

Committee Substitute for House Bill No. 1085

An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; authorizing dismissal of certain violations for failure to possess a boating safety identification card; authorizing a dismissal fee in certain circumstances; amending s. 370.25, F.S.; authorizing state universities to receive financial and technical assistance from the commission for the siting and development of artificial reefs; authorizing the commission to accept title to certain vessels on behalf of the state for use in the artificial reef program and to adopt rules regarding the transfer of such titles; amending s. 372.001, F.S.; revising and reorganizing definitions; creating s. 372.002, F.S.; providing legislative intent regarding the right to hunt, fish, and take game in the state; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; revising and reorganizing provisions relating to private game preserves and farms; creating s. 372.551, F.S.; authorizing the commission to establish processes and vendor fees for the sale of licenses and permits and the issuance of authorization numbers; requiring the use of competitive bidding procedures; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting requirements related thereto; amending s. 372.561, F.S.; effective July 1, 2003; revising amounts tax collectors may retain for the sale of licenses and permits; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; creating an exemption for commission employees in the performance of duties; creating an exemption for persons authorized by commission permit; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; providing for pier licenses and recreational vessel licenses, and providing fees therefor; providing for snook permits and crawfish permits; providing permit fees and providing for the use of revenues therefrom; renumbering and amending s. 370.0608, F.S.; providing for the deposit of saltwater licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutes; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 372.574, F.S.;

conforming subagent duties and reporting requirements; amending s. 372.574, F.S.; effective July 1, 2003; repealing tax collectors' authority to appoint subagents; clarifying the authority of the Fish and Wildlife Conservation Commission to select and appoint subagents; amending s. 372.661, F.S.; clarifying provisions relating to private hunting preserves; correcting a cross reference; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements under certain conditions; authorizing a dismissal fee under certain conditions; reenacting ss. 372.711(1) and 372.83(1)(h), F.S.; reenacting provisions referencing penalties for violations of hunting, fishing, and trapping license and permit requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; providing rulemaking authority; providing a penalty; amending s. 372.922, F.S.; clarifying classifications of types of wildlife; requiring a permit for personal possession; providing a fee exemption for personal possession of wildlife by an exhibitor or seller; amending s. 705.101, F.S.; including derelict vessels within the definition of "abandoned property"; amending ss. 212.06, 215.20, 370.0603, 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, 372.65, 372.7015, 372.7016, and 810.09, F.S.; correcting cross references; deleting obsolete language; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; repealing s. 372.05(4), F.S., relating to duties of the executive director of the commission; repealing s. 372.06, F.S., relating to meetings of the commission; amending s. 372.27, F.S.; authorizing persons to fish in a portion of the Rainbow River; providing an exception for a portion of the Rainbow River within the Rainbow Springs State Park; repealing s. 372.60, F.S.; effective July 1, 2003; relating to the issuance of replacement licenses; providing effective dates.

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

Section 1. Paragraph (b) of subsection (8) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(8)

(b) The presumption that tangible personal property used in another state, territory of the United States, or the District of Columbia for 6 months or longer before being imported into this state was not purchased for use in this state does not apply to any boat for which a saltwater fishing license fee is required to be paid pursuant to s. ~~372.57(7)~~ 370.0605(2)(b)1., 2., or 3., either directly or indirectly, for the purpose of taking, attempting to take, or possessing any saltwater marine fish for noncommercial purposes. Use tax shall apply and be due on such a boat as provided in this paragraph, and

proof of payment of such tax must be presented prior to the first such licensure of the boat, registration of the boat pursuant to chapter 328, and titling of the boat pursuant to chapter 328. A boat that is first licensed within 1 year after purchase shall be subject to use tax on the full amount of the purchase price; a boat that is first licensed in the second year after purchase shall be subject to use tax on 90 percent of the purchase price; a boat that is first licensed in the third year after purchase shall be subject to use tax on 80 percent of the purchase price; a boat that is first licensed in the fourth year after purchase shall be subject to use tax on 70 percent of the purchase price; a boat that is first licensed in the fifth year after purchase shall be subject to use tax on 60 percent of the purchase price; and a boat that is first licensed in the sixth year after purchase, or later, shall be subject to use tax on 50 percent of the purchase price. If the purchaser fails to provide the purchase invoice on such boat, the fair market value of the boat at the time of importation into this state shall be used to compute the tax.

Section 2. Paragraph (1) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(1) The Marine Resources Conservation Trust Fund created by s. 370.0603 ~~370.0608~~, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 372.57 ~~370.0605~~.

Section 3. Subsection (4) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. If a person who is cited for a violation of s. 327.395 can show a boating safety identification card issued to that person and valid at the time of the citation, the clerk of the court may dismiss the case and may assess a \$5 dismissal fee.

Section 4. Paragraph (c) of subsection (2) of section 370.0603, Florida Statutes, is amended to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.—

(2) The Marine Resources Conservation Trust Fund shall receive the proceeds from:

(c) All fees collected pursuant to ss. ~~370.062~~, 370.063, ~~and 370.142, and 372.5704.~~

Section 5. Subsection (3) of section 370.063, Florida Statutes, is amended to read:

370.063 Special recreational crawfish license.—There is created a special recreational crawfish license, to be issued to qualified persons as provided by this section for the recreational harvest of crawfish (spiny lobster) beginning August 5, 1994.

(3) The holder of a special recreational crawfish license must also possess the recreational crawfish permit required by s. 372.57(8)(d) ~~370.14(10)~~ ~~and the license required by s. 370.0605.~~

Section 6. Subsections (1) and (3) of section 370.25, Florida Statutes, are amended to read:

370.25 Artificial reef program; grants and financial and technical assistance to local governments.—

(1) An artificial reef program is created within the ~~Fish and Wildlife Conservation~~ commission to enhance saltwater opportunities and to promote proper management of fisheries resources associated with artificial reefs for the public interest. Under the program, the commission may provide grants and financial and technical assistance to coastal local governments, state universities, and nonprofit corporations qualified under s. 501(c)(3) of the Internal Revenue Code for the siting and development of artificial reefs as well as for monitoring and evaluating such reefs and their recreational, economic, and biological effectiveness. The commission is authorized to accept title, on behalf of the state, to vessels for use in the artificial reef program as offshore artificial reefs. The program may be funded from state, federal, and private contributions.

