

Florida Fish and Wildlife Conservation Commission

Legislative Affairs Office

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2015 Session Legislative Proposal Alligator Statutes

Title: Modify Alligator Statutes

Submitted by: Division of Hunting and Game Management

I. Summary of the Proposal

This proposal makes changes to the alligator statutes to accompany the changes to the alligator management program approved by the Fish and Wildlife Conservation Commissioners in June 2014. It provides exemptions from the alligator trapping licenses for minors, military and disabled veterans special events, permanently disabled residents, and contracted nuisance alligator trappers. It also modifies certain penalties and repeals sections of statutes that have been incorporated into the alligator rules or that are obsolete.

II. Present Situation

Alligators and Alligator Management in Florida

The American alligator (alligator) is a reptile scientifically classified in the Family Alligatoridae. Alligators occur from southeast Oklahoma and east Texas on the western side of their range to North Carolina and Florida in the east. They prefer fresh water lakes and slow-moving rivers and their associated wetlands, but they also can be found in brackish water habitats. There are approximately 1.3 million alligators of all sizes in Florida, and can be found in all 67 counties.

Harvesting of alligators went unregulated through the early 1900's. In 1943, concerns about population declines in easily accessible areas stimulated establishment of a four-foot minimum harvest size limit (the first statewide alligator regulation). In spite of this regulation, declines continued. In 1954, a statewide six-foot minimum size limit was imposed on alligator harvest, and eventually, in 1962, the legal alligator harvest season was closed. Alligators were included on the first list of endangered species under the Endangered Species Act (7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.) in 1967. In 1970, federal regulations were imposed through an amendment to the Lacey Act (16 U.S.C. §§ 3371–3378, 18 U.S.C. §§ 42–43) that outlawed interstate commerce of alligators taken illegally. This regulation gave enforcement officials the tool to effectively target poaching, and alligator populations in areas where declines had been observed began to make an impressive comeback.

By the mid-1970's, alligator population surveys conducted by the Game and Freshwater Fish Commission (GFC, a predecessor agency to the Fish and Wildlife Conservation Commission) indicated that the Florida population was recovering rapidly. By the late 1970's, GFC was

receiving 4,000 to 5,000 nuisance alligator complaints annually. Generally, alligators are considered a nuisance when they are at least four feet in length and pose a threat to people or their pets or property. Alligators less than four feet in length are usually not considered a nuisance because they are:

- Naturally fearful of people;
- Not generally capable of eating anything larger than a small turtle -- they eat small fish, frogs, and other small animals; and
- Not capable of inflicting serious wounds to people or pets.

However, alligators less than four feet in length do wind up in places (pools, carports, boardwalks) that require removal and they are relocated to nearby wetland habitat.

Since alligators were recovering, in 1977, the status of Florida's alligator population was reclassified from endangered to threatened by the U. S. Fish and Wildlife Service. This change in status allowed FWC to initiate management of the nuisance alligator problem through harvest, which continues today as the Statewide Nuisance Alligator Program (discussed in detail below).

By 1987, the alligator was considered fully recovered in all of its range states, and its federal listing status was changed to "Threatened Due to Similarity of Appearance" with another listed species, which does not imply that alligator populations are threatened. The purpose of this listing is to recognize that alligators look similar to crocodiles, and to provide safeguards to other imperiled crocodylians, such as the American crocodile (which occur in south Florida) and the black caiman (which occurs in South America), by regulating the legal trade in alligator products. This listing allows for state-approved management and control programs.

The alligator program statutes have remained almost completely substantively unchanged since they were enacted in 1987-1988. At that time, great uncertainty and concerns existed among stakeholders about re-establishing alligator harvesting since alligators had only recently been declared recovered after being federally listed as endangered in 1967. Initially, alligator harvests were designed to be completely commercially oriented, with program participants and landowners profiting from the sale of the hides and meat from harvested alligators as an incentive to managing the alligator resource for its long-term well being and the subsequent well being of other wetland wildlife. Over time, the public has sought, and the recovering population of alligators has warranted, more recreational harvesting opportunities.

In September 2013, the Fish and Wildlife Conservation Commission (FWC) hosted an online poll regarding conceptual changes to the alligator statutes. Nearly 1,300 persons participated. FWC's Alligator Management Standing Team drafted a set of rule changes to address the conceptual statutory changes, and made the draft rules available through the MyFWC.com/Alligator website with instructions on how to provide direct input and comments. Staff also hosted a draft rules webinar. The draft rule changes were presented to the Commission at their April 2014 meeting. Final notices of rule proposals were made available for direct commenting through the MyFWC.com/Alligator website. Final rules were adopted by the Commission at their June 2014 meeting.

Current alligator management programs in Florida, implemented by FWC, emphasize the conservation of alligator populations while providing for public harvest and safety. FWC offers three programs that provide for harvesting non-hatchling alligators from the wild: (1) Statewide Alligator Harvest Program, (2) Private Lands Alligator Management Program, and (3) Statewide Nuisance Alligator Program.

