

Background Report  
Draft Rule  
68A-25.042, F.A.C.  
Consent Agenda Item 2  
November 18, 2015

**RULE NO:** 68A-25.042      **RULE TITLE:** Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

**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-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.**

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1)(a) and (b) No change.

(2) Harvest permit issuance:

(a) Harvest permits may be applied for through the Commission's online licensing system at designated times and dates each year by:

1. Paying for an alligator trapping license, unless exempt, as specified ~~required~~ by Section ~~379.3751~~379.3451, F.S., and \$10 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits; or

2. Providing evidence of possession of an alligator trapping license valid through the last day of the designated harvest season, or a current-year Statewide Alligator Harvest Permit, and paying \$30 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits.

(b) through (f) No change.

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

(e) Any persons actively participating in the taking of alligators as provided herein shall possess an alligator trapping license or alligator trapping agent's license, if necessary, in accordance with the provisions of Section 379.3751, F.S. However, for the purposes of this provision, the taking of alligators does not include the activities of driving the vessel or the use of a light.

(f) No change.

(g) 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 alligators as provided in the harvest permit but only in the presence of the permittee.

(h) and (i) No change.

(j) Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or persons provided for in paragraph (3)(g) above ~~his licensed agents~~ prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

(k) No change.

(4) and (5) No change.

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

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, 7-20-09, 7-20-11, 3-24-13, 8-19-14,\_\_\_\_\_.*

**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