

**Background Report
Draft Rule 68A-13.004
Agenda Item 11 A
December 6, 2012**

DRAFT RULE

RULE NO: 68A-13.004

RULE TITLE: Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits.

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to adjust Zone D to include that portion of Wakulla County located south of U.S. Highway 98, east of Spring Creek and west of the Wakulla and St Marks rivers. The effect of the proposed rule amendment will be to enable the St. Marks National Wildlife Refuge staff to better manage public hunting opportunities.

SUMMARY: The proposed rule amendment would adjust Zone D to include that portion of Wakulla County located south of U.S. Highway 98, east of Spring Creek and west of the Wakulla and St. Marks rivers.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits.

The open season and bag limits for 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: Possession limit, four; daily bag as follows:

1. Two (2) antlered deer during the antlered deer, crossbow (last 5 days), muzzleloading gun or archery/muzzleloading gun seasons.

2. One (1) antlered and 1 antlerless deer or 2 antlered deer during the antlerless deer season.

3. Two (2) antlerless deer, or 2 antlered deer, or 1 antlered and 1 antlerless deer during the archery and crossbow seasons except that antlerless deer may not be taken during each zone's last 5 days of the crossbow season.

4. Antlerless deer taken under the authority of an antlerless deer permit issued under subsection (3) of this rule shall be included in the daily bag, but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

(b) Turkey: daily bag, 1; spring season bag, 2 (except in Holmes County where the bag shall be 1); all fall seasons combined bag, 2; possession limit, 2.

(c) Quail, gray squirrel, and rabbit: daily bag 12 of each species; possession limit 24 of each species; daily falconry bag 2 quail, 12 gray squirrels and 12 rabbits; falconry possession limit 4 quail, 24 gray squirrels and 24 rabbits.

(2) Open seasons:

(a) Antlered deer:

1. Zone A comprised of the counties of Broward, Charlotte, Collier (except that portion lying south of State Road 84, west of State Road 29, north of U.S. Highway 41 and east of the western boundary of the Fakahatchee Strand State Preserve where there will be no open season), Dade, DeSoto (south of State Road 70), Glades, Hendry, Highlands (south of State Road 70), Lee, Martin, Manatee (south of State Road 70), Monroe (except in the Florida Keys where there will be no open season), Okeechobee (south of State Road 70), Palm Beach, St. Lucie (south of State Road 70) and Sarasota: Opening the third Saturday in September and closing 29 days thereafter and reopening the Saturday before the fourth Thursday in November and closing the first Sunday in January.

2. Zone B comprised of the counties of Hernando (south of State Road 50), Hillsborough (north of State Road 60), Lake (south of State Road 50), Orange (south of State Road 50 and west of U.S. Highway 17), Osceola (west of U.S. Highway 17, south and west of County Road 525, west of the western shoreline of Lake Tohopekaliga, west of

C-35 canal, west of the western shoreline of Cypress Lake, west of C-36 canal and west of the eastern shoreline of Lake Hatchineha), Pasco, Pinellas (north of State Road 60), Polk (north of State Road 60) and Sumter (south of State Road 50): Opening 9 days after the fourth Thursday in November and closing 78 days thereafter.

3. Zone C comprised of the counties of Alachua, Baker, Bradford, Brevard, Citrus, Clay, Columbia, DeSoto (north of State Road 70), Dixie, Duval, Flagler, Gadsden (east of U.S. Highway 27), Gilchrist, Hamilton, Hardee, Hernando (north of State Road 50), Highlands (north of State Road 70), Hillsborough (south of State Road 60), Indian River, Jefferson, Lafayette, Lake, Leon (east of U.S. Highway 27, east of State Road 61 and east of U.S. Highway 319), Levy, Madison, Manatee (north of State Road 70), Marion, Nassau, Okeechobee (north of State Road 70), Orange (north of State Road 50 and east of U.S. Highway 17), Osceola (east of U.S. Highway 17, north and east of County Road 525, east of the western shoreline of Lake Tohopekaliga, east of C-35 canal, east of the western shoreline of Cypress Lake, east of C-36 canal and east of the eastern shoreline of Lake Hatchineha), Pinellas (south of State Road 60), Polk (south of State Road 60), Putnam, St. Johns, St. Lucie (north of State Road 70), Seminole, Sumter (north of State Road 50), Suwannee, Taylor, Union, Volusia and Wakulla (east of U.S. Highway 319, north and east of U.S. Highway 98 and east of the Wakulla and St. Marks rivers Spring Creek Highway): Opening the first Saturday in November closing 78 days thereafter.

