

BILL

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1                                   A bill to be entitled  
 2                   An act relating to the Fish and Wildlife Conservation  
 3                   Commission; amending s. 379.3012, F.S.; conforming  
 4                   provisions relating to implementation of the alligator  
 5                   management and trapping program to changes made by the  
 6                   act; amending s. 379.357, F.S.; revising the time  
 7                   period for which tarpon tags are valid; removing  
 8                   provisions requiring tax collectors to submit unissued  
 9                   tarpon tags and audit reports to the commission;  
 10                  removing provisions requiring individuals to submit  
 11                  information regarding landed tarpon to the commission;  
 12                  amending s. 379.361, F.S.; removing criteria for  
 13                  issuance of restricted species endorsements on  
 14                  saltwater products licenses; amending s. 379.364,  
 15                  F.S.; removing provisions requiring dealers and buyers  
 16                  of certain hides and furs to submit reports to the  
 17                  commission; removing provisions prohibiting the  
 18                  shipment of hides or furs without specified  
 19                  information; amending s. 379.3751, F.S.; removing  
 20                  provisions authorizing the commission to limit the  
 21                  number of participants engaged in the taking of  
 22                  alligators or their eggs; exempting certain persons  
 23                  from alligator trapping license requirements and fees;  
 24                  providing that certain permitholders engaged in the  
 25                  taking of alligators are not required to possess  
 26                  management area permits; amending s. 379.3752, F.S.;

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27 removing provisions requiring alligator hide  
 28 validation tag to be affixed to the hide of any  
 29 alligator taken from the wild; revising provisions  
 30 requiring the commission to transfer certain revenues  
 31 for alligator husbandry research; requiring the  
 32 commission to transfer funds, contingent upon certain  
 33 appropriations, from the alligator management program  
 34 to the General Inspection Trust Fund for the purpose  
 35 of providing marketing and education services  
 36 regarding alligator products produced in this state;  
 37 removing provisions authorizing the commission to  
 38 limit the number of tags available for alligators  
 39 taken pursuant to a collection permit; amending s.  
 40 379.401, F.S.; conforming provisions to changes made  
 41 by the act; creating s. 379.412, F.S.; providing  
 42 penalties for the feeding of wildlife and freshwater  
 43 fish; providing applicability; defining the term  
 44 "violation"; repealing s. 379.3011, F.S., relating to  
 45 the alligator trapping program; repealing s. 379.3013,  
 46 F.S., relating to alligator study requirements;  
 47 repealing s. 379.3016, F.S., relating to the unlawful  
 48 sale of alligator products; repealing s. 379.3017,  
 49 F.S., relating to products derived or made from the  
 50 skins of other crocodilia; providing an effective  
 51 date.

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

54

55 Section 1. Section 379.3012, Florida Statutes, is amended  
56 to read:

57 379.3012 Alligator management ~~and trapping~~ program  
58 implementation; commission authority.—

59 ~~(1) In any alligator management and trapping program that~~  
60 ~~the Fish and Wildlife Conservation Commission shall establish,~~  
61 ~~the commission shall have the authority to adopt all rules~~  
62 ~~necessary for full and complete implementation of such alligator~~  
63 ~~management and trapping program, and, in order to ensure its~~  
64 ~~lawful, safe, and efficient operation in accordance therewith,~~  
65 ~~may:~~

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

69 ~~(b) Regulate the handling and processing of alligators,~~  
70 ~~their eggs, hides, meat, and byproducts, for the lawful, safe,~~  
71 ~~and sanitary handling and processing of same.~~

72 ~~(c) Regulate commercial alligator farming facilities and~~  
73 ~~operations for the captive propagation and rearing of alligators~~  
74 ~~and their eggs.~~

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

78 1. ~~All grading-related services to be provided pursuant to~~

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79 ~~this section;~~

80 ~~2. Criteria for qualifications of persons to serve as~~  
 81 ~~hide graders for grading services to be provided pursuant to~~  
 82 ~~this section; and~~

