

Background Report
Draft Rule, 68A-25.042, Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale
Consent Agenda Item 3
March 4, 2009

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) Establishment of alligator management units and harvest quotas:

(a) Management units comprised of specified wetlands, lakes, rivers or other water bodies that may be reasonably grouped for the purposes of study, analysis or management and that are suitable for harvest based on habitat characteristics, accessibility, and estimated alligator densities shall be established by the executive director or his designee.

(b) Annual harvest quotas for each management unit shall be established by the executive director, or his designee, and shall be based upon an evaluation of on-site habitat or population inventories for each management unit. The harvest quota for a management unit shall be based on the best estimate of the number of alligators that can be removed from the unit without long-term adverse impacts on population levels.

(2) Harvest permit issuance:

(a) Harvest permits may be reserved for specific harvest units and harvest periods through the Commission's Total Licensing System beginning at the designated time and date each year by:

1. Paying for an alligator trapping license as required by Section 379.3751, F.S., and \$10 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits; or

2. Providing evidence of possession of an alligator trapping license valid through the last day of the designated harvest season and paying \$30 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits.

(b) Applicants for a harvest permit shall:

1. Be 18 years of age or older by August 15 in the current application year.

2. Not have been convicted of any violation of Section 379.409 or 379.3015, F.S., or rules of the Commission relating to the illegal taking of any crocodylian species:

a. For a period of five (5) years preceding the date of application; or

b. For a period of ten (10) years preceding the date of application if such conviction involved the taking of an endangered crocodylian species.

(c) Permits shall be issued upon determination that the applicant meets the requirements of this subsection.

(d) CITES tags shall be issued with each harvest permit, except that harvest tags bearing the letters "MER" shall also be issued with harvest permits for management units for which the best available scientific data indicates the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

(e) Harvest permits shall be valid only for the management unit and harvest period indicated thereon, and harvest permits and their associated harvest tags, if issued, and CITES tags are not transferable.

(f) The number of harvest permits issued per person shall be determined by the executive director or his designee.

(3) Alligator trapping requirements:

(a) Alligators may only be taken in accordance with the provisions of the alligator harvest permit.

(b) Alligators may be taken from 1 hour before sunset to 1 hour after sunrise each day during the harvest period specified in the harvest permit. Harvest periods shall be from 1 hour before sunset on September 12 through 1 hour after sunrise on November 1, and from either 1 hour before sunset on August 15 through 1 hour after sunrise on August 22, or 1 hour before sunset on August 22

through 1 hour after sunrise on August 29, or 1 hour before sunset on August 29 through 1 hour after sunrise on September 5, or 1 hour before sunset on September 5 through 1 hour after sunrise on September 12, except as otherwise provided in the harvest permit.

(c) Only non-hatchling alligators may be taken.

(d) Alligators may be taken only by the use of artificial lures or baited, wooden pegs less than two (2) inches in length attached to hand-held restraining lines or restraining lines attached to a vessel occupied by the permittee and hand-held snares, harpoons, gigs, snatch hooks, and manually operated spears, spearguns, crossbows and bows with projectiles attached to restraining lines. The use of baited hooks, gig-equipped bang sticks, or firearms for taking alligators is prohibited except that bang sticks are permitted for taking alligators attached to a restraining line. Notwithstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) Any persons actively participating in the taking of alligators as provided herein shall possess an alligator trapping license or alligator trapping agent's license. However, for the purposes of this provision, the taking of alligators does not include the activities of driving the vessel or the use of a light.

(f) Alligators may only be taken in the area specified in the alligator harvest permit.

(g) Any person possessing a valid alligator trapping or trapping agent's license ~~The permittee's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in presence of that trapper~~ may take alligators as provided in the harvest permit but only in the presence of the permittee.

(h) Alligators shall be killed immediately upon capture.

(i) Immediately upon killing, a CITES tag issued by the Commission and a harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(j) An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commission for receipt no later than 14 days after the expiration date of the harvest permit.

(k) Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or his licensed agents prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

(l) All unused CITES tags shall be returned by the permittee to the Commission no later than 14 days after the expiration date of the harvest permit. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(4) Alligator processing and sale of parts.

(a) Alligator meat not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(b) Commission personnel shall be granted access to collect biological data on and specimens from any alligators taken under the provisions of this rule, provided that specimens shall only be taken when necessary for the management of the species.

(5) Nothing herein shall prohibit the executive director from establishing special restrictions or exemptions from this rule for the purpose of conducting experimental alligator harvests on designated areas pursuant to Rule 68A-9.002, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09.