Statewide Alligator Harvest Program

Each year, FWC establishes “alligator management units.” The agency surveys the population of alligators in a given area and using this information establishes appropriate harvest quotas to provide recreational opportunities for the public to harvest alligators in these alligator management units. Both residents and nonresidents may participate, but the program is a limited entry program, meaning that a limited number of participants may legally harvest alligators in each alligator management unit. A map of alligator management units for 2014 can be accessed at <http://myfwc.com/media/2782448/Alligator-Hunt-Units-Map.pdf>

Those wishing to participate in the Statewide Alligator Harvest Program must submit an application designating the alligator management units on which they wish to harvest. There is no cost to apply. A copy of the 2014 application can be accessed at <http://myfwc.com/media/2538605/alligator-hunt-permit.pdf>

Through a three phase selection process, each selected participant is issued harvest permits for a specific alligator management unit. The permit specifies the boundaries and exclusions of the alligator management unit. Each permit authorizes the take of two alligators and is accompanied by two hide validation (CITES – Convention on the International Trade of Endangered Species) tags (see explanation below), one of which must be affixed to each harvested alligator.

Participants are selected by random drawing during phase I and phase II. Once drawings are conducted for these phases, successful applicants must purchase their license (if they have not already) and hide validation/CITES tags (see explanation below) by specified deadlines. Permits, awarded to persons who fail to purchase their license and tags by the deadlines in phase I, become available in phase II. Permits, awarded to persons who fail to purchase their license and tags by phase II deadlines, become available on a first come first served basis during phase III.

Phase II is open only to persons who have not been issued a harvest permit from phase I. Phase III is open to anyone, including those who already have a harvest permit from either phase I or II. In phase III, a person may obtain additional harvest permits (one permit at a time) until the leftover permits carried forward from phase II are issued. In 2014, application submission began on April 25, and the issuance of all permits was complete by June 20. Currently, nearly 6,000 permits are issued annually; more than 18,000 applications are received.

Each harvest permit is assigned to one of four, one-week, harvest periods during the annual harvest season – August 15 to November 1 – to help spread out hunting pressure and avoid overcrowding. For most harvest areas, harvest periods follow:

- Period 1 - 5:00 p.m. on August 15 until 10:00 a.m. on August 22
- Period 2 - 5:00 p.m. on August 22 until 10:00 a.m. on August 29
- Period 3 - 5:00 p.m. on August 29 until 10:00 a.m. on September 5
- Period 4 - 5:00 p.m. on September 5 until 10:00 a.m. on September 12
- Period 5 - 5:00 p.m. on September 12 until 10:00 a.m. on November 1 - this period is for all permittees if they have any unused hide validation/CITES tags (see explanation below) after their assigned harvest period.

Permittees are allowed to search for alligators prior to legal hunting hours as long as their harvest equipment is not readily accessible (e.g., disassembled and stowed away).

Individuals who have not been selected to receive a permit may purchase an alligator trapping agent license (agent license) and assist an individual legally licensed and possessing a permit (see explanation below).

A Florida recreational hunting license is not required to participate in the statewide alligator harvest program.

Alligators must be humanely killed and tagged with a hide/CITES tag immediately in the Statewide Alligator Harvest Program. An alligator hide/CITES tag issued by FWC must be locked through the skin of the alligator within six inches of the tip of the tail. The tag must remain attached to the alligator hide at all times until the carcass/hide is tanned (preserved by making it into leather using chemicals), taxidermy mounted, or exported from the State. No person may possess any untagged alligator carcass or hide. Catching and releasing alligators is not legal.

An alligator harvest report form must be completed within 24 hours of the harvest of any alligator in this program and prior to the transfer of the carcass to any processing facility. A copy of the alligator harvest report form must accompany the alligator carcass until processing. Reports must be submitted to FWC by November 15 (two weeks after the end of the harvest season).

Meat from alligators harvested in this program may be processed by anyone if the meat is kept for personal consumption and not sold. If the harvester wishes to sell meat from harvested alligators, he/she must have the alligators processed at a licensed alligator processing facility. Alligator meat harvested from areas with high mercury levels in the alligator meat may not be sold for public health purposes. Hides of lawfully harvested alligators may be kept for personal use or sold to licensed fur and hide dealers.

Regulations governing the Statewide Alligator Harvest Program are located in Rule 68A-25.042, Florida Administrative Code. Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts are located in Rule 68A-25.052, Florida Administrative Code. The number of alligators harvested through the Statewide Alligator Harvest Program each year from 2009 through 2013 is listed in the table below:

YEAR AVG. LENGTH TOTAL # HARVESTED
(ft) (inches)

YEAR	AVG. LENGTH (ft)	(inches)	TOTAL # HARVESTED
2009	8	0	7,844
2010	7	10.9	7,654
2011	8	1.2	8,103
2012	8	3.5	6,709
2013	8	3.7	8,014

Licenses/Permits/CITES Tags for Statewide Alligator Harvest Program

There is no cost to apply to participate in the Statewide Alligator Harvest Program. If successful in the drawing for a permit, participants can purchase the necessary licenses and tags following their selection, but they must be acquired by the designated deadline or the permit will be returned to the pool for the next phase's drawing.

