

Background Report  
Draft Rule 68A-25.004 - Regulations Governing the Operation of Alligator Farms.  
Consent Agenda Item 3-A.  
September 5, 2013

Notice of Proposed Rule

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE NO.: RULE TITLE:**

**68A-25.004**: Regulations Governing the Operation of Alligator Farms

**PURPOSE AND EFFECT**: The purpose of the proposed rule is to require alligator farm permittees be at least 18 years old; require farm permittees make farm records available upon request; clarify farm fencing requirements and the minimum space requirements for alligator pens; and modify the Alligator Farm Annual Report form. The effect of the proposed rule will be to provide alligator farmers greater pen design flexibility and animal husbandry options, a better understanding of rule requirements, and improved program implementation.

**SUMMARY**: The proposed rule would require alligator farm permittees be at least 18 years old; require farm permittees make farm records available upon request; clarify farm fencing requirements and the minimum space requirements for alligator pens; and modify the Alligator Farm Annual Report form.

**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](#) n; [Section 379.3751, Florida Statutes.](#)

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

**DATE AND TIME**: During the Commission's regular meeting September 5th and 6th 2013, 8:30 a.m. each day.

**PLACE**: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, Florida.

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**: 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:

**68A-25.004 Regulations Governing the Operation of Alligator Farms.**

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and farming their agents subject to the following:

(1) No Change

(2) Licensing and permitting:

(a) An alligator farm may be established and operated only pursuant to and in accordance with provisions of a permit issued by the executive director or ~~his~~ designee.

(b) Only persons who are at least 18 years old shall be issued an alligator farm permit. Persons who have been issued an alligator farm permit prior to September 5, 2013 and have remained in continuous possession of a valid alligator farm permit are exempt from this provision. All aAlligator farm permittees and farming their agents shall be licensed as required by Section 379.3751, F.S.

(c) through (e) No Change

(f) A maximum of 30 permits may be issued that grant ~~farmers~~ authority to receive take alligator hatchlings under subsection 68A-25.031(1), F.A.C., and a maximum of 30 permits may be issued that grant ~~farmers the first~~ opportunity to participate in the ~~collection and~~ distribution of eggs taken from the wild under subsections 68A-25.031(2) and (3), F.A.C. Such permits shall be issued by the executive director or designee as follows:

1. through 4. No change

(g) and (h) No Change

(i) ~~An The executive director shall not issue an~~ alligator farm permit shall not be issued to any person who has been convicted of any violation of Section 379.409 or 379.3015, F.S., or the rules of the Commission relating to the illegal taking of any crocodylian species:

1. For five (5) years following such conviction; or

2. For ten (10) years following, if such conviction involves the taking of an endangered crocodylian species. ~~Any The executive director shall revoke any~~ alligator farm permit possessed by ~~of~~ persons convicted of any violation of Section 379.409 or 379.3015, F.S., or the rules of the Commission relating to the illegal taking of any crocodylian species shall be revoked.

(j) No Change

(3) No Change

(4) Reporting requirements:

(a) An Alligator Farm Annual Report (FWC Form 1000AF, effective September 5, 2013 ~~July 1, 1994~~, which is incorporated to this rule by reference and may be obtained from the Commission) shall be completed at the conclusion of each calendar year and submitted to the Commission by January 31.

(b) No Change

(5) Inspection and inventory requirements:

(a) Commission personnel may, during reasonable hours, enter and inspect all alligator farmers' places of business, farm buildings, farm lands, vessels, and motor vehicles that are used or are of a type that could be used in the production, storage, sale, or transportation within this state of any alligators, their eggs, meat, or hides; inspect all records or documents pertaining thereto; and conduct partial inventories to determine if the permittee is in compliance with applicable laws and regulations. The permittee or designee shall make such records open to inspection upon request by Commission personnel.

(b) A complete inventory of all rearing stock may be scheduled, conducted, and directed by Commission personnel during reasonable hours to determine an accurate count of alligators present on a farm under one or more of the following conditions:

1. through 4. No change

5. When the annual report submitted by a permittee indicates a discrepancy that cannot be reconciled between the permittee's records of the farm's his-total inventory and the Commission's computed total number of alligators that should be present on a farm based on the previous years' annual reports and records of receipts, dispositions, harvests, and transfers of eggs and alligators, provided that the permittee shall have seven (7) days to resolve such discrepancies to the satisfaction of the Commission.

(c) No inventory of breeding stock shall be made without the written approval of the executive director or designee.

(d) through (f) No Change

(6) Specifications for alligator farms:

(a) Pens or holding facilities shall be constructed in a manner to prevent the escape of any alligator contained in such pen or facility or entrance by any alligator from outside such pen or facility. The ponds and outdoor tanks of all farms licensed to exhibit wildlife under Section 379.3761, F.S., shall conform to the fencing requirements for alligators as provided in Rule 68A-6.003, F.A.C. Farms not licensed to exhibit wildlife shall not be required to meet such standards, but shall have fencing five feet in height consisting of not less than 11 ½ gauge chain link or its equivalent and utilize fence ties 11 ½ gauge or its equivalent to secure the fencing to posts, rails, and to any other structural parts to prevent the escape or entrance of an alligator.

(b) Alligators less than four (4) feet in length shall be kept in readily drainable rearing tanks of concrete, fiberglass, plastic, or metal construction or other materials approved by the executive director or designee that will ensure their secure and humane confinement.

(c) Minimum space requirements shall be:

1. One half (0.5) square foot of space for each alligator less than 24 inches in length and enough space to allow the alligator to at least partially submerge and partially exit from the water.

2. One and a half (1.5) square feet of space for each alligator measuring 24 inches to 48 inches in length and enough space to allow the alligator to at least partially submerge.

3. Three (3) square feet of space for each alligator greater than 48 inches in length and enough space to allow the alligator to at least partially submerge.

4. For all alligator sizes, one dimension of the enclosure must be at least as long as the longest animal it contains. Alligator farm permittees shall furnish alligator housing of sufficient size and design as provided by Rules 68A-6.004 and 68A-6.0023, F.A.C.

(7) Harvest of alligators:

(a) through (d) No Change

(e) Property rights to unused CITES tags issued to alligator farm permittees shall be vested in the Commission, and unused CITES tags shall remain the property of the Commission. No person except the alligator farm permittee or ~~his~~ licensed farming agents shall possess any unused CITES tag at any time.

(f) No Change

(8) No Change

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00, 3-30-06, 3-19-08, 3-24-13,\_\_\_\_\_.*

**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: Diane R. Eggeman, 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: June 13, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2013