

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.;

27 removing provisions requiring alligator hide
28 validation tags 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.

52

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 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

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~~

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~~

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 ~~c. 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~~

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~~

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~~

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~~

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.—

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

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.~~

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), paragraph
351 (e), or paragraph (f), is required to possess an alligator
352 trapping agent license 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.

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

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

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 rule or order of the commission that prohibits or
 483 restricts:

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

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 is deemed to
509 have admitted committing the violation and to have waived his or
510 her right to a hearing before the county court. Such admission
511 may not be used as evidence in any other proceedings except to
512 determine the appropriate fine for any subsequent violations.

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

518 4. A person who elects to appear before the county court
519 or who is required to appear before the county court is deemed
520 to have waived the limitations on civil penalties provided under

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

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

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

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

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

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

546 Section 9. Sections 379.3011, 379.3013, 379.3016, and

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547 | 379.3017, Florida Statutes, are repealed.

548 | Section 10. This act shall take effect upon becoming a

549 | law.