In order to participate in the Statewide Alligator Harvest Program, an individual must purchase an alligator trapping license (or, in the alternative, an alligator trapping agent license – see below). An alligator trapping license costs \$250 for a Florida resident, and \$1000 for a nonresident (plus administrative fees), as per section 379.3751, F.S. A Florida recreational hunting license is not required to participate in the statewide alligator harvest program.

In addition to the alligator trapping license, individuals selected for participation are issued a statewide alligator harvest permit. All permits are no cost, non-transferrable, and are specific to a designated alligator management unit.

With each permit, an individual is issued two (2) alligator hide validation/CITES tags. For the first harvest permit issued to a person, a fee of \$10 is assessed for each of two tags issued with the permit. If an individual is issued additional statewide alligator harvest permits, a fee of \$30 is assessed for each tag issued with the supplemental permits (see section 379.3752, F.S.).

Individuals who have not been selected to receive a permit may purchase an alligator trapping agent license (agent license) and assist an individual legally licensed and possessing a permit. These agents must be in the permit holder's presence. Agent's licenses are \$50 for residents and nonresidents (see section 379.3751, F.S.). A Statewide Alligator Harvest Program permittee may have an unlimited number of agents with him/her, but the permit holder must be present during the attempted harvest and every agent must hold a valid alligator trapping license or alligator trapping agent license.

Individuals with an alligator trapping license may assist other licensed trappers without purchasing an agent's license. Those possessing an alligator trapping license, those licensed and approved to harvest on private lands (see below), and those licensed and contracted as nuisance alligator trappers (see below), may take alligators during the statewide alligator harvest season provided they are in the presence of the person permitted to take alligators on the specific management unit. The permit holder must be present during all attempted harvest activities. Unlicensed persons may accompany licensed alligator harvesters as long as they do not participate in the activities that involve the take of an alligator.

More than 10,000 persons, annually, participate in the Statewide Alligator Harvest Program as harvest permit holders or as agents harvesting with permit holders.

Alligator Trapping Licenses Issued for Recreational Hunt

2014: 5,338
2013: 5,996
2012: 5,475
2011: 5,819
2010: 4,564

Alligator Trapping Agent Licenses Issued for Recreational Hunt

2014: 4,757
2013: 5,240
2012: 4,988
2011: 5,134
2010: 4,061

Alligator Permits Issued for Recreational Hunt

2014: 5,338 individual permits; 524 additional permits
2013: 5,996 individual permits; 367 additional permits
2012: 5,475 individual permits; 235 additional permits
2011: 5,819 individual permits; 1,084 additional permits
2010: 4,564 individual permits; 1,480 additional permits

Private Lands Alligator Management Program

The Private Lands Alligator Management Program was established as a mechanism for landowners to sustainably harvest alligators on their property. To participate in this program, applicants must own or lease a parcel of alligator habitat. A group of landowners or authorized lessees may apply jointly. 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 are also eligible for inclusion in this program.

For a property to be considered for inclusion in the Private Lands Alligator Management Program, a completed application must be submitted to FWC each year, including annual information about the alligator habitat and/or alligator population on the pertinent lands through alligator surveys or inventories. Using this information, FWC determines if the private land can sustain alligator harvest, and, if so, establishes a sustainable harvest quota for the property, and issues a harvest permit to the applicant.

The person permitted to harvest on private lands may be the landowner or applicant, or another designated individual. Applicants may submit a written request to change the harvest designee after the application has been submitted. FWC provides approved applicants with harvest permits and CITES tags equal to the harvest quota.

Individuals other than the private lands harvest designee may harvest an alligator using the permit and tags issued to the designee, and these agents do not have to be in the permit holder's presence. They must be licensed, however, with either an alligator trapping license or an alligator trapping agent license.

Non-hatchling alligators may be taken under the program year round. Any alligators captured must be killed before leaving the property. Alligators must be tagged 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 must be tagged immediately upon kill except that alligators captured from a boat must be tagged no later than immediately upon return to shore and before leaving the property. An alligator CITES tag issued with the harvest permit must be locked through the skin of the alligator within six inches of the tip of the tail. The hide/ CITES tag must remain attached to the alligator hide at all times until the hide is tanned, taxidermy mounted, or exported from the State. The possession of any untagged alligator hide is prohibited.

An alligator harvest report form must be completed within 24 hours of the harvest of any alligator in this program and prior to the transfer of the carcass to any processing facility. A copy of the alligator harvest report form must accompany the alligator carcass until processing. Reports must be submitted to FWC by January 15 (two weeks after the end of the calendar year).

Under the private lands alligator management program, the permittee or licensed agent may kill and process the alligator for its hide and meat, or may transfer the live animal to a legally licensed alligator farm, animal exhibit, or zoo.

Licenses/Permits/CITES Tags for Private Lands Alligator Management Program

Persons issued a harvest permit under the program must purchase an alligator trapping license from FWC at a cost of \$250 for Florida residents and \$1,000 for non-residents (see section 379.3751, F.S.). If assisting the permittee, an alligator trapping agent license is required at a cost of \$50 for both residents and nonresidents (see section 379.3751, F.S.). Harvest permits and hide validation /CITES tags for the private lands program are issued at no cost.

