

**Background Report
Final Rule 68A-17.004
Agenda Item 17.A.
February 11, 2016**

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify general wildlife and environmental area (WEA) regulations. The effect of the proposed rule amendment would correct references in the general WEA regulations.

SUMMARY: The proposed rule amendment would provide non-substantive technical changes, such as grammatical corrections, language standardization, or clarification of an existing rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative 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 n; Sections 379.354, 375.313, Florida Statutes

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

DATE AND TIME: During the Commission's regular meeting February 10 - 11, 2016, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Florida Public Safety Institute – 75 College Drive, Havana, FL 32333

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) No change.

(2) Permits required:

(a) No change.

(b) A ~~wildlife~~ management area ~~permit stamp~~ as provided by Section 379.354, F.S., in addition to all regular license requirements, is required for persons, except those exempted in subsection (3) hereof, to take wildlife on a wildlife and environmental area.

(c) through (d) No change.

(3) No change.

(4) Legal to Hunt: Legal game shall be only those game species identified in specific area regulations.

(a) through (d) No change.

(e) Non-protected mammals, ~~as defined in paragraph 68A-12.002(9)(a), F.A.C.~~, may be taken during any season open for the taking of game mammals, with no size or bag limit unless otherwise provided by area specific rule.

(f) No change.

(5) through (6) No change.

(7) Dogs:

(a) Dogs may be used for hunting during open seasons, except bear season or if ~~unless~~ prohibited by regulations for the particular wildlife and environmental area. The Executive Director or designee may issue permits to raccoon or fox hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon or fox hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(b) through (c) No change.

(8) through (17) No change.

PROPOSED EFFECTIVE DATE: July 1, 2016

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354, 375.313 FS. History--New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05, 7-1-06, 7-29-07, 7-1-08, 7-1-09, 7-1-10, 1-1-11, 3-25-12, 4-9-13, 7-1-14, 7-1-15, 7-1-16.

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.R.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2015