

By Senator Dean

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1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending ss. 327.37, 327.39, and 327.50,
4 F.S.; requiring personal flotation devices to be used
5 in accordance with the United States Coast Guard
6 approval labels; amending s. 379.357, F.S.; revising
7 the dates for tarpon tag validity; deleting the
8 requirement that tax collectors submit forms annually
9 relating to the number of unissued tags; deleting the
10 requirement for submitting forms relating to tarpon
11 landed; amending s. 379.361, F.S.; removing the income
12 requirement for a restricted species endorsement on a
13 saltwater products license; amending s. 379.3012,
14 F.S.; revising the rulemaking authority of the
15 commission relating to the alligator management and
16 trapping program; amending s. 379.364, F.S.; requiring
17 resident dealers to pay a certain fee per annum;
18 removing the requirement for dealers and buyers to
19 forward reports relating to the number and kinds of
20 hide bought; removing the requirement that common
21 carriers only ship, transport, or receive hides or
22 furs marked with certain identifying information;
23 amending s. 379.3751, F.S.; removing the rulemaking
24 authority of the commission to limit the number of
25 participants engaged in the taking of alligators or
26 their eggs from the wild and to establish appropriate
27 qualifications for certain alligator collectors;
28 providing exemptions for alligator trapping licenses;
29 requiring certain licenses to be issued without fee to

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30 residents who meet the requirements for disability;
31 clarifying that a management area permit is not
32 required for a person engaged in the taking of an
33 alligator under a permit that authorizes the taking of
34 alligators; providing that the transfer of fees for
35 marketing and education services is contingent upon
36 annual appropriation; reenacting and amending s.
37 379.3752, F.S.; removing the requirement that the
38 commission expend one-third of the revenue from the
39 issuance of alligator hatchling tags for alligator
40 husbandry research; providing that the transfer of
41 fees for marketing and education services is
42 contingent upon annual appropriation; deleting the
43 requirement that the number of tags pursuant to a
44 collection permit be equal to a safe yield of
45 alligators; amending s. 379.401, F.S.; conforming
46 provisions to changes made by the act; creating s.
47 379.412, F.S.; establishing penalties for the unlawful
48 feeding of wildlife and freshwater fish; providing an
49 exception; repealing s. 379.3011, F.S., relating to
50 the alligator trapping program; repealing s. 379.3013,
51 F.S., relating to alligator study requirements;
52 repealing s. 379.3016, F.S., relating to the
53 prohibition against the sale of alligator products and
54 associated penalties; repealing s. 379.3017, F.S.,
55 relating to the restricted use of the terms
56 "alligator" or "gator" in certain sales; reenacting
57 ss. 327.73(1)(i) and 327.375(1), F.S., to incorporate
58 the amendment made by this act to s. 327.37, F.S., in

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59 references thereto; reenacting s. 327.73(1)(p), F.S.,
60 to incorporate the amendment made by this act to s.
61 327.39, F.S., in a reference thereto; reenacting ss.
62 327.54(1)(c) and 327.73(1)(m), F.S., to incorporate
63 the amendment made by this act to s. 327.50, F.S., in
64 references thereto; providing an effective date.

65

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

67

68 Section 1. Paragraph (b) of subsection (2) of section
69 327.37, Florida Statutes, is amended to read:

70 327.37 Water skis, parasails, aquaplanes, kiteboarding,
71 kitesurfing, and moored ballooning regulated.—

72 (2)

73 (b) A person may not engage in water skiing, parasailing,
74 aquaplaning, or any similar activity unless such person is
75 wearing a noninflatable ~~type I, type II, type III, or type V~~
76 personal flotation device approved by the United States Coast
77 Guard and used in accordance with the United States Coast Guard
78 approval label.

79 Section 2. Subsection (1) of section 327.39, Florida
80 Statutes, is amended to read:

81 327.39 Personal watercraft regulated.—

82 (1) A person may not operate a personal watercraft unless
83 each person riding on or being towed behind such vessel is
84 wearing a ~~type I, type II, type III, or type V~~ personal
85 flotation device, other than an inflatable device, approved by
86 the United States Coast Guard and used in accordance with the
87 United States Coast Guard approval label.

