ALLIGATOR REGULATIONS
AND ASSOCIATED STATUTES
2023-2024

Prepared by the Alligator Management Program
Division of Hunting and Game Management
Florida Fish and Wildlife Conservation Commission
Updated September 2023

Executive Summary

The following Alligator Management Rules and Statutes have been modified since June 14, 2022.

68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts.

The purpose of the rule revision is to revise regulations regarding the **p**rocessing of alligators and the sale of alligator meat and parts to (1) allow a traceable lot number to be used when labeling bulk processed meat into smaller packages for sale, and (2) clarify the meaning of alligator meat and processing.

NOTE: The rules presented herein are intended to cover the bulk of the regulations that govern the alligator management program elements. These rules do not include all regulations that pertain to alligators. Please contact Alligator Management Program staff at (850) 488-3831 if you desire additional regulations.

CHAPTER 68A-24 RULES RELATING TO FUR-BEARING ANIMALS AND POSSESSION OF HIDES

68A-24.004 Fur and Hide Dealers: Operations, Reporting Requirements.

(1) No fur or hide dealer or buyer shall buy or possess any untanned skin of any fur-bearing animal acquired from any person not licensed in accordance with Section 379.354, F.S., or any untagged, untanned hide of an alligator taken by a person not licensed as an alligator hunter under Section 379.354, F.S.; an alligator trapper, processor or farmer under Section 379.3751, F.S., or as a hide dealer under Section 379.364, F.S. Untanned skins of fur-bearing animals possessed or stored on the premises of a dealer or agent buyer for another person shall be tagged to show the name, address, date received and license number of the owner.

(2) Reporting, record keeping, and shipping requirements:

(a) Alligator hide dealers and buyers licensed pursuant to Section 379.364, F.S., shall submit an annual report to the Fish and Wildlife Conservation Commission at the conclusion of each calendar year for receipt by January 31. The report shall include the number of hides bought and name of person from whom the hides were bought, the harvest permit number under which each alligator was taken, and the date of purchase.

(b) Fur dealers and buyers licensed pursuant to Section 379.364, F.S., shall submit an annual report covering the period April 1 through March 31 to the Fish and Wildlife Conservation Commission for receipt by April 15. The report shall include the number of skins bought for each fur-bearing animal and name and trapping license number of person from whom the skins were bought and the date of purchase.

(c) Copies of records documenting purchases of alligator hides or fur-bearing animal skins shall be maintained at the dealer’s and buyer’s places of business for a period of one year.

(d) Any shipment initiated by a licensed fur or hide dealer or buyer with a common carrier shall have marked thereon the name of the licensee and license number.

(3) The written records of fur and hide transactions shall be made available for inspection by Commission law enforcement officers during regular business hours.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354, 379.364, 379.3012, 379.3751 FS. History–New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, Formerly 39-24.04, Amended 6-2-86, 6-7-88, 2-4-89, 4-11-90, 4-1-96, Formerly 39-24.004, Amended 3-30-06, 8-19-14.

CHAPTER 68A-25 RULES RELATING TO REPTILES

68A-25.001 Feeding or Enticement of Crocodilians Unlawful.
68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.
68A-25.003 Taking and Disposal of Nuisance Alligators Statewide.
68A-25.004 Regulations Governing the Operation of Alligator Farms.
68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs.
68A-25.032 Regulations Governing the Establishment of Alligator Management Programs.
68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.
68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts.

68A-25.001 Feeding or Enticement of Crocodilians Unlawful.

No person shall intentionally feed, or entice with feed, any crocodilian unless held in captivity under a permit issued by the Fish and Wildlife Conservation Commission or otherwise provided by this Title.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-05, Amended 5-18-06.

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) In order to assure the optimal utilization of the estimated available alligator resource, the commission may by rule limit the number of participants engaged in the taking of alligators or their eggs from the wild. No person shall buy, sell, take, possess, transport, or import any American alligator, or any part thereof, or the nests or eggs of any American alligator except under permit from the executive director, as otherwise provided by this Title, or as follows:

(a) Lawfully acquired, unskinned alligator carcasses with CITES tags legally affixed; skinned alligator carcasses with the CITES tag number and, if applicable, harvest tag number recorded on an attached tag; untanned hides with CITES tags legally affixed; and alligator feet, viscera, and skeletal parts may be bought, sold, possessed, transported, and imported without a permit provided that untanned alligator hides may only be bought by persons licensed pursuant to Section 379.364, F.S., and that records of transfers of alligator feet, viscera, and skeletal parts shall be maintained as specified in Rule 68A-25.052, F.A.C.

(b) Persons permitted pursuant to Section 379.3761, F.S., and their employees may transport live, lawfully-possessed, untagged alligators to Florida locations for exhibition purposes and persons permitted pursuant to Section 379.3761, F.S., may sell, and they and their employees may transport, such alligators to:

1. Other persons permitted pursuant to Section 379.3761, F.S.,

2. To persons permitted to receive such alligators, or

3. To persons out of state, provided that all transports/transfers conducted pursuant to subparagraphs 68A-25.002(1)(b)1., 2. and 3., F.A.C., shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF).

4. All originating exhibitor/seller(s) acting pursuant to this paragraph shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transport, obtain the signature of the recipient on the document, if appropriate, and forward the document to the Commission within 30 days following the date of transport. A copy of the completed document must accompany the alligators during transport.

(2) Notwithstanding other provisions in this Title, untagged, lawfully-acquired, cured, and mounted crocodilian trophies; untagged, tanned crocodilian hides; and manufactured goods wholly or partly composed of crocodilian hide or other parts may be possessed, transported, and imported without a permit, but may only be sold in accordance with the following:

(a) Documentary evidence of the source of acquisition of such crocodilian products held for sale shall be maintained until the products are sold. Such products held for sale and documentary evidence of the source of acquisition shall be subject to inspection by Commission personnel during reasonable hours.

(b) No person shall sell such crocodilian products manufactured from a species declared to be endangered or threatened by the U.S. Fish and Wildlife Service or the Commission.

(c) No person shall sell any crocodilian product manufactured in the form of a stuffed baby crocodilian less than three feet in length as measured from the tip of the snout to the tip of the tail that depicts an unnatural crocodilian body or body part positioning.

(3) Any alligator, crocodile, caiman or similar reptile, or any part thereof, seized or otherwise acquired by the Commission may be sold.

(4) The records of individuals or concerns selling any species of crocodilian will be subject to inspection and such individuals or concerns shall have in their possession invoices or other documentary evidence of the suppliers of such crocodilians. The advertisement or representation of any crocodilian other than American alligator, and meat and parts thereof, as alligator or “gator” and of caimans, and meat and parts thereof, as crocodile is prohibited.

(5) No person shall use, be in possession of or attend any hook, peg or other such device baited in such a manner as to be capable of taking alligators and suspended so that the bait is above water or submerged less than six inches except nuisance-alligator trappers taking nuisance alligators pursuant to Rule 68A-25.003, F.A.C., and except as otherwise provided in Rules 68A-25.032 and 68A-25.042, F.A.C.

(6) Turtles.

(a) Take and possession – For turtles not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession unless authorized in the Commission’s Species Conservation Measures and Permitting

Guidelines, hereby incorporated by reference and available at the following links: Alligator Snapping Turtles, *Macrochelys suwanniensis, M. apalachicolae, and M. temminckii,* effective September 2018 (https://www.flrules.org/Gateway/reference.asp?No=Ref-10418); Lower Keys populations of peninsula ribbonsnake, *Thamnophis sauritus sackenii*, red rat snake, *Pantherophis guttatus,* and striped mud turtle, *Kinosternon baurii,* effective July 2020 (http://www.flrules.org/Gateway/reference.asp?No=Ref-12169); Suwannee cooter, effective July 2020 (http://www.flrules.org/Gateway/reference.asp?No=Ref-12171).

1. No person shall take more than one turtle per day unless authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C.

2. Turtle eggs may not be taken from the wild.

3. Turtles may only be taken by hand, baited hooks, minnow seine nets or dip nets.

4. No person shall take Escambia map turtles (*Graptemys ernsti),* cooters (*Pseudemys* spp.), striped mud turtles (Lower Keys population) (*Kinosternon baurii*) or snapping turtles (*Chelydra* spp.) from the wild.

5. No person shall take, possess, transport, or sell any alligator snapping turtles (*Macrochelys* spp.).

6. No person shall take, possess, transport, or sell any diamond-backed terrapins (also referred to as diamondback terrapins, *Malaclemys terrapin*), except by permit. Permits may be issued for personal possession, exhibition and education, and scientific use. Permit issuance is in accordance with the Diamond-backed Terrapin Permit Application Guidance, effective March 1, 2022 and hereby incorporated by reference at https://www.flrules.org/Gateway/reference.asp?No=Ref-13929. Persons in possession of diamond-backed terrapins shall have 90 days from the effective date of this rule to come into compliance with the provisions of this section.

7. No softshell turtles (*Apalone* spp.) may be taken from the wild during the period May 1 to July 31.

8. No person shall possess more than two Escambia map turtles (*Graptemys ernsti),* two box turtles of Florida native species (Florida box turtles [*Terrapene bauri*]; eastern, Gulf Coast, and three-toed box turtles [*Terrapene carolina* subsp.]; their taxonomic successors; or hybrids thereof), or two loggerhead musk turtles (*Sternotherus minor*).

9. The Commission recognizes aquaculture as an alternative to commercial harvest of wild populations of freshwater turtles. An owner, manager, agents or director of an aquaculture facility certified by the Florida Department of Agriculture and Consumer Services pursuant to Section 597.004, F.S., and Chapter 5L-3, F.A.C., may harvest freshwater turtles as brood stock for scientific or commercial aquaculture as authorized by permit from the executive director limiting the location of harvest activities, duration of harvest activities, species of turtles to be harvested, number and size of turtles to be harvested to prevent overharvest of freshwater turtles.

(b) Transport – No person shall transport more than one turtle or any turtle eggs unless authorized by one of the following:

1. A permit from the executive director as provided in Rule 68A-9.002, F.A.C. An individual transporting turtles under the authority of this permit shall possess a copy of the permit.

2. An aquaculture facility certification issued by the Florida Department of Agriculture and Consumer Services under Section 597.004, F.S., and Chapter 5L-3, F.A.C. An individual transporting turtles under the authority of this certification shall possess a copy of such certificate.

3. A license for sale or exhibition of wildlife under Section 379.3761, F.S. An individual transporting more than one turtle under the authority of this license shall possess a copy of such license.

4. Documentation of the source and supplier of the turtles, indicating the purchase date; quantity and species of turtles acquired; name and complete address of supplier; and license identification number of supplier where applicable.

(c) Sale – No person shall buy, sell, or possess for sale turtles, their eggs or parts thereof, that have been taken from the wild.

