

Notice of Proposed Rule
Consent Agenda Item 4
November 20, 2014

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-13.003 Hunting Regulations for Ducks, Geese, and Coots

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to establish regulations, bag limits and possession limits for taking ducks, geese and coots in conformance with federal regulations. The effect of the proposed rule amendment would decrease the bag limit for canvasbacks from two to one, establish a September teal season with a bag limit of six, increase the bag limit for the September wood duck and teal season from four to six (no more than two may be wood ducks), modify the dates of the September wood duck and teal season, establish a possession limit of three day's bag limit for September duck seasons, modify the dates of the first phase of the Canada goose season, and modify the dates of the falconry season for ducks, geese and coots.

SUMMARY: This rule amends regulations for taking ducks, geese and coots.

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.

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

DATES AND TIME: During the Commission's regular meeting, November 20-21, 2014, 8:30 a.m. each day

PLACE: Hilton Key Largo Resort, 97000 Overseas Highway, Key Largo, FL 33037

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-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

(1) Duck, light goose, and coot season:

(a) through (e) No change.

(f) Limits: The possession limit for ducks and coots shall be three days' bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross' geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, two scaup, four scoters, three wood ducks, two redheads, two pintails, one ~~two~~ canvasback, one black duck,

one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only two of which may be hooded mergansers.

2. through 3. No change.

(2) No change.

(3) ~~Special September duck seasons~~ season:

(a) Open season: ~~opening the Saturday prior to the last Wednesday in September and closing four days thereafter.~~

1. Wood Duck and Teal – Opening eight days prior to the last Sunday in September and closing four days thereafter.

2. Teal – Opening three days prior to the last Sunday in September and closing three days thereafter.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Daily bag: ~~The daily bag limit shall be four teal and wood ducks in the aggregate per day, no more than two of which shall be wood ducks~~

a. The daily bag limit shall be six teal and wood ducks in the aggregate per day, no more than two of which shall be wood ducks during the open season as specified in subparagraph (3)(a)1. of this rule.

b. The daily bag limit shall be six teal during the open season as specified in subparagraph (3)(a)2. of this rule.

2. Possession: The possession limit shall be three days' bag limit. ~~twelve teal and wood ducks in the aggregate, no more than four of which shall be wood ducks.~~

(4) Canada goose season:

(a) Open season:

1. First phase – Opening the first Saturday in September and closing the last Sunday ~~Wednesday~~ in September.

2. through 3. No change.

(b) through (c) No change.

(5) Falconry:

(a) No change.

(b) Open season for ducks (including mergansers), light geese, and coots: November 3 ~~October 30~~ through November 12. Opening 8 days after the last Sunday in January and closing 25 days thereafter. The open season specified in ~~paragraphs paragraph~~ (1)(a), (1)(d) and ~~paragraph~~ (3)(a) of this rule.

(c) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption 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 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-05, 2-1-06, 7-1-06, 1-9-07, 1-8-08, 7-1-08, 1-6-09, 1-19-10, 7-1-10, 1-5-11, 3-25-12, 2-12-13, 1-23-14, _____.

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: September 10, 2014

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