

### **68A-12.010 Regulations Governing the Operation of Private Hunting Preserves.**

(1) The executive director may issue a license as provided by Section 372.661, F.S., for the establishment and operation of a private hunting preserve to allow the release and taking of captive-raised native and non-native game animals, as specified herein. Application for such license shall be made on Form GFC 333 (incorporated herein by reference, effective April 15, 1992 and available at the Commission's Tallahassee and regional offices). No hunting preserve license shall be issued until the premises of such preserve has been inspected by a representative of the Commission and the requirements of this section have been met.

(2) A hunting preserve shall consist of not more than 10,000 acres, including water area, and be owned or leased by the applicant. For the hunting of game mammals, the land shall be located wholly within a legally fenced tract. The boundaries of all preserves shall be posted with signs bearing the words "Licensed Hunting Preserve" which shall be placed at intervals of not more than 500 feet and easily visible from any point of ingress or egress. No hunting preserve shall be located within one mile of any wildlife management area, refuge or park established by state or federal law or regulation unless:

(a) The operation of such hunting preserve does not conflict with the management objectives of the affected wildlife management area, refuge or park;

(b) The owner or manager of the affected refuge or park shall be notified of the application and shall be given the opportunity to submit comments or recommendations;

(c) The proposed hunting preserve poses no significant adverse impacts to wildlife or public safety on the affected wildlife management area, refuge or park.

(3) In the event the property is under lease to the applicant, said lease shall be for a term of not less than one year from date of application and such lease is subject to review and approval by the Commission as a condition to the granting of said license.

(4) All laws, rules, or regulations pertaining to hunting or pertaining to game shall apply on all hunting preserves except as follows:

(a) The taking of carnivorous animals is prohibited on hunting preserves. Only game birds and game mammals of the following families: Cervidae (such as deer and elk), Suidae (hog), Bovidae (such as buffalo and antelope) shall be taken on hunting preserves.

(b) Game mammals shall not be taken on hunting preserves while boxed or caged and shall be taken only in accordance with the following conditions and methods:

1. Cervidae (deer family) shall be free-roaming on not less than 200 acres, with a minimum of 100 acres covered with woody vegetation. The hunting of Cervidae with dogs is prohibited, provided that a leashed dog shall be allowed for trailing. The preserve shall be completely enclosed with an eight-foot deer-proof fence.

2. Bovidae (such as buffalo and antelope) shall be free-roaming on not less than 300 acres, with a minimum of 200 acres covered with grassy vegetation. The hunting of Bovidae with dogs is prohibited, provided that a leashed dog shall be allowed for trailing. The preserve shall be completely enclosed with an eight-foot deer-proof fence.

3. Suidae (hog) shall be free-roaming on not less than 100 acres, with a minimum of 50 acres covered with woody vegetation. For hunting hogs with dogs the area shall be a minimum of 300 acres, with 200 acres covered with woody vegetation.

(5) Game mammals may be kept in small enclosures only for veterinary, breeding, transportation or other management purposes and shall not be hunted on the same day of release or transport into the minimum acreage required for taking the species.

(6) The hunting of game mammals that were produced, raised, or held at a zoological attraction, or that are tame game mammals is prohibited. For the purpose of this section, "tame game mammal" shall be defined as one that does not exhibit the flight characteristics or normal for the species when found in the wild. When tame game mammals are maintained in hunting areas for breeding or other purposes, they shall be readily identifiable with a fluorescent collar or other marking device.

(7) Game mammals shall not be taken by non-owners or non-lessees within 50 yards of a supplemental feeding station.

(8) Commission rules prohibiting the taking of game birds over live decoys or bait shall not apply when properly identified captive-reared game birds are being taken.

(9) Motorized vehicles shall not be used to drive game mammals, nor shall game mammals be taken from moving motorized vehicles.

(10) There shall be no bag limit for captive-reared game taken on hunting preserves. Such game may be trapped on the premises of said preserve, provided that any wild game trapped in such operation shall be immediately released.

(11) Open season for taking native game birds shall be from October 1 to April 20. The open season for taking native game mammals shall coincide with the established open season for the species established in the zone wherein the hunting preserve is located. White tailed deer of either sex may be taken from September 1 until March 20. Non-native hoofed stock and non-native

game birds may be taken year-round on licensed hunting preserves.

(12) With respect to waterfowl, only captive-reared mallards and captive-reared, Florida-strain mottled ducks may be released for shooting and only in accordance with the provisions of this rule. Such birds may not be handled so as to attract wild waterfowl. No person shall be permitted to shoot game farm ducks on any hunting preserve situated on a marsh, lake, river or any other place where there are concentrations of wild waterfowl or if the operation of the preserve attracts concentrations of wild waterfowl. Mallards may be released for shooting on hunting preserves, including preserves denoted as either private or commercial on GFC Form 333, only by a natural person, firm, or corporation who holds a valid mallard-release endorsement on a valid hunting preserve license issued pursuant to Section 372.661, F.S., and subsection (1) of this rule and in accordance with the following:

(a) ENDORSEMENTS: Endorsements shall be issued annually to persons, firms, or corporations that produce documentary evidence demonstrating the following:

1. Commercial release of waterfowl for shooting annually beginning January 1, 1998; and
2. Continuous licensure as a hunting preserve per Section 276.661, F.S., since July 1, 2001.

(b) LIMITED RELEASES: No more than 9,000 mallards shall be released by a licensee during the open season.

(c) LOCATION: The mallard release operations shall remain within the area indicated in the application for Hunting Preserve license on file with the Commission as of January 1, 1998.