(7) No person shall paint any turtle or tortoise or possess any turtle or tortoise on which paint has been applied to its shell or body parts.

(8) No person shall take or possess Peninsula ribbon snakes (*Thamnophis sauritus sackenii*) or red rat snakes (*Pantherophis guttatus*) from the Lower Keys population.

(9) No person shall buy, sell or possess for sale any Florida pine snake (*Pituophis melanoleucus mugitus*), nor shall any person possess more than one Florida pine snake, except that said restrictions shall not apply to amelanistic (= “albino”) specimens.

(10) Reptiles may be taken throughout the year in any manner not conflicting with other provisions of these rules.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const, 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History–New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09, 8-19-14, 1-11-17, 5-7-19, 11-2-20, 2-7-22, 5-2-22.

68A-25.003 Taking and Disposal of Nuisance Alligators Statewide.

(1) Only persons under contract with the Commission as nuisance alligator trappers, or their agents and assistants, who have been approved by the executive director, or his designee, shall take, possess and kill or sell live nuisance alligators as authorized by permit.

(2) Persons may apply for nuisance alligator contracts by completing and submitting a Nuisance Alligator Trapper Application (FWC Form 1002AT (2-06), incorporated by reference herein).

(3) Five dollars ($5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History–New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended 4-30-00, 12-16-03, 5-18-06, 8-19-14, 4-5-18.

68A-25.004 Regulations Governing the Operation of Alligator Farms.

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and farming agents subject to the following:

(1) Definitions:

(a) Breeding stock is defined as all alligators six (6) feet or greater in length that are maintained in outdoor enclosures for propagation purposes.

(b) Rearing stock is defined as all alligators other than breeding stock on a farm.

(2) Licensing and permitting:

(a) An alligator farm may be established and operated only pursuant to and in accordance with provisions of a permit issued by the executive director or his designee.

(b) Only persons who are at least 18 years old shall be issued an alligator farm permit. Persons who have been issued an alligator farm permit prior to September 5, 2013 and have remained in continuous possession of a valid alligator farm permit are exempt from this provision. All alligator farm permittees and farming agents shall be licensed as required by section 379.3751, F.S.

(c) An alligator farm may be licensed and permitted separately on a parcel contiguous with another alligator farm provided the following criteria are met to ensure maintenance of separate inventories on the farms:

1. The applicant shall submit a copy of the current deed or leaseholder agreement in the prospective farm, along with a detailed map or drawing to scale, depicting the farm’s boundaries. Such boundaries shall be readily identifiable on the ground and shall show a clear demarcation between the farms.

2. A fence, wall, or equivalent structure, not less than six feet high, and constructed of not less than 11 1/2 gauge chain link, or strength equivalent, shall separate the borders of ponds or outdoor tanks of the adjacent farm, when they are not separated by a minimum of 100 feet of dry land.

3. When buildings are used for alligator grow-out, they shall be separate for each farm.

4. Egg incubators, if provided, shall be in buildings separate from those of any other contiguous farm.

5. Rearing tanks on the respective farms shall be separately drainable.

6. Farm buildings and outside tanks on the respective farm, that are not separated by a minimum of 100 feet, shall be visibly marked with the name of the farm or other identifier to facilitate inventory inspections.

(d) Farms that are located on non-contiguous properties shall be required to have separate alligator farming licenses and farm permits.

(e) Alligator farms permitted as eligible to receive eggs and hatchlings taken from the wild under provisions in rules 68A-25.031 and 68A-25.032, F.A.C., shall provide a minimum of 2,000 square feet of rearing tank(s).

(f) A maximum of 30 permits may be issued that grant authority to receive alligator hatchlings under subsection 68A-25.031(1), F.A.C., and a maximum of 35 permits may be issued that grant first opportunity to participate in the distribution of eggs taken from the wild under subsection 68A-25.031(2), F.A.C. Beginning by June 30, 2023, and by June 30th every five years thereafter, the maximum number of permits issued that grant first opportunity to participate in the distribution of eggs taken from the wild under subsection 68A-25.031(2), F.A.C., shall be reviewed by staff for additional opportunities. Such permits shall be issued by the executive director or designee as follows:

1. When a permit becomes available, notice of such availability shall be published in the Florida Administrative Register.

a. Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative Register. Persons whose applications are received more than 30 days after publication of the notice shall not be eligible for assignment of the available permit, irrespective of the postmark date on their application. Only persons licensed as alligator farmers pursuant to section 379.3751, F.S., may apply, and only one application per person will be accepted.

b. Available permits shall be assigned to the applicant(s) with the highest number of accumulated preference points. Only applicants who possess an alligator farm permit indicating 2,000 square feet of rearing tanks and who, as indicated by annual farm reports and supporting documents, received into their farm inventory in one of the previous three years at least 1,000 eggs or hatchlings, individually or combined, collected under rule 68A-25.031 or 68A-25.032, F.A.C., shall be eligible. Accumulated preference points will be assessed only for applicants who have not been issued in the last 10 years the type of permit being sought under this paragraph. Preference points will be calculated by determining the total number of years the applicant has received permits under each of rules 68A-25.003, 68A-25.004, 68A-25.004(2)(f), 68A-25.032, 68A-25.042, and 68A-25.052, F.A.C., and licenses under section 379.3751(2)(c) or (e), F.S., and section 379.3761, F.S. (for alligators) since January 1, 2000. A random drawing, among applicants with the same number of preference points, will be used to select which applicant will be awarded a permit when two or more applicants are tied for the highest number of preference points.

2. No person shall be issued more than one permit for an alligator farm eligible to receive alligator eggs and one permit for an alligator farm eligible to receive alligator hatchlings taken from the wild as specified in this paragraph.

3. Failure of a permittee to participate in the egg collection and distribution under rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

4. Failure of a permittee to participate in the hatchling collections under rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

(g) Permits to establish and operate alligator farms are not transferable except when incident to a bona fide sale or other ownership transfer of the facility, provided the application of the purchaser is approved by the Commission in accordance with rules and regulations of the Commission.

(h) No one shall transfer a permit or interest in a permit to a relative or to any other person or change executive officers or directors when the Commission has notified the permittee in writing that revocation or non-renewal proceedings have been or will be brought against the permit, or when a permittee, executive officer, director, or person holding an interest in the permit or business has been arrested, charged, indicted, or convicted, or has appealed the conviction, of a crime which is disqualifying under Commission rules or regulations. It shall be a violation of this section to transfer or attempt to transfer any permit or interest in a permit or business or change executive officers or directors contrary to the provisions of this section. The term

"relative" with respect to this section means an individual who is related to the permittee, executive officer, director, or person holding an interest as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother, or half sister.

(i) An alligator farm permit shall not be issued to any person who has been convicted of any violation of section 379.409 or 379.3015, F.S., or the rules of the Commission relating to the illegal taking of any crocodilian species:

1. For five (5) years following such conviction, or

2. For ten (10) years following, if such conviction involves the taking of an endangered crocodilian species. Any alligator farm permit possessed by persons convicted of any violation of section 379.409 or 379.3015, F.S., or the rules of the Commission relating to the illegal taking of any crocodilian species shall be revoked.

(j) Upon revocation or non-renewal of an alligator farm permit as provided in rule 68-1.010, F.A.C., the permittee shall have six (6) months to dispose of legally acquired alligator stock. The alligator farm and stock may not be sold or otherwise disposed of to any alligator farm of which the permittee or a relative is an officer, director, or principal or holds any interest.

(3) Record keeping requirements:

(a) Permittees shall maintain inventory records of the number of alligator eggs and alligators in each incubator, tank, pond, and enclosure. The source and disposition of eggs and alligators added to or removed from each incubator, rearing tank, and breeding stock enclosure shall be accurately recorded. Such inventory, source, and disposition records shall be kept on the farm on an Alligator Farm Inventory Record (FWC Form 1004AF, effective June 30, 1992, which is incorporated herein by reference and may be obtained from the Commission) or in a manner that is substantially in compliance with the required record keeping.

(b) Shipping tickets, invoices or bills of lading, Hatchling Collection Forms (FWC Form 1002AF, incorporated in subparagraph 68A-25.031(1)(b)9., F.A.C.), Alligator Egg and Hatchling Transfer Documents (FWC Form 1003AF, incorporated in paragraph 68A-25.032(3)(i), F.A.C.), Public Waters Alligator Egg Transfer Documents (FWC Form 1005AF, incorporated in subparagraph 68A-25.031(2)(b)16., F.A.C.), Captive Alligator and Egg Transportation/Transfer Documents (FWC Form 1006AF, incorporated in paragraph (8)(b), of this rule), and records of all hide sales or transfers shall be maintained and kept at the farm to show source of supply or disposition of alligator stock.

(c) Records required under this subsection shall be maintained until December 31 of the following year.

(4) Reporting requirements:

(a) An Alligator Farm Annual Report (FWC Form 1000AF, effective September 5, 2013, which is incorporated to this rule by reference and may be obtained from the Commission and is found online at: http://www.flrules.org/Gateway/reference.asp?No=Ref-03227) shall be completed at the conclusion of each calendar year and submitted to the Commission by January 31.

(b) Failure to submit complete reports that accurately reflect farm records as required by this section shall be punishable as provided in section 379.401(1)(a), F.S.

(5) Inspection and inventory requirements:

(a) Commission personnel may, during reasonable hours, enter and inspect all alligator farmers' places of business, farm buildings, farm lands, vessels, and motor vehicles that are used or are of a type that could be used in the production, storage, sale, or transportation within this state of any alligators, their eggs, meat, or hides; inspect all records or documents pertaining thereto; and conduct partial inventories to determine if the permittee is in compliance with applicable laws and regulations. The permittee or designee shall make such records open to inspection upon request by Commission personnel.

(b) A complete inventory of any stock is authorized to be scheduled, conducted, and directed by Commission personnel during reasonable hours to determine an accurate count of alligators present on a farm under one or more of the following conditions:

1. Upon bona fide sale or transfer of farm ownership.

2. Upon two or more failures during a calendar year to maintain complete alligator farming records.

3. Prior to the transfer of alligator stock upon revocation or non-renewal of an alligator farming permit.

4. When a partial inventory reveals a discrepancy of ten (10) percent or more in inventory records. A partial inventory is defined as counting the alligators in not more than three (3) rearing tanks or counting ten (10) percent of the entire reported inventory, whichever is greater.

5. When the annual report submitted by a permittee indicates a discrepancy that cannot be reconciled between the permittee's records of the farm's total inventory and the Commission's computed total number of alligators that should be present on a farm based on the previous years' annual reports and records of **68A-** receipts, dispositions, harvests, and transfers of eggs and alligators, provided that the permittee shall have seven (7) days to resolve such discrepancies to the satisfaction of the Commission.