Regulations governing the Private Lands Alligator Management Program are located in Rule 68A-25.032, Florida Administrative Code. Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts are located in Rule 68A-25.052, Florida Administrative Code.

More than 150 properties participate in the Private Lands Alligator Management Program each year, representing over two million acres of private lands. The following table shows the number of tags issued and alligators harvested in the Private Lands Alligator Management Program for the last five years:

Year	Tags Issued	Alligators Harvested
2009	7,948	2,097
2010	6,338	1,669
2011	8,326	2,855
2012	8,887	3,708
<u>2013</u>	<u>10,699</u>	<u>4,059</u>
Totals	42,198	14,388

Statewide Nuisance Alligator Program

Individuals with concerns about an alligator can contact FWC's Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Generally, an alligator may be deemed a nuisance if it is at least four feet in length and the caller believes it poses a threat to people, pets or property. Smaller alligators do wind up in places (pools, carports, boardwalks, etc.) that require removal and they are relocated to nearby wetland habitat.

FWC contracts with private individuals, called nuisance alligator trappers, throughout the State to remove problem alligators. Nuisance alligator trappers are not State employees. If a nuisance complaint is received from a person about an alligator 4 feet or greater in length, who believes the alligator is a threat to public safety, pets, or property and can grant access to where the problem alligator is located, FWC will issue a specific permit to a contracted nuisance alligator trapper authorizing the removal of that specific alligator. Removal of nuisance alligators is not done on private or publicly managed property without first obtaining permission from the property owner or management authority.

In some areas of the State, several contracted trappers share the load of responding to nuisance alligator complaints on a rotating basis to equitably spread the complaint load. The public cannot hire or provide authorization to a nuisance alligator trapper to remove a nuisance alligator. Nuisance alligators may only be handled by FWC-contracted nuisance alligator trappers. Contracted nuisance alligator trappers are supplied with hide/CITES tags at the beginning of each year, which must be attached to the alligator within 6 inches of the tip of the tail upon killing the animal.

Contracted trappers are allowed to use designated agents who can operate independently of them, but the agent must be in possession of the harvest permit and tags issued to the contracted nuisance alligator trapper. The trapper is ultimately responsible for the activities of his/her agents. These designated agents must either possess an alligator trapping license or an alligator trapping agent license.

Currently, FWC contracts with 115 nuisance alligator trappers, who utilize 193 designated agents.

When a nuisance alligator trapper removes an alligator, it becomes the property of the trapper. Under the statewide nuisance alligator program, the contracted trapper or designated agent may kill and process/sell the alligator for its hide and meat, or may transfer the live animal to a legally licensed alligator farm, animal exhibit, or zoo.

Florida does not allow the relocation of nuisance alligators. Relocated alligators often return to their capture site. During their return travel, they can create problems for people or other alligators along the way. If an alligator successfully returns, capturing it again would be necessary and likely more difficult the second time.

Rule 65A-25.003, Florida Administrative Code, governs the Statewide Nuisance Alligator Program.

The following table shows the number of nuisance alligator complaints received by FWC, the number of permits to remove nuisance alligators, and the resulting number of nuisance alligators captured in the Statewide Nuisance Alligator Program from 2009-2013.

Year	Complaint Received	Permits Issued	Alligators Captured
2009	14,380	10,853	7,174
2010	14,312	10,706	5,856
2011	15,645	11,847	6,995
2012	16,873	12,733	7,975
<u>2013</u>	<u>15,036</u>	<u>11,535</u>	<u>6,605</u>
Totals	428,146	330,836	34,605

Licenses/CITES Tags/Stipend for Statewide Nuisance Alligator Program

Nuisance alligator trappers must purchase an alligator trapping license. An alligator trapping license costs \$250 for a Florida resident, and \$1000 for a nonresident (see section 379.3751, F.S.). Permits and hide validation/CITES tags are issued at no cost. An alligator trapping agent's license is \$50 for residents and nonresidents (see section 379.3751, F.S.).

Nuisance alligator trappers receive a stipend from the State of \$30 per captured alligator, until all funds are expended. Currently, there is a recurring annual allocation in FWC's budget of \$210,000 for these payments.

Though Florida statutes exempt some people from having to possess recreational hunting licenses (see section 379.353, F.S.) for many hunting activities, all alligator program licenses are issued under a nonrecreational licensing statute that does not provide for exemptions (section 379.3751, F.S.).

Alligator Trapping Guides

Alligator trapping guides provide packaged hunts to people who would like to hunt an alligator. The guide must possess a harvest permit as a direct participant under one of FWC's established

programs (Statewide Alligator Harvest Program, Private Lands Alligator Management Program, or Statewide Nuisance Alligator Program). The guide then solicits clients. Guides also provide assistance and equipment to unskilled participants who have been issued their own harvest permit to take alligators from the wild.

Alligator trapping guides must possess an Alligator Trapping License from FWC when guiding under their own harvest permit or an Alligator Trapping Agent's License if assisting an unskilled participant who has his/her own harvest permit. The resident fee is \$250; the non-resident fee is \$1000. Typically, guides pay for the alligator trapping agent licenses when taking clients on a hunt under the guide's permit. The Alligator Trapping Agent License must be obtained from FWC at a cost of \$50; the fee is the same for resident and non-residents.

