

Background Report
Draft Rule 68A-13.004
Agenda Item 15 A (2)
November 21, 2014

Draft Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game, Issuance of Antlerless Deer Permits and Private Lands Deer Management Permits

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to prohibit the taking of antlered deer unless it has at least one antler with two or more points in deer management units (DMUs) A1, A2 and C3, prohibit the taking of antlered deer unless it has at least one antler with 3 or more points or one antler with a main beam of ten inches or more in length in DMUs A3, B1, C1, C2, C4, C5 and C6. Youth under 16 years of age would be exempt from these new antler regulations. The proposal would also change when antlerless deer may be taken. The effect of the proposed rule amendment will be to enable the agency to better manage white-tailed deer based on recent biological and public preference information.

SUMMARY: The proposed rule amendment would prohibit the taking of antlered deer unless it has at least one antler with two or more points in DMUs A1, A2 and C3, prohibit the taking of antlered deer unless it has at least one antler with 3 or more points or one antler with a main beam of ten inches or more in length in DMUs A3, B1, C1, C2, C4, C5 and C6. Youth under 16 years of age would be exempt from these new antler regulations and would be able to harvest antlered deer with at least one antler 5 inches above the hairline.

The proposed rule amendment would also change when antlerless deer may be taken as follows:

DMU A1: From 30 days during archery and crossbow season to zero days. From seven days to zero days of the antlered deer season in Zone A.

DMU A2: From 30 days during archery and crossbow season to the first nine days. From seven days to two days of the antlered deer season in Zone A.

DMU A3: From 30 days during archery and crossbow season to the first 16 days. From seven days to four days of the antlered deer season in Zone A.

DMU B1: From seven days to three days of the antlered deer season in Zone B.

DMU C1: From seven days to four days of the antlered deer season in Zone C.

DMU C2: From seven days to three days of the antlered deer season in Zone C.

DMU C3: From seven days to three days of the antlered deer season in Zone C.

DMU C4: From seven days to four days of the antlered deer season in Zone C.

DMU C5: From seven consecutive days to four days covering two weekends (Saturday-Sunday) of the antlered deer season in Zone C, and two days during the muzzleloading gun season in Zone C.

DMU C6: From seven days to four days of the antlered deer season in Zone C.

68A-13.004 Hunting Regulations for Non-Migratory Game and Issuance of Antlerless Deer Permits.

The hunting regulations for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. Two (2) antlered deer during the antlered deer, crossbow (last 5 days), muzzleloading gun or archery/muzzleloading gun seasons.

2. One (1) antlered and 1 antlerless deer or 2 antlered deer during the antlerless deer season.

3. Two (2) antlerless deer, or 2 antlered deer, or 1 antlered and 1 antlerless deer during the archery and crossbow seasons except that antlerless deer may not be taken during each zone's last 5 days of the crossbow season.

4. Antlerless deer taken under the authority of an antlerless deer permit issued under subsection (4) of this rule shall be included in the daily bag, but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

5. Antlerless and antlered deer taken under the authority of a permit issued under subsection (5) of this rule shall not be subjected to daily bag or possession limits.

(b) Turkey: daily bag, 2; spring season bag, 2 (except in Holmes County where the bag shall be 1); all fall seasons combined bag, 2; possession limit, 2.

(c) Quail, gray squirrel, and rabbit: daily bag 12 of each species; possession limit 24 of each species; daily falconry bag 2 quail, 12 gray squirrels and 12 rabbits; falconry possession limit 4 quail, 24 gray squirrels and 24 rabbits.

(2) Regulations specific to deer management units:

(a) The take of antlered deer within the listed deer management unit not meeting the prescribed criteria shall be prohibited, except for antlered deer taken pursuant to Rules 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C., and antlered deer taken by persons under 16 years of age.

1. DMU A1: Taking of antlered deer not having at least one antler with two or more points is prohibited.

2. DMU A2: Taking of antlered deer not having at least one antler with two or more points is prohibited.

3. DMU A3: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

4. DMU B1: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

5. DMU C1: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

6. DMU C2: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

7. DMU C3: Taking of antlered deer not having at least one antler with two or more points is prohibited.

8. DMU C4: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

9. DMU C5: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

10. DMU C6: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

11. ~~1~~ DMU D1: Taking of antlered deer not having at least one antler with two or more points is prohibited.

12. ~~2~~ DMU D2: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

(b) The take of deer in the Florida Keys; of antlered deer in that portion of Collier County lying south of State Road 84, west of State Road 29, north of U.S. Highway 41 and east of the western boundary of the Fakahatchee Strand State Preserve; and of antlerless deer in those portions of the eastern Everglades south of the Tamiami Trail (U.S. 41) and east of Everglades National Park, or in Collier County south of Alligator Alley (State Road 84) is prohibited, except for deer taken pursuant to Rules 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C.

