

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to establish an open season for taking black bear and associated regulations. The effect of the proposed rule amendment will be to enable the agency to better manage black bear populations.

SUMMARY: The proposed rule amendment would establish an open season for taking black bears in the East Panhandle, North, Central, and South Bear Management Units (BMUs); establish a daily, possession, and season limit of one black bear; provide for harvest objectives for each BMU to be established by Order of the Executive Director after approval of the Commission; and require that all bear taken must be checked and tagged at a Commission designated check station within 12 hours of recovery. 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-13.004 Hunting Regulations for Non-Migratory Game; ~~and~~ Issuance of Antlerless Deer Permits and Private Lands Deer Management 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) through (c) No change.

(d) Bear: daily, possession and season bag 1.

(2) No change.

(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.

(b) through (d) No change.

(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) No change.

(g) Bear:

1. East Panhandle, North, Central, and South BMUs: Opening the Saturday prior to the last Saturday in October and closing 6 days thereafter. If a BMUs harvest objective, established pursuant to subparagraph 2., is attained prior to the season close and on or after the second day of the season, that BMU's season shall close at 11:59 p.m. on the day its harvest objective is attained.

2. The harvest objective for each BMU shall be as established by Order of the Executive Director, after approval of the Commission, and shall be based on the proportion of the BMU population available for harvest consistent with biologically sustainable population objectives for each BMU.

3. All bear taken shall be checked and tagged within 12 hours of recovery at a Commission designated check station. The tag shall remain affixed to the hide until it is tanned or mounted.

(g) through (h) Relettered (h) through (i)

(4) through (5) No change.

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,_____.

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