize and take possession of all fish and wildlife that have been taken or are possessed by any person who has violated the law or Commission rules related to such species.¹¹

Entry onto Private Property

The Fourth Amendment to the United States Constitution protects against unreasonable searches and seizures. The Florida Constitution requires Florida courts to construe Fourth Amendment issues in conformity with rulings of the U.S. Supreme Court.¹² Fourth Amendment rights are implicated when the government interferes with any person's reasonable expectation of privacy when conducting a search or making a seizure of his or her person or property.¹³

To protect against official abuses and unfettered police discretion, most searches of private property require a warrant.¹⁴ Courts will uphold the validity of a warrant that is based on probable cause and issued by a neutral magistrate.¹⁵ Searches conducted pursuant to a warrant may not extend beyond the items or localities described in the warrant.¹⁶ There are certain exceptions where a warrant is not required to conduct a search, including:

- A search that is incident to a lawful arrest.¹⁷

⁶ *Id.*

⁷ S. [379.3311\(1\), F.S.](#)

⁸ *Id.*

⁹ S. [379.33, F.S.](#) A law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. See S. [943.10\(1\), F.S.](#)

¹⁰ S. [379.3311, F.S.](#); see also Commission, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Feb. 1, 2026).

¹¹ S. [379.3311\(2\), F.S.](#)

¹² Art. [I, s. 12, Fla. Const.](#); *State v. Jimeno*, 588 So. 2d 233 (Fla. 1991).

¹³ *Oliver v. U.S.*, 466 U.S. 170 (1984); *Jones v. State*, 648 So. 2d 669 (Fla. 1994).

¹⁴ See e.g., *Minnesota v. Dickerson*, 508 U.S. 366 (1993); *Arizona v. Hicks*, 480 U.S. 321 (1987); *Donovan v. Dewey*, 452 U.S. 594 (1981); *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978).

¹⁵ *U.S. v. Ventresca*, 380 U.S. 102 (1965).

¹⁶ *Marron v. U.S.*, 275 U.S. 192 (1927).

¹⁷ *U.S. v. Robinson*, 414 U.S. 218 (1973); *Gustafson v. Fla.*, 414 U.S. 260 (1973); *Preston v. U.S.*, 376 U.S. 364 (1964). To meet constitutional requirements, the search must be contemporaneous with the arrest and can extend to things under the

- When evidence or contraband is in plain view of a law enforcement officer who is lawfully on a person’s property.¹⁸
- When consent is given by the owner or possessor of the property.¹⁹
- Exigent circumstances.²⁰

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/HB 1133 - Fish and Wildlife Conservation Commission	Shoaf	The Governor vetoed this bill on July 1, 2025.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	14 Y, 0 N	2/4/2026	Skinner	Weiss
Criminal Justice Subcommittee				
State Affairs Committee				

accused’s immediate control and, depending on the circumstances of the case, to the place where he or she is arrested. *Preston*, 376 U.S. 364.

¹⁸ *Horton v. California*, 496 U.S. 128 (1990); *Arizona v. Hicks*, 480 U.S. 321.

¹⁹ *Schneekloth v. Bustamonte*, 412 U.S. 218 (1973).

²⁰ *See Arkansas v. Sanders*, 442 U.S. 753 (1979). The exception encompasses several common situations when a search warrant is not feasible or advisable, including where there is danger of flight or escape; loss or destruction of evidence; risk of harm to the public or the police; mobility of a vehicle; and hot pursuit. *U.S. v. Holloway*, 290 F.3d 1331 (11th Cir. 2002).