

## Endangered and Threatened Species Listing Process Rule Revisions

Chapters 68A-27 and 68A-1 contain rules and definitions relating to FWC's list of endangered species, threatened species and species of special concern and the process for listing or removing these species from the list. Pursuant to direction from the Commission at the June 2009 Commission meeting, the following draft rules are recommended to implement the revised endangered and threatened species management and listing system.

<b>68A-1.004</b>	<b>Definitions.</b>	<b>Revisions</b>
<b>68A-27.0001</b>	<b>Purpose and intent.</b>	<b>New</b>
<b>68A-27.001</b>	<b>Definitions.</b>	<b>New</b>
<b>68A-27.0011</b>	<b>Killing Endangered Species.</b>	<b>Minor revisions</b>
<b>68A-27.0012</b>	<b>Procedures for Listing and Removing Species from Florida's Endangered and Threatened Species List.</b>	<b>Substantial Revision</b>
<b>68A-27.002</b>	<b>Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property.</b>	<b>Repeal</b>
<b>68A-27.0021</b>	<b>Designation of Candidate Species; Prohibitions; Permits.</b>	<b>Minor revisions</b>
<b>68A-27.003</b>	<b>Florida Endangered and Threatened Species; Prohibitions.</b>	<b>Substantial Revision</b>
<b>68A-27.004</b>	<b>Designation of Threatened Species; Prohibitions.</b>	<b>Repeal</b>
<b>68A-27.005</b>	<b>Designation of Species of Special Concern; Prohibitions; Permits.</b>	<b>Substantial Revision</b>
<b>68A-27.006</b>	<b>Reward Program.</b>	<b>Minor Revisions</b>
<b>68A-27.007</b>	<b>Permits and Authorizations for the take of Florida Endangered and Threatened Species.</b>	<b>New</b>

1 **68A-1.004 Definitions.**

2 The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife  
3 Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular  
4 includes the plural. The following shall be construed respectively to mean:

5 (1) through (18) No Change.

6 ~~(19) Candidate species—A species, subspecies, or isolated population of a species or subspecies, which has  
7 been determined by the Commission to warrant listing under Rule 68A 27.003, 68A 27.004 or 68A 27.005, F.A.C.,  
8 but for which actual listing in the aforementioned rules is pending development of a management plan.~~

9 (20) through (29) renumbered as (19) through (28) No change.

10 ~~(30) Direct take—Intentionally pursuing, hunting, capturing, killing, or destroying fish or wildlife or the nests,  
11 eggs, homes or dens of fish or wildlife.~~

12 ~~(31) Endangered species—As designated by the Commission, a species, subspecies, or isolated population of a  
13 species or subspecies which is so few or depleted in number or so restricted in range or habitat due to any man-made  
14 or natural factors that it is in imminent danger of extinction, or extirpation from Florida, as determined by paragraph  
15 (a), (b), (c), (d), or (e) below in accordance with Rule 68A 27.0012, F.A.C.~~

16 ~~(a) Reduction in population size based on any of the following:~~

17 ~~1. An observed, estimated, inferred or suspected population size reduction of at least 80% over the previous ten  
18 years or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be  
19 understood or may not be reversible, based on (and specifying) any of the following:~~

20 ~~a. Direct observation~~

21 ~~b. An index of abundance appropriate for the taxon,~~

22 ~~c. A decline in area of occupancy, extent of occurrence, or quality of habitat,~~

23 ~~d. Actual or potential levels of exploitation,~~

24 ~~e. The effects of introduced taxa, hybridization, pathogens, pollutants, competitors, or parasites.~~

25 ~~2. A population size reduction of at least 80%, projected or suspected to be met within the next ten years or  
26 three generations, whichever is longer (up to a maximum of 100 years), based on (and specifying) any of  
27 subparagraph 1.b., 1.c., 1.d., or 1.e. above.~~

28 ~~3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 80% over any  
29 10-year or three-generation period, whichever is longer (up to a maximum of 100 years in the future), where the time  
30 period must include both past and future, and where the reduction or its causes may not have ceased or may not be  
31 understood or may not be reversible, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e.  
32 above.~~

33 ~~4. An observed, estimated, inferred, or suspected population size reduction of at least 90% over the last 10 years  
34 or three generations, whichever is longer, where the causes of reduction are clearly reversible and understood and  
35 ceased, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e. above.~~

36 ~~(b) Geographic range in the form of either extent of occurrence estimated to be less than 40 square miles or area  
37 of occupancy estimated to be less than 4 square miles, and estimates indicating any two of the following:~~

