

### **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) Conditional Non-native Species – The species or hybrids or eggs thereof listed in Rule 68-5.002, F.A.C., may be possessed only pursuant to permit issued by the Executive Director, with the following restrictions:

(a) Such permits will 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.

(b) Prior to the issuance of a permit to possess conditional non-native species, facilities where conditional species are to be kept and waters where their use is intended may be inspected by Commission personnel to assure that adequate safeguards exist to prevent escape or accidental release into the waters of the state.

(c) Permits for conditional freshwater fish and aquatic invertebrate species may be issued by the Commission subject to the following:

1. Conditional freshwater fish and aquatic invertebrate 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 Housing and Urban Development. 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. 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.

4. Conditional aquatic turtle species:

a. Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging or erosion. Such barriers may be constructed of solid board, or metal or plank fencing, and may not use mesh material.

b. All eggs must be removed daily from outdoor facilities.

(3) 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 as provided in paragraphs (a) and (b) below:

(a) Public aquaria, zoological parks, or public exhibitors with current accreditation by the American Zoo and Aquarium Association or the American Association of Museums will be granted a permit.

(b) Individuals or institutions engaged in research will be granted such a permit, provided the following requirements are met:

1. A detailed research proposal shall accompany the application for the research permit. The proposal shall state with particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species.

2. All research on prohibited aquatic species shall be conducted in indoor facilities in containers having no water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater pond.

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

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

(5) Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors with current accreditation by the American Zoo and Aquarium Association or the American Association of Museums, 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) Sea snakes shall not be released into the waters of the state.

(e) 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 possesses sea snakes.

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

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

(h) 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.

(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 special permit issued by the Commission. The basis for the issuance of such permit shall include:

(a) That each shipment is accompanied by a veterinary certificate stating that all specimens are free from external parasites;

(b) That all shipping containers used to transport such tortoises are incinerated within 24 hours;

(c) Such other conditions as may be necessary to insure 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 aquatic organism not native to the state to remain in the waters of any propagating pool or pond that is no longer maintained or operated for the production of such non-native species. The presence of any species designated in Rule 68-5.002 or 68-5.003, F.A.C., in any propagating pool or pond shall constitute possession by the owner or operator of the pool or pond.

(8) Unless otherwise specifically provided in Chapters 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.

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-7-07.*

#### **68-5.002 Conditional Non-native Species.**

The following species or hybrids thereof may be possessed only pursuant to permit issued by the Executive Director with restrictions as provided in subsection 68-5.001(2), F.A.C.

(1) Non-native freshwater aquatic species.

(a) Bighead carp (*Aristichthys nobilis*).

(b) Bony-tongue fishes (Family Osteoglossidae, all species except silver arowana, *Osteoglossum bicirrhosum*).

(c) Dorados (Genus *Salminus*, all species).

(d) Freshwater stingrays (Family Potamotrygonidae, all species).

(e) Grass carp (*Ctenopharyngodon idella*), with restrictions as provided in Rule 68A-23.088, F.A.C.

- (f) Silver carp (*Hypophthalmichthys molitrix*).
- (g) Snail or black carp (*Mylopharyngodon piceus*).
- (h) Nile perches (Genus *Lates*, all species). For facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for facilities which are issued permits or certificates of registration after April 11, 2007, Nile perches:
  1. Shall be held only in indoor facilities.
  2. Shall not be taken on a fee or for-hire basis using hook and line or rod and reel.
- (i) Blue tilapia (*Oreochromis aureus*), except that *Oreochromis aureus* may be possessed, cultured, and transported without permit in Citrus County in the North Central Region; and all counties of the Northeast, South and Southwest Regions.
- (j) Wami tilapia (*Oreochromis hornorum*).
- (k) Mozambique tilapia (*Oreochromis mossambicus*)
- (l) Nile tilapia (*Oreochromis niloticus*)
- (m) Walking catfish (*Clarias batrachus*)
- (n) Blue catfish (*Ictalurus furcatus*), except that blue catfish may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.
- (o) Australian red claw crayfish (*Cherax quadricarinatus*) only in closed tank culture systems.
- (p) Red swamp crayfish (*Procambarus clarkii*) and white river crayfish (*Procambarus zonangulus*)
  1. Pond aquaculture of either species is prohibited.
  2. Red swamp crayfish and white river crayfish may be possessed west of the Apalachicola River and its tributaries or imported for direct sale to food wholesalers and food retailers for resale to consumers without permit.
- (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.
- (2) Non-native mammals – Nutria (*Myocaster coypu*).

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-7-07.*

#### **68-5.003 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, of the species listed below, except as provided in subsection 68-5.001(3), F.A.C.

- (1) Non-native freshwater aquatic species:
  - (a) African electric catfishes (Family Malapteruridae, all species).
  - (b) African tigerfishes (Subfamily Hydrocyninae, all species).
  - (c) Airbreathing catfishes (Family Clariidae, all species except *Clarias batrachus*).
  - (d) Candiru catfishes (Family Trichomycteridae, all species).
  - (e) Freshwater electric eels (Family Electrophoridae, all species).
  - (f) Lampreys (Family Petromyzonidae, all species).
  - (g) All species of piranha and pirambeba (subfamily Serrasalminae).
  - (h) Snakeheads (Family Channidae, all species).
  - (i) Tilapias (Genera *Tilapia*, *Sarotherodon* and *Oreochromis*, all species except *Oreochromis aureus*, *Oreochromis hornorum*, *Oreochromis mossambicus*, and *Oreochromis niloticus*).
  - (j) Trahiras or Tigerfishes (Family Erythrinidae, all species).
  - (k) Airsac catfishes (Family Heteropneustidae, all species).
  - (l) Green sunfish (*Lepomis cyanellus*).
  - (m) Australian crayfish (Genus *Cherax*, all species except *Cherax quadricarinatus* cultured in a closed tank system).
  - (n) Zebra mussel (*Dreissena polymorpha*).

(2) Non-native mammals – African giant pouched rats (Genus *Cricetomys*, all species).

(3) Non-native marine species:

(a) Mitten crab (Genus *Eriocheir*, all species).

(b) Sea snakes (Family Hydrophiidae, all species), except that sea snakes may be possessed as described in subsection 68-5.001(5), F.A.C.

(c) Weeverfishes (Family Trachinidae, all species).

(d) Stone fishes (Genus *Synanceia*, all species).

*Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-7-07.*