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88 Section 3. Paragraph (b) of subsection (1) of section
89 327.50, Florida Statutes, is amended to read:

90 327.50 Vessel safety regulations; equipment and lighting
91 requirements.-

92 (1)

93 (b) No person shall operate a vessel less than 26 feet in
94 length on the waters of this state unless every person under 6
95 years of age on board the vessel is wearing a United States type
96 ~~I, type II, or type III~~ Coast Guard approved personal flotation
97 device, used in accordance with the United States Coast Guard
98 approval label, while such vessel is underway. For the purpose
99 of this section, the term "underway" means ~~shall mean~~ at all
100 times except when a vessel is anchored, moored, made fast to the
101 shore, or aground.

102 Section 4. Subsections (1) and (3) of section 379.357,
103 Florida Statutes, are amended to read:

104 379.357 Fish and Wildlife Conservation Commission license
105 program for tarpon; fees; penalties.-

106 (1) The commission shall establish a license program for
107 the purpose of issuing tags to individuals desiring to harvest
108 tarpon (Megalops atlanticus) ~~(megalops atlantica)~~ from the
109 waters of the state. The tags shall be nontransferable, except
110 that the commission may allow for a limited number of tags to be
111 purchased by professional fishing guides for transfer to
112 individuals, and issued by the commission in order of receipt of
113 a properly completed application for a nonrefundable fee of \$50
114 per tag. The commission and any tax collector may sell the tags
115 and collect the fees therefor. Tarpon tags are valid from
116 January July 1 through December 31 ~~June 30. Before August 15 of~~

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117 ~~each year, each tax collector shall submit to the commission all~~
118 ~~unissued tags for the previous fiscal year along with a written~~
119 ~~audit report, on forms prescribed or approved by the commission,~~
120 ~~as to the numbers of the unissued tags. To defray the cost of~~
121 ~~issuing any tag, the issuing tax collector shall collect and~~
122 ~~retain as his or her costs, in addition to the tag fee~~
123 ~~collected, the amount allowed under s. 379.352(6) for the~~
124 ~~issuance of licenses.~~

125 (3) An ~~No~~ individual may not ~~shall~~ take, kill, or possess
126 any fish of the species Megalops atlanticus ~~megalops atlantica~~,
127 commonly known as tarpon, unless such individual has purchased a
128 tarpon tag and securely attached it through the lower jaw of the
129 fish. ~~Said individual shall within 5 days after the landing of~~
130 ~~the fish submit a form to the commission which indicates the~~
131 ~~length, weight, and physical condition of the tarpon when~~
132 ~~caught; the date and location of where the fish was caught; and~~
133 ~~any other pertinent information which may be required by the~~
134 ~~commission. The commission may refuse to issue new tags to~~
135 ~~individuals or guides who fail to provide the required~~
136 ~~information.~~

137 Section 5. Paragraph (b) of subsection (2) of section
138 379.361, Florida Statutes, is amended to read:

139 379.361 Licenses.—

140 (2) SALTWATER PRODUCTS LICENSE.—

141 (b)~~1~~. A restricted species endorsement on the saltwater
142 products license is required to sell to a licensed wholesale
143 dealer those species which the state, by law or rule, has
144 designated as "restricted species." ~~This endorsement may be~~
145 ~~issued only to a person who is at least 16 years of age, or to a~~

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146 ~~firm certifying that over 25 percent of its income or \$5,000 of~~
147 ~~its income, whichever is less, is attributable to the sale of~~
148 ~~saltwater products pursuant to a saltwater products license~~
149 ~~issued under this paragraph or a similar license from another~~
150 ~~state. This endorsement may also be issued to a for-profit~~
151 ~~corporation if it certifies that at least \$5,000 of its income~~
152 ~~is attributable to the sale of saltwater products pursuant to a~~
153 ~~saltwater products license issued under this paragraph or a~~
154 ~~similar license from another state. However, if at least 50~~
155 ~~percent of the annual income of a person, firm, or for-profit~~
156 ~~corporation is derived from charter fishing, the person, firm,~~
157 ~~or for-profit corporation must certify that at least \$2,500 of~~
158 ~~the income of the person, firm, or corporation is attributable~~
159 ~~to the sale of saltwater products pursuant to a saltwater~~
160 ~~products license issued under this paragraph or a similar~~
161 ~~license from another state, in order to be issued the~~
162 ~~endorsement. Such income attribution must apply to at least 1 of~~
163 ~~the last 3 years. For the purpose of this section, "income"~~
164 ~~means that income that is attributable to work, employment,~~
165 ~~entrepreneurship, pensions, retirement benefits, and social~~
166 ~~security benefits.~~