(d) TRANSFERABILITY: A mallard-release endorsement may be transferred, in whole or in part, provided conditions (a)-(c) continue to be met by the entity receiving the endorsement or portion thereof. Upon transfer of a mallard-release endorsement, in whole or in part, the existing endorsement shall be surrendered to the Commission along with documentation of the transfer explicitly stating the portion of the endorsement and release quota therein being transferred (in total number of ducks). Upon such submission, the Commission will issue a new endorsement to the entity who received all or a portion of the original endorsement with the release quota adjusted for partial transfers (such endorsement shall only be issued to the receiving entity when that entity is licensed as a Hunting Preserve pursuant to Section 372.661, F.S., and this rule); the Commission will issue a new endorsement to the original endorsement holder if any portion of the original endorsement is retained, with the release quota reduced by the amount transferred.

(e) NO VESTED RIGHTS: This mallard-release provision does not create any vested rights whatsoever for endorsement holders and may be altered or terminated by the Commission as necessary to protect Florida's wildlife resources or the public interest.

(13) Florida-strain mottled ducks (mottled ducks) may be released for shooting purposes on hunting preserves only in accordance with the following. Preserves shall:

(a) Obtain mottled ducks only from validly permitted in-state breeding facilities or from out-of-state breeding facilities with which the Commission has an agreement for the taking, raising and reimportation of mottled ducks in compliance with subsections (13) and (14) of this rule;

(b) Maintain and provide upon request complete records including certificates of origin for mottled ducks, the number of mottled ducks released annually, and daily harvest records indicating how many of which species of ducks were killed and whether the ducks were wild or released;

(c) Release only mottled ducks meeting minimum standards for genetic purity as determined by the Commission. Purity standards shall be based on phenotypic characteristics or, when available, genetic characteristics that provide the best available indicators of whether a bird is a pure, Florida-strain mottled duck; and

(d) Be subject to inspection by the Commission.

(14) In order to establish a source of captive-reared, Florida-strain mottled ducks for release on hunting preserves, the Executive Director shall:

(a) Permit the removal of mottled duck eggs and/or birds from the wild for breeding on a limited number of breeding facilities. The number of eggs and/or birds made available by permit for breeding facilities shall be no greater than one-half of the number that the Executive Director determines may be removed from the wild population without negative impacts to the population. This number shall be estimated conservatively, using the best available biological information, so as to safeguard the welfare of the wild mottled duck population in Florida;

(b) Determine the number of breeding facilities to which Florida-strain mottled ducks and/or eggs shall be made available based on the number of ducks and/or eggs an individual breeding facility would need to establish a sustainable captive population and on the number of eggs and/or ducks to be removed from the wild;

(c) Use the following criteria to determine which breeding facilities shall be eligible to receive ducks or eggs. The proposed facility shall:

1. Document a history of successfully breeding ducks;
2. Adhere to accepted husbandry standards to assure safe and optimum breeding of mottled ducks;
3. Possess all required state and federal licenses and permits; and
4. Not have been adjudicated guilty or pled nolo contendere to any wildlife or game law violation in the state of Florida or other jurisdiction.

(d) Select breeding facilities that shall be permitted to receive ducks and/or eggs based on a random drawing from a pool of breeding facilities that meet the criteria listed in paragraph (14)(c); and

(e) Enter into agreements with breeding facilities receiving eggs and/or ducks. Mottled ducks produced at facilities with such agreements shall be eligible for release in Florida subject to license and permitting requirements of these rules. Such agreements shall include the following specific requirements for the breeding facility:

1. Rights of inspection;
2. Separation of mottled ducks from other stock;
3. Marking of birds; and
4. Protocols for culling possible hybrids.

(15) Operators shall maintain documents to demonstrate that birds being released and hunted on the preserve are in healthy condition and were legally produced at a licensed game farm or preserve. All captive reared ducks and turkeys to be taken on preserves shall be banded to identify point of origin. No wild turkeys nor wild ducks shall be taken over baited-areas, nor during the closed season prescribed by the Commission for the region in which the preserve is located.

(16) Hunting preserves shall be equipped and operated in such manner as to provide sufficient food and humane treatment for the game kept thereupon. The premises, pens, and facilities of all hunting preserves shall be maintained in a sanitary condition. All game harvested shall be taken by humane method as specified by Commission rules for the species. Injured or wounded mammals shall be immediately euthanized, transported to a veterinarian for treatment, or treated by the owner.

(17) Operators importing hooved stock from out-of-state, or from foreign countries, shall maintain copies of all importation permits and health records as required by the Department of Agriculture and Consumer Services and the United States Department of Agriculture. Such records shall be made available for inspection upon request of any Commission employee.

(18) Prior to being transported from a preserve, all carcasses, parts, and meat of game taken on preserves shall be properly identified with a tag or label with the name of the licensee, the name of the preserve, and the date such game is being transported from the preserve. In the case of transporting a quantity of game birds, where individual marking is not practical, the container being used to transport such game shall be tagged or labeled as specified above.

(19) Except for those preserves licenses as provided in Section 372.661(2), F.S., a hunting license as provided by law shall be required of all persons taking game on any hunting preserve.

(20) There shall be a registration book on each hunting preserve in which the name, address, hunting license number (or nature of the exemption), and quantity of game taken by each person hunting on the preserve is recorded. All records and the physical facilities and installations of any hunting preserve shall be open to inspection upon request by personnel of the Commission.

(21) A complete annual report of all game mammals released and taken on said preserve up until June 30 of each year shall be furnished to the Commission by July 31 of each year.

(22) The minimum acreage provisions of subparagraphs (4)(b)1.-3. and the yardage requirement in subsection (7), shall not apply to those operations licensed prior to July 1, 1996.

*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, 7-1-83, Formerly 39-12.10, Amended 8-5-86, 4-11-90, 4-15-92, 10-20-96, 6-23-99, Formerly 39-12.010, Amended 5-29-01, 11-3-02, 7-1-05.*