

**NOTICE OF PROPOSED RULE**  
**FISH AND WILDLIFE CONSERVATION COMMISSION**  
**DIVISION:** Freshwater Fish and Wildlife  
**RULE NO:** 68A-1.004                      **RULE TITLE:** Definitions.

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendment is to better manage fish and wildlife resources by allowing the use of trapping devices to take nuisance moles and pocket gophers, and defining wild hog as a game animal only on Commission managed lands and only for the purpose of license requirements. The effect of the proposed rule amendment will be to enable the public to better manage wildlife damage and the agency to better manage public hunting and safety on managed lands.

**SUMMARY:** The proposed rule amendment would amend the definition of steel trap to allow the use of mole and pocket gopher traps without a permit; define wild hogs as game only on Commission managed lands and only for the purpose of license requirements; and provide a non-substantive technical change.

**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.*

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 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.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution.

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

**DATE AND TIME:** During the Commission's regular meeting February 13-14, 2013, 8:30 a.m. to 5:00 p.m., each day .

**PLACE:** SeaWorld Park, 7007 SeaWorld Drive, Orlando, FL 32821.

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 calendar 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 by calling (850)488-9542.

**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-1.004 Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

(1) through (37) No change.

(38) Game mammals – Deer, gray squirrel, rabbits, and non-native species generally considered game such as elk, antelope and buffalo. Wild hog are game only where they occur on Commission managed lands and only for the purpose of license requirements.

(39) through (45) No change.

(46) Non-game fish – All freshwater fish species, except grass carp, not listed in subsection 68A-1.004(32)

68A-1.004(36), F.A.C., as freshwater game fish.

(47) through (77) No change.

(78) Steel trap – Any mechanical device (other than a snare ~~or a device, household mousetraps or devices~~ commonly used to take nuisance moles, pocket gophers or household and lawn nuisance rodents) that is designed and used to take wildlife by seizing and holding a part of the body.

(79) through (92) No change.

**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 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06, 4-1-07, 7-1-08, 10-23-08, 7-1-10, 11-8-10, 1-1-11,\_\_\_\_\_.*

**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.**

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Director, Division of Hunting and Game Management, 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:** December 6, 2012

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.:** January 8, 2013