

**Background Report
Draft Rule 68A-15.005
Agenda Item 11 B
December 6, 2012**

DRAFT RULE

RULE NO: 68A-15.005

RULE TITLE: Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to better manage fish and wildlife resources by allowing a different guest of a quota permit holder to participate in the hunt each day; require unused permits to be returned 10 days prior to the hunt to receive reinstatement of preference points; and delete the sunset provision prohibiting transferability of permits and allowing for guest permits. The effect of the proposed rule amendment will be to enable the Commission to better manage hunting on Commission managed lands.

SUMMARY: The proposed rule amendment would allow for a different guest of a quota permit holder to obtain a guest permit on different days of a single hunt, but continue to limit this to one guest per day; require unused permits to be returned 10 days prior to the hunt to receive reinstatement of preference points; and delete the sunset provision prohibiting transferability of permits and allowing for guest permits.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) At times specified in paragraph (1)(a), a quota permit or special-opportunity permit, in addition to other required licenses and permits shall be required for any person while hunting on land owned, leased or managed by the Commission.

(a) The maximum number of quota and special-opportunity permits shall be established by order of the Executive Director, after approval of the Commission. Estimated game density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of quota permits to be issued.

(b) Permits shall be in the hunter's possession and shall be displayed upon request by any Commission employee.

(c) A positive form of identification is required when using a nontransferable permit, except for youth less than 16 years of age.

(d) No person shall sell, purchase or offer to purchase any quota permit, guest permit or antlerless deer permit.

(2) Quota Permits – Quota permits shall be issued for the following hunt types as described below and as designated by order of the Executive Director. A quota permit holder may take the bag limit of wildlife during the hunt designated on the quota permit as established by Commission rule.

(a) Quota Hunt Types.

1. General Gun
2. Archery
3. Muzzleloading Gun
4. Wild Hog
5. Youth
6. Family
7. Spring Turkey
8. Track
9. Airboat
10. Mobility-impaired
11. Quail
12. Youth Turkey Hunt

(b) Quota Permit Exemptions.

1. Those persons exempt from license or permit requirements by Section 379.353(1) and (2)(a), (c) or (o), F.S., are also exempt from obtaining a quota permit for all hunts except those designated as “no exemptions” in the Executive Order as specified in subsection (1).

2. When a youth under 16 years of age participates in a hunt that allows exempt hunters to hunt without a permit, the supervisor, required by Section 790.22, F.S., may be a non-hunting supervisor without a quota permit.

3. One person 18 years of age or older acting as a supervisor, as required by Section 790.22, F.S., who does not have a quota permit, may accompany a youth under 16 who holds a valid quota permit, and may take wildlife but must share the bag limit of a single person with the accompanying hunter.

4. On those hunts specified as “no exemptions,” one youth under 16 years of age who does not have a quota permit may accompany a person 18 years of age or older who holds a valid quota permit and participate in the hunt but must share the bag limit of a single person with the accompanying hunter.

5. One person 21 years of age or older acting as a supervisor as required by Section 379.3581(2)(b), F.S., who does not have a quota permit may accompany a mentor license holder who holds a valid quota permit and may take wildlife but must share the bag limit of a single person with the accompanying hunter.

6. One mentor license holder who does not have a quota permit may accompany a quota permit holder 21 years of age or older and may participate in the hunt but must share the bag limit of a single person with the accompanying hunter.

7. On all mobility-impaired hunts, one non-hunting unlicensed assistant may accompany a mobility-impaired hunter with a valid quota permit and participate in the hunt, provided the assistant may not take wildlife with a gun, unless otherwise provided by area specific regulation. The non-hunting assistant is in addition to one guest permit holder as specified in Rule 68A-15.005, F.A.C.

8. On those hunts specified as family hunts, one or two youth per quota permit, under 16 years of age but not younger than 8 years of age, may hunt as provided in Section 790.22, F.S., under the supervision and in the presence of one adult not younger than 18 years of age. The adult may only hunt when in the presence of at least one youth under 16 years of age but not younger than 8 years of age. Each hunter may take a daily bag limit, unless otherwise provided by area-specific regulation, but no additional hunters are allowed.

(c) Quota Permit Transferability.

1. Quota permits shall be nontransferable, except that permits issued for Holton Creek WMA and the general gun permits issued for Blackwater Dog Hunt Area may be transferred, subject to the following restrictions:

a. Transferable quota permits issued to a disabled hunter may only be transferred to another disabled hunter.

b. Transferable quota permits issued to a youth under 16 years of age may only be transferred to another youth under 16 years of age.

c. Transferable quota permits issued to a person 65 years of age or older may only be transferred to another person 65 years of age or older or to a youth under 16 years of age.

2. Quota permits issued to track vehicles and airboats are nontransferable and only valid for the vehicle or vessel designated on the permit except as provided by specific area regulations.

(d) Guest Permits.

1. ~~Applicants issued a quota permit~~ ~~Guest permits may be issued~~ for nontransferable archery, muzzleloading gun, general gun, wild hog, mobility-impaired or spring turkey quota hunts may complete a FWC guest permit and take a guest hunter, provided that: ~~Only one guest permit may be issued for each quota permit.~~

a. Only one guest permit may be used by each quota permit holder per day of the hunt.