4. Zone D comprised of the counties of Bay, Calhoun, Escambia, Franklin, Gadsden (west of U.S. Highway 27), Gulf, Holmes, Jackson, Leon (west of U.S. Highway 27, west of State Road 61 and west of U.S. Highway 319), Liberty, Okaloosa, Santa Rosa, Wakulla (west of U.S. Highway 319, south of U.S. Highway 98 and west of the Wakulla and St. Marks rivers Spring Creek Highway), Walton and Washington: Opening the fourth Thursday in November and closing 3 days thereafter and reopening the second Saturday in December and closing 71 days thereafter.

(b) Antlerless deer:

1. Zone A: Opening the Saturday before the fourth Thursday in November and closing 6 days thereafter, except those portions of the eastern Everglades south of the Tamiami Trail (U.S. 41) and east of Everglades National Park, or in Collier County south of Alligator Alley (State Road 84).

2. Zone B: Opening December 26 and closing January 1.

3. Zone C: Opening the Saturday before the fourth Thursday in November and closing 6 days thereafter.

4. Zone D: Opening December 26 and closing January 1.

(c) Turkey:

1. Fall season (gobblers or bearded turkeys only): During the last 58 days of the antlered deer season in Zone A; during the first 58 days of the antlered deer season in Zones B and C; and during the first 41 days of the antlered deer season in Zone D except in Holmes County where there will be no open season.

2. Spring season (gobblers or bearded turkeys only):

a. Opening on the first Saturday of March and closing 36 days thereafter in Zone A. Opening on the third Saturday of March and closing 36 days thereafter in Zones B, C and D except in Holmes County where the season will open on the third Saturday of March and close 15 days thereafter.

b. In addition to the season specified in sub-subparagraph a. above, a "Youth Turkey Hunt" shall open on the last Saturday of February and close 1 day thereafter in Zone A and open the second Saturday of March and close 1 day thereafter in Zones B, C and D. Only youth under 16 years of age may hunt and must be under the supervision and in the presence of an adult not younger than 18 years of age. Adults with required license and permits for taking wild turkeys or otherwise exempt from these requirements by Section 379.353, F.S., may participate in the hunt when in the presence of at least one youth under 16 years of age. Adults shall not take wildlife with a gun.

(d) Quail: Opening the second Saturday of November and closing 113 days thereafter. Opening October 1 and closing March 31 for falconry.

(e) Gray squirrel: Opening the second Saturday of October and closing the first Sunday in March. Opening October 1 and closing March 31 for falconry.

No open season on fox squirrels.

(f) Rabbit: Throughout the year.

(g) Notwithstanding the provisions of paragraphs (2)(a)-(e) deer of either sex, gobblers or bearded turkeys, gray

squirrel and quail may be taken:

1. During an archery season opening 49 days prior to the first day of the antlered deer season and closing 29 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter in Zone D except that turkey may not be taken in Holmes County.

2. During a crossbow season opening 49 days prior to the first day of the antlered deer season and closing 34 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter and reopening 4 days after the fourth Thursday in November and closing 4 days thereafter in Zone D except that turkey may not be taken in Holmes County and antlerless deer may not be taken during each zone's last 5 days.

(h) Notwithstanding the provisions of paragraphs (2)(a), (b), (c), (d), (e), and (g), antlered deer, gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. During a muzzleloading gun season opening 14 days prior to the first day of the antlered deer season and closing 13 days thereafter in Zones A, B and C; and opening 9 days after the first day of the antlered deer season and closing 6 days thereafter in Zone D except that turkey may not be taken in Holmes County.

2. During a muzzleloading gun season in the Zone D opening the day following the last day of the antlered deer season and closing 6 days thereafter, provided that turkeys may not be taken.

(3) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the crossbow (last 5 days), muzzleloading gun, and antlered 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 deer permit in accordance with this subsection. An antlerless deer permit will be issued for property or an aggregate of contiguous properties not less than 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 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 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) The permittee shall be furnished an identifying tag for each antlerless deer to be taken from the permitted area. Each person who takes an antlerless deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

(d) Commission personnel shall be granted access to collect biological specimens and data on antlerless deer taken under the provisions of this subsection.

PROPOSED EFFECTIVE DATE: July 1, 2013

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.