



UNIVERSITY SYSTEM OF FLORIDA

UNIVERSITY OF FLORIDA  
GAINESVILLE

FLORIDA STATE UNIVERSITY  
TALLAHASSEE

FLORIDA AGRICULTURAL AND MECHANICAL  
UNIVERSITY  
TALLAHASSEE

UNIVERSITY OF SOUTH FLORIDA  
TAMPA

FLORIDA ATLANTIC UNIVERSITY  
BOCA RATON

UNIVERSITY OF WEST FLORIDA  
PENSACOLA

BOARD OF REGENTS

TALLAHASSEE, FLORIDA

32304

October 20, 1965

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MRS. E. D. PEARCE  
MIAMI

J. B. CULPEPPER  
CHANCELLOR

President Harold B. Crosby  
University of West Florida  
P. O. Box 926  
Pensacola, Florida

Dear Harold:

This is to let you know that the State Board of Education on yesterday adopted the attached resolution regarding dedication of your university campus as a game and fish sanctuary.

Ralph Odum thought that this action needed to be taken in view of the fact that the Board of Education actually holds title to the property.

Sincerely,

Hendrix Chandler  
Corporate Secretary

HC:cc

Enclosure

CC: Ralph Odum

*ack*  
*and copy*  
*to Mr. Chandler*  
*& Mr. Pennington*  
*11/12/65*

October 19, 1965

R E S O L U T I O N

WHEREAS the University of West Florida is not included in the list of educational institutions whose campuses have been declared wildlife sanctuaries by Statute, and

WHEREAS, the University of West Florida has difficulty prohibiting hunting and fishing on its campus in the absence of applicable law, and

WHEREAS, the University of West Florida has agreed to petition the 1967 Florida Legislature for legislative relief from this problem, and

WHEREAS, the Florida Game and Fresh Water Fish Commission has agreed to take under advisement the creation of a game and fish sanctuary on the 1,000 acre campus of the University of West Florida as an interim measure until the 1967 session of the Florida Legislature, and

WHEREAS the Board of Regents at its meeting on September 24, 1965, authorized the University of West Florida to apply to the Florida Game and Fresh Water Fish Commission for official designation of the main campus north of Pensacola as a fish and wildlife sanctuary, now therefore

BE IT RESOLVED that the State Board of Education, which holds title to the campus of the University of West Florida, hereby requests that the campus be dedicated as a game and fish sanctuary, and that the Florida Game and Fresh Water Fish Commission take appropriate action to exclude all hunting and fishing within the bounds of the said campus.

E. C. ROWELL  
Speaker

ALLISON R. STANLAND  
Speaker Pro Tempore

LAMAR BLEDSOE  
Chief Clerk

W. A. BALLENTINE  
Sergeant at Arms



FLORIDA HOUSE OF REPRESENTATIVES  
TALLAHASSEE

PHIL ASHLER  
REPRESENTATIVE, ESCAMBIA COUNTY  
283 DEAN ROAD  
CORDOVA PARK  
PENSACOLA, FLORIDA

COMMITTEES:  
EDUCATION — HIGHER LEARNING, VICE CHAIRMAN  
MILITARY AND VETERANS AFFAIRS, VICE CHAIRMAN  
GOVERNMENTAL ORGANIZATION — STATE  
INSURANCE  
FORESTRY

October 29, 1965

President Harold B. Crosby  
University of West Florida  
Town and Country Plaza Building, 5th Floor  
Pensacola, Florida

My dear Hal:

I have just learned that the Game and Fresh Water Commission issued a special order for Escambia County (No. 65-58) which establishes as a wild life refuge the area surrounding the University of West Florida. I have written to the Commission asking that they send a copy of the order to you for your information.

With kindest personal regards.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phil Ashler".

Phil Ashler

PA/cp



STATE OF FLORIDA

GAME AND FRESH WATER FISH COMMISSION

TALLAHASSEE

32304

November 1, 1965

Dr. O. E. Frye, Jr., DIRECTOR

H. E. Wallace, ASSISTANT DIRECTOR

*Copy to Dr. Crosby*

Dr. Harold B. Crosby, President,  
University of West Florida,  
5th Floor,  
Town and Country Plaza Building,  
Pensacola, Florida.

Dear Dr. Crosby:

At Representative Ashler's suggestion, we are enclosing for your files and information a copy of the order of the Commission establishing the area surrounding the University of West Florida as a wildlife refuge.

If we can be of further assistance at any time, please let us know.

Sincerely yours,

*O. E. Frye, Jr.*  
O. E. Frye, Jr.  
Director.

