

Background Report
Final Rule 68A-13.0001
Agenda Item 17 A
April 17, 2014

Notice of Change

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: RULE TITLES:

68A-13.0001 Definitions

68A-13.001 Open Season for Taking Game; Bag and Possession Limits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 41, February 28, 2014 issue of the Florida Administrative Register.

The above referenced notice of proposed rule that was proposing new language incorrectly referenced an existing section (68A-13.001 – Open Season for Taking Game; Bag and Possession Limits). The existing section 68A-13.001 is not being proposed for amendment.

The notice should have referenced the proposed new section that was discussed in the purpose and effect section, which is 68A-13.0001 – Definitions.

Based on this, the Notice of Proposed Rule is corrected so that the header references:

RULE NO.: 68A-13.0001 **RULE TITLE:** Definitions

The first line of the text of the proposed rule is corrected to read as follows:

68A-13.0001 Definitions.

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-13.001 Open Season for Taking Game; Bag and Possession Limits

PURPOSE AND EFFECT: The purpose of the proposed new rule is, in conjunction with a rule amendment being proposed at the same time, to relocate zonal hunting boundary descriptions from Rule 68A-13.004, F.A.C., to a new definitions section (68A-13.0001) and include new language establishing deer management units (DMUs) for Zone D. The effect of the proposed rule will be to enable the agency to better manage white-tailed deer based on recent biological and public preference information.

SUMMARY: The proposed new rule would create a definitions section for Chapter 68A-13, F.A.C., that contains the hunt zone boundaries for zones A-D, defines deer management units (DMUs) for the purpose of managing white-tailed deer at a smaller geographic scale than is currently possible using larger zones, and establishes DMU D1 as that portion of Zone D located south of Interstate 10 and DMU D2 as that portion of Zone D located north of Interstate 10.

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.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: April 15, 2014, 1:00 p.m. – 5:00 p.m.; April 16-17, 2014, 8:30 a.m. – 5:00 p.m., each day during the Commission's regular meeting

PLACE: Florida Public Safety Institute, 215 Academy Drive, Havana, FL 32333

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-13.001 Definitions.

When used in this rule chapter, the terms and phrases listed below have the meaning provided:

(1) Deer management unit (DMU) - The following geographical portions of the state, less any lands established by the Commission pursuant to Rule 68A-14.001, F.A.C.:

(a) DMU D1 – That portion of Zone D located south of Interstate 10.

(b) DMU D2 – That portion of Zone D located north of Interstate 10.

(2) Zone – the following geographical portions of the state:

(a) Zone A – The counties of Broward, Charlotte (east of the Peace River and east Charlotte Harbor), Collier, Dade, DeSoto (south of State Road 70 and east of the Peace River), Glades, Hendry, Highlands (south of State Road 70), Lee, Martin (west of U.S. Highway 441), Monroe, Okeechobee (south of State Road 70 and west of U.S. Highway 441) and Palm Beach (except that portion lying east of U.S. Highway 441, east of State Road 80 north of County Road 880, north of County Road 880, and north of U.S. Highway 98/U.S. Highway 441/State Road 80/Southern Boulevard).

(b) Zone B – The counties of Hernando (south of State Road 50), Hillsborough (north of State Road 60), Lake (south of State Road 50), Orange (south of State Road 50 and west of U.S. Highway 17), Osceola (west of U.S. Highway 17, south and west of County Road 525, west of the western shoreline of Lake Tohopekaliga, west of C-35 canal, west of the western shoreline of Cypress Lake, west of C-36 canal and west of the eastern shoreline of Lake Hatchineha), Pasco, Pinellas (north of State Road 60), Polk (north of State Road 60) and Sumter (south of State Road 50).

(c) Zone C – The counties of Alachua, Baker, Bradford, Brevard, Citrus, Clay, Charlotte (except east of the Peace River and east Charlotte Harbor), Columbia, DeSoto (north of State Road 70, and west of the Peace River south of State Road 70), Dixie, Duval, Flagler, Gadsden (east of U.S. Highway 27), Gilchrist, Hamilton, Hardee, Hernando (north of State Road 50), Highlands (north of State Road 70), Hillsborough (south of State Road 60), Indian River, Jefferson, Lafayette, Lake, Leon (east of U.S. Highway 27, east of State Road 61 and east of U.S. Highway 319), Levy, Madison, Manatee, Marion, Martin (east of U.S. Highway 441), Nassau, Okeechobee (except that portion lying south of State Road 70 and west of U.S. Highway 441), Orange (north of State Road 50 and east of U.S. Highway 17), Osceola (east of U.S. Highway 17, north and east of County Road 525, east of the western shoreline of Lake Tohopekaliga, east of C-35 canal, east of the western shoreline of Cypress Lake, east of C-36 canal and east of the eastern shoreline of Lake Hatchineha), Palm Beach (east of U.S. Highway 441, east of State Road 80 north of County Road 880, north of County Road 880, and north of U.S. Highway 98/U.S. Highway 441/State Road 80/Southern Boulevard), Pinellas (south of State Road 60), Polk (south of State Road 60), Putnam,

St. Johns, St. Lucie, Sarasota, Seminole, Sumter (north of State Road 50), Suwannee, Taylor, Union, Volusia and Wakulla (east of U.S. Highway 319, north and east of U.S. Highway 98 and east of the Wakulla and St. Marks Rivers).

(d) Zone D – The counties of Bay, Calhoun, Escambia, Franklin, Gadsden (west of U.S. Highway 27), Gulf, Holmes, Jackson, Leon (west of U.S. Highway 27, west of State Road 61 and west of U.S. Highway 319), Liberty, Okaloosa, Santa Rosa, Wakulla (west of U.S. Highway 319, south of U.S. Highway 98 and west of the Wakulla and St. Marks Rivers), Walton and Washington.

PROPOSED EFFECTIVE DATE: July 2, 2014.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-14.

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: November 20, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2014