(c) The alligator farm permittee shall provide all labor, equipment, and materials necessary to conduct inventories. Failure to abide by this requirement shall result in the suspension of all unused CITES tags and suspension of authorization to transfer alligators and alligator eggs as provided for in subsection 68A-25.004(8), F.A.C., until the inventory is completed.

(d) It shall be a violation of this section, punishable as provided in section 379.401(2)(e), F.S., if a total physical inventory reveals a discrepancy in the recorded numbers of alligators by a farmer in excess of ten (10) percent. Any CITES tags that have been issued to the farm permittee in excess of the number of harvestable alligators actually present on the farm, as revealed by the inventory, shall be seized by Commission personnel and returned to the Commission.

(e) The permittee shall make all captively produced alligator eggs that are incubated on the farm available for inspection by August 1 of each nesting year. Such eggs shall be made available for inspection during reasonable hours in containers having not more than one layer of eggs at each incubation facility on the alligator farm. Only viable alligator eggs will be credited to the egg inventory. Eggs laid after August 1 may be collected and added to the egg inventory only if egg development characteristics indicate a laying date after August 1, and nests are verified by Commission personnel prior to being collected.

(6) Specifications for alligator farms:

(a) Pens or holding facilities shall be constructed in a manner to prevent the escape of any alligator contained in such pen or facility or entrance by any alligator from outside such pen or facility. The ponds and outdoor tanks of all farms licensed to exhibit wildlife under section 379.3761, F.S., shall conform to the fencing requirements for alligators as provided in rule 68A-6.003, F.A.C. Farms not licensed to exhibit wildlife shall not be required to meet such standards, but shall have fencing five feet in height consisting of not less than 11 1/2 gauge chain link or its strength equivalent and utilize fence ties 11 1/2 gauge or its strength equivalent to secure the fencing to posts, rails, and to any other structural parts to prevent the escape or entrance of an alligator.

(b) Alligators less than four (4) feet in length shall be kept in readily drainable rearing tanks of concrete, fiberglass, plastic, or metal construction or other materials approved by the executive director or designee that will ensure their secure and humane confinement.

(c) Minimum space requirements shall be:

1. One half (0.5) square foot of space for each alligator less than 24 inches in length and enough space to allow the alligator to at least partially submerge and partially exit from the water.

2. One and a half (1.5) square feet of space for each alligator measuring 24 inches to 48 inches in length and enough space to allow the alligator to at least partially submerge.

3. Three (3) square feet of space for each alligator greater than 48 inches in length and enough space to allow the alligator to at least partially submerge.

4. For all alligator sizes, one dimension of the enclosure must be at least as long as the longest animal it contains. Alligator farm permittees who also display alligators residing in their permanent enclosures to the public shall furnish alligator housing of sufficient size and design as provided by rules 68A-6.004 and 68A-6.0023, F.A.C.

(7) Harvest of alligators:

(a) Any alligator killed under the authority of this section or that dies on a farm shall be recorded in the farm inventory records and either tagged within 24 hours with a CITES tag, furnished at no cost to the alligator farm permittee by the Commission, or destroyed. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide or carcass not tagged as prescribed herein or any unskinned, untagged, frozen alligator carcass is prohibited,

and such hides and carcasses shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(b) Alligator meat not discarded shall be processed or sold in accordance with rule 68A-25.052, F.A.C.

(c) Parts of alligators may be sold as provided in rule 68A-25.052, F.A.C.

(d) Tagged, unskinned alligator carcasses and tagged hides may be sold or otherwise disposed of.

(e) Property rights to unused CITES tags issued to alligator farm permittees shall be vested in the Commission, and unused CITES tags shall remain the property of the Commission. No person except the alligator farm permittee or licensed farming agents shall possess any unused CITES tag at any time.

(f) All unused CITES tags shall be returned to the Commission with the annual report by January 31 of the following year. It shall be a violation of this section for any person to possess any unused CITES tag(s) from the previous year after January 31.

(8) Transfer of alligator eggs and live, untagged alligators from alligator farms:

(a) Alligator eggs and live, untagged alligators may be sold and may be transferred but only to other licensed alligator farms; to exhibitors licensed pursuant to section 379.3761, F.S.; to persons permitted to receive such eggs or alligators; or to persons out of state.

(b) The transfer of any alligator egg or live, untagged alligator from an alligator farm premises shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF, effective April 30, 2000, which is incorporated herein by reference and may be obtained from the Commission). The originating farm permittee shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transfer, obtain the signature of the recipient on the document, and forward the document to the Commission, within 30 days following the date of transfer. A copy of the completed document must accompany the alligators or alligator eggs during transport.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751 FS. History–New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00, 3-30-06, 3-19-08, 3-24-13, 10-9-13, 4-2-14, 8-19-14, 6-14-18.

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs.

(1) Conditions governing alligator hatchling collections:

(a) Establishment of hatchling collection areas, quotas, and a coordinator:

1. Alligator hatchling collection areas shall be established by the executive director, or his designee, that are suitable for surveying, establishment of quotas, and collection based upon habitat characteristics and expected numbers of hatchlings.

2. Alligator hatchling collection quotas will be established by the executive director, or his designee, for individual counties or other specified management units. Such quotas will be based on the quantity of alligator habitat in each individual county and the best biological information that indicates the number of hatchlings that can be removed from the system without long-term adverse impacts on population levels.

3. Farmers permitted as eligible to receive hatchlings from the wild as specified in paragraph 68A-25.004(2)(e), F.A.C., and licensed as specified in section 379.3751, F.S., who wish to participate in hatchling collections shall apply in writing. Farmers also permitted as eligible to collect hatchlings from the wild as specified in paragraph 68A-25.004(2)(f), F.A.C., may identify the person for whom they vote to be permitted as the hatchling collection coordinator (herein referred to as hatchling coordinator). Applications must be received by the Commission by July 1 of each year. For purposes of this rule, receipt shall mean actual receipt on or before the deadline by the Commission by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications received after July 1 will not be accepted irrespective of the postmark date. The executive director, or his designee, shall issue a permit to direct and conduct hatchling collections on behalf of eligible participants to the individual receiving the majority of the votes from eligible voting members. The hatchling coordinator shall be licensed as an alligator farmer as specified in section 379.3751, F.S., prior to being issued a permit.

(b) Procedures and requirements for alligator hatchling collections:

1. The hatchling coordinator shall solicit the participation of eligible farmers as follows:

a. Farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the first opportunity to contribute fee payment for hatchlings in the established collection quota.

b. In the event that farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., do not contribute fee payments for all hatchlings in the established quota, other eligible farmers not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the opportunity to contribute fee payments for the remaining hatchling quota.

2. Within five working days of receiving notice from the Commission of the established hatchling quota, the hatchling coordinator shall purchase hatchling tags at a cost of $5 each for each hatchling in the quota for which he intends to collect and shall indicate the percentage of the fees that was paid by farmers not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C.

3. The hatchling coordinators shall be issued a permit specifying the areas, quotas, and requirements for hatchling collections.

4. Alligator hatchling collections may be conducted only according to provisions of the hatchling collection permit and only from locations and during periods specified in the permit.

5. The hatchling coordinator shall be solely responsible for making fee payments, informing participants in the collection of permit requirements, ensuring that permit requirements are met, meeting reporting requirements, conducting hatchling collections, and equitably distributing hatchlings to group participants.

6. Farmers submitting applications consistent with subparagraph (1)(a)3., above, and who are permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given equal opportunity to participate in the hatchling collection and distribution; farmers who are not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be entitled to receive a share of the hatchlings collected in proportion to the percentage of the fees that they paid.

7. Hatchlings may only be taken under this rule by alligator farmers in the collection group, the hatchling coordinator, and their agents licensed as specified in section 379.3751, F.S.

8. Alligator hatchlings shall not be collected pursuant to this subsection from egg collection areas established under subsection (2), from lands included in alligator management programs established under rule 68A-25.032, F.A.C., or from areas designated by the executive director, or is designee, as closed to such collections in order to provide for scientific studies or as necessary to protect alligator populations.

9. Alligator hatchlings shall be immediately tagged upon capture with alligator hatchling tags, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore. A hatchling collection form (FWC Form 1002AF, effective date April 1, 1996, incorporated herein by reference) provided by the Commission must be completed prior to leaving the collection site and shall accompany the hatchlings at all times until they are delivered to a participating permittee's alligator farm. Hatchling collection forms shall be submitted to the Commission as specified in the collection permit. No person shall possess any untagged alligator hatchlings acquired pursuant to this section.

10. Alligator hatchlings shall be transported and housed in suitable facilities as provided in rule 68A-6.005, F.A.C., and transported to participating permitted alligator farms within fifteen (15) days following collection.

11. Alligator hatchling tags issued to the hatchling coordinator shall remain the sole property of the Commission until attached as provided herein. The hatchling coordinator's agents licensed pursuant to section 379.3751, F.S., and any licensed alligator farmer and licensed agent(s) for that farmer while in the presence of that farmer who is authorized to do so by the hatchling coordinator may possess unused hatchling tags and take alligator hatchlings as specified in the permit and this section. Licensees taking hatchlings independent of the hatchling coordinator shall be in possession of a copy of the collection permit. The hatchling coordinator shall be strictly liable to ensure that all alligator hatchling tags remain in his possession, the possession of licensed alligator farmers he has authorized to take hatchlings, or the possession of his licensed agent(s).

12. All unused alligator hatchling tags issued pursuant to this section shall be returned to the Commission as specified in the collection permit.

(2) Conditions governing alligator egg collections:

(a) Establishment of egg collection areas, groups, coordinators, and quotas:

1. Alligator egg collection areas shall be established by the executive director, or his designee, that are suitable for surveying, establishment of quotas, and collection based upon habitat characteristics, expected nest densities, and anticipated costs of surveys and collections.

2. Egg collection permits shall be issued for no more than two groups of eligible alligator farmers.

3. Farmers permitted as eligible to receive eggs from the wild as specified in paragraph 68A-25.004(2)(e), F.A.C., and licensed as specified in section 379.3751, F.S., who wish to participate in egg collections shall apply and identify, in writing, the collection group in which they elect to participate. Farmers also permitted as eligible to participate in the collection and distribution of eggs as specified in paragraph 68A-25.004(2)(f), F.A.C., may identify the person for whom they vote to be permitted as the egg collection coordinator (herein referred to as egg coordinator). Applications must be received by the Commission by April 1 of each year. Eligible farmers meeting the April 1 application deadline may transfer to the other collection group upon written request received by the Commission. Such transfer requests must be received by April 15. For purposes of this rule, receipt shall mean actual receipt on or before the deadline by the Commission by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications and transfer requests received after April 1 and April 15, respectively, will not be accepted irrespective of the postmark date. The executive director, or his designee, shall issue permits to direct and conduct egg collections on behalf of group participants to the individuals receiving the majority of the votes from eligible voting members in each group. Each egg coordinator shall be licensed as an alligator farmer as specified in section 379.3751, F.S., prior to being issued a permit.

