



FLORIDA PROPOSES NON-NATIVE SPECIES REGULATION

** LISTS REPTILES OF CONCERN AS CONDITIONAL SPECIES **

** COMMENTS DUE JUNE 11th **

The Issue:

The Florida Fish & Wildlife Conservation Commission has issued a rulemaking pertaining to the issuance of permits for the importation and possession of conditional and prohibited species. The rulemaking also establishes criteria for issuance and denial of research permits for conditional and prohibited species. It also changes the status of following eight reptiles of concern species and adds them to the list of conditional species:

- Indian or Burmese python (*Python molurus*);
- Northern African python (*Python sebae*);
- Southern African python (*Python natalensis*);
- Amethystine python (*Morelia amethystinus*);
- Scrub python (*Morelia kinghorni*);
- Black or Boelen's python (*Morelia boeleni*);
- Green anaconda (*Eunectes murinus*); and
- Nile monitor (*Varanus niloticus*).

According to the Commission, “conditional species” may be imported and possessed for research purposes, commercial use, or public exhibition, and “prohibited species” may be imported and possessed for research, following approval of the research plan. To legally import prohibited species into Florida for research or public exhibition, a person must obtain a special permit from the Florida Fish and Wildlife Conservation Commission. **NOTE:** A person may not keep conditional or prohibited species as personal pets.

If enacted the rulemaking would also allow properly permitted recipients to legally accept unpermitted reptiles of concern and conditional reptiles at any time. Notably, conditional species of snakes and lizards receive much attention in this rulemaking as it provides criteria for transportation, reporting, recordkeeping, disaster plans and more for those species.

The rule calls for the amnesty release of unpermitted reptiles of concern and reptiles listed as conditional species to properly permitted recipients at any time of the year. Reptiles of concern in personal

possession on or before July 1, 2010 will be allowed to remain with their owners for the rest of the animals' lives, provided the owners maintain valid reptile of concern permits.

The Commission is accepting comments on the proposed rulemaking until Friday, June 11th. A public hearing has been set for during the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. - 5:00 p.m., each day.

The Impact:

Permits

The rulemaking would require a person to obtain a permit from the Commission in order to transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state except the following:

- Fathead minnow (*Pimephales promelas*);
- Variable platy (*Xiphophorus variatus*);
- Coturnix quail (*Coturnix coturnix*); and
- Ring-necked pheasant (*Phasianus colchicus*).

NOTE: Unless otherwise specified, all species of freshwater aquatic life and wild animal life not native to Florida may be taken throughout the year, without restrictions.

The rulemaking also provides the following permit specifications and exemptions:

- Permits must only be issued to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession; and
- Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services and who is authorized to possess such species is not required to obtain the permit.

Conditional Species

The following conditional species have been established in this rulemaking.

Criteria for conditional freshwater fish and aquatic invertebrate species are as follows:

- Species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security.
- Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property.
- Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.
- **NOTE:** Conditional non-native aquatic species shall not be taken on a fee- or for-hire basis using hook and line or rod and reel.

Criteria for conditional turtle species is as follows:

- Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging, erosion, climbing or by passing through gaps.
- Such barriers may be constructed of solid metal or weather-resistant and rot-resistant material, and may not use mesh material.
- All eggs must be removed and destroyed daily from outdoor facilities.

Criteria for conditional snakes and lizards is as follows:

- Cases, Cages, Pits or Enclosures:
 - Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion.
 - Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion.
 - A room or out-building may contain conditional snake and lizard species in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger - Dangerous Reptiles."
 - Facilities with one or more permittee at the same facility location may not commingle their respective live conditional species inventories.
 - All cages or enclosures must be clearly identified or visibly marked with the name of the permittee or other identifier to facilitate inventory inspections.
 - All individuals associated with a facility authorized to possess conditional snake and lizard species shall demonstrate knowledge of facility requirements, and secure handling protocols for conditional snakes and lizards as established by the permittee.
- Identification:
 - Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag).
 - For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the rear one-third (1/3) of the snake, forward of the anal plate.
 - For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.
 - Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor's records for as long as the specimen is posses.