- 38 ~~1. Severity fragmented or known to exist at only a single location.~~
- 39 ~~2. Continuing decline, observed, inferred or projected, in any of the following:~~
- 40 ~~a. Extent of occurrence~~
- 41 ~~b. Area of occupancy~~
- 42 ~~c. Area, extent, and/or quality of habitat~~
- 43 ~~d. Number of locations or subpopulations~~
- 44 ~~e. Number of mature individuals~~
- 45 ~~3. Extreme fluctuations in any of the following:~~
- 46 ~~a. Extent of occurrence~~
- 47 ~~b. Area of occupancy~~
- 48 ~~c. Number of locations or subpopulations~~
- 49 ~~d. Number of mature individuals~~
- 50 ~~(c) Population size estimated to number fewer than 250 mature individuals and either:~~
- 51 ~~1. An estimated continuing decline of at least 25% within three years or one generation, whichever is longer (up~~
- 52 ~~to a maximum of 100 years in the future), or~~
- 53 ~~2. A continuing decline, observed, projected or inferred, in numbers of mature individuals and at least one of the~~
- 54 ~~following:~~
- 55 ~~a. Population structure in the form of either no subpopulation estimated to contain more than 50 mature~~
- 56 ~~individuals, or at least 90% of mature individuals in one subpopulation.~~
- 57 ~~b. Extreme fluctuations in number of mature individuals.~~
- 58 ~~(d) Population size estimated to number less than 50 mature individuals.~~
- 59 ~~(e) Quantitative analysis showing the probability of extinction in the wild is at least 50% within ten years or~~
- 60 ~~three generations, whichever is longer (up to a maximum of 100 years).~~
- 61 (32) through (34) renumbered as (29) through (31) No change.
- 62 (32) Florida Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated
- 63 populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida which are
- 64 endangered and threatened under Commission rule as either (a) Federally-designated Endangered and Threatened
- 65 species by virtue of designation as endangered or threatened by the United States Departments of Interior or
- 66 Commerce under the Endangered Species Act, 16 U.S.C. § 1531, et seq. and rules thereto or (b) as a State-
- 67 designated Threatened species. Florida Endangered and Threatened Species includes any taxonomic successor to
- 68 the species of fish or wild animal life, subspecies or isolated populations of species or subspecies that is listed.
- 69 (35) through (81) renumbered as (33) through (79) No change.
- 70 ~~(82) Species of special concern—As designated by the Commission, a species, subspecies, or isolated~~
- 71 ~~population of a species or subspecies which is facing a moderate risk of extinction, or extirpation from Florida, in~~
- 72 ~~the future, as determined by paragraph (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C.~~
- 73 ~~(a) Reduction in population size based on any of the following:~~
- 74 ~~1. An observed, estimated, inferred or suspected population size reduction of at least 30% over the last ten years~~

75 ~~or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be~~  
76 ~~understood or may not be reversible, based on (and specifying) any of the following:~~

- 77 ~~a. Direct observation.~~
- 78 ~~b. An index of abundance appropriate for the taxon.~~
- 79 ~~c. A decline in area of occupancy, extent of occurrence, and/or quality of habitat.~~
- 80 ~~d. Actual or potential levels of exploitation.~~
- 81 ~~e. The effects of introduced taxa, hybridization, pathogens, pollutants, competitors, or parasites.~~

82 ~~2. A population size reduction of at least 30%, projected or suspected to be met within the next ten years or~~  
83 ~~three generations, whichever is longer (up to a maximum of 100 years), based on (and specifying) any of~~  
84 ~~subparagraph 1.b., 1.c., 1.d., or 1.e. above.~~

85 ~~3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 30% over any~~  
86 ~~10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time~~  
87 ~~period must include both past and future, and where the reduction or its causes may not have ceased OR may not be~~  
88 ~~understood OR may not be reversible, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e.~~  
89 ~~above.~~

90 ~~4. An observed, estimated, inferred, or suspected population size reduction of at least 50% over the last 10 years~~  
91 ~~or three generations, whichever is longer, where the causes of reduction are clearly understood and reversible and~~  
92 ~~ceased, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e. above.~~

93 ~~(b) Geographic range in the form of either extent of occurrence estimated to be less than 7,700 square miles or~~  
94 ~~area of occupancy estimated to be less than 770 square miles, and estimates indicating any two of the following:~~

- 95 ~~1. Severely fragmented or known to exist at no more than 10 locations.~~
- 96 ~~2. Continuing decline, observed, inferred or projected, in any of the following:~~
  - 97 ~~a. Extent of occurrence.~~
  - 98 ~~b. Area of occupancy.~~
  - 99 ~~c. Area, extent, and/or quality of habitat.~~
  - 100 ~~d. Number of locations or subpopulations.~~
  - 101 ~~e. Number of mature individuals.~~
- 102 ~~3. Extreme fluctuations in any of the following:~~
  - 103 ~~a. Extent of occurrence.~~
  - 104 ~~b. Area of occupancy.~~
  - 105 ~~c. Number of locations or subpopulations.~~
  - 106 ~~d. Number of mature individuals.~~
- 107 ~~(c) Population size estimated to number fewer than 10,000 mature individuals and either:~~
  - 108 ~~1. An estimated continuing decline of at least 10% within ten years or three generations, whichever is longer (up~~  
109 ~~to a maximum of 100 years in the future); or~~
  - 110 ~~2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of~~  
111 ~~the following:~~

