

CHAPTER 97-201

Committee Substitute for House Bill No. 387

An act relating to wildlife; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a “Voluntary Authorized Hunter Identification Program”; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

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

Section 1. Section 372.7015, Florida Statutes, is created to read:

372.7015 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.—In addition to any other penalty provided by law, any person who violates the criminal provisions of this chapter and rules adopted pursuant to this chapter by illegally killing, taking, possessing, or selling game or fur-bearing animals as defined in s. 372.001(3) or s. 372.001(4) in or out of season while violating chapter 810 shall pay a fine of \$250 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this section shall be deposited into the Game and Fresh Water Fish Commission’s State Game Trust Fund.

Section 2. Section 372.7016, Florida Statutes, is created to read:

372.7016 Voluntary Authorized Hunter Identification Program.—

(1) There is created the “Voluntary Authorized Hunter Identification Program” to assist landowners and law enforcement officials in better controlling trespass and illegal or unauthorized hunting. Landowners wishing to participate in the program shall:

(a) Annually notify the sheriff’s office in the county in which the land is situated and the respective area supervisor of the Game and Fresh Water Fish Commission by letter of their desire to participate in the program, and provide a description of their property which they wish to have in the program by township, range, section, partial section, or other geographical description.

(b) Provide a means of identifying authorized hunters as provided in subsection (2).

(2) Any person hunting on private land enrolled in the Voluntary Authorized Hunter Identification Program shall have readily available on the land at all times when hunting on the property written authorization from the

owner or his or her authorized representative to be on the land for the purpose of hunting. The written authorization shall be presented on demand to any law enforcement officer, the owner, or the authorized agent of the owner.

(a) For purposes of this section, the term "hunting" means to be engaged in or reasonably equipped to engage in the pursuit or taking by any means of any animal described in s. 372.001(3), or s. 372.001(4), and the term "written authorization" means a card, letter, or other written instrument which shall include, but need not be limited to, the name of the person or entity owning the property, the name and signature of the person granting the authorization, a description by township, range, section, partial section, or other geographical description of the land to which the authorization applies, and a statement of the time period during which the authorization is valid.

(b) Failure by any person hunting on private land enrolled in the program to present written authorization to hunt on said land to any law enforcement officer or the owner or representative thereof within 7 days of demand shall be prima facie evidence of violation of s. 810.09(2)(c), punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, such evidence may be contradicted or rebutted by other evidence.

Section 3. Paragraph (f) is added to subsection (2) of section 810.09, Florida Statutes, 1996 Supplement, to read:

810.09 Trespass on property other than structure or conveyance.—

(2)

(f) Any person who in taking or attempting to take any animal described in s. 372.001(3) or s. 372.001(4), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "potentially lethal projectile" includes any projectile launched from any firearm, bow, crossbow or similar tensile device. This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties.

Section 4. This act shall take effect October 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.