

NOTICE OF PROPOSED RULE
Rule 68A-25.032, F.A.C.
Consent Agenda Item 3

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Hunting and Game Management

RULE NO: 68A-25.032

RULE TITLE: Regulations Governing the Establishment of Alligator Management Programs.

PURPOSE AND EFFECT: The proposed changes would eliminate the requirement that all farming and trapping agent license holders assist in permitted activities only while in the presence of specific alligator farming or alligator trapping license holders, respectively, under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple farming or trapping agent licenses when assisting more than one farmer or trapper, respectively, giving farmers and trapper's greater flexibility in collecting alligator eggs and hatchlings and harvesting alligators.

SUMMARY: The proposed changes would eliminate the requirement that all farming and trapping agent license holders assist in permitted activities only while in the presence of specific alligator farming or alligator trapping license holders, respectively, under which the agent licenses were issued.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *The agency has determined that this rule will ____ or will not X have an impact on small business. A SERC has ____ or has not X been prepared by the agency.*

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for lower cost regulatory alternatives must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Section 379.3012 Florida Statutes.

A HEARING WILL BE HELD AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting June 17-18, 2009, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL 34429

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: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

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) No change.
- (2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.
 - (a) – (d) No change.

(e) ~~Any person possessing a valid alligator trapping or trapping agent's license~~ ~~The designee's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in the presence of that trapper~~ may take non-hatchling alligators provided they are authorized to do so by the designee. Authorized licensees taking non-hatchling alligators independently of the designee shall be in possession of a copy of the harvest permit.

(f) – (g) No change.

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

(a) – (g) No change.

(h) ~~Any person possessing a valid alligator farming or farming agent's license~~ ~~The designee'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~~ 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.

(i) – (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 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,_____.

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.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: December 5, 2008.

**STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES
FISH AND WILDLIFE CONSERVATION COMMISSION**

Division of Hunting and Game Management

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Alligator Management Programs.

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Pursuant to the U.S. Endangered Species Act (16 USC 1531, et seq), the U.S. Fish and Wildlife Service listed the American Alligator as “threatened due to similarity of appearance” in 50 CFR 17.11. See 50 FR 21059. The U.S. Fish and Wildlife Service also promulgated special regulations that allow the harvest of alligators under State programs. See 50 CFR 17.42. This rule is consistent with that Federal regulation.