

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 floatation devices be
5 used in accordance with the United States Coast Guard
6 approval label during operation of certain vessels or
7 personal watercraft or while engaged in water skiing,
8 parasailing, aquaplaning, and similar activities;
9 reenacting s. 327.50(1)(a), F.S., relating to vessel
10 safety equipment, to incorporate changes to federal
11 regulations; amending s. 379.3012, F.S.; conforming
12 provisions relating to implementation of the alligator
13 management and trapping program to changes made by the
14 act; amending s. 379.357, F.S.; revising the time
15 period for which tarpon tags are valid; removing
16 provisions requiring tax collectors to submit unissued
17 tarpon tags and audit reports to the commission;
18 removing provisions requiring individuals to submit
19 information regarding landed tarpon to the commission;
20 amending s. 379.361, F.S.; removing criteria for
21 issuance of restricted species endorsements on
22 saltwater products licenses; amending s. 379.364,
23 F.S.; removing provisions requiring dealers and buyers
24 of certain hides and furs to submit reports to the
25 commission; removing provisions prohibiting the
26 shipment of hides or furs without specified

27 information; amending s. 379.3751, F.S.; removing
28 provisions authorizing the commission to limit the
29 number of participants engaged in the taking of
30 alligators or their eggs; exempting certain persons
31 from alligator trapping license requirements and fees;
32 providing that certain permitholders engaged in the
33 taking of alligators are not required to possess
34 management area permits; amending s. 379.3752, F.S.;;
35 removing provisions requiring alligator hide
36 validation tags to be affixed to the hide of any
37 alligator taken from the wild; revising provisions
38 requiring the commission to transfer certain revenues
39 for alligator husbandry research; requiring the
40 commission to transfer funds, contingent upon certain
41 appropriations, from the alligator management program
42 to the General Inspection Trust Fund for the purpose
43 of providing marketing and education services
44 regarding alligator products produced in this state;
45 removing provisions authorizing the commission to
46 limit the number of tags available for alligators
47 taken pursuant to a collection permit; amending s.
48 379.401, F.S.; conforming provisions to changes made
49 by the act; creating s. 379.412, F.S.; providing
50 penalties for the feeding of wildlife and freshwater
51 fish; providing applicability; defining the term
52 "violation"; repealing s. 379.3011, F.S., relating to

53 the alligator trapping program; repealing s. 379.3013,
 54 F.S., relating to alligator study requirements;
 55 repealing s. 379.3016, F.S., relating to the unlawful
 56 sale of alligator products; repealing s. 379.3017,
 57 F.S., relating to products derived or made from the
 58 skins of other crocodilia; providing an effective
 59 date.

60

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

62

63 Section 1. Paragraph (b) of subsection (2) of section
 64 327.37, Florida Statutes, is amended to read:

65 327.37 Water skis, parasails, aquaplanes, kiteboarding,
 66 kitesurfing, and moored ballooning regulated.—

67 (2)

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

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

76 327.39 Personal watercraft regulated.—

77 (1) A person may not operate a personal watercraft unless
 78 each person riding on or being towed behind such vessel is

79 wearing a ~~type I, type II, type III, or type V~~ personal
 80 flotation device, other than an inflatable device, currently
 81 approved by the United States Coast Guard and used in accordance
 82 with the United States Coast Guard approval label.

83 Section 3. Paragraph (b) of subsection (1) of section
 84 327.50, Florida Statutes, is amended, and paragraph (a) of that
 85 subsection is reenacted, to read:

86 327.50 Vessel safety regulations; equipment and lighting
 87 requirements.—

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

94 (b) A ~~No~~ person may not ~~shall~~ operate a vessel less than
 95 26 feet in length on the waters of this state unless every
 96 person under 6 years of age on board the vessel is wearing a
 97 ~~type I, type II, or type III Coast Guard approved~~ personal
 98 flotation device currently approved by the United States Coast
 99 Guard and used in accordance with the United States Coast Guard
 100 approval label while such vessel is underway. For the purpose of
 101 this section, "underway" means ~~shall mean~~ at all times except
 102 when a vessel is anchored, moored, made fast to the shore, or
 103 aground.