- Inspection:
 - Conditional snake and lizard species held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether the snakes or lizards are securely, properly and safely housed.
 - In the event that any conditional snakes or lizards are not safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit such reptiles.
 - Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the permit.
- Transporting:
 - Conditional snake and lizard species shall be transported only after placement in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Said containers shall be prominently labeled "Dangerous Reptiles."
- Disaster and Critical Incidents Plans:
 - A plan to secure conditional snakes or lizards in the event of disasters or critical incidents shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form from the Florida Fish and Wildlife Conservation Commission.
 - No later than 24 hours prior to the National Weather Center's projected onset of hurricane-force winds of Category 3 or greater, all conditional snakes and lizards must be placed in a closely woven, double-seam sewn, cloth sack. This cloth sack must be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Any conditional snakes and lizards in an outdoor enclosure must be moved to a secure indoor facility of strong construction with concrete or other suitable flooring and securely anchored to the ground.
 - Persons authorized to possess conditional snakes and lizards shall report their critical incident preparation status to their county emergency management agency prior to the onset of critical conditions.
- Recordkeeping:
 - Persons authorized to possess conditional snake and lizard species must keep an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all conditional snakes or lizards. Such records shall be kept on the permitted premises on a Captive Wildlife Inventory-Reptile form obtained from the Florida Fish and Wildlife Conservation Commission.
 - Such records shall be open to inspection upon request by Commission personnel.
 - NOTE: Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.
 - NOTE: Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier, except for animals acquired under the provisions of paragraph 68-5.004(3)(c), F.A.C.; and conditional species permit number of supplier where applicable.
- Reporting:
 - Persons exhibiting or selling live conditional snakes and lizards must complete a Captive Wildlife Inventory-Reptile form and submit same to Florida Fish and Wildlife Conservation Commission.

- Any person authorized to possess conditional snakes and lizards must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

Permit Exemptions:

The following are exempted from permit requirements depending on certain criteria:

- Public aquaria; (contingent on certain criteria)
- Zoos; (contingent on certain criteria)
- Public exhibitors; (contingent on certain criteria)

NOTE: Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors providing educational exhibits, for public exhibition purposes only, and contingent under certain criteria.

PIJAC Position:

Florida recently passed Senate Bill 318 mandating obtaining permits in order to allow certain continued activities involving conditional species. It is important for people to understand this legislation and proposed regulation is in response to bio-security driven and disaster plan initiatives. This proposal and bill require that commercial, research and breeding activities be clearly separate from pet ownership. The rulemaking would restrict sales to interstate and foreign commerce, and intrastate sales would only be between people who possess the required permits Florida permits.

Please read the complete text of the proposal (attached below) carefully to make sure you would be compliance.

Recommended Action:

As stated above the Commission will receive public comments on this rulemaking until Friday, June 11th.

Comments may be sent to:

Michael Yaun
Deputy General Counsel
Legal Office
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

The Commission will also hold a hearing on the proposal during regularly scheduled meetings on June 23-24, 2010, 8:30 a.m. - 5:00 p.m., each day.

FL 36148 2010

CITATION:	FAC 68-5.001, .002, .004
AGENCY:	Fish and Wildlife Conservation Commission
VERSION:	Proposed Rule
VERSION DATE:	05/21/2010

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO: RULE TITLE

68-5.001: Introduction of Non-native Species into the State

68-5.002: Conditional Non-native Species

68-5.004: Amnesty for Persons Relinquishing Non-native Pets

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to (1) update and clarify requirements for the issuance of permits for the importation and possession of conditional and prohibited species; (2) establish criteria for issuance and denial of research permits for conditional and prohibited species; (3) retain conditional and prohibited species status for any taxon that subsequently undergoes any taxonomic alterations, such as reclassifying into a different genus or splitting into subspecies; (4) change the status of the six reptile of concern species and their taxonomic successors to conditional species; (5) allow properly permitted recipients to legally accept unpermitted reptiles of concern and conditional reptiles at any time.

The effects of these rule changes will be stricter, more consistent regulations regarding the importation and possession of certain non-native species, conditional species and prohibited species; limit the possession of the current reptile of concern species and their taxonomic successors to permitted commercial businesses, researchers and public exhibitors and prohibit the future acquisition of these species for personal possession; allow reptiles of concern in personal possession on or before July 1, 2010 to remain with their owners for the rest of the animals' lives, provided the owners maintain valid reptile of concern permits; and allow for properly permitted persons to accept unpermitted reptile of concern and conditional reptile species at any time. These species are considered to be dangerous to the ecology and/or the health and welfare of the people of Florida. By adopting these regulations the State of Florida will be contributing to the effort to prevent introductions of non-native species.

