

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: Licenses and Permits: Issuance and Revocation

RULE TITLES:

RULE NOS.:

Quota Hunt Permits and Special-Opportunity Permits-

Application; Selection; Issuance.

68A-5.005

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to improve the process for distributing quota permits; provide additional hunting opportunities through a Family Hunt format; and group rules regarding the issuance of agency permits for disabled persons under 68A-9.008, F.A.C. The effects of these changes would be to make the quota permit application and issuance process more convenient for agency customers and more efficient using new technology; provide for a more fair distribution of quota permits during the third phase issuance; provide more family-oriented hunting opportunities; and streamline and clarify rules.

SUMMARY: These proposed rule amendments would allow for application and issuance of quota hunt permits through electronic formats and via the total licensing system. Rules regarding the submission of paper applications would be revised or eliminated. Proposed amendments would change provisions for the third phase of quota permit issuance to limit the number of permits for regular, special, and spring turkey quota hunts to five permits per hunt, per individual. Proposed rules would establish a new Family Hunt permit application process. Currently, rules pertaining to permits for the physically disabled are under two rule sections (68A-5.005 and 68A-9.008, F.A.C.). The proposed rule change would delete these rules from 68A-5.005 and consolidate them under 68A-9.008, F.A.C., a rule amendment found elsewhere in this issue.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$100 for administrative preparation and \$100 for legal advertising. No other significant economic impacts are expected.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for 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; Section 372.57(4)(f), Florida Statutes.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. to 5:00 p.m., each day, February 2-4, 2005.

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida.

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 calendar 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 by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-5.005 Quota Hunt Permits and Special-Opportunity Permits - Application; Selection; Issuance.

(1) Application – Applicants for quota hunt permits and special-opportunity permits as designated by Rule 68A-15.005, F.A.C., shall submit ~~an a properly completed~~ application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application. For purposes of this rule, the Commission hereby adopts and incorporates

herein the following application forms:

(a) - (j) No Change.

(k) Family Hunt Quota Hunt Application (form number QA-701, effective June 1, 2005), available from Commission Offices.

(2) Selection – Unless other procedures are set forth in the application for a particular hunt or in specific area regulations, selection of quota hunt permits and special-opportunity permits shall be as provided in this rule.

(a) Selection of recipients of regular and special quota permits in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, ~~not postmarked,~~ from June 1-11 ~~unless June 11 falls on a Saturday or Sunday,~~ at which ~~time the random selection shall be from applications received from June 1 through the first Monday after June 11.~~ Applicants who submit a ~~spring turkey~~ regular or special quota hunt application during this application period and who were rejected in the ~~include a rejection notice from the~~ previous year's random selection ~~for each applicant on the application~~ shall be included in a preference random selection, held prior to the regular random selection. All applicants applying as part of a group must be eligible for the preference drawing, in order for the group to be included in the preference drawing.

(b) Selection of recipients of spring turkey quota permits on wildlife management areas in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, ~~not postmarked,~~ beginning the first Wednesday in November 4, ~~unless November 1 falls on a Saturday or Sunday,~~ at which ~~time the beginning date shall be the first Monday after November 1~~ and ending nine days thereafter. Applicants who submit a spring turkey quota hunt application during this application period and who were rejected in the ~~include a rejection notice from the~~ previous year's random selection ~~for each applicant on the application~~ shall be included in a preference random selection, held prior to the regular random selection. All applicants applying as part of a group must be eligible for the preference drawing, in order for the group to be included in the preference drawing.

(c) Selection of recipients of track, airboat, mobility-impaired and youth hunt quota permits shall be by computer random selection from applications received, ~~not postmarked,~~ beginning the second Wednesday in July and ending 16 days thereafter.

(d) In those situations in which the authorized number of quota permits exceeds the applications received during the initial period, recipients of such permits shall be selected on a first-come, first-served basis, except that Excess mobility-impaired permits shall be issued by random selection from all applications received during the period beginning ~~on the day after~~ the fourth Wednesday in August and ending 10 days there after.

