

Florida Fish and Wildlife Conservation Commission (FWC) staff are proposing changes to seven rules governing its Alligator Management Program. These changes are a product of an ongoing staff review of all of the alligator-related statutes, a stakeholder proposal, and to clarify language.

This background report details the proposed changes, the rule development process and staff recommendations for moving forward.

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End Goal: Program Improvements

Action Item 1: Rule Changes For Advertising

- Incorporate statutory provisions that are better suited in Commission rule
- Reduce burden and add flexibility
- Clarify language

Action Item 2: Introduction of Possible Statute Changes for 2015

- Consider separate fee structure for recreational participation
- Consider elimination of non-essential license fees
- Consider new fee for non-resident participation
- Consider license exemptions



Commission action is being sought on two independent endeavors that could lead to program improvements:

Action Item 1 Approval of a draft set of rule changes that incorporates current statutory provisions that are better suited in rule, reduces burdens on and adds flexibility for program participants, and clarifies existing rule language.

Action Item 2 Approval to continue working on a proposal of creating a separate fee structure for recreational participants, assessing whether any existing fees can be eliminated consistent with the Governor's initiative to reduce unnecessary state fees, creating a new fee for non-residents taking alligators from the wild, and exemptions to aid program implementation and consistency with other recreational hunting opportunities.

Background – Statute Review

- Suite of alligator-related statutes enacted in 1987-88
- Commission approved staff to engage in public review
- Statutes have not been substantively reviewed
- Now have >25 years of management experience
- 12 statutes dealing with alligators



As part of the foundation to the Commission's comprehensive Alligator Management Program, a suite of alligator-related statutes was enacted in 1987-88. Since that time, these statutes have not undergone a substantive review. After more than 25 years of program implementation, staff received approval from the Commission at their November 2011 meeting to engage the public in reviewing these statutes. Currently, there are 12 statutes that relate to the alligator resource.

Purpose of FWC Statutes

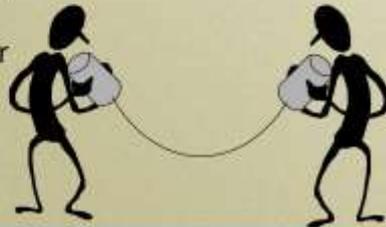
- Establish agency fees
- Establish penalties for violating agency rules
- Establish law in aid of regulating and managing fish and wildlife



The purpose of statutes enacted for the FWC is threefold: (1) to establish fees that the agency can charge, (2) to establish penalties for violating agency rules, and (3) to aid the agency in regulating and managing fish and wildlife.

Process

- Alligator Management Standing Team tasked
- Conceptual changes formulated for public discussion
- Web-based survey used to gauge initial public and stakeholder reaction and input
 - Almost 1,300 respondents
 - Generally supportive
- Drafting of possible changes to statutes ongoing and continued stakeholder work/public outreach planned
- Draft rules developed in support of possible statute changes
 - Posted on MyFWC.com/Alligator
 - Public workshop held



FWC's Alligator Management Standing Team, a diverse group of FWC staff representing all entities within the agency involved in alligator management issues, was tasked with the statute review endeavor. Over the many years implementing the program, staff have gained tremendous insight from direct contact with participants regarding their desires. After contemplating possible changes needed, keeping within the sideboards of what the purposes of agency statutes are, a summary of conceptual changes was made available online to gauge public reaction and gather input. Nearly 1,300 persons participated in the online survey with nearly all of the conceptual changes receiving favorable support. The consideration of statutory changes is ongoing and additional public outreach is being planned. The draft set of rule changes were prepared and made available through the MyFWC.com/Alligator website with instructions on how to provide input and comments. A public workshop will be held prior to the April 2014 Commission meeting, and will be announced through social media, posting on the MyFWC.com/Alligator website, and direct notification to program participants.

Proposed Changes to Alligator Rules

68A-24.004, FAC

Fur and Hide Dealers: Operations, Reporting Requirements

Proposed changes would:

- Incorporate and simplify reporting, record keeping and shipping requirements from § 379.364, F.S.
- Clarify that only tagged alligator hides can be purchased

Effect: Prepares § 379.364, F.S., for streamlining and decreases burden on participants



The proposed changes to Rule 68A-24.004, F.A.C., would incorporate provisions of Section 379.364, F.S., regarding the reporting, record keeping and shipping requirements of alligator hides and skins of fur-bearing animals and clarify that only tagged alligator hides can be purchased. This would prepare Section 379.364, F.S., for streamlining and decrease the reporting burden on hide and fur buyers.

