

Background Report
Final Rule 68A-25.004
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-25.004 Regulations Governing the Operation of Alligator Farms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify references to forms and requirements related to alligator stock inventories.

SUMMARY: The proposed rule adds references to where in the rules the forms are incorporated, authorizes a complete inventory of any stock under specified conditions, and amends the specific conditions under which an inventory of breeding stock is authorized.

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; 379.3751 FS.

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-25.004 Regulations Governing the Operation of Alligator Farms.

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 (2) No change.
- (3) Record keeping requirements:
 - (a) No change.

(b) Shipping tickets, invoices or bills of lading, Hatchling Collection Forms (FWC Form 1002AF, incorporated in subparagraph 68A-25.031(1)(b)9., F.A.C.), Alligator Egg and Hatchling Transfer Documents (FWC Form 1003AF, incorporated in paragraph 68A-25.032(3)(i), F.A.C.), Public Waters Alligator Egg Transfer Documents (FWC Form 1005AF, incorporated in subparagraph 68A-25.031(2)(b)16., F.A.C.), Captive Alligator and Egg Transportation/Transfer Documents (FWC Form 1006AF, incorporated in paragraph (8)(b) of this Rule), and records of all hide sales or transfers shall be maintained and kept at the farm to show source of supply or disposition of alligator stock.

(c) Records required under this subsection shall be maintained until December 31 of the following year.

(4) No change.

(5) Inspection and inventory requirements:

(a) No change.

(b) A complete inventory of ~~any all-rearing~~ stock ~~is authorized to may~~ be scheduled, conducted, and directed by Commission personnel during reasonable hours to determine an accurate count of alligators present on a farm under one or more of the following conditions:

1. Upon bona fide sale or transfer of farm ownership.

2. Upon two or more failures during a calendar year to maintain complete alligator farming records.

3. Prior to the transfer of alligator stock upon revocation or non-renewal of an alligator farming permit.

4. When a partial inventory reveals a discrepancy of ten (10) percent or more in inventory records. A partial inventory is defined as counting the alligators in not more than three (3) rearing tanks or counting ten (10) percent of the entire reported inventory, whichever is greater.

5. When the annual report submitted by a permittee indicates a discrepancy that cannot be reconciled between the permittee's records of the farm's total inventory and the Commission's computed total number of alligators that should be present on a farm based on the previous years' annual reports and records of receipts, dispositions, harvests, and transfers of eggs and alligators, provided that the permittee shall have seven (7) days to resolve such discrepancies to the satisfaction of the Commission.

~~(e) No inventory of breeding stock shall be made without the written approval of the executive director or designee.~~

(d) through (f) Relettered (c) through (e)

(6) through (8) No change.

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,_____.

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