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

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

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

92 ~~(3) The powers and duties of the commission to implement~~  
 93 ~~the Alligator Management Program do hereunder shall not be~~  
 94 ~~construed so as to supersede the regulatory authority or lawful~~  
 95 ~~responsibility of the Department of Agriculture and Consumer~~  
 96 ~~Services, the Department of Health, or any local governmental~~  
 97 ~~entity regarding the processing or handling of food products,~~  
 98 ~~but are shall be deemed supplemental thereto.~~

99 Section 2. Subsections (1) and (3) of section 379.357,  
 100 Florida Statutes, are amended to read:

101 379.357 Fish and Wildlife Conservation Commission license  
 102 program for tarpon; fees; penalties.—

103 (1) The commission shall establish a license program for  
 104 the purpose of issuing tags to individuals desiring to harvest

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105 fish of the species *Megalops atlanticus*, commonly known as  
 106 tarpon, ~~(*megalops atlantica*)~~ from the waters of the state. The  
 107 tags shall be nontransferable, except that the commission may  
 108 allow for a limited number of tags to be purchased by  
 109 professional fishing guides for transfer to individuals, and  
 110 issued by the commission in order of receipt of a properly  
 111 completed application for a nonrefundable fee of \$50 per tag.  
 112 The commission and any tax collector may sell the tags and  
 113 collect the fees therefor. Tarpon tags are valid from January  
 114 ~~July~~ 1 through December 31 ~~June 30~~. ~~Before August 15 of each~~  
 115 ~~year, each tax collector shall submit to the commission all~~  
 116 ~~unissued tags for the previous fiscal year along with a written~~  
 117 ~~audit report, on forms prescribed or approved by the commission,~~  
 118 ~~as to the numbers of the unissued tags.~~ To defray the cost of  
 119 issuing any tag, the issuing tax collector shall collect and  
 120 retain as his or her costs, in addition to the tag fee  
 121 collected, the amount allowed under s. 379.352(6) for the  
 122 issuance of licenses.

123 (3) An ~~No~~ individual may not ~~shall~~ take, kill, or possess  
 124 any fish of the species *Megalops atlanticus* ~~*megalops atlantica*,~~  
 125 commonly known as tarpon, unless the ~~such~~ individual has  
 126 purchased a tarpon tag and securely attached it through the  
 127 lower jaw of the fish. ~~Said individual shall within 5 days after~~  
 128 ~~the landing of the fish submit a form to the commission which~~  
 129 ~~indicates the length, weight, and physical condition of the~~  
 130 ~~tarpon when caught; the date and location of where the fish was~~

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131 ~~caught; and any other pertinent information which may be~~  
 132 ~~required by the commission. The commission may refuse to issue~~  
 133 ~~new tags to individuals or guides who fail to provide the~~  
 134 ~~required information.~~

135 Section 3. Paragraph (b) of subsection (2) of section  
 136 379.361, Florida Statutes, is amended to read:

137 379.361 Licenses.—

138 (2) SALTWATER PRODUCTS LICENSE.—

139 (b)~~1~~. A restricted species endorsement on the saltwater  
 140 products license is required to sell to a licensed wholesale  
 141 dealer those species which the state, by law or rule, has  
 142 designated as "restricted species." ~~This endorsement may be~~  
 143 ~~issued only to a person who is at least 16 years of age, or to a~~  
 144 ~~firm certifying that over 25 percent of its income or \$5,000 of~~  
 145 ~~its income, whichever is less, is attributable to the sale of~~  
 146 ~~saltwater products pursuant to a saltwater products license~~  
 147 ~~issued under this paragraph or a similar license from another~~  
 148 ~~state. This endorsement may also be issued to a for-profit~~  
 149 ~~corporation if it certifies that at least \$5,000 of its income~~  
 150 ~~is attributable to the sale of saltwater products pursuant to a~~  
 151 ~~saltwater products license issued under this paragraph or a~~  
 152 ~~similar license from another state. However, if at least 50~~  
 153 ~~percent of the annual income of a person, firm, or for-profit~~  
 154 ~~corporation is derived from charter fishing, the person, firm,~~  
 155 ~~or for-profit corporation must certify that at least \$2,500 of~~  
 156 ~~the income of the person, firm, or corporation is attributable~~

