

NOTICE OF PROPOSED RULEMAKING

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER TITLE: RULES RELATING TO GAME

RULE TITLES:

RULE NOS.:

Taking Destructive Birds and Mammals.

68A-12.009

PURPOSE AND EFFECT: The purpose of the proposed rule change is to replace the current nuisance wildlife trapper permit requirement with a registration requirement and allow airport personnel to take wild turkey from airport property when aircraft safety is threatened. The effect of the proposed rule changes is to allow more efficient record keeping regarding nuisance wildlife trappers and to reduce the risk of aircraft-bird strikes.

SUMMARY: The proposed rule change would replace the current permit requirement for nuisance wildlife trappers with a registration requirement and allow airport personnel to take wild turkey from airport property when aircraft safety is threatened.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 Const.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

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 1 – 2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th St., Gainesville, Florida 32607.

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-12.009 Taking Destructive Birds and Mammals.

(1) – (5) No change

(6) Destructive or nuisance wildlife may be taken on another's property by any person or entity only at the property owner's request and if registered with the Commission ~~authorized by a permit issued by the executive director~~, except that family members of or persons with an employee-employer relationship with the property owner, may do so without such registration permit as provided in subsection 68A-12.009(1), F.A.C.

Application for registration for taking destructive or nuisance wildlife shall be on such form and submitted in a manner as prescribed by the Commission.

(7)(a) - (b) No Change.

(c) Airport personnel may take deer or wild turkey on airport property if their presence poses a potential threat to aircraft safety and human lives. Deer may be killed with the use of a gun and light at night. Other methods of taking deer may be authorized by permit under subsection 68A-12.009(3), F.A.C. Carcasses of deer or wild turkey killed under this rule shall be buried, incinerated on-site or donated to a charitable, non-profit institution or agency. No deer or wild turkey carcasses killed under this rule shall be retained for use by airport personnel.

PROPOSED EFFECTIVE DATE: July 1, 2006.

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, 7-1-85, Formerly 39-12.09, Amended 4-14-92, 4-12-98, 6-23-98, 9-21-98, Formerly 39-12.009,_____.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: November 23, 2005.

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.W.