4. Quotas for the number of nests that may be opened on each collection area shall be determined by Commission biologists conducting surveys and will be set to ensure no long term negative impacts on alligator populations.

5. The proportion of the total nest quota to be assigned to a collection group will be calculated as the number of farms permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., participating in that collection group on April 1, divided by the total number of farms permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., participating in either collection group.

(b) Procedures and requirements for alligator egg collections:

1. Egg coordinators shall solicit the participation of group members as follows:

a. Farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the first opportunity to contribute fee payments for nests assigned to their group.

b. In the event that farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., do not contribute fee payments for all nests assigned to the group, farmers in the group not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the opportunity to contribute fee payments for the remaining nest quota.

2. Within five working days of receiving notice from the Commission of the group’s total nest quota and collection area assignments, each egg coordinator shall purchase 25 egg fee permits at a cost of $5 per egg for each nest in the quota from which he intends to collect eggs and shall indicate the percentage of the fees that was paid by farmers in the group not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C. If payment is not made for the full nest quota, the egg coordinator shall provide notice in writing with the fee payment of the areas from which he does not intend to collect eggs and, if a partial quota is to be collected from an area, shall specify the area and the number of nests to be collected from that area. Only one area may be specified from which a partial quota will be collected.

3. Any nest quota for which fee payment and notice are not received as specified in subparagraph (2)(b)2., above, shall be assigned to the other collection group provided that the group’s egg coordinator submits fee payment and notice for the quota to be transferred within five working days of notification as specified in subparagraph (2)(b)2.

4. Egg Coordinators shall be issued Alligator Egg Fee Assessment Records (FWC Form 1007AF, effective April 1, 1996, which is incorporated herein by reference) by the Commission that document the number of eggs for which payment was received and permits specifying the areas, quotas, and requirements for egg collections.

5. Permits shall expire August 7 of each year, except that the executive director, or his designee, may extend the expiration date upon request of a group egg coordinator if collections are delayed for reasons outside of the control of the egg coordinator and collectors and a concerted effort has been made to complete the collections before August 7. Any quota unused upon expiration of the permit shall be assigned to the other collection group upon purchase of the requisite number of egg permits by the other group’s egg coordinator.

6. Alligator egg collections may be conducted only according to provisions of the egg collection permit and only from locations and during periods specified in the permit.

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs, cont.

7. Each egg coordinator shall be solely responsible for making fee payments, informing participants in the collection of permit requirements, ensuring that permit requirements are met, meeting reporting requirements, conducting egg collections, and equitably distributing eggs to group participants.

8. Egg collections shall only be conducted under the supervision of Commission personnel.

9. Prior to egg collection, the egg coordinator shall request approval of collection dates, exit points, and egg inspection sites for each collection area from the executive director or his designee. Egg inspection sites at locations different from approved exit points shall be approved by the executive director or his designee only in extenuating circumstances or when shelter from inclement weather and utilities suitable for egg inspection are not available at the exit point. Commission personnel shall be provided the opportunity to inventory eggs at the exit point and to supervise the transport of eggs from the exit point to such approved egg inspection sites.

10. Distribution of eggs:

a. Farmers who were issued their initial permit pursuant to paragraph 68A-25.004(2)(f), F.A.C., prior to July 1, 2017, or who were transferred such permit as part of a bona fide sale as outlined in paragraph 68A-25.004(2)(g), F.A.C., shall have the initial 33,000 eggs retained equally distributed to them (1,100 eggs each).

b. Farmers who were issued their initial permit pursuant to paragraph 68A-25.004(2)(f), F.A.C., after July 1, 2017, shall have all eggs in excess of the initial 33,000 retained equally distributed to them, not to exceed 1,100 each. Any eggs retained in excess of 38,500 shall be equally distributed to all farmers permitted pursuant to paragraph 68A-25.004(2)(f)., F.A.C.

c. Farmers in each group who are not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be entitled to receive a share of the eggs collected from each area in proportion to the percentage of the group's fees that they paid.

11. Eggs may only be taken under this rule by alligator farmers in the collection group, the egg coordinator, and their agents licensed as specified in section 379.3751, F.S.

12. The number of nests opened on each egg collection area shall not exceed the quota established pursuant to subparagraph (2)(a)4. All eggs from each opened nest shall be collected.

13. The egg coordinator shall possess Alligator Egg Fee Assessment Records that indicate an available balance of no less than one egg collection permit for each egg collected.

14. All eggs collected each day shall be presented in a single layer for inspection to Commission personnel at the designated egg inspection site. The egg coordinator may select eggs to be retained and shall mark said eggs in a manner designated by the Commission. A fee of $5 per egg shall be assessed for every egg retained as recorded on Alligator Egg Fee Assessment Records. All remaining eggs shall be surrendered to Commission personnel at the egg inspection site. Each egg coordinator shall be refunded fees assessed under this provision for eggs retained from egg collections areas for which he/she has paid for the survey costs not to exceed the amount he/she paid for such surveys as documented by Commission flight records and helicopter flight time invoices.

15. Each collection day at the egg inspection site, the egg coordinator shall record the number of eggs retained on one or more Alligator Egg Fee Assessment Records, sign the form(s) to verify the number of eggs retained and balance to be collected, obtain the signature on the form(s) of the Commission staff person supervising the collection, and submit a copy of the form(s) to such staff person.

16. Each collection day at the egg inspection site the egg coordinator shall provide Commission personnel completed copies of FWC form 1005AF (effective June 26, 1994, incorporated herein by reference and available from the Commission) signed by the egg coordinator and indicating the number of eggs to be transferred to each participating farm or to a designated temporary storage facility. Eggs may be temporarily stored at the designated storage facility for up to 30 days following collection before transfer to the participating farms.

17. Eggs may only be transferred to the designated temporary storage facility or to farms participating in the egg collection group. The egg coordinator shall be responsible for ensuring that a copy of FWC form 1005AF is completed for each transfer of eggs and that a copy of the completed form, signed by the egg coordinator, accompanies the eggs during any such transfer. Any physical transfer of eggs must be accomplished within two days of completion and signing of the form by the egg coordinator.

18. Each participating farmer receiving eggs shall sign the accompanying copy of FWC form 1005AF and submit it to the Commission within ten days of the transferral date to document the addition of those eggs to their farm inventory.

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs, cont.

(c) One dollar shall be expended by the Commission or its designee on marketing and education for each egg collected and retained under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities. In the event an annual appropriation by the legislature for marketing and education activities is not granted, the fee assessed per egg collected and retained shall be reduced to $4.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751, 379.3752 FS. History–New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, 8-19-14, 6-14-18.

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as “public lands” in this section) under the following conditions:

(1) Alligator Management Program – Application and review procedures.

(a) The owner or authorized lessee of property containing alligator habitat (as described in FWC form 1000PW) shall make written application, on forms provided by the Commission (Alligator Management Program Application, FWC form 1000PW, effective November 21, 2014, is incorporated to the rule by reference and may be obtained from the Commission and is found online at: http://www.flrules.org/Gateway/reference.asp?No=Ref-04818), for establishment of an Alligator Management Program each calendar year. A group of landowners or authorized lessees may apply jointly provided their properties are adjoining.

(b) The alligator habitat described in the Alligator Management Program Application may not include lands established as an alligator harvest management unit pursuant to rule 68A-25.042, F.A.C., or an alligator egg collection area pursuant to rule 68A-25.031, F.A.C.

(c) Alligator habitat inventories contained in Alligator Management Program Applications shall be verified by an individual who is designated as an associate wildlife biologist or a certified wildlife biologist under The Wildlife Society’s Program for Certification of Professional Wildlife Biologists, The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814; or who is designated as an associate ecologist, ecologist, or senior ecologist under the Ecological Society of America’s Certification Program, ESA Center for Environmental Studies, Arizona State University, Tempe, AZ 85287-3211; or who is designated as an associate fisheries scientist or a certified fisheries scientist under the American Fisheries Society’s Professional Certification Program, American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199; or who is a full Member of the Society of American Foresters, 5400 Grosvenor Lane, Bethesda, MD 20814. Non-hatchling and hatchling alligator surveys contained in said applications shall be verified by an individual who is designated as a certified wildlife biologist by The Wildlife Society’s Program for Certification of Professional Wildlife Biologists. Alligator nest surveys contained in said applications shall be conducted by an individual who is designated as a certified wildlife biologist by The Wildlife Society’s Program for Certification of Professional Wildlife Biologists or a Commission-approved observer. Any survey verified or conducted by an individual who has been convicted of any Commission rule, statute, or permit violation within the last three years at the time of application shall be rejected by the Commission. A person seeking Commission-approved observer status shall be denied if he or she has been convicted of any Commission rule, statute, or permit violation within the last three years. As used in this paragraph, the term conviction shall mean any judicial disposition other than acquittal or dismissal. Persons seeking Commission-approved observer status shall submit:

1. Documentation demonstrating 5 years of experience observing at least 125 alligator nests each year, and

2. Two letters of reference from adults having personal knowledge of the observers stated nest survey experience. No more than one reference may be a relative of the observer.

(d) Applicants may incorporate by reference in their annual application the habitat inventories and non-hatchling alligator surveys referenced in paragraph (1)(c), above, that were previously submitted by the applicant and that remain on file with the Commission provided that habitat conditions have not changed on the property. New applicants for previously permitted properties shall submit newly verified habitat inventories and non-hatchling alligator surveys as specified in paragraph (1)(c), above.

(e) Upon review and approval of timely submitted applications, individuals designated in the application (hereinafter referred to as designees) shall be entitled to receive permits to take alligators, eggs, or hatchlings on the permitted property in accordance with permit provisions and provisions of this rule.

(f) Applicants may identify one designee for taking non-hatchling alligators, one designee for taking alligator eggs, and one designee for taking alligator hatchlings. Public lands applicants shall select designees by a competitive bidding or random selection process. Requests to change a designee shall be in writing.

(g) Designees shall be licensed in accordance with the provisions of section 379.3751, F.S., prior to the issuance of their permits. A permittee's agents shall be licensed, if necessary, in accordance with the provisions of section 379.3751, F.S., prior to said agents taking non-hatchling alligators, alligator hatchlings, or alligator eggs.

(h) Permits shall be issued to designee within 60 days following receipt of a complete application meeting the criteria established herein (applicants should submit applications at least 60 days prior to the opening of the harvest period to ensure timely issuance of harvest permits and tags prior to the opening of the harvest period). Permits may be denied, pursuant to rule 68-1.010, F.A.C., to designees who have previously failed to return unused tags and completed forms as specified herein.

