

a commitment based on such a "concurrent" sentence without receiving the defendant, I think that the division should lodge a detainer with the prison authorities of the state or the United States, as the case may be, whose sentence is being served by the defendant and take all necessary steps to subject him to service of his Florida sentence, by resorting to extradition if necessary, when he is released from the prison in which he is confined.

073-434—November 26, 1973

## INDIANS

### HUNTING AND FISHING RIGHTS

To: O. E. Frye, Jr., Director, Florida Game and Fresh Water Fish Commission,  
Tallahassee

Prepared by: Kenneth F. Hoffman, Assistant Attorney General

#### QUESTIONS:

1. Can a member of the Seminole Indian Tribe take wild game and fish at any time within the confines of the Seminole Indian Reservation pursuant to Ch. 29908, 1955, Laws of Florida, and Ch. 285, F. S.?
2. Is any other license or permit required?
3. Can wildlife or fish be taken on reservation lands for other than food purposes?
4. Can a Seminole Indian hunt and fish on other lands within the State of Florida, including a wildlife management area, under the provisions of a permit issued pursuant to Ch. 29908, 1955, Laws of Florida, without any other license or permit being required?

#### SUMMARY:

A member of the Seminole Tribe may take wild game and fish at any time within the confines of the Seminole Indian Reservation without any permit whatsoever. The taking of wild game and fish must be for food purposes only. Finally, Seminole Indians can hunt and fish on other lands within the state, including wildlife management areas, without any permit other than a valid identification card issued by the Game and Fresh Water Fish Commission. This authority to hunt and fish must be for the purpose of obtaining food, and be within the confines of the rules and regulations of the Game and Fresh Water Fish Commission concerning seasons, bag limits, and sizes, and is effective only until June 15, 1980.

Chapter 29908, 1955, Laws of Florida, was codified at Ch. 285, F. S. The provisions of these laws are identical. Section 285.09 [§3, Ch. 29908], provides:

It shall be lawful for Indians to take wild game and fish at any time within the boundaries of the reservation, provided that game may be taken only for food for the Indians themselves.

No permit is required of any kind. Therefore the answers to your first and second questions are simply that members of the Seminole Indian Tribe can take wild game and fish at any time within the confines of the Seminole Indian Reservation, so long as it is for food purposes, without any permits.

Section 285.10, F. S. [§4, Ch. 29908, 1955, Laws of Florida], provides in pertinent part:

For a period of twenty-five years from the effective date of this law,

no license shall be required for Indians to hunt and fish, provided such hunting or fishing is for the sole purpose of obtaining food for the Indians themselves. . . .

Your third question is answered in the negative, since both statutes require that hunting or fishing be for the sole purpose of obtaining food.

Section 285.10, F. S., goes on to require that Indians using this privilege have upon their person an identification card issued by the Florida Game and Fresh Water Fish Commission. It is clear from the language of this statute, therefore, that a Seminole Indian can hunt and fish on lands of the state, including wildlife management areas, without any permit whatsoever, although an identification card must be on his person. This law, effective June 15, 1955, is in effect until June 15, 1980.

It should be noted, however, that nothing in Ch. 285, F. S., exempts the Seminole Indians from the regulatory control of the game commission on lands other than the reservation. Therefore, although an Indian can hunt and fish without a permit on lands other than the reservation, he can do so only during the seasons and under the restrictions for bag limits and sizes prescribed by the Game and Fresh Water Fish Commission.

073-435—November 27, 1973

#### STANDARDS OF CONDUCT LAW

#### UNIVERSITY PROFESSOR SERVING AS CONSULTANT TO STATE REGULATORY BOARD

*To: Louis H. Ritter, Secretary, Department of Professional and Occupational Regulation, Tallahassee*

*Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General*

#### QUESTION:

May a state regulatory body employ a state university professor as an "educational consultant" in the following circumstances?

#### SUMMARY:

Neither the Standards of Conduct Law, §§112.311-112.318, F. S., nor the common-law rule of incompatibility, prohibits a regulatory state agency from employing as an educational consultant a university professor to supervise and administer its program for educating applicants for certificates of registration, as required by law, when such consultant has nothing whatsoever to do with the final examination given by the commission to an applicant for the purpose of determining whether he is qualified to receive a certificate of registration.

It appears that the commission in question is a regulatory body which examines and issues certificates of registration to persons to engage in the business which it regulates. It is required by law to provide for educational courses which must be taken by an applicant as a condition precedent to registration. The commission's "Educational Consultant" is employed for the purpose of updating the material for the educational courses offered by the commission to reflect changes in the applicable laws, revising and updating the instructor's manual used in connection with the courses, visiting the instructors to provide personal assistance, arranging for instructors' seminars as necessary, approving the educational courses offered in accredited colleges and universities as the equivalent of the commission's courses, reviewing examinations in which a student failed to pass by a narrow margin, planning and preparing new courses, writing