68A-25.002, FAC

General Provisions for Taking, Possession and Sale of Reptiles

Proposed changes would:

- Incorporate language from § 379.3751, F.S., regarding the number of participants engaged in the taking of alligators and eggs from the wild
- Clarify the prohibition of crocodilian products manufactured in the form of a stuffed crocodilian less than three feet

Effect: Prepares § 379.3751 F.S., for streamlining and improves clarity of this law



The proposed changes to Rule 68A-25.002, F.A.C., would incorporate a provision of Section 379.3751, F.S., regarding the number of participants engaged in the taking of alligators and eggs from the wild and would clarify the prohibition of crocodilian products manufactured in the form of a stuffed crocodilian less than three feet in length. This would prepare Section 379.3751, F.S., for streamlining and improve understanding of this law.

68A-25.003, FAC

Taking and Disposal of Nuisance Alligators Statewide

Proposed changes would:

- Incorporate language from § 379.3752, F.S., to expend \$5 for every CITES hide tag used on alligator marketing and education activities
- Prepare rule for possible exemption to alligator trapping license requirement

Effect: Prepares § 379.3752, F.S., for streamlining and for consistency with possible changes to § 379.3751, F.S.



The proposed changes to Rule 68A-25.003, F.A.C., would incorporate provisions of Section 379.3752, F.S., to expend \$5 for every CITES hide tag used under this rule on alligator marketing and education activities contingent on receiving an annual legislative appropriation. This would prepare Section 379.3752, F.S., for streamlining. The current annual appropriation for undertaking alligator marketing and education activities is \$150,000. In fiscal year 2012-13, \$35,815 was transferred to the Department of Agriculture and Consumer Services, Division of Marketing and Development for this purpose from CITES tags used under Rule 68A-25.003, F.A.C.

The draft rule would also remove language regarding license requirements to prepare for possible changes to Section 372.3751, F.S., that would exempt contracted nuisance alligator trappers from alligator trapping license requirements.

68A-25.004, FAC

Regulations Governing the Operation of Alligator Farms

Proposed change would:

- Clarify that only farmers who display alligators to the public would have to meet the housing requirements for alligators in the captive wildlife rules

Effect: Provides consistency with the captive wildlife rules



The proposed change to Rule 68A-25.004, F.A.C., would clarify that only farmers who display alligators to the public would have to meet the housing requirements for alligators in the captive wildlife rules. This would make the alligator housing requirements (space, dry land, water) consistent between this rule and the captive wildlife regulations (68A-6, F.A.C.).

68A-25.031, FAC

Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs

Proposed change would:

- Incorporate language from § 379.3751, F.S., to expend \$1 for every \$5 egg fee assessed on alligator marketing and education activities
- Provide for a reduced fee for years when no appropriation for marketing and education activities is received

Effect: Prepares § 379.3751, F.S., for streamlining



The proposed change to Rule 68A-25.031, F.A.C., would incorporate provisions of Section 379.3751, F.S., to expend \$1 for every \$5 egg fee assessed under this rule on alligator marketing and education activities contingent on receiving an annual legislative appropriation for alligator marketing and education. In the event a legislative appropriation is not received, the egg fee would be reduced to \$4 and no monies would be expended on marketing and education activities. The current annual appropriation for undertaking alligator marketing and education activities is \$150,000. In fiscal year 2012-13, \$37,224 was transferred to the Department of Agriculture and Consumer Services, Division of Marketing and Development for this purpose from egg fees collected under this rule.

68A-25.032, FAC

Regulations Governing the Establishment of Alligator Management Programs

Proposed change would:

- Incorporate commitment to expending \$5 for every CITES hide tag used on alligator marketing and education activities from § 379.3752, F. S.