(2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.

(a) Harvest quotas for non-hatchling alligators may be requested by submitting the following information:

1. A habitat inventory (as described in FWC form 1000PW), or

2. A habitat inventory (as described in FWC form 1000PW) and an alligator population survey, or

3. An alligator population survey.

(b) With respect to alligator population surveys submitted pursuant to subparagraphs (2)(a)2. and 3.:

1. Only one alligator population survey may be submitted each year.

2. A harvest quota may be requested without submitting a current alligator population survey in the year immediately following two consecutive years of alligator population surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys.

3. A one-time request for a harvest quota may be submitted to utilize any unused harvest quota specific to the property from the previous year, provided other provisions for establishing a harvest quota have not been utilized.

(c) Upon review of the habitat inventory or the alligator population survey, Commission biologists shall recommend to the executive director or his designee a harvest quota for the permitted property. Such recommended quotas shall be based upon the best biological information that indicates the number of alligators that can be removed from the system without long-term adverse impacts on population levels. Upon approval of harvest quotas by the executive director or his designee, the Commission shall furnish the designee a harvest permit and an alligator CITES tag for each non-hatchling alligator to be taken from the approved area. Harvest permits shall expire on December 31 of each year, and associated CITES tags may not be used after that date.

(d) Alligators captured for release may only be taken using live traps; snares, snatch hooks, or by hand; or by other non-injurious method. Any alligators captured by the following methods cannot be released: firearms and sethooks; baited, wooden pegs less than two (2) inches in length attached to a hand-held restraining line; harpoons and gigs; and manually operated spears, spearguns, gig-equipped bang sticks, and crossbows and bows with projectiles attached to a restraining line. The use of firearms other than bang sticks and gig-equipped bang sticks is prohibited from sunset to sunrise. Not withstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) Any person possessing a valid alligator trapping or trapping agent's license, or who is exempt from such licenses, pursuant to Section 379.3751, F.S., may take non-hatchling alligators provided they are authorized to

do so by the designee. Authorized persons taking non-hatchling alligators independently of the designee shall be in possession of a copy of the harvest permit.

(f) Any alligators captured shall be released or killed before the permittee, or authorized persons referenced in paragraph (2)(e), above, leaves the property described in the Alligator Management Program Application (FWC form 1000PW). An identifying alligator CITES tag issued by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing or, if the alligator is killed from or in a boat, no later than immediately upon return to shore and before leaving the property. If there is a permitted alligator processing facility on the property, alligators shall be tagged immediately upon capture except that alligators captured from a boat shall be tagged no later than immediately upon return to shore and before leaving the property. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The
possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(g) An alligator harvest report form (FWC form 1001AT, effective May 28, 2000, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), provided by the Commission, shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of each completed alligator harvest report form to the Commission for receipt by January 15 of the following year.

(h) Five dollars ($5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(3) Procedures governing the issuance of collection permits and the taking of alligator eggs and hatchlings.

(a) Alligator eggs and hatchlings may be collected from properties as described in FWC form 1000PW.

(b) Designees who wish to harvest alligator eggs shall submit an alligator nest survey to the Commission by August 1 of each year, and designees who wish to harvest alligator hatchlings shall submit to the Commission an alligator hatchling pod survey by November 1 of each year, as specified in the Alligator Management Program Application (FWC form 1000PW).

(c) With respect to alligator nest and hatchling pod surveys submitted pursuant to this subsection:

1. Only one alligator nest and hatchling pod survey may be submitted each year.

2. A harvest quota may be requested without submitting a current alligator nest or hatchling pod survey in the year immediately following two consecutive years of alligator nest or hatchling pod surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys.

(d) Commission biologists shall assess the status of the alligator population based on available habitat and survey information provided by the applicant's designee and recommend to the executive director or his designee the number of alligator eggs and/or hatchlings to be collected. Collection quotas for alligator nests will be set at either 50% of the observed nests or all observed nests. If the nest collection quota is requested pursuant to subparagraph (3)(c)2., the quota will be set in year three at 50 percent of the average number of nests observed during the surveys conducted during years 1 and 2. For requests pursuant to subparagraph (3)(c)2., made in years subsequent to year 3, the quota will be set at 50 percent of the average of the nests observed during the surveys conducted in the previous year and two years prior. For example, the quota in year 5 shall be 50 percent of the average number of nests observed during the surveys conducted in years 2 and 4; the quota in year 7 shall be 50 percent of the average number of nests observed during the surveys conducted in years 4 and 6; the quota in year 9 shall be 50 percent of the average number of nests observed during the surveys conducted in years 6 and 8, and so on. Requests for a permit for a collection quota of all observed nests will be subject to the following:

1. Participating properties will be excluded from alligator hatchling collections.

2. Nest survey data shall be submitted each year to maintain eligibility.

3. Only properties having a history of having at least three nest surveys, including the current year, out of

the five previous years with each survey documenting more than 10 nests observed shall be eligible.

4. Only properties having nest surveys conducted by an individual as specified in paragraph (1)(c) shall be eligible. The most recent three years of qualifying nest surveys will establish a baseline average number of alligator nests by which a property will be reviewed for eligibility. If the total number of nests observed during the nest survey for a given collection year is greater than 20% below the baseline average, the nest collection quota for the following year shall be 50%.

5. The nest survey route and nest collection data shall be submitted to the Commission within 15 days following the expiration of the egg collection permit as specified in the egg collection permit to maintain eligibility.

(e) Upon approval of quotas by the executive director or his designee, the Commission shall issue the applicant's designee a harvest permit and alligator hatchling tags or an Alligator Egg Fee Assessment Record (FWC Form 1007AF) following receipt of hatchling tag or egg permit fees. Alligator hatchling tags provided under this subsection shall be fixed, pursuant to Section 379.3752, F.S., at a cost of $5 each and alligator egg fee permits provided under this subsection shall be fixed, pursuant to Section 379.3751, F.S., at a cost of $2 each. Alligator Egg Fee Assessment Records issued pursuant to this paragraph are not transferable and shall be used only on properties for which the applicant's designee has been issued an alligator nest collection permit pursuant to this rule.

(f) In addition to the procedures detailed in paragraphs (3)(b) through (d), above, following receipt by the Commission of a written request for an alligator egg collection permit (supervised) and issuance of such permit, eggs may be collected as directed in the harvest permit from nests observed during an on-site survey by an individual meeting the requirements for conducting nest surveys in paragraph (1)(c), of this rule, provided the permittee has submitted a fee of $2 per egg to be collected and has been issued one or more Alligator Egg Fee Assessment Records by the Commission that document the number of eggs for which payment was received. Such collections shall only be conducted under the direct supervision of said individual according to the provisions of the collection permit. The permittee shall submit to the Commission a map or GPS coordinates of the locations of all alligator nests observed during the on-site survey within 15 days following the expiration date of the egg collection permit. The nest location map or GPS coordinates must have been provided to the permittee by an individual meeting the requirements for verifying nest surveys in paragraph (1)(c), of this rule.

(g) Alligator eggs and/or hatchlings may be taken only at the times and under the conditions set forth in the collection permit. Hatchlings shall be tagged immediately upon capture with an alligator hatchling tag provided by the Commission, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore and before leaving the property. An Alligator Egg Fee Assessment Record (FWC form 1007AF, effective April 1, 1996, which is incorporated herein by reference and may be obtained from the Commission) shall be completed and signed by the permittee or any agent identified on the permittee's permit to document all retained eggs on the day of collection and prior to transporting the eggs from the property or to a licensed farm facility. A copy of such Alligator Egg Fee Assessment Record shall remain with the eggs until the eggs are transferred to an alligator farm permitted as eligible to receive eggs and hatchlings from the wild, as specified in Rule 68A-25.004, F.A.C.

(h) Individuals, other than the egg collection permittee or agents identified on the permittee's permit, shall immediately notify the permittee upon taking possession of alligator eggs collected and retained under this rule until those eggs are transferred to another person or received into the inventory of an alligator farm permitted to receive eggs from the wild, as specified in Rule 68A-25.004, F.A.C. A permittee shall immediately notify the Commission when any individual other than the permittee or an agent identified on the permittee's permit takes possession of alligator eggs collected and retained under this rule. Alligator farmers receiving alligator eggs taken under this rule shall immediately notify the Commission of the number of eggs received into their alligator farm inventory.

(i) Any person possessing a valid alligator farming or farming agent's license pursuant to Section 379.3751, F.S., may take alligator eggs or hatchlings as provided in the harvest permit provided they are authorized to do so by the designee. Authorized licensees taking alligator hatchlings or eggs independently of the designee shall be in possession of a copy of the harvest permit.

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs, cont.

(j) Persons issued permits shall maintain complete records of eggs or hatchlings taken, and shall complete and return within 15 days an alligator transfer document (FWC form 1003AF, effective April 10, 1994) provided by the Commission for eggs or hatchlings transferred to alligator farm facilities permitted under Rule 68A-25.004, F.A.C.

(k) Alligator eggs or hatchlings taken under this rule must be transferred within 15 days of taking to farms permitted as eligible to receive eggs and hatchlings from the wild as specified in Rule 68A-25.004, F.A.C.

(l) Alligator Egg Fee Assessment Records shall be returned by the permittee to the Commission no later than 15 days after the expiration date of the harvest permit. It shall be a violation of this rule for any person to possess any Alligator Egg Fee Assessment Record(s) issued pursuant to this rule 15 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68-1.010, F.A.C. to applicants who have previously failed to return unused Alligator Egg Fee Assessment Records and complete forms as specified herein.

(4) Commission personnel shall be granted access to any lands or facilities permitted hereunder in order to verify application information submitted hereunder and to collect biological data on and specimens from alligators, their eggs or hatchlings, provided that specimens shall only be collected when necessary for the management of the species. All required records shall be made available to inspection by the Commission.

(5) All tags issued under this rule shall remain the sole property of the Commission until used as provided herein, and may be possessed only by the permittee, or persons the permittee has authorized to take alligators as provided for in paragraph (2)(e), above, prior to such use. Permittees shall be strictly liable in ensuring that all unused tags remain in their possession, or the possession of persons they have authorized to take alligators as provided for in paragraph (2)(e), above, and that all unused tags are returned to the Commission within 15 days following permit expiration.

(6) All permits and authorizations and applications for permits and authorizations herein are subject to the provisions of Rule 68-1.010, F.A.C.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751, 379.3752 FS. History–New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02, 3-30-06, 3-19-08, 7-20-09, 3-24-13, 10-9-13, 4-2-14, 8-19-14, 12-23-14, 2-1-16, 6-11-20.

