

BACKGROUND REPORT
DRAFT RULE
Regulations Governing the Operation of Private Hunting Preserves- 68A-12.010
Agenda Item C3
October 7, 2020

Chapter 68A-12.010
Regulations Governing the Operation of Private Hunting Preserves

(1) No entity shall establish, maintain, or operate a commercial or private hunting preserve to allow the release, sale and/or taking of captive-raised native and non-native game animals, as specified herein, unless licensed pursuant to section 379.3712, F.S. The executive director shall issue a license as provided by section 379.3712, F.S., for the establishment and operation of a commercial or private hunting preserve to allow the release and taking of captive raised native and non native game animals, as specified herein. No commercial or private hunting preserve license shall be issued until the premises of such preserve has been inspected by a representative of the Commission and the requirements of this rule have been met. Licensees must ensure all captive wildlife contained on the licensed property is lawfully removed or transferred prior to dissolution of the preserve. Any person selling game animals from a hunt preserve shall comply with rule 68A-12.011, F.A.C. In addition, any person selling or conducting intrastate transfer of deer, elk, or other members of the family Cervidae shall comply with rule 68A-4.0051, F.A.C., regarding transportation and record keeping requirements.

(2) Definitions: For the purposes of this rule, the following shall be defined as:

(a) Commercial hunting preserve – a preserve operated exclusively for commercial purposes, which is open to the public, for which a uniform fee is charged to patrons for hunting privileges. Hunters taking any game on a licensed commercial hunting preserve shall be exempt from licensure requirements, pursuant to subsection 379.3712(2), F.S.

(b) Employee – any person working under a permit or license holder or at a licensed or permitted facility, whether paid or unpaid.

(c) Herbaceous vegetation – predominantly grasses, grass-like plants, or forbs capable of being grazed.

(d) Nest box or den – an enclosed shelter that provides a retreat area within, attached to, or adjacent to a cage or enclosure of specified size, which shall provide protection from the elements and from extremes in temperature that are detrimental to the health and welfare of the animal.

(e) Paddocks – open-air areas enclosed by fencing, railing or other Commission-approved structures which allows animals to graze and/or browse.

(f) Predator barrier – supplemental materials added to the bottom and/or exterior of approved fencing to prevent entry of predators. Barrier may include but is not limited to, buried fence wire, electrified fence wire, gravel, rocks, concrete, or other natural/manmade materials.

(g) Private hunting preserve – a preserve operated for both commercial and private purposes. Anyone hunting on the preserve shall have all appropriate hunting licenses and any applicable endorsements, as provided in section 379.354, F.S.

(h) Preserve – refers to both commercial hunting preserves and private hunting preserves.

(i) Refusal – when a licensee, applicant or employee intentionally denies access by Commission personnel to the facility, inventory or facility's records for the purposes of inspection, or directs another to deny such access.

(j) Tame game mammal – does not exhibit the flight characteristics or normal behavioral characteristics for the species when found in the wild.

(k) Tolling – to lead animals outside of an enclosure using a trail of bait.

(l) Woody vegetation – Perennial trees, shrubs, or woody vines that persists above ground all year long.

(3) General qualifications: Licensees or applicants for a commercial or private preserve license shall:

(a) Be at least 18 years of age, if applying for authorization to possess game mammals classified as Class I or Class II wildlife per rule 68A-6.002, F.A.C of the family Bovidae.

(b) Make reasonable efforts to flush all wild native game species out of the intended preserve area prior to completion of the perimeter fence. Reasonable efforts shall include but not be limited to tolling, baiting and driving.

(c) Not have refused any captive wildlife inspection within three years of the date of application. Any preserve licenses issued to a person who refuses any such inspection shall be revoked.

(d) Not have been convicted of any violation of game farm, hunt preserve, or captive wildlife regulations involving unsafe housing of wildlife or any violation which potentially endangers the public; any violation involving the unlawful commercialization of wildlife; any violation involving cruelty, maltreatment or neglect to animals; or any violation involving importation of wildlife within three years of the date of application.