SUMMARY: Rule 68-5.001, F.A.C. (Introduction of Non-native Species into the State) would be amended to codify eligibility requirements for issuance of research permits for conditional species, establish criteria for denial of research permits for conditional and prohibited species, establish criteria for issuance of public exhibition permits for prohibited species, establish the rules relating to the caging and transport of reptiles listed as conditional species and revise protocols for importation of leopard (*Geochelone pardalis*),

African spurred (*Geochelone sulcata*) and Bell's hingeback tortoises (*Kinixys belliana*). Rule 68-5.002, F.A.C. (Conditional Non-native species) would be amended to include the Indian or Burmese python (*Python molurus*), Northern African python (*Python sebae*), Southern African python (*Python natalensis*), Amethystine python (*Morelia amethystinus*), Scrub python (*Morelia kinghorni*), Black or Boelen's python (*Morelia boeleni*), Green anaconda (*Eunectes murinus*), and Nile monitor (*Varanus niloticus*) as conditional species. Rule 68-5.003, F.A.C. (Prohibited Non-native Species) would be amended to address two incorrect rule references and a spelling error. Rule 68-5.004 F.A.C. (Amnesty for Persons Relinquishing Non-native Pets) would be amended to allow the transfer of unpermitted reptiles of concern and reptiles listed as conditional species to properly permitted recipients at any time of the year. Reptiles of concern in personal possession on or before July 1, 2010 will be allowed to remain with their owners for the rest of the animals' lives, provided the owners maintain valid reptile of concern permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will ___or will not _X__have an impact on small business. A SERC has ___ or has not _X__been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

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

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the regular meeting of the Commission, June 23-24, 2010, 8:30 a.m. - 5:00 p.m., each day

PLACE: Lake Mary, 1501 International Parkway, Lake Mary, 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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Yaun, Deputy General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68-5.001 follows. See Florida Administrative Code for present text.)

68-5.001 Introduction of Non-native Species into the State.

(1) No person shall transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, without having secured a permit from the Commission, except:

(a) Fathead minnow (Pimephales promelas).

(b) Variable platy (Xiphophorus variatus).

(c) Coturnix quail (Coturnix coturnix).

(d) Ring-necked pheasant (Phasianus colchicus).

(2) Unless otherwise specifically provided in Titles 68A through 68E, F.A.C., all species of freshwater aquatic life and wild animal life not native to Florida may be taken throughout the year, without restrictions.

(3) Conditional Non-native Species - No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.002, F.A.C., except by Conditional/ Prohibited/ Nonnative species permit and as provided in paragraphs (a) through (f) below:

(a) Permits shall be issued only to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession, except as provided in Rule 68-5.002, F.A.C.

(b) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., is not required to obtain the permit.

(c) Conditional freshwater fish and aquatic invertebrate species:

1. Species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property. Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.

2. Conditional freshwater fish and aquatic invertebrate species held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

3. Conditional non-native aquatic species shall not be taken on a fee- or for-hire basis using hook and line or rod and reel.

(d) Conditional turtle species:

1. Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging, erosion, climbing or by passing through gaps. Such barriers may be constructed of solid metal or weather-resistant and rot-resistant material, and may not use mesh material.

2. All eggs must be removed and destroyed daily from outdoor facilities.

(e) Snakes and lizards:

1. Conditional snake and lizard species may only be held in safe, secure and proper housing in cases, cages, pits or enclosures of the following specifications:

a. Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion.

b. A room or out-building may contain conditional snake and lizard species in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger - Dangerous Reptiles."

c. Facilities with one or more permittee at the same facility location may not commingle their respective live conditional species inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the permittee or other identifier to facilitate inventory inspections.

d. All individuals associated with a facility authorized to possess conditional snake and lizard species shall demonstrate knowledge of facility requirements, and secure handling protocols for conditional snakes and lizards as established by the permittee.

2. Identification: Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag). Identification shall consist of the implantation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

a. For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the rear one-third (1/3) of the snake, forward of the anal plate.

b. For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.

c. The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

d. Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor's records for as long as the specimen is possessed.

e. Exemption: Conditional snakes and lizards being held for export by any person who possesses such animals in accordance with Sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such conditional snakes and lizards were acquired.

f. Effective Date: All The permanent identification requirements for conditional snake and lizard species in this rule shall not take effect until August 1, 2010.

3. Inspection: Conditional snake and lizard species held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether the snakes or lizards are securely, properly and safely housed. In the event that any conditional snakes or lizards are not safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the permit.

4. Transporting: Conditional snake and lizard species shall be transported only after placement in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Said containers shall be prominently labeled "Dangerous Reptiles."

5. Disaster and Critical Incidents Plans.

a. A plan to secure conditional snakes or lizards in the event of disasters or critical incidents shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application to possess conditional snake and lizard species; and Part B shall be retained on file at the facility and be made available for inspection upon request of Commission personnel.

b. No later than 24 hours prior to the National Weather Center's projected onset of hurricane-force winds of Category 3 or greater, all conditional snakes and lizards shall be placed in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Any conditional snakes and lizards in an outdoor enclosure shall be moved to a secure indoor facility of strong construction with concrete or other suitable flooring and securely anchored to the ground. Persons authorized to possess conditional snakes and lizards shall report their critical incident preparation status to their county emergency management agency prior to the onset of critical conditions.

