

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement
08-09 Work Plan



Colonel Julie Jones, Director
Division of Law Enforcement
October 26, 2007

The proposed LE 08-09 work plan has three areas of emphasis:

- 1) Boating Safety**
- 2) Captive Wildlife**
- 3) Manatee Harassment**

PROPOSED WORK PLAN 08-09

1. *Boating and Waterways*
2. *Captive Wildlife*
3. *Manatee Harassment*



The Division will develop five rules for adoption in three work areas. These rules will address the Regulation of Speed in the Florida Intracoastal Waterway (ICW), Boat Access, Boating Education, Captive Wildlife, and Manatee Harassment.


In each instance, we will hold workshops with our stakeholders to provide them our findings in each of the five rulemaking areas, and to obtain their input on these issues.

➤ *Martin County*

➤ **RULE PROPOSAL**

68D-24.143, F.A.C.: Martin County Boating Restricted Areas

- Analyze rule based on the findings of recently completed vessel traffic study
- Amend/Repeal boating safety zones within Florida Intracoastal Waterway (ICW) as it traverses Martin County



Regulation of Speed in the Florida Intracoastal Waterway (ICW):

We initiated a vessel traffic study for the ICW in Martin County because of requests from stakeholders in Martin County for review and assessment of existing boating safety rules. This study is scheduled to be completed by the end of November, 2007.

We will take the information from the vessel traffic study and move forward with a round of workshops (at least two) in Martin County. These workshops will provide our stakeholders with the findings and provide suggestions on what amendments/revisions will be made.

Potential changes could include:

- (1) Remove or revise obsolete zones within ICW***
- (2) Amend boundaries of existing boating safety zones within the ICW***
- (3) Improve clarity and consistency of language and definitions in the rule***

➤ *Monroe County*

➤ Explore possibility of new boating safety zones within Florida Intracoastal Waterway (ICW) in the Upper Keys

➤ Analyze data: If boating safety issues are found and are valid, rule making will begin in 2008



Monroe County has requested - and Boating and Waterways staff have initiated - research on boating accident data in the Upper Keys to ascertain any boating safety concerns.

If valid boating safety issues are found, workshops and rulemaking will begin in 2008.

➤ *Boating Access*

➤ *RULE PROPOSAL*

To amend 68-1.003, F.A.C., the Commission's Grant Rule, to:

- (1) Add new policies and guidelines for:
 - Florida Boating Safety Education Grant
 - Florida Boating Improvement Program
 - Derelict Vessel Removal Grant Program
- (2) Add the Boating Infrastructure Program, a federally-funded program governed by federal regulations into the agency grant rule.



Boating

Passage of legislation in 2006 established new provisions for providing grants for boating. Areas to be modified in the existing rule are:

- 1) Boating Education
- 2) Boat Access
- 3) Removal of Derelict Vessels

While the rule is open, staff will be adding the Federal Boating Improvement Program regulations into the grant guidelines. These are the pass-through dollars from the federal government for transient vessels (26' and greater).

These proposed rule changes will assist grant applicants with our application process, making the process more efficient and easier to understand.

➤ *Boating Education*

➤ *RULE PROPOSAL*

68D-36, F.A.C.: Boating Safety Courses

Amendments:

- Provide minimum standards for mandatory boating safety courses
- Specify contents and size of boating safety information displayed at businesses that rent vessels
- Apply existing guidelines for required boating safety information supplied by livery operators to all vessel types



Boating Education:

Section 327.54, F.S., requires a vessel livery to display boating safety information in a place visible to the renting public. The statute does not specify the contents and size of the boating safety information, but states that the Commission will define these requirements by rule.

The current rule provides minimum training and information display requirements for personal watercraft rentals only. We will add minimum training requirements for non-motorized and other types of motorized vessels to comply with statute.

Boating and Waterways FY 2008-09 Proposed Rulemaking Schedule

Rule Development Notice - Early to Mid FY 2008-09	~ Boating safety zone in Martin County Boating Restricted Area 68D-24.143, F.A.C.
Final Pubic Hearing - Mid to Late FY 2008-09	~ Derelict Vessel Grant Removal Program 68D-1.003, F.A.C. ~ Minimum Standards for Mandatory Boating Safety Courses 68D-36, F.A.C.