(e) Meet the experience requirements for Class I Bovidae authorization, as outlined in rule 68A-6.004 ~~68A-6.0022~~, F.A.C., if seeking authorization to possess such Class I wildlife. However, experience requirements shall not apply to applicants for permits to possess Class II Bovidae if licensed under sections 379.3711 and 379.3712, F.S. Experience gained with Class II Bovidae, while exempt from experience requirements pursuant to this paragraph, shall not ~~satisfy meet~~ the requirements of rule ~~68A-6.004 68A-6.0022~~, F.A.C. unless the applicant has possessed and/or managed ~~worked with~~ the wildlife for a minimum of 5 consecutive years.

(f) Obtain a Herd Health Plan from the Department of Agriculture and Consumer Services if the facility possesses species in the family Cervidae. Such Herd Health Plan shall be obtained within 180 days of initial licensing by the Commission. Failure to obtain and maintain a current and valid Herd Health Plan shall result in denial or revocation of any hunt preserve license with authorizations for species in the family Cervidae issued by the Commission.

(4) License application requirements: An applicant shall make written application to the Commission. The applicant for a preserve license shall provide the following information:

(a) The name of the applicant and the business name of the proposed preserve, where applicable. To be licensed as a corporation, the facility shall be currently registered through the Florida Department of State, Division of Corporations.

(b) The complete mailing address to include city, state and zip code for the applicant.

(c) The complete facility address where the preserve is located to include city, state, parcel number and zip code. If the address is a rural route, the applicant shall provide directions to the entrance of the preserve.

(d) Whether the facility is owned or leased by the applicant. A copy of the valid and current lease agreement shall be submitted with the application in the event that the facility location is under lease to the applicant. If leased, the lease agreement shall be for a term sufficient to cover the term of the license. Applicants under 18 years of age must have a parent or legal guardian as a co-licensee who shall provide such lease if applicable.

(e) The County or Counties where the preserve is located and the size (in acres) of the area to be fenced and utilized for the preserve.

(f) The current estimated inventory of game possessed, identified by species and quantity.

(g) The applicant's printed legal name, signature, and contact information to include home phone number and business phone number.

(h) A copy of the applicant's valid government-issued photo ID.

(i) The applicant's biographical information to include date of birth, driver's license number/ID number.

(j) E-mail address, if any.

(k)(j) Indication of whether the preserve is operated for private or commercial purposes.

(l)(k) Indication of whether the application is for a commercial hunting preserve license or private hunting preserve license.

(m)(l) Emergency contact information including name and phone number for an individual who is not the licensee or applicant.

(n)(m) Renewal applications shall include the number and species of any animals introduced and removed during the previous licensing period.

(5) Any corporation authorized to do business in Florida may apply for preserve license.

(a) For corporations authorized to possess Class I Bovidae, such corporation shall have qualified personnel responsible for the care of such wildlife. The corporation shall provide documentation of experience for at least one person in accordance with rule ~~68A-6.004 68A-6.0022~~, F.A.C. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and shall be subject to approval upon initial application and upon each instance of change in qualified personnel.

(b) Such corporation shall be responsible for any violation(s) committed by their employees or occurring at their facility.

(6) A preserve shall consist of not more than 10,000 acres, including water area, and be owned or leased by the applicant. For the hunting of game mammals, the land shall be located wholly within a legally fenced tract. The boundaries of all preserves shall be posted with signs bearing the words "Licensed Hunting Preserve" which shall be placed at intervals of not more than 500 feet and be easily visible from any point of ingress or egress. Lettering on such signs shall be no less than 2 inches in height. No preserve shall be located within one mile of any wildlife management area, refuge or park established by state or federal law or regulation unless:

(a) The owner or manager of the affected refuge or park has been notified of the application for operation of a commercial or private hunting reserve and has been given the opportunity to submit comments or recommendations regarding the application;

(b) The operation of such preserve does not conflict with the management objectives of the affected wildlife management area, refuge or park as determined by the Commission;

(c) The proposed preserve poses no significant adverse impacts to wildlife or public safety on the affected wildlife management area, refuge or park as determined by the Commission.