6. Record Keeping: Persons authorized to possess conditional snake and lizard species shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all conditional snakes or lizards. Such records shall be kept on the permitted premises on a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Such records shall be open to inspection upon request by Commission personnel.

a. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

b. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier, except for animals acquired under the provisions of paragraph 68-5.004(3)(c), F.A.C.; and conditional species permit number of supplier where applicable.

c. Transfer: Conditional snake and lizard species may be transferred to persons authorized to possess conditional snakes and lizards. Such transfers must be accompanied by Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall be signed by the originator upon shipment and by the recipient upon receipt and shall list the common name, scientific name, and quantity of each species in transport; name and address of the originator and recipient; conditional species permit number of the recipient; if the shipment originates within Florida, the conditional species permit number of the originator.

7. Reporting:

a. Persons exhibiting or selling live conditional snakes and lizards in accordance with Section 379.304, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of permit and six months thereafter.

b. Any person authorized to possess conditional snakes and lizards must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(f) Research involving conditional species:

1. A detailed research proposal shall accompany the application for the permit. The proposal shall state with particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

2. All research involving conditional species shall be conducted according to the provisions of paragraphs (3)(c)-(e) above.

3. The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

4. Any escape or release of conditional species shall be reported immediately to the Commission.

(4) Prohibited Non-native Species - No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.003, F.A.C., except by Conditional/ Prohibited/ Nonnative Species permit and as provided in paragraphs (a) and (b) below:

(a) Exhibition of prohibited species: public aquaria, zoological parks, or public exhibitors shall be granted a permit provided the following requirements are met:

1. Prohibited aquatic species shall be maintained in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

2. Prohibited terrestrial species shall be maintained in indoor facilities in cages or other confinement facilities that prevent escape and public contact.

3. Critical incident and disaster plan. A plan for securing animals on site, evacuating and /or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall also include methods to transport and return evacuated animals to the exhibition facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

4. Inspections. Exhibitors permitted to possess prohibited species may be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

5. The permit will expire 12 months from the date of issuance.

6. Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors providing educational exhibits, for public exhibition purposes only, under the following conditions:

a. Only male sea snakes may be possessed.

b. A public aquarium, zoological park, or public exhibitor possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.

c. Each public aquarium, public zoological park, or public exhibitor possessing sea snakes shall provide quarterly reports to the Commission regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.

d. Each public aquarium, zoological park, or public exhibitor possessing sea snakes shall post with the Commission a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Fish and Wildlife Conservation Commission, for use by the Commission to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the Commission. The letter of credit shall provide that the zoological park or aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park or aquarium or public exhibitor possesses sea snakes.

e. No person or public aquarium, public zoological park, or public exhibitor shall barter, sell, or trade sea snakes within this state.

f. A public aquarium, public zoological park, or public exhibitor that imports sea snakes pursuant to this subsection may transport sea snakes into this state only by airplane that may land only at an airport located in a non-coastal county within this state.

g. A public aquarium, public zoological park, or public exhibitor possessing sea snakes pursuant to this subsection shall abide by all regulatory requirements of the Fish and Wildlife Conservation Commission with respect to venomous reptiles.

(b) Research involving prohibited species: Individuals or institutions engaged in research shall be granted a permit, provided the following requirements are met:

1. Eligibility. A permit for research involving prohibited species shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

2. Research proposal. A detailed research proposal shall be submitted and shall state with particularity research objectives, methodology and study duration, and shall outline

planned safeguards to ensure proper containment of all specimens. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

3. General security measures and containment.

a. Applicants shall submit to the Commission a list of personnel that have access to the prohibited species and arrangements for final disposition or euthanization of specimens.

b. All research on prohibited aquatic species shall be conducted in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

c. All research on prohibited terrestrial wildlife species shall be conducted in indoor facilities in cages or other confinement facilities that prevent escape.

4. Critical incident and disaster plan. A plan for securing animals on site, evacuating and /or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall include methods to transport and return evacuated animals back to the research facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

5. Inspections. All research facilities where research involving prohibited species is to be conducted will be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

6. The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report will include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

7. Any escape or release of prohibited species shall be reported immediately to the Commission, and escape or release shall constitute grounds for revocation of the permit to conduct research involving prohibited species.

(5) No permits shall be granted for possession of any species of piranha or pirambeba (subfamily Serrasalminae).