104 Section 4. Section 379.3012, Florida Statutes, is amended

105 to read:

106 379.3012 Alligator management ~~and trapping~~ program
 107 implementation; commission authority.—

108 ~~(1) In any alligator management and trapping program that~~
 109 ~~the Fish and Wildlife Conservation Commission shall establish,~~
 110 ~~the commission shall have the authority to adopt all rules~~
 111 ~~necessary for full and complete implementation of such alligator~~
 112 ~~management and trapping program, and, in order to ensure its~~
 113 ~~lawful, safe, and efficient operation in accordance therewith,~~
 114 ~~may:~~

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

118 ~~(b) Regulate the handling and processing of alligators,~~
 119 ~~their eggs, hides, meat, and byproducts, for the lawful, safe,~~
 120 ~~and sanitary handling and processing of same.~~

121 ~~(c) Regulate commercial alligator farming facilities and~~
 122 ~~operations for the captive propagation and rearing of alligators~~
 123 ~~and their eggs.~~

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

127 1. ~~All grading-related services to be provided pursuant to~~
 128 ~~this section;~~

129 2. ~~Criteria for qualifications of persons to serve as~~
 130 ~~hide-graders for grading services to be provided pursuant to~~

131 ~~this section; and~~

132 ~~3. The certification process by which hide graders~~
133 ~~providing services pursuant to this section will be certified.~~

134 ~~(c) Provide sales-related services by contract pursuant to~~
135 ~~state sanctioned sales if rules governing such services are~~
136 ~~first promulgated by the commission.~~

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

141 ~~(3) The powers and duties of the commission to implement~~
142 ~~the alligator management program do hereunder shall not be~~
143 ~~construed so as to supersede the regulatory authority or lawful~~
144 ~~responsibility of the Department of Agriculture and Consumer~~
145 ~~Services, the Department of Health, or any local governmental~~
146 ~~entity regarding the processing or handling of food products,~~
147 ~~but are shall be deemed supplemental thereto.~~

148 Section 5. Subsections (1) and (3) of section 379.357,
149 Florida Statutes, are amended to read:

150 379.357 Fish and Wildlife Conservation Commission license
151 program for tarpon; fees; penalties.—

152 (1) The commission shall establish a license program for
153 the purpose of issuing tags to individuals desiring to harvest
154 fish of the species *Megalops atlanticus*, commonly known as
155 tarpon, ~~(*megalops atlantica*)~~ from the waters of the state. The
156 tags shall be nontransferable, except that the commission may

157 allow for a limited number of tags to be purchased by
158 professional fishing guides for transfer to individuals, and
159 issued by the commission in order of receipt of a properly
160 completed application for a nonrefundable fee of \$50 per tag.
161 The commission and any tax collector may sell the tags and
162 collect the fees therefor. Tarpon tags are valid from January
163 July 1 through December 31 ~~June 30. Before August 15 of each~~
164 ~~year, each tax collector shall submit to the commission all~~
165 ~~unissued tags for the previous fiscal year along with a written~~
166 ~~audit report, on forms prescribed or approved by the commission,~~
167 ~~as to the numbers of the unissued tags.~~ To defray the cost of
168 issuing any tag, the issuing tax collector shall collect and
169 retain as his or her costs, in addition to the tag fee
170 collected, the amount allowed under s. 379.352(6) for the
171 issuance of licenses.

172 (3) An ~~No~~ individual may not ~~shall~~ take, kill, or possess
173 any fish of the species Megalops atlanticus ~~megalops atlantica~~,
174 commonly known as tarpon, unless the ~~such~~ individual has
175 purchased a tarpon tag and securely attached it through the
176 lower jaw of the fish. ~~Said individual shall within 5 days after~~
177 ~~the landing of the fish submit a form to the commission which~~
178 ~~indicates the length, weight, and physical condition of the~~
179 ~~tarpon when caught; the date and location of where the fish was~~
180 ~~caught; and any other pertinent information which may be~~
181 ~~required by the commission. The commission may refuse to issue~~
182 ~~new tags to individuals or guides who fail to provide the~~