(7) All laws, rules, or regulations pertaining to hunting or pertaining to game shall apply on all preserves except as follows:

(a) The taking of carnivorous animals is prohibited on preserves, except licensees and employees may take nuisance wildlife as provided in rule 68A-9.010, F.A.C. Only game mammals of the following families: Cervidae (such as deer and elk), Suidae (hog), Bovidae (such as buffalo and antelope), as well as game mammals native to Florida and game birds shall be taken on preserves.

(b) Game mammals shall not be taken on preserves while boxed or caged and shall be taken only in accordance with the conditions and methods outlined in subsection (8) below.

(c) Open season for taking captive-reared native game birds shall be from October 1 through April 20. The open season for taking native game mammals, except white-tailed deer, shall coincide with the established open season for the species in the zone wherein the preserve is located. White-tailed deer of either sex may be taken from August 1 through March 1. Non-native game mammals and non-native game birds may be taken year-round on licensed preserves. The method of take for all game shall be as specified by rule 68A-12.002, F.A.C.

(d) Game mammals shall not be taken within 50 yards of a supplemental feeding station by any person other than the licensee or their employees.

(e) Commission rules prohibiting the taking of game birds over live decoys or bait shall not apply when properly identified captive-reared game birds are being taken.

(f) There shall be no bag limit for captive-reared game taken on preserves.

(g) Game may be trapped on the premises of a preserve for the purposes of veterinary care or sale, provided that any native game unintentionally ~~incidentally~~ trapped in such operation shall be immediately released.

(8) Facility requirements:

(a) Cervidae (deer family) shall be free-roaming on not less than 200 acres, with a minimum of 100 acres covered with woody vegetation. For each additional acre over the initial 200 acres, 10% of the additional acreage shall be covered with woody vegetation. Up to 20% of acreage can include land that formerly had woody vegetation, which will be naturally or artificially regenerated within two years of harvest. The hunting of Cervidae with dogs is prohibited; however, a leashed dog shall be allowed for trailing. The preserve shall be completely enclosed with a perimeter fence which meets the following criteria:

1. Fence construction materials, ~~including connecting materials~~, shall consist of not less than 12.5-gauge high-tensile class III galvanized steel wire with fixed knots or strength-equivalent material, and shall be attached to posts at no less than 5 equidistant locations with clips, staples, ties or other means used to connect fencing to posts that are a minimum of 14.5 gauge or strength equivalent material.

~~2.a.~~ Fence shall be no less than 8 feet in height unless specified elsewhere. Fences may be installed up to 3 inches above the ground, provided that a strand of high-tensile barbed wire not less than 15.5 gauge is strung across the bottom. In addition, 1 strand of high-tensile barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8-foot height requirements. Licensees shall maintain minimum fence height by leveling built up earthen material which has migrated to the base of the fence due to natural causes.

~~3.b.~~ ~~To maintain the minimum height,~~ Fence(s) shall be constructed of single panels of fencing material. Such fencing material shall be attached to singular construction posts no greater than 25 feet apart in a manner that ensures the fence maintains an above ground 8-foot vertical height, unless specified elsewhere, so as to and prevents escape. The posts will be securely anchored and braced in corners and elsewhere as necessary to keep fence properly stretched and erect.

~~e.~~ ~~Predator barrier shall not disrupt the integrity of the approved fence material nor provide increased accessibility for non-predator species into fenced enclosure. Predator barrier shall not exceed 20 inches upward from lowest wire on the 8 foot game fence nor can it extend outward from the perimeter fence more than 28 inches.~~

~~4.2.~~ Fencing material shall have no greater than 7 inches between manufactured knots and be free of broken wires or gaps.