(6) No leopard tortoise (*Geochelone pardalis*), African spurred tortoise (*Geochelone sulcata*), or Bell's hingeback tortoise (*Kinixys belliana*) shall be imported or transported into this state, without a Conditional/Prohibited/Nonnative Species permit subject to the following:

(a) Tortoises shall be inspected by a veterinarian and certified as being free of external parasites prior to being imported. Certified veterinary health certificates and written notice of the shipment shall be submitted to the Commission no less than 10 days before arrival of any tortoise.

(b) Containers used to transport tortoises shall be disinfected prior to importation, and shall be incinerated within 24 hours of arrival or exported out of Florida within 72 hours.

(c) Such other conditions as may be necessary to ensure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

(7) No person shall allow or permit any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, to remain in any facility that is no longer maintained or operated for the production or maintenance of such non-native species. The presence of any such non-native species in any facility shall constitute possession by the owner or operator of the facility.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History - New 6-7-08, Amended.

68-5.002 Conditional Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in subsection 68-5.001(3)(2), F.A.C.

(1) Non-native freshwater fish and aquatic invertebrate species.

(a) through (p) No change.

~~(q) Red-eared slider (Trachemys scripta elegans):~~

~~1. Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner.~~

~~2. Red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.~~

~~3. Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.~~

~~(q)(r)~~ Arowanas (Family Osteoglossidae, all species except silver arowana, *Osteoglossum bicirrhosum*).

~~(r)(s)~~ Northern largemouth bass (*Micropterus salmoides salmoides*), except that intergrade largemouth bass (northern largemouth bass x Florida largemouth bass *Micropterus salmoides floridanus*) may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.

(2) Non-native mammals - Nutria (*Myocaster coypus*).

(3) Non-native turtles. Red-eared slider (*Trachemys scripta elegans*): red-eared sliders may be possessed only by permitted individuals or commercial import or export businesses according to the provisions of paragraph 68-5.001(3)(d), F.A.C., except as provided below:

(a) Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner without a permit, except that red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.

(b) Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.

(4) Non-native Snakes and lizards: The following species possessed for personal use by reptile of concern license holders prior to July 1, 2010 may continue in the possession of the owner for the life of the animal. A valid license to possess these animals must be maintained pursuant to Section 379.372, F.S.

(a) Indian or Burmese python (*Python molurus*)

(b) Reticulated python (*Python reticulatus*)

(c) Northern African python (*Python sebae*)

(d) Southern African python (*Python natalensis*)

(e) Amethystine python (*Morelia amethystinus*)

(f) Scrub python (*Morelia kinghorni*)

(g) Black or Boelen's python (*Morelia boeleni*)

(h) Green anaconda (*Eunectes murinus*)

(i) Nile monitor (*Varanus niloticus*).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History - New 6-7-07, Amended 9-11-09,_____.

68-5.004 Amnesty for Persons Relinquishing Non-native Pets.

It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida's environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose.

(1) No change.

~~(2) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.~~

~~(2)(3)~~ Any person relinquishing or adopting non-native fish or wildlife pursuant to this rule is hereby deemed not to be in violation of the permit requirement of subsection 68A-6.0023(7) ~~68A-6.0021(2)~~, F.A.C.

(3) Relinquishing reptiles of concern, or conditional snakes and lizards.

(a) Persons with a valid license to possess or exhibit reptiles designated as reptiles of concern after July 1, 2010, may accept reptiles of concern as defined in subsection 68A-6.007(1), F.A.C. from persons who have not obtained a permit from the Commission for possession of such reptiles without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(b) Persons authorized to possess conditional snakes and lizards may accept conditional snakes and lizards as defined in subsection 68-5.002(5), F.A.C., from persons who have not obtained a permit from the Commission for possession of such conditional snakes and lizards without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(c) Persons accepting unpermitted reptiles of concern, or conditional snakes and lizards, shall complete a Captive Wildlife Inventory-Donated Reptile form, which is available from the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, and submit the form to the same address within 72 hours of acquisition.

(d) Any person relinquishing or accepting reptiles of concern, or conditional snakes and lizards, under this subsection is authorized to make such transfer and is not in violation of the prohibitions on buying, selling or transferring contained in subsection 68A-6.0023(7), F.A.C.

(e) Persons accepting unpermitted reptiles of concern, or conditional snakes or lizards, under this subsection must otherwise comply with all permit conditions and Commission rules, specifically including provisions in Chapter 68A-6, F.A.C.

(4) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

Rulemaking Authority Article IV, Section 9, Florida Constitution. Law Implemented Article IV, Section 9, Florida Constitution. History - New 10-23-08, Amended.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Breault, Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

Copyright (c) 2010 State Net. All rights reserved.

