

Background Report
Final Rule 68A-24.002
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-24.002 Methods of Taking Fur-Bearing Animals; Possession; Open Season

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise regulations to extend the season when bobcats may be taken with guns and dogs. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed rule amendment would extend the season for harvest of bobcat by the use of guns and dogs only (not traps or snares) from March 2 through March 31. Currently, bobcat may only be harvested from December 1 through March 1 by the use of live traps, guns, dogs or snares. The proposed rule would not change periods when bobcat may be harvested on Wildlife Management Areas, Wildlife and Environmental Areas and Miscellaneous Areas.

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, TIME AND PLACE SHOWN BELOW:

DATES 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-24.002 Methods of Taking Fur-Bearing Animals; Possession; Open Season.

(1) No change.

(2) Fur-bearing animals may be taken in accordance with the following:

(a) through (b) No change.

(c) Bobcat or otter may be taken ~~only~~ from December 1 through March 1 by live traps, guns, dogs or snares. Additionally, bobcat may be taken for non-commercial purposes from March 2-31 by guns or dogs. Fox and bobcats may be chased by the use of free-running dogs throughout the year. The taking of any fox and/or coyote by a dog or dogs within an enclosure is prohibited. For the purposes of this subsection, in relation to using dogs for the taking of fox or coyote, an “enclosure” is defined as an area of land enclosed in such a manner as to prevent the natural ingress or egress of fox or coyote. No person shall kill or possess fox unless authorized by permit from the executive director.

(d) No change.

(3) 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 6-22-80, 6-4-81, 6-21-82, 7-1-83, 7-5-84, 7-1-85, Formerly 39-24.02, Amended 10-8-87, 4-11-90, Formerly 39-24.002, Amended 5-13-02, 7-1-08, 10-5-10, 3-25-12, 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