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157 ~~to the sale of saltwater products pursuant to a saltwater~~  
 158 ~~products license issued under this paragraph or a similar~~  
 159 ~~license from another state, in order to be issued the~~  
 160 ~~endorsement. Such income attribution must apply to at least 1 of~~  
 161 ~~the last 3 years. For the purpose of this section, "income"~~  
 162 ~~means that income that is attributable to work, employment,~~  
 163 ~~entrepreneurship, pensions, retirement benefits, and social~~  
 164 ~~security benefits.~~

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

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

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

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

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

182 ~~d. Crew share statements verifying income earned from the~~

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183 ~~sale of saltwater products; or~~  
 184 ~~e. A certified public accountant's notarized statement~~  
 185 ~~attesting to qualifying source and amount of income.~~  
 186 ~~4. Notwithstanding any other provision of law, any person~~  
 187 ~~who owns a retail seafood market or restaurant at a fixed~~  
 188 ~~location for at least 3 years, who has had an occupational~~  
 189 ~~license for 3 years before January 1, 1990, who harvests~~  
 190 ~~saltwater products to supply his or her retail store, and who~~  
 191 ~~has had a saltwater products license for 1 of the past 3 license~~  
 192 ~~years before January 1, 1990, may provide proof of his or her~~  
 193 ~~verification of income and sales value at the person's retail~~  
 194 ~~seafood market or restaurant and in his or her saltwater~~  
 195 ~~products enterprise by affidavit and shall thereupon be issued a~~  
 196 ~~restricted species endorsement.~~  
 197 ~~5. Exceptions from income requirements shall be as~~  
 198 ~~follows:~~  
 199 ~~a. A permanent restricted species endorsement shall be~~  
 200 ~~available to those persons age 62 and older who have qualified~~  
 201 ~~for such endorsement for at least 3 of the last 5 years.~~  
 202 ~~b. Active military duty time shall be excluded from~~  
 203 ~~consideration of time necessary to qualify and shall not be~~  
 204 ~~counted against the applicant for purposes of qualifying.~~  
 205 ~~e. Upon the sale of a used commercial fishing vessel owned~~  
 206 ~~by a person, firm, or corporation possessing or eligible for a~~  
 207 ~~restricted species endorsement, the purchaser of such vessel~~  
 208 ~~shall be exempted from the qualifying income requirement for the~~



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209 ~~purpose of obtaining a restricted species endorsement for a~~  
 210 ~~complete license year after purchase of the vessel.~~

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

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

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

225 ~~g. Any resident who is certified to be totally and~~  
 226 ~~permanently disabled by the Railroad Retirement Board, by the~~  
 227 ~~United States Department of Veterans Affairs or its predecessor,~~  
 228 ~~or by any branch of the United States Armed Forces, or who holds~~  
 229 ~~a valid identification card issued by the Department of~~  
 230 ~~Veterans' Affairs pursuant to s. 295.17, upon proof of the same,~~  
 231 ~~or any resident certified to be disabled by the United States~~  
 232 ~~Social Security Administration or a licensed physician, upon~~  
 233 ~~proof of the same, shall be exempted from the income~~  
 234 ~~requirements if he or she also has held a saltwater products~~

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235 ~~license for at least 3 of the last 5 license years before the~~  
 236 ~~date of the disability. A restricted species endorsement issued~~  
 237 ~~under this paragraph may be issued only on an individual~~  
 238 ~~saltwater products license.~~

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

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

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

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

284 Section 4. Section 379.364, Florida Statutes, is amended  
 285 to read:

286 379.364 License required for fur and hide dealers.—

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287           (1) A ~~It is unlawful for any person~~ may not ~~to~~ engage in  
 288 the business of a dealer or buyer in green or dried alligator  
 289 hides ~~skins~~ or green or dried furs in the state or purchase such  
 290 hides or furs ~~skins~~ within the state until the ~~such~~ person has  
 291 been licensed as ~~herein~~ provided in this section.

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

296           (3) A resident ~~state~~ dealer ~~and~~ must pay a license fee of  
 297 \$100 per annum.