(3) The commission may adopt by rule criteria for siting, constructing, managing, and evaluating the effectiveness of artificial reefs placed in state or adjacent federal waters and criteria implementing the transfer of vessel titles to the state for use as an offshore artificial reef, ~~consistent with this section.~~

Section 7. Section 372.001, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 372.001, F.S., for present text.)

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

(1) “Authorization number” means a number issued by the commission, or its authorized agent, which serves in lieu of a license or permit and affords the privilege purchased for a specified period of time.

(2) “Closed season” means that portion of the year during which the laws of Florida forbid the taking of particular species of game or varieties of fish.

(3) “Commission” means the Fish and Wildlife Conservation Commission.

(4) “Common carrier” includes any person, firm, or corporation which undertakes for hire, as a regular business, the transportation of persons or commodities from place to place, offering its services to all who may choose to employ it and pay its charges.

(5) “Fish and game” includes all fresh and saltwater fish, shellfish, crustacea, sponges, wild birds, and wild animals.

(6) “Fish management area” means a pond, lake, or other water within a county, or within several counties, designated to improve fishing for public use, and established and specifically circumscribed for authorized management by the commission and the board of county commissioners of the county in which such waters lie, under agreement between the commission and an owner with approval by the board of county commissioners or under agreement with the board of county commissioners for use of public waters in the county in which such waters lie.

(7) “Fish pond” means a body of water that does not occur naturally and that has been constructed and is maintained primarily for the purpose of fishing.

(8) “Fresh water,” except where otherwise provided by law, includes all lakes, rivers, canals, and other waterways of Florida, to such point or points where the fresh and salt waters commingle to such an extent as to become unpalatable and unfit for human consumption because of the saline content, or to such point or points as may be fixed by order of the commission by and with the consent of the board of county commissioners of the county or counties to be affected by such order. The Steinhatchee River shall be considered fresh water from its source to mouth.

(9) “Freshwater fish” includes all classes of pisces that are indigenous to fresh water.

(10) “Fur-bearing animals” includes muskrat, mink, raccoon, otter, civet cat, skunk, red and gray fox, and opossum.

(11) “Game” means deer, bear, squirrel, rabbits, and, where designated by commission rules, wild hogs, ducks, geese, rails, coots, gallinules, snipe, woodcock, wild turkeys, grouse, pheasants, quail, and doves.

(12) “Nongame” includes all species and populations of indigenous wild vertebrates and invertebrates in the state that are not defined as game.

(13) “Open season” means that portion of the year during which the laws of Florida for the preservation of fish and game permit the taking of particular species of game or varieties of fish.

(14) “Private hunting preserve” includes any area set aside by a private individual or concern on which artificially propagated game or birds are taken.

(15) “Resident” means:

(a) Any person who has continually resided in this state for 6 months; or

(b) Any member of the United States Armed Forces who is stationed in this state.

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

(17) “Transport” includes shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export.

Section 8. Section 372.002, Florida Statutes, is created to read:

372.002 Right to hunt and fish.—The Legislature recognizes that hunting, fishing, and the taking of game are a valued part of the cultural heritage of Florida and should be forever preserved for Floridians. The Legislature further recognizes that these activities play an important part in the state’s economy and in the conservation, preservation, and management of the state’s natural areas and resources. Therefore, the Legislature intends that the citizens of Florida have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by general law and by s. 9, Art. IV of the State Constitution.

Section 9. Paragraph (b) of subsection (2) and subsection (3) of section 372.105, Florida Statutes, are amended to read:

372.105 Lifetime Fish and Wildlife Trust Fund.—

(2) The principal of the fund shall be derived from the following:

(b) Proceeds from the sale of lifetime licenses issued in accordance with s. 372.57 ~~with the exception of the saltwater portion of the lifetime sportsman’s license.~~

(3) The fund is declared to constitute a special trust derived from a contractual relationship between the state and the members of the public whose investments contribute to the fund. In recognition of such special trust, the following limitations and restrictions are placed on expenditures from the funds:

(a) No expenditure or disbursement shall be made from the principal of the fund.

(b) The interest income received and accruing from the investments of proceeds from the sale of lifetime freshwater fishing licenses and lifetime hunting licenses ~~the fund~~ shall be spent in furtherance of the commission's exercise of the regulatory and executive powers of the state with respect to the management, protection, and conservation of wild animal life and freshwater aquatic life as set forth in s. 9, Art. IV of the State Constitution and this chapter and as otherwise authorized by the Legislature.

(c) The interest income received and accruing from the investments of proceeds from the sale of lifetime saltwater fishing licenses shall be expended for marine law enforcement, marine research, and marine fishery enhancement.

~~(d)~~(e) No expenditures or disbursements from the interest income derived from the sale of lifetime licenses shall be made for any purpose until the respective holders of such licenses attain the age of 16 years. The Fish and Wildlife Conservation Commission as administrator of the fund shall determine actuarially on an annual basis the amounts of interest income within the fund which may be disbursed pursuant to this paragraph. The director shall cause deposits of proceeds from the sale of lifetime licenses to be identifiable by the ages of the license recipients.

~~(e)~~(d) Any limitations or restrictions specified by the donors on the uses of the interest income derived from gifts, grants, and voluntary contributions shall be respected but shall not be binding.

~~(f)~~(e) The fund shall be exempt from the provisions of s. 215.20.

Section 10. Section 372.106, Florida Statutes, is amended to read:

372.106 Dedicated License Trust Fund.—

(1) There is established within the Fish and Wildlife Conservation Commission the Dedicated License Trust Fund. The fund shall be credited with moneys collected pursuant to ~~s. ss. 370.0605 and 372.57~~ for 5-year licenses and permits and replacement 5-year licenses.

