

**Background Report
Draft Rule 68A-13.004
Agenda Item 10B
February 21, 2019**

DRAFT RULE

RULE NO: 68A-13.004

RULE TITLE: Hunting Regulations for Non-Migratory Game and Issuance of Antlerless Deer Permits and Private Lands Deer Management Permits.

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to establish or revise regulations pertaining to deer hunting, antlerless deer permits and private lands deer management permits. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed rule amendment would establish or revise regulations pertaining to deer hunting, antlerless deer permits, and private lands deer management permits as follows:

Establish an annual bag limit of 3 antlered deer per hunter.

Establish an annual bag limit of 2 antlerless deer per hunter.

Provide that, for youth (15 years of age or younger) only, the annual bag limit of 3 antlered deer may include 1 antlered deer having at least 1 antler 5-inches or greater, but with antlers not meeting the criteria for antler point regulations in the DMU of harvest. Currently, youth may harvest up to 2 antlered deer per day having at least 1 antler 5-inches or greater.

Establish a youth deer hunt weekend on private lands that allows youth (15 years old and under) to harvest 1 deer (any antlered deer having at least 1 antler 5-inches or greater or antlerless deer). The youth hunt would coincide with the second weekend of muzzleloading gun season (or the first weekend in Zone D) and youth would be allowed to use any legal method of take for deer.

Require private lands antlerless deer permittees to report the number of antlerless deer harvested annually. Require the harvest of antlerless deer on private lands enrolled in the antlerless deer permit program to be limited to the number of antlerless deer tags issued for the property. Currently, the use of antlerless deer tags during antlered deer season is allowed in addition to antlerless deer harvested in accordance with deer management unit regulations.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-13.004 Hunting Regulations for Non-Migratory Game and Issuance of Antlerless Deer Permits and Private Lands Deer Management Permits.

The Commission has approved the following hunting regulations for taking 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: Statewide annual bag (all seasons combined including antlered, antlerless, archery, crossbow, and muzzleloading gun seasons and the youth deer hunt) 3 antlered deer and 2 antlerless deer; p Possession limit, 4 four; daily bag as follows provided no person shall take more than 2 deer per day or exceed the statewide annual bag except as provided by subparagraphs 4. and subparagraph 5. or as authorized by the executive director:

1. through 3. No change.

4. Antlerless or antlered deer taken under the authority of an antlerless deer permit issued under subsection (4) or subsection (5); of this rule, non-native deer, deer killed by a motor vehicle, deer harvested under permits issued pursuant to Chapter 68A-9, F.A.C., and deer killed on a Licensed Game Farm or Licensed Private Hunting preserve, shall not be subjected to bag or possession limits shall be included in the daily bag but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

5. Antlerless and antlered deer taken under the authority of a permit issued under subsection (5), of this rule, shall not be subjected to daily bag or possession limits.

(b) through (d) No change.

(2) Regulations specific to deer management units:

(a) The take of antlered deer within the listed deer management unit not meeting the prescribed ~~criteria~~ ~~criteria~~ shall be prohibited, except for antlered deer taken pursuant to Rule 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C., and 1 antlered deer taken by persons under 16 years of age.

1. through 12. No change. (b)

No change.

(3) Open seasons:

(a) through (i) No change.

(j) Notwithstanding the provisions of paragraphs (3)(a) and (b), 1 antlered or antlerless deer may be taken by persons under 16 years of age:

1. During a youth deer hunt opening 7 days prior to the first day of the antlered deer season and closing 1 day thereafter in Zones A, B and C.

2. During a youth deer hunt opening 9 days after the first day of the antlered deer season and closing 1 day thereafter in Zone D.

(4) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the archery, crossbow (~~last 5 days~~), muzzleloading gun, ~~and~~ antlered and antlerless 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 ~~anterless~~ deer permit in accordance with this subsection. An antlerless ~~anterless~~ deer permit will be issued for property or an aggregate of contiguous properties not less than ~~then~~ 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 ~~anterless~~ deer permit. Agricultural lands that have been permitted 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 ~~anterless~~ 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.

(c) through (d) No change.

(e) The permittee shall submit a deer harvest report by April 1 as prescribed by the Commission.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2019.

Rulemaking 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, 7-1-06, 7-1-08, 7-1-10, 1-1-11, 7-26-12, 7-1-13, 6-1-13, 7-1-14, 7-2-14, 7-1-15, 7-29-15, 7-1-16, 7-1-17, 12-10-18, 7-1-19.

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 LOCATION OF THE NEXT REGULARLY SCHEDULED COMMISSION MEETING.