167 ~~2. To renew an existing restricted species endorsement, a~~
168 ~~marine aquaculture producer possessing a valid saltwater~~
169 ~~products license with a restricted species endorsement may apply~~
170 ~~income from the sale of marine aquaculture products to licensed~~
171 ~~wholesale dealers.~~

172 ~~3. The commission may require verification of such income~~
173 ~~for all restricted species endorsements issued pursuant to this~~
174 ~~paragraph. Acceptable proof of income earned from the sale of~~

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- 175 ~~saltwater products shall be:~~
- 176 ~~a. Copies of trip ticket records generated pursuant to this~~
- 177 ~~subsection (marine fisheries information system), documenting~~
- 178 ~~qualifying sale of saltwater products;~~
- 179 ~~b. Copies of sales records from locales other than Florida~~
- 180 ~~documenting qualifying sale of saltwater products;~~
- 181 ~~c. A copy of the applicable federal income tax return,~~
- 182 ~~including Form 1099 attachments, verifying income earned from~~
- 183 ~~the sale of saltwater products;~~
- 184 ~~d. Crew share statements verifying income earned from the~~
- 185 ~~sale of saltwater products; or~~
- 186 ~~e. A certified public accountant's notarized statement~~
- 187 ~~attesting to qualifying source and amount of income.~~
- 188 ~~4. Notwithstanding any other provision of law, any person~~
- 189 ~~who owns a retail seafood market or restaurant at a fixed~~
- 190 ~~location for at least 3 years, who has had an occupational~~
- 191 ~~license for 3 years before January 1, 1990, who harvests~~
- 192 ~~saltwater products to supply his or her retail store, and who~~
- 193 ~~has had a saltwater products license for 1 of the past 3 license~~
- 194 ~~years before January 1, 1990, may provide proof of his or her~~
- 195 ~~verification of income and sales value at the person's retail~~
- 196 ~~seafood market or restaurant and in his or her saltwater~~
- 197 ~~products enterprise by affidavit and shall thereupon be issued a~~
- 198 ~~restricted species endorsement.~~
- 199 ~~5. Exceptions from income requirements shall be as follows:~~
- 200 ~~a. A permanent restricted species endorsement shall be~~
- 201 ~~available to those persons age 62 and older who have qualified~~
- 202 ~~for such endorsement for at least 3 of the last 5 years.~~
- 203 ~~b. Active military duty time shall be excluded from~~

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204 ~~consideration of time necessary to qualify and shall not be~~
205 ~~counted against the applicant for purposes of qualifying.~~

206 ~~e. Upon the sale of a used commercial fishing vessel owned~~
207 ~~by a person, firm, or corporation possessing or eligible for a~~
208 ~~restricted species endorsement, the purchaser of such vessel~~
209 ~~shall be exempted from the qualifying income requirement for the~~
210 ~~purpose of obtaining a restricted species endorsement for a~~
211 ~~complete license year after purchase of the vessel.~~

212 ~~d. Upon the death or permanent disablement of a person~~
213 ~~possessing a restricted species endorsement, an immediate family~~
214 ~~member wishing to carry on the fishing operation shall be~~
215 ~~exempted from the qualifying income requirement for the purpose~~
216 ~~of obtaining a restricted species endorsement for a complete~~
217 ~~license year after the death or disablement.~~

218 ~~e. A restricted species endorsement may be issued on an~~
219 ~~individual saltwater products license to a person age 62 or~~
220 ~~older who documents that at least \$2,500 of such person's income~~
221 ~~is attributable to the sale of saltwater products.~~

222 ~~f. A permanent restricted species endorsement may also be~~
223 ~~issued on an individual saltwater products license to a person~~
224 ~~age 70 or older who has held a saltwater products license for at~~
225 ~~least 3 of the last 5 license years.~~

