

DRAFT
**ALLIGATOR MANAGEMENT PROGRAM RULE CHANGES IN SUPPORT OF POSSIBLE
PROPOSALS FOR AMENDMENTS TO ALLIGATOR-RELATED STATUTES, A
STAKEHOLDER PROPOSAL, AND A CLARIFICATION TO THE ALLIGATOR FARM RULE**
Agenda Item 17B
April 17, 2014

68A-24.004 Fur and Hide Dealers: Operations, Reporting Requirements - The proposed rule 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.

Draft Rule:

(1) No fur or hide dealer or buyer shall buy or possess any untanned skin of any fur-bearing animal acquired from any person not licensed in accordance with Section 379.354, F.S., or any untagged, untanned hide of an alligator ~~taken by a~~ acquired from any person not licensed as an alligator hunter under Section 379.354, F.S.; an alligator trapper, processor or farmer under Section 379.3751, F.S.; or as a hide dealer under Section 379.364, F.S. ~~Every fur or hide dealer shall maintain written records of all purchases of untanned skins of any animal as set forth in subsection (2).~~ Untanned skins of fur-bearing animals possessed or stored on the premises of a dealer or agent buyer for another person shall be tagged to show the name, address, date received and license number of the owner.

(2) Reporting, record keeping, and shipping requirements:

(a) Alligator hide dealers and buyers licensed pursuant to Section 379.364, F.S., shall submit an annual report to the Fish and Wildlife Conservation Commission at the conclusion of each calendar year for receipt by January 31. The report shall include the number of hides bought and name of person from whom the hides were bought, the harvest permit number under which each alligator was taken, and the date of purchase.

(b) Fur and hide dealers and buyers licensed pursuant to Section 379.364, F.S., shall submit an annual report covering the period April 1 through March 31 to the Fish and Wildlife Conservation Commission for receipt by April 15 of the following year. The report shall include the number of skins bought for each fur-bearing animal and name and trapping license number of person from whom the skins were bought and the date of purchase. ~~their agents purchasing skins during the following report periods shall file reports with the executive director as follows: separate reports for December 1 through 15, December 16 through 31, January, February and March which shall be filed within ten days following each report period. Dealers and their agents dealing in raccoon, opossum, skunk, nutria or beaver during the period of April 1 to November 30 shall file a report for that period no later than December 10. Dealers and their agents dealing in alligator hides shall file a report each 14 days during the open season for alligators as specified in Rule 68A-25.042, F.A.C., and an annual summary by January 30. Report forms will be furnished by the Commission, and reports will contain the fur and hide dealer's or agent's name, the seller's name and license number, and the number of hides of each species purchased.~~

(c) Copies of records ~~reports~~ documenting purchases of alligator hides or fur-bearing animal skins shall be maintained at the dealer's and buyer's ~~agent's~~ places of business and for a period of one year ~~during the open season for alligators; copies of reports documenting purchases of other skins shall be maintained at the dealer's and agent's places of business during the furbearer season.~~

(d) Any shipment initiated by a licensed fur or hide dealer or buyer with a common carrier shall have marked thereon the name of the licensee and license number.

(3) The written records of fur and hide transactions shall be made available for inspection by Commission law enforcement ~~wildlife~~ officers during regular business hours.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354, 379.364, 379.3012, 379.3751 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, Formerly 39-24.04, Amended 6-2-86, 6-7-88, 2-4-89, 4-11-90, 4-1-96, Formerly 39-24.004, Amended 3-30-06.

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles - The proposed rule would incorporate a provision of Section 379.3751, F.S., limiting 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 3 feet in length.

Draft Rule:

(1) In order to assure the optimal utilization of the estimated available alligator resource, the commission may by rule limit the number of participants engaged in the taking of alligators or their eggs from the wild. No person shall buy, sell, take, possess, transport, or import any American alligator, or any part thereof, or the nests or eggs of any American alligator except under permit from the executive director, as otherwise provided by this Title, or as follows:

(a) and (b) No Change

(2) Notwithstanding other provisions in this Title, untagged, lawfully-acquired, cured, and mounted crocodilian trophies; untagged, tanned crocodilian hides; and manufactured goods wholly or partly composed of crocodilian hide or other parts may be possessed, transported, and imported without a permit, but may only be sold in accordance with the following:

(a) and (b) No Change

(c) No person shall sell any crocodilian product manufactured in the form of a stuffed baby crocodilian less than three feet in length as measured from the tip of the snout to the tip of the tail that depicts an unnatural crocodilian body or body part positioning.

(3) through (11) No Change

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const, 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09.

68A-25.003 Taking and Disposal of Nuisance Alligators Statewide - The proposed rule would incorporate provisions of Section 379.3752, F.S., committing to expenditures on alligator marketing and education activities for alligators taken under this rule and would remove the reference to license requirements.