(e) Except as otherwise specified below, recipients of special-opportunity permits shall be selected by random computer selection from ~~completed current year~~ applications received before or on June 15, ~~irrespective of postmark date, unless June 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received by or on the first Monday after June 15.~~

(f) Recipients of special-opportunity spring turkey permits shall be selected by random computer selection from ~~completed current year~~ applications received, ~~not postmarked,~~ on or before October 15, ~~unless October 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received through the first Monday after October 15.~~

(g) Special-opportunity permits, other than special-opportunity spring turkey permits, for which permit ~~or license~~ fees are not received by July 15, unless July 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after July 15, irrespective of postmark date, will be forfeited. A second-round random drawing shall be conducted to assign special-opportunity permits forfeited after July 15. Special-opportunity permits assigned during the second-round drawing for which permit ~~or license~~ fees are not received by August 15, unless August 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after August 15, irrespective of postmark date, will be forfeited. A third-round random drawing will be conducted to assign special-

opportunity permits forfeited after August 15.

(h) In those instances where the number of special-opportunity permits available exceeds the number of applicants on August 15, the remaining permits will be issued on a first-come, first-served basis ~~as applications are received.~~

(i) - (k) No Change.

(l) Applicants will be limited to one special-opportunity permit per person, per hunt.

(m) No more than ten percent of the special-opportunity permits for each specific hunt shall be issued to non-residents provided that at least one permit may be available to a non-resident in the event that the ten percent calculation results in a number less than one.

(3) Issuance.

(a) Quota permits for the regular, special, and spring turkey hunts shall be issued ~~without cost~~ to applicants who, unless exempt, have provided proof of purchase of a wildlife management area permit stamp, or other license or permit that includes a wildlife management area permit ~~sportsman's license, lifetime sportsman's license, lifetime hunting license or 5-year hunting license~~, and who were selected as provided in this rule.

(b) Quota permits for the track and airboat hunts shall be issued ~~without cost~~ to applicants who have provided proof of current vehicle or vessel registration and who were selected as provided in this rule.

(c) No person shall be eligible for issuance of more than ~~one spring turkey~~, one airboat, one youth hunt or one track quota hunt permit, ~~except that persons may apply for one additional spring turkey quota permit after the first Friday in January.~~

(d) No person shall be eligible for issuance of more than one regular and one special quota permit until after the first ~~Wednesday~~ Friday in October; after the first Wednesday in October, no person shall be eligible to receive more than five permits for the same hunt at which time applicants may submit applications according to subsection (1) to obtain additional permits.

(e) No person shall be eligible for issuance of more than one mobility-impaired quota permit

until after the fourth Friday in August ~~, at which time applicants may submit applications according to subsection (1) to obtain additional permits.~~ No person shall be eligible for issuance of more than one mobility-impaired quota permit for the same hunt.

(f) An applicant whose name appears on more than one regular or more than one special quota hunt application before or on the first ~~Wednesday~~ Friday in October shall be rejected. An applicant whose name appears on more than one mobility-impaired quota hunt application before or on the fourth Friday in August shall be rejected. An applicant whose name appears on more than one spring turkey quota hunt application before or on the first ~~Wednesday~~ Friday in January shall be rejected. An applicant whose name appears on more than one youth hunt quota application shall be rejected. An applicant who submits more than one airboat or track quota hunt application for the same airboat or track vehicle will have his/her applications rejected.

~~(g) Participants in the mobility impaired hunt shall be restricted to persons who are paraplegic, hemiplegic or quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use assisting aids to walk, permanently required to use braces or prosthesis on both legs, or who have had complete single leg amputations.~~

~~(h) No person shall be eligible for issuance of more than one mobility impaired quota permit for the same hunt. No person shall be eligible for issuance of a mobility impaired quota permit, unless the person has a completed mobility impaired eligibility certification application (form QA 801) on record with the Commission.~~

~~(g)~~ (i) Special-opportunity permits shall be issued to those selected applicants who have submitted a non-refundable application fee as established by Rule 68A-9.007, F.A.C., applied as prescribed in this section, met requirements of this and other applicable rules and statutes relating to wildlife management areas and small game hunting areas, and paid the permit or license fees established by Rule 68A-9.007, F.A.C., and, where applicable, Section 372.6673, F.S.

~~(h)~~ (j) No person shall be eligible for issuance of more than one spring turkey quota permit

until after the first ~~Wednesday~~ Friday in January, ~~at which time applicants may submit applications according to subsection (1) to obtain additional permits.~~ No person shall be eligible to receive more than five permits for the same hunt.

(4) No Change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57(4)(f) FS. History—New 7-1-85, Formerly 39-5.05, Amended 6-1-86, 5-10-87, 4-13-88, 7-1-89, 4-11-90, 4-14-92, 6-1-97, 4-12-98, 6-23-99, Formerly 39-5.005, Amended 5-13-02, 7-28-02, 5-1-03, 7-1-04,_____.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mr. Nick Wiley.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad,
Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: December 10,
2004.