OEF:he

Encl.

cc: Representative Phil Ashler  
Commissioner Ronald Wise

165 (65-58)

**EMERGENCY ORDER**

Notice is hereby given that the Game and Fresh Water Fish Commission of the State of Florida, acting under authority conferred upon it by the Constitution of the State of Florida, and by Section 165-7.02 of the Rules and Regulations of the Commission does hereby establish the following described area in Escambia County as a wildlife refuge:

Those portions of Sections 25, 27, 28, and 29 of T1N, R30W, and of Sections 1, 3, 33, and 34 of T1S, R30W comprising the campus of the University of West Florida containing 1,000 acres more or less.

---

**J. E. Frye, Jr., Director**  
Game and Fresh Water Fish Commission

~~October 15, 1965~~

---

November 3, 1965

Honorable Phil Ashler  
283 Dean Road  
Cordova Park  
Pensacola, Florida 32503

Dear Phil:

Thank you very much for your letter regarding the "wild life refuge" order for the area surrounding the University. The Game and Fresh Water Commission responded to your request very promptly, and in today's mail we received a copy of the order.

With warm regard and again, thanks, I am

Sincerely,

Harold Bryan Crosby  
President

HBC  
PMP:flp

EDITOR'S NOTE: This article is submitted as a timely feature to climax the observance of NATIONAL WILDLIFE WEEK March 17-23. It has been prepared and is submitted by A. E. Runnels, Information Education Officer, Northwest Florida Region, Game and Fresh Water Fish Commission, Panama City.

11/11/68

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For Release Sunday  
March 24, 1968

GAME AND FRESH WATER FISH COMMISSION  
NORTHWEST FLORIDA REGION  
PANAMA CITY, FLORIDA  
MARCH 19, 1968

Any nature lover who visits The University of West Florida wildlife sanctuary near Pensacola very likely will assign the new university the place of honor ahead of all game preserves on state university lands in Florida.

The acreage and beauty of its untouched, primitive wilderness-habitat, with its native populations of squirrels, raccoons, opossums, deer and wild turkey, and its abundance of song bird life, plus nocturnal visits by an occasional roving black bear, renders The University of West Florida refuge one of the most interesting of all game sanctuaries on university system lands in the State.

Scenically, the forested 1,000-acre campus, set on wooded hillsides overlooking the Escambia River and Escambia Bay, is unexcelled. Too, its academic and campus design, architecture and accommodations, begun in 1965 and now in full operation, are said truly to set the new university apart from the six such institutions in the state university system.

(MORE)



Yet, in the populous neighborhood of the Sunshine State's 9th ranking major city, the new university excels also as having preserved and is now developing a nostalgic, permanent <sup>230</sup> ~~400-to-500~~ acre wildlife, fish and waterfowl sanctuary as secluded from the onslaughts of civilization as though it were in remote, original Florida.

Certainly, civilization is catching up with all wildlife. Loss of habitat for waterfowl continues unabated, and is a serious problem. Good game habitat is also decreasing rapidly, due to urbanization, to extensive land-use by subdivisions, to vast water control and agricultural projects, to a massive net-work of land-devouring highways and airports, and to purchase of huge tracts of wilderness lands by large investment companies for use on a strictly commercial basis.

To lovers of nature and the unspoiled out-of-doors, where pessimism today is hard to avoid, optimism is rife that game and fish and waterfowl in the new University of West Florida wildlife refuge will continue as numerous as ever for a long, long time to come.

(MORE)



Florida laws provide that all lands owned and controlled by the state university system are wildlife refuges, and that no song birds, wild animals or fish may be taken or molested on these lands. Although helpfully protective, these laws do not provide for the restoration and management of wildlife.

Thus, many of Florida's beautiful university grounds are best known as scenic gems and popular with both Florida residents and visitors to the State for their impressive landscaping, native trees and shrubbery and other vegetation. Usually, however, opportunity to see wildlife in native surroundings is limited only to scampering squirrels and darting song birds.

To the applause of everyone, The University of West Florida is following a somewhat different pattern.

At the early establishment of the new university--whether it was because of the excellent opportunity, or whether it was born of a deep love of nature and the outdoors, or both--university officials provided for coordination and cooperation between the university and the Florida Game and Fresh Water Fish Commission for Commission management of the wildlife resources of the campus refuge. Deep concern for the sanctuary was a source of legal, unfettered funds to assure its planned development.

(MORE)

In July, 1967, the Edward A. Ball Wildlife Foundation made a study of the refuge. The findings were salutary, and the Foundation made an immediate grant of \$10,000 to develop the refuge and manage its wildlife resources.