183 ~~required information.~~

184 Section 6. Paragraph (b) of subsection (2) of section
185 379.361, Florida Statutes, is amended to read:

186 379.361 Licenses.—

187 (2) SALTWATER PRODUCTS LICENSE.—

188 (b)~~1~~. A restricted species endorsement on the saltwater
189 products license is required to sell to a licensed wholesale
190 dealer those species which the state, by law or rule, has
191 designated as "restricted species." ~~This endorsement may be~~
192 ~~issued only to a person who is at least 16 years of age, or to a~~
193 ~~firm certifying that over 25 percent of its income or \$5,000 of~~
194 ~~its income, whichever is less, is attributable to the sale of~~
195 ~~saltwater products pursuant to a saltwater products license~~
196 ~~issued under this paragraph or a similar license from another~~
197 ~~state. This endorsement may also be issued to a for-profit~~
198 ~~corporation if it certifies that at least \$5,000 of its income~~
199 ~~is attributable to the sale of saltwater products pursuant to a~~
200 ~~saltwater products license issued under this paragraph or a~~
201 ~~similar license from another state. However, if at least 50~~
202 ~~percent of the annual income of a person, firm, or for-profit~~
203 ~~corporation is derived from charter fishing, the person, firm,~~
204 ~~or for-profit corporation must certify that at least \$2,500 of~~
205 ~~the income of the person, firm, or corporation is attributable~~
206 ~~to the sale of saltwater products pursuant to a saltwater~~
207 ~~products license issued under this paragraph or a similar~~
208 ~~license from another state, in order to be issued the~~

209 ~~endorsement. Such income attribution must apply to at least 1 of~~
210 ~~the last 3 years. For the purpose of this section, "income"~~
211 ~~means that income that is attributable to work, employment,~~
212 ~~entrepreneurship, pensions, retirement benefits, and social~~
213 ~~security benefits.~~

214 ~~2. To renew an existing restricted species endorsement, a~~
215 ~~marine aquaculture producer possessing a valid saltwater~~
216 ~~products license with a restricted species endorsement may apply~~
217 ~~income from the sale of marine aquaculture products to licensed~~
218 ~~wholesale dealers.~~

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

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

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

228 ~~c. A copy of the applicable federal income tax return,~~
229 ~~including Form 1099 attachments, verifying income earned from~~
230 ~~the sale of saltwater products;~~

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

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

235 4. ~~Notwithstanding any other provision of law, any person~~
236 ~~who owns a retail seafood market or restaurant at a fixed~~
237 ~~location for at least 3 years, who has had an occupational~~
238 ~~license for 3 years before January 1, 1990, who harvests~~
239 ~~saltwater products to supply his or her retail store, and who~~
240 ~~has had a saltwater products license for 1 of the past 3 license~~
241 ~~years before January 1, 1990, may provide proof of his or her~~
242 ~~verification of income and sales value at the person's retail~~
243 ~~seafood market or restaurant and in his or her saltwater~~
244 ~~products enterprise by affidavit and shall thereupon be issued a~~
245 ~~restricted species endorsement.~~

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

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

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

254 c. ~~Upon the sale of a used commercial fishing vessel owned~~
255 ~~by a person, firm, or corporation possessing or eligible for a~~
256 ~~restricted species endorsement, the purchaser of such vessel~~
257 ~~shall be exempted from the qualifying income requirement for the~~
258 ~~purpose of obtaining a restricted species endorsement for a~~
259 ~~complete license year after purchase of the vessel.~~

260 d. ~~Upon the death or permanent disablement of a person~~

261 ~~possessing a restricted species endorsement, an immediate family~~
262 ~~member wishing to carry on the fishing operation shall be~~
263 ~~exempted from the qualifying income requirement for the purpose~~
264 ~~of obtaining a restricted species endorsement for a complete~~
265 ~~license year after the death or disablement.~~

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

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

274 ~~g. Any resident who is certified to be totally and~~
275 ~~permanently disabled by the Railroad Retirement Board, by the~~
276 ~~United States Department of Veterans Affairs or its predecessor,~~
277 ~~or by any branch of the United States Armed Forces, or who holds~~
278 ~~a valid identification card issued by the Department of~~
279 ~~Veterans' Affairs pursuant to s. 295.17, upon proof of the same,~~
280 ~~or any resident certified to be disabled by the United States~~
281 ~~Social Security Administration or a licensed physician, upon~~
282 ~~proof of the same, shall be exempted from the income~~
283 ~~requirements if he or she also has held a saltwater products~~
284 ~~license for at least 3 of the last 5 license years before the~~
285 ~~date of the disability. A restricted species endorsement issued~~
286 ~~under this paragraph may be issued only on an individual~~

