

Background Report
Final Rule 68A-14.001
Item 5 C (2)
June 27, 2012

RULE NO.: 68A-14.001

RULE TITLE: Establishment Orders.

PURPOSE AND EFFECT: The purpose of the proposed amendment is to clarify that an establishment order or subsequent executive order may include special regulations that apply to established Commission managed lands.

SUMMARY: The proposed amendment clarifies that special regulations may be created on established Commission managed lands by establishment order or subsequent executive order. This would allow the agency to respond quickly to allow such activities as short-term hunting or fishing opportunities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: *The agency has determined that this rule will _____ or will not X have an impact on small business. A SERC has _____ or has not X been prepared by the agency.*
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternatives must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-14.001 Establishment Orders.

Whenever the Commission establishes an area to be a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(1) The establishment order shall recite, at least, the following:

- (a) The legal description of the area to be established.
- (b) Any terms and conditions under which the area is established.

(2) An establishment order or subsequent executive order may create special regulations for an area established pursuant to this section, notwithstanding regulations for the wildlife management area, wildlife and environmental area, fish management area, public small game hunting area or miscellaneous area within which it occurs. Such regulations shall be noticed by posting on the area and by electronic media.

(3) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a Commission managed shooting range or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.

(4) ~~(3)~~ Public small-game hunting areas may be established within wildlife management areas, wildlife and environmental areas, fish management areas, and public use areas pursuant to Rule 68A-13.007, F.A.C. Regulations for each public small-game hunting area so established shall supersede regulations for the wildlife management area, wildlife and environmental area, fish management area or miscellaneous public use area within which it occurs.

(5) ~~(4)~~ No critical wildlife area shall be established without the prior concurrence in such designation by the owner of the property wherein the area will be situated.

(6) ~~(5)~~ A critical wildlife area may be established by order of the Executive Director, with prior concurrence of the Chairman of the Commission, when there is an imperative need that an important aggregation of fish or wildlife be protected as quickly as possible. Critical wildlife areas shall be established in this manner for a specified period of time that shall not exceed 180 days unless extended by approval of the Commission at a regularly scheduled public meeting.

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 6-21-82, Formerly 39-14.01, Amended 10-28-97, 6-30-99, Formerly 39-14.001, Amended 12-20-99, 7-18-00, 5-1-03, 7-1-06, 7-1-08, 3-1-10_____.