Included in the terms of the agreement is restoration and increase of native game on the refuge; the establishment of a waterfowl sanctuary and a fish sanctuary on <sup>Thompson</sup> Upper Line Bayou, an integral part of the wildlife and marsh area; and the construction of a "cat walk" or walkway around and across the waterfowl haven, enabling visitors to penetrate this picturesque water, bird and wildlife area.

Also, the Foundation grant provides <sup>funds for part-time employment</sup> scholarships for six students who work as game and fish management aides to Game Commission biologists now making every endeavor to increase deer and turkey populations on the refuge, and to establish a permanent flock of mallard ducks in the marsh. Their goal is that every student and visitor, where possible, will have opportunity for sighting deer, turkey, waterfowl and other game and birds in rugged, primitive habitat.

Turkey and duck feeders, filled with yellow corn, are tended daily. Six pairs of noisy, puddling mallards--penned and fed for a time--now fly free over the marsh with no apparent notion of leaving. Squirrels, raccoons and other small animals in abundance skitter everywhere.

Game Commission personnel and university officials mutually agree that all the refuge needs now is growing-time and cooperation from people. There is ample breeding stock and excellent habitat for fantastic populations of animals and birds. It is gratifying, too, that the protective arm of the Commission--the Wildlife Officers--are on the scene and vow that taking or molesting wildlife in the refuge is taboo.

Thus, high, high on the list for those who enjoy nature, and tailor-made to man's incurable desire to see free-roaming wildlife in authentic, natural surroundings, is the wildlife refuge of The University of West Florida.

- 30 -

By A. E. Runnels, Information Officer  
Northwest Florida Region  
Game and Fresh Water Fish Commission  
Panama City, Florida

March 19, 1968

165 (68-83)

**ORDER**

The Game and Fresh Water Fish Commission of the State of Florida, under and by virtue of the power and authority granted under Section 30, of Article IV of the Constitution of the State of Florida, as amended and ratified by the voters of Florida on November 3, 1942, and Rules and Regulations of the Commission

in official meeting held in Tallahassee, Florida, on December 16, 1968,

has established as a bird sanctuary in which the taking of wildlife is  
prohibited

the following described area in Escambia - *Chapman* County, Florida:

Those portions of Sections 25, 27, 28, and 29 of T1N, R30W and of Sections 2, 5, 53, and 54, of T1S, R30W comprising the campus of the University of West Florida containing 1,000 acres more or less.

*Glades County*

AS PROVIDED BY LAW, THIS ORDER  
BECOMES EFFECTIVE Jan 6, 1969

*[Signature]*  
\_\_\_\_\_  
Director  
Game and Fresh Water Fish Commission

*off - only  
& will file*

MEMORANDUM

TO: Mrs. Nancy Dungan, Public Information  
FROM: Mr. B. B. Nichol, Jr. *[Signature]*  
DATE: June 29, 1967  
SUBJECT: Florida Statutes, Chapter 67-89

The attached copy of Chapter 67-89 of the Florida Statutes is the newly revised version. You will recall that the old act prohibited hunting and fishing but only on those campuses in existence at the time; thus, excluding our campus. As you can see, the law now includes the entire state university system. We are now fully protected by law from hunting and fishing; and if you can think of some way to get a little publicity on this fact, it might make our enforcement problem easier.

As a matter of information, our security forces have been told not to arrest anyone but merely to stop their illegal acts and make them leave the campus. Of course if the individuals continue, despite our requests, the security officers will take the necessary steps to enforce the law.

BBN, Jr.; kv

Attachment

cc: President H. B. Crosby ✓  
Dr. T. G. Carpenter

*[Signature]*  
6/29/67

*off  
& Will  
file  
with*

MEMORANDUM

TO: Mrs. Nancy Dungan, Public Information  
FROM: Mr. B. B. Nichol, Jr. *BBN*  
DATE: June 29, 1967  
SUBJECT: Florida Statutes, Chapter 67-89

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BBN, Jr.; kv

Attachment

cc: President H. B. Crosby ✓  
Dr. T. G. Carpenter

*BBN  
6/29/67*

UNIVERSITY OF WEST FLORIDA  
PENSACOLA, FLORIDA 32504

April 4, 1968

*Wildlife*

Mr. James Baroco  
Baroco Electric Company  
3605 North Davis  
Pensacola, Florida

Dear Jim:

At the request of President Crosby, I have checked with the Florida Game and Fresh Water Commission on the steps that must be taken in order to have that portion of your property which is contiguous to the University declared a game sanctuary. These steps are as follows:

1. Send a map or legal description that outlines the area to be added as a refuge to Mr. Wallace at the Florida Game and Fresh Water Commission in Tallahassee.
2. Game and Fresh Water Commission will have their local representative check the area to see if it is suitable.
3. Sheriff's assurance that he will take the necessary action relative to local laws, etc.

