

**Background Report
Final Rule 68A-25.003
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-25.003 Taking and Disposal of Nuisance-Alligators Statewide

PURPOSE AND EFFECT: The purpose of the proposed rule is to remove the reference to license requirements of persons taking nuisance alligators and incorporate provisions of Section 379.3752, F.S., committing to expenditures on alligator marketing and education activities for alligators taken under this rule. The effect of the proposed rule will be to clarify existing provisions and reduce regulations.

SUMMARY: The proposed rule removes the reference to licensing requirements of persons taking nuisance alligators and establishes a provision committing expenditures of \$5 on alligator marketing and education activities for each CITES tag used under this rule.

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; 379.3012, 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-25.003 Taking and Disposal of Nuisance Alligators Statewide.

(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.

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., 379.3012, 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,_____.

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: January 8, 2014