298           (4)~~(3)~~ A nonresident dealer ~~or buyer~~ must pay a license  
 299 fee of \$500 per annum.

300           ~~(4) All dealers and buyers shall forward to the Fish and~~  
 301 ~~Wildlife Conservation Commission each 2 weeks during open season~~  
 302 ~~a report showing number and kind of hides bought and name of~~  
 303 ~~trapper from whom bought and the trapper's license number, or if~~  
 304 ~~trapper is exempt from license under any of the provisions of~~  
 305 ~~this chapter, such report shall show the nature of such~~  
 306 ~~exemption. A common carrier may not knowingly ship or transport~~  
 307 ~~or receive for transportation any hides or furs unless such~~  
 308 ~~shipments have marked thereon name of shipper and the number of~~  
 309 ~~her or his fur animal license or fur dealer's license.~~

310           Section 5. Subsections (1), (4), and (5) of section  
 311 379.3751, Florida Statutes, are amended to read:

312           379.3751 Taking and possession of alligators; trapping

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313 licenses; fees.—

314 (1) (a) A ~~No~~ person may not ~~shall~~ take or possess any  
 315 alligator or the eggs thereof without having been issued an  
 316 alligator ~~first obtained from the commission a trapping~~ license  
 317 ~~and paid the fee~~ as provided in this section. The ~~Such~~ license  
 318 shall be dated when issued and remain valid for 12 months after  
 319 the date of issuance and shall authorize the person to whom it  
 320 is issued to take or possess alligators and their eggs, and to  
 321 sell, possess, and process alligators and their hides and meat,  
 322 in accordance with law and commission rules. The ~~Such~~ license is  
 323 ~~shall~~ not be transferable and is ~~shall~~ not be valid unless it  
 324 bears on its face in indelible ink the name of the person to  
 325 whom it is issued. The ~~Such~~ license shall be in the personal  
 326 possession of the licensee while the licensee ~~such person~~ is  
 327 taking alligators or their eggs or is selling, possessing, or  
 328 processing alligators or their eggs, hides, or meat. The failure  
 329 of the licensee to exhibit the ~~such~~ license to a ~~the~~ commission  
 330 law enforcement officer ~~or its wildlife officers~~, when the  
 331 licensee ~~such person~~ is found taking alligators or their eggs or  
 332 is found selling, possessing, or processing alligators or their  
 333 eggs, hides, or meat, is ~~shall be~~ a violation of law.

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

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339 (b)~~(e)~~ A ~~No~~ person who has been convicted of any violation  
 340 of s. 379.3015 or s. 379.409 or ~~the~~ rules of the commission  
 341 relating to the illegal taking of crocodilian species may not  
 342 ~~shall be issued eligible for issuance of~~ a license for a period  
 343 of 5 years subsequent to such conviction. If a ~~In the event such~~  
 344 violation involves the unauthorized taking of an endangered  
 345 crocodilian species, a ~~no~~ license may not ~~shall~~ be issued for 10  
 346 years subsequent to the conviction.

347 (c) An alligator trapping license is not required for a  
 348 person taking nuisance alligators pursuant to a contract with  
 349 the commission. A person assisting contracted nuisance alligator  
 350 trappers, unless otherwise exempt under paragraph (d), (e), or  
 351 (f), is required to possess an alligator trapping agent license  
 352 as provided in paragraph (2)(c).

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

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

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

363 (g) A person engaged in the taking of alligators under any  
 364 permit issued by the commission which authorizes the take of

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365 alligators is not required to possess a management area permit  
 366 under s. 379.354(8).

367 (4) A ~~No~~ person may not ~~shall~~ take any alligator egg  
 368 occurring in the wild or possess any such egg unless the ~~such~~  
 369 person has obtained, or is a licensed agent of another person  
 370 who has obtained, an alligator egg collection permit. The  
 371 alligator egg collection permit shall be required in addition to  
 372 the alligator farming license provided in paragraph (2)(d). The  
 373 commission may ~~is authorized to~~ assess a fee for issuance of the  
 374 alligator egg collection permit of up to \$5 per egg authorized  
 375 to be taken or possessed pursuant to such permit. Contingent  
 376 upon an annual appropriation for alligator marketing and  
 377 education activities ~~Irrespective of whether a fee is assessed,~~  
 378 \$1 per egg collected and retained, excluding eggs collected on  
 379 private wetland management areas, shall be transferred from the  
 380 alligator management program to the General Inspection Trust  
 381 Fund, to be administered by the Department of Agriculture and  
 382 Consumer Services for the purpose of providing marketing and  
 383 education services with respect to alligator products produced  
 384 in this state, notwithstanding other provisions in this chapter.