(2)(a) One-fifth of the total proceeds from the sale of 5-year hunting and freshwater fishing licenses, permits, and replacement licenses, and all interest derived therefrom, shall be appropriated annually to the State Game Trust Fund.

(b) One-fifth of the total proceeds from the sale of 5-year saltwater fishing licenses, permits, and replacement licenses, and all interest derived therefrom, shall be appropriated annually to the Marine Resources Conservation Trust Fund.

~~(3)~~(2) The fund shall be exempt from the provisions of s. 215.20.

Section 11. 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, ~~after having secured a license therefor from the Fish and Wildlife Conservation Commission,~~ 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 \$5 per year.

(4) Any person violating ~~the provisions of this section shall~~ for the first offense ~~commit~~ be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for a second or subsequent offense ~~commit~~ be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person convicted of violating ~~the provisions of this section shall~~ forfeit, to the Fish and Wildlife Conservation ~~commission,~~ any license or permit issued under this section ~~the provisions hereof;~~ and no further license or permit shall be issued to such person for a period of 1 year following such conviction. ~~Before any private game preserve or farm is established, the owner or operator shall secure a license from the Fish and Wildlife Conservation Commission, the fee for which shall be \$5 per year.~~

Section 12. Section 372.551, Florida Statutes, is created to read:

372.551 Competitive bidding for certain sale of licenses and permits and the issuance of authorization numbers.—The commission is authorized to establish the following, using competitive bidding procedures:

(1) A process and a vendor fee for the sale of licenses and permits, and the issuance of authorization numbers, over the telephone.

(2) A process and a vendor fee for the electronic sale of licenses and permits and for the electronic issuance of authorization numbers.

Section 13. Section 372.561, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 372.561, F.S., for present text.)

372.561 Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.—

(1) This section applies to all recreational licenses and permits and to any authorization numbers issued by the commission for the use of such recreational licenses or permits.

(2) The commission shall establish forms for the issuance of recreational licenses and permits.

(3) The commission shall issue a license, permit, or authorization number to take wild animal life, freshwater aquatic life, or marine life when an applicant provides proof that she or he is entitled to such license, permit, or authorization number. Each applicant for a recreational license, permit, or authorization number shall provide her or his social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purposes of administration of the Title IV-D program for child support enforcement, use by the commission, and as otherwise provided by law.

(4) Licenses and permits to take wild animal life, freshwater aquatic life, or marine life may be sold by the commission, by any tax collector in the state, or by any subagent authorized under s. 372.574.

(5) In addition to any license or permit fee, the sum of \$1.50 shall be charged for each license or management area permit to cover the cost of issuing such license or permit.

(6)(a)1. For each type of hunting or freshwater fishing license sold and for each type of sportsman's license sold, a tax collector may retain \$1.

2. For each management area permit sold, a tax collector may retain \$1.

3. For each type of saltwater fishing tag or license sold, including combination saltwater fishing and freshwater fishing licenses, or combination saltwater fishing, freshwater fishing, and hunting licenses, a tax collector may retain \$1.50.

(b) Tax collectors shall remit license and permit moneys, along with a report of funds collected and other required documentation, to the commission weekly.

(c) Tax collectors shall maintain records of all licenses and permits sold, voided, stolen, or lost.

1. The tax collector is responsible to the commission for the fees for all licenses and permits sold and for the value of all licenses and permits reported as lost.

2. The tax collector shall report stolen licenses and permits to the appropriate law enforcement agency.

3. The tax collector shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering a theft.

4. The tax collector is responsible for the fees for all licenses and permits sold or lost by a subagent appointed pursuant to s. 372.574.

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

Section 14. Effective July 1, 2003, section 372.561, Florida Statutes, is amended to read:

372.561 Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.—

(1) This section applies to all recreational licenses and permits and to any authorization numbers issued by the commission for the use of such recreational licenses or permits.

(2) The commission shall establish forms for the issuance of recreational licenses and permits.

(3) The commission shall issue a license, permit, or authorization number to take wild animal life, freshwater aquatic life, or marine life when an applicant provides proof that she or he is entitled to such license, permit, or authorization number. Each applicant for a recreational license, permit, or authorization number shall provide her or his social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purposes of administration of the Title IV-D program for child support enforcement, use by the commission, and as otherwise provided by law.

(4) Licenses and permits to take wild animal life, freshwater aquatic life, or marine life may be sold by the commission, by any tax collector in the state, or by any subagent authorized under s. 372.574.

(5) In addition to any license or permit fee, the sum of \$1.50 shall be charged for each license or management area permit, except for replacement licenses, to cover the cost of issuing such license or permit.

(6)(a) The fee established pursuant to s. 372.561(5) shall be distributed as follows:

1. For each hunting license and freshwater fishing license sold by a tax collector, including the combination freshwater fishing and hunting license, the sportsman's license, and the gold sportsman' license, a tax collector may retain \$1.00.

2. For each management area permit sold by a tax collector, a tax collector may retain \$1.00.

3. For each saltwater fishing tag and saltwater fishing license sold by a tax collector, including the combination saltwater fishing and freshwater fishing license and the combination saltwater fishing, freshwater fishing, and hunting license, a tax collector may retain \$1.50.

4. For licenses and management area permits sold by subagents, a tax collector may retain 50 cents for each license sold in the tax collector's county.

5. Any and all remaining fees shall be deposited in the State Game Trust Fund and shall be used to support an automated license system and administration of the license program.

(b) Tax collectors shall remit license and permit revenue to the commission weekly.

(7)(a) The sum of \$10 shall be charged for each replacement lifetime license and \$2 for all other replacement licenses and permits. A tax collector may retain \$1.00 for each replacement license.

(b) Fees collected from the issuance of replacement licenses shall be deposited in the State Game Trust Fund.