Effect: Prepares § 379.3752, F.S., for streamlining



The proposed change to Rule 68A-25.032, F.A.C., would incorporate provisions of Section 379.3752, F.S., to expend \$5 for every CITES hide tag used under this rule on alligator marketing and education activities contingent on receiving an annual legislative appropriation. This would prepare Section 379.3752, F.S., for streamlining. The current annual appropriation for undertaking alligator marketing and education activities is \$150,000. In fiscal year 2012-13, \$20,225 was transferred to the Department of Agriculture and Consumer Services, Division of Marketing and Development for this purpose from CITES tags used under Rule 68A-25.032, F.A.C.

68A-25.042, FAC

Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

Proposed changes would:

- Provide for capture and release of alligators taken under this rule

Effect: Provide greater participant flexibility



The proposed change to Rule 68A-25.042, F.A.C., would provide for capture and release of alligators taken under this rule when captured using a hand held snare or snatch hook. This would provide greater participant flexibility.

Stakeholder Feedback

- General support
- Additional hunting hours requested
- Use of baited wooden pegs as non-lethal method



Feedback received, thus far, on the set of draft rule changes has been generally supportive, with some suggestions for additional rule changes, including additional alligator hunting hours and use of baited wooden peg as a non-lethal method for release.

At the April 2014 Commission meeting, staff will present any additional input received since posting this background report.

Conceptual Statute Changes

Recreational alligator hunting licenses

- Considering new alligator hunting license and alligator hunting assistant license under § 379.354, F.S.
 - For Statewide Alligator Harvest Program only
 - No change in fees for resident
 - Non-resident alligator hunting license: \$250
 - Non-resident alligator hunting assistant license: \$150
 - Would provide for exemptions consistent with other recreational hunting opportunities
 - License sales may qualify for federal aid funding

- Rule 68A-25.042, FAC, would be amended and filed without public hearing if statutory changes passed



A conceptual change staff is working on as part of the alligator-related statute review endeavor is to partition and further position the Statewide Alligator Harvest Program as a recreational hunting opportunity. To accomplish this, a new alligator hunting license, alligator hunting assistant license, and alligator hide tag fee could be proposed for inclusion in the recreational licensing statute, Section 379.354, F.S. To participate in the Statewide Alligator Harvest Program under this proposal, a resident would pay \$270 in license and tag fees or \$50 to help a permit holder – these are same prices paid under the existing rules and licensing statute. Non-residents would pay \$270 in license and tag fees or \$150 to help a permit holder – this is a decrease in fees for non-resident permit holders and an increase for being an assistant. Persons who hold commercial alligator trapping or alligator trapping agent licenses could help Statewide Alligator Harvest Program permit holders, but would have to purchase a recreational alligator hunting license to be issued a Statewide Alligator Harvest Program permit. Recreational alligator hunting license holders would have to purchase commercial alligator trapping licenses to participate in the other alligator management programs. Issuing alligator licenses to Statewide Alligator Harvest Program participants under the recreational licensing statute would provide the framework to provide license exemptions (e.g., under 16 years of age) consistent with other recreational hunting opportunities. Also, issuing recreational alligator hunting licenses sold to residents might qualify these sales for federal aid funds equaling almost \$200,000.

If conceptually approved by the Commission in September 2014 and passage in the 2015 Legislative Session, Rule 68A-25.042, F.A.C., would be amended to reference the new licenses and to implement this concept without a final public hearing. Staff will be engaging stakeholders for additional input and to refine the proposal if conceptually approved, and will provide additional feedback at the June 2014 Commission Meeting.

Requested Action

- Approval to advertise the draft rule amendments for final adoption at June 2014 meeting
- Support of conceptual changes regarding recreational alligator hunting licenses
- Approval to continue working with stakeholders to refine and develop draft statute change proposals for consideration at September 2014 meeting

Go to
MyFWC.com/Alligator
for updates.



Staff is requesting Commission approval of the draft rule amendments for advertising and final public hearing at the June 2014 Commission meeting, support of the conceptual changes regarding recreational alligator hunting licenses, and approval to continue working with stakeholders on possible statute changes for consideration at the September 2014 Commission meeting.

Please continue to monitor MyFWC.com/Alligator for updates and consider signing up for GovDelivery at <http://myfwc.com/news/sign-up/> to receive automated messages from FWC on this endeavor (and other topics of interest).