- 112 a. ~~Population structure in the form of either no subpopulation estimated to contain more than 1,000 mature~~  
113 ~~individuals, or all mature individuals are in one subpopulation.~~
- 114 b. ~~Extreme fluctuations in number of mature individuals~~
- 115 (d) ~~Population very small or restricted in the form of either of the following:~~
- 116 1. ~~Population size estimated to number fewer than 1,000 mature individuals.~~
- 117 2. ~~Population with a very restricted area of occupancy (typically less than 8 square miles) or number of~~  
118 ~~locations (typically 5 or fewer) such that it is prone to the effects of human activities or stochastic events within a~~  
119 ~~very short time period in an uncertain future.~~
- 120 (e) ~~Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.~~
- 121 (83) through (85) renumbered as (80) through (82) No change.
- 122 (86) ~~Threatened species—As designated by the Commission, a species, subspecies, or isolated population of a~~  
123 ~~species or subspecies which is facing a very high risk of extinction, or extirpation from Florida, in the future, as~~  
124 ~~determined by paragraph (a), (b), (c), (d), or (e) below in accordance with Rule 68A 27.0012, F.A.C.:~~
- 125 (a) ~~Reduction in population size based on any of the following:~~
- 126 1. ~~An observed, estimated, inferred, or suspected population size reduction of at least 50% over the last ten~~  
127 ~~years or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be~~  
128 ~~understood or may not be reversible, based on (and specifying) any of the following:~~
- 129 a. ~~Direct observation~~
- 130 b. ~~An index of abundance appropriate for the taxon~~
- 131 c. ~~A decline in area of occupancy, extent of occurrence, and/or quality of habitat~~
- 132 d. ~~Actual or potential levels of exploitation~~
- 133 e. ~~The effects of introduced taxa, hybridization, pathogens, pollutants, competitors, or parasites~~
- 134 2. ~~A population size reduction of at least 50%, projected or suspected to be met within the next ten years or~~  
135 ~~three generations, whichever is longer, (up to a maximum of 100 years), based on (and specifying) any of~~  
136 ~~subparagraph 1.b., 1.c., 1.d. or 1.e. above.~~
- 137 3. ~~An observed, estimated, inferred, projected, or suspected population size reduction of at least 50% over any~~  
138 ~~10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time~~  
139 ~~period must include both past and future, and where the reduction or its causes may not have ceased or may not be~~  
140 ~~understood or may not be reversible, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e.~~  
141 ~~above.~~
- 142 4. ~~An observed, estimated, inferred, or suspected population size reduction of at least 70% over the last 10 years~~  
143 ~~or three generations, whichever is longer, where the causes of reduction are clearly understood and reversible and~~  
144 ~~ceased, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e. above.~~
- 145 (b) ~~Geographic range in the form of either extent of occurrence estimated to be less than 2,000 square miles or~~  
146 ~~area of occupancy estimated to be less than 200 square miles, and estimates indicating any two of the following:~~
- 147 1. ~~Severely fragmented or known to exist at no more than five locations.~~
- 148 2. ~~Continuing decline, observed, inferred or projected, in any of the following:~~

- 149 a. ~~Extent of occurrence~~  
150 b. ~~Area of occupancy~~  
151 c. ~~Area, extent, and/or quality of habitat~~  
152 d. ~~Number of locations or subpopulations~~  
153 e. ~~Number of mature individuals~~  
154 3. ~~Extreme fluctuations in any of the following:~~  
155 a. ~~Extent of occurrence~~  
156 b. ~~Area of occupancy~~  
157 c. ~~Number of locations or subpopulations~~  
158 d. ~~Number of mature individuals~~  
159 (c) ~~Population size estimated to number fewer than 2,500 mature individuals and either:~~  
160 1. ~~An estimated continuing decline of at least 20% within five years or two generations, whichever is longer (up~~  
161 ~~to a maximum of 100 years in the future); or~~  
162 2. ~~A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of~~  
163 ~~the following:~~  
164 a. ~~Population structure in the form of either no subpopulation estimated to contain more than 250 mature~~  
165 ~~individuals, or at least 95% of mature individuals in one subpopulation~~  
166 b. ~~Extreme fluctuations in number of mature individuals~~  
167 (d) ~~Population size estimated to number fewer than 250 mature individuals.~~  
168 (e) ~~Quantitative analysis showing the probability of extinction in the wild is at least 20% within 20 years or five~~  
169 ~~generations, whichever is longer (up to a maximum of 100 years).~~  
170 (87) through (99) renumbered as (83) through (95) No change.  
171 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79,*  
172 *Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-*  
173 *13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-*  
174 *00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06, 4-1-07, 7-1-08, 10-23-08*

175  
176 **68A-27.0001 Purpose and intent.**

- 177 (1) The purpose and intent of this rule chapter is to conserve or improve the status of endangered and threatened  
178 species in Florida to effectively reduce the risk of extinction through the use of a science-informed process that is  
179 objective and quantifiable, that accurately identifies endangered and threatened species that are in need of special  
180 actions to prevent further imperilment, that identifies a framework for developing management strategies and  
181 interventions to reduce threats causing imperilment, and that will prevent species from being threatened to such an  
182 extent that they become regulated and managed under the federal Endangered Species Act of 1973, as amended,  
183 16 U.S.C. §1531 et seq.  
184 (2) The Commission shall include in its annual work plan the Florida Endangered and Threatened species it will  
185 work on in the next fiscal year, including, but not limited to, species evaluation requests, management plan  
186 development and implementation, and other conservation actions.

