

Captive Wildlife Rule Proposals Final Rules – June 17, 2009



Update 2: June 15, 2009



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

Photo: Investigations Lieutenant conducting a captive wildlife inspection.

Update 1: The updates in this presentation reflect the requested floor amendments pertaining to hybrids, experience requirements for crocodilians, public contact with wildlife, use of structural barriers for unconfined Class I or II wildlife, and record keeping requirements. The updates are shown Slides 7, 9, 11, 12, and in the final recommendations on Slide 22.

Update 2: This update reflects a change in the requested floor amendment for record keeping requirements. Slide 12 was changed to remove the following bullet point:

•“Delete provision addressing records of sales or transfers for wildlife specified in 68A-6.0022 (2)(a) – (v).”

And stricken language was added back to proposed rule 68A-6.0023(7)(b) on the Note page.

Captive Wildlife Rule Proposals 2009

Introduction

- Final phase of rulemaking regarding captive wildlife.
- Draft rule language initially presented at the September 2008 Commission meeting in Jacksonville.
- Proposed changes affect rules in Chapter 68A-6, F.A.C., with a new rule to address captive wildlife sanctuaries and 68A-9, F.A.C.



This is the final phase of rule development pertaining to captive wildlife. This completes a project that began in 2005, with the establishment of the Captive Wildlife Technical Assistance Group (CWTAG).

Prior to the September 2008 Commission meeting, FWC staff presented draft rule language in a series of five public workshops held throughout the state. The meetings were attended by 49 citizens. These workshops were noticed in the Florida Administrative Weekly, posted on MyFWC.com, and advertised via mass e-mail distribution.

Nearly 1,700 e-mail responses were received at that time regarding the draft rules.

Captive Wildlife Rule Proposals 2009

Background

- Since the September Commission meeting, staff held two more public meetings and met with interested stakeholders.
- We have received over 2,764 responses to the proposed rules.



The proposed rules are the result of recommendations received from CWTAG, members of the public, and FWC staff.

Following the September 2008 meeting, FWC staff met with representatives of the Florida Associations of Counties, Florida Association of Zoos and Aquariums, and the Feline Conservation Federation. Staff also conducted two additional public meetings. The two additional meetings were noticed in the Florida Administrative Weekly, posted on MyFWC.com, and advertised via mass mail distribution. A total of 149 citizens participated in these meetings.

Prior to the September Commission meeting, FWC received nearly 1,700 e-mails in response to the draft rules, with over 1,400 responses in support of the majority of the proposed changes.

Following the September Commission meeting and the two additional public meetings, we received an additional 1,064 responses, with 1,025 responses in support of the majority of the proposed changes.

This brings the total number of public meetings presented on this rule development initiative to seven (7), with a grand total of 198 citizens participating.

Captive Wildlife Rule Proposals 2009

Summary of Public Comment

- 88% of responses support the majority of the recommended changes.

Primary Areas of Concern

- Reclassification of cougars and cheetahs to Class I.
- The language for footers and apron barriers.
- Labeling requirements for wildlife in transport.
- Public contact with wildlife.
- Requirements for Captive Wildlife Sanctuaries.



To date, the FWC has received more than 2,764 responses (grand total) on this rule development initiative with 2,425 responses in support of the majority of the proposed changes.

The primary areas of concern continue to be:

- Reclassification of cougars and cheetahs to Class I. Public input was mixed, with some stakeholder's questioning the need for this change based on temperament and size of these animals.
- Staff clarified language for use and placement of footers and apron barriers.
- Stakeholder's asked that labeling for cages used during transport conform with International Air Transportation Association (IATA) requirements.
- Input was mixed relative to public contact with adult cheetahs and cougars.
- Requirements for captive wildlife sanctuaries were discussed extensively with stakeholders, specifically:
 - exhibition of wildlife,
 - bonding, insurance, bonding or financial responsibility guarantee requirements,
 - acquisition and transfer of wildlife by sanctuaries, and
 - not-for-profit status.

Captive Wildlife Rule Proposals 2009 Rule Summary and Changes to Rules since the September Commission Meeting

68A-6.0011, F.A.C., Possession of Wildlife in Captivity; Permit Requirements

- No additional changes since September.