Draft Rule:

(1) Only persons under contract with the Commission as nuisance alligator trappers, or their agents and assistants, who have been approved by the executive director, or his designee, ~~and licensed in accordance with Section 379.3751, F.S.,~~ shall take, possess and kill nuisance alligators as authorized by permit.

(2) No Change

(3) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History—New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended 4-30-00, 12-16-03, 5-18-06.

68A-25.004 Regulations Governing the Operation of Alligator Farms - The proposed rule 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.

Draft Rule:

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and farming agents subject to the following:

(1) through (5) No Change

(6) Specifications for alligator farms:

(a) Pens or holding facilities shall be constructed in a manner to prevent the escape of any alligator contained in such pen or facility or entrance by any alligator from outside such pen or facility. The ponds and outdoor tanks of all farms licensed to exhibit wildlife under Section 379.3761, F.S., shall conform to the fencing requirements for alligators as provided in Rule 68A-6.003, F.A.C. Farms not licensed to exhibit wildlife shall not be required to meet such standards, but shall have fencing five feet in height consisting of not less than 11 1/2 gauge chain link or its equivalent and utilize fence ties 11 1/2 gauge or its equivalent to secure the fencing to posts, rails, and to any other structural parts to prevent the escape or entrance of an alligator.

(b) Alligators less than four (4) feet in length shall be kept in readily drainable rearing tanks of concrete, fiberglass, plastic, or metal construction or other materials approved by the executive director or designee that will ensure their secure and humane confinement.

(c) Minimum space requirements shall be:

1. One half (0.5) square foot of space for each alligator less than 24 inches in length and enough space to allow the alligator to at least partially submerge and partially exit from the water.
2. One and a half (1.5) square feet of space for each alligator measuring 24 inches to 48 inches in length and enough space to allow the alligator to at least partially submerge.
3. Three (3) square feet of space for each alligator greater than 48 inches in length and enough space to allow the alligator to at least partially submerge.
4. For all alligator sizes, one dimension of the enclosure must be at least as long as the longest animal it contains. Alligator farm permittees who also display alligators residing in their permanent enclosures to the public shall furnish alligator housing of sufficient size and design as provided by Rules 68A-6.004 and 68A-6.0023, F.A.C.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00, 3-30-06, 3-19-08, 3-24-13, 10-9-13.

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs - The proposed rule would incorporate provisions of Section 379.3751, F.S., committing to expenditures on alligator marketing and education activities for alligator eggs taken under this rule.

Draft Rule:

(1) No Change

(2) Conditions governing alligator egg collections:

(a) and (b) No Change

(c) One dollar shall be expended by the Commission or its designee on marketing and education for each egg collected and retained under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities. In the event an annual appropriation by the legislature for marketing and education activities is not granted, the fee assessed per egg collected and retained shall be reduced to \$4 and no transfers will occur.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751, 379.3752 FS. History—New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09.

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs - The proposed rule would incorporate provisions of Section 379.3752, F.S., committing to expenditures on alligator marketing and education activities for alligators taken under this rule.

Draft Rule:

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) No Change

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

(a) through (g) No Change

(h) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(3) No Change

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, 10-9-13.

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale - The proposed rule would provide for capture and release of alligators taken under this rule when captured using a hand held snare or snatch hook.

Draft Rule:

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) No Change

(2) Harvest permit issuance:

(a) Harvest permits may be applied for reserved for specific harvest units and harvest periods through the Commission's online licensing system Total Licensing System beginning at the designated times and dates each year by:

1. and 2. No Change

(b) through (f) No Change

(3) Alligator trapping requirements:

(a) through (c) No Change

(d) Legal methods of take:

1. Alligators captured using hand-held snares and snatch hooks must be released or killed immediately.

2. Alligators may be taken only by the use of artificial lures or baited, wooden pegs less than two (2) inches in length attached to hand-held restraining lines or restraining lines attached to a vessel occupied by the permittee and hand-held snares, harpoons, gigs, snatch hooks, and manually operated spears, spearguns, crossbows and bows with projectiles attached to restraining lines must be killed immediately.

3. The use of baited hooks, gig-equipped bang sticks, or firearms for taking alligators is prohibited except that bang sticks are permitted for taking alligators attached to a restraining line.

4. Notwithstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) and (g) No Change

~~(h) Alligators shall be killed immediately upon capture.~~

(hi) Immediately upon killing, a CITES tag issued by the Commission and a harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing. 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.

(ij) An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to

another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commission for receipt no later than 14 days after the expiration date of the harvest permit.

(jk) Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or his licensed agents prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

(kl) All unused CITES tags shall be returned by the permittee to the Commission no later than 14 days after the expiration date of the harvest permit. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68-1.010, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(4) through (5) No Change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, 7-20-09, 7-20-11, 3-24-13.