287 ~~saltwater products license.~~

288 ~~h. An honorably discharged, resident military veteran~~
289 ~~certified by the United States Department of Veterans Affairs or~~
290 ~~its predecessor or by any branch of the United States Armed~~
291 ~~Forces to have a service-connected permanent disability rating~~
292 ~~of 10 percent or higher, upon providing proof of such disability~~
293 ~~rating, is not required to provide documentation for the income~~
294 ~~requirement with his or her initial application for a restricted~~
295 ~~species endorsement. Documentation for the income requirement is~~
296 ~~required beginning with the renewal of the restricted species~~
297 ~~endorsement after such veteran has possessed a valid restricted~~
298 ~~species endorsement for a complete license year. This exemption~~
299 ~~applies only to issuance of the endorsement on an individual~~
300 ~~saltwater products license and is a one-time exemption. In order~~
301 ~~to renew the restricted species endorsement on an individual~~
302 ~~saltwater products license, the veteran must document that at~~
303 ~~least \$2,500 of his or her income is attributable to the sale of~~
304 ~~saltwater products.~~

305 ~~i. Beginning July 1, 2014, a resident military veteran who~~
306 ~~applies to the commission within 48 months after receiving an~~
307 ~~honorable discharge from any branch of the United States Armed~~
308 ~~Forces, the United States Coast Guard, the military reserves,~~
309 ~~the Florida National Guard, or the United States Coast Guard~~
310 ~~Reserve is not required to provide documentation for the income~~
311 ~~requirement with his or her initial application for a restricted~~
312 ~~species endorsement. Documentation for the income requirement is~~

313 ~~required beginning with the renewal of the restricted species~~
314 ~~endorsement after such veteran has possessed a valid restricted~~
315 ~~species endorsement for a complete license year. This exemption~~
316 ~~applies only to issuance of the endorsement on an individual~~
317 ~~saltwater products license and may only be applied one time per~~
318 ~~military enlistment.~~

319 ~~j. Until June 30, 2014, a resident military veteran who~~
320 ~~applies to the commission and who received an honorable~~
321 ~~discharge from any branch of the United States Armed Forces, the~~
322 ~~United States Coast Guard, the military reserves, the Florida~~
323 ~~National Guard, or the United States Coast Guard Reserve between~~
324 ~~September 11, 2001, and June 30, 2014, is not required to~~
325 ~~provide documentation for the income requirement with his or her~~
326 ~~initial application for a restricted species endorsement.~~

327 ~~Documentation for the income requirement is required beginning~~
328 ~~with the renewal of the restricted species endorsement after~~
329 ~~such veteran has possessed a valid restricted species~~
330 ~~endorsement for a complete license year. This exemption applies~~
331 ~~only to issuance of the endorsement on an individual saltwater~~
332 ~~products license.~~

333 Section 7. Section 379.364, Florida Statutes, is amended
334 to read:

335 379.364 License required for fur and hide dealers.—

336 (1) A ~~It is unlawful for any person~~ may not ~~to~~ engage in
337 the business of a dealer or buyer in green or dried alligator
338 hides ~~skins~~ or green or dried furs in the state or purchase such

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339 hides or furs ~~skins~~ within the state until the ~~such~~ person has
340 been licensed as ~~herein~~ provided in this section.

341 (2) A person ~~Any resident dealer or buyer~~ who solicits
342 business through the mail ~~mails~~, or by advertising, or who
343 travels to buy or employs or has other agents or buyers, shall
344 be deemed a dealer.

345 (3) A resident ~~state~~ dealer ~~and~~ must pay a license fee of
346 \$100 per annum.

347 (4)~~(3)~~ A nonresident dealer ~~or buyer~~ must pay a license
348 fee of \$500 per annum.

349 ~~(4) All dealers and buyers shall forward to the Fish and~~
350 ~~Wildlife Conservation Commission each 2 weeks during open season~~
351 ~~a report showing number and kind of hides bought and name of~~
352 ~~trapper from whom bought and the trapper's license number, or if~~
353 ~~trapper is exempt from license under any of the provisions of~~
354 ~~this chapter, such report shall show the nature of such~~
355 ~~exemption. A common carrier may not knowingly ship or transport~~
356 ~~or receive for transportation any hides or furs unless such~~
357 ~~shipments have marked thereon name of shipper and the number of~~
358 ~~her or his fur animal license or fur dealer's license.~~

359 Section 8. Subsections (1), (4), and (5) of section
360 379.3751, Florida Statutes, are amended to read:

361 379.3751 Taking and possession of alligators; trapping
362 licenses; fees.—

363 (1) (a) A ~~No~~ person may not ~~shall~~ take or possess any
364 alligator or the eggs thereof without having been issued an