Note: Slides 6 – 25 summarize the rule as proposed at the September Commission meeting and highlights changes made subsequent to final interaction with Stakeholders.

68A-6.0011, F.A.C., Possession of Wildlife in Captivity; Permit Requirements.

The proposed rule would require USDA registered research facilities, currently exempt from caging requirements, to maintain a detailed research proposal and meet the strength requirements for cages or enclosures. The proposed rule would clarify that enclosure requirements would not apply to Bison kept for the production of meat, skins or hides, or progeny.

No changes have been made to this rule since the September Commission meeting.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

68A-6.002, F.A.C., Categories of Captive Wildlife - Changes

- Consolidate Class I listing of gibbons and siamangs (family Hylobatidae).
- Consolidate Class II canid listings of wolves, coyotes and jackals (family Canidae).



68A-6.002, F.A.C., Categories of Wildlife.

The proposed rule would address current Class I and II wildlife listings to reclassify certain wildlife species from Class II to Class I including the cougar, cheetah, hyena, and aardwolf; reclassify certain wildlife species from Class III to Class II including American alligator, patas monkey, giraffe, okapi, tapir and certain wild species of the family Bovidae; and reclassify the gaur from Class III to Class I. The proposed rule would require wild/domestic hybrids that are substantially indistinguishable from the wild animal to be regulated as wildlife at the class of the wild parentage and prohibit personal pet possession of wild fox, skunks, bats, raccoons or white-tailed deer.

The following is a summary of the changes made to this rule since the September Commission meeting:

- Changes are proposed to correct spelling or address taxonomic changes for baboons, crocodiles, guenons, Celebes black apes, and siamangs.
- We propose to combine the listing of species that are currently within the same class, which are in the same biological family or genus. These include:
 - gibbons and siamangs (family Hylobatidae) in Class I,
 - wolves, coyotes and jackals (family Canidae) in Class II, and
 - Celebes black apes and macaques (genus *Macaca*) in class II.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.002, F.A.C., Categories of Captive Wildlife – Changes
cont.**

- Clarify intent of Class II listing of certain hoof stock to mean “**wild**” species of the family Bovidae.
- Clarify hybrid language by deleting the second use of the word “substantially” in this section.
- Delete requirement that American alligators may not be possessed as personal use wildlife.



Update 1

68A-6.002, F.A.C., Categories of Wildlife; cont.

•Include “wild” when referring to species of the family Bovidae. This clarifies the intent of the bovids that are included in Class II and omits domestic Bovidae species.

▪Clarify hybrid language.

•Delete the requirement that American alligators may not be possessed as personal use wildlife.

This proposed change is based on public input. FWC biological staff agrees with this proposal. Moving American alligators into Class II would apply the strict eligibility criteria for authorization to possess Class II wildlife. This change will allow the possession of American alligators for personal use.

(Update 1)

After further review a floor amendment has been requested to delete the second use of the word “substantially” in the proposed hybrid language as it is redundant and not necessary. If approved, the language, as proposed by the 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 indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0021, F.A.C., Possession of Class I Wildlife as
Personal Use Wildlife - Changes**

- Move the section pertaining to record keeping requirements to 68A-6.0023, F.A.C.



68A-6.0021, F.A.C., Possession of Class I Wildlife as Personal Use Wildlife.

The proposed rule would provide a “grandfather” clause for any Class II wildlife possessed for personal use that is reclassified as Class I, and require all Class I wildlife possessed for personal use to be permanently identified. The record keeping requirements and time frame for which these records must be maintained are moved from this proposed rule into 68A-6.0023, F.A.C., thereby consolidating captive wildlife related record keeping requirements in one rule. The title of the proposed rule is amended to reflect this change.

The following is a summary of the changes made to this rule since the September Commission meeting:

- We are proposing to move the language that references buying, selling or transferring wildlife to or from any unpermitted entity and the record keeping requirements from this rule into rule 68A-6.0023, F.A.C. This combines the record keeping requirements for captive wildlife and places these requirements in one rule.
- We also propose a title change to rule 68A-6.0023, F.A.C., to reflect this change.