(3) Open seasons:

(a) Antlered deer:

1. Zone A: Opening the third Saturday in September and closing 29 days thereafter and reopening the Saturday before the fourth Thursday in November and closing the first Sunday in January.

2. Zone B: Opening 9 days after the fourth Thursday in November and closing 78 days thereafter.

3. Zone C: Opening the first Saturday in November closing 78 days thereafter.

4. Zone D: Opening the fourth Thursday in November and closing 3 days thereafter and reopening the second Saturday in December and closing 71 days thereafter.

(b) Antlerless deer:

1. Zone A:

a. DMU A1: Allowed by permit only.

b. DMU A2: Open during the first 9 days of the archery and crossbow seasons in Zone A, and opening the Saturday before the fourth Thursday in November and closing 1 day thereafter.

c. DMU A3: Open during the first 16 days of the archery and crossbow seasons in Zone A, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter. ~~Opening the Saturday before the fourth Thursday in November and closing 6 days thereafter.~~

2. Zone B:

a. DMU B1: Open during the archery season in Zone B, the first 30 days of the crossbow season in Zone B, and opening on the last Friday in December and closing 2 days thereafter. ~~Opening December 26 and closing January 1.~~

3. Zone C:

a. DMU C1: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

b. DMU C2: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 2 days thereafter.

c. DMU C3: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 2 days thereafter.

d. DMU C4: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

e. DMU C5: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone C, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone C.

f. DMU C6: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter. ~~Opening the Saturday before the fourth Thursday in November and closing 6 days thereafter.~~

4. Zone D:

a. DMU D1: Open during the archery season in Zone D, the first 33 days of the crossbow season in Zone D, the first weekend (Saturday and Sunday) of the antlered deer season in Zone D and the first consecutive Saturday and Sunday following December 25.

b. DMU D2: Open during the archery season in Zone D, the first 33 days of the crossbow season in Zone D, the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone D, the first consecutive Saturday and Sunday following December 25, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone D.

(c) Turkey:

1. Fall season (gobblers or bearded turkeys only): During the last 58 days of the antlered deer season in Zone A; during the first 58 days of the antlered deer season in Zones B and C; and during the first 41 days of the antlered deer season in Zone D except in Holmes County where there will be no open season.

2. Spring season (gobblers or bearded turkeys only):

a. Opening on the first Saturday of March and closing 36 days thereafter south of State Road 70. Opening on the third Saturday of March and closing 36 days thereafter north of State Road 70 except in Holmes County where the season will open on the third Saturday of March and close 15 days thereafter.

b. In addition to the season specified in sub-subparagraph a. above, a "Youth Turkey Hunt" shall open on the last Saturday of February and close 1 day thereafter south of State Road 70 and open the second Saturday of March and close 1 day thereafter north of State Road 70. Only youth under 16 years of age may hunt and must be under the supervision and in the presence of an adult not younger than 18 years of age. Adults with required license and permits for taking wild turkeys or otherwise exempt from these requirements by Section 379.353, F.S., may participate in the hunt when in the presence of at least one youth under 16 years of age. Adults shall not take wildlife with a gun.

(d) Quail: Opening the second Saturday of November and closing 113 days thereafter. Opening October 1 and closing March 31 for falconry.

(e) Gray squirrel: Opening the second Saturday of October and closing the first Sunday in March. Opening October 1 and closing March 31 for falconry.
No open season on fox squirrels.

(f) Rabbit: Throughout the year.

(g) Notwithstanding the provisions of paragraphs (3)(a) and (c)-(e) antlered deer, antlerless deer as provided by paragraph 3(b) deer of either sex, gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. During an archery season opening 49 days prior to the first day of the antlered deer season and closing 29 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter in Zone D except that turkey may not be taken in Holmes County.

2. During a crossbow season opening 49 days prior to the first day of the antlered deer season and closing 34 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter and reopening 4 days after the fourth Thursday in November and closing 4 days thereafter in Zone D except that turkey may not be taken in Holmes County ~~and antlerless deer may not be taken during each zone's last 5 days.~~

(h) Notwithstanding the provisions of paragraphs (3)(a), ~~(b)~~, (c), (d), (e), and (g), antlered deer, antlerless deer as provided by paragraph 3(b), gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. During a muzzleloading gun season opening 14 days prior to the first day of the antlered deer season and closing 13 days thereafter in Zones A, B and C; and opening 9 days after the first day of the antlered deer season and closing 6 days thereafter in Zone D except that turkey may not be taken in Holmes County.

2. During a muzzleloading gun season in the Zone D opening the day following the last day of the antlered deer season and closing 6 days thereafter, provided that turkeys may not be taken.

(4) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the crossbow (last 5 days), muzzleloading gun, and antlered deer seasons in accordance with the following:

(a) A person who owns, leases or otherwise has written permission to take antlerless deer on specifically identified lands may apply for an antlerless deer permit in accordance with this subsection. An antlerless deer permit will be issued for property or an aggregate of contiguous properties not less than 640 acres in size; or for property or an aggregate of contiguous properties not less than 150 acres in size which are contiguous to property under a current antlerless deer permit. Agricultural lands that have been permitted within the previous 12 months for taking of deer for crop depredation purposes shall be exempt from the minimum acreage requirement of this rule.