~~b.2.~~ Guest permits shall be nontransferable.

c. A guest permit must be completed for each guest hunter that participates in the hunt.

~~3. All guests must enter and exit the area with the quota permit holder, share the same vehicle, and cannot hunt on the area unless the quota permit holder is present on the area.~~

~~2.4. On areas where zone tags are required, the guest hunter must hunt in the same zone as the quota permit holder.~~

~~5. The guests may not bring additional hunters on the area.~~

~~6. An individual may not apply for more than one guest permit per hunt number.~~

~~3.7. Persons who obtain a daily permit at a check station shall not be eligible ~~allowed~~ to take guest hunters additional guests.~~

~~4.8. Quota permit holders may only bring one additional person as a guest hunter at any time. ~~one youth under 16 years of age, one youth supervisor, one mentor license holder, one mentor license supervisor or one guest permit holder, except mobility-impaired hunters may bring one non-hunting assistant or as provided by area specific regulation.~~~~

~~5. Exempt hunters participating in a hunt that allows quota permit exemptions are not considered to be a quota permit holder's guest hunter at any time.~~

~~6.9. A completed guest permit shall be in the guest hunter's possession, except y ~~Youth under 16 years of age, a youth supervisor, mentor license holders, and supervisors for mentor license holders and mobility-impaired non-hunting assistants are not required to possess obtain a guest permit.~~~~

~~7. All guest hunters must enter and exit the area with the quota permit holder, share the same vehicle as the quota permit holder, and cannot hunt on the area unless the quota permit holder is present on the area.~~

~~8.10. The guests and quota permit holder must share a single ~~the bag limit of a single person, as specified under area specific rules. The quota permit holder shall be responsible for both parties complying with the bag limit.~~~~

~~11. All applicants, unless exempt from license or permit requirements by Section 379.353(1) and (2)(a), (c), or (e) F.S., must have a valid Management Area Permit, or a license or permit that includes a Management Area Permit, in order to apply for a guest permit.~~

(e) Application, Selection, and Issuance of Quota Permits.

1. Applicant Requirements.

a. All applicants, unless exempt from license or permit requirements by Section 379.353(1) and (2)(a), (c), or (e) F.S., must have a valid Management Area Permit, or a license or permit that includes a Management Area Permit, in order to apply for a quota permit.

b. Applicants for Track and Airboat Quota permits must also provide proof of a current track vehicle registration or airboat vessel registration.

c. Applicants for the Youth Quota Hunts must be at least eight years old by the first day of the earliest hunt date and less than 16 years old on the last day of the latest hunt date that they apply for.

d. Applicants for the Mobility-impaired Quota Hunts must be certified mobility-impaired as established by Rule 68A-9.008, F.A.C., and must have their Mobility-impaired Certification Card in their possession when hunting.

e. Applicants for the Family Quota Hunts must be at least eighteen years old by the first day of the earliest hunt date for which they apply.

f. Applicants for the Youth Turkey Hunt must be less than 16 years old on the last day of the latest hunt date that they apply for.

2. Phase I – Application; Selection; Issuance.

a. Selection Process – Quota permits for each hunt type shall be selected by random drawing from the applications submitted during the Phase I application period based on the highest number of accumulated preference points.

b. All applicants not issued a quota permit in Phase I, shall receive one preference point annually for that specific quota hunt type. Preference points shall accumulate by quota hunt type.

c. The ranking of a group application shall be based on the member of the group with the lowest number of preference points.

d. Applicants with preference points that were awarded a nontransferable quota permit in Phase I ~~and are unable to use the permit~~, may return the permit to the Commission's Office of Licensing and Permitting for re-issuance and

to have preference points re-instated. In order to have the original preference points re-instated and a preference point awarded for the current year, the returned permit must be received at least 10 days postmarked prior to the first hunt date listed on the permit.

e. Applicants with no preference points that were awarded a nontransferable quota permit in Phase I and are unable to use the permit, may return the permit to the Commission's Office of Licensing and Permitting for re-issuance. In order to have a preference point awarded for the current year, the returned permit must be received at least 10 days postmarked prior to the first hunt date listed on the permit.

f. Applicants who fail to apply during the Phase I application period for two consecutive years will forfeit all preference points for that quota hunt type.

g. Only one application may be submitted per applicant for each quota hunt type during Phase I, except that airboat and track applicants may submit an application for each track or airboat registered to the applicant.

h. Only one quota permit may be issued per applicant during Phase I for each quota hunt type.

i. An applicant that receives a track quota permit during Phase I is not eligible to receive an airboat quota permit during Phase I.

3. Phase II – Application; Selection; Issuance.

a. Selection Process – Quota permits remaining un-issued after the Phase I random drawing will be issued by random drawing during Phase II.

b. An applicant that is issued a quota permit in Phase I cannot apply for the same quota hunt type in Phase II, except mobility-impaired.

c. Only one application per applicant may be submitted and only one quota permit per applicant may be issued for each quota hunt type during Phase II.

d. An applicant that is issued a track quota permit in Phase I or II is not eligible to receive an airboat quota permit during Phase II.

e. ~~An applicant that is issued a Nontransferable quota permits issued permits in Phase II and returned is unable to use the permit, may return the permit~~ to the Commission's Office of Licensing and Permitting at least 10 days prior to the first hunt date listed on the permit shall be reissued for re-issuance.