(b) Bovidae (such as buffalo and antelope) shall be free-roaming on not less than 300 acres, with a minimum of 200 acres covered with herbaceous vegetation, except blackbuck which shall be free roaming on not less than 200 acres, with a minimum of 100 acres

covered with herbaceous vegetation. For each additional acre over the initial 300/200 acres, 10% of the additional acreage shall be covered with herbaceous vegetation. The hunting of Bovidae with dogs is prohibited; however, a leashed dog shall be allowed for trailing. The preserve shall be completely enclosed with a perimeter fence which meets the requirements of subparagraphs 68A-12.010(8)(a)1.-4., F.A.C. 68A-12.010(8)(a)1.a.-b., 2., above. Fencing for Class I Bovidae shall meet the requirements of paragraph 68A-6.011(3) 68A-6.003(3)(e), F.A.C.

(c) Suidae (hog) shall be free-roaming on not less than 100 acres, with a minimum of 50 acres covered with woody vegetation. For hunting hogs with dogs the area shall be a minimum of 300 acres, with 200 acres covered with woody vegetation. For each additional acre over the initial 100 acres, 10% of the additional acreage shall be covered with woody vegetation. Up to 20% of acreage can include land that formerly had woody vegetation, which will be naturally or artificially regenerated within two years of harvest. The preserve shall be completely enclosed with a perimeter fence that meets the following criteria:

1. Fence construction materials, ~~including connecting materials,~~ shall consist of not less than 12.5-gauge high-tensile class III galvanized steel wire with fixed knots or strength-equivalent material, and shall be attached to posts at no less than 3 equidistant locations with clips, staples, ties or other means used to connect fencing to posts that are a minimum of 14.5 gauge or strength equivalent material.

~~2.a.~~ Fence shall be no less than 4 feet in height.

~~3.b.~~ Fence(s) shall be constructed of single panels of fencing material. Such fencing material shall be attached to singular construction posts in a manner that ensures the fence maintains a 4-foot vertical height and prevents escape. The posts will be securely anchored and braced in corners and elsewhere to keep fence properly stretched and erect.

~~e. Predator barrier shall not disrupt the integrity of the approved fence material nor provide increased accessibility for non-predator species into fenced enclosure. Predator barrier shall not exceed 20 inches upward from lowest wire on the 8-foot game fence nor can it extend outward from the perimeter fence more than 28 inches.~~

~~4.2.~~ Fencing material shall have no greater than 7 inches between manufactured knots and be free of broken wires or gaps.

(d) Hunt pPreserves with licenses which are current on November 22, 2018 ~~the effective date of this rule~~ will have two years from November 22, 2018 to come into compliance with the above fencing requirement unless they meet the limited exception grandfathering conditions below. Hunt preserves with licenses which are current on November 22, 2018 that meet the specifications below do not need to update their fencing except for new construction or with replacement of over 250 feet of existing fencing.

1. Existing fence Facilities with hunt preserve licenses on effective date which have fencing that is a minimum of 14.5 12.5-gauge steel wire or strength-equivalent material shall not be required to replace existing fence materials provided that such fencing material is attached to posts in a manner that ensures the fence maintains an above-ground 8-foot vertical height unless specified differently elsewhere, has mesh openings no greater than 7 inches, free of broken wires and prevents escape. One strand of high-tensile barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8-foot height requirement. Posts shall be of a singular construction, securely anchored, no greater than 25 feet apart and braced at corners and elsewhere to keep fence properly stretched and erect. Any new construction or panel replacement greater than 250 feet shall meet the current regulations.

2. Fence shall be no less than 8 feet in height. One strand of barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8-foot height requirement.

3. Fencing material is attached to singular construction posts no greater than 25 feet apart in a manner that ensures the fence maintains an above-ground 8-foot vertical height, unless specified differently elsewhere, so as to prevent escape. The posts shall be securely anchored and braced at corners and elsewhere as necessary to keep fence properly stretched and erect.

