

Background Information
Agenda Item 5A-2
June 27-28, 2012

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-27.003: Designation of Endangered Species; Prohibitions

PURPOSE AND EFFECT: The purpose and effect of this rule change is to remove the Florida black bear from State-designated Threatened species list.

SUMMARY: The Florida black bear was evaluated for listing pursuant to paragraph 68A-27.0012(3)(a), F.A.C. and the Commission proposes to remove the bear from the State-designated Threatened list. This rule removes Florida black bear from the rule and renumbers the list as appropriate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: [Article IV, Section 9, Florida Constitution](#).

LAW IMPLEMENTED: [Article IV, Section 9, Florida Constitution](#), [379.1025](#), [379.2291\(2\) FS](#).

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting June 27-28, 2012, 8:30 a.m. start each day

PLACE: PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

Another notice will be published in the F.A.W. if the date or location of the final hearing changes. The Commission's agenda for this meeting will indicate the specific day when this item is scheduled to be addressed. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Eric Sutton, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Designation of Endangered Species; Prohibitions.

(1) No change.

(2) State-designated Threatened species:

(a) through (e) No change.

(f) Mammals:

1. Big Cypress fox squirrel (*Sciurus niger avicennia*),

2. Everglades mink (*Neovison vison evergladensis*),

~~3. Florida black bear (*Ursus americanus floridanus*); other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit,~~

3.4. Florida mastiff bat (*Eumops glaucinus floridanus*).

(g) through (h) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03, 7-20-09, 11-8-10, 11-14-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Eric Sutton, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011