365 alligator ~~first obtained from the commission a trapping~~ license
366 ~~and paid the fee~~ as provided in this section. The ~~Such~~ license
367 shall be dated when issued and remain valid for 12 months after
368 the date of issuance and shall authorize the person to whom it
369 is issued to take or possess alligators and their eggs, and to
370 sell, possess, and process alligators and their hides and meat,
371 in accordance with law and commission rules. The ~~Such~~ license is
372 ~~shall~~ not be transferable and is ~~shall~~ not be valid unless it
373 bears on its face in indelible ink the name of the person to
374 whom it is issued. The ~~Such~~ license shall be in the personal
375 possession of the licensee while the licensee ~~such person~~ is
376 taking alligators or their eggs or is selling, possessing, or
377 processing alligators or their eggs, hides, or meat. The failure
378 of the licensee to exhibit the ~~such~~ license to a ~~the~~ commission
379 law enforcement officer ~~or its wildlife officers~~, when the
380 licensee ~~such person~~ is found taking alligators or their eggs or
381 is found selling, possessing, or processing alligators or their
382 eggs, hides, or meat, is ~~shall be~~ a violation of law.

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

388 (b)(e) ~~A~~ No person who has been convicted of any violation
389 of s. 379.3015 or s. 379.409 or ~~the~~ rules of the commission
390 relating to the illegal taking of crocodylian species may not

391 ~~shall be issued eligible for issuance of~~ a license for a period
392 of 5 years subsequent to such conviction. If a ~~In the event such~~
393 violation involves the unauthorized taking of an endangered
394 crocodylian species, a ~~no~~ license may not ~~shall~~ be issued for 10
395 years subsequent to the conviction.

396 (c) An alligator trapping license is not required for a
397 person taking nuisance alligators pursuant to a contract with
398 the commission. A person assisting contracted nuisance alligator
399 trappers, unless otherwise exempt under paragraph (d), paragraph
400 (e), or paragraph (f), is required to possess an alligator
401 trapping agent license as provided in paragraph (2)(c).

402 (d) An alligator trapping agent license is not required
403 for a child under 16 years of age taking alligators under an
404 alligator harvest program implemented by commission rule.

405 (e) An alligator trapping license or alligator trapping
406 agent license is not required for a person taking alligators
407 under a military or disabled veterans event permit issued by the
408 commission pursuant to s. 379.353(2)(q).

409 (f) An alligator trapping license or alligator trapping
410 agent license shall be issued without fee to any disabled
411 resident who meets the requirements of s. 379.353(1).

412 (g) A person engaged in the taking of alligators under any
413 permit issued by the commission which authorizes the take of
414 alligators is not required to possess a management area permit
415 under s. 379.354(8).

416 (4) A ~~No~~ person may not ~~shall~~ take any alligator egg

417 occurring in the wild or possess any such egg unless the ~~such~~
418 person has obtained, or is a licensed agent of another person
419 who has obtained, an alligator egg collection permit. The
420 alligator egg collection permit shall be required in addition to
421 the alligator farming license provided in paragraph (2) (d). The
422 commission may ~~is authorized to~~ assess a fee for issuance of the
423 alligator egg collection permit of up to \$5 per egg authorized
424 to be taken or possessed pursuant to such permit. Contingent
425 upon an annual appropriation for alligator marketing and
426 education activities ~~Irrespective of whether a fee is assessed,~~
427 \$1 per egg collected and retained, excluding eggs collected on
428 private wetland management areas, shall be transferred from the
429 alligator management program to the General Inspection Trust
430 Fund, to be administered by the Department of Agriculture and
431 Consumer Services for the purpose of providing marketing and
432 education services with respect to alligator products produced
433 in this state, notwithstanding other provisions in this chapter.

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

437 Section 9. Section 379.3752, Florida Statutes, is amended
438 to read:

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

442 (1) A ~~No~~ person may not ~~shall~~ take any alligator occurring

443 in the wild or possess any such alligator unless such alligator
444 is subsequently tagged in the manner required by commission
445 rule. For the tag required for an alligator hatchling, the
446 commission is authorized to assess a fee of not more than \$15
447 for each alligator hatchling tag issued. ~~The commission shall~~
448 ~~expend one third of the revenue generated from the issuance of~~
449 ~~the alligator hatchling tag for alligator husbandry research.~~

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

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

469 ~~alligators as determined pursuant to s. 379.3013.~~

470 Section 10. Paragraph (a) of subsection (2) of section
471 379.401, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

495 8. Rules or orders of the commission relating to the use
496 of dogs for the taking of wildlife.

