

CHAPTER 2015-161

Committee Substitute for House Bill No. 7021

An act relating to the Fish and Wildlife Conservation Commission; amending ss. 327.37, 327.39, and 327.50, F.S.; requiring that personal floatation devices be used in accordance with the United States Coast Guard approval label during operation of certain vessels or personal watercraft or while engaged in water skiing, parasailing, aquaplaning, and similar activities; reenacting s. 327.50(1)(a), F.S., relating to vessel safety equipment, to incorporate changes to federal regulations; amending s. 379.223, F.S.; authorizing citizen support organizations to receive funds from the commission if the organization provides services by contract under certain circumstances; amending s. 379.3012, F.S.; conforming provisions relating to implementation of the alligator management and trapping program to changes made by the act; amending s. 379.357, F.S.; revising the time period for which tarpon tags are valid; removing provisions requiring tax collectors to submit unissued tarpon tags and audit reports to the commission; removing provisions requiring individuals to submit information regarding landed tarpon to the commission; amending s. 379.361, F.S.; removing criteria for issuance of restricted species endorsements on saltwater products licenses; amending s. 379.364, F.S.; removing provisions requiring dealers and buyers of certain hides and furs to submit reports to the commission; removing provisions prohibiting the shipment of hides or furs without specified information; amending s. 379.3751, F.S.; removing provisions authorizing the commission to limit the number of participants engaged in the taking of alligators or their eggs; exempting certain persons from alligator trapping license requirements and fees; providing that certain permitholders engaged in the taking of alligators are not required to possess management area permits; amending s. 379.3752, F.S.; removing provisions requiring alligator hide validation tags to be affixed to the hide of any alligator taken from the wild; revising provisions requiring the commission to transfer certain revenues for alligator husbandry research; requiring the commission to transfer funds, contingent upon certain appropriations, from the alligator management program to the General Inspection Trust Fund for the purpose of providing marketing and education services regarding alligator products produced in this state; removing provisions authorizing the commission to limit the number of tags available for alligators taken pursuant to a collection permit; amending s. 379.401, F.S.; conforming provisions to changes made by the act; creating s. 379.412, F.S.; providing penalties for the feeding of wildlife and freshwater fish; providing applicability; defining the term “violation”; repealing s. 379.3011, F.S., relating to the alligator trapping program; repealing s. 379.3013, F.S., relating to alligator study requirements; repealing s. 379.3016, F.S., relating to the unlawful sale of alligator products; repealing s. 379.3017, F.S., relating to products derived or made from the skins of other crocodylia; providing an effective date.

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

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

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

(2)

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

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

327.39 Personal watercraft regulated.—

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

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

327.50 Vessel safety regulations; equipment and lighting requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~and location of where the fish was caught; and any other pertinent information which may be required by the commission. The commission may refuse to issue new tags to individuals or guides who fail to provide the required information.~~

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

379.361 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

~~(b)1. A restricted species endorsement on the saltwater products license is required to sell to a licensed wholesale dealer those species which the state, by law or rule, has designated as “restricted species.” This endorsement may be issued only to a person who is at least 16 years of age, or to a firm certifying that over 25 percent of its income or \$5,000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to a saltwater products license issued under this paragraph or a similar license from another state. This endorsement may also be issued to a for-profit corporation if it certifies that at least \$5,000 of its income is attributable to the sale of saltwater products pursuant to a saltwater products license issued under this paragraph or a similar license from another state. However, if at least 50 percent of the annual income of a person, firm, or for-profit corporation is derived from charter fishing, the person, firm, or for-profit corporation must certify that at least \$2,500 of the income of the person, firm, or corporation is attributable to the sale of saltwater products pursuant to a saltwater products license issued under this paragraph or a similar license from another state, in order to be issued the endorsement. Such income attribution must apply to at least 1 of the last 3 years. For the purpose of this section, “income” means that income that is attributable to work, employment, entrepreneurship, pensions, retirement benefits, and social security benefits.~~

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

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

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

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

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

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

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

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

5.— Exceptions from income requirements shall be as follows:

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

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

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

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

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

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

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

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

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

~~j.—Until June 30, 2014, a resident military veteran who applies to the commission and who received an honorable discharge from any branch of the United States Armed Forces, the United States Coast Guard, the military reserves, the Florida National Guard, or the United States Coast Guard Reserve between September 11, 2001, and June 30, 2014, is not required to provide documentation for the income requirement with his or her initial application for a restricted species endorsement. Documentation for the income requirement is required beginning with the renewal of the restricted species endorsement after such veteran has possessed a valid restricted~~

species endorsement for a complete license year. This exemption applies only to issuance of the endorsement on an individual saltwater products license.

