
INTEROFFICE MEMORANDUM

DATE: June 16, 2009

TO: FWC Commissioners

FROM: Julie Jones, Director of Law Enforcement

SUBJECT: Floor Amendment, 68A-6, F.A.C., Captive Wildlife Regulations

Staff is proposing a floor amendment for Chapter 68A-6, F.A.C. The proposed amendments are described in the updated background report entitled "5 A 2 Captive Wildlife UPDATE 1.PPT" and found in the following rules:

- (68A-6.002, F.A.C.), Categories of Captive Wildlife - deleting the second use of the word "substantially" from the proposed hybrid language (68A-6.002, F.A.C.), as it is redundant.
- (68A-6.0022, F.A.C.), Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements - adding an exemption that would allow the documentation of experience for crocodilians to be at the biological order level.
- (68A-6.0023, F.A.C.), General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements - clarifying public contact and when structural or safety barriers must be provided when exhibiting unconfined captive wildlife and modifying record keeping requirements.

If approved, the language, as proposed by this floor amendment, would read as follows:

68A-6.002, Categories of Captive Wildlife

(1) (d) Hybrids resulting from the cross between wildlife and domestic animal, which are substantially similar in size, characteristics and behavior so as to be **substantially** indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.

68A-6.0022, Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements

(5) (c) Experience Requirement for Class I permits:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological family order (except **crocodilians which shall be in the same biological order**; ratites which shall be in the same biological sub-order; and cougars, panthers or cheetahs which shall remain at the genus level), which are substantially similar in size, characteristics, behavior, habits, care and nutritional requirements to the species for which the permit is sought.

68A-6.0023, General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be ~~tethered~~ or controlled in such a manner as to prevent physical contact with the public and a structural safety barrier, as provided in paragraph (2)(b) above, must be present to prevent physical contact with unconfined Class I or Class II wildlife except in instances where public contact is allowed in subsection (3)(a) below. except as follows:

(a) Public contact and exhibition.

1. General: All Class I, II or III wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any condition exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

(6) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife. Possessors of such wildlife must maintain an accurate record of all changes in inventory including births, deaths, acquisitions and sales or transfers of all wildlife. Possessors of Class I or Class II wildlife must also maintain an accurate record of all births and deaths. Such records shall be open to inspection upon request by commission personnel.

(a) Records of births or deaths must 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 or litter.

(b) Records of acquisition must include the date of acquisition; quantity and species of wildlife acquired; name and complete address of the supplier and permit or license identification number of the supplier where applicable.

(7) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. No person shall sell or transfer wildlife without documenting such sale or transfer. The record of sale or transfer must be entered in the transferor's records and made available for inspection upon request of Commission personnel for a period of three years after the sale or transfer.

(a) Records of sale or transfer shall include the date of sale or transfer; quantity and species of wildlife sold or transferred; name and complete address of the recipient; and permit or license identification number of the recipient where applicable.

(b) Records of sale or transfer are not required for wildlife that may be possessed for personal use without a permit as specified in Rule 68A-6.0022 (2)(a) – (v), F.A.C., unless such record keeping requirements are otherwise regulated by other rules of the Commission.

jj/cb

cc: Office of the General Counsel