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) Establishment of alligator management units and harvest quotas:

(a) Management units comprised of specified wetlands, lakes, rivers or other water bodies that may be reasonably grouped for the purposes of study, analysis or management and that are suitable for harvest based on habitat characteristics, accessibility, and estimated alligator densities shall be established by the executive director or his designee.

(b) Annual harvest quotas for each management unit shall be established by the executive director, or his designee, and shall be based upon an evaluation of on-site habitat or population inventories for each management unit. The harvest quota for a management unit shall be based on the best estimate of the number of alligators that can be removed from the unit without long-term adverse impacts on population levels.

(2) Harvest permit issuance:

(a) Harvest permits may be applied for through the Commission’s online licensing system at designated times and dates each year by:

1. Paying for an alligator trapping license, unless exempt, as specified by Section 379.3751, F.S., and $10 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits, or

2. Providing evidence of possession of an alligator trapping license valid through the last day of the

designated harvest season, or a current-year harvest permit, and paying $30 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits.

(b) Applicants for a harvest permit shall:

1. Be 18 years of age or older by August 15 in the current application year.

2. Not have been convicted of any violation of Section 379.409 or 379.3015, F.S., or rules of the Commission relating to the illegal taking of any crocodilian species:

a. For a period of five (5) years preceding the date of application, or

b. For a period of ten (10) years preceding the date of application if such conviction involved the taking of an endangered crocodilian species.

(c) Harvest permits shall be issued upon determination that the applicant meets the requirements of this subsection.

(d) CITES tags shall be issued with each harvest permit, and harvest tags bearing the letters “MER” shall also be issued with harvest permits for management units for which the best available scientific data indicates **68A-** the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

(e) Harvest permits shall be valid only for the management unit and harvest period indicated thereon, and harvest permits and their associated harvest tags, if issued, and CITES tags are not transferable.

(f) The number of harvest permits issued per person shall be determined by the executive director or his designee.

(3) Alligator trapping requirements:

(a) Alligators may only be taken in accordance with the provisions of the harvest permit.

(b) Alligators may be taken during the following harvest periods as specified in the harvest permit. Harvest periods shall be September 12 through November 1, and either August 15 through August 21, or August 22 through August 28, or August 29 through September 4, or September 5 through September 11. Exceptions to the times and harvest periods may be specified in the harvest permit.

(c) Only non-hatchling alligators may be taken.

(d) Legal methods to take:

1. Alligators captured using the following methods must be released or killed immediately.

a. Hand-held catch poles or other devices that have an adjustable catch loop.

b. Snatch hooks.

2. Alligators captured using the following methods must be killed immediately.

a. Artificial lures or baited wooden pegs less than two (2) inches in length attached to hand-held restraining lines or restraining lines attached to a vessel occupied by the permittee.

b. Harpoons, gigs, and manually operated spears attached to restraining lines,

c. Spearguns, pre-charged pneumatic air guns firing an arrow (airbows), crossbows and bows with projectiles fired from such devices being attached to restraining lines.

3. The use of baited hooks, gig-equipped bang sticks, or firearms for taking alligators is prohibited except that bang sticks are allowed for taking alligators attached to a restraining line.

4. Not withstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) Any persons assisting the permittee in the taking of alligators as provided herein shall possess an alligator trapping license or alligator trapping agent’s license, unless exempt from such license(s), in accordance with the provisions of Section 379.3751, F.S., and may engage in such assistance only while in the presence of the permittee. However, for the purposes of this provision, the taking of alligators does not include the activities of driving the vessel or the use of a light.

(f) Alligators may only be taken in the area specified in the harvest permit.

(g) Immediately upon killing, a CITES tag issued by the Commission and a harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator

hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(h) An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commission for receipt no later than 14 days after the expiration date of the harvest permit.

(i) Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or persons provided for in paragraph (3)(g), above, prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

(j) All unused CITES tags shall be returned by the permittee to the Commission no later than 14 days after the expiration date of the harvest permit. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit. Harvest permits may be denied, pursuant to Rule 68-1.010, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(4) Alligator processing and sale of parts.

(a) Alligator meat not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(b) Commission personnel shall be granted access to collect biological data on and specimens from any alligators taken under the provisions of this rule, provided that specimens shall only be taken when necessary for the management of the species.

(5) Nothing herein shall prohibit the executive director from establishing special restrictions or exemptions from this rule for the purpose of conducting experimental alligator harvests on designated areas pursuant to Rule 68A-9.002, F.A.C.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751, 379.3752 FS. History–New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, 7-20-09, 7-20-11, 3-24-13, 8-19-14, 2-1-16, 6-14-22.

68A-25.052 Regulations Governing the Processing of Alligators and Sale of Alligator Meat, Carcasses, and Parts.

(1) Definitions:

(a) Alligator meat – raw boned white meat or dark meat; skinned, whole alligator carcasses; and skinned alligator carcass parts (bone-in legs, “wings,” ribs, and tails), not to include alligator hide.

(b) Process – skinning or butchering an alligator, or packaging the alligator meat or other parts.

(c) Tamper-evident package – a package that is permanently and noticeably altered if opened.

(2) Alligator meat from legally acquired alligators that is not discarded and not processed for sale by a permitted alligator processing facility, or not prepared for immediate consumption shall be packaged and labeled to include “NOT FOR SALE,” the CITES tag number(s) and corresponding license holder’s name in permanent ink.

(a) Alligator meat not for sale is not required to be processed in a permitted alligator processing facility.

(b) Legally harvested alligators may be processed by anyone in lawful possession of the carcass.

(3) Alligator meat from alligator which have harvest tags affixed bearing the letters “MER” as part of the tag numbers may not be sold for human consumption. If the meat is not discarded, the packaging shall be permanently and visibly labeled “NOT FOR SALE, Recommend: NOT FOR HUMAN CONSUMPTION” in addition to the labeling requirements of subsection (2) or (7) of this rule, as applicable.

(4) Alligator meat may only be sold if legally imported as provided in subsection (9), below, or if processed in a permitted alligator processing facility and packaged in the same facility as provided in subsection (7), below.

(5) Alligator processing facilities may be established and operated only under permit from the executive

68A-25.052 Regulations Governing the Processing of Alligators and Sale of Alligator Meat, Carcasses, and Parts.

A record of the CITES tag number(s) associated with each unique lot number must be maintained by the alligator processing facility permittee for a period of one year following the sale, transfer, or disposal of all packaged products associated with a given unique lot number.

(8) Provisions for the sale, transfer, and purchase of alligator meat:

(a) Written records of all sales, transfers, and purchases, with the exception of retail sales to the customer, shall be maintained for a period of one year following sale, and shall include the name of the seller and buyer, date of sale, and amount sold. Such records shall be open to inspection by Commission personnel during reasonable hours.

(b) All alligator meat shall remain in the original package until re-processed or prepared for consumption.

(c) Packages containing lawfully acquired alligator meat packaged and labeled in accordance with this rule may be shipped or transferred in intrastate or interstate commerce.

(9) Provisions for the importation of alligator meat to Florida:

(a) Imported alligator meat shall be acquired and processed in accordance with the applicable health and sanitation requirements and laws of the state of origin.

(b) Imported alligator meat shall be shipped in a tamper-evident package. Each package shall be permanently labeled to indicate:

1. The state/country of origin;

2. The name and license number, if required by the state/country of origin, of the processor who processed the alligator(s);

3. The corresponding CITES tag number(s) from the alligator(s) from which the meat was taken;

4. The date packaged;

5. The number of pounds of meat enclosed;

6. A description of the contents that includes the type(s) of meat and number of pieces, if other than boned white or dark meat; and

7. The total weight of the package at time of shipping.

(10) Provisions for cutting raw alligator hides into pieces:

(a) Only the following persons who possess legally-acquired, untanned alligator hides with CITES tags affixed may cut those hides into pieces:

1. Persons licensed pursuant to Section 379.3751, F.S., as alligator farmers and their licensed alligator farming agents;

2. Persons licensed pursuant to Section 379.3751, F.S., as alligator meat processors and their employees; and

3. Persons licensed pursuant to Section 379.364, F.S., as alligator hide buyers and their employees.

(b) Whole hides may be cut into a maximum of four (4) pieces for further processing.

1. For hides resulting from belly-skinned alligators (i.e., whole hides that have the belly portion intact), the hide may be cut into either two (2) flanks or chaleco, as well as belly, and tail, hereinafter referred to as “hide piece(s).” All remaining portions of the originating hide shall be destroyed.

2. For hides resulting from hornback-skinned alligators (i.e., whole hides that have been cut through the middle of the belly portion), the hide may be cut into either two (2) flanks (each including a portion of the belly) or chaleco, as well as tail, and back, hereinafter referred to as “hide piece(s).” All remaining portions of the originating hide shall be destroyed.

(c) For alligator hide pieces that are not intended for exporting from the United States, the following shall apply.

1. The licensed alligator farmer, alligator meat processor, or alligator hide buyer shall provide the Commission with at least a 48-hour notice of intent to cut a CITES-tagged hide(s) into pieces indicating the date when the hide(s) will be cut. The hide cutting process may occur for up to two (2) days under the notice of intent. Any additional days needed to complete the hide cutting process shall proceed only after obtaining prior written approval from the Commission.

2. Only tamperproof tags approved by the Commission and supplied by the licensed alligator farmer, alligator meat processor, or alligator hide buyer for affixing to hide pieces may be used for tagging hide pieces, with each such tag bearing the name of the licensed alligator farmer, alligator meat processor, or alligator hide buyer, a unique, non-repeating serial number, and the word “Florida” or the letters “FL”.

3. Each hide piece, once cut, shall immediately have affixed thereto a tag as prescribed in subparagraph 8(c)2., above, and the tag’s serial number recorded in association with the originating hide’s CITES tag number and the type of hide piece cut (flank, belly, tail, back, or chaleco). Each chaleco hide piece shall have a Commission-approved tamperproof tag affixed on each flank. Each tail hide piece shall retain affixed thereto the CITES tag of the originating hide. A CITES tag or Commission-approved tamperproof tag shall remain affixed to the hide piece until the hide piece is destroyed, tanned, taxidermy mounted, or exported from the state.

4. All documentation required by subparagraph 8(c)3., above, shall be provided to the Commission within seven (7) days of completion of the hide cutting process.

(d) For alligator hide pieces that are intended for exporting from the United States, the following shall apply.

1. The licensed alligator farmer, alligator meat processor, or alligator hide buyer shall provide the Commission with at least a 14-day notice of intent to cut a CITES-tagged hide(s) into pieces indicating the date when the hide(s) will be cut and the number of pieces the hide(s) will be cut. The hide cutting process may occur for up to two (2) days under the notice of intent. Any additional days needed to complete the hide cutting process shall proceed only after obtaining prior written approval from the Commission.