497 9. Rules or orders of the commission which are not
498 otherwise classified.

499 10. Rules or orders of the commission prohibiting the
500 unlawful use of finfish traps.

501 11. All prohibitions in this chapter which are not
502 otherwise classified.

503 12. Section 379.33, prohibiting the violation of or
504 noncompliance with commission rules.

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

508 14. Section 379.2421, prohibiting the obstruction of
509 waterways with net gear.

510 15. Section 379.413, prohibiting the unlawful taking of
511 bonefish.

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

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

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

520 19. Section 379.357, prohibiting the possession of tarpon

521 without purchasing a tarpon tag.

522 ~~20. Rules or orders of the commission prohibiting the~~
 523 ~~feeding or enticement of alligators or crocodiles.~~

524 20.21. Section 379.105, prohibiting the intentional
 525 harassment of hunters, fishers, or trappers.

526 Section 11. Section 379.412, Florida Statutes, is created
 527 to read:

528 379.412 Penalties for feeding wildlife and freshwater
 529 fish.—

530 (1) (a) The penalties in this section apply to a violation
 531 of any rule or order of the commission that prohibits or
 532 restricts:

533 1. Feeding wildlife or freshwater fish with food or
 534 garbage;

535 2. Attracting or enticing wildlife or freshwater fish with
 536 food or garbage; or

537 3. Allowing the placement of food or garbage in a manner
 538 that attracts or entices wildlife or freshwater fish.

539 (b) This section does not apply to rules or orders of the
 540 commission relating to:

541 1. Animals held in captivity;

542 2. Restricting the taking or hunting of species over bait
 543 or intentionally placed or deposited food; or

544 3. Restricting the taking or hunting of species in
 545 proximity to feeding stations.

546 (2) A person who violates a prohibition or restriction

547 identified in subsection (1):

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

550 1. A person cited for a violation under this paragraph
551 shall sign and accept a citation to appear before the county
552 court. The issuing officer may indicate on the citation the time
553 and location of the scheduled hearing and shall indicate the
554 applicable civil penalty.

555 2. A person cited for a violation may pay the civil
556 penalty by mail or in person within 30 days after receipt of the
557 citation. If the civil penalty is paid, the person is deemed to
558 have admitted committing the violation and to have waived his or
559 her right to a hearing before the county court. Such admission
560 may not be used as evidence in any other proceedings except to
561 determine the appropriate fine for any subsequent violations.

562 3. A person who refuses to accept a citation, who fails to
563 pay the civil penalty for a violation, or who fails to appear
564 before a county court as required commits a misdemeanor of the
565 second degree, punishable as provided in s. 775.082 or s.
566 775.083.

567 4. A person who elects to appear before the county court
568 or who is required to appear before the county court is deemed
569 to have waived the limitations on civil penalties provided under
570 this paragraph. After a hearing, the county court shall
571 determine if a violation has been committed, and if so, may
572 impose a civil penalty of not less than \$100. A person found

573 guilty of committing a violation may appeal that finding to the
574 circuit court. The commission of a violation must be proved
575 beyond a reasonable doubt.

576 (b) For second and subsequent violations, when all
577 violations are related to freshwater fish or wildlife other than
578 bears or alligators or other crocodilians, commits a misdemeanor
579 of the second degree, punishable as provided in s. 775.082 or s.
580 775.083.

581 (c) For a second violation, when all violations are
582 related to bears or alligators or other crocodilians, commits a
583 misdemeanor of the second degree, punishable as provided in s.
584 775.082 or s. 775.083.

585 (d) For a third violation, when all violations are related
586 to bears or alligators or other crocodilians, commits a
587 misdemeanor of the first degree, punishable as provided in s.
588 775.082 or s. 775.083.

589 (e) For a fourth or subsequent violation, when all
590 violations are related to bears or alligators or other
591 crocodilians, commits a felony of the third degree, punishable
592 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

595 Section 12. Sections 379.3011, 379.3013, 379.3016, and
596 379.3017, Florida Statutes, are repealed.

597 Section 13. This act shall take effect upon becoming a
598 law.