

Agenda Item 11. A.  
June 24, 2015  
Notice of Proposed Rule

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:       RULE TITLE:

68A-12.004       Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise regulations on the possession or sale of mammals. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed rule amendment would revise labeling requirements for containers containing non-native venison; prohibit the sale or purchase of articles manufactured from the parts of lawfully taken black bear; and require a permit for mounting of road-killed black bear. Additionally, the proposed rule amendment would provide non-substantive technical changes, such as grammatical corrections, language standardization, or clarification of existing provisions.

**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 DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: During the Commission's regular meeting June 23-25, 2015, 1:30 p.m. on the first day and 8:30 a.m. each day thereafter.

PLACE: Hyatt Regency, 1000 Boulevard of the Arts, Sarasota, FL 34236.

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-12.004 Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements.

(1) through (6) No change.

(7) The sale of deer (venison) is prohibited except:

(a) No change.

(b) Deer (venison) from species of deer not native to the state may be sold. Non-native deer (venison) may be sold uncooked to the public provided:

1. Non-native deer (venison) may only be sold uncooked when packaged in a tamper-proof container with a label stating "NON-NATIVE VENISON (species identified) ~~PRODUCED ON A LICENSED GAME FARM.~~" The label shall identify the species of deer contained in the container.

2. No change.

(c) No change.

(8) The foregoing shall not prohibit the sale or purchase of articles manufactured from the heads, antlers, horns, hides, teeth and feet of lawfully taken game mammals, except black bear lawfully taken.

(9) When lawfully taken, the feathers or skins of non-protected or resident game birds or the skins of deer, squirrels, or rabbits ~~or wild hog~~ may be sold.

(10) No change.

(11) Taxidermy operations and mounting requirements:

(a) through (d) No change.

(e) No permit shall be required for the mounting of carcasses, green hides, or uncured parts of:

1. No change.

2. Specimens of game mammals except black bear, game birds, ~~game mammals~~, fox squirrel, otter, bobcat or mink that were killed on roads or highways.

(12) The sale or purchase of any bear carcass or any part thereof is prohibited. The sale or purchase of any taxidermal specimen of a black bear is prohibited. The sale or purchase of a taxidermal specimen of any other species of bear is prohibited unless it was legally taken or acquired and has attached thereto a tag bearing the name and address of the possessor and the date when and the specific place where it was taken or acquired. In addition the possessor of any taxidermal specimen of any bear shall have in his possession documentation that the specimen was legally taken, acquired, or exported from the state or country of origin. The possession or transportation of any carcass or untanned skin of any bear is prohibited unless it was legally taken or acquired and has attached thereto a Commission bear tag or a tag bearing the name and address of the possessor, the species, and the date when and specific place where it was taken or acquired. In addition the possessor of the carcass or untanned skin shall have in his possession documentation that it was legally taken, acquired or exported from the state or country of origin.

*Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-5-84, Formerly 39-12.04, Amended 5-10-87, 6-8-87, 4-20-94, 8-7-97, Formerly 39-12.004, Amended \_\_\_\_\_.*

**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 15, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2015