

Background Report
Draft Rule
68A-25.032, F.A.C.
Consent Agenda Item 2
November 18, 2015

RULE NO: 68A-25.032

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify that there are exemptions to alligator trapping licensing requirements. The effect of the proposed rule amendment will be to make the rule consistent with recent changes to s. 379.3751, F.S.

SUMMARY: The proposed rule amendment would clarify that there are exemptions to alligator trapping licensing requirements consistent with recent changes to s. 379.3751, F.S.

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)(a) through (f) No change.

(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) No change.

(2)(a) through (d) No change.

(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 ~~licensees~~ 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 ~~licensees~~ 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 must be tagged immediately upon capture except that alligators captured from a boat must 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) and (h) No change.

(3) and (4) No change.

(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 licensees—the permittee has authorized to take alligators as provided for in paragraph (2)(e) above, ~~or his licensed agent(s)~~ prior to such use. Permittees shall be strictly liable in ensuring that all unused tags remain in their possession, or the possession of persons licensees—they have authorized to take alligators as provided for in paragraph (2)(e) above, ~~or the possession of his licensed agent(s)~~, and that all unused tags are returned to the Commission within 15 days following permit expiration.

Rulemaking 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, 7-20-09, 3-24-13, 10-9-13, 4-2-14, 8-19-14, 12-23-14,_____.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 10 - 11, 2016, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Doubletree by Hilton Hotel, Tampa Airport – Westshore, 4500 West Cypress Street, Tampa FL, 33607