2. The Commission shall issue the licensed alligator farmer, alligator meat processor, or alligator hide buyer the corresponding number of CITES tags equal to the number of hide pieces indicated on the notice of intent.

3. Each hide piece, once cut, shall immediately have affixed thereto a CITES tag provided pursuant to subparagraph 8(d)2., above, and the tag’s serial number recorded in association with the originating hide’s CITES tag number and the type of hide piece cut (flank, belly, tail, back, or chaleco). Each chaleco hide piece shall have a Commission-issued CITES tag affixed on each flank. A CITES tag shall remain affixed to the hide piece until the hide piece is destroyed, tanned, taxidermy mounted, or exported from the state.
The Commission-provided CITES tag shall remain affixed to the hide piece until the hide piece is tanned, taxidermy mounted, or exported from the state.

4. All documentation in compliance with subparagraph 8(d)3., above, shall be provided to the Commission within seven (7) days of completion of the hide cutting process along with any issued CITES tags that were not used.

5. Each tail or back hide piece shall be packaged as follows:

a. Packed in a transparent, sealed container.

b. Each container must be clearly marked with a non-reusable parts tag or label that includes all of the following information: a description of the contents, the total weight (contents and container), the number of the CITES tag from the originating hide and the US-CITES logo, the letters “FL”, a unique serial number, and the U.S. Fish and Wildlife Service species code “MIS.”

(e) Written records of the number, source, and disposition of all alligator hide pieces produced under this Rule that are retained, bought, sold, received, or transferred by licensed alligator farmers, alligator meat processors, or alligator hide buyers shall be maintained for a period of one year.

(11) The feet, viscera, head, or skeletal parts of lawfully acquired alligators may be retained or transferred provided that all transfers, with the exception of retail sales to the consumer, shall be documented in writing to indicate the kind and quantity of items and date transferred and the name and address of each recipient, and such records shall be maintained for a period of one year.

(12) Manufactured goods wholly or partly composed of alligator hide, organs, teeth, or skull, or other skeletal material may only be sold in accordance with provisions of Rule 68A-25.002, F.A.C.

(13) These requirements shall not be construed to supersede the regulatory authority of any federal, state or local entity regarding the processing or handling of food products, but shall be deemed supplemental thereto. Alligators processed hereunder shall be handled and processed in compliance with all applicable sanitation and

permit requirements of the Florida Department of Agriculture and Consumer Services, the county health department of the county in which the facility is located, and any other federal, state, or local authorities.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History–New 5-5-88, Amended 2-14-89, 4-11-90, 4-1-96, 9-15-96, 6-1-97, 4-12-98, 4-15-99, Formerly 39-25.052, Amended 4-30-00, 3-30-06, 9-13-20, 7-16-23.

379.3012 Alligator management program implementation; commission authority. —The powers and duties of the commission to implement the alligator management program do not 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 supplemental thereto.

History.—s. 3, ch. 87-199; s. 17, ch. 98-333; s. 66, ch. 99-8; s. 148, ch. 99-245; s. 7, ch. 99-397; s. 99, ch. 2008-247; s. 5, ch. 2015-161.

Note.—Former s. 372.6672.Note.--Former s. 372.6672.

379.3014 Unlawful sale, possession, or transporting of alligators or alligator skins.--Whenever the sale, possession, or transporting of alligators or alligator skins is prohibited by any law of this state, or by the rules, regulations, or orders of the Fish and Wildlife Conservation Commission adopted pursuant to s. 9, Art. IV of the State Constitution, the sale, possession, or transporting of alligators or alligator skins is a Level Three violation under s. 379.401.

History.--s. 1, ch. 65-160; s. 7, ch. 69-216; s. 311, ch. 71-136; s. 30, ch. 83-216; s. 143, ch. 99-245; s. 25, ch. 2006-304; s. 101, ch. 2008-247.

Note.--Former s. 372.662.

379.3015 Prima facie evidence of intent to violate laws protecting alligators.--Except as otherwise provided by rule of the Fish and Wildlife Conservation Commission for the purpose of the limited collection of alligators in designated areas, the display or use of a light in a place where alligators might be known to inhabit in a manner capable of disclosing the presence of alligators, together with the possession of firearms, spear guns, gigs, and harpoons customarily used for the taking of alligators, during the period between 1 hour after sunset and 1 hour before sunrise shall be prima facie evidence of an intent to violate the provisions of law regarding the protection of alligators.

History.--s. 1, ch. 70-2; s. 1, ch. 87-199; s. 145, ch. 99-245; s. 102, ch. 2008-247.

Note.--Former s. 372.664.

PART VII: NONRECREATIONAL LICENSES

379.364 License required for fur and hide dealers.--

1) A person may not engage in the business of a dealer or buyer in green or dried alligator hides or green or dried furs in the state or purchase such hides or furs within the state until the person has been licensed as provided in this section.

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

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

(4) A nonresident dealer must pay a license fee of $500 per annum.

(5) A person who violates this section commits a Level Two violation under s. 379.401.

History.—s. 61, ch. 13644, 1929; CGL 1936 Supp. 1977(61); s. 581, ch. 95-148; s. 141, ch. 99-245; s. 39, ch. 2000-362; s. 150, ch. 2008-247; s. 8, ch. 2015-161; s. 16, ch. 2016-107.

Note.—Former s. 372.66.

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

(1)(a) A person may not take or possess any alligator or the eggs thereof without having been issued an alligator license as provided in this section. The 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 license is not transferable and is not valid unless it bears on its face in indelible ink the name of the person to whom it is issued. The license shall be in the personal possession of the licensee while the licensee 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 license to a commission law enforcement officer, when the licensee is found taking alligators or their eggs or is found selling, possessing, or processing alligators or their eggs, hides, or meat, is a violation of law.

(b) A person who has been convicted of any violation of s. 379.3015 or s. 379.409 or rules of the commission relating to the illegal taking of crocodilian species may not be issued a license for a period of 5 years subsequent to such conviction. If a violation involves the unauthorized taking of an endangered crocodilian species, a license may not 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 taking of alligators is not required to possess a management area permit under s. 379.354(8).

(2) The license and issuance fee, and the activity authorized thereby, shall be as follows:

(a) The annual fee for issuance of a resident alligator trapping license, which permits a resident of the state to take alligators occurring in the wild other than alligator hatchlings, to possess and process alligators taken under authority of such alligator trapping license or otherwise legally acquired, and to possess, process, and sell their hides and meat, shall be $250.

(b) The annual fee for issuance of a nonresident alligator trapping license, which permits a person other than a resident of the state to take alligators occurring in the wild other than alligator hatchlings, to possess and process alligators taken under authority of such alligator trapping license, and to possess, process, and sell their hides and meat, shall be $1,000.

(c) The annual fee for issuance of an alligator trapping agent’s license, which permits a person to act as an agent of any person who has been issued a resident or nonresident alligator trapping license as provided in paragraph (a) or paragraph (b) and to take alligators occurring in the wild other than alligator hatchlings, to possess and process alligators taken under authority of such agency relationship, and to possess, process, and sell their hides and meat, shall be $50.

(d) The annual fee for issuance of an alligator farming license, which permits a person to operate a facility for captive propagation of alligators, to possess alligators for captive propagation, to take alligator hatchlings and

alligator eggs occurring in the wild, to rear such alligators, alligator hatchlings, and alligator eggs in captivity, to process alligators taken or possessed under authority of such alligator farming license or otherwise legally acquired, and to possess, process, and sell their hides and meat, shall be $250.

(e) The annual fee for issuance of an alligator farming agent's license, which permits a person to act as an agent of any person who has been issued an alligator farming license as provided in paragraph (d) and to take alligator hatchlings and alligator eggs occurring in the wild, to possess and process alligators taken under authority of such agency relationship, and to possess, process, and sell their hides and meat, shall be $50.

(f) The annual fee for issuance of an alligator processor's license, which permits a person to buy and process alligators lawfully taken by alligator trapping licenseholders and taken or possessed by alligator farming licenseholders and to sell alligator meat, hides, and other parts, shall be $250.

(3) For the purpose of this section, "process" shall mean the possession and skinning or butchering of an alligator by someone other than the holder of the alligator trapping license, alligator trapping agent's license, alligator farming license, or alligator farming agent's license who has authorized the taking and possession of such alligator.

(4) A person may not take any alligator egg occurring in the wild or possess any such egg unless the 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 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, $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) A person who violates this section commits a Level Two violation under s. 379.401.

History.—s. 4, ch. 87-199; s. 18, ch. 98-333; s. 15, ch. 2000-364; s. 7, ch. 2003-151; s. 162, ch. 2008-247; s. 38, ch. 2009-86; s. 9, ch. 2015-161; s. 40, ch. 2016-10; s. 18, ch. 2016-107.

Note.—Former s. 372.6673.

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 person may not 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.

(2) The commission may 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, $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) A person who violates this section commits a Level Two violation under s. 379.401.

History.—s. 5, ch. 87-199; s. 19, ch. 98-333; s. 16, ch. 2000-364; s. 163, ch. 2008-247s. 5, ch. 87-199; s. 19, ch. 98-333; s. 16, ch. 2000-364; s. 163, ch. 2008-247; s. 10, ch. 2015-161; s. 19, ch. 2016-107.

Note.—Former s. 372.6674.

PART VIII: PENALTIES

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

(1) LEVEL ONE VIOLATIONS.—

(a) A person commits a Level One violation if he or she violates any of the following provisions:

1. Rules or orders of the commission relating to the filing of reports or other documents required to be filed by persons who hold any recreational licenses and permits or any alligator licenses and permits issued by the commission.

2. Rules or orders of the commission relating to quota hunt permits, daily use permits, hunting zone assignments, camping, alcoholic beverages, vehicles, and check stations within wildlife management areas or other areas managed by the commission.

3. Rules or orders of the commission relating to daily use permits, alcoholic beverages, swimming, possession of firearms, operation of vehicles, and watercraft speed within fish management areas managed by the commission.

4. Rules or orders of the commission relating to vessel size or specifying motor restrictions on specified water bodies.

5. Rules or orders of the commission requiring the return of unused CITES tags issued under the Statewide Alligator Harvest Program or the Statewide Nuisance Alligator Program.

6. Section 379.3003, prohibiting deer hunting unless required clothing is worn.

7. Section 379.354(1)-(15), providing for recreational licenses to hunt, fish, and trap.

8. Section 379.3581, providing hunter safety course requirements.

(b) A person who commits a Level One violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c)1. The civil penalty for committing a Level One violation involving the license and permit requirements of s. 379.354 is $50 plus the cost of the license or permit, unless subparagraph 2. applies. Alternatively, except for a person who violates s. 379.354(6), (7), or (8)(f) or (h), a person who violates the license and permit requirements of s. 379.354 and is subject to the penalties of this subparagraph may purchase the license or permit, provide proof of such license or permit, and pay a civil penalty of $50.

