

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-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise regulations pertaining to special-use permits and special-opportunity hunting and fishing. 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 create resident and non-resident special-use bear permits and associated fees, and establish an application deadline for these permits. 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; Section 379.354, Florida Statutes

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Section 379.354, Florida Statutes

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-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing.
Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

(1) Limited entry (special hunting and fishing) opportunities for which special-use permits are required shall be established by rule or, for small-game areas, by order of the Executive Director pursuant to Rule 68A-13.007, F.A.C., subject to the following provisions:

(a) Special-opportunity hunting and fishing ~~opportunities~~ shall be established on land owned, leased or managed by the Commission or the State of Florida based on its suitability as determined by relative abundance of fish and game species, habitat availability, and accessibility of the area for public use.

(b) There shall be no exemptions to the requirement for a special-use permit for limited entry (special hunting and fishing) opportunities.

(c) through (d) No change.

(e) Special-use permits shall be transferable, except that special-use bear permits shall not be transferable and special-opportunity dove hunt permits shall not be transferable after the date and time they become effective.

(2) The Commission establishes fees for special-use permits and non-refundable application fees for limited entry (special hunting and fishing) opportunities as follows:

(a) Special-opportunity hunting and fishing permits:

(a) Numbered 1.

1. through 2. Lettered a. through b. No change.

(b) Numbered 2. No change.

1. through 2. Lettered a. through b. No change.

(c) through (i) Numbered 3. through 9. No change.

(b) Special-use bear permit:

1. The fee for a special-use bear permit for a resident to take bears in this state pursuant to Rule 68A-13.004, F.A.C., is \$100.

2. The fee for a special-use bear permit for a non-resident to take bears in this state pursuant to Rule 68A-13.004, F.A.C., is \$300.

3. There shall be no application fee for a special-use bear permit and applications must be submitted by 11:59 p.m. the day prior to the bear season as established in Rule 68A-13.004, F.A.C.

(3) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354 FS. History—New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00, 5-13-02, 7-1-06, 8-22-06, 7-1-07, 7-1-08, 4-1-15,_____.

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