Public Waters Alligator Egg Collection Program

The Public Waters Alligator Egg Collection Program permits the collection of alligator eggs from public waters by up to 30 licensed and permitted alligator farmers in order to provide a consistent source of rearing stock. The number of farms allowed to participate is restricted due to the limited availability of eggs in the wild. Restricted access effectively guarantees continued access to a finite source of eggs.

Alligator Management Program staff review and recommend alligator egg collection areas for establishment annually. Candidate areas are located based on staff familiarity with their region and suggestions provided by other personnel and the public. Commission staff analyze and assess reproductive trends for each egg collection area and establish a collection quota of 25% to 100% of the non-depredated, non-flooded nests observed during onsite collections under direct supervision of Commission biologists. Collected eggs are then transferred to the 30 farmers who then can incubate and hatch them or transfer the eggs to other persons permitted to receive alligator eggs from the wild.

An alligator egg collection permit must be obtained from FWC before collecting alligator eggs under this program. The fee for such permit is set by FWC Commissioners who are statutorily authorized to charge up to \$5 per egg retained.

Alligator Farming

Alligator farming in Florida is a commercial activity and has been ongoing since the 1970s. Beginning in 1988, licensed and permitted farmers became heavily reliant on wild egg and wild hatchling stock to support the continued growth of the industry. Despite periodically depressed alligator hide market conditions during the last decade, the number of alligator farms since 2002 has remained relatively stable at around 60. Alligator inventories have continued to be sustained at above 80,000 animals with nearly 20,000 alligators being harvested annually for their hides and meat.

Alligator farmers must obtain an Alligator Farming License from FWC at a cost of \$250. The fee is the same for residents and non-residents. Alligator farmers may employ assistants to help conduct alligator activities outside of the farm, e.g. pickup or transport alligators, conduct an

offsite transaction, etc.; these assistants must obtain an Alligator Farming Agent's License from FWC at a cost of \$50. The fee is the same for residents and non-residents.

Alligator Fur/Hide Dealers

An alligator fur and hide dealer solicits, brokers, or otherwise buys unpreserved lawfully acquired and tagged alligator hides for the purpose of selling the hides to commercial tanneries or manufacturers of alligator hide products. Dealers do not, under their license, harvest any part of the alligator resource, but instead play a role in the final disposition of alligator hides. They are required to keep track of from whom and the quantities of hides they are purchasing and report that information to FWC for tracking and resource monitoring purposes.

Alligator fur/hide dealers must obtain a Fur and Hide Dealer's License from FWC. The resident fee is \$100; the non-resident fee is \$500.

Alligator Meat Processors

Alligator meat processors are required to be inspected and approved by the Department of Agriculture and Consumer Services before they are issued a no cost Alligator Meat Processing Facility Permit by FWC. Alligator meat processors buy alligator carcasses from other alligator meat processors, alligator farmers, and program participants permitted to take alligators from the wild. They also import lawfully acquired alligator meat from out of state for reprocessing/ repackaging for wholesale and retail sale.

Alligator meat processors must obtain an Alligator Processor's License from FWC at a cost of \$250 or already be in possession of an Alligator Farming License or Alligator Trapping License. The fee is the same for residents and non-residents.

Alligator Marketing and Education – Department of Agriculture and Consumer Services

Pursuant to a contract executed in 1993, \$5 for every hide validation/CITES tag affixed to alligators taken from the wild through the private lands and nuisance alligator harvest programs is transferred to the Department of Agriculture and Consumer Services (DACS). Additionally, \$1 for every alligator egg taken from public waters is transferred to DACS. These transfers are in support of alligator marketing and education activities overseen by DACS' Division of Marketing, Bureau of Seafood and Aquaculture.

Due to wide fluctuations in hide prices and the negative impacts this can have on the industry, alligator marketing and education activities help to temper these impacts through the education and promotion of alligator meat, leather, and other by-products to the general public and commercial purchasers. The broad goals of Florida's alligator marketing and education projects are to communicate: (1) the beauty, value and unique nature of American alligator leather items, (2) the flavor, nutritional quality, wholesomeness and gourmet allure of American alligator meat products, (3) the American alligator as a renewable resource, (4) the purchase of an American alligator product as an investment in the sustainable use of the alligator and its habitat, and (5) that recreational and commercial activities provide revenues to support alligator management

and research programs and provide revenues to private landowners who maintain valuable wetland ecosystems.

Alligator Related Licenses and Fees

License Name	Fee
Resident Alligator Trapping License	\$250
Non-Resident Alligator Trapping License	\$1,000
Alligator Trapping Agent's License (resident and non-resident)	\$50
Alligator Hide Validation (CITES) Tag	up to \$30/tag
Resident Fur and Hide Dealer's License	\$100
Nonresident Fur and Hide Dealer's License	\$500
Egg Permit	up to \$5/egg
Alligator Farming License (resident and non-resident)	\$250
Alligator Farming Agent's License (resident and non-resident)	\$50
Alligator Processor's License (resident and non-resident)	\$250

Current Penalties for Violating Alligator Management Strategies

Penalties for violating alligator regulations fall under either a non-criminal infraction, 2nd degree misdemeanor, 1st degree misdemeanor, and in the case of illegal killing, injury, or possession, a 3rd degree felony. The violations, penalties, and citations issued in the last four years follow:

379.3014 Unlawful sale, possession, or transporting of alligators or alligator skins – 1st degree misdemeanor with increased penalties for repeat offenders. In the last four years, 38 citations have been issued.