188

189 **68A-27.001 Definitions.**

190 When used in this rule chapter, the terms and phrases listed below have the meaning provided:

191 (1) Florida Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated  
192 populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida which are  
193 endangered and threatened under Commission rule as either (a) Federally-designated Endangered and Threatened  
194 species by virtue of designation as endangered or threatened by the United States Departments of Interior or  
195 Commerce under the Endangered Species Act, 16 U.S.C. § 1531, et seq. and rules thereto or (b) as a State-  
196 designated Threatened species. Florida Endangered and Threatened Species includes any taxonomic successor to  
197 the species of fish or wild animal life, subspecies or isolated populations of species or subspecies that is listed.

198 (2) Federally-designated Endangered and Threatened Species – species of fish or wild animal life, subspecies or  
199 isolated populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are  
200 classified as Endangered and Threatened under Commission rule by virtue of designation by the United States  
201 Departments of Interior or Commerce as endangered or threatened under the Federal Endangered Species Act, 16  
202 U.S.C. § 1531 et seq. and rules thereto.

203 (3) State-designated Threatened Species – As designated by the Commission, species of fish or wild animal life,  
204 subspecies, or isolated population of a species or subspecies, whether vertebrate or invertebrate, that are native to  
205 Florida and are classified as Threatened as determined by paragraph (a), (b), (c), (d), or (e) below in accordance with  
206 Rule 68A-27.0012, F.A.C. The designation of a species as threatened shall include all subspecies unless stated  
207 otherwise in Commission rule.

208 (a) Reduction in population size based on any of the following:

209 1. An observed, estimated, inferred or suspected population size reduction of at least 50% over the last 10 years  
210 or three generations, whichever is the longer, where the causes of the reduction are: clearly reversible and  
211 understood and ceased, based on (and specifying) any of the following:

212 a. Direct observation

213 b. An index of abundance appropriate to the taxon

214 c. A decline in area of occupancy, extent of occurrence and/or quality of habitat

215 d. Actual or potential levels of exploitation

216 e. The effects of introduced taxa, hybridization, pathogens, pollutants, competitors or parasites.

217 2. An observed, estimated, inferred or suspected population size reduction of at least 30% over the last 10 years  
218 or three generations, whichever is the longer, where the reduction or its causes may not have ceased or may not be  
219 understood or may not be reversible, based on (and specifying) any of (a)1.a. to (a)1.e. above.

220 3. A population size reduction of at least 30%, projected or suspected to be met within the next 10 years or three  
221 generations, whichever is the longer (up to a maximum of 100 years), based on (and specifying) any of (a)1.b. to  
222 (a)1.e. above.

223 4. An observed, estimated, inferred, projected or suspected population size reduction of at least 30% over any  
224 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time

225 period must include both the past and the future, and where the reduction or its causes may not have ceased or may  
226 not be understood or may not be reversible, based on (and specifying) any of (a)1.a. to (a)1.e above.

227 (b) Geographic range in the form of either (b)1. (extent of occurrence) or (b)2. (area of occupancy) or both:

228 1. Extent of occurrence estimated to be less than 20,000 square kilometers (7,722 square miles), and estimates  
229 indicating at least two of a–c:

230 a. Severely fragmented or known to exist at no more than 10 locations.

231 b. Continuing decline, observed, inferred or projected, in any of the following:

232 (i) extent of occurrence

233 (ii) area of occupancy

234 (iii) area, extent and/or quality of habitat

235 (iv) number of locations or subpopulations

236 (v) number of mature individuals.

237 c. Extreme fluctuations in any of the following:

238 (i) extent of occurrence

239 (ii) area of occupancy

240 (iii) number of locations or subpopulations

241 (iv) number of mature individuals.

242 2. Area of occupancy estimated to be less than 2,000 square kilometers (772 square miles), and estimates  
243 indicating at least two of a–c:

244 a. Severely fragmented or known to exist at no more than 10 locations.

245 b. Continuing decline, observed, inferred or projected, in any of the following:

246 (i) extent of occurrence

247 (ii) area of occupancy

248 (iii) area, extent and/or quality of habitat

249 (iv) number of locations or subpopulations

250 (v) number of mature individuals.

251 c. Extreme fluctuations in any of the following:

252 (i) extent of occurrence

253 (ii) area of occupancy

254 (iii) number of locations or subpopulations

255 (iv) number of mature individuals.

