

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: GENERAL HUNTING REGULATIONS

RULE TITLES:

RULE NOS.:

Open Season for Taking and Bag Limits for Non-Migratory Game  
and Issuance of Antlerless Deer Permits.

68A-13.004

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish new opportunities for hunting with bows and crossbows and to revise and update the process by which antlerless deer permits are obtained. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and provide additional hunting opportunities.

SUMMARY: The proposed rule would establish new crossbow seasons (5 days in the South and Central zones and seven days in the Northwest Zone) where use of bows and crossbows would be allowed with deer harvest restricted to antlered deer only, except under provisions of an antlerless deer permit. In the South and Central zones, the proposed crossbow season would open the day following the close of archery season. In the Northwest Zone, the proposed crossbow season would open the Monday following Thanksgiving Day. The proposed rule would establish the bag limit for deer taken during the proposed crossbow season as two antlered deer per day. The proposed rule would allow harvest of antlerless deer during crossbow season under the authority of an antlerless deer permit where the aggregate daily bag of antlerless and antlered deer shall not exceed 2. The proposed rule changes would simplify and update the process by which antlerless deer permits are obtained and delete record-keeping requirements.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

Any person who wishes to provide information regarding the statement of estimated

regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Const.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. to 5:00 p.m., each day, February 1 – 2, 2006.

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits.

The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. Two (2) antlered deer during the antlered deer, crossbow, muzzleloading gun or archery/muzzleloading gun seasons.
2. One (1) antlered and 1 antlerless deer or 2 antlered deer during the antlerless deer season.
3. Two (2) antlerless deer, or 2 antlered deer, or 1 antlered and 1 antlerless deer during the archery season.
4. Antlerless deer taken under the authority of an antlerless deer permit issued under subsection (3) of this rule shall be included in the daily bag, but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

(b) - (d) No Change.

(2) Open seasons:

(a) - (h) No Change.

(i) Notwithstanding the provisions of paragraphs (2)(a), (b), (c), (d), (e), and (h), antlered deer, gobblers or bearded turkeys, gray squirrel, quail and wild hogs may be taken:

1. During a crossbow season opening 19 days prior to the first day of the antlered deer season and closing 4 days thereafter in the South Zone; opening 19 days prior to the first day of the antlered deer season and closing 4 days thereafter in the Central Zone, and opening on the Monday following Thanksgiving Day and closing 6 days thereafter in the Northwest Zone except that turkey may not be taken in Holmes County.

2.1- During a muzzleloading gun season opening 14 days prior to the first day of the antlered deer season and closing 8 days thereafter in the South Zone; opening 14 days prior to the first day of the antlered deer season and closing 8 days thereafter in the Central Zone, and opening 6 days prior to the first day of the antlered deer season and closing 2 days thereafter in the Northwest Zone except that turkey may not be taken in Holmes County.

3.2- During an archery/muzzleloading gun season in the Northwest Zone opening the day

following the last day of the antlered deer season and closing 10 days thereafter, provided that turkeys may not be taken.

(3) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the crossbow, muzzleloading gun, archery/muzzleloading gun, and antlered deer seasons in accordance with the following:

(a) A person who owns, leases or otherwise has written permission to take antlerless deer on specifically identified lands may apply for an antlerless deer permit in accordance with this subsection. An antlerless deer permit will be issued for property or an aggregate of contiguous properties not less than 640 acres in size; or for property or an aggregate of contiguous properties not less than 150 acres in size which are contiguous to property under a current antlerless deer permit. ~~The owners of the property (not less than 640 acres or not less than 150 acres if the applicant land is contiguous to land receiving antlerless deer permits) where the antlerless deer are to be taken shall make written application (on GFC Form ADPA 1000, effective July 1, 1998, adopted and incorporated herein by reference, and available from the Commission's regional offices) to the executive director showing proof of ownership of the land in question. A group of landowners may apply jointly provided the aggregate contiguous acreage is at least 640 acres. Agricultural lands that have been permitted under Rule 68A-12.009, F.A.C., within the previous 12 months for taking of deer for crop depredation purposes shall be exempt from the minimum acreage requirement of this rule.~~

(b) Applications for antlerless deer permits shall be on such a form as prescribed by the Commission and shall include: a written description of the property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a signature of the landowner or legal agent of the landowner providing permission to take antlerless deer where the landowner is not the applicant; and other information pertaining to the proposed activity necessary for permit issuance and

enforcement of this subsection. ~~A Commission biologist shall assess the status of the deer population and recommend the number of antlerless deer to be removed.~~

~~(c) Upon approval, the Division of Wildlife shall furnish to the landowner an identifying tag for each antlerless deer to be taken from the approved area. These tags may be issued to individual persons at the discretion of the landowner.~~

~~(c)(d)~~ The permittee shall be furnished an identifying tag for each antlerless deer to be taken from the permitted area. Each person who takes an antlerless deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

~~(e) The landowner to whom the permit and the identifying antlerless deer tags are furnished shall maintain records on forms (GFC Form ADR 1001, effective July 1, 1998, adopted and incorporated herein by reference) furnished by the Commission.~~

~~(f) Records of all antlerless deer taken shall be returned to the Commission within 30 days following the close of the deer season.~~

~~(d)(g)~~ Commission personnel shall be granted access to collect biological specimens and data on antlerless deer taken under the provisions of this subsection.

PROPOSED EFFECTIVE DATE: July 1, 2006.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05,\_\_\_\_\_.*

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad,

Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: November 23, 2005.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.