379.3015 Prima facie evidence to intent to violate laws protecting alligators (use of firearms and light at night where alligators might be known to be present) – 2nd degree misdemeanor with increased penalties for repeat offenders. In the last four years, 11 citations have been issued.

379.3016 Unlawful to sell alligator products; penalty (stuffed baby animals) – 1st degree misdemeanor. In the last four years, 0 citations have been issued.

379.3017 Word “alligator” or “gator” not to be used in certain sales – 2nd degree misdemeanor. In the last four years, 0 citations have been issued.

379.364 License required for fur and hide dealers – 2nd degree misdemeanor with increased penalties for repeat offenders. In the last four years, 0 citations have been issued.

379.3751 Taking and possession of alligators; trapping licenses; fees – 2nd degree misdemeanor with increased penalties for repeat offenders. In the last four years, 20 citations have been issued.

379.3752 Required tagging of alligators and hides; fees; revenues – 2nd degree misdemeanor with increased penalties for repeat offenders. In the last four years, 0 citations have been issued.

379.401 Penalties and violations; civil penalties for non-criminal infractions; criminal penalties;

suspension and forfeiture of licenses and permits – rules/orders of the Commission for not filing required reports – non-criminal infraction with increased penalties for repeat offenders; rules/order of the Commission for taking wildlife out of season, violating bag limits, violating tagging requirements, or rules/orders of the Commission pertaining to alligators that are not otherwise specified – 2nd degree misdemeanor with increased penalties for repeat offenders. In the last four years, 799 citations have been issued.

379.409 Illegal killing, possessing, or capturing of alligators or other crocodilia or eggs; confiscation of equipment – 3rd degree felony and confiscation of equipment. In the last four years, 40 citations have been issued.

379.2255 Wildlife Violator Compact Act – authorizes reciprocal license suspensions for participating states.

III. Effect of Proposed Changes

This proposal would make changes to Florida's alligator statutes by:

- Exempting minors under the age of 16 who are taking alligators under a Commission alligator harvest program from the requirement to possess an alligator trapping agent license.
- Exempting participants in outdoor recreational events permitted by FWC for disabled veterans and active and reserve duty military from the requirement to possess an alligator trapping license or alligator trapping agent license while participating in the event.
- Exempting permanently disabled residents from having to purchase an alligator hunting or hunting assistant license.
- Repealing the alligator trapping license requirement for FWC-contracted nuisance alligator trappers, when taking nuisance alligators. These persons would have to possess appropriate alligator-related licenses if participating in other alligator management program elements.
- Clarifying that a wildlife management area permit is not required for any person permitted to take alligators on such areas.
- Clarifying that \$1 from every alligator egg collected in the public waters egg collection program and retained under an alligator egg collection permit and \$5 from every alligator hide validation (CITES) tag used in either the statewide nuisance alligator or private lands alligator management programs shall be transferred to the the Department of Agriculture and Consumer Services for alligator marketing and education, only if the Legislature provides an annual appropriation.

- Reducing the penalty for selling any alligator product manufactured in the form of a stuffed baby alligator or other baby crocodilia, and the sale of any alligator product manufactured from an endangered species from a 1st degree misdemeanor to a 2nd degree misdemeanor with increased penalties for repeat offenders.
- Clarifying language to make it consistent with Florida Administrative Code.
- Deleting statutory provisions that are antiquated and no longer necessary or that are duplicative of provisions found Commission rule.

IV. Impact on All Pertinent Statutes/Rules/Constitution

[Additional Comments on Statute Below: "Alligator hatchling" definition is redundant with existing Commission rule and other definitions are no longer needed in aid of regulating and managing the alligator resource. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

~~**379.3011 Alligator trapping program; definitions.**—Unless otherwise provided by a specific section or the context otherwise requires, as used in ss. 379.3011, 379.3012, 379.3751, and 379.3752, the following definitions shall apply:~~

~~(1) "Alligator" means a member of the species of alligator (*Alligator mississippiensis*) but does not mean its eggs.~~

~~(2) "Alligator hatchling" means a juvenile alligator as more specifically defined by commission rule.~~

~~(3) "Process" or "processing" means the skinning, butchering, or possession of alligators.~~

~~History.—s. 2, ch. 87-199; s. 98, ch. 2008-247.~~

~~Note.—Former s. 372.6671.~~

[Additional Comments on Statute Below: Deleted language/policy no longer needed. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

~~**379.3012 Alligator management and trapping program implementation; commission authority.**--~~