256 (c) Population size estimated to number fewer than 10,000 mature individuals and either:

257 1. An estimated continuing decline of at least 10% within 10 years or three generations, whichever is longer,  
258 (up to a maximum of 100 years in the future); or

259 2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of  
260 the following (a–b):

261 a. Population structure in the form of one of the following:

262 (i) no subpopulation estimated to contain more than 1000 mature individuals; or  
263 (ii) all mature individuals are in one subpopulation.  
264 b. Extreme fluctuations in number of mature individuals.  
265 (d) Population very small or restricted in the form of either of the following:  
266 1. Population size estimated to number fewer than 1000 mature individuals.  
267 2. Population with a very restricted area of occupancy (typically less than 8 square miles) or number of  
268 locations (typically five or fewer) such that it is prone to the effects of human activities or stochastic events within a  
269 very short time period in an uncertain future, and is thus capable of becoming endangered or threatened or even  
270 extinct in a very short time period.  
271 (e). Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.  
272 (4) Take – to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in  
273 such conduct. The term “harm” in the definition of take means an act which actually kills or injures fish or wildlife.  
274 Such act shall include acts that actually kill or injure wildlife by significantly impairing essential behavioral patterns,  
275 including breeding, feeding or sheltering. The term “harass” in the definition of take means an intentional or  
276 negligent act or omission which creates the likelihood of injury to wildlife. “Harass” shall include annoying fish or  
277 wildlife only if the annoyance creates the likelihood of injury by significantly disrupting normal behavioral patterns  
278 which include, but are not limited to, breeding, feeding or sheltering.  
279 (5) Incidental take – any taking otherwise prohibited, if such taking is incidental to, and not the purpose of the  
280 carrying out of an otherwise lawful activity.  
281 (6) Management plan – a document created or adopted by the Commission with the purpose of providing  
282 guidance for the management of the species. The intent of management plans is to provide guidance to conserve  
283 species so that their status improves and the species can be removed from the Florida Endangered and Threatened  
284 Species list. The intent of management plans created for species that will be removed from the list is to provide  
285 guidance to conserve the species so that they will not again need to be listed. It shall be a comprehensive, single-  
286 species management plan; or a document indicating a multi-species plan; or a document indicating the specified rule  
287 or rules; or a reference to a federal recovery plan that will be used for guidance in the management of the species.  
288 The management plan shall address biological status; identify measurable conservation objectives, including a time  
289 frame; identify any exempt activities if appropriate; identify conservation actions; identify incentives if appropriate;  
290 recommend rules for species if warranted; address anticipated economic, ecological, and social impacts of  
291 implementing or not implementing the management plan; and include a revision schedule.  
292 (7) Native – a species, subspecies or isolated populations of species or subspecies that occur naturally in Florida  
293 rather than as a result of accidental or deliberate introduction by man.  
294 (8) Candidate species – A species of fish or wild animal life, subspecies, or isolated populations of species or  
295 subspecies, whether invertebrate or vertebrate, that the Commission has determined warrants listing as a State-  
296 designated Threatened Species in accordance with Rule 68A-27.0012, F.A.C. and is awaiting final Commission  
297 action to be added to the list of Florida Endangered and Threatened Species in Rule 68A-27.003, F.A.C.

298 (9) Isolated population - A population of a species or subspecies of fish or wild animal life that is reproductively  
299 separated from other populations of the same species or subspecies as a consequence of physical, ecological, or  
300 other factors.

301 (10) Data deficient – the condition where a species was evaluated and found to have insufficient data to  
302 recommend a listing status for the species.

303  
304  
305 *Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.*  
306

307 **68A-27.0011 Killing Endangered Species.**

308 No person shall intentionally kill, attempt to kill or wound any ~~endangered~~ species that is both as designated in Rule  
309 68A-27.003, F.A.C. and designated in 50 C.F.R. 17.11 as endangered.

310 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-84,*  
311 *Formerly 39-27.011, Amended 4-13-88, Formerly 39-27.0011.*  
312

313 **68A-27.0012 Procedures for Listing, and Removing Species from Florida's and Reclassifying Endangered**  
314 **and ~~Threatened and~~ Species List of Special Concern.**

315 (Substantial rewording of Rule 68A-27.0012 follows. See Florida Administrative Code for present text.)

316 (1) Federally-designated Endangered and Threatened Species. Species which are native to Florida and which  
317 are designated as Endangered or Threatened under the Federal Endangered Species Act (ESA), 15 U.S.C. § 1531 et  
318 seq. and rules thereto will be listed by the Commission as a Florida Endangered and Threatened Species by virtue of  
319 the federal designation. If a species native to Florida is added, deleted or reclassified under the ESA, the species  
320 shall be so listed, removed or reclassified in the Florida Endangered and Threatened Species rule pursuant to the  
321 notice provisions of section 120.54(6), F.S. relating to adoption of federal standards. Prior to any species being  
322 removed from the Florida Endangered and Threatened Species list, the Commission shall develop a management  
323 plan that takes that species into consideration.

324 (2) State-designated Threatened Species.

325 (a) Notwithstanding the provisions contained in this subsection, these procedures shall not be applied to the  
326 following species:

327 1. Federally-designated Endangered and Threatened species.

328 2. Species not native to Florida.

329 3. Harvested species that are monitored through periodic stock assessments or other techniques and are the  
330 subject of any rule in Title 68, F.A.C. that allows harvest.

