

**NOTICE OF PROPOSED RULE
FISH AND WILDLIFE CONSERVATION COMMISSION**

DIVISION: Freshwater Fish and Wildlife

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.

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

(1) No change.

(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) through (c) No change.

(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 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. No change.

2. Phase I – Application; Selection; Issuance.

a. through c. No change.

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. through i. No change.

3. Phase II – Application; Selection; Issuance.

a. through d. No change.

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. through c. No change.

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. No change.

(3) through (5) No change.

~~(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,_____.

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.R.: January 8, 2013