

Background Report
Final Rule 68A-13.004
Agenda Item 17 A
April 17, 2014

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game, Issuance of Antlerless Deer Permits and Private Lands Deer Management Permits

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to relocate zonal hunting boundary descriptions from Rule 68A-13.004, F.A.C., to a new definitions section (68A-13.0001), prohibit the taking of antlered deer unless it has at least one antler with two or more points in deer management unit (DMU) D1, prohibit the taking of antlered deer unless it has at least one antler with 3 or more points or one antler with a main beam of ten inches or more in length in DMU D2. Youth under 16 years of age would be exempt from these new antler regulations. The proposal would also change the length and timing of the antlerless deer season to include more weekend days to improve the chances of hunters participating in one or more days. The effect of the proposed rule amendment will be to enable the agency to better manage white-tailed deer based on recent biological and public preference information.

SUMMARY: The proposed rule amendment would prohibit the taking of antlered deer unless it has at least one antler with two or more points in DMU D1, prohibit the taking of antlered deer unless it has at least one antler with 3 or more points or one antler with a main beam of ten inches or more in length in DMU D2. Youth under 16 years of age would be exempt from these new antler regulations and would be able to harvest antlered deer with at least one antler 5 inches above the hairline.

The proposed rule amendment would also change the length and timing of the antlerless deer season as follows:

DMU D1: From seven consecutive days (December 26 – January 1) to four days occurring on the first weekend (Saturday and Sunday) of the antlered deer season in Zone D and the first consecutive Saturday and Sunday following December 25.

DMU D2: From seven consecutive days (December 26 – January 1) to eight days occurring on the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone D, the first consecutive Saturday and Sunday following December 25, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone D.

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.; and 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-13.004 Hunting Regulations ~~Open Season for Taking and Bag Limits~~ for Non-Migratory Game and Issuance of Antlerless Deer Permits.

The hunting regulations ~~open season and bag limits~~ for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. through 3. No change.

4. Antlerless deer taken under the authority of an antlerless deer permit issued under subsection (4)(3) of this rule shall be included in the daily bag, but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

5. Antlerless and antlered deer taken under the authority of a permit issued under subsection (5)(4) of this rule shall not be subjected to daily bag or possession limits.

(b) through (c) No change.

(2) Regulations specific to deer management units:

(a) The take of antlered deer within the listed deer management unit not meeting the prescribed criteria shall be prohibited, except for antlered deer taken pursuant to Rules 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C., and antlered deer taken by persons under 16 years of age.

1. DMU D1: Taking of antlered deer not having at least one antler with two or more points is prohibited.

2. DMU D2: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

(b) The take of deer in the Florida Keys; of antlered deer in that portion of Collier County lying south of State Road 84, west of State Road 29, north of U.S. Highway 41 and east of the western boundary of the Fakahatchee Strand State Preserve; and of antlerless deer in those portions of the eastern Everglades south of the Tamiami Trail (U.S. 41) and east of Everglades National Park, or in Collier County south of Alligator Alley (State Road 84) is prohibited, except for deer taken pursuant to Rules 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C.

(3)(2) Open seasons:

(a) Antlered deer:

1. ~~Zone A comprised of the counties of Broward, Charlotte, Collier (except that portion lying south of State Road 84, west of State Road 29, north of U.S. Highway 41 and east of the western boundary of the Fakahatchee Strand State Preserve where there will be no open season), Dade, DeSoto (south of State Road 70), Glades, Hendry, Highlands (south of State Road 70), Lee, Martin, Manatee (south of State Road 70), Monroe (except in the Florida Keys where there will be no open season), Okeechobee (south of State Road 70), Palm Beach, St. Lucie (south of State Road 70) and Sarasota: Opening the third Saturday in September and closing 29 days thereafter and reopening the Saturday before the fourth Thursday in November and closing the first Sunday in January.~~

2. ~~Zone B comprised of 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): Opening 9 days after the fourth Thursday in November and closing 78 days thereafter.~~

3. Zone C comprised of the counties of Alachua, Baker, Bradford, Brevard, Citrus, Clay, Columbia, DeSoto (north 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 (north of State Road 70), Marion, Nassau, Okeechobee (north of State Road 70), 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), Pinellas (south of State Road 60), Polk (south of State Road 60), Putnam, St. Johns, St. Lucie (north of State Road 70), 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): Opening the first Saturday in November closing 78 days thereafter.

4. Zone D comprised of 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: Opening the fourth Thursday in November and closing 3 days thereafter and reopening the second Saturday in December and closing 71 days thereafter.

(b) Antlerless deer:

1. Zone A: Opening the Saturday before the fourth Thursday in November and closing 6 days thereafter, ~~except those portions of the eastern Everglades south of the Tamiami Trail (U.S. 41) and east of Everglades National Park, or in Collier County south of Alligator Alley (State Road 84).~~

2. Zone B: Opening December 26 and closing January 1.

3. Zone C: Opening the Saturday before the fourth Thursday in November and closing 6 days thereafter.

4. Zone D: ~~Opening December 26 and closing January 1.~~

a. DMU D1: Open during the first weekend (Saturday and Sunday) of the antlered deer season in Zone D and the first consecutive Saturday and Sunday following December 25.

b. DMU D2: Open during the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone D, the first consecutive Saturday and Sunday following December 25, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone D.

(c) through (f) No change.

(g) Notwithstanding the provisions of paragraphs ~~(3)(2)~~(a)-(e) deer of either sex, gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. through 2. No change.

(h) Notwithstanding the provisions of paragraphs ~~(3)(2)~~(a), (b), (c), (d), (e), and (g), antlered deer, gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. through 2. No change.

(3) through (4) renumbered (4) through (5) No change.

PROPOSED EFFECTIVE DATE: July 2, 2014.

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, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06, 7-1-08, 7-1-10, 1-1-11, 7-26-12, 7-1-13, ~~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: February 12, 2014

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