4. Fencing material shall have no greater than 8 inches between manufactured knots and be free of broken wires or gaps.

~~5.2.~~ Facilities with hunt preserve licenses ~~which are current on November 22, 2018 the effective date of this rule~~ which have fencing that is not constructed of single panels of steel wire mesh shall not be required to replace existing panels with single panels, provided that the existing fencing meets the following specifications:

a. Panels are a minimum of 14.5 12.5-gauge wire or strength-equivalent material, and are connected with strength-equivalent material or greater at intervals no greater than 18 inches apart, has mesh openings no greater than 7 inches apart, and the fence remains free of gaps, free of broken wires and prevents escape. Such wire or strength-equivalent fencing material shall be attached to posts in a manner that ensures the fence maintains an above-ground 8-foot vertical height unless specified differently elsewhere and prevents escape. One strand of high-tensile barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8-foot height requirement.

b. Posts shall be of singular construction, securely anchored, no greater than 25 feet apart and braced at corners and elsewhere as necessary to keep fence properly stretched and erect so as to prevent any gaps greater than 8 inches between the panels. Any new construction or panel replacement greater than 250 feet shall meet the current regulations.

c. Panels are connected with strength-equivalent material or greater at intervals that prevent gaps that could allow captive game mammals to escape.

(e) The minimum acreage provisions of subparagraphs (8)(a)-(c) and the yardage requirement in subparagraph (7)(d), shall not apply to those operations licensed prior to July 1, 1996.

(f) Predator barriers, if utilized, shall not disrupt the integrity of the approved fence material. Mounding type predator barriers shall not extend outward from the base of the perimeter fence more than 28 inches and not higher than 20 inches from the ground. Predator barriers shall not provide increased accessibility for non-predator species into fenced enclosure.

(9) Game mammals may be kept in small enclosures only for the purpose of veterinary care or transportation and shall not be hunted on the same day of release or transport into a licensed preserve.

(10) The hunting of game mammals that were produced, raised, or held at a zoological attraction, tame game mammals, or domesticated species is prohibited.

(11) Motorized vehicles shall not be used to drive game mammals during any hunting activity, nor shall game mammals be taken from moving motorized vehicles.

(12) All captive-reared turkeys to be taken on preserves shall be banded to identify point of origin.

(13) No captive-reared waterfowl shall be released or hunted on preserves.

(14) No wild turkeys nor wild waterfowl shall be taken over baited-areas, nor during the closed season prescribed by the Commission for the region in which the preserve is located.

(15) Preserves shall be equipped and operated in such manner as to provide sufficient food and humane treatment for the game kept thereupon. A continuous source or supply of clean water shall be readily available at all times for all game. The premises, pens, and facilities of all preserves shall be maintained in a sanitary condition. Injured or wounded mammals shall be immediately euthanized, transported to a veterinarian for treatment, or treated by the ~~licensee licensee~~.

(16) Operators importing game mammals and/or game birds from other states or countries shall maintain copies of all importation permits and health records as required by the Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture. Such records shall be made available for inspection upon request of any Commission employee.

(17) Prior to being transported from a preserve, all carcasses, parts, and meat of game taken on preserves shall be properly identified with a tag or label with the name of the preserve licensee, the name of the preserve, and the date such game was taken and date the game is being transported from the preserve. When transporting game where individual marking is not practical, the container being used to transport such game shall be tagged or labeled as specified above.

(18) Each preserve shall maintain a registration book in which the name, address, hunting license number (or nature of the exemption), date of hunt, quantity and species of game taken by each person hunting on the preserve is recorded. All records and the physical facilities and installations of any preserve shall be open to inspection upon request by the Commission. Such records shall be made available for inspection upon request of any Commission employee.

(19) A current list of employees authorized by the licensee to euthanize game shall be maintained by the licensee and made available for inspection upon request by Commission personnel.

(20) Each preserve shall create and maintain an annual report of all game released, sold or ~~and~~ taken on the preserve for each license year. The report shall be in chronological order and shall be made available for inspection by Commission personnel upon request. Records must be provided at the request of the Commission.

(21) Licensed facilities shall report any escapes from the perimeter fencing or the approved facility location. Licensed facilities shall report any escapes from an enclosure, cage, or other constraint when wildlife is away from such approved facility location. Such reporting shall be made to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, immediately upon discovery of the escape.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, Formerly 39-12.10, Amended 8-5-86, 4-11-90, 4-15-92, 10-20-96, 6-23-99, Formerly 39-12.010, Amended 5-29-01, 11-3-02, 7-1-05, 11-22-18.