Captive Wildlife Rule Proposals 2009 Rule Summary and Changes to Rules since the September Commission Meeting – cont.

68A-6.0022, F.A.C., Possession of Class I, II or III Wildlife in Captivity; Permit Requirements - Changes

- Change experience requirements for Class I and II from biological order to biological family, excluding **crocodilians**, cougars and cheetahs.
- Clarify documentation of experience requirements for corporations. (This proposed change is also made to Rule 68A-6.007, F.A.C.)



Update 1 cont.,

68A-6.0022, F.A.C., Possession of Class I, II or III Wildlife in Captivity; Permit Requirements.

The proposed rule would require a permit to possess brushtailed possums, clarify experience requirements for Class I and II wildlife possession, clarify documentation of experience requirements for corporations; require a USDA license when Class I wildlife is possessed for exhibition or sale, and clarify who needs to submit the Critical Incident/Disaster Plan and when such plan applies.

The following is a summary of the changes made to this rule since the September Commission meeting:

We are proposing to change the experience requirement for Class I and II wildlife. Currently experience with certain wildlife must be obtained at the biological order level. We propose to change this to requiring experience at the biological family level.

In September, we proposed that experience be obtained at the genus level. This proposal was made in anticipation of the up listing of cougars and cheetahs to Class I; however, upon further review this recommendation is found to be too restrictive.

Cougars and cheetahs are in the same biological family with lions, tigers and other currently listed Class I cats. Although they are in the same biological family staff and the public recognize that experience with a cougar or cheetah does not equal experience with a lion or tiger.

Therefore, in order to address the potential up listing of cougars and cheetahs, we propose that experience requirements for cougars and cheetahs remain at the genus level.

The proposed rule clarifies the intent regarding documentation of experience for corporations. We propose that corporations provide documentation of experience for at least one person, in instances where experience requirements must be met to be eligible for a license.

We propose that this apply to Class I, Class II, and venomous reptiles. Therefore, this language is also mirrored in Rule 68A-6.007, F.A.C., which addresses the experience requirements for venomous reptiles.

(Update 1 cont.,)

By changing the experience requirements for Class I and II from biological order to biological family this created an unintended consequence for documenting experience with crocodilians. The taxonomic classification of crocodilians varies.

Some references break down the Order Crocodylia into a single family (Crocodylidae) with four subfamilies (Alligatorinae, Crocodylinae, Tomistominae, and Gavialinae), whereas, more recent references breakdown the Order Crocodylia into three families (Crocodylidae, Gavialidae, and Alligatoridae).

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0022, F.A.C., Possession of Class I, II or III Wildlife
in Captivity; Permit Requirements – Changes cont.**

- Clarify when the Critical Incident and Disaster Plan requirement must be met.

- Revise the Critical Incident and Disaster Plan form.



68A-6.0022, F.A.C., Possession of Class I, II or III Wildlife in Captivity; Permit Requirements, cont.

- The proposed rule requires that Part B of the Critical Incident and Disaster Plan remain in the permittee's file and be made available for inspection upon request.
- We propose additional language to clarify when the Critical Incident and Disaster Plan requirement must be met. This includes:
 - permittees maintaining wildlife in Florida; and
 - out-of-state permittees when on travel status with captive wildlife in Florida.

This language is also proposed in Rule 68A-6.007, F.A.C., pertaining to venomous reptiles and reptiles of concern.

- We propose the following modifications to the Critical Incident and Disaster Plan:

Part A:

- Require the complete animal inventory to be retained with Part B of the Critical Incident and Disaster Plan in the permittee's file.
- Delete the "USDA License Number" as all permittees are not required to be licensed by USDA.
- Delete the "Hurricane Evacuation Zone Category" information. This information is no longer readily available.
- Separate the "Veterinarian Contact Information" from the "Emergency Contact" for clarification purposes.

Part B:

- Include a check box for "Not Applicable" and delete the "DEA License Number" in the chemical capture equipment portion of this form. Not all permittees are licensed by the DEA to possess chemical immobilization drugs.
- Remove the Regional Directors names from the page containing FWC regional office contact information.

