

FINAL RULE
 68A-27.007 Permits and Authorizations for the
 Take of Florida Endangered and Threatened Species
 Consent Agenda Item 5
 September 6, 2013

Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
13339263	68A-27.007	Permits and Authorizations for the Take of Florida Endangered and Threatened Species	Proposed	8/7/2013 Vol. 39/153	8/6/2013

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION
Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

[68A-27.007](#): Permits and Authorizations for the Take of Florida Endangered and Threatened Species

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to extend the timeframe within which wildlife best management practices (BMPs) for agriculture activities are legislatively authorized, developed and adopted. The effect of the proposed rule amendment would be to extend the timeframe for developing and adopting wildlife BMPs to November 2014.

SUMMARY: Wildlife BMPs will provide a voluntary alternative to incidental take permitting for landowners engaged in agriculture. This rule amendment would provide one additional year to complete the process of developing, vetting and adopting wildlife BMPs.

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: A SERC is not required for this proposed rule amendment because the wildlife BMPs are being developed as a voluntary alternative to existing Incidental Take permitting requirements.

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: [Art. IV, Sec. 9, Florida Constitution](#)

LAW IMPLEMENTED: [Art. IV, Sec. 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 September 5-6, 2013, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, FL 32502.

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: Scott Sanders, Director of Conservation Planning Services, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species.

(1) No change.

(2) The permit requirements for the taking of a State-designated Threatened species are as follows:

(a) through (c) No change.

(d) Agriculture, as defined in Section 570.02, Florida Statutes, conducted in accordance with best management practices (BMPs) adopted by the Department of Agriculture and Consumer Service pursuant to s. 403.067, Florida Statutes, is authorized and does not require a permit authorizing incidental take despite any other provision of this section. The Commission will work cooperatively with the Florida Department of Agriculture and Consumer Services, landowners, and other stakeholders to legislatively authorize, develop, and adopt BMPs to protect wildlife species ~~within three years of the effective date of these rules~~ by November 2014.

(e) through (f) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-8-10, Amended _____.

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: Thomas Eason, Director of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, FL 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