~~(6)(a)1. For each type of hunting or freshwater fishing license sold and for each type of sportsman's license sold, a tax collector may retain \$1.~~

~~2. For each management area permit sold, a tax collector may retain \$1.~~

~~3. For each type of saltwater fishing tag or license sold, including combination saltwater fishing and freshwater fishing licenses, or combination saltwater fishing, freshwater fishing, and hunting licenses, a tax collector may retain \$1.50.~~

~~(b) Tax collectors shall remit license and permit moneys, along with a report of funds collected and other required documentation, to the commission weekly.~~

~~(c) Tax collectors shall maintain records of all licenses and permits sold, voided, stolen, or lost.~~

~~1. The tax collector is responsible to the commission for the fees for all licenses and permits sold and for the value of all licenses and permits reported as lost.~~

~~2. The tax collector shall report stolen licenses and permits to the appropriate law enforcement agency.~~

~~3. The tax collector shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering a theft.~~

~~4. The tax collector is responsible for the fees for all licenses and permits sold or lost by a subagent appointed pursuant to s. 372.574.~~

~~(8)(7) The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.~~

Section 15. Section 372.562, Florida Statutes, is created to read:

372.562 Recreational licenses and permits; exemptions from fees and requirements.—

(1) Hunting, freshwater fishing, and saltwater fishing licenses and permits shall be issued without fee to any resident who is certified or determined:

(a) To be totally and permanently disabled for purposes of workers' compensation under chapter 440 as verified by an order of a judge of compensa-

tion claims or written confirmation by the carrier providing workers' compensation benefits, or to be totally and permanently disabled by the Railroad Retirement Board, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued under the provisions of s. 295.17, upon proof of same. Any license issued under this paragraph after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

(b) To be disabled by the United States Social Security Administration, upon proof of same. Any license issued under this paragraph after October 1, 1999, expires after 2 years and must be reissued, upon proof of certification of disability, every 2 years thereafter.

A disability license issued after July 1, 1997, and before July 1, 2000, retains the rights vested thereunder until the license has expired.

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

(a) Any child under 16 years of age, except as otherwise provided in this chapter.

(b) Any person hunting or fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or fishing on the homestead property of her or his parent.

(c) Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders.

(d) Any resident fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism, except on a legally established fish management area.

(e) Any person fishing in a fish pond of 20 acres or less that is located entirely within the private property of the fish pond owner.

(f) Any person fishing in a fish pond that is licensed in accordance with s. 372.5705.

(g) Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof.

(h) Any resident fishing in saltwater from land or from a structure fixed to the land.

(i) Any person fishing from a vessel licensed pursuant to s. 372.57(7).

(j) Any person fishing from a vessel the operator of which is licensed pursuant to s. 372.57(7).

(k) Any person who holds a valid saltwater products license issued under s. 370.06(2).

(l) Any person fishing for recreational purposes from a pier licensed under s. 372.57.

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

(n) Any resident fishing for mullet in fresh water who has a valid Florida freshwater fishing license.

(o) Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities.

(p) Any employee of the commission who takes freshwater fish, saltwater fish, or game as part of employment with the commission, or any other person authorized by commission permit to take freshwater fish, saltwater fish, or game for scientific or educational purposes.

Section 16. Section 372.57, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 372.57, F.S., for present text.)

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 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 fur-bearing animals, and participate in outdoor recreational activities in accordance with the laws of the state and rules of the commission.

(2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.—

(a) Licenses, permits, and authorization numbers issued under this chapter are not transferable. Each license and permit must bear on its face in indelible ink the name of the person to whom it is issued and other information as deemed necessary by the commission. Licenses issued to the owner, operator, or custodian of a vessel that directly or indirectly collects fees for taking or attempting to take or possess saltwater fish for noncommercial purposes must include the vessel registration number or federal documentation number.

(b) The lifetime licenses and 5-year licenses authorized in this section shall be embossed with the name, date of birth, date of issuance, and other

pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany each application for a lifetime license for a resident 12 years of age or younger.

(c) A positive form of identification is required when using a free license, a lifetime license, a 5-year license, or an authorization number issued under this chapter, or when otherwise required by a license or permit.

(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 fur-bearing animals. Any person hunting, fishing, or taking 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.

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

(a) Annual freshwater fishing license, \$12.

(b) Annual saltwater fishing license, \$12.

(c) Annual hunting license to take game, \$11.

(d) Annual combination hunting and freshwater fishing license, \$22.

(e) Annual combination freshwater fishing and saltwater fishing license, \$24.

(f) Annual combination hunting, freshwater fishing, and saltwater fishing license, \$34.

(g) Annual license to take fur-bearing animals, \$25. However, a resident with a valid hunting license or a no-cost license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license. Also, a resident 65 years of age or older is not required to purchase this license.

(h) Annual sportsman's license, \$66, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, and an archery permit.

(i) Annual gold sportsman's license, \$82. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area

permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, an archery permit, a snook permit, and a crawfish permit.

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

(a) Freshwater fishing license to take freshwater fish for 7 consecutive days, \$15.

(b) Saltwater fishing license to take saltwater fish for 3 consecutive days, \$5.

(c) Saltwater fishing license to take saltwater fish for 7 consecutive days, \$15.

(d) Annual freshwater fishing license, \$30.

(e) Annual saltwater fishing license, \$30.

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

(g) Annual hunting license to take game, \$150.

(h) Annual license to take fur-bearing animals, \$25. However, a nonresident with a valid Florida hunting license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license.

(6) PIER LICENSE.—A pier license for any pier fixed to land for the purpose of taking or attempting to take saltwater fish is \$500 per year. The pier license may be purchased at the option of the owner, operator, or custodian of such pier and must be available for inspection at all times.

(7) VESSEL LICENSES.—

(a) No person may operate any vessel wherein a fee is paid, either directly or indirectly, for the purpose of taking, attempting to take, or possessing any saltwater fish for noncommercial purposes unless she or he has obtained a license for each vessel for that purpose, and has paid the license fee pursuant to paragraphs (b) and (c) for such vessel.

(b) A license for any person who operates any vessel licensed to carry more than 10 customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take saltwater fish, is \$800 per year. The license must be kept aboard the vessel at all times.

(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 six 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 paragraph (c) 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.

(d) A license for a recreational vessel not for hire and for which no fee is paid, either directly or indirectly, by guests for the purpose of taking or attempting to take saltwater fish noncommercially is \$2,000 per year. The license may be purchased at the option of the vessel owner and must be kept aboard the vessel at all times. A log of species taken and the date the species were taken shall be maintained and a copy of the log filed with the commission at the time of renewal of the license.

(e) The owner, operator, or custodian of a vessel the operator of which has been licensed pursuant to paragraph (a) must maintain and report such statistical data as required by, and in a manner set forth in, the rules of the commission.

(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:

(a) An annual Florida waterfowl permit for a resident or nonresident to take wild ducks or geese within the state or its coastal waters is \$3.

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

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

(d) An annual crawfish permit for a resident or nonresident to take or possess any crawfish for recreational purposes from any waters of the state is \$2. Revenue generated from the sale of crawfish permits shall be used exclusively for programs to benefit the crawfish population.

(e) An annual muzzle-loading gun permit for a resident or nonresident to hunt within the state with a muzzle-loading gun is \$5. Hunting with a muzzle-loading gun is limited to game seasons in which hunting with a modern firearm is not authorized by the commission.

(f) An annual archery permit for a resident or nonresident to hunt within the state with a bow and arrow is \$5. Hunting with an archery permit is limited to those game seasons in which hunting with a firearm is not authorized by the commission.

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

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

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

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

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

2. One minor dependent, 16 years of age or younger, may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when engaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter, no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

(9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.—

(a) Five-year licenses are available for residents only, as follows:

1. A 5-year freshwater fishing or saltwater fishing license is \$60 for each type of license and authorizes the person to whom the license is issued to take or attempt to take or possess freshwater fish or saltwater fish consist-

ent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. A 5-year hunting license is \$55 and authorizes the person to whom it is issued to take or attempt to take or possess game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

3. The commission is authorized to sell the hunting, fishing, and recreational activity permits authorized in subsection (8) for a 5-year period to match the purchase of 5-year fishing and hunting licenses. The fee for each permit issued under this paragraph shall be five times the annual cost established in subsection (8).

(b) Proceeds from the sale of all 5-year licenses and permits shall be deposited into the Dedicated License Trust Fund, to be distributed in accordance with the provisions of s. 372.106.

(10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING LICENSES.—

(a) Lifetime freshwater fishing licenses or saltwater fishing licenses are available for residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$125.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$225.

3. Persons 13 years of age or older, for a fee of \$300.

(b) The following activities are authorized by the purchase of a lifetime freshwater fishing license:

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

2. All activities authorized by a management area permit, excluding hunting.

(c) The following activities are authorized by the purchase of a lifetime saltwater fishing license:

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

2. All activities authorized by a snook permit and a crawfish permit.

3. All activities for which an additional license, permit, or fee is required to take or attempt to take or possess saltwater fish, which additional license, permit, or fee was imposed subsequent to the date of the purchase of the lifetime saltwater fishing license.

(11) RESIDENT LIFETIME HUNTING LICENSES.—

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

1. Persons 4 years of age or younger, for a fee of \$200.
2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$350.
3. Persons 13 years of age or older, for a fee of \$500.

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

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

2. All activities authorized by a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, and a management area permit, excluding fishing.

(12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.—

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

1. Persons 4 years of age or younger, for a fee of \$400.
2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$700.
3. Persons 13 years of age or older, for a fee of \$1,000.

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

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

2. All activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, an archery permit, a Florida waterfowl permit, a snook permit, and a crawfish permit.

(13) PROCEEDS FROM THE SALE OF LIFETIME LICENSES.—The proceeds from the sale of all lifetime licenses authorized in this section shall be deposited into the Lifetime Fish and Wildlife Trust Fund, to be distributed as provided in s. 372.105.

(14) RECIPROCAL FEE AGREEMENTS.—The commission is authorized to reduce the fees for licenses and permits under this section for residents of those states with which the commission has entered into reciprocal agreements with respect to such fees.

(15) FREE FISHING DAYS.—The commission may designate by rule no more than 2 consecutive or nonconsecutive days in each year as free freshwater fishing days and no more than 2 consecutive or nonconsecutive days in each year as free saltwater fishing days. Notwithstanding any other provision of this chapter, any person may take freshwater fish for noncommercial purposes on a free freshwater fishing day and may take saltwater fish for noncommercial purposes on a free saltwater fishing day, without obtaining or possessing a license or permit or paying a license or permit fee as prescribed in this section. A person who takes freshwater or saltwater fish on a free fishing day must comply with all laws, rules, and regulations governing the holders of a fishing license or permit and all other conditions and limitations regulating the taking of freshwater or saltwater fish as are imposed by law or rule.

Section 17. Section 370.0608, Florida Statutes, is renumbered as section 372.5701, Florida Statutes, and amended to read:

372.5701 ~~370.0608~~ Deposit of license fees; allocation of federal funds.—

(1) Except as provided in ss. 372.105 and 372.106, all saltwater license and permit fees collected pursuant to s. 372.57 All license fees collected pursuant to s. 370.0605 shall be deposited into the Marine Resources Conservation Trust Fund, to be used as follows:

(a) Not more than 7.5 percent of the total fees collected shall be used for administration of the licensing program and for information and education. Not more than 5 percent of the total fees collected shall be used to carry out the responsibilities of the Fish and Wildlife Conservation Commission and to provide for the award of funds to marine research institutions in this state for the purposes of enabling such institutions to conduct worthy marine research projects.

(b) Not less than 30 percent of the total fees collected shall be used for law enforcement. Not less than 2.5 percent of the total fees collected shall be used for aquatic education purposes.

(c) Not less than 32.5 percent of the total fees collected shall be used for marine research and management.

1.—The remainder of such fees shall be used by the department for the following program functions:

a.—Not more than 5 percent of the total fees collected, for administration of the licensing program and for information and education.

b.—Not more than 30 percent of the total fees collected, for law enforcement.

c.—Not less than 27.5 percent of the total fees collected, for marine research.