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

388 Section 6. Section 379.3752, Florida Statutes, is amended  
 389 to read:

390 379.3752 Required tagging of alligators and hides; fees;

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391 revenues.—The tags provided in this section shall be required in  
 392 addition to any license required under s. 379.3751.

393 (1) A ~~No~~ person may not ~~shall~~ take any alligator occurring  
 394 in the wild or possess any such alligator unless such alligator  
 395 is subsequently tagged in the manner required by commission  
 396 rule. For the tag required for an alligator hatchling, the  
 397 commission is authorized to assess a fee of not more than \$15  
 398 for each alligator hatchling tag issued. ~~The commission shall~~  
 399 ~~expend one-third of the revenue generated from the issuance of~~  
 400 ~~the alligator hatchling tag for alligator husbandry research.~~

401 (2) ~~The commission may require that an alligator hide~~  
 402 ~~validation tag (CITES tag) be affixed to the hide of any~~  
 403 ~~alligator taken from the wild and that such hide be possessed,~~  
 404 ~~purchased, sold, offered for sale, or transported in accordance~~  
 405 ~~with commission rule.~~ The commission may ~~is authorized to~~ assess  
 406 a fee of up to \$30 for each alligator hide validation tag  
 407 issued. Contingent upon an annual appropriation for alligator  
 408 marketing and education activities ~~Irrespective of whether a fee~~  
 409 ~~is assessed,~~ \$5 per validated hide, excluding those validated  
 410 from public hunt programs and alligator farms, shall be  
 411 transferred from the alligator management program to the General  
 412 Inspection Trust Fund, to be administered by the Department of  
 413 Agriculture and Consumer Services for the purpose of providing  
 414 marketing and education services with respect to alligator  
 415 products produced in this state, notwithstanding other  
 416 provisions in this chapter.



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417 ~~(3) The number of tags available for alligators taken~~  
 418 ~~pursuant to a collection permit shall be limited to the number~~  
 419 ~~of tags determined by the commission to equal the safe yield of~~  
 420 ~~alligators as determined pursuant to s. 379.3013.~~

421 Section 7. Paragraph (a) of subsection (2) of section  
 422 379.401, Florida Statutes, is amended to read:

423 379.401 Penalties and violations; civil penalties for  
 424 noncriminal infractions; criminal penalties; suspension and  
 425 forfeiture of licenses and permits.—

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

428 1. Rules or orders of the commission relating to seasons  
 429 or time periods for the taking of wildlife, freshwater fish, or  
 430 saltwater fish.

431 2. Rules or orders of the commission establishing bag,  
 432 possession, or size limits or restricting methods of taking  
 433 wildlife, freshwater fish, or saltwater fish.

434 3. Rules or orders of the commission prohibiting access or  
 435 otherwise relating to access to wildlife management areas or  
 436 other areas managed by the commission.

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

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

441 6. Rules or orders of the commission relating to  
 442 restricted hunting areas, critical wildlife areas, or bird

