

Committee Substitute for Senate Bill No. 2388

An act relating to the Fish and Wildlife Conservation Commission; amending s. 372.001, F.S.; providing and revising definitions; amending s. 372.0222, F.S.; authorizing the commission to purchase certain promotional items; amending s. 372.07, F.S.; requiring clerks of the court to notify the commission within a specified time period of the disposition of any citation issued under ch. 372, F.S.; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; deleting an obsolete reference relating to private game preserves and farms; amending s. 372.57, F.S.; revising provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers; clarifying language relating to recreational vessel licenses; increasing a nonresident hunting license fee; increasing fees for nonresident turkey permits; amending s. 372.6673, F.S.; revising provisions relating to issuance and expiration dates of alligator trapping licenses; amending s. 372.661, F.S.; increasing the private hunting preserve license fee; amending s. 372.87, F.S.; increasing the reptile license fee; amending s. 372.921, F.S.; revising provisions relating to license requirements for the sale or exhibition of wildlife; increasing permit fees; amending s. 372.922, F.S.; increasing the permit fee for personal possession of certain wildlife; providing an effective date.

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

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

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

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

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

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

372.0222 Private publication agreements; advertising; costs of production.—

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

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

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

372.07 Police powers of commission and its agents.—

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

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

- (a) Go upon all premises, posted or otherwise;
- (b) Execute warrants and search warrants for the violation of said laws;
- (c) Serve subpoenas issued for the examination, investigation, and trial of all offenses against said laws;
- (d) Carry firearms or other weapons, concealed or otherwise, in the performance of their duties;
- (e) Arrest upon probable cause without warrant any person found in the act of violating any of the provisions of said laws or, in pursuit immediately following such violations, to examine any person, boat, conveyance, vehicle, game bag, game coat, or other receptacle for wild animal life, marine life, or freshwater aquatic life, or any camp, tent, cabin, or roster, in the presence of any person stopping at or belonging to such camp, tent, cabin, or roster, when said officer has reason to believe, and has exhibited her or his authority and stated to the suspected person in charge the officer's reason for believing, that any of the aforesaid laws have been violated at such camp;
- (f) Secure and execute search warrants and in pursuance thereof to enter any building, enclosure, or car and to break open, when found necessary, any

apartment, chest, locker, box, trunk, crate, basket, bag, package, or container and examine the contents thereof;

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

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

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

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

372.16 Private game preserves and farms; penalty.—

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

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

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

372.57 Recreational licenses, permits, and authorization numbers; fees established.—

(1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.—Except as provided in s. 372.562, no person shall ~~hunt, fish, or take game, freshwater or saltwater fish, or fur-bearing animals~~ within this state without having first obtained a license, permit, or authorization number and paid the fees set forth in this chapter. Such license, permit, or

authorization number shall authorize the person to whom it is issued to ~~hunt, fish,~~ take game, freshwater or saltwater fish, or fur-bearing animals, and participate in outdoor recreational activities in accordance with the laws of the state and rules of the commission.

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

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

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

(7) VESSEL LICENSES.—

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

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

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

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

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

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

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

372.661 Private hunting preserve license fees; exception.—

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

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

372.6673 Taking and possession of alligators; trapping licenses; fees.—

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

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

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

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

372.921 Exhibition or sale of wildlife.—

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

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

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

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

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

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

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

(4) Permits issued pursuant to this section and places where wildlife is kept or held in captivity shall be subject to inspection by officers of the commission at all times. The commission shall have the power to release or confiscate any specimens of any wildlife, specifically birds, mammals, amphibians, or reptiles, whether indigenous to the state or not, when it is found that conditions under which they are being confined are unsanitary, or unsafe to the public in any manner, or that the species of wildlife are being maltreated, mistreated, or neglected or kept in any manner contrary to the provisions of chapter 828, any such permit to the contrary notwithstanding.

Before any such wildlife is confiscated or released under the authority of this section, the owner thereof shall have been advised in writing of the existence of such unsatisfactory conditions; the owner shall have been given 30 days in which to correct such conditions; the owner shall have failed to correct such conditions; the owner shall have had an opportunity for a proceeding pursuant to chapter 120; and the commission shall have ordered such confiscation or release after careful consideration of all evidence in the particular case in question. The final order of the commission shall constitute final agency action.

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

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

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

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

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

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

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

372.922 Personal possession of wildlife.—

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

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

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

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

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

Approved by the Governor June 12, 2003.

Filed in Office Secretary of State June 12, 2003.