Captive Wildlife Rule Proposals 2009 Rule Summary and Changes to Rules since the September Commission Meeting – cont.

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

- Change rule title.
- Clarify public contact and when structural and safety barriers must be provided when exhibiting unconfined captive wildlife.
- Provide that incidental contact with Class I wildlife (other than as specified) must be approved in writing by the Commission.



Update 1 cont.,

68A-6.0023, F.A.C., General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife.

The proposed rule would require outdoor enclosures of non-native venomous reptiles and reptiles of concern to be covered, require the use of barriers when exhibiting Class I and II wildlife to the public, and require written approval prior to the use of certain Class I wildlife for incidental contact with the public. The proposed rule incorporates record keeping requirements from rule 68A-6.0021, F.A.C., thereby consolidating record keeping requirements for captive wildlife, would require records on all changes in wildlife inventory and increases the length of time to three years that records of sale/transfer must be maintained. The title of this rule would be changed to include "Public Contact" and "Transfer of Wildlife and Record Keeping Requirements."

The following is a summary of the changes made to this rule since the September Commission meeting:

- The proposed rule reflects a title change to include public contact, transfer of wildlife and record keeping requirements. This is necessary for clarification purposes and because of the proposal to move record keeping language from rule 68A-6.0021, F.A.C., into this rule.
- The proposed rule would require that incidental contact with Class I wildlife, other than as specified, be approved in writing by the Commission. This addresses concerns expressed by accredited zoological facilities for the ability to use other Class I wildlife in well controlled and supervised incidental contact situations. Examples include cheetahs or rhinos. This proposed change also provides FWVC with a mechanism to evaluate the proposed situation and ensure that public safety concerns are addressed before approval.
- The proposed rule incorporates the record keeping requirements from rule 68A-6.0021, F.A.C. This consolidates the record keeping requirements (acquisition, sale, and transfer) into one rule.

(Update 1 cont.)

To provide clarification for wildlife that may be used for public contact and when structural and safety barriers must be provided when exhibiting unconfined captive wildlife, a floor amendment is proposed to include the following changes: delete the word "all" in the third sentence; add "except in instances where public contact is allowed in subsection (3)(a) below" to the end of 68A-6.0023 (3), F.A.C.; add the word "and" in (3)(a); and add Class I, II or III to (3)(a)1. **If approved, the language, as proposed by the floor amendment, would read as follows:**

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, 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.

(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 conditions 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.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0023, F.A.C., General Regulations Governing
Possession of Captive Wildlife; Public Contact; Transfer of
Wildlife and Record Keeping Requirements – Changes,
cont.**

- Incorporate the section pertaining to record keeping requirements from Rule 68A-6.0021, F.A.C.
- Clarify that the record keeping requirements for maintaining records of births and deaths apply to possessors of Class I and II wildlife.



Update 1 cont.,

68A-6.0023, F.A.C., General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife, cont.

A floor amendment is also proposed to clarify record keeping requirements and who is required to maintain records of births and deaths. The floor amendment as proposed would include the following changes: clarify that record keeping requirements for changes in inventory include records of acquisition and sale or transfer, require possessors of Class I or II wildlife to also maintain records of births and deaths, and delete the proposed provision addressing records of sale or transfer for wildlife specified in 68A-6.0022(2)(a) – (v). **If approved, the language for subsections (6) and (7), as proposed by the floor amendment, would read as follows:**

(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 changes in inventory including 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.

Update 2: The proposed floor amendment for this rule includes the provision in 68A-6.0023 (7)(b), above.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0024, F.A.C., Commercialization of Wildlife;
Bonding or Financial Responsibility Guarantee - Changes**

- Delete requirement of documented exhibition being no less than 12 times per year.



68A-6.0024, F.A.C., Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee.

The proposed rule would establish criteria for “consistent and sustained commercial activity” and delete “Public Contact” from the rule title.