2. The civil penalty for committing a Level One violation involving the license and permit requirements of s. 379.354 is $250 plus the cost of the license or permit if the person cited has previously committed the same Level One violation within the preceding 36 months. Alternatively, except for a person who violates s. 379.354(6), (7), or (8)(f) or (h), a person who violates the license and permit requirements of s. 379.354 and is subject to the penalties of this subparagraph may purchase the license or permit, provide proof of such license or permit, and pay a civil penalty of $250.

(d)1. The civil penalty for any other Level One violation is $50 unless subparagraph 2. applies.

2. The civil penalty for any other Level One violation is $250 if the person cited has previously committed the same Level One violation within the preceding 36 months.

(e) A person cited for a Level One violation 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.

(f) A person cited for a Level One violation may pay the civil penalty, and, if applicable, provide proof of the license or permit required under s. 379.354 by mail or in person within 30 days after receipt of the citation. If the civil penalty is paid, the person shall be deemed to have admitted committing the Level One 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.

(g) A person who refuses to accept a citation, who fails to pay the civil penalty for a Level One 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.

(h) A person who elects to appear before the county court or who is required to appear before the county court shall be deemed to have waived the limitations on civil penalties provided under paragraphs (c) and (d). After a hearing, the county court shall determine if a Level One violation has been committed, and if so, may impose a civil penalty of not less than $50 for a first-time violation, and not more than $500 for subsequent violations. A person found guilty of committing a Level One violation may appeal that finding to the circuit court. The commission of a violation must be proved beyond a reasonable doubt.

(i) A person cited for violating the requirements of s. 379.354 relating to personal possession of a license or permit may not be convicted if, before or at the time of a county court hearing, the person produces the required license or permit for verification by the hearing officer or the court clerk. The license or permit must have been valid at the time the person was cited. The clerk or hearing officer may assess a $10 fee for costs under this paragraph, from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund.

(2) LEVEL TWO VIOLATIONS.—

(a) 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 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 traps, unless otherwise provided by law.

11. Rules or orders of the commission requiring the maintenance of records relating to alligators.

12. Rules or orders of the commission requiring the return of unused CITES tags issued under an alligator program other than the Statewide Alligator Harvest Program or the Statewide Nuisance Alligator Program.

13. All requirements or prohibitions under this chapter which are not otherwise classified.

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

15. Section 379.2421, relating to fishers and equipment.

16. Section 379.2425, relating to spearfishing.

17. Section 379.29, prohibiting the contamination of fresh waters.

18. Section 379.295, prohibiting the use of explosives and other substances or force in fresh waters.

19. Section 379.3502, prohibiting the loan or transfer of a license or permit and the use of a borrowed or transferred license or permit.

20. Section 379.3503, prohibiting false statements in an application for a license or permit.

21. Section 379.3504, prohibiting entering false information on licenses or permits.

22. Section 379.3511, relating to the sale of hunting, fishing, and trapping licenses and permits by subagents.

23. Section 379.357(3), prohibiting the taking, killing, or possession of tarpon without purchasing a tarpon tag.

24. Section 379.363, relating to freshwater fish dealer licenses.

25. Section 379.364, relating to fur and hide dealer licenses.

26. Section 379.365(2)(b), prohibiting the theft of stone crab trap contents or trap gear.

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

28. Section 379.3671(2)(c), except s. 379.3671(2)(c)5., prohibiting the theft of spiny lobster trap contents or trap gear.

29. Section 379.3751, relating to licenses for the taking and possession of alligators.

30. Section 379.3752, relating to tagging requirements for alligators and hides.

31. Section 379.413, prohibiting the unlawful taking of bonefish.

(b)1. A person who commits a Level Two violation but who has not been convicted of a Level Two or higher violation within the past 3 years commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. Unless the stricter penalties in subparagraph 3. or subparagraph 4. apply, a person who commits a Level Two violation within 3 years after a previous conviction for a Level Two or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $250.

3. Unless the stricter penalties in subparagraph 4. apply, a person who commits a Level Two violation within 5 years after two previous convictions for a Level Two or higher violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $500 and a suspension of any recreational license or permit issued under s. 379.354 for 1 year. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege granted under any exemption in s. 379.353.

4. A person who commits a Level Two violation within 10 years after three previous convictions for a Level Two or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $750 and a suspension of any recreational license or permit issued under s. 379.354 for 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege granted under s. 379.353. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 379.353 and 379.354 may not be acquired for a 3-year period following the date of the violation.

(3) LEVEL THREE VIOLATIONS.—

(a) A person commits a Level Three violation if he or she violates any of the following provisions:

1. Rules or orders of the commission prohibiting the sale of saltwater fish.

2. Rules or orders of the commission prohibiting the illegal importation or possession of exotic marine plants or animals.

3. Section 379.28, prohibiting the importation of freshwater fish.

4. Section 379.3014, prohibiting the illegal sale or possession of alligators.

5. Section 379.354(17), prohibiting the taking of game, freshwater fish, or saltwater fish while a required license is suspended or revoked.

6. Section 379.357(4), prohibiting the sale, transfer, or purchase of tarpon.

7. Section 379.404(1), (3), and (6), prohibiting the illegal taking and possession of deer and wild turkey.

8. Section 379.4041(1), prohibiting the illegal taking and possession of bears.

9. Section 379.406, prohibiting the possession and transportation of commercial quantities of freshwater game fish.

10. Section 379.407(2), establishing major violations.

11. Section 379.407(4), prohibiting the possession of certain finfish in excess of recreational daily bag limits.

(b)1. A person who commits a Level Three violation but who has not been convicted of a Level Three or higher violation within the past 10 years commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person who commits a Level Three violation within 10 years after a previous conviction for a Level Three or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $750 and a suspension of any recreational license or permit issued under s. 379.354 for the remainder of the period for which the license or permit was issued up to 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the ability to exercise any privilege granted under s. 379.353. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 379.353 and 379.354 may not be acquired for a 3-year period following the date of the violation.

3. A person who commits a violation of s. 379.354(17) shall receive a mandatory fine of $1,000. Any privileges under ss. 379.353 and 379.354 may not be acquired for a 5-year period following the date of the violation.

(4) LEVEL FOUR VIOLATIONS.—

(a) A person commits a Level Four violation if he or she violates any of the following provisions:

1. Section 379.354(16), prohibiting the making, forging, counterfeiting, or reproduction of a recreational license or the possession of same without authorization from the commission.

2. Section 379.365(2)(c), prohibiting criminal activities relating to the taking of stone crabs.

3. Section 379.366(4)(c), prohibiting criminal activities relating to the taking and harvesting of blue crabs.

4. Section 379.367(4), prohibiting the willful molestation of spiny lobster gear.

5. Section 379.3671(2)(c)5., prohibiting the unlawful reproduction, possession, sale, trade, or barter of spiny lobster trap tags or certificates.

6. Section 379.404(5), prohibiting the sale of illegally taken deer or wild turkey.

7. Section 379.4041(2), prohibiting the sale of illegally taken bears.

8. Section 379.405, prohibiting the molestation or theft of freshwater fishing gear.

9. Section 379.409, prohibiting the unlawful killing, injuring, possessing, or capturing of alligators or other crocodilia or their eggs.

10. Section 379.411, prohibiting the intentional killing or wounding of any species designated as endangered, threatened, or of special concern.

11. Section 379.4115, prohibiting the killing of any Florida or wild panther.

(b) A person who commits a Level Four violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) ILLEGAL ACTIVITIES WHILE COMMITTING TRESPASS.—In addition to any other penalty provided by law, a person who violates the criminal provisions of this chapter or rules or orders of the commission by illegally killing, taking, possessing, or selling fish and wildlife in or out of season while violating chapter 810 shall pay a fine of $500 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this subsection shall be remitted by the clerk of the court to the Department of Revenue to be deposited into the State Game Trust Fund.

(6) SUSPENSION OR FORFEITURE OF LICENSE.—The court may order the suspension or forfeiture of any license or permit issued under this chapter to a person who is found guilty of committing a violation of this chapter.

(7) CONVICTION DEFINED.—As used in this section, the term “conviction” means any judicial disposition other than acquittal or dismissal.

History.—s. 6, ch. 21945, 1943; s. 1, ch. 23750, 1947; s. 11, ch. 25035, 1949; s. 9, ch. 26766, 1951; s. 7, ch. 69-216; s. 316, ch. 71-136; s. 3, ch. 91-134; s. 586, ch. 95-148; s. 40, ch. 2000-362; s. 32, ch. 2002-46; s. 20, ch. 2006-304; s. 22, ch. 2007-223; s. 37, ch. 2008-111; s. 168, ch. 2008-247; s. 41, ch. 2009-86; s. 5, ch. 2010-185; s. 2, ch. 2014-107; s. 14, ch. 2014-136; s. 11, ch. 2015-161; s. 20, ch. 2016-107; s. 22, ch. 2019-58; s. 1, ch. 2020-66.

Note.—Former s. 372.83.

379.409 Illegal killing, possessing, or capturing of alligators or other crocodilia or eggs; confiscation of equipment.--

(1) It is unlawful to intentionally kill, injure, possess, or capture, or attempt to kill, injure, possess, or capture, an alligator or other crocodilian, or the eggs of an alligator or other crocodilian, unless authorized by the rules of the Fish and Wildlife Conservation Commission. Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, in addition to such other punishment as may be provided by law. Any equipment, including but not limited to weapons, vehicles, boats, and lines, used by a person in the commission of a violation of any law, rule, regulation, or order relating to alligators or other crocodilia or the eggs of alligators or other crocodilia shall, upon conviction of such person, be confiscated by the Fish and Wildlife Conservation Commission and disposed of according to rules and regulations of the commission. The arresting officer shall promptly make a return of the seizure, describing in detail the property seized and the facts and circumstances under which it was seized, including the names of all persons known to the officer who have an interest in the property.

(2) The commission shall promptly fix the value of the property and make return to the clerk of the circuit court of the county wherein same was seized. Upon proper showing that any such property is owned by, or titled in the name of, any innocent party, such property shall be promptly returned to such owner.

3) The provisions of this section shall not vitiate any valid lien, retain title contract, or chattel mortgage on such property in effect as of the time of such seizure.

(4) A person who violates this section commits a Level Four violation under s. 379.401, in addition to such other punishment as provided by law.

History.--s. 1, ch. 70-1; s. 1, ch. 70-439; s. 312, ch. 71-136; s. 1, ch. 91-134; s. 144, ch. 99-245; s. 177, ch. 2008-247; s. 22, ch. 2016-107.

Note.--Former s. 372.663.

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.

History.—s. 12, ch. 2015-161.