

## MEMORANDUM

**DATE:** March 18, 2009

**TO:** Wildlife Exhibitors, Dealers and Other Interested Persons

**FROM:** Colonel Julie Jones  
Director, Division of Law Enforcement

**SUBJECT:** Sale and Exhibition of Wildlife

Persons, firms or corporations possessing wildlife used exclusively for exhibition or public sale, specifically birds, reptiles, amphibians, and mammals, shall obtain a permit pursuant to Chapter 379.304, Florida Statutes. Commercial wildlife operations are generally characterized by the following business procedures:

- (1) A regular media advertising campaign, or Internet Web site;
- (2) Signs, billboards, or flyers advertising commercial wildlife services or operations;
- (3) Regular "Open for Business" hours; and
- (4) Written business is conducted on printed letterhead, indicating the name of the company or business.

Persons possessing wildlife primarily for personal use and enjoyment shall obtain a Personal Pet Permit pursuant to Chapter 379.304, F.S. No permits shall be issued for the possession of Class I wildlife for personal use.

Permittees must keep records of acquisition, which includes the source and supplier, for the wildlife in their possession. It is illegal to buy, sell, or transfer any wildlife to or from any unpermitted entity within Florida. Those individuals selling or transferring wildlife must maintain records of said sale or transfer. The recipient's and transferor's name, address, and permit license number (if required) shall be entered in the records.

These records must be kept for one year after the transfer. The "donation" of an animal is permissible if there is no exchange of money or trade involving other items of value; however, the source of acquisition record and record of transfer must be maintained by the receiver and transferor of the wildlife, respectively. Records of the sale of exotic birds must be maintained for a period of two years. This record must include the name and address of purchaser, date of transfer, and number and species of birds sold.

Class III wildlife are those animals which are not listed as Class I or II. Excluding the few exceptions listed below, a license or permit is required for the possession of Class III wildlife. Examples of Class III wildlife include raccoons, non-native fox, skunks, lemurs, and marmosets. In Class III there are three

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primates for which the Class II experience requirements apply in order to qualify for the Personal Use Permit. These are the capuchin, spider, and woolly monkeys. Purchasers of Class III wildlife must have a valid permit or license prior to acquiring the animal.

Those Class III animals **which may be possessed for personal use without a permit** are: non-protected and non-venomous reptiles and amphibians, gerbils, hedgehogs, honey possums, sugar gliders, brush-tailed possums, shell parakeets, rats and mice, canaries, moles, shrews, rabbits, squirrels, chipmunks, ferrets (domestic; European), love birds, guinea pigs, cockatiels, hamsters, parrots, finches, myna birds, toucans, doves (ringed, ruddy, and diamond), button quail, prairie dogs, and chinchillas.

In addition to the license or permit requirements, individuals possessing wildlife must meet standard caging requirements. These requirements are found in 68A-6.004, Florida Administrative Code (F.A.C.), and may be obtained at any Florida Fish and Wildlife Conservation Commission (FWC) Regional Service Center or from our Web site at [www.MyFWC.com/Contact/Contact\\_RegOff.htm](http://www.MyFWC.com/Contact/Contact_RegOff.htm). Along with caging requirements, there are standards for sanitation, nutrition, waste disposal, cleaning and maintenance of the enclosures contained in the captive wildlife regulations. Any condition which results in wildlife escaping from its enclosure, leash, cage or other constraint, or results in injury to any person is a threat to public safety, and a violation of the Wildlife Code. Wildlife held for sale by licensed individuals may be housed in smaller cages or enclosures for a period not to exceed 60 days.

All individuals not previously permitted to possess **Class I or Class II** wildlife listed in Rule 68A-6.002, F. A.C., must qualify for a permit by meeting the following criteria as specified by Rule 68A-6.0022, F.A.C.:

- (a) Submit a notarized statement that the construction of the facility, its cages and enclosures, is not prohibited by county ordinance and, if within a municipality, municipal ordinance;
- (b) Be at least 18 years of age;
- (c) Shall not have been convicted of any violation of captive wildlife regulations or venomous reptile or reptile of concern regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three years of the date of application.
- (d) Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000

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hours) in the care, feeding, handling, and husbandry of the species for which the permit is sought, or other species, within the same biological order (except ratites which shall be in the same biological sub-order) which are substantially similar in size, characteristics, care, and nutritional requirements to the species for which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including a description of the specific experience acquired, the dates the experience was obtained and the specific location(s) where acquired, and references from no less than two (2) individuals having personal knowledge of the applicant's stated experience, one of which must be licensed by the commission for wildlife of the same family and the same or higher class for which the applicant is seeking authorization. Additional information may include records of prior permits for the keeping of captive wildlife, employment records, and any other competent documentation of the requisite experience. Documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above, may substitute for up to six months or 500 hours of the required experience.

- (e) **For Class II applicants only:** If the applicant is unable to document such experience, as an alternative, the applicant may take a written examination. The successful completion of a written examination for the particular species or family administered by the Division of Law Enforcement, together with the documentation of not less than 100 hours of substantial practical experience (with documentation and compliance procedures as noted in Rule 68A-6.0022, F.A.C., above) in the care, feeding, handling and husbandry of the species for which the permit is sought may be substituted for the one year and 1,000 hour requirement. Exams are administered at any of our FWC Regional Service Centers. Applicants scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.
- (f) The above experience requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.
- (g) Must provide a Critical Incident/Disaster Plan on form FWCDLE\_619 (on our Web site at [www.MyFWC.com/permits](http://www.MyFWC.com/permits)) and shall document, in writing, a course of action to be taken in preparation for disasters or critical incidents. Part A is to be

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submitted at time of application. Part B remains at your facility and is to be made available for inspection.