The following is a summary of the changes made to this rule since the September Commission meeting:

We propose to delete the requirements for documented exhibition to be no less than 12 times per year. Because the proposed rule requires permittees licensed per section 379.3761, F.S., to demonstrate “...consistent and sustained commercial activity in the form of exhibition or sale...,” this language is not needed. Commercial activity may be demonstrated in a number of different ways. For example, a single exhibition and multiple sales throughout the licensing period could demonstrate a “consistent and sustained” commercial activity.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0025, F.A.C., Sanctuaries; Retired Performing
Wildlife and Identification (New Rule) - Changes**

- Allow for the exhibition of wildlife.
- Require proof of current status as a Florida registered not-for-profit corporation and proof of current exemption from taxation under the Internal Revenue Code. These documents must be available for inspection.



68A-6.0025, F.A.C., Sanctuaries; Retired Performing Wildlife and Identification. (New Rule)

The proposed rule would establish requirements to operate a wildlife sanctuary and allows persons possessing performing wildlife that can no longer perform due to age or physical condition to continue possession for lifetime care under the exhibition/sale license. The proposed rule would require permanent identification of captive wildlife possessed in a captive wildlife sanctuary and retired performing wildlife.

The purpose of a captive wildlife sanctuary is to provide lifetime care for unwanted or infirmed captive wildlife. Although there is tremendous support for regulating captive wildlife sanctuaries, the difficulty is defining a "Captive Wildlife Sanctuary" and developing a rule that works within the current permitting structure. FWC staff has received numerous comments on this proposed rule.

The following is a summary of the changes made to this rule since the September Commission meeting:

- Allow for the exhibition of wildlife in captive wildlife sanctuaries. This will potentially keep sanctuaries in the "public eye" and more importantly provide a potential fund raising mechanism for the sanctuary.
- Provide that "only a corporation that is licensed in accordance to Section 379.3761, F.S., and exempt from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code, may operate a wildlife sanctuary for captive wildlife."
- Require sanctuary permittees to maintain and make available for inspection "...proof of current status as a Florida registered not-for-profit corporation and proof of current exemption from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code."

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0025, F.A.C., Sanctuaries; Retired Performing
Wildlife and Identification (New Rule) – Changes cont.**

- Provide that rare, endangered or otherwise protected specimens of wildlife may be transferred for breeding purposes in instances where the breeding program clearly enhances the survival potential of the species.
- Require sanctuaries that exhibit Class I wildlife to be bonded or meet the financial responsibility guarantee as required in rule 68A-6.0024, F.A.C.



68A-6.0025, F.A.C., Sanctuaries; Retired Performing Wildlife and Identification. (New Rule) - changes cont.

•Provide that “Rare, endangered or otherwise protected specimens of wildlife may be transferred for breeding purposes in instances where such breeding program clearly enhances the survival potential of the species.”

•Lastly, we propose that captive wildlife sanctuaries exhibiting Class I wildlife must meet the bonding or financial responsibility guarantee requirements of rule 68A-6.0024(3)(a) – (f), F.A.C.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.003, F.A.C., Facility and Structural Caging
Requirements for Class I, II and III Wildlife - Changes**

- Separate erosion language from footer/bottom apron requirements for clarification purposes.
- Specify the depth of footers or inward angle of bottom aprons.
- Address structural requirements for footers/bottom aprons.



68A-6.003, F.A.C., Facility and Structural Caging Requirements for Class I, II and III Wildlife.

The proposed rule would require footers or internal devices to reduce digging or burrowing in certain enclosures, require measures to be taken to address erosion and add the hyena, aardwolf, guar, cougar and cheetahs to the list of Class I wildlife that may not be possessed on property zoned solely for residential use. The proposed rule also includes an exemption from the land area requirement for Class II Saki monkeys.

The following is a summary of the changes made to this rule since the September Commission meeting:

The proposed changes for footers/bottom aprons include:

- Requiring footers/bottom aprons to be constructed of concrete, chain link or an equivalent strength material as the enclosure.
- Require footers to be 3' in depth.
- Require bottom apron to be securely anchored to the bottom of the enclosure and extend a minimum of 3' into the enclosure. And,
- Require bottom aprons to be buried in order to prevent injury to the captive wildlife.

The proposed changes for cages or enclosures affected by erosion require:

- Measures to be taken to stop the erosion.
- Proposed measures may include footers, bottom aprons, or other measures that ensure the structural integrity of the enclosure and prevent escape of the captive wildlife.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.004, F.A.C., Standard Caging Requirements for
Captive Wildlife.**

- No additional changes since September.



68A-6.004, F.A.C., Standard Caging Requirements for Captive Wildlife.

The proposed rule would require variances for some open air habitats and require temperature regulation in Red Panda enclosures.

No changes have been made to this rule since the September Commission meeting.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0041, F.A.C., Exceptions to Standard Caging
Requirements for Captive Wildlife**

- No additional changes since September.



68A-6.0041, F.A.C., Exceptions to Standard Caging Requirements for Captive Wildlife.

The proposed rule would exempt Bison (when possessed for propagation purposes only) from standard caging requirements.

No changes have been made to this rule since the September Commission meeting.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.005, F.A.C., Transportation Requirements for
Wildlife; Caging Requirements for Performing and
Non-Performing Animals - Changes**

- Change labeling requirement from “Caution – Wild Animal” to “Live Animal.”
- Require label on cages or containers to include a list of the number of specimens, and common and scientific name of wildlife being transported.



68A-6.005, F.A.C., Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals.

The proposed rule would clarify the requirements for wildlife transportation. The proposed rule would require wildlife to be transported in a cage or enclosure, require the cage or enclosure to be labeled “Live Animal” and list the number of specimens, the common and scientific name of the wildlife, and address labeling requirements for wildlife being transported in trailers.

Based on AZA, FAZA, and zoo industry input, staff recommends changes for labeling requirements to be consistent with the International Air Transport Association (IATA)* requirements. Individuals or businesses moving animal via air transport must meet a labeling standard. This includes a label stating “Live Animal” and includes a list of the contents.

The following is a summary of the changes made to this rule since the September Commission meeting:

The proposed rule will require cages or containers transporting wildlife to meet the following requirements:

- Have a label saying “Live Animal”
- This label will include a list of the number of specimens and identify the wildlife by common and scientific name.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.005, F.A.C., Transportation Requirements for Wildlife;
Caging Requirements for Performing and Non-Performing
Animals – Changes cont.**

- Transport of wildlife in trailers:
 - Require access or loading door to be labeled “Live Animal.”

 - Require a list of number of specimens, common name and scientific name to be maintained in the cab.



68A-6.005, F.A.C., Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals; cont.

Staff proposes that in instances where wildlife is being transported in a trailer or compartment of a trailer, the loading or access door must have a label saying “Live Animal.” The list identifying the number of specimens and the species by scientific and common name must be kept in the cab of the trailer.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.007, F.A.C., Possession, Transportation,
Exhibition and Caging Venomous Reptiles and
Reptiles of Concern - Changes**

- Clarify documentation of experience requirements for corporations.

*Note: this change was also made to rule 68A-6.0022,
F.A.C., as previously mentioned.*



68A-6.007, F.A.C., Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern.

The proposed rule would include the “taxonomic successors” of the reptiles of concern and address the experience requirements to possess them. The proposed rule clarifies the documentation of experience requirements for corporations.

The following is a summary of the changes made to this rule since the September Commission meeting:

- Incorporate changes to documentation of experience requirements for corporations as it applies to the possession of venomous reptiles. The proposed rule clarifies the intent regarding documentation of experience for corporations. We propose that corporations provide documentation of experience for at least one person in instances where experience requirements must be met to be eligible for a license.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.007, F.A.C., Possession, Transportation, Exhibition
and Caging Venomous Reptiles and Reptiles of
Concern – Changes cont.**

- Clarify when the Critical Incident and Disaster Plan requirement must be met.

*Note: Consistent with changes made in Rule 68A-6.0022,
F.A.C.*



68A-6.007, F.A.C., Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern; cont.

- The proposed change clarifying when the Critical Incident and Disaster Plan requirement must be met.

This language is consistent with the proposed change in rule 68A-6.0022, F.A.C., as previously discussed.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-6.0071, F.A.C., Record Keeping and Reporting
Requirements**

- No additional changes since September.



68A-6.0071, F.A.C., Record Keeping and Reporting Requirements.

The proposed rule provides for the modification of the Captive Wildlife Inventory-Reptile form. The proposed modifications are technical in nature and correct spelling errors on the form.

No changes have been made to this rule since the September Commission meeting.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-9.006, F.A.C., Wildlife Rehabilitation Permit -
Changes**

- Provide that sick or injured non-native wildlife may not be comingled in the same cage or enclosure with sick or injured native wildlife.
- Provide that exotic or non-native wildlife or domestic animals may be used for fostering orphaned native wildlife.



68A-9.006, F.A.C., Wildlife Rehabilitation Permit.

The proposed rule would correct the permit application title, clarify that a rehabilitation permit is not necessary for rehabilitating non-native species, establish a timeline for rehabilitation of native wildlife and how wildlife is evaluated as un-releasable. The proposed rule would prohibit the comingling of sick and injured exotic or non-native wildlife in the same cage or enclosure with sick, injured or otherwise impaired native wildlife, prohibit the release of fully recovered specimens of American alligators or American crocodiles, and authorize the use of exotic or non-native wildlife or domestic animals for fostering orphaned native wildlife.

The following is a summary of the changes made to this rule since the September Commission meeting:

- Prohibit the comingling of sick or injured native wildlife with sick or injured non-native wildlife. The proposed changes is intended to prevent the comingling of the sick or injured wildlife within the same cage or enclosure. This is due to concerns regarding possible transmission of diseases between native and non-native wildlife. The proposed change is not intended to prevent the housing of sick or injured native wildlife in close proximity to non-native wildlife, as would be the case in sick or injured wildlife kept in separate cages within the same hospital or critical care area.
- Authorize the use of exotic or non-native wildlife or domestic animals for fostering orphaned native wildlife. Currently rehabilitators frequently use exotic or non-native wildlife or domestic animals for fostering orphaned wildlife. This practice serves to facilitate rehabilitation of the wild animal with minimal human interaction. This method of rehabilitation many times serves in the best interest of the orphaned wildlife and may prevent habituation to humans.

**Captive Wildlife Rule Proposals 2009
Rule Summary and Changes to Rules since the September
Commission Meeting – cont.**

**68A-9.006, F.A.C., Wildlife Rehabilitation Permit –
Changes cont.**

- Prohibit the release of rehabilitated American alligators or American crocodiles.
- Provide that these specimens must be placed in a licensed exhibition, educational, or breeding facility as directed by Commission personnel.



68A-9.006, F.A.C., Wildlife Rehabilitation Permit; cont.

- Prohibit the release of rehabilitated American alligators or American crocodiles.
- Provide that these native crocodylian specimens must be placed in a licensed exhibition, educational, or breeding facility as directed by Commission personnel.

Crocodylians have been known to readily habituate to people when being fed. Large crocodylians that lose their innate fear of humans may pose a real risk to public safety. This has been proven to be the case on occasion in Florida's wild alligator population. This concern and potential threat to public safety has played a role in creating the Statewide Nuisance Alligator Program (SNAP). FWC biological staff has expressed concerns regarding the release of large and potentially habituated native crocodylians back into the wild.

Captive Wildlife Rule Proposals 2009

Recommended Action

- Approve the following rules as amended:
 - [68A-6.002 Categories of Captive Wildlife](#)
 - [68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements](#)
 - [68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements](#)
- Approve remaining rules as advertised.

Questions?

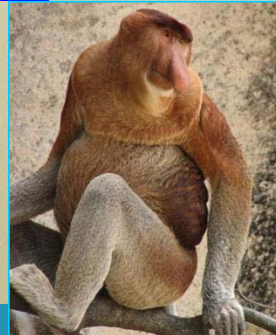


Photo: Proboscis monkey

Staff recommends the approval of the following rules as amended:

- [68A-6.002 Categories of Captive Wildlife](#)
- [68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements](#)
- [68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements.](#)

Staff also recommends approval of the remaining proposed rules as advertised and to proceed with filing for adoption.