4. Phase III – Application; Selection; Issuance.

a. Quota permits, remaining un-issued after Phase II will be issued on a first-come, first-served basis during Phase III.

b. No applicant shall be eligible to receive more than one quota permit per hunt number, including permits that were issued during Phase I and II.

c. Applicants shall be limited to five (5) quota permits per quota hunt type, including permits issued in Phase I and Phase II.

d. ~~Applicants that are issued a Nontransferable quota permits issued permits in Phase III and returned are unable to use the permit, may return the permit~~ to the Commission's Office of Licensing and Permitting at least 10 days prior to the first hunt date listed on the permit shall be reissued for re-issuance.

5. Re-issuance of Quota permits – quota permits returned to the Commission may be re-issued on a first-come, first-serve basis.

(3) Special-Opportunity Permits: Special-opportunity permits shall be issued for the following hunt types as described below and as designated by order of the Executive Director. A special-opportunity permit holder may participate in the designated hunt and take the bag limit of wildlife as established by Commission rule.

(a) Special-Opportunity Hunt Types.

1. Fall
2. Hog
3. Spring Turkey
4. Quail
5. Dove Club
6. Daily Dove

(b) Exemptions.

1. No person is exempt from paying the non-refundable, special-opportunity application fees.
2. Persons with a lifetime hunting or lifetime sportsmen's license issued prior to July 1, 1998 are exempt from paying the special-opportunity permit fees.

(c) Transferability.

Special-opportunity permits shall be transferable, except that dove club permits are nontransferable. Special-opportunity permits issued to persons exempt from paying the special opportunity permit fees, as specified in subparagraph (3)(b)2., shall be transferable only to another person that is exempt from paying special-opportunity permit fees.

(d) Application for, selection of, and issuance of special-opportunity Permits.

1. Special-Opportunity permits for fall hunts, hog hunts, quail hunts and spring turkey hunts shall be issued by a random drawing from applications submitted during the application period.

2. Special-Opportunity permit fees for applicants chosen in the random drawing must be paid by the deadline indicated on the invoice. Selected applicants who fail to pay the fees by the deadline forfeit their permit to the next applicant selected for that specific hunt.

3. Applicants may submit more than one application for each special-opportunity hunt.

4. Permits will be limited to one special-opportunity permit per person, per hunt.

5. No more than ten percent of the Special-Opportunity permits for each specific hunt shall be issued to non-residents provided that at least one permit may be available to non-residents in the event that the ten percent calculation results in a number less than one.

(4) Antlerless deer permits.

(a) Antlerless deer permits may be issued for specified hunts by order of the Executive Director. Estimated deer density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of antlerless deer permits to be issued.

(b) An antlerless deer permit allows the harvest of one (1) antlerless deer in accordance with the rules and regulations of the Commission.

(c) Antlerless deer permits are only valid for the dates and hunt specified on the permit.

(d) Antlerless deer permits shall be transferable.

(e) Application, selection, and issuance of antlerless deer permits.

1. Antlerless deer permits for quota hunts will be issued by random drawing from applications submitted during the Phase I application period from those applicants that indicated they wanted to be included in the antlerless deer drawing and were, unless exempt, awarded a quota permit for a hunt approved for antlerless deer permits.

2. Antlerless deer permits for special-opportunity and recreational use areas will be issued by random drawing from applicants who purchased a special-opportunity permit or recreational use permit for a hunt approved for antlerless deer permits.

(5) Replacement Permits.

(a) A replacement permit may be issued to the holder of a nontransferable permit following loss, destruction or non-receipt of mail.

(b) A replacement permit may be issued to the holder of a transferable permit following loss, destruction or non-receipt of mail upon submission of a written statement to the Office of Licensing and Permitting, attesting to the circumstances leading to the loss or destruction of the original permit. No person shall be eligible for more than one replacement transferable permit per season, per hunt type.

(c) Antlerless deer permits may not be replaced.

~~(6) Sunset of Revised Quota System.~~

~~The Commission intends to sunset the rule amendments approved on February 4, 2009 and made effective May 1, 2009 that made changes to the quota hunt permit system prohibiting transferability of permits and allowing for guest permits. Therefore, Commission staff shall present at the next regularly scheduled Commission meeting after November 1, 2012 draft rule proposals necessary to repeal those rule amendments unless prior to that deadline the Commission directs staff to prepare draft rules to repeal or amend the deadline in this subsection.~~

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. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01, 11-1-01, 5-13-02, 10-16-02, 5-1-03, 7-1-03, 9-29-03, 7-1-04, 7-2-04, 8-1-04, 5-1-05, 5-1-06, 6-1-06, 5-1-07, 7-1-08, 5-1-09, 6-1-10, 8-25-10, 7-1-11,_____.