

**By** the Committees on Appropriations; and Environmental Preservation and Conservation; and 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 that personal flotation devices be  
5           used in accordance with the United States Coast Guard  
6           approval label; reenacting s. 327.50(1)(a), F.S.,  
7           relating to vessel safety equipment, to incorporate  
8           changes to federal regulations; amending s. 379.223,  
9           F.S.; authorizing citizen support organizations to  
10          receive funds from the commission if the organization  
11          provides services by contract under certain  
12          circumstances; amending s. 379.3012, F.S.; revising  
13          the rulemaking authority of the commission relating to  
14          the alligator management and trapping program;  
15          amending s. 379.357, F.S.; revising the dates for  
16          tarpon tag validity; deleting the requirement that tax  
17          collectors submit forms annually relating to the  
18          number of unissued tags; deleting the requirement for  
19          submitting forms relating to tarpon landed; amending  
20          s. 379.361, F.S.; removing the income requirement for  
21          a restricted species endorsement on a saltwater  
22          products license; amending s. 379.364, F.S.; requiring  
23          resident dealers to pay a certain fee per annum;  
24          removing the requirement for dealers and buyers to  
25          forward reports relating to the number and kinds of  
26          hide bought; removing the requirement that common  
27          carriers ship, transport, or receive only hides or  
28          furs marked with certain identifying information;  
29          amending s. 379.3751, F.S.; removing the rulemaking

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30 authority of the commission to limit the number of  
31 participants engaged in the taking of alligators or  
32 their eggs from the wild and to establish appropriate  
33 qualifications for certain alligator collectors;  
34 providing exemptions for alligator trapping licenses;  
35 requiring certain licenses to be issued without fee to  
36 residents who meet the requirements for disability;  
37 clarifying that a management area permit is not  
38 required for a person engaged in the taking of an  
39 alligator under a permit that authorizes the taking of  
40 alligators; providing that the transfer of fees for  
41 marketing and education services is contingent upon  
42 annual appropriation; amending s. 379.3752, F.S.;

43 removing the requirement that the commission expend  
44 one-third of the revenue from the issuance of  
45 alligator hatchling tags for alligator husbandry  
46 research; providing that the transfer of fees for  
47 marketing and education services is contingent upon  
48 annual appropriation; deleting the requirement that  
49 the number of tags pursuant to a collection permit be  
50 equal to a safe yield of alligators; amending s.  
51 379.401, F.S.; conforming provisions to changes made  
52 by the act; creating s. 379.412, F.S.; establishing  
53 penalties for the unlawful feeding of wildlife and  
54 freshwater fish; providing applicability; defining the  
55 term "violation"; repealing s. 379.3011, F.S.,  
56 relating to the alligator trapping program; repealing  
57 s. 379.3013, F.S., relating to alligator study  
58 requirements; repealing s. 379.3016, F.S., relating to

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59 the prohibition against the sale of alligator products  
60 and associated penalties; repealing s. 379.3017, F.S.,  
61 relating to the restricted use of the terms  
62 "alligator" or "gator" in certain sales; providing an  
63 effective date.

64

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

66

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

69 327.37 Water skis, parasails, aquaplanes, kiteboarding,  
70 kitesurfing, and moored ballooning regulated.—

71 (2)

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

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

80 327.39 Personal watercraft regulated.—

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

87 Section 3. Paragraph (b) of subsection (1) of section

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88 327.50, Florida Statutes, is amended, and paragraph (a) of that  
89 subsection is reenacted, to read:

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

92 (1) (a) The owner and operator of every vessel on the waters  
93 of this state shall carry, store, maintain, and use safety  
94 equipment in accordance with current United States Coast Guard  
95 safety equipment requirements as specified in the Code of  
96 Federal Regulations, unless expressly exempted by the  
97 department.

98 (b) A No person may not shall operate a vessel less than 26  
99 feet in length on the waters of this state unless every person  
100 under 6 years of age on board the vessel is wearing a ~~type I,~~  
101 ~~type II, or type III Coast Guard approved~~ personal flotation  
102 device currently approved by the United States Coast Guard and  
103 used in accordance with the United States Coast Guard approval  
104 label while such vessel is underway. For the purpose of this  
105 section, the term "underway" means shall mean at all times  
106 except when a vessel is anchored, moored, made fast to the  
107 shore, or aground.

108 Section 4. Paragraph (b) of subsection (1) of section  
109 379.223, Florida Statutes, is amended to read:

110 379.223 Citizen support organizations; use of state  
111 property; audit.—

112 (1) The Fish and Wildlife Conservation Commission may  
113 authorize the establishment of citizen support organizations to  
114 provide assistance, funding, and promotional support for the  
115 programs of the commission. For purposes of this section, the  
116 term "citizen support organization" means an organization which:

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117 (b) Is organized and operated to conduct programs and  
118 activities; raise funds; request and receive grants, gifts, and  
119 bequests of money; acquire, receive, hold, invest, and  
120 administer in its own name securities, funds, or real or  
121 personal property; and make expenditures for the benefit of the  
122 commission or an individual program unit of the commission;  
123 except that such organization may not receive funds from the  
124 commission or the Fish and Wildlife Research Institute by grant  
125 ~~or~~, gift, ~~or contract~~ unless specifically authorized by the  
126 Legislature. If the citizen support organization by contract  
127 provides fiscal and administrative services to the commission  
128 for a grant or program that benefits the commission, the  
129 organization may be reimbursed or compensated for such services  
130 by the commission, provided the services are a direct benefit to  
131 the commission.

132 Section 5. Section 379.3012, Florida Statutes, is amended  
133 to read:

134 379.3012 Alligator management ~~and trapping~~ program  
135 implementation; commission authority.-

136 ~~(1) In any alligator management and trapping program that~~  
137 ~~the Fish and Wildlife Conservation Commission shall establish,~~  
138 ~~the commission shall have the authority to adopt all rules~~  
139 ~~necessary for full and complete implementation of such alligator~~  
140 ~~management and trapping program, and, in order to ensure its~~  
141 ~~lawful, safe, and efficient operation in accordance therewith,~~  
142 ~~may:~~

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

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146 ~~(b) Regulate the handling and processing of alligators,~~  
147 ~~their eggs, hides, meat, and byproducts, for the lawful, safe,~~  
148 ~~and sanitary handling and processing of same.~~

149 ~~(c) Regulate commercial alligator farming facilities and~~  
150 ~~operations for the captive propagation and rearing of alligators~~  
151 ~~and their eggs.~~

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

155 ~~1. All grading-related services to be provided pursuant to~~  
156 ~~this section;~~

157 ~~2. Criteria for qualifications of persons to serve as hide-~~  
158 ~~graders for grading services to be provided pursuant to this~~  
159 ~~section; and~~

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

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

165 ~~(2) All contractors of the commission for the grading,~~  
166 ~~marketing, and sale of alligators and their hides, eggs, meat,~~  
167 ~~and byproducts shall not engage in any act constituting a~~  
168 ~~conflict of interest under part III of chapter 112.~~

169 ~~(3) The powers and duties of the commission to implement~~  
170 ~~the alligator management program may hereunder shall not be~~  
171 ~~construed so as to supersede the regulatory authority or lawful~~  
172 ~~responsibility of the Department of Agriculture and Consumer~~  
173 ~~Services, the Department of Health, or any local governmental~~  
174 ~~entity regarding the processing or handling of food products,~~

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175 but is ~~shall be deemed~~ supplemental thereto.

176 Section 6. Subsections (1) and (3) of section 379.357,  
177 Florida Statutes, are amended to read:

178 379.357 Fish and Wildlife Conservation Commission license  
179 program for tarpon; fees; penalties.—

180 (1) The commission shall establish a license program for  
181 the purpose of issuing tags to individuals desiring to harvest  
182 tarpon (Megalops atlanticus) ~~(megalops atlantica)~~ from the  
183 waters of the state. The tags shall be nontransferable, except  
184 that the commission may allow for a limited number of tags to be  
185 purchased by professional fishing guides for transfer to  
186 individuals, and issued by the commission in order of receipt of  
187 a properly completed application for a nonrefundable fee of \$50  
188 per tag. The commission and any tax collector may sell the tags  
189 and collect the fees therefor. Tarpon tags are valid from  
190 January July 1 through December 31 ~~June 30. Before August 15 of~~  
191 ~~each year, each tax collector shall submit to the commission all~~  
192 ~~unissued tags for the previous fiscal year along with a written~~  
193 ~~audit report, on forms prescribed or approved by the commission,~~  
194 ~~as to the numbers of the unissued tags.~~ To defray the cost of  
195 issuing any tag, the issuing tax collector shall collect and  
196 retain as his or her costs, in addition to the tag fee  
197 collected, the amount allowed under s. 379.352(6) for the  
198 issuance of licenses.

199 (3) An ~~No~~ individual may not ~~shall~~ take, kill, or possess  
200 any fish of the species Megalops atlanticus ~~megalops atlantica~~,  
201 commonly known as tarpon, unless such individual has purchased a  
202 tarpon tag and securely attached it through the lower jaw of the  
203 fish. ~~Said individual shall within 5 days after the landing of~~

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204 ~~the fish submit a form to the commission which indicates the~~  
205 ~~length, weight, and physical condition of the tarpon when~~  
206 ~~caught; the date and location of where the fish was caught; and~~  
207 ~~any other pertinent information which may be required by the~~  
208 ~~commission. The commission may refuse to issue new tags to~~  
209 ~~individuals or guides who fail to provide the required~~  
210 ~~information.~~

211 Section 7. Paragraph (b) of subsection (2) of section  
212 379.361, Florida Statutes, is amended to read:

213 379.361 Licenses.—

214 (2) SALTWATER PRODUCTS LICENSE.—

215 (b)~~1~~. A restricted species endorsement on the saltwater  
216 products license is required to sell to a licensed wholesale  
217 dealer those species which the state, by law or rule, has  
218 designated as "restricted species." ~~This endorsement may be~~  
219 ~~issued only to a person who is at least 16 years of age, or to a~~  
220 ~~firm certifying that over 25 percent of its income or \$5,000 of~~  
221 ~~its income, whichever is less, is attributable to the sale of~~  
222 ~~saltwater products pursuant to a saltwater products license~~  
223 ~~issued under this paragraph or a similar license from another~~  
224 ~~state. This endorsement may also be issued to a for-profit~~  
225 ~~corporation if it certifies that at least \$5,000 of its income~~  
226 ~~is attributable to the sale of saltwater products pursuant to a~~  
227 ~~saltwater products license issued under this paragraph or a~~  
228 ~~similar license from another state. However, if at least 50~~  
229 ~~percent of the annual income of a person, firm, or for-profit~~  
230 ~~corporation is derived from charter fishing, the person, firm,~~  
231 ~~or for-profit corporation must certify that at least \$2,500 of~~  
232 ~~the income of the person, firm, or corporation is attributable~~



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233 ~~to the sale of saltwater products pursuant to a saltwater~~  
234 ~~products license issued under this paragraph or a similar~~  
235 ~~license from another state, in order to be issued the~~  
236 ~~endorsement. Such income attribution must apply to at least 1 of~~  
237 ~~the last 3 years. For the purpose of this section, "income"~~  
238 ~~means that income that is attributable to work, employment,~~  
239 ~~entrepreneurship, pensions, retirement benefits, and social~~  
240 ~~security benefits.~~

241 ~~2. To renew an existing restricted species endorsement, a~~  
242 ~~marine aquaculture producer possessing a valid saltwater~~  
243 ~~products license with a restricted species endorsement may apply~~  
244 ~~income from the sale of marine aquaculture products to licensed~~  
245 ~~wholesale dealers.~~

246 ~~3. The commission may require verification of such income~~  
247 ~~for all restricted species endorsements issued pursuant to this~~  
248 ~~paragraph. Acceptable proof of income earned from the sale of~~  
249 ~~saltwater products shall be:~~

250 ~~a. Copies of trip ticket records generated pursuant to this~~  
251 ~~subsection (marine fisheries information system), documenting~~  
252 ~~qualifying sale of saltwater products;~~

253 ~~b. Copies of sales records from locales other than Florida~~  
254 ~~documenting qualifying sale of saltwater products;~~

255 ~~e. A copy of the applicable federal income tax return,~~  
256 ~~including Form 1099 attachments, verifying income earned from~~  
257 ~~the sale of saltwater products;~~

258 ~~d. Crew share statements verifying income earned from the~~  
259 ~~sale of saltwater products; or~~

260 ~~e. A certified public accountant's notarized statement~~  
261 ~~attesting to qualifying source and amount of income.~~

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262 ~~4. Notwithstanding any other provision of law, any person~~  
263 ~~who owns a retail seafood market or restaurant at a fixed~~  
264 ~~location for at least 3 years, who has had an occupational~~  
265 ~~license for 3 years before January 1, 1990, who harvests~~  
266 ~~saltwater products to supply his or her retail store, and who~~  
267 ~~has had a saltwater products license for 1 of the past 3 license~~  
268 ~~years before January 1, 1990, may provide proof of his or her~~  
269 ~~verification of income and sales value at the person's retail~~  
270 ~~seafood market or restaurant and in his or her saltwater~~  
271 ~~products enterprise by affidavit and shall thereupon be issued a~~  
272 ~~restricted species endorsement.~~

273 ~~5. Exceptions from income requirements shall be as follows:~~

274 ~~a. A permanent restricted species endorsement shall be~~  
275 ~~available to those persons age 62 and older who have qualified~~  
276 ~~for such endorsement for at least 3 of the last 5 years.~~

277 ~~b. Active military duty time shall be excluded from~~  
278 ~~consideration of time necessary to qualify and shall not be~~  
279 ~~counted against the applicant for purposes of qualifying.~~

280 ~~c. Upon the sale of a used commercial fishing vessel owned~~  
281 ~~by a person, firm, or corporation possessing or eligible for a~~  
282 ~~restricted species endorsement, the purchaser of such vessel~~  
283 ~~shall be exempted from the qualifying income requirement for the~~  
284 ~~purpose of obtaining a restricted species endorsement for a~~  
285 ~~complete license year after purchase of the vessel.~~

286 ~~d. Upon the death or permanent disablement of a person~~  
287 ~~possessing a restricted species endorsement, an immediate family~~  
288 ~~member wishing to carry on the fishing operation shall be~~  
289 ~~exempted from the qualifying income requirement for the purpose~~  
290 ~~of obtaining a restricted species endorsement for a complete~~

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291 ~~license year after the death or disablement.~~

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

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

300 ~~g. Any resident who is certified to be totally and~~  
301 ~~permanently disabled by the Railroad Retirement Board, by the~~  
302 ~~United States Department of Veterans Affairs or its predecessor,~~  
303 ~~or by any branch of the United States Armed Forces, or who holds~~  
304 ~~a valid identification card issued by the Department of~~  
305 ~~Veterans' Affairs pursuant to s. 295.17, upon proof of the same,~~  
306 ~~or any resident certified to be disabled by the United States~~  
307 ~~Social Security Administration or a licensed physician, upon~~  
308 ~~proof of the same, shall be exempted from the income~~  
309 ~~requirements if he or she also has held a saltwater products~~  
310 ~~license for at least 3 of the last 5 license years before the~~  
311 ~~date of the disability. A restricted species endorsement issued~~  
312 ~~under this paragraph may be issued only on an individual~~  
313 ~~saltwater products license.~~

314 ~~h. An honorably discharged, resident military veteran~~  
315 ~~certified by the United States Department of Veterans Affairs or~~  
316 ~~its predecessor or by any branch of the United States Armed~~  
317 ~~Forces to have a service-connected permanent disability rating~~  
318 ~~of 10 percent or higher, upon providing proof of such disability~~  
319 ~~rating, is not required to provide documentation for the income~~

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320 ~~requirement with his or her initial application for a restricted~~  
321 ~~species endorsement. Documentation for the income requirement is~~  
322 ~~required beginning with the renewal of the restricted species~~  
323 ~~endorsement after such veteran has possessed a valid restricted~~  
324 ~~species endorsement for a complete license year. This exemption~~  
325 ~~applies only to issuance of the endorsement on an individual~~  
326 ~~saltwater products license and is a one-time exemption. In order~~  
327 ~~to renew the restricted species endorsement on an individual~~  
328 ~~saltwater products license, the veteran must document that at~~  
329 ~~least \$2,500 of his or her income is attributable to the sale of~~  
330 ~~saltwater products.~~

331 ~~i. Beginning July 1, 2014, a resident military veteran who~~  
332 ~~applies to the commission within 48 months after receiving an~~  
333 ~~honorable discharge from any branch of the United States Armed~~  
334 ~~Forces, the United States Coast Guard, the military reserves,~~  
335 ~~the Florida National Guard, or the United States Coast Guard~~  
336 ~~Reserve is not required to provide documentation for the income~~  
337 ~~requirement with his or her initial application for a restricted~~  
338 ~~species endorsement. Documentation for the income requirement is~~  
339 ~~required beginning with the renewal of the restricted species~~  
340 ~~endorsement after such veteran has possessed a valid restricted~~  
341 ~~species endorsement for a complete license year. This exemption~~  
342 ~~applies only to issuance of the endorsement on an individual~~  
343 ~~saltwater products license and may only be applied one time per~~  
344 ~~military enlistment.~~

345 ~~j. Until June 30, 2014, a resident military veteran who~~  
346 ~~applies to the commission and who received an honorable~~  
347 ~~discharge from any branch of the United States Armed Forces, the~~  
348 ~~United States Coast Guard, the military reserves, the Florida~~

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349 ~~National Guard, or the United States Coast Guard Reserve between~~  
350 ~~September 11, 2001, and June 30, 2014, is not required to~~  
351 ~~provide documentation for the income requirement with his or her~~  
352 ~~initial application for a restricted species endorsement.~~  
353 ~~Documentation for the income requirement is required beginning~~  
354 ~~with the renewal of the restricted species endorsement after~~  
355 ~~such veteran has possessed a valid restricted species~~  
356 ~~endorsement for a complete license year. This exemption applies~~  
357 ~~only to issuance of the endorsement on an individual saltwater~~  
358 ~~products license.~~

359 Section 8. Section 379.364, Florida Statutes, is amended to  
360 read:

361 379.364 License required for fur and hide dealers.—

362 (1) It is unlawful for a any person to engage in the  
363 business of a dealer or buyer in green or dried alligator hides  
364 ~~skins~~ or green or dried furs in the state or purchase such hides  
365 or furs ~~skins~~ within the state until such person has been  
366 licensed as herein provided.

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

372 (3) A resident dealer must pay a license fee of \$100 per  
373 annum. A nonresident dealer ~~or buyer~~ must pay a license fee of  
374 \$500 per annum.

375 (4) ~~All dealers and buyers shall forward to the Fish and~~  
376 ~~Wildlife Conservation Commission each 2 weeks during open season~~  
377 ~~a report showing number and kind of hides bought and name of~~

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378 ~~trapper from whom bought and the trapper's license number, or if~~  
379 ~~trapper is exempt from license under any of the provisions of~~  
380 ~~this chapter, such report shall show the nature of such~~  
381 ~~exemption. A common carrier may not knowingly ship or transport~~  
382 ~~or receive for transportation any hides or furs unless such~~  
383 ~~shipments have marked thereon name of shipper and the number of~~  
384 ~~her or his fur-animal license or fur dealer's license.~~

385 Section 9. Subsections (1), (4), and (5) of section  
386 379.3751, Florida Statutes, are amended to read:

387 379.3751 Taking and possession of alligators; trapping  
388 licenses; fees.-

389 (1) (a) A ~~No~~ person may not ~~shall~~ take or possess an ~~any~~  
390 alligator or the eggs thereof without having first been issued  
391 an alligator license under ~~obtained from the commission a~~  
392 ~~trapping license and paid the fee provided in this section.~~ Such  
393 license shall be dated when issued and remain valid for 12  
394 months after the date of issuance and authorizes ~~shall authorize~~  
395 the person to whom it is issued to take or possess alligators  
396 and their eggs, and to sell, possess, and process alligators and  
397 their hides and meat, in accordance with law and commission  
398 rules. Such license is ~~shall~~ not be transferable and is ~~shall~~  
399 not be valid unless it bears on its face in indelible ink the  
400 name of the person to whom it is issued. Such license shall be  
401 in the personal possession of the licensee while such person is  
402 taking alligators or their eggs or is selling, possessing, or  
403 processing alligators or their eggs, hides, or meat. The failure  
404 of the licensee to exhibit such license to a ~~the~~ commission law  
405 enforcement officer ~~or its wildlife officers~~, when such person  
406 is found taking alligators or their eggs or is found selling,

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407 possessing, or processing alligators or their eggs, hides, or  
408 meat, ~~is shall be~~ a violation of law.

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

414 ~~(b)(e)~~ A ~~no~~ person who has been convicted of any violation  
415 of s. 379.3015 or s. 379.409 or the rules of the commission  
416 relating to the illegal taking of crocodilian species may not  
417 ~~shall be issued eligible for issuance of~~ a license for a period  
418 of 5 years subsequent to such conviction. In the event such  
419 violation involves the unauthorized taking of an endangered  
420 crocodilian species, a ~~no~~ license may not ~~shall~~ be issued for 10  
421 years subsequent to the conviction.

422 (c) A person taking a nuisance alligator pursuant to  
423 contract with the commission is not required to obtain an  
424 alligator trapping license. A person assisting a contracted  
425 nuisance alligator trapper, unless otherwise exempt under  
426 paragraph (d) or paragraph (e) is required to possess an  
427 alligator trapping license or an alligator trapping agent's  
428 license as provided in subsection (2).

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

432 (e) A person taking an alligator pursuant to an event  
433 permit issued under s. 379.353(2)(q) is not required to obtain  
434 an alligator trapping license or an alligator trapping agent's  
435 license.

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436 (f) An alligator trapping license or alligator trapping  
437 agent's license must be issued without fee to any resident who  
438 meets the requirements for disability under s. 379.353(1).

439 (g) A management area permit under s. 379.354(8) is not  
440 required for a person engaged in the taking of an alligator  
441 under a permit issued by the commission which authorizes the  
442 taking of alligators.

443 (4) ~~A~~ ~~No~~ person may not ~~shall~~ take any alligator egg  
444 occurring in the wild or possess any such egg unless he or she  
445 ~~such person~~ has obtained, or is a licensed agent of another  
446 person who has obtained, an alligator egg collection permit. The  
447 alligator egg collection permit is ~~shall be~~ required in addition  
448 to the alligator farming license provided in paragraph (2)(d).  
449 The commission may ~~is authorized to~~ assess a fee for issuance of  
450 the alligator egg collection permit of up to \$5 per egg  
451 authorized to be taken or possessed pursuant to such permit.  
452 Contingent upon an annual appropriation for alligator marketing  
453 and education activities ~~Irrespective of whether a fee is~~  
454 ~~assessed~~, \$1 per egg collected and retained, excluding eggs  
455 collected on private wetland management areas, shall be  
456 transferred from the alligator management program to the General  
457 Inspection Trust Fund, to be administered by the Department of  
458 Agriculture and Consumer Services for the purpose of providing  
459 marketing and education services with respect to alligator  
460 products produced in this state, notwithstanding other  
461 provisions in this chapter.

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



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465 Section 10. Section 379.3752, Florida Statutes, is amended  
466 to read:

467 379.3752 Required tagging of alligators and hides; fees;  
468 revenues.—The tags provided in this section shall be required in  
469 addition to any license required under s. 379.3751.

470 (1) A ~~No~~ person may not ~~shall~~ take any alligator occurring  
471 in the wild or possess any such alligator unless such alligator  
472 is subsequently tagged in the manner required by commission  
473 rule. For the tag required for an alligator hatchling, the  
474 commission may ~~is authorized to~~ assess a fee of up to not more  
475 ~~than~~ \$15 for each alligator hatchling tag issued. ~~The commission~~  
476 ~~shall expend one third of the revenue generated from the~~  
477 ~~issuance of the alligator hatchling tag for alligator husbandry~~  
478 ~~research.~~

479 (2) ~~The commission may require that an alligator hide~~  
480 ~~validation tag (CITES tag) be affixed to the hide of any~~  
481 ~~alligator taken from the wild and that such hide be possessed,~~  
482 ~~purchased, sold, offered for sale, or transported in accordance~~  
483 ~~with commission rule.~~ The commission may ~~is authorized to~~ assess  
484 a fee of up to \$30 for each alligator hide validation tag (CITES  
485 tag) issued. Contingent upon an annual appropriation for  
486 alligator marketing and education activities ~~Irrespective of~~  
487 ~~whether a fee is assessed,~~ \$5 per validated hide, excluding  
488 those validated from public hunt programs and alligator farms,  
489 shall be transferred from the alligator management program to  
490 the General Inspection Trust Fund, to be administered by the  
491 Department of Agriculture and Consumer Services for the purpose  
492 of providing marketing and education services with respect to  
493 alligator products produced in this state, notwithstanding other

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494 provisions in this chapter.

495 ~~(3) The number of tags available for alligators taken~~  
496 ~~pursuant to a collection permit shall be limited to the number~~  
497 ~~of tags determined by the commission to equal the safe yield of~~  
498 ~~alligators as determined pursuant to s. 379.3013.~~

499 Section 11. Paragraph (a) of subsection (2) of section  
500 379.401, Florida Statutes, is amended to read:

501 379.401 Penalties and violations; civil penalties for  
502 noncriminal infractions; criminal penalties; suspension and  
503 forfeiture of licenses and permits.—

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

506 1. Rules or orders of the commission relating to seasons or  
507 time periods for the taking of wildlife, freshwater fish, or  
508 saltwater fish.

509 2. Rules or orders of the commission establishing bag,  
510 possession, or size limits or restricting methods of taking  
511 wildlife, freshwater fish, or saltwater fish.

512 3. Rules or orders of the commission prohibiting access or  
513 otherwise relating to access to wildlife management areas or  
514 other areas managed by the commission.

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

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

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

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

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523 8. Rules or orders of the commission relating to the use of  
524 dogs for the taking of wildlife.

525 9. Rules or orders of the commission which are not  
526 otherwise classified.

527 10. Rules or orders of the commission prohibiting the  
528 unlawful use of finfish traps.

529 11. All prohibitions in this chapter which are not  
530 otherwise classified.

531 12. Section 379.33, prohibiting the violation of or  
532 noncompliance with commission rules.

533 13. Section 379.407(7), prohibiting the sale, purchase,  
534 harvest, or attempted harvest of any saltwater product with  
535 intent to sell.

536 14. Section 379.2421, prohibiting the obstruction of  
537 waterways with net gear.

538 15. Section 379.413, prohibiting the unlawful taking of  
539 bonefish.

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

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

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

548 19. Section 379.357, prohibiting the possession of tarpon  
549 without purchasing a tarpon tag.

550 ~~20. Rules or orders of the commission prohibiting the~~  
551 ~~feeding or enticement of alligators or crocodiles.~~

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552 ~~20.21.~~ Section 379.105, prohibiting the intentional  
553 harassment of hunters, fishers, or trappers.

554 Section 12. Section 379.412, Florida Statutes, is created  
555 to read:

556 379.412 Penalties for feeding wildlife and freshwater  
557 fish.—

558 (1) The penalties in this section apply to a violation of  
559 rules or orders of the commission which prohibit or restrict the  
560 following: feeding wildlife or freshwater fish with food or  
561 garbage, attracting or enticing wildlife or freshwater fish with  
562 food or garbage, or allowing the placement of food or garbage in  
563 a manner that attracts or entices wildlife or freshwater fish.  
564 This section does not apply to rules or orders of the commission  
565 which relate to animals that are held in captivity, restrict the  
566 taking or hunting of species over bait or other intentionally  
567 placed or deposited food, or restrict the taking or hunting of  
568 species in proximity to feeding stations.

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

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

573 1. A person cited for a violation under this paragraph must  
574 sign and accept a citation to appear before the county court.  
575 The issuing officer may indicate on the citation the time and  
576 location of the scheduled hearing and must indicate the  
577 applicable civil penalty.

578 2. A person cited for a violation under this paragraph may  
579 pay the civil penalty by mail or in person within 30 days after  
580 receipt of the citation. If the civil penalty is paid, the

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581 person shall be deemed to have admitted committing the violation  
582 and to have waived his or her right to a hearing before the  
583 county court. Such admission may not be used as evidence in any  
584 other proceedings except to determine the appropriate fine for  
585 any subsequent violations.

586 3. A person who refuses to accept a citation, who fails to  
587 pay the civil penalty for a violation, or who fails to appear  
588 before a county court as required commits a misdemeanor of the  
589 second degree, punishable as provided in s. 775.082 or s.  
590 775.083.

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

599 (b) For second and subsequent violations, if all violations  
600 are related to freshwater fish or wildlife other than bears,  
601 alligators, or other crocodilians, commits a misdemeanor of the  
602 second degree, punishable as provided in s. 775.082 or s.  
603 775.083.

604 (c) For a second violation, if each violation is related to  
605 bears, alligators, or other crocodilians, commits a misdemeanor  
606 of the second degree, punishable as provided in s. 775.082 or s.  
607 775.083.

608 (d) For a third violation, if all violations are related to  
609 bears, alligators, or other crocodilians, commits a misdemeanor

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610 of the first degree, punishable as provided in s. 775.082 or s.  
611 775.083.

612 (e) For a fourth or subsequent violation, if all violations  
613 are related to bears, alligators, or other crocodilians, commits  
614 a felony of the third degree, punishable as provided in s.  
615 775.082, s. 775.083, or s. 775.084.

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

618 Section 13. Section 379.3011, Florida Statutes, is  
619 repealed.

620 Section 14. Section 379.3013, Florida Statutes, is  
621 repealed.

622 Section 15. Section 379.3016, Florida Statutes, is  
623 repealed.

624 Section 16. Section 379.3017, Florida Statutes, is  
625 repealed.

626 Section 17. This act shall take effect upon becoming a law.