

Background Report  
Draft Rule  
68A-25.004, F.A.C.  
Agenda Item 6  
April 25, 2018

**RULE NO:** 68A-25.004      **RULE TITLE:** Regulations Governing the Operation of Alligator Farms.

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendment is to expand the maximum number of permits, provide for a recurring review deadline for reassessing the maximum number of permits, and establish an amended process for issuing permits based on accumulated preference points related to access to alligator eggs collected under Rule 68A-25.031, F.A.C. The effect will be to add five additional participation slots, establish an initial reassessment of the maximum number of participation slots by June 30, 2023 and every five years thereafter, and establish a preference point system based on the number of years a qualified person has been permitted or licensed in the various alligator management program elements.

**SUMMARY:** The proposed rule amendment would expand the maximum number of permits, provide for a recurring review deadline for reassessing the maximum number of permits, and establish an amended process for issuing permits based on accumulated preference points related to access to alligator eggs collected under Rule 68A-25.031, F.A.C.

**THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:**

**68A-25.004 Regulations Governing the Operation of Alligator Farms.**

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and farming agents subject to the following:

- (1) No Change.
  - (a) through (b) No Change.
- (2) Licensing and permitting:
  - (a) through (e) No Change.

(f) A maximum of 30 permits may be issued that grant authority to receive alligator hatchlings under subsection 68A-25.031(1), F.A.C., and a maximum of ~~35~~ ~~30~~ permits may be issued that grant first opportunity to participate in the distribution of eggs taken from the wild under subsections ~~68A-25.031(2) and (3)~~, F.A.C. Beginning by June 30, 2023, and by June 30th every five years thereafter, the maximum number of permits issued that grant first opportunity to participate in the distribution of eggs taken from the wild under subsection 68A-25.031(2), F.A.C., shall be reviewed by staff for additional opportunities. Such permits shall be issued by the executive director or designee as follows:

1. When a permit becomes available, notice of such availability shall be published in the Florida Administrative Register.

a. Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative Register. Persons whose applications are received more than 30 days after publication of the notice shall not be eligible for assignment of the available permit, irrespective of the postmark date on their application. Only persons licensed as alligator farmers pursuant to Section 379.3751, F.S., may apply, and only one application per person will be accepted.

b. Available permits shall be assigned ~~to the based on a random draw~~ to the based on a random draw of qualified applicant(s) with the highest number of accumulated preference points. Only applicants who possess an alligator farm permit indicating 2,000 square feet of rearing tanks and who, as indicated by annual farm reports and supporting documents, received into their farm inventory in one of the previous three years at least 1,000 eggs or hatchlings, individually or combined, collected under Rules 68A-25.031 or 68A-25.032, F.A.C. shall be eligible. Accumulated preference points will be assessed only for applicants who have not been issued in the last 10 years the type of permit being sought under this paragraph. Preference points will be calculated by determining the total number of years the applicant has received permits under each of Rules 68A-25.003, 68A-25.004, 68A-25.004(2)(f), 68A-25.032, 68A-25.042, and 68A-25.052, F.A.C., and licenses under s. 379.3751(2)(c) or (e), F.S., and s. 379.3761, F.S. (for alligators) since January 1, 2000. A random drawing, among applicants with the same number of preference points, will be used to select

which applicant will be awarded a permit when two or more applicants are tied for the highest number of preference points.

~~e. Individuals assigned an available permit on the respective list shall be so notified. Said applicant shall have 180 days after notification to meet the eligibility criteria for alligator farm facilities specified herein. The applicant may be issued a permit following an inspection and determination that these requirements have been met.~~

2. through 4. No Change.

(g) through (j) No Change.

(3) through (8)(b) No Change.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00, 3-30-06, 3-19-08, 3-24-13, 10-9-13, 4-2-14, 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 LOCATION OF THE NEXT REGULARLY SCHEDULED COMMISSION MEETING.**