In the case of item three above, I have attached a Xerox copy of the letter furnished the University by the Sheriff when we went through this process. My suggestion is that you prepare for the Sheriff's signature a similar letter adapted to your property. I believe there will be no difficulty in getting Sheriff Davis' signature.

When this matter was first mentioned to me by President

*HJB*

Mr. James Baroco  
Page 710  
April 4, 1968

Crosby, he indicated that Dr. Fleming and Mr. E. H. Robinson, who apparently own property adjoining yours, were also interested in the creation of this additional sanctuary area. I am taking the liberty of sending them copies of this letter so that they might be aware of the required procedure. I do not know whether this can be treated as one application necessitating only a single letter from the Sheriff or whether it must be handled as three separate ones; however, Mr. Wallace at the Commission Office in Tallahassee would be happy to advise you on the most expedient way of handling it.

Please call me if I can be of any further help to you.

Yours truly,



B. B. Nichol, Jr., Director  
Physical Plant Division

KV

cc: Dr. J. W. Fleming  
Mr. E. H. Robinson



DPK

October 4, 1965

*Handwritten signature*

MEMORANDUM TO: Dr. Carpenter

FROM: President Crosby

SUBJECT: Designation of Campus as Wild Life Sanctuary

I will appreciate your keeping me advised of the progress that you and Mr. Nichol make in having our main campus designated as a wild life sanctuary.

HBC:dck

RECEIVED

60 PM 11 07

UNIVERSITY OF MICHIGAN  
OFFICE OF THE PRESIDENT

MEMORANDUM

TO: President Crosby  
FROM: T. G. Carpenter *TC*  
SUBJECT: Designation of Campus as Wild Life Sanctuary  
DATE: October 5, 1965

Mr. Nichol has forwarded to the State Forestry Board all the materials required by them for action at their next meeting which is approximately thirty days away. We feel that all indications point to favorable consideration by the Board.

October 19, 1965

R E S O L U T I O N

WHEREAS the University of West Florida is not included in the list of educational institutions whose campuses have been declared wildlife sanctuaries by Statute, and

WHEREAS, the University of West Florida has difficulty prohibiting hunting and fishing on its campus in the absence of applicable law, and

WHEREAS, the University of West Florida has agreed to petition the 1967 Florida Legislature for legislative relief from this problem, and

WHEREAS, the Florida Game and Fresh Water Fish Commission has agreed to take under advisement the creation of a game and fish sanctuary on the 1,000 acre campus of the University of West Florida as an interim measure until the 1967 session of the Florida Legislature, and

WHEREAS the Board of Regents at its meeting on September 24, 1965, authorized the University of West Florida to apply to the Florida Game and Fresh Water Fish Commission for official designation of the main campus north of Pensacola as a fish and wildlife sanctuary, now therefore

BE IT RESOLVED that the State Board of Education, which holds title to the campus of the University of West Florida, hereby requests that the campus be dedicated as a game and fish sanctuary, and that the Florida Game and Fresh Water Fish Commission take appropriate action to exclude all hunting and fishing within the bounds of the said campus



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TALLAHASSEE, FLORIDA

32304

October 20, 1965

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J. B. CULPEPPER  
CHANCELLOR

President Harold B. Crosby  
University of West Florida  
P. O. Box 926  
Pensacola, Florida

Dear Harold:

This is to let you know that the State Board of Education on yesterday adopted the attached resolution regarding dedication of your university campus as a game and fish sanctuary. 

Ralph Odum thought that this action needed to be taken in view of the fact that the Board of Education actually holds title to the property.

Sincerely,

Hendrix Chandler  
Corporate Secretary

HC:cc

Enclosure

CC: Ralph Odum

*Handwritten notes:*  
DCH  
hand copy  
to Mr. Chandler  
& Mr. Pencer  
10/22/65

E. C. BOWELL  
Speaker

ALLISON R. F. LAND  
Speaker Pro

LAMAR F  
Chief

W. A. BALLENTINE  
Sergeant at Arms



FLORIDA HOUSE OF REPRESENTATIVES  
TALLAHASSEE

PHIL ASHLER  
REPRESENTATIVE, ESCAMBIA COUNTY  
263 DEAN ROAD  
CORDOVA PARK  
PENSACOLA, FLORIDA

COMMITTEES:  
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MILITARY AND VETERANS AFFAIRS, VICE CHAIRMAN  
GOVERNMENTAL ORGANIZATION — STATE  
INSURANCE  
FORESTRY

October 29, 1965

President Harold B. Crosby  
University of West Florida  
Town and Country Plaza Building, 5th Floor  
Pensacola, Florida

My dear Hal:

I have just learned that the Game and Fresh Water Commission issued a special order for Escambia County (No. 65-58) which establishes as a wild life refuge the area surrounding the University of West Florida. I have written to the Commission asking that they send a copy of the order to you for your information.