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

379.364 License required for fur and hide dealers.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4) A~~ No person may not shall take any alligator egg occurring in the wild or possess any such egg unless the such person has obtained, or is a licensed agent of another person who has obtained, an alligator egg collection permit. The alligator egg collection permit shall be required in addition to the alligator farming license provided in paragraph (2)(d). The commission may is authorized to assess a fee for issuance of the alligator egg collection permit of up to \$5 per egg authorized to be taken or possessed pursuant to such permit. Contingent upon an annual appropriation for alligator marketing and education activities Irrespective of whether a fee is assessed, \$1 per egg collected and retained, excluding eggs collected on private wetland management areas, shall be transferred from the alligator management program to the General Inspection Trust Fund, to be administered by the Department of

Agriculture and Consumer Services for the purpose of providing marketing and education services with respect to alligator products produced in this state, notwithstanding other provisions in this chapter.

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

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

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

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

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

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

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

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

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

1. Rules or orders of the commission relating to seasons or time periods for the taking of wildlife, freshwater fish, or saltwater fish.
2. Rules or orders of the commission establishing bag, possession, or size limits or restricting methods of taking wildlife, freshwater fish, or saltwater fish.
3. Rules or orders of the commission prohibiting access or otherwise relating to access to wildlife management areas or other areas managed by the commission.
4. Rules or orders of the commission relating to the feeding of ~~wildlife, freshwater fish, or~~ saltwater fish.
5. Rules or orders of the commission relating to landing requirements for freshwater fish or saltwater fish.
6. Rules or orders of the commission relating to restricted hunting areas, critical wildlife areas, or bird sanctuaries.
7. Rules or orders of the commission relating to tagging requirements for wildlife and fur-bearing animals.
8. Rules or orders of the commission relating to the use of dogs for the taking of wildlife.
9. Rules or orders of the commission which are not otherwise classified.
10. Rules or orders of the commission prohibiting the unlawful use of finfish traps.
11. All prohibitions in this chapter which are not otherwise classified.
12. Section 379.33, prohibiting the violation of or noncompliance with commission rules.
13. Section 379.407(7), prohibiting the sale, purchase, harvest, or attempted harvest of any saltwater product with intent to sell.
14. Section 379.2421, prohibiting the obstruction of waterways with net gear.
15. Section 379.413, prohibiting the unlawful taking of bonefish.
16. Section 379.365(2)(a) and (b), prohibiting the possession or use of stone crab traps without trap tags and theft of trap contents or gear.
17. Section 379.366(4)(b), prohibiting the theft of blue crab trap contents or trap gear.

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

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

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

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

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

379.412 Penalties for feeding wildlife and freshwater fish.—

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

1. Feeding wildlife or freshwater fish with food or garbage;
 2. Attracting or enticing wildlife or freshwater fish with food or garbage;
- or

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

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

1. Animals held in captivity;
2. Restricting the taking or hunting of species over bait or intentionally placed or deposited food; or
3. Restricting the taking or hunting of species in proximity to feeding stations.

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

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

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

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

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

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

4. A person who elects to appear before the county court or who is required to appear before the county court is deemed to have waived the limitations on civil penalties provided under this paragraph. After a hearing, the county court shall determine if a violation has been committed, and if so, may impose a civil penalty of not less than \$100. A person found guilty of committing a violation may appeal that finding to the circuit court. The commission of a violation must be proved beyond a reasonable doubt.

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

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

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

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

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

Section 13. Sections 379.3011, 379.3013, 379.3016, and 379.3017, Florida Statutes, are repealed.

Section 14. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.