226 ~~g. Any resident who is certified to be totally and~~
227 ~~permanently disabled by the Railroad Retirement Board, by the~~
228 ~~United States Department of Veterans Affairs or its predecessor,~~
229 ~~or by any branch of the United States Armed Forces, or who holds~~
230 ~~a valid identification card issued by the Department of~~
231 ~~Veterans' Affairs pursuant to s. 295.17, upon proof of the same,~~
232 ~~or any resident certified to be disabled by the United States~~

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233 ~~Social Security Administration or a licensed physician, upon~~
234 ~~proof of the same, shall be exempted from the income~~
235 ~~requirements if he or she also has held a saltwater products~~
236 ~~license for at least 3 of the last 5 license years before the~~
237 ~~date of the disability. A restricted species endorsement issued~~
238 ~~under this paragraph may be issued only on an individual~~
239 ~~saltwater products license.~~

240 ~~h. An honorably discharged, resident military veteran~~
241 ~~certified by the United States Department of Veterans Affairs or~~
242 ~~its predecessor or by any branch of the United States Armed~~
243 ~~Forces to have a service-connected permanent disability rating~~
244 ~~of 10 percent or higher, upon providing proof of such disability~~
245 ~~rating, is not required to provide documentation for the income~~
246 ~~requirement with his or her initial application for a restricted~~
247 ~~species endorsement. Documentation for the income requirement is~~
248 ~~required beginning with the renewal of the restricted species~~
249 ~~endorsement after such veteran has possessed a valid restricted~~
250 ~~species endorsement for a complete license year. This exemption~~
251 ~~applies only to issuance of the endorsement on an individual~~
252 ~~saltwater products license and is a one-time exemption. In order~~
253 ~~to renew the restricted species endorsement on an individual~~
254 ~~saltwater products license, the veteran must document that at~~
255 ~~least \$2,500 of his or her income is attributable to the sale of~~
256 ~~saltwater products.~~

257 ~~i. Beginning July 1, 2014, a resident military veteran who~~
258 ~~applies to the commission within 48 months after receiving an~~
259 ~~honorable discharge from any branch of the United States Armed~~
260 ~~Forces, the United States Coast Guard, the military reserves,~~
261 ~~the Florida National Guard, or the United States Coast Guard~~

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262 ~~Reserve is not required to provide documentation for the income~~
263 ~~requirement with his or her initial application for a restricted~~
264 ~~species endorsement. Documentation for the income requirement is~~
265 ~~required beginning with the renewal of the restricted species~~
266 ~~endorsement after such veteran has possessed a valid restricted~~
267 ~~species endorsement for a complete license year. This exemption~~
268 ~~applies only to issuance of the endorsement on an individual~~
269 ~~saltwater products license and may only be applied one time per~~
270 ~~military enlistment.~~

271 ~~j. Until June 30, 2014, a resident military veteran who~~
272 ~~applies to the commission and who received an honorable~~
273 ~~discharge from any branch of the United States Armed Forces, the~~
274 ~~United States Coast Guard, the military reserves, the Florida~~
275 ~~National Guard, or the United States Coast Guard Reserve between~~
276 ~~September 11, 2001, and June 30, 2014, is not required to~~
277 ~~provide documentation for the income requirement with his or her~~
278 ~~initial application for a restricted species endorsement.~~
279 ~~Documentation for the income requirement is required beginning~~
280 ~~with the renewal of the restricted species endorsement after~~
281 ~~such veteran has possessed a valid restricted species~~
282 ~~endorsement for a complete license year. This exemption applies~~
283 ~~only to issuance of the endorsement on an individual saltwater~~
284 ~~products license.~~

285 Section 6. Section 379.3012, Florida Statutes, is amended
286 to read:

287 379.3012 Alligator management and trapping program
288 implementation; commission authority.-

289 ~~(1) In any alligator management and trapping program that~~
290 ~~the Fish and Wildlife Conservation Commission shall establish,~~

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291 ~~the commission shall have the authority to adopt all rules~~
292 ~~necessary for full and complete implementation of such alligator~~
293 ~~management and trapping program, and, in order to ensure its~~
294 ~~lawful, safe, and efficient operation in accordance therewith,~~
295 ~~may:~~

296 ~~(a) Regulate the marketing and sale of alligators, their~~
297 ~~hides, eggs, meat, and byproducts, including the development and~~
298 ~~maintenance of a state-sanctioned sale.~~

299 ~~(b) Regulate the handling and processing of alligators,~~
300 ~~their eggs, hides, meat, and byproducts, for the lawful, safe,~~
301 ~~and sanitary handling and processing of same.~~

302 ~~(c) Regulate commercial alligator farming facilities and~~
303 ~~operations for the captive propagation and rearing of alligators~~
304 ~~and their eggs.~~

305 ~~(d) Provide hide-grading services by two or more~~
306 ~~individuals pursuant to state-sanctioned sales if rules are~~
307 ~~first promulgated by the commission governing:~~

308 ~~1. All grading-related services to be provided pursuant to~~
309 ~~this section;~~

310 ~~2. Criteria for qualifications of persons to serve as hide-~~
311 ~~graders for grading services to be provided pursuant to this~~
312 ~~section; and~~

313 ~~3. The certification process by which hide-graders~~
314 ~~providing services pursuant to this section will be certified.~~

315 ~~(e) Provide sales-related services by contract pursuant to~~
316 ~~state-sanctioned sales if rules governing such services are~~
317 ~~first promulgated by the commission.~~

318 ~~(2) All contractors of the commission for the grading,~~
319 ~~marketing, and sale of alligators and their hides, eggs, meat,~~

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320 ~~and byproducts shall not engage in any act constituting a~~
321 ~~conflict of interest under part III of chapter 112.~~

322 ~~(3) The powers and duties of the commission to implement~~
323 ~~the alligator management program may hereunder shall~~ not be
324 construed so as to supersede the regulatory authority or lawful
325 responsibility of the Department of Agriculture and Consumer
326 Services, the Department of Health, or any local governmental
327 entity regarding the processing or handling of food products,
328 but is ~~shall be deemed~~ supplemental thereto.

329 Section 7. Section 379.364, Florida Statutes, is amended to
330 read:

331 379.364 License required for fur and hide dealers.—

332 (1) It is unlawful for a ~~any~~ person to engage in the
333 business of a dealer or buyer in green or dried alligator hides
334 ~~skins~~ or green or dried furs in the state or purchase such hides
335 or furs ~~skins~~ within the state until such person has been
336 licensed as herein provided.

337 (2) A person ~~Any resident dealer or buyer~~ who solicits
338 business through the mails, or by advertising, or who travels to
339 buy or employs or has other agents or buyers, shall be deemed a
340 ~~resident state dealer and must pay a license fee of \$100 per~~
341 ~~annum.~~

342 (3) A resident dealer must pay a license fee of \$100 per
343 annum. A nonresident dealer ~~or buyer~~ must pay a license fee of
344 \$500 per annum.

345 ~~(4) All dealers and buyers shall forward to the Fish and~~
346 ~~Wildlife Conservation Commission each 2 weeks during open season~~
347 ~~a report showing number and kind of hides bought and name of~~
348 ~~trapper from whom bought and the trapper's license number, or if~~

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349 ~~trapper is exempt from license under any of the provisions of~~
350 ~~this chapter, such report shall show the nature of such~~
351 ~~exemption. A common carrier may not knowingly ship or transport~~
352 ~~or receive for transportation any hides or furs unless such~~
353 ~~shipments have marked thereon name of shipper and the number of~~
354 ~~her or his fur animal license or fur dealer's license.~~

355 Section 8. Subsections (1), (4), and (5) of section
356 379.3751, Florida Statutes, are amended to read:

357 379.3751 Taking and possession of alligators; trapping
358 licenses; fees.—

359 (1) (a) A ~~No~~ person may not ~~shall~~ take or possess an ~~any~~
360 alligator or the eggs thereof without having first been issued
361 an alligator license under to ~~obtained from the commission a~~
362 ~~trapping license and paid the fee provided in this section.~~ Such
363 license shall be dated when issued and remain valid for 12
364 months after the date of issuance and authorizes ~~shall authorize~~
365 the person to whom it is issued to take or possess alligators
366 and their eggs, and to sell, possess, and process alligators and
367 their hides and meat, in accordance with law and commission
368 rules. Such license is ~~shall~~ not ~~be~~ transferable and is ~~shall~~
369 not ~~be~~ valid unless it bears on its face in indelible ink the
370 name of the person to whom it is issued. Such license shall be
371 in the personal possession of the licensee while such person is
372 taking alligators or their eggs or is selling, possessing, or
373 processing alligators or their eggs, hides, or meat. The failure
374 of the licensee to exhibit such license to a the commission law
375 enforcement officer ~~or its wildlife officers~~, when such person
376 is found taking alligators or their eggs or is found selling,
377 possessing, or processing alligators or their eggs, hides, or

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378 meat, is ~~shall be~~ a violation of law.

379 ~~(b) In order to assure the optimal utilization of the~~
380 ~~estimated available alligator resource and to ensure adequate~~
381 ~~control of the alligator management and harvest program, the~~
382 ~~commission may by rule limit the number of participants engaged~~
383 ~~in the taking of alligators or their eggs from the wild.~~

384 ~~(b)(e)~~ A ~~no~~ person who has been convicted of any violation
385 of s. 379.3015 or s. 379.409 or the rules of the commission
386 relating to the illegal taking of crocodilian species may not
387 ~~shall be issued eligible for issuance of~~ a license for a period
388 of 5 years subsequent to such conviction. In the event such
389 violation involves the unauthorized taking of an endangered
390 crocodilian species, a ~~no~~ license may not ~~shall~~ be issued for 10
391 years subsequent to the conviction.

392 (c) A person taking a nuisance alligator pursuant to
393 contract with the commission is not required to obtain an
394 alligator trapping license. A person assisting a contracted
395 nuisance alligator trapper, unless otherwise exempt under
396 paragraph (d), paragraph (e), or paragraph (f), is required to
397 possess an alligator trapping agent's license as provided in
398 subsection (2).

399 (d) A child under 16 years of age taking an alligator under
400 an alligator harvest program implemented by commission rule is
401 not required to obtain an alligator trapping agent license.

402 (e) A person taking an alligator pursuant to an event
403 permit issued under s. 379.353(2)(q) is not required to obtain
404 an alligator trapping license or an alligator trapping agent
405 license.

406 (f) An alligator trapping license or alligator trapping

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407 agent license must be issued without fee to any resident who
408 meets the requirements for disability under s. 379.353(1).

409 (g) A management area permit under s. 379.354(8) is not
410 required for a person engaged in the taking of an alligator
411 under a permit issued by the commission that authorizes the
412 taking of alligators.

413 (4) A ~~No~~ person may not ~~shall~~ take any alligator egg
414 occurring in the wild or possess any such egg unless he or she
415 ~~such person~~ has obtained, or is a licensed agent of another
416 person who has obtained, an alligator egg collection permit. The
417 alligator egg collection permit is ~~shall be~~ required in addition
418 to the alligator farming license provided in paragraph (2) (d).
419 The commission may ~~is authorized to~~ assess a fee for issuance of
420 the alligator egg collection permit of up to \$5 per egg
421 authorized to be taken or possessed pursuant to such permit.
422 Contingent upon an annual appropriation for alligator marketing
423 and education activities ~~Irrespective of whether a fee is~~
424 ~~assessed~~, \$1 per egg collected and retained, excluding eggs
425 collected on private wetland management areas, shall be
426 transferred from the alligator management program to the General
427 Inspection Trust Fund, to be administered by the Department of
428 Agriculture and Consumer Services for the purpose of providing
429 marketing and education services with respect to alligator
430 products produced in this state, notwithstanding other
431 provisions in this chapter.

432 ~~(5) The commission shall adopt criteria by rule to~~
433 ~~establish appropriate qualifications for alligator collectors~~
434 ~~who may receive permits pursuant to this section.~~

435 Section 9. Section 379.3752, Florida Statutes, is reenacted

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436 and amended to read:

437 379.3752 Required tagging of alligators and hides; fees;
438 revenues.—The tags provided in this section shall be required in
439 addition to any license required under s. 379.3751.

440 (1) A ~~No~~ person may not shall take any alligator occurring
441 in the wild or possess any such alligator unless such alligator
442 is subsequently tagged in the manner required by commission
443 rule. For the tag required for an alligator hatchling, the
444 commission may ~~is authorized to~~ assess a fee of up to ~~not more~~
445 ~~than~~ \$15 for each alligator hatchling tag issued. ~~The commission~~
446 ~~shall expend one third of the revenue generated from the~~
447 ~~issuance of the alligator hatchling tag for alligator husbandry~~
448 ~~research.~~

449 (2) ~~The commission may require that an alligator hide~~
450 ~~validation tag (CITES tag) be affixed to the hide of any~~
451 ~~alligator taken from the wild and that such hide be possessed,~~
452 ~~purchased, sold, offered for sale, or transported in accordance~~
453 ~~with commission rule.~~ The commission may ~~is authorized to~~ assess
454 a fee of up to \$30 for each alligator hide validation tag (CITES
455 tag) issued. Contingent upon an annual appropriation for
456 alligator marketing and education activities ~~Irrespective of~~
457 ~~whether a fee is assessed,~~ \$5 per validated hide, excluding
458 those validated from public hunt programs and alligator farms,
459 shall be transferred from the alligator management program to
460 the General Inspection Trust Fund, to be administered by the
461 Department of Agriculture and Consumer Services for the purpose
462 of providing marketing and education services with respect to
463 alligator products produced in this state, notwithstanding other
464 provisions in this chapter.

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465 ~~(3) The number of tags available for alligators taken~~
466 ~~pursuant to a collection permit shall be limited to the number~~
467 ~~of tags determined by the commission to equal the safe yield of~~
468 ~~alligators as determined pursuant to s. 379.3013.~~

469 Section 10. Paragraph (a) of subsection (2) of section
470 379.401, Florida Statutes, is amended to read:

471 379.401 Penalties and violations; civil penalties for
472 noncriminal infractions; criminal penalties; suspension and
473 forfeiture of licenses and permits.—

474 (2) (a) LEVEL TWO VIOLATIONS.—A person commits a Level Two
475 violation if he or she violates any of the following provisions:

476 1. Rules or orders of the commission relating to seasons or
477 time periods for the taking of wildlife, freshwater fish, or
478 saltwater fish.

479 2. Rules or orders of the commission establishing bag,
480 possession, or size limits or restricting methods of taking
481 wildlife, freshwater fish, or saltwater fish.

482 3. Rules or orders of the commission prohibiting access or
483 otherwise relating to access to wildlife management areas or
484 other areas managed by the commission.

485 4. Rules or orders of the commission relating to the
486 feeding of ~~wildlife, freshwater fish, or~~ saltwater fish.

487 5. Rules or orders of the commission relating to landing
488 requirements for freshwater fish or saltwater fish.

489 6. Rules or orders of the commission relating to restricted
490 hunting areas, critical wildlife areas, or bird sanctuaries.

491 7. Rules or orders of the commission relating to tagging
492 requirements for wildlife and fur-bearing animals.

493 8. Rules or orders of the commission relating to the use of

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494 dogs for the taking of wildlife.

495 9. Rules or orders of the commission which are not
496 otherwise classified.

497 10. Rules or orders of the commission prohibiting the
498 unlawful use of finfish traps.

499 11. All prohibitions in this chapter which are not
500 otherwise classified.

501 12. Section 379.33, prohibiting the violation of or
502 noncompliance with commission rules.

503 13. Section 379.407(7), prohibiting the sale, purchase,
504 harvest, or attempted harvest of any saltwater product with
505 intent to sell.

506 14. Section 379.2421, prohibiting the obstruction of
507 waterways with net gear.

508 15. Section 379.413, prohibiting the unlawful taking of
509 bonefish.

510 16. Section 379.365(2) (a) and (b), prohibiting the
511 possession or use of stone crab traps without trap tags and
512 theft of trap contents or gear.

513 17. Section 379.366(4) (b), prohibiting the theft of blue
514 crab trap contents or trap gear.

515 18. Section 379.3671(2) (c), prohibiting the possession or
516 use of spiny lobster traps without trap tags or certificates and
517 theft of trap contents or trap gear.

518 19. Section 379.357, prohibiting the possession of tarpon
519 without purchasing a tarpon tag.

520 ~~20. Rules or orders of the commission prohibiting the~~
521 ~~feeding or enticement of alligators or crocodiles.~~

522 20.21. Section 379.105, prohibiting the intentional

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523 harassment of hunters, fishers, or trappers.