(b) Applications for antlerless deer permits shall be on such a form as prescribed by the Commission and shall include: a written description of the property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a signature of the landowner or legal agent of the landowner providing permission to take antlerless deer where the landowner is not the applicant; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this subsection.

(c) The permittee shall be furnished an identifying tag for each antlerless deer to be taken from the permitted area. Each person who takes an antlerless deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

(d) Commission personnel shall be granted access to collect biological specimens and data on antlerless deer taken under the provisions of this subsection.

(5) Issuance of Private Lands Deer Management Permits to landowners – Antlerless and antlered deer may be taken under permit from the executive director from the first day of the zonal deer season till the last day of the zonal deer season for not more than 128 total days (including during archery, crossbow, muzzleloading gun, and antlered deer seasons, and during any periods closed to deer hunting within this time frame) by any gun allowed for deer in Rule 68A-12.002, F.A.C., on property enrolled in the Private Lands Deer Management Permit program. Property enrolled in the program that is bisected by a zone line (permitted lands lie within multiple zones) may have one of the zonal deer seasons apply to all permitted lands as designated by the applicant. Property may be enrolled in this program in accordance with the following:

(a) Only property that meets the criteria listed in this paragraph is eligible to be enrolled in the Private Lands Deer Management Permit program.

1. The property identified for enrollment in an application must be at least 5,000 acres that form one continuous uninterrupted piece of land; an aggregate of properties under different ownership that adjoin one another so as to form one continuous uninterrupted piece of land that together satisfy the acreage requirement will be considered one property for purposes of this program if those properties are the subject of one application.

2. A written Wildlife Management Plan (WMP), developed or approved by a Certified Wildlife Biologist (CWB; certified by The Wildlife Society 5410 Grosvenor Lane, Suite 200, Bethesda, MD 20816) or developed through the Commission's Landowner Assistance Program, must be provided for the property identified for enrollment in an application.

3. Annual recommendations for the harvest of antlered and antlerless deer that are intended to help reach the stated deer management objectives for the property shall be provided.

4. The annual harvest recommendations shall be developed by a CWB and be based on a deer population survey conducted on the property except as follows:

a. No deer population survey is required for approval of the harvest so long as the harvest recommendation for antlered deer does not exceed 1 deer per 150 acres and so long as the harvest recommendation for antlerless deer does not exceed 1 deer per 150 acres. Harvest recommendations provided under this exception do not need to be developed by a CWB.

b. Antlered and antlerless deer harvest recommendations may be submitted without conducting a deer population survey in the year immediately following two consecutive years of deer population surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys.

5. Commission approved survey standards shall be used to conduct any deer surveys required in subparagraph 4. above.

(b) The permit shall require a minimum of four (4) qualifying conservation activities (active habitat management, wildlife management or conservation-related activities for youth) annually on the property during the period it is enrolled in the program. Conservation-related activities for youth may only account for one (1) of the four (4) qualifying conservation activities required by the permit. For an application to be approved, the four (4) qualifying conservation activities combined must affect at least 10% of the permitted land.

(c) A person must be the owner of the property, the leasee of the property or otherwise have written permission from the landowner to participate in the Private Lands Deer Management Permit program. Applications for the Private Lands Deer Management Permit program shall be on such a form as prescribed by the Commission and shall include: a written description of the property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a signature of the landowner or legal agent of the landowner providing permission to participate in the program; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this subsection.

(d) Commission personnel shall review the application and approve or deny based on whether it is complete and includes the required proposed conservation activities. Annual harvest limits for antlered and antlerless deer shall be established by the Commission, based upon the CWB's recommendations included in the WMP in consideration of the stated deer management objectives for the property. If the application is approved, the Commission shall enroll the property in the program and issue a permit in the name of the applicant. As a condition of issuance or renewal of the permit, the property must be managed consistent with the WMP and the conservation activities must be performed substantially as proposed.

(e) No person may harvest deer on property enrolled in the Private Lands Deer Management Permit program except as authorized under a permit issued under this subsection or under the authority of a deer depredation permit.

(f) The Commission shall furnish an identifying tag for each antlerless and antlered deer to be taken from the permitted area. Each person who takes an antlerless or antlered deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless or antlered deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

(g) Commission personnel may access property enrolled in the Private Lands Deer Management Permit program to check for permit compliance or to collect biological specimens and data on any deer taken.

(h) The permittee shall submit a deer harvest report by April 1 as prescribed by the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06, 7-1-08, 7-1-10, 1-1-11, 7-26-12, 7-1-13, 6-1-13, 7-1-14, 7-2-14, 7-1-15.