

**Background Report  
Final Rule 68A-24.004  
Agenda Item 18 A  
June 19, 2014**

Notice of Proposed Rule

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:

68A-24.004 Fur and Hide Dealers: Operations, Reporting Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify existing provisions, streamline reporting requirements, and incorporate a provision of Section 379.364, F.S., regarding shipping requirements of alligator hides and skins of fur-bearing animals. The effect of the proposed rule will be to improve understanding of existing provisions, decrease and simplify reporting and codify shipping requirements.

SUMMARY: The proposed rule (1) clarifies that it is unlawful to purchase untagged alligator hides, that skins of fur-bearing animals possessed on dealer or agent buyer premises must be tagged, and that purchasing records must be kept for a period of one year; (2) establishes less burdensome annual reporting requirements, and (3) establishes shipping requirements when using a common carrier.

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; 379.354, 379.364, 379.3012, 379.3751 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission's regular meeting June 17, 2014, 1:00 p.m. – 5:00 p.m.; June 18-19, 2014, 8:30 a.m. – 5:00 p.m., each day

PLACE: Crowne Plaza – Ft. Myers at Bell Tower Shops, 13051 Bell Tower Drive, Ft. Myers, FL 33907

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-24.004 Fur and Hide Dealers: Operations, Reporting Requirements.

(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 379.375~~1~~, 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. 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 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.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

*Rulemaking 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,\_\_\_\_\_.*

**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: April 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 7, 2014