331 4. Species whose occurrence in Florida is only accidental.

332 (b) Requesting the evaluation of a species for listing or removal from Florida's Threatened list.

333 1. Persons requesting that the Commission list as or remove a species from the State-designated Threatened list  
334 must submit a written species evaluation request to the Commission through the Division of Habitat and Species  
335 Conservation, Tallahassee, Florida. The Commission can also initiate species evaluation requests. Species

336 evaluation requests shall be submitted from January 1 through June 30, will be reviewed for completeness and  
337 considered for evaluation in the listing process from July 1 through September 30.

338 2. Species evaluation requests shall be clearly identified as such, and must contain the following in order to be  
339 considered complete:

340 a. The name, address, and signature of the person or persons submitting the request,

341 b. Scientific and common name of the species,

342 c. Sufficient information on the biology and distribution of the species to warrant investigation of its status  
343 using the criteria contained in the definition of a State-designated Threatened species. For listing requests, this  
344 information shall also include a biological score calculated according to the process initially described in Millsap, B.  
345 A., J. A. Gore, D. E. Runde, and S. I. Cerulean, Wildlife Monographs: Setting Priorities for the Conservation of  
346 Fish and Wildlife Species in Florida (Wildlife Monographs 111, July 1990, and as subsequently modified), the data,  
347 or references to data, and the score assigned for each biological variable used to determine the biological score.

348 3. Incomplete species evaluation requests will be returned to the requestor with insufficiencies clearly noted in  
349 writing. Corrected species evaluation requests may be resubmitted for consideration outside the submission time  
350 period identified in 1. above if resubmitted within 30 days of being returned. Corrected species evaluation requests  
351 resubmitted more than 30 days after being returned must be submitted within the time period identified in 1. above.

352 4. Complete species evaluation requests will be evaluated in accordance with the provisions in paragraph (2)(c)  
353 for listing or (3)(b) for removal from the list.

354 5. Emergency listing requests may be submitted at any time and, if in the opinion of the Executive Director,  
355 immediate designation of a species as a State-designated Threatened species is essential to prevent imminent  
356 extinction, such listing may be effected on a temporary basis by Executive Order; provided that the Executive Order  
357 shall be approved or terminated at the next regularly scheduled meeting of the Commission. Commission staff shall,  
358 within 365 days after the effective date of such approval, conduct the evaluations prescribed in paragraphs (2)(c),  
359 (2)(d), and (2)(e) of this rule to determine if the species should be listed as State-designated Threatened. The  
360 Commission shall take final action on the listing at the next regularly scheduled meeting following the 365-day  
361 evaluation period.

362 (c) Determining if listing is warranted.

363 1. Biological vulnerability screening - The Commission staff shall review the information used to determine the  
364 biological score submitted with the species evaluation request and using that information, and other available  
365 information, to determine a final biological score for the species for the purpose of reviewing the species evaluation  
366 request.

367 a. If the final biological score is greater than or equal to 27, then the species evaluation request will be further  
368 evaluated under 2. Biological Status Review below.

369 b. If the final biological score is less than 19, then no further action will be taken on the request and the  
370 requestor will be notified of the score.

371 c. If the final biological score is greater than or equal to 19 and less than 27, then staff shall review the  
372 submitted and other available information on population trend, population size, extent of occurrence, area of

373 occupancy, and quantitative analyses to recommend to the Commission whether the species evaluation request will  
374 be further evaluated under 2. Biological Status Review below or returned to the requestor with no further action  
375 taken.

376 d. If the requestor can demonstrate that a species would qualify for listing by meeting at least one of the listing  
377 criteria for a State-designated Threatened species in Rule 68A-27.001, F.A.C., regardless of the biological score,  
378 then the species evaluation request will be further evaluated under 2. Biological Status Review below.

379 2. Biological Status Review.

380 a. The Commission shall establish an annual work plan for investigating species evaluation requests meeting the  
381 biological vulnerability screening threshold, considering conservation priorities and available resources. The work  
382 plan shall establish a deadline for completion of each biological status review. Complete species evaluation requests  
383 meeting the biological vulnerability screening threshold not identified for staff action will be reconsidered each  
384 subsequent year.

385 b. The Commission staff shall provide notification to parties who request such notification and shall publish in  
386 the Florida Administrative Weekly a solicitation for information on the biological status of the species being  
387 evaluated. Written comments regarding biological status shall be accepted by the Commission for a period of no  
388 less than 45 days following public notice.

389 c. Commission staff shall recommend and the Commission shall designate a biological review group of  
390 scientists with demonstrated knowledge of species conservation and management that consists of an odd number of  
391 three to seven members. The biological review group shall use information provided in the species evaluation  
392 request, information obtained from the public, the definition of a State-designated Threatened species in Rule 68A-  
393 27.001, F.A.C. and other available biological data on the status of the species to determine if the species status  
394 meets the criteria for listing as a State-designated Threatened species. When assessing a species, this group shall  
395 follow the most recent versions of “Guidelines for Using the IUCN Red List Categories and Criteria” and  
396 “Guidelines for Application of IUCN Red List Criteria at Regional Levels” available at [www.iucnredlist.org](http://www.iucnredlist.org). The  
397 Commission staff shall present the group’s findings in a biological status report, and shall include a recommendation  
398 on whether or not the species status meets the criteria for listing as a State-designated Threatened species based on  
399 the IUCN guidelines and criteria in Rule 68A-27.001, F.A.C. In addition, the Staff may provide within the report a  
400 biologically-justified opinion that differs from the criteria-based finding.