524 Section 11. Section 379.412, Florida Statutes, is created
525 to read:

526 379.412 Penalties for feeding wildlife and freshwater
527 fish.—

528 (1) The penalties in this section apply to a violation of
529 rules or orders of the commission which prohibit or restrict the
530 following: feeding wildlife or freshwater fish with food or
531 garbage, attracting or enticing wildlife or freshwater fish with
532 food or garbage, or allowing the placement of food or garbage in
533 a manner that attracts or entices wildlife or freshwater fish.

534 This section does not apply to rules or orders of the commission
535 which relate to animals that are held in captivity, restrict the
536 taking or hunting of species over bait or other intentionally
537 placed or deposited food, or restrict the taking or hunting of
538 species in proximity to feeding stations.

539 (2) Any person who violates a prohibition or restriction
540 identified in subsection (1):

541 (a) For a first violation, commits a noncriminal
542 infraction, punishable by a civil penalty of \$100.

543 1. A person cited for a violation under this paragraph must
544 sign and accept a citation to appear before the county court.
545 The issuing officer may indicate on the citation the time and
546 location of the scheduled hearing and must indicate the
547 applicable civil penalty.

548 2. A person cited for a violation under this paragraph may
549 pay the civil penalty by mail or in person within 30 days after
550 receipt of the citation. If the civil penalty is paid, the
551 person shall be deemed to have admitted committing the violation

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552 and to have waived his or her right to a hearing before the
553 county court. Such admission may not be used as evidence in any
554 other proceedings except to determine the appropriate fine for
555 any subsequent violations.

556 3. A person who refuses to accept a citation, who fails to
557 pay the civil penalty for a violation, or who fails to appear
558 before a county court as required commits a misdemeanor of the
559 second degree, punishable as provided in s. 775.082 or s.
560 775.083.

561 4. A person who elects or is required to appear before the
562 county court is deemed to have waived the limitation on civil
563 penalties provided under this paragraph. After a hearing, the
564 county court shall determine whether a violation has been
565 committed, and if so, may impose a civil penalty of at least
566 \$100. A person found guilty of committing a violation may appeal
567 that finding to the circuit court. The commission of a violation
568 must be proved beyond a reasonable doubt.

569 (b) For second and subsequent violations, if all violations
570 are related to freshwater fish or wildlife other than bears,
571 alligators, or other crocodilians, commits a misdemeanor of the
572 second degree, punishable as provided in s. 775.082 or s.
573 775.083.

574 (c) For a second violation, if each violation is related to
575 bears, alligators, or other crocodilians, commits a misdemeanor
576 of the second degree, punishable as provided in s. 775.082 or s.
577 775.083.

578 (d) For a third violation, if all violations are related to
579 bears, alligators, or other crocodilians, commits a misdemeanor
580 of the first degree, punishable as provided in s. 775.082 or s.

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581 775.083.

582 (e) For a fourth or subsequent violation, if all violations
583 are related to bears, alligators, or other crocodilians, commits
584 a felony of the third degree, punishable as provided in s.
585 775.082, s. 775.083, or s. 775.084.

586 (3) As used in this section, the term "violation" means any
587 judicial disposition other than acquittal or dismissal.

588 Section 12. Section 379.3011, Florida Statutes, is
589 repealed.

590 Section 13. Section 379.3013, Florida Statutes, is
591 repealed.

592 Section 14. Section 379.3016, Florida Statutes, is
593 repealed.

594 Section 15. Section 379.3017, Florida Statutes, is
595 repealed.

596 Section 16. Paragraph (i) of subsection (1) of s. 327.73,
597 Florida Statutes, and subsection (1) of s. 327.375, Florida
598 Statutes, are reenacted for the purpose of incorporating the
599 amendment made by this act to s. 327.37, Florida Statutes, in
600 references thereto.

601 Section 17. Paragraph (p) of subsection (1) of s. 327.73,
602 Florida Statutes, is reenacted for the purpose of incorporating
603 the amendment made by this act to s. 327.39, Florida Statutes,
604 in a reference thereto.

605 Section 18. Paragraph (c) of subsection (1) of s. 327.54,
606 Florida Statutes, and paragraph (m) of subsection (1) of s.
607 327.73, Florida Statutes, are reenacted for the purpose of
608 incorporating the amendment made by this act to s. 327.50,
609 Florida Statutes, in references thereto.

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Section 19. This act shall take effect upon becoming a law.