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- 443 sanctuaries.
- 444 7. Rules or orders of the commission relating to tagging  
445 requirements for wildlife and fur-bearing animals.
- 446 8. Rules or orders of the commission relating to the use  
447 of dogs for the taking of wildlife.
- 448 9. Rules or orders of the commission which are not  
449 otherwise classified.
- 450 10. Rules or orders of the commission prohibiting the  
451 unlawful use of finfish traps.
- 452 11. All prohibitions in this chapter which are not  
453 otherwise classified.
- 454 12. Section 379.33, prohibiting the violation of or  
455 noncompliance with commission rules.
- 456 13. Section 379.407(7), prohibiting the sale, purchase,  
457 harvest, or attempted harvest of any saltwater product with  
458 intent to sell.
- 459 14. Section 379.2421, prohibiting the obstruction of  
460 waterways with net gear.
- 461 15. Section 379.413, prohibiting the unlawful taking of  
462 bonefish.
- 463 16. Section 379.365(2)(a) and (b), prohibiting the  
464 possession or use of stone crab traps without trap tags and  
465 theft of trap contents or gear.
- 466 17. Section 379.366(4)(b), prohibiting the theft of blue  
467 crab trap contents or trap gear.
- 468 18. Section 379.3671(2)(c), prohibiting the possession or

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469 use of spiny lobster traps without trap tags or certificates and  
 470 theft of trap contents or trap gear.

471 19. Section 379.357, prohibiting the possession of tarpon  
 472 without purchasing a tarpon tag.

473 ~~20. Rules or orders of the commission prohibiting the~~  
 474 ~~feeding or enticement of alligators or crocodiles.~~

475 20.21. Section 379.105, prohibiting the intentional  
 476 harassment of hunters, fishers, or trappers.

477 Section 8. Section 379.412, Florida Statutes, is created  
 478 to read:

479 379.412 Penalties for feeding wildlife and freshwater  
 480 fish.—

481 (1) (a) The penalties in this section apply to a violation  
 482 of any rules or orders of the commission that prohibit or  
 483 restrict:

484 1. Feeding wildlife or freshwater fish with food or  
 485 garbage;

486 2. Attracting or enticing wildlife or freshwater fish with  
 487 food or garbage; or

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

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

492 1. Animals held in captivity;

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

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495 3. Restricting the taking or hunting of species in  
 496 proximity to feeding stations.

497 (2) A person who violates a prohibition or restriction  
 498 identified in subsection (1):

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

501 1. A person cited for a violation under this paragraph  
 502 shall sign and accept a citation to appear before the county  
 503 court. The issuing officer may indicate on the citation the time  
 504 and location of the scheduled hearing and shall indicate the  
 505 applicable civil penalty.

506 2. A person cited for a violation may pay the civil  
 507 penalty by mail or in person within 30 days after receipt of the  
 508 citation. If the civil penalty is paid, the person shall be  
 509 deemed to have admitted committing the violation and to have  
 510 waived his or her right to a hearing before the county court.  
 511 Such admission may not be used as evidence in any other  
 512 proceedings except to determine the appropriate fine for any  
 513 subsequent violations.

514 3. A person who refuses to accept a citation, who fails to  
 515 pay the civil penalty for a violation, or who fails to appear  
 516 before a county court as required commits a misdemeanor of the  
 517 second degree, punishable as provided in s. 775.082 or s.  
 518 775.083.

519 4. A person who elects to appear before the county court  
 520 or who is required to appear before the county court shall be

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521 deemed to have waived the limitations on civil penalties  
 522 provided under this paragraph. After a hearing, the county court  
 523 shall determine if a violation has been committed, and if so,  
 524 may impose a civil penalty of not less than \$100. A person found  
 525 guilty of committing a violation may appeal that finding to the  
 526 circuit court. The commission of a violation must be proved  
 527 beyond a reasonable doubt.

528 (b) For second and subsequent violations, when all  
 529 violations are related to freshwater fish or wildlife other than  
 530 bears or alligators or other crocodilians, commits a misdemeanor  
 531 of the second degree, punishable as provided in s. 775.082 or s.  
 532 775.083.

533 (c) For a second violation, when all violations are  
 534 related to bears or alligators or other crocodilians, commits a  
 535 misdemeanor of the second degree, punishable as provided in s.  
 536 775.082 or s. 775.083.

537 (d) For a third violation, when all violations are related  
 538 to bears or alligators or other crocodilians, commits a  
 539 misdemeanor of the first degree, punishable as provided in s.  
 540 775.082 or s. 775.083.

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

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

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547           Section 9. Sections 379.3011, 379.3013, 379.3016, and  
548 379.3017, Florida Statutes, are repealed.

549           Section 10. This act shall take effect upon becoming a  
550 law.