401 d. Commission staff shall seek a minimum of three independent scientists to conduct reviews focused on the  
402 science used in the biological status report, including methodologies, data, analyses, and interpretations. Reviewers  
403 will be provided no less than 45 days to comment on the biological status report.

404 e. The Commission shall consider the biological status report, independent scientific reviews received, and  
405 public comments regarding the biological status in making a final determination whether listing a species is  
406 warranted.

407 f. The nongame work plan will include species that did not qualify as threatened in this section but were  
408 identified during the process as needing special attention to prevent future listing. These species will be used to set  
409 priorities for nongame management and conservation actions.

410 g. If a species is determined by the Commission to warrant listing, the Commission shall:  
411 1. Establish a deadline for developing a management plan for the species as described in paragraph (2)(d)  
412 below, considering the recommendation of staff and other interested parties.  
413 2. Add the species to the list of candidate species in Rule 68A-27.0021, F.A.C., and the protective provisions  
414 therein shall apply to the species.  
415 (d) Developing management plans.  
416 1. A management plan will be developed for species that the Commission has determined warrant listing before  
417 final action is taken to list the species.  
418 2. Within 45 days following the meeting where the Commission determined that listing was warranted, the  
419 Commission shall provide notification to parties who request such notification and shall publish in the Florida  
420 Administrative Weekly a solicitation of information on the conservation needs of the species, and any economic and  
421 social factors that should be considered in its management. Written comments regarding conservation needs and  
422 economic and social factors to consider in creating the management plan shall be accepted by the Commission for a  
423 period of no less than 45 days following public notice.  
424 3. The Commission staff shall use information obtained from the public and other available information to  
425 develop a draft management plan for each species that the Commission has determined warrants listing.  
426 4. The Commission staff shall provide notification to parties who request such notification and shall publish in  
427 the Florida Administrative Weekly a notice of the availability of the draft management plan. Written comments  
428 regarding conservation recommendations and expected economic and social impacts of implementation of the  
429 management plan shall be accepted by the Commission for a period of no less than 45 days following public notice.  
430 (e) Final Commission action on the species evaluation request shall include:  
431 1. Deletion of the species from the candidate species list in Rule 68A-27.0021, F.A.C., if appropriate, and  
432 addition to Rule 68A-27.003, F.A.C. in accordance with the determination made in paragraph (2)(c) of this rule.  
433 2. Adoption of any proposed rules submitted in support of the management plan.  
434 (3) Criteria for removal from the State-designated Threatened species list are as follows:  
435 (a) Species listed as State-designated Threatened species as of December 31, 2009: After management plans are  
436 created for these species, the species will be reviewed under the listing criteria. Species that are determined to be  
437 data deficient pursuant to the Guidelines for Using the IUCN Red List Categories and Criteria shall not be removed  
438 from the State-designated Threatened species list.  
439 (b) All State-designated Threatened species listed after December 31, 2009: Individuals may submit species  
440 evaluation requests for removing species from the list as described in the species evaluation request process in  
441 (2)(b). Species shall be removed from the State-designated Threatened species list if they do not meet any of the  
442 criteria in Rule 68A-27.001, F.A.C. in accordance with the Guidelines for Using the IUCN Red List Categories and  
443 Criteria.  
444 (4) There is a moratorium until December 2011 on new requests for listing or removal of species to or from the  
445 State-designated Threatened Species list, except for emergency actions, in order to facilitate development of  
446 management plans for species currently on this list.

447 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-23-99,*  
448 *Formerly 39-27.0012, Amended 7-1-03, 5-26-05.*

449 ~~68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport~~  
450 ~~Property~~ **REPEALED**

451

452 **68A-27.0021 Designation of Candidate Species; Prohibitions; Permits.**

453 (1) The species in subsection (3) are hereby declared to be candidate species for inclusion in Rule 68A-27.003-  
454 ~~68A-27.004 or 68A-27.005~~, F.A.C.

455 (2) No person shall intentionally engage in direct take of any candidate species except as authorized by specific  
456 permit from the Executive Director.

457 (3) The following species are hereby declared to be candidate species: none.

458 *Rulemaking Specific Authority: Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History New 6-23-99,*  
459 *Formerly 39-27.0021, Amended 4-30-00, 5-1-01.*

460

461 **68A-27.003 Florida Endangered and Threatened Species; Prohibitions; Permits.**

462 (Substantial rewording of Rule 68A-27.003 follows. See Florida Administrative Code for present text.)

463 (1) Federally-designated Endangered and Threatened species-

464 (a) No person shall take, possess, or sell any of the endangered or threatened species included in this subsection  
465 or any taxonomic successor, or parts thereof or their nests or eggs except as allowed by specific federal or state  
466 permit or authorization.