(d)d. Not less than 30 percent of the total fees collected, for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

~~(2)~~ The Legislature shall annually appropriate to the commission from the General Revenue Fund for the activities and programs specified in subsection (1) subparagraph 1, at least the same amount of money as was appropriated to the Department of Environmental Protection from the General Revenue Fund for such activities and programs for fiscal year 1988-1989, and the amounts appropriated to the commission for such activities and programs from the Marine Resources Conservation Trust Fund shall be in addition to the amount appropriated to the commission for such activities and programs from the General Revenue Fund. The proceeds from recreational saltwater fishing license fees paid by fishers shall only be appropriated to the commission.

~~(3)~~⁽²⁾ Funds available from the Wallop-Breaux Aquatic Resources Trust Fund shall be distributed by the commission between the Division of Freshwater Fisheries and the Division of Marine Fisheries in proportion to the numbers of resident fresh and saltwater anglers as determined by the most current data on license sales. Unless otherwise provided by federal law, the commission, at a minimum, shall provide the following:

(a) Not less than 5 percent or more than 10 percent of the funds allocated to the commission shall be expended for an aquatic resources education program; and

(b) Not less than 10 percent of the funds allocated to the commission shall be expended for acquisition, development, renovation, or improvement of boating facilities.

~~(3) All license fees collected pursuant to s. 370.0605 shall be transferred to the Marine Resources Conservation Trust Fund within 7 days following the last business day of the week in which the license fees were received by the commission. One-fifth of the total proceeds derived from the sale of 5-year licenses and replacement 5-year licenses, and all interest derived therefrom, shall be available for appropriation annually.~~

Section 18. Section 370.0609, Florida Statutes, is renumbered as section 372.5702, Florida Statutes, and amended to read:

372.5702 ~~370.0609~~ Expenditure of funds.—Any moneys available pursuant to s. ~~372.5701(1)(c) may 370.0608(1)(e)~~ l.e. shall be expended by the ~~Fish and Wildlife Conservation~~ commission within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; Florida Marine Research Institute of the Fish and Wildlife Conservation Commission; ~~Indian River Region Research Institute~~; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; ~~and Rosentiel School of Marine and Atmospheric Science; and Smithsonian Marine Station at Ft. Pierce.~~

Section 19. Section 370.062, Florida Statutes, is renumbered as section 372.5704, Florida Statutes, and subsections (1) and (9) of said section are amended to read:

372.5704 ~~370.062~~ Fish and Wildlife Conservation Commission license program for tarpon; fees; penalties.—

(1) ~~The Fish and Wildlife Conservation~~ commission shall establish a license program for the purpose of issuing tags to individuals desiring to harvest tarpon (*megalops atlantica*) from the waters of the state of Florida. The tags shall be nontransferable, except that the commission may allow for a limited number of tags to be purchased by professional fishing guides for transfer to individuals, and issued by the commission in order of receipt of a properly completed application for a nonrefundable fee of \$50 per tag. The commission and any tax collector may sell the tags and collect the fees therefor. Tarpon tags are valid from July 1 through June 30. Before August ~~15~~ 5 of each year, each tax collector shall submit to the commission all unissued tags for the previous ~~fiscal calendar~~ year along with a written audit report, on forms prescribed or approved by the commission, as to the numbers of the unissued tags. To defray the cost of issuing any tag, the issuing tax collector shall collect and retain as his or her costs, in addition to the tag fee collected, the amount allowed under s. ~~372.561(6)(4)~~ for the issuance of licenses.

~~(9) All tag fees collected by the commission shall be transferred to the Marine Resources Conservation Trust Fund within 7 days following the last business day of the week in which the fees were received by the commission.~~

Section 20. Section 372.571, Florida Statutes, is amended to read:

372.571 Expiration of licenses and permits.—Each license or permit issued under this chapter must be dated when issued. Each license or permit issued under this chapter remains valid for 12 months after the date of issuance, except for a lifetime license issued pursuant to s. 372.57 which is valid from the date of issuance until the death of the individual to whom the license is issued unless otherwise revoked in accordance with s. 372.99, or a 5-year license issued pursuant to s. 372.57 which is valid for 5 consecutive years from the date of purchase unless otherwise revoked in accordance with s. 372.99, or a license issued pursuant to s. ~~372.57(5)(a), (b), (c), or (f) or (8)(g) or (h)2. (2)(b) or (g)~~, which is valid for the period specified on the license. A resident lifetime license or a resident 5-year license that has been purchased by a resident of this state and who subsequently resides in another state shall be honored for activities authorized by that license.

Section 21. Subsection (1) of section 372.5712, Florida Statutes, is amended to read:

372.5712 Florida waterfowl permit revenues.—

(1) The commission shall expend the revenues generated from the sale of the Florida waterfowl permit as provided in s. ~~372.57(8)(4)(a)~~ or that pro rata portion of any license that includes waterfowl hunting privileges, as provided in s. ~~372.57(4)(h) and (i) and (9)(a)3. (2)(k) and (14)(b)~~ as follows: A maximum of 5 percent of the gross revenues shall be expended for administrative costs; a maximum of 25 percent of the gross revenues shall be expended for waterfowl research approved by the commission; and a maximum of 70 percent of the gross revenues shall be expended for projects

approved by the commission, in consultation with the Waterfowl Advisory Council, for the purpose of protecting and propagating migratory waterfowl and for the development, restoration, maintenance, and preservation of wetlands within the state.

Section 22. Subsection (1) of section 372.5715, Florida Statutes, is amended to read:

372.5715 Florida wild turkey permit revenues.—

(1) The commission shall expend the revenues generated from the sale of the turkey permit as provided for in s. 372.57(8)(b) ~~(4)(e)~~ or that pro rata portion of any license that includes turkey hunting privileges as provided for in s. 372.57(4)(h) and (i) ~~(2)(k) and (14)(b)~~ for research and management of wild turkeys.

Section 23. Subsection (7) of section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.—

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 372.562(2) ~~372.57(1)~~.

Section 24. Section 372.573, Florida Statutes, is amended to read:

372.573 Management area permit revenues.—The commission shall expend the revenue generated from the sale of the management area permit as provided for in s. 372.57(8)(h) ~~(4)(b)~~ or that pro rata portion of any license that includes management area privileges as provided for in s. 372.57(4)(h) ~~and (i) (2)(i) and (14)(b)~~ for the lease, management, and protection of lands for public hunting, fishing, and other outdoor recreation.

Section 25. Paragraph (h) of subsection (1) and paragraphs (e) and (i) of subsection (2) of section 372.574, Florida Statutes, are amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:

(h) A subagent shall weekly submit payment for and report the sale of licenses and permits ~~to the tax collector as prescribed by the tax collector but no less frequently than monthly.~~

(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for selection of subagents. The following are requirements for subagents so appointed:

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit. ~~In addition, no later than July 1, 1997, a subagent fee for the sale of licenses over the telephone by credit card shall be established by competitive bid procedures which are overseen by the Fish and Wildlife Conservation Commission. A fee for electronic license sales may be established by competitive bid procedures that are overseen by the Fish and Wildlife Conservation Commission.~~

(i) ~~By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.~~

Section 26. Effective July 1, 2003, section 372.574, Florida Statutes, is amended to read:

372.574 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.—

(1) ~~A county tax collector who elects to sell licenses and permits may appoint any person as a subagent for the sale of fishing, hunting, and trapping licenses and permits that the tax collector is allowed to sell. The following are requirements for subagents:~~

(a) ~~Each subagent must serve at the pleasure of the county tax collector.~~

(b) ~~Neither an employee of the county tax collector nor her or his relative or next of kin, by blood or otherwise, may be appointed as a subagent.~~

(c) ~~The tax collector may require each subagent to post an appropriate bond as determined by the tax collector, using an insurance company acceptable to the tax collector. In lieu of such bond, the tax collector may purchase blanket bonds covering all or selected subagents or may allow a subagent to post such other security as is required by the tax collector.~~

(d) ~~A subagent may sell licenses and permits as are determined by the tax collector at such specific locations within the county and in states contiguous to Florida as will best serve the public interest and convenience in obtaining licenses and permits. The commission may uniformly prohibit subagents from selling certain licenses or permits.~~

(e) ~~It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless she or he has been appointed as a subagent.~~

(f) ~~Any person who willfully violates any of the provisions of this law is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

(g) ~~A subagent may charge and receive as her or his compensation 50 cents for each license or permit sold. This charge is in addition to the sum~~

required by law to be collected for the sale and issuance of each license or permit.

~~(h) A subagent shall weekly submit payment for and report the sale of licenses and permits.~~

~~(i) Subagents shall submit an activity report for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.~~

~~(1)(2) If a tax collector elects not to appoint subagents, the commission may appoint subagents within that county. Subagents shall serve at the pleasure of the commission. The commission may establish, by rule, procedures for the selection and appointment of subagents. The following are requirements for subagents so appointed:~~

(a) The commission may require each subagent to post an appropriate bond as determined by the commission, using an insurance company acceptable to the commission. In lieu of the bond, the commission may purchase blanket bonds covering all or selected subagents or may allow a subagent to post other security as required by the commission.

(b) A subagent may sell licenses and permits as authorized by the commission at specific locations within the county and in states as will best serve the public interest and convenience in obtaining licenses and permits. The commission may prohibit subagents from selling certain licenses or permits.

(c) It is unlawful for any person to handle licenses or permits for a fee or compensation of any kind unless he or she has been appointed as a subagent.

(d) Any person who willfully violates any of the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A subagent may charge and receive as his or her compensation 50 cents for each license or permit sold. This charge is in addition to the sum required by law to be collected for the sale and issuance of each license or permit.

(f) A subagent shall submit payment for and report the sale of licenses and permits to the commission as prescribed by the commission.

~~(g) Subagents shall maintain records of all licenses and permits sold, voided, stolen, or lost. Subagents are responsible to the commission for the fees for all licenses and permits sold and for the value of all licenses and permits reported as lost. Subagents must report all stolen licenses and permits to the appropriate law enforcement agency. The subagent shall submit a written report and a copy of the law enforcement agency's report to the commission within 5 days after discovering the theft.~~

~~(h) Subagents shall submit an activity report for sales made during the reporting period on forms prescribed or approved by the commission. Periodic audits may be performed at the discretion of the commission.~~

~~(1) By July 15 of each year, each subagent shall submit to the commission all unissued stamps for the previous year along with a written audit report, on forms prescribed or approved by the commission, on the numbers of the unissued stamps.~~

~~(2)(3)~~ The Fish and Wildlife Conservation Commission or any other law enforcement agency may carry out any investigation necessary to secure information required to carry out and enforce this section.

~~(3)(4)~~ All social security numbers that are provided pursuant to ss. 372.561 and 372.57 and are contained in records of any subagent appointed under this section are confidential as provided in those sections.

Section 27. Paragraph (a) of subsection (1) and subsection (2) of section 372.65, Florida Statutes, are amended to read:

372.65 Freshwater fish dealer's license.—

(1) No person shall engage in the business of taking for sale or selling any frogs or freshwater fish, including live bait, of any species or size, or importing any exotic or nonindigenous fish, until such person has obtained a license and paid the fee therefor as set forth herein. The license issued shall be in the possession of the person to whom issued while such person is engaging in the business of taking for sale or selling freshwater fish or frogs, is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card issued by the commission. Such license is not valid unless it bears the name of the person to whom it is issued and is so affixed. The failure of such person to exhibit such license to the commission or any of its wildlife officers when such person is found engaging in such business is a violation of law. The license fees and activities permitted under particular licenses are as follows:

(a) The fee for a resident commercial fishing license, which permits a resident to take freshwater fish or frogs by any lawful method prescribed by the commission and to sell such fish or frogs, shall be \$25. The license provided for in this paragraph shall also allow noncommercial fishing as provided by law and commission rules, and the license in s. 372.57~~(4)(2)~~(a) shall not be required.

~~(2) The provisions of ss. 372.561 and 372.571, except those provisions relating to issuance without fee to certain classes of persons, shall apply to licenses issued under this section.~~

Section 28. Section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve license fees, ~~license~~; exception.—

(1) Any person who operates a private hunting preserve commercially or otherwise shall be required to pay a license fee of \$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 and regulations of the Fish and Wildlife Conservation ~~commission~~ relative to the operation of private hunting preserves.

(2) A commercial hunting preserve license, which shall exempt patrons of licensed preserves from the ~~license and permit licensure~~ requirements of s. 372.57(4)(c), (d), (f), (h), and (i); (5)(f) and (g); (8)(a), (b), (e), and (f); (9)(a)2.; (11); and (12) ~~(2)(e), (f), (g), and (i), (4)(a), (e), (d), and (e), (7), (9), and (14)(b)~~ while hunting on the licensed preserve property, shall be \$500. Such commercial hunting preserve license shall be available only to those private hunting preserves licensed pursuant to this section which are operated exclusively for commercial purposes, which are open to the public, and for which a uniform fee is charged to patrons for hunting privileges.

Section 29. Section 372.7015, Florida Statutes, as amended by section 14 of chapter 2001-122, Laws of Florida, is amended 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(10) or (11) ~~(3) or (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 remitted by the clerk of the court to the Department of Revenue to be deposited into the Fish and Wildlife Conservation Commission's State Game Trust Fund.

Section 30. Paragraph (a) of subsection (2) of section 372.7016, Florida Statutes, is amended to read:

372.7016 ~~Voluntary Authorized Hunter Identification Program.—~~

(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(10) or (11) ~~(3) or (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.

Section 31. Subsection (1) of section 372.711, Florida Statutes, is reenacted, and subsection (8) is added to said section, to read:

372.711 Noncriminal infractions.—

(1) Any person cited for committing a noncriminal infraction specified in s. 372.83 shall be cited to appear before the county court. The civil penalty for any noncriminal infraction involving the license and permit requirements of s. 372.57 is \$50, in addition to the cost of the amount of the license or permit involved in the infraction, except as otherwise provided in this section. The civil penalty for any other noncriminal infraction is \$50, except as otherwise provided in this section.

(8) A person charged with violating the requirement for personal possession of a license or permit under s. 372.57 may not be convicted if, prior to or at the time of a court or hearing appearance, the person produces the required license or permit for verification by the hearing officer or court clerk. The license or permit must have been issued to the person charged with committing the violation and must have been valid at the time the violation occurred. The clerk of the court may assess a fee of \$5 to cover the costs of a case under this subsection.

Section 32. Paragraph (h) of subsection (1) of section 372.83, Florida Statutes, is reenacted to read:

372.83 Noncriminal infractions; criminal penalties; suspension and revocation of licenses and permits.—

(1) A person is guilty of a noncriminal infraction, punishable as provided in s. 372.711, if she or he violates any of the following provisions:

(h) Section 372.57, relating to hunting, fishing, and trapping licenses.

A person who fails to pay the civil penalty specified in s. 372.711 within 30 days after being cited for a noncriminal infraction or to appear before the court pursuant to that section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. Subsections (1), (2), and (4) of section 372.921, Florida Statutes, are amended, subsection (9) is renumbered as subsection (10), and a new subsection (9) is added to said section, to read:

372.921 Exhibition 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 ~~Fish and Wildlife Conservation~~ Fish and Wildlife Conservation 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 ~~regulations~~ of the ~~Fish and Wildlife Conservation~~ 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 10 Class I, Class II, or Class III individual specimens in the aggregate of all species, the sum of \$5 per annum.

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

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

(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 ~~Fish and Wildlife Conservation~~ 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.

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

Section 34. Subsections (2), (3), and (5) of section 372.922, Florida Statutes, are amended to read:

372.922 Personal possession of wildlife.—

(2) The classifications of types of wildlife and fees to be paid for ~~the issuance of 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 \$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.

(3) The commission shall promulgate ~~rules~~ regulations defining Class I, Class II, and Class III ~~and II~~ types of wildlife. The commission shall also establish ~~rules~~ regulations and requirements necessary to ensure that permits are granted only to persons qualified to possess and care properly for wildlife and that permitted wildlife possessed as personal pets will be maintained in sanitary surroundings and appropriate neighborhoods.

(5) Any person, firm, corporation, or association exhibiting or selling wildlife and being duly permitted as provided by s. 372.921 shall be exempt from the ~~fee~~ requirement to receive ~~obtain~~ a permit under the ~~provisions of~~ this section.

Section 35. Subsection (3) of section 705.101, Florida Statutes, is amended to read:

705.101 Definitions.—As used in this chapter:

(3) “Abandoned property” means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. ~~However,~~ Vessels determined to be derelict by the Fish and Wildlife Conservation Commission or a county or municipality in accordance with the provisions of s. 823.11 are ~~not~~ included within this definition.

Section 36. Paragraph (g) of subsection (2) of section 810.09, Florida Statutes, is amended to read:

810.09 Trespass on property other than structure or conveyance.—

(2)

(g) Any person who in taking or attempting to take any animal described in s. 372.001(10) or (11)(3) or (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 37. Section 372.27, Florida Statutes, is amended to read:

372.27 Silver Springs and Rainbow Springs, etc., closed to all fishing.—It is unlawful for any person to take any fish within Marion County, from the waters of Rainbow Springs and Rainbow River (formerly known as Blue Springs and Blue Springs River) within that portion of Rainbow Springs State Park lying within a radius of 1,700 feet 1 mile from the head of

Rainbow said spring, or from the waters of Silver Springs or Silver Springs Run from the head of Silver Springs said spring to its junction with the Oklawaha River. However, ; provided, that the Fish and Wildlife Conservation Commission may remove or cause to be removed any gar, mud fish, or other predatory fish from either spring or river when in its judgment their removal is desirable.

Section 38. Sections 370.0605, 370.0615, 370.1111, subsections (10) and (11) of section 370.14, subsection (4) of section 372.05, and section 372.06, Florida Statutes, are repealed.

Section 39. Effective July 1, 2003, section 372.60, Florida Statutes, is repealed.

Section 40. Except where otherwise provided, this act shall take effect July 1, 2002.

Approved by the Governor April 16, 2002.

Filed in Office Secretary of State April 16, 2002.