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

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

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

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

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

- ~~1. All grading-related services to be provided pursuant to this section;~~
- ~~2. Criteria for qualifications of persons to serve as hide-graders for grading services to be provided pursuant to this section; and~~
- ~~3. The certification process by which hide-graders providing services pursuant to this section will be certified.~~

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

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

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

~~Note.—Former s. 372.6672.~~

[Additional Comments on Statute Below: Policy redundant with commission rules. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

~~**379.3013 Alligator study requirements.**—The commission shall conduct studies of all areas of the state which it intends to open to alligator collection permits. The study shall include individual wet areas, lakes, and rivers, or reasonable numbers of wet areas, lakes, and rivers that may be logically grouped. The studies shall determine the safe yield of alligators for which collection permits may be issued. The studies shall be based upon the best biological information that indicates the number of alligators which can be removed from the system without long-term adverse impacts on population levels.~~

~~History.—s. 6, ch. 87-199; s. 100, ch. 2008-247.~~

~~Note.—Former s. 372.6678.~~

[Additional Comments on Statute Below: Subsections 1 and 2 are redundant with existing Commission rule. The penalty for violating the existing Commission rule is Level Two, which represents a penalty decrease but still a criminal violation. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

~~**379.3016 Unlawful to sell alligator products; penalty.**—~~

~~(1) It is unlawful for any person to sell any alligator product manufactured in the form of a stuffed baby alligator or other baby crocodylia.~~

~~(2) No person shall sell any alligator product manufactured from a species which has been declared to be endangered by the United States Fish and Wildlife Service or the Fish and Wildlife Conservation Commission.~~

~~(3) Any person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~History.—s. 1, ch. 70-3; s. 313, ch. 71-136; s. 1, ch. 71-299; s. 107, ch. 71-355; s. 1, ch. 81-191; s. 1, ch. 85-188; s. 7, ch. 87-199; s. 54, ch. 91-224; s. 146, ch. 99-245; s. 103, ch. 2008-247.~~

~~Note.—Former s. 372.6645.~~

[Additional Comments on Statute Below: Policy redundant with commission rules. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

~~**379.3017 Word "alligator" or "gator" not to be used in certain sales.**—It is unlawful for any person to use the word "gator" or "alligator" in connection with the sale of any product derived or made from the skins of other crocodilia or in connection with the sale of other crocodilia. Any person violating this section shall, upon conviction, be guilty of a misdemeanor.~~

~~History.—s. 1, ch. 69-312; s. 104, ch. 2008-247.~~

~~Note.—Former s. 372.665.~~

[Additional Comments on Statute Below: The proposed changes to subsection 1 are to clarify current language and to ensure all uncured alligator hides are covered as originally intended by this policy. The proposed change to subsection 2 is to remove unnecessary language and make the language consistent with subsection 3. The reporting and shipping details in subsection 4 were adopted into Commission rule in June 2014. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

379.364 License required for fur and hide dealers.--

(1) It is unlawful for any person to engage in the business of a dealer or buyer in green or dried alligator hides skins or green or dried furs in the state or purchase such hides or furs skins within the state until such person has been licensed as herein provided.

(2) Any person resident dealer or buyer who solicits business through the mails, or by advertising, or who travels to buy or employs or has other agents or buyers, shall be deemed a dealer resident state dealer and must pay a license fee of \$100 per annum.

(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.

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

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.

Note.--Former s. 372.66.

[Additional Comments on Statute Below: The proposed change to paragraph (1)(a) is to clarify that licenses detailed under this section are “commercial” and to clarify/provide consistency with existing practices by licensed persons who handle all parts of the alligators.]

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

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

[Additional Comments on Statute Below: This paragraph was adopted into Commission rule in June 2014 – see 68A-25.002, FAC. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated]

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

~~(be) No person who has been convicted of any violation of s. 379.3015 or s. 379.409 or the rules of the commission relating to the illegal taking of crocodylian species shall be issued eligible for issuance of a license for a period of 5 years subsequent to such conviction. In the event such violation involves the unauthorized taking of an endangered crocodylian species, no license shall be issued for 10 years subsequent to the conviction.~~

[Additional Comments on Statute Below: New paragraph (1)(c) is to exempt contracted nuisance alligator trappers from needing an Alligator Trapping License. The effect will be to lessen the financial impact on persons who are providing a valuable public service to FWC and the citizens of Florida and help recruit and retain contracted service providers.]

(c) An alligator trapping license is not required for persons taking nuisance alligators pursuant to a contract with the Commission. Persons assisting contracted nuisance alligator trappers, unless otherwise exempt in (1)(d), (1)(e), or (1)(f) below, are required to possess an alligator trapping agent’s license as provided in paragraph (2)(b) or (2)(c), below.

[Additional Comments on Statute Below: New paragraph (1)(d) is to exempt children under 16 to support youth hunting. New paragraph (1)(e) is to exempt “wounded warriors” and current military from needing an alligator trapping or alligator trapping agent license while engaged in a Commission sponsored event. This will enhance the State’s support of military/disabled veterans. New paragraph (1)(f) is to exempt permanently and totally disabled from needing these licenses, as well.]

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

(e) An alligator trapping license or alligator trapping agent license is not required for any person taking alligators under a Commission Military/Disabled Veterans Event Permit issued pursuant to s. 379.353(2)(g).