467 (b) The following Federally-designated Endangered and Threatened species shall be afforded the protection  
468 afforded under Commission rules and Florida Statutes and under the Federal Endangered Species Act, 16 U.S.C. §  
469 1531 et seq. and its implementing regulations. Species classified as endangered are identified below by (E) and  
470 threatened as (T).

471 (c) Fish:

472 1. Gulf sturgeon (*Acipenser oxyrinchus desotoi*)(T)

473 2. Okaloosa darter (*Etheostoma okaloosae*)(E)

474 3. Shortnose sturgeon (*Acipenser brevirostrum*)(E)

475 4. Smalltooth sawfish (*Pristis pectinata*)(E)

476 (d) Amphibians:

477 1. Frosted flatwoods salamander (*Ambystoma cingulatum*)(T)

478 2. Reticulated flatwoods salamander (*Ambystoma bishopi*)(E)

479 (e) Reptiles:

480 1. American alligator (*Alligator mississippiensis*)(T); Listed only because of similarity of appearance to the  
481 American crocodile)

482 2. American crocodile (*Crocodylus acutus*)(T)

483 3. Atlantic salt marsh snake (*Nerodia clarkii taeniata*)(T)

- 484 4. Bluetail mole skink (*Eumeces egregius lividus*)(T)
- 485 5. Eastern indigo snake (*Drymarchon corais couperi*)(T)
- 486 6. Green sea turtle (*Chelonia mydas*)(E)
- 487 7. Hawksbill sea turtle (*Eretmochelys imbricata*)(E)
- 488 8. Kemp's ridley sea turtle (*Lepidochelys kempii*)(E)
- 489 9. Leatherback sea turtle (*Dermochelys coriacea*)(E)
- 490 10. Loggerhead sea turtle (*Caretta caretta*)(T)
- 491 11. Sand skink (*Neoseps reynoldsi*)(T)
- 492 (f) Birds:
- 493 1. Audubon's crested caracara (*Polyborus plancus audubonii*) (T)
- 494 2. Bachman's warbler (*Vermivora bachmanii*)(E)
- 495 3. Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*)(E)
- 496 4. Everglade snail kite (*Rostrhamus sociabilis plumbeus*)(E)
- 497 5. Eskimo curlew (*Numenius borealis*)(E)
- 498 6. Florida grasshopper sparrow (*Ammodramus savannarum floridanus*)(E)
- 499 7. Florida scrub-jay (*Aphelocoma coerulescens*)(T)
- 500 8. Ivory-billed woodpecker (*Campephilus principalis*)(E)
- 501 9. Kirtland's warbler (*Dendroica kirtlandii*)(E)
- 502 10. Piping plover (*Charadrius melodus*)(T)
- 503 11. Red-cockaded woodpecker (*Picoides borealis*)(E)
- 504 12. Roseate tern (*Sterna dougallii dougallii*)(T)
- 505 13. Whooping crane (*Grus americana*)(E); Listed as experimental population in Florida
- 506 14. Wood stork (*Mycteria americana*)(E)
- 507 (g) Mammals:
- 508 1. Anastasia Island beach mouse (*Peromyscus polionotus phasma*)(E)
- 509 2. Caribbean monk seal (*Monachus tropicalis*)(E)
- 510 3. Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*)(E)
- 511 4. Finback whale (*Balaenoptera physalus*)(E)
- 512 5. Florida manatee (*Trichechus manatus latirostris*)(E)
- 513 6. Florida panther (*Puma (=Felis) concolor coryi*)(E)
- 514 7. Florida salt marsh vole (*Microtus pennsylvanicus dukecampbelli*)(E)
- 515 8. Gray bat (*Myotis grisescens*)(E)
- 516 9. Gray wolf (*Canis lupus*)(E)
- 517 10. Humpback whale (*Megaptera novaeangliae*)(E)
- 518 11. Indiana bat (*Myotis sodalis*)(E)
- 519 12. Key deer (*Odocoileus virginianus clavium*)(E). No person shall feed Key deer (*Odocoileus virginianus*
- 520 *clavium*) by hand or by placing any food that serves to attract such species.

- 521 13. Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*)(E)
- 522 14. Key Largo woodrat (*Neotoma floridana smalli*)(E)
- 523 15. Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*)(E)
- 524 16. North Atlantic right whale (*Eubalaena glacialis*)(E)
- 525 17. Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*)(E)
- 526 18. Rice rat (*Oryzomys palustris natator* (E). Lower Keys population west of 7-mile bridge.
- 527 19. Sei whale (*Balaenoptera borealis*)(E)
- 528 20. Silver rice rat (*Oryzomys argentatus*)(E)
- 529 21. Southeastern beach mouse (*Peromyscus polionotus niveiventris*)(T)
- 530 22. Sperm whale (*Physeter macrocephalus*)(E)
- 531 23. St. Andrew beach mouse (*Peromyscus polionotus peninsularis*)(E)
- 532 (h) Corals:