With kindest personal regards.

Sincerely,

  
Phil Ashler

PA/cp



STATE OF FLORIDA

GAME AND FRESH WATER FISH COMMISSION

TALLAHASSEE

32304

November 1, 1965

Dr. O. E. Frye, Jr., DIRECTOR

H. E. Wallace, ASSISTANT DIRECTOR



*Copy to Mr. Compton*

Dr. Harold B. Crosby, President,  
University of West Florida,  
5th Floor,  
Town and Country Plaza Building,  
Pensacola, Florida.

Dear Dr. Crosby:

At Representative Ashler's suggestion, we are enclosing for your files and information a copy of the order of the Commission establishing the area surrounding the University of West Florida as a wildlife refuge.

If we can be of further assistance at any time, please let us know.

Sincerely yours,

*O. E. Frye, Jr.*  
O. E. Frye, Jr.  
Director.

OEF:he

Encl.

cc: Representative Phil Ashler  
Commissioner Ronald Wise

**EMERGENCY ORDER**

Notice is hereby given that the Game and Fresh Water Fish Commission of the State of Florida, acting under authority conferred upon it by the Constitution of the State of Florida, and by Section 163-7.02 of the Rules and Regulations of the Commission does hereby establish the following described area in Escambia County as a wildlife refuge:

Those portions of Sections 25, 27, 28, and 29 of T1N, R30W, and of Sections 2, 3, 53, and 54 of T1S, R30W comprising the campus of the University of West Florida containing 1,000 acres more or less.

---

O. E. Frye, Jr., Director  
Game and Fresh Water Fish Commission

~~October 15, 1965~~

Sections 25, 27, 28, 29 of T1N R30W  
Sections 2, 3, 53, 54 of T1S R30W

165 (65-58)

**EMERGENCY ORDER**

Notice is hereby given that the Game and Fresh Water Fish Commission of the State of Florida, acting under authority conferred upon it by the Constitution of the State of Florida, and by Section 165-7.02 of the Rules and Regulations of the Commission does hereby establish the following described area in Escambia County as a wildlife refuge:

Those portions of Sections 23, 27, 28, and 29 of T1N, 230W, and of Sections 2, 3, 23, and 24 of T1S, 230W comprising the campus of the University of West Florida containing 1,000 acres more or less.

  
G. E. Frye, Jr., Director  
Game and Fresh Water Fish Commission

---



November 3, 1965

Honorable Phil Ashler  
283 Dean Road  
Cordova Park  
Pensacola, Florida 32503

Dear Phil:

Thank you very much for your letter regarding the "wild life refuge" order for the area surrounding the University. The Game and Fresh Water Commission responded to your request very promptly, and in today's mail we received a copy of the order.

With warm regard and again, thanks, I am

Sincerely,

Harold Bryan Crosby  
President

HBC  
FMP:flp

821.27 *Molesting game or fish on property of state institutions prohibited.*—It is unlawful to kill, hunt, shoot at or wound any of the game, song birds or wild animals on property belonging to, leased by, operated by or controlled by or for the institutions in the state university system, the Florida school for the deaf and the blind or the division of plant industry; or to use, hunt with, fire off or shoot any firearms, air rifles, slung shots or other weapons, whether deadly or not, commonly or ordinarily used for the destruction of wild life, or to trap or use nets on such property; or to fish, seine, use rod and reel or fish with hook and line or otherwise fish or disturb the fish or fish products or to shoot, hunt, or otherwise kill or to catch with net any fish or fish products out of waters on such property; except when so authorized by the officials of the Florida board of regents, the Florida school for the deaf and the blind, the division of plant industry or employees in charge of said property.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 24, 1967.

Filed in Office Secretary of State May 25, 1967.

[Redacted text]

Declaring  
Closing  
of property  
Thompson boys  
property  
2  
quwF.1

39.4007

Fla Fresh water Game & Fish

904-265-3676 Panama City

39-18.004 Regulations in wildlife  
refuges.

Lt. Ken Watson

64/106 art IV Sec 9 F.C. 372.021 FS

39-14.006 Establishment of Bird  
Sanctuaries or Critical wildlife  
area.