Based on public input and our data assessments, we will proceed with rulemaking according to this schedule (with the caveat that the stakeholder input will drive the actual date to bring to the Commission).

CAPTIVE WILDLIFE REGULATIONS

➤ *RULE PROPOSAL*

Review Class I, II and III wildlife classifications



Review Class I, II, III Wildlife Classifications:

Captive wildlife currently is classified into separate categories according to its nature, habits, status, and real or potential threat to human safety.

Selected Class I, II and III wildlife will be evaluated and listed according to its unique characteristics, husbandry requirements or specific classification in the wild.

Examples:

Class I wildlife - lions, tigers, bears, etc.

Class II wildlife – bobcats, wolverines, medium-sized primates, etc.

Class III wildlife – small primates, raccoons, skunks, etc.

CAPTIVE WILDLIFE REGULATIONS

➤ *RULE PROPOSAL*

Evaluate personal contact with regulated species



Up-close and personal contact with regulated wildlife is allowed under certain conditions. Staff will review the species and conditions required for such contact and evaluate the need for change.

CAPTIVE WILDLIFE REGULATIONS

➤ *RULE PROPOSAL*

Restrict possession of native wildlife due to public health and safety issues



Staff will evaluate the possession of certain native mammal species as personal pets. Restrictions on possession may be proposed due to rabies and other serious diseases identified by the Florida Department of Health.

CAPTIVE WILDLIFE REGULATIONS

➤ *RULE PROPOSAL*

Evaluate classification of wildlife hybrids
(Wild animal/Domestic animal cross)



Presently, the wolf/dog hybrid (greater than 75% wolf) is the only wild/domestic animal cross regulated by the FWC.

Many hybrids are very similar in appearance to their wild counterparts making identification and regulation difficult. Staff will evaluate these hybrids and make recommendations on classification and licensing where necessary.

CAPTIVE WILDLIFE REGULATIONS

➤ *RULE PROPOSAL*

Regulate wildlife rehabilitation and "Wildlife Sanctuaries"



Staff is reviewing recommendations to modify current regulations regarding wildlife rehabilitators. Such review will include the "imprinting" of wildlife being rehabilitated, timelines for proper rehabilitation and disposition of rehabilitated wildlife.

Class I wildlife, because of its nature, habits, or status, shall not be possessed as a personal pet. It may only be kept in accordance with 372.921, F.S., authorizing exhibition or public sale. Some organizations wish to maintain Class I wildlife without having to be open to the public or engage in any commercial activity. These institutions refer to themselves as "sanctuaries."

A sanctuary can be defined as a facility that provides lifetime care to displaced and unwanted, potentially dangerous wild and exotic animals that cannot be released into the wild. Examples of these types of animals would be retired performing wildlife, those that are abandoned or neglected, and wildlife that may not be accepted at any other facility.

This practice is not currently allowed in Florida. Staff will be reviewing this concept and return to the Commission with recommendations to prohibit, permit and/or regulate sanctuaries.

CAPTIVE WILDLIFE REGULATIONS

➤ *RULE PROPOSAL*

Modify wildlife transport requirements



Wildlife currently is transported throughout the state by various means. Staff will be looking into labeling requirements for containers that hold wildlife.

Captive Wildlife FY 2008-09 Proposed Rulemaking Schedule

Early to Mid FY 2008-09

~ Propose draft rules for:
Re-assessment of Class I, II and III captive wildlife
Possession of certain native mammals as pets
Standards for wildlife rehabilitation and sanctuaries
Classification of hybrid wildlife
Personal contact with regulated species
Transportation of captive wildlife

Mid to Late FY 2008-09

~ Final Public Hearing



➤ *Manatee Harassment*

➤ *PROPOSAL*

To provide guidelines regarding the difference between harassment and passive viewing of manatees from land or in the water



Activities under consideration for regulation:

- Watering, feeding (as stated in law) and pursuing, will be evaluated, touching, chasing will be concepts considered in the harassment guidelines.
- We anticipate bringing the issue to the commission in September 2008.