

**Background Report  
Final Rule 68A-25.042  
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-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to clarify the harvest permit application process, provide for capture and release of alligators taken under this rule when captured using non-lethal methods, and to change the legal hunting hours from 5 p.m. until 10 a.m. to 24 hours each day during the established season. The effect of the proposed rule will be to increase flexibility for program participants.

**SUMMARY:** The proposed rule clarifies the harvest permit application process, provides for capture and release of alligators only when hand-held snares and snatch hooks are used as capture methods, and changes the legal hunting hours from 5 p.m. until 10 a.m. to 24 hours each day during the established season.

**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-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) No change.

(2) Harvest permit issuance:

(a) Harvest permits may be applied for ~~reserved for specific harvest units and harvest periods~~ through the Commission's online licensing system ~~Total Licensing System~~ beginning at the designated times and dates each year by:

1. through 2. No change.

(b) through (f) No change.

(3) Alligator trapping requirements:

(a) No change.

(b) Alligators may be taken anytime ~~from 5 p.m. until 10 a.m. each day~~ during the harvest period specified in the harvest permit. Harvest periods shall be from 5 p.m. on September 12 until 5 p.m. ~~10 a.m.~~ on November 1, and from either 5 p.m. on August 15 until 5 p.m. ~~10 a.m.~~ on August 22, or 5 p.m. on August 22 until 5 p.m. ~~10 a.m.~~ on August 29, or 5 p.m. on August 29 until 5 p.m. ~~10 a.m.~~ on September 5, or 5 p.m. on September 5 until 5 p.m. ~~10 a.m.~~ on September 12, except as otherwise provided in the harvest permit.

(c) No change.

(d) Legal methods of take:

1. Alligators captured using hand-held snares and snatch hooks must be released or killed immediately.

2. Alligators may be taken only by the use of artificial lures or baited, wooden pegs less than two (2) inches in length attached to hand-held restraining lines or restraining lines attached to a vessel occupied by the permittee and ~~hand-held snares, harpoons, gigs, snatch hooks,~~ and manually operated spears, spearguns, crossbows and bows with projectiles attached to restraining lines must be killed immediately.

3. The use of baited hooks, gig-equipped bang sticks, or firearms for taking alligators is prohibited except that bang sticks are permitted for taking alligators attached to a restraining line.

4. Notwithstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) through (g) No change.

~~(h) Alligators shall be killed immediately upon capture.~~

~~(h)(i)~~ Immediately upon killing, a CITES tag issued by the Commission and a harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

~~(i)(j)~~ An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commission for receipt no later than 14 days after the expiration date of the harvest permit.

~~(j)(k)~~ Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or his licensed agents prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

~~(k)(l)~~ All unused CITES tags shall be returned by the permittee to the Commission no later than 14 days after the expiration date of the harvest permit. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68-1.010, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(4) through (5) No change.

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 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, 7-20-09, 7-20-11, 3-24-13,\_\_\_\_\_.*

**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: April 17, 2014

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