(h)  
1. University of West Florida (order  
165 (68-83))

\* 39-19.005 Establishment & Protection of  
Critical wildlife areas.

Game & Fish Legal Section

488-1961

copy of (order 165 (68-22))

**68A-4.007 Exclusion of Certain Areas from Open Season.**

(1) Whenever reference is made in these rules to open season or provision is made to permit the taking or possession of wildlife or freshwater fish, it shall be construed to mean to authorize the taking or possession of wildlife or freshwater fish only in open territory and shall not include state parks or recreation areas or the grounds of any of the state universities, colleges, schools, experiment stations, plant boards, hospitals or correctional institutions or state-operated fish hatcheries unless such taking or possession is authorized by the superintendent; nor upon any refuges, bird sanctuaries, restricted hunting areas or management areas established by the Commission unless specifically provided otherwise.

(2) Lands to be managed by the Game and Fresh Water Fish Commission or by the Florida Division of Forestry or the water management districts for hunting, fishing and other related outdoor recreational activities may be closed to the taking of wildlife or freshwater fish by executive order to protect fish and wildlife resources. Such executive closure orders shall be issued on an interim basis until appropriate fish and wildlife resource and public-use assessments are made by the Commission and until the area is formally established under Rule 68A-14.001, F.A.C. Lands closed by executive order shall remain closed to the taking or possession of wildlife and freshwater fish for a period of time not to exceed one year. Lands closed pursuant to this subsection shall be posted as closed to the taking of wildlife and freshwater fish.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121 FS. History—New 8-1-79, Formerly 39-4.07, Amended 10-28-97, Formerly 39-4.007, Amended 6-23-99.*

*Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.26, 372.265 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-4.05, 39-4.005.*

**68A-4.0051 Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae.**

In addition to other requirements of Chapter 372, F.S., and Chapter 68A, F.A.C., and in order to prevent the introduction of Chronic Wasting Disease (CWD) into the captive and wild deer of this state, no person shall violate Department of Agriculture and Consumer Services Rule 5C-26, F.A.C.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-16-02, Amended 2-27-03.*

**68A-4.0052 Possession and Release of Live Mallards.**

(1) No person shall possess, import, sell or otherwise transfer, or release live mallards (*Anas platyrhynchos*), except as provided in this section and other applicable rules of the Commission. For the purposes of this section, “mallard” includes all *Anas platyrhynchos* and fertile hybrids thereof except the white variety of *Anas platyrhynchos* commonly known as “Pekin” ducks.

(2) Live mallards may only be sold or transferred to, imported by, or possessed by:

(a) Persons licensed pursuant to Section 372.661, F.S., and permitted to release mallards pursuant to Rule 68A-12.010, F.A.C.;

(b) Persons permitted to possess mallards pursuant to Rule 68A-6.002, 68A-9.002, or 68A-9.006, F.A.C.; or

(c) Persons licensed pursuant to Section 372.16 or 372.921, F.S.

(3) Live mallards may only be sold by persons licensed pursuant to Section 372.16 or 372.921, F.S.

(4) Mallards shall be caged as specified in Rules 68A-6.0023 and 68A-6.004, F.A.C. In addition, persons other than those permitted pursuant to Rule 68A-12.010, F.A.C., shall meet the following requirements:

(a) All cages and enclosures containing mallards capable of flight shall be covered at the top to prevent escape, and

(b) East of Jefferson County, cages and enclosures containing flightless mallards shall be covered at the top to prevent interaction with wild waterfowl.

(5) Mallards may only be released pursuant to Rule 68A-12.010, F.A.C., or for bona fide dog training, raptor training for falconry purposes, or field trials provided that persons releasing mallards for dog training, raptor training, or field trials shall return the birds to possession or caging as soon as possible after release.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.*

**68A-4.0053 Importation and Possession of Carcasses from Deer, Elk and Other Wildlife Species in the Family of Cervidae.**

No person shall import or possess the carcass of any deer, elk or other species from the family Cervidae from any state or province where Chronic Wasting Disease (CWD) has been documented on a list maintained by the United States Department of Agriculture Animal and Plant Health Inspection Service except boned-out meat or processed meat cuts, a hide with no head attached, antlers with a clean skull plate, finished taxidermy products, and upper canines. Any carcass, regardless of origin, of any cervid testing positive for CWD shall be surrendered to FWC personnel.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-05.*

**68A-4.006 Obligation to Permit Search or Inspection.**

It is hereby made the duty of every person participating in the privileges of taking or possessing wildlife, freshwater fish or parts thereof as authorized by these rules to allow wildlife officers to ascertain whether the requirements of these rules are being followed. No person shall refuse or obstruct such inspection by any authorized officer of the state.

*Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 372.07 FS, Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-4.06, 39-4.006, Amended 2-27-03.*

**68A-4.007 Exclusion of Certain Areas from Open Season.**

(1) Whenever reference is made in these rules to open season or provision is made to permit the taking or possession of wildlife or freshwater fish, it shall be construed to mean to authorize the taking or possession of wildlife or freshwater fish only in open territory and shall not include state parks or recreation areas or the grounds of any of the state universities, colleges, schools, experiment stations, plant boards, hospitals or correctional institutions or state-operated fish hatcheries unless such taking or possession is authorized by the superintendent; nor upon any refuges, bird sanctuaries, restricted hunting areas or management areas established by the Commission unless specifically provided otherwise.

(2) Lands to be managed by the Game and Fresh Water Fish Commission or by the Florida Division of Forestry or the water management districts for hunting, fishing and other related outdoor recreational activities may be closed to the taking of wildlife or freshwater fish by executive order to protect fish and wildlife resources. Such executive closure orders shall be issued on an interim basis until appropriate fish and wildlife resource and public-use assessments are made by the Commission and until the area is

## CHAPTER 68A-3 WILDLIFE OFFICERS: APPOINTMENT, POWERS AND DUTIES

68A-3.002 Powers of Wildlife Officers and Other Designated Assistants.  
68A-3.004 Wildlife Reserve Program.

### 68A-3.002 Powers of Wildlife Officers and Other Designated Assistants.

- (1) The Fish and Wildlife Conservation Commission, the executive director and each wildlife officer are constituted peace officers with the power to make arrests for violation of the laws of the state in accordance with the provisions of s. 372.07, F.S.
- (2) Other duly authorized assistants as designated by the executive director are empowered to enforce all laws or rules relating to wild animal life and freshwater aquatic life in accordance with the provisions of subsection (2), s. 372.07, F.S.
- (3) Those state officers who are vested with powers of arrest and those municipal police officers and deputy sheriffs acting within the scope of their police jurisdiction are empowered to enforce all laws or rules relating to wild animal life and freshwater aquatic life.

*Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 372.07 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-3.02, 39-3.002.*

### 68A-3.004 Wildlife Reserve Program.

- (1) The executive director may appoint or remove qualified persons as members of the Wildlife Reserve Program. Such wildlife reservists shall serve without salary in the furtherance of Commission functions.
- (2) The operations, practices, and procedures of the wildlife reserve program are set forth in a manual known as the Wildlife Reserve Policy and Procedures Manual and any amendments thereto filed with the Secretary of State are adopted herein and incorporated by reference.
- (3) Those reservists who are certified under the laws of Florida relating to standards and training of police officers may exercise the powers set forth in s. 372.07(2), F.S.

*Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented 372.07 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-3.04, 39-3.004.*

Chapter 372.83 Penalties 372.83(2)(a)  
790.115 Firearms on school Property

**68A-18.004 Regulations in Wildlife Refuges.**

No person shall take or possess any wildlife on any area established as a wildlife refuge; or take or possess any freshwater fish on any area closed to the taking of freshwater fish. In any wildlife refuge, no person shall be in possession of a gun, dog, trap or other device for taking wildlife. In any refuge where taking freshwater fish is prohibited, no person shall be in possession of any device for taking freshwater fish.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-18.04, 39-18.004.*

821.27 *Molesting game or fish on property of state institutions prohibited.*—It is unlawful to kill, hunt, shoot at or wound any of the game, song birds or wild animals on property belonging to, leased by, operated by or controlled by or for the institutions in the state university system, the Florida school for the deaf and the blind or the division of plant industry; or to use, hunt with, fire off or shoot any firearms, air rifles, slung shots or other weapons, whether deadly or not, commonly or ordinarily used for the destruction of wild life, or to trap or use nets on such property; or to fish, seine, use rod and reel or fish with hook and line or otherwise fish or disturb the fish or fish products or to shoot, hunt, or otherwise kill or to catch with net any fish or fish products out of waters on such property; except when so authorized by the officials of the Florida board of regents, the Florida school for the deaf and the blind, the division of plant industry or employees in charge of said property.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 24, 1967.

Filed in Office Secretary of State May 25, 1967.

[Redacted text]

Declaration  
Closing  
of property  
Thompson  
Papers  
2  
74WF-1

39.4007



May 29, 1986

Officer Bonnie Beach  
University Police  
University of West Florida  
1100 University Parkway  
Pensacola, Florida 32514-5750

Dear Officer Beach:

In reply to your inquiry of May 28, 1986, the following should clear up any questions you have.