- (h) Class I wildlife shall not be possessed in multi-unit dwellings or in any premises consisting of less than one-quarter acre of land area. Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with a private entrance, exit, and yard area. There are also specific acreage requirements for certain species as listed below.

**EFFECTIVE JULY 1, 2000, ALL NEW APPLICANTS AND REQUESTS FOR UPGRADES TO EXISTING LICENSES, TO INCLUDE A FAMILY NOT PREVIOUSLY AUTHORIZED AT A FACILITY LOCATION, MUST COMPLY WITH THE FOLLOWING ADDITIONAL FACILITY REQUIREMENTS FOR CLASS I AND II WILDLIFE:**

**For Class I Wildlife**

- (1) The facility shall not be constructed on less than five contiguous acres of property owned or leased by the applicant. The total facility shall not be comprised of more than two parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the FWC as a condition of granting said license.
- (2) The facility shall have a "buffer zone" of not less than 35 feet between the caging and the facility property line.
- (3) The cages of the facility shall be bounded by a fence not less than eight feet in height, constructed of not less than 11 ½ gauge chain link or strength equivalent, or as an alternative, a fence of not less than six feet in height, with a two-foot, 45 degree inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 ½ gauge chain link or strength equivalent. This fencing is to prevent escape of any wildlife from the property that may escape the primary caging.
- (4) The zoning of the facilities housing Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status. The wildlife are the following:

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(a) Primates (all listed species) (b) Cats (all listed species) (c) Bears (family *Ursidae*) (d) Elephants (family *Elephantidae*) (e) Rhinoceros (family *Rhinocerotidae*) (f) Hippopotamuses (family *Hippopotamidae*) (g) Cape Buffalos (*Syncerus caffer caffer*).

(5) The exemptions from the facility requirements as listed above are as follows:

1. Permits authorizing possession of infants only including:

- a) Class I carnivores until they reach 25 pounds or 6 months of age, which ever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis;
- b) Class I primates until they reach the age of 12 months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.

2. Crocodilians 4 feet in length or less.

**For Class II Wildlife**

- (1) The facility shall not be constructed on less than two and one-half contiguous acres of property owned or leased by the applicant. The total facility shall not be comprised of more than two parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the FWC as a condition of granting said license.
- (2) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.
- (3) The cages of the facility shall be bounded by a fence not less than eight feet in height, constructed of not less than 11 ½ gauge

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chain link or strength equivalent, or as an alternative, a fence of not less than six feet in height, with a two-foot, 45 degree inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 1 1/2 gauge chain link or strength equivalent. This fencing is to prevent the escape of any wildlife from the property that may escape from primary caging.

(4) The exemptions from the facility requirements as listed above are as follows:

- 1) Permits authorizing possession of infants only including:
  - a) Class II carnivores until they reach 25 pounds or 6 months of age, whichever ever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis;
  - b) Class II primates until they reach the age of 12 months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.
- 2) Crocodylians 4 feet in length or less.
- 3) Cats: Ocelots (*leopardus pardalis*), Servals (*Leptailurus serval*), Caracals (*Caracal caracal*), Bobcats (*Lynx rufus*), African golden cats (*Profelis aurata*), Temminck's golden cats (*Profelis temmincki*), and Fishing cats (*Prionailurus viverrina*).
- 4) Non-human primates: Uakaris (*genus Cacajao*), Bearded sakis (*genus Chiropotes*), and Guenons (*genus Cercopithecus*) not including DeBrazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of 14 pounds.

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**Regulations Pertaining to Performing or Traveling Wildlife**

Performing wildlife possessed by persons operating traveling exhibits, circuses, show productions, performing acts and any other mobile attractions shall be housed in cages that meet standard caging requirements as provided in Rule 68A-6.004, F.A.C., whenever such wildlife is present in any geographical location for more than 90 days. No mobile exhibit shall utilize the performing animal caging dimensions prior to approval by the FWC. Exercise intervals shall be required. No animal shall be caged without exercise or performances for more than a 72-hour period.

Non-performing wildlife shall be housed in cages that comply with standard cage requirements as provided in Rule 68A-6.004, F.A.C., whenever such wildlife is present in such travel cages or enclosures for more than 45 days. Transportation requirements for wildlife and caging requirements for traveling wildlife exhibits that will be in the same location for 90 days or less, shall be pursuant to Rule 68A-6.005, F.A.C. Operators of traveling exhibits or mobile attractions shall submit a 12-month travel itinerary (schedule) that details the exact location(s) and date(s) where such wildlife will be exhibited or housed in Florida.

The FWC reserves the right to deny or otherwise delay the issuance of permits when wildlife is found in an unsafe, unsanitary, or inhumane condition. For a complete listing of Captive Wildlife Regulations, please visit our website at [www.MyFWC.com](http://www.MyFWC.com).

We appreciate your interest in sale and exhibition of wildlife. If we can answer any further questions, please do not hesitate to write or call this office (850) 488-6253.

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jj/jdw/dr