

Background Report
Draft Rule 68A-25.032 - Regulations Governing the Establishment of Alligator Management Programs.
Consent Agenda Item 3-B.
September 5, 2013

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION
Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-25.032: Regulations Governing the Establishment of Alligator Management Programs

PURPOSE AND EFFECT: The purpose of the proposed rule is to allow the capture and release of alligators on the same permitted property only if non-injurious capture methods are used, and modify the Private Lands Alligator Management Program Application form. The effect of the proposed rule will be to provide landowners and participants greater management flexibility and improve program implementation.

SUMMARY: The proposed rule would allow the capture and release of alligators on the same permitted property only if non-injurious capture methods are used, and modify the Private Lands Alligator Management Program Application 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-25.032 Regulations Governing the Establishment of Alligator Management Programs.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as “public lands” in this section) under the following conditions:

(1) Alligator Management Program – Application and review procedures.

(a) The owner or authorized lessee of property containing alligator habitat (as described in FWC form 1000PW) shall make written application, on forms provided by the Commission (Alligator Management Program Application, FWC form 1000PW, effective September 5, 2013 ~~April 12, 1998~~, is incorporated to the rule by reference and may be obtained from the Commission), for establishment of an Alligator Management Program each calendar year. A group of landowners or authorized lessees may apply jointly provided their properties are adjoining.

(b) through (h) No Change

(2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.

(a) through (c) No Change

(d) Alligators captured for release may only be taken using live traps; snares, snatch hooks, or by hand; or by other non-injurious method. Any alligators captured by the following methods cannot be released: ~~may be taken by the use of~~ firearms and, ~~live traps,~~ sethooks, ~~and snares;~~ baited, wooden pegs less than two (2) inches in length attached to a hand-held restraining line; harpoons and, gigs, ~~and snatch hooks;~~ and manually operated spears, spearguns, gig-equipped bang sticks, and crossbows; and bows with projectiles attached to a restraining line. The use of firearms other than bang sticks and gig-equipped bang sticks is prohibited from sunset to sunrise. Notwithstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) No Change

(f) Any alligators captured shall be released or killed before the permittee or ~~his~~ authorized licensee leaves the property described in the Alligator Management Program Application (FWC form 1000PW). An identifying alligator CITES tag issued by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing or, if the alligator is killed from or in a boat, no later than immediately upon return to shore and before leaving the property. If there is a permitted alligator processing facility on the property, alligators must be tagged immediately upon capture except that alligators captured from a boat must be tagged no later than immediately upon return to shore and before leaving the property. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(g) No Change

(3) through (4) No Change

(5) All tags issued under this rule shall remain the sole property of the Commission until used as provided herein, and may be possessed only by the permittee, licensees the permittee ~~he~~ has authorized to take alligators, or

~~his~~ licensed agent(s) prior to such use. Permittees ~~The permittee~~ shall be strictly liable in ensuring that all unused tags remain in their ~~his~~ possession, the possession of licensees they have ~~he has~~ authorized to take alligators, or the possession of his licensed agent(s), and that all unused tags are returned to the Commission within 15 days following permit expiration.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02, 3-30-06, 3-19-08, 7-20-09, 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