(f) An alligator trapping license or alligator trapping agent license is not required for any resident who is totally and permanently disabled.

(g) A management area permit is not required for any person engaged in the taking of alligators under a Commission issued permit.

[Additional Comments on Statute Below: The changes to this subsection requires FWC to transfer funds to the Dept. of Agriculture and Consumer Services, subject to an appropriation, deleting the requirement to transfer funds whether an alligator egg fee is collected or not. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

(4) No person shall take any alligator egg occurring in the wild or possess any such egg unless such person has obtained, or is a licensed agent of another person who has obtained, an alligator egg collection permit. The alligator egg collection permit shall be required in addition to the alligator farming license provided in paragraph (2)(d). The commission is authorized to assess a fee for issuance of the alligator egg collection permit of up to \$5 per egg authorized to be taken or possessed pursuant to such permit. Contingent upon an annual appropriation by the legislature for alligator marketing and education activities, Irrespective of whether a fee is assessed, \$1 per egg collected and retained, excluding eggs collected on private wetland management areas, shall be transferred from the alligator management program to the General Inspection Trust Fund, to be administered by the Department of Agriculture and Consumer Services for the purpose of providing marketing and education services with respect to alligator products produced in this state, notwithstanding other provisions in this chapter.

[Additional Comments on Statute Below: This subsection is redundant with existing Commission rules. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

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

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.

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.

[Additional Comments on Statute Below: This policy is obsolete and no longer needed to aid the regulation or management of the alligator resource. The commission prioritizes its research based on current needs. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

(1) No person shall take any alligator occurring in the wild or possess any such alligator unless such alligator is subsequently tagged in the manner required by commission rule. For the tag required for an alligator hatchling, the commission is authorized to assess a fee of not more than \$15 for each alligator

~~hatchling tag issued. The commission shall expend one third of the revenue generated from the issuance of the alligator hatchling tag for alligator husbandry research.~~

[Additional Comments on Statute Below: The change regarding tagging requirements in this policy is redundant with existing Commission rules. The change on transferring funds to the Dept. of Agriculture and Consumer Services is to make it subject to an appropriation, deleting the requirement to transfer funds whether an alligator hide fee is collected or not. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

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

[Additional Comments on Statute Below: This provision is redundant with existing Commission rules. No impacts on program participants, stakeholders, resource protection, or program implementation are anticipated.]

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

History.--s. 5, ch. 87-199; s. 19, ch. 98-333; s. 16, ch. 2000-364; s. 163, ch. 2008-247.

Note.--Former s. 372.6674.

A. Does the proposed legislation conflict with existing federal law or regulations? If so, what laws and/or regulations?

No

B. Does the proposed legislation raise significant constitutional concerns under the United States or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, and impairment of contracts)?

No

C. Is the proposed legislation likely to generate litigation and, if so, from what interest groups or parties?

No

V. Affected Agencies and Groups

FWC will be responsible for communicating changes to stakeholders, providing for exemptions, and enforcing new statutory provisions.

Children less than 16 years – exempted from alligator trapping agent’s license requirement

Current military and “wounded warriors” taking alligators as part of a Commission sanctioned event – exempted from alligator trapping and alligator trapping agent’s license requirement

Permanently disabled participants – exempted from alligator trapping and alligator trapping agent’s license requirement

Contracted nuisance alligator trappers – repeal of alligator trapping license requirement

Fur and hide dealers – streamlined reporting requirements

Dept. of Agriculture and Consumer Services – OK with changes affecting them

VI. Fiscal Impact

A. On FWC

All alligator-related license sales impact the State Game Trust Fund. It is estimated that the fiscal impact of the exemptions will be minimal on FWC –

Exemptions/Projected Fiscal Impact on FWC
(per year – based on FY 2012-13 data)

License Name	Change License Units Sold	Fee	Fiscal Impact	Note
Resident Alligator Trapping	-90	\$250	(\$22,500)	FN1
Alligator Trapping Agent	-100	\$50	(\$5,000)	FN2
		Total:	(\$27,500)	

FN1 – Reduction in units sold represents proposed license exemption to contracted nuisance alligator trappers; it is unknown how many totally and permanently disabled persons would participate

FN2 – Reduction in units sold represents proposed license exemption to children less than 16 years of age, military/disabled veterans event participants, and totally and permanently disabled persons

B. On Other State Agencies

None

C. On Private Sector

Children less than 16 years – no longer required to pay \$50 for the Alligator Trapping Agent License

Current military and “wounded warriors” taking alligators as part of a Commission sanctioned event – no longer required to pay \$50 for the Alligator Trapping Agent’s License

Permanently disabled participants – no longer required to pay \$250 for the Alligator Trapping License or \$50 for the Alligator Trapping Agent License

Contracted nuisance alligator trappers – no longer required to pay \$250 for the Alligator Trapping License when trapping nuisance alligators at the request of FWC; if they are recreational hunting (Statewide Alligator Harvest Program) or hunting on private lands, licenses would be required.

D. On Local Governments

None

E. Tax/Fee Issues

None