

Background Report
Final Rule 68A-13.004
Agenda Item 4 D
February 12, 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 allow private land owners and individuals hunting wild turkey on private land and certain public lands greater flexibility in the harvest of wild turkey by changing the daily bag limit from one to the season limit of two; and to better align the zonal deer hunting seasons in south Florida with deer breeding chronology. The effect of the proposed rule amendment will be to allow the seasonal bag limit of two wild turkey to be taken in a single day on private lands and those public lands not otherwise managed under the Commission's wildlife management area system; and to move portions of Zone A into Zone C so that the zonal deer hunting seasons in those areas affected by the change would better align with deer breeding chronology.

SUMMARY: The proposed rule amendment would change the daily bag limit for wild turkey from one to two and allow hunters on private land and public lands not otherwise managed under the Commission's wildlife management area system to harvest the seasonal bag limit of two in a single day. The daily bag limit would remain one turkey per hunter on wildlife management areas, wildlife and environmental areas and miscellaneous areas to aid in distributing harvest of the turkey resource among different hunters. The proposed rule amendment would also modify the zonal boundary between Zone A and Zone C to move portions of Zone A into Zone C so that the zonal deer hunting seasons in those areas affected by the change would better align with deer breeding chronology. Fall turkey seasons in the affected area would follow the new zonal seasons. Spring turkey seasons and all seasons for wildlife management areas and wildlife and environmental areas that lie in the proposed area of change would be unaffected by the proposed zonal line change.

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 DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting February 12 - 13, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree by Hilton Hotel, Tampa Airport – Westshore, 4500 West Cypress Street, Tampa, FL 33607

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

The 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) No change.

(b) Turkey: daily bag, 2 ~~4~~; spring season bag, 2 (except in Holmes County where the bag shall be 1); all fall seasons combined bag, 2; possession limit, 2.

(c) No change.

(2) Open seasons:

(a) Antlered deer:

1. Zone A comprised of the counties of Broward, Charlotte (east of the Peace River and east Charlotte Harbor), 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 and east of the Peace River), Glades, Hendry, Highlands (south of State Road 70), Lee, Martin (west of U.S. Highway 441), ~~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 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); ~~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. No change.

3. Zone C comprised of 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 (~~north of State Road 70~~), 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 ~~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), 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 (~~north of State Road 70~~), 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): Opening the first Saturday in November closing 78 days thereafter.

4. No change.

(b) No change.

(c) Turkey:

1. No change.

2. Spring season (gobblers or bearded turkeys only):

a. Opening on the first Saturday of March and closing 36 days thereafter south of State Road 70 in Zone A. Opening on the third Saturday of March and closing 36 days thereafter north of State Road 70 in Zones B, C and D except in Holmes County where the season will open on the third Saturday of March and close 15 days thereafter.

b. In addition to the season specified in sub-subparagraph a. above, a "Youth Turkey Hunt" shall open on the last Saturday of February and close 1 day thereafter south of State Road 70 in Zone A and open the second Saturday of March and close 1 day thereafter north of State Road 70 in Zones B, C and D. Only youth under 16 years of age may hunt and must be under the supervision and in the presence of an adult not younger than 18 years of age. Adults with required license and permits for taking wild turkeys or otherwise exempt from these requirements by Section 379.353, F.S., may participate in the hunt when in the presence of at least one youth under 16 years of age. Adults shall not take wildlife with a gun.

(d) through (h) No change.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE: July 1, 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, 6-1-13, 7-1-14.

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, 2013

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