1. Where is the authority for university officers to enforce the rules and regulations relating to wildlife and fresh water aquatic life? The Florida Wildlife Code, Title 39 of the Florida Administrative Code, Rule No. 39-3.02 (3) states "Those state officers who are vested with powers of arrest . . . acting within the scope of their police jurisdiction are empowered to enforce all laws or rules relating to wild animal life and fresh water aquatic life." Please note the Specific Authority cited under this rule for constitutional and statutory authority.
2. Where is the authority for the University of West Florida to be considered a refuge? It is my recommendation that the university property, including Thompson's Bayou, which is part of the university property, be considered a refuge by virtue of it being excluded from any open season for taking wildlife or freshwater fish. This rule can be found in the Florida Wildlife Code, Title 39 of the Florida Administrative Code, Rule No. 39-4.07. This rule provides that the superintendent, in this particular case, the University President, could authorize lawful use of wildlife or fresh water fish resources on the university property when such use is consistent with the laws and rules regulating use of such resources. Violators may be charged under this rule. It is a criminal offense and is a second degree misdemeanor as provided in F.S.S. 372.83. Please note the Specific Authority cited immediately following the rule for constitutional and statutory authority.

The University of West Florida property was granted status as a Bird Sanctuary by Establishment Order No. 68-83 of the Florida Game and Fresh Water Fish Commission. The current status of the University Bird Sanctuary may be found in a document called "Establishment Orders, Revised May 25, 1979" which is available from the Florida Game and Fresh Water Fish Commission, Ferris Bryant Building, 620 South Meridian Street, Tallahassee, Florida, 32301.

As a bird sanctuary, the taking (see Rule No. 39-1.04 (71) for the definition of the term "take") of Wildlife is prohibited. Fish is not addressed in this rule. Violations of this rule are criminal offenses and are second degree misdemeanors.

You may find it useful to read the following rules:

1. Title 39, Florida Administrative Code, Rule No. 39-14.01.
2. Title 39, Florida Administrative Code, Rule No. 39-19.02, which sets forth the property custodian's responsibility for enforcement and posting of the area.
3. Title 39, Florida Administrative Code, Rule No. 39-19.04, which covers the acts prohibited in bird sanctuaries.
4. Title 39, Florida Administrative Code, Rule No. 39-1.04 (13), (14), (17), (27), (21), (73), and (81) for specific applicable definitions.

I strongly recommend that wildlife or fresh water fish violations be charged under Rule No. 39-4.07 of the F.A.C. because it is clear and to the point and understandable for the court.

I hope this answers the questions you have. If you have any further questions or we may be of assistance in case preparation, please do not hesitate to call me.

Sincerely,

Kenneth Watson, Lt.  
Area Watch Commander  
Florida Game & Fresh Water Fish Commission

KW/js

cc: Wes Cummings, Chief  
University Police

Cpl. Hernandez  
off. Miller

May 29, 1986

Officer Bonnie Beach  
University Police  
University of West Florida  
1100 University Parkway  
Pensacola, Florida 32514-5750

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CHAPTER 67-89

House Bill No. 144

AN ACT relating to trespass and injury to realty and similar offenses; amending subsection (1) of section 821.25, section 821.26 and section 821.27, Florida statutes, to include property of the state university system, providing an effective date.

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

Section 1. Subsection (1) of section 821.25, Florida statutes, is amended to read:

821.25 Injuring flowers, grounds, etc., of state institutions prohibited.—

(1) It is unlawful to injure, cut, interfere with, molest or disturb the forests, woodlands, ornamental plantings, orchards, groves, vegetable plantings, field crops, experimental plants, flowers, grounds, drives, roadways, and other property belonging to, leased by, operated by or controlled by or for the state road department, the institutions in the state university system, the Florida school for the deaf and the blind or the division of plant industry; to steal, pilfer, pick, break or otherwise molest any natural or cultivated trees, shrubs, vines, fruits, flowers, vegetables, grasses, plants or parts thereof on such property except when so authorized by the officials of the Florida board of regents, the Florida school for the deaf and the blind, the division of plant industry, the state road department or employees in charge of said property.

Section 2. Section 821.26, Florida statutes, is amended to read:

821.26 *Removing natural products from property of state institutions prohibited.*—It is unlawful for any person to remove any soil, muck, clay, wood, minerals, timber or other natural products from any property belonging to, leased by, operated by or controlled by or for the institutions in the state university system, the Florida school for the deaf and the blind, or the division of plant industry; except when so authorized by the officials of the Florida board of regents, the Florida school for the deaf and the blind, the division of plant industry or employees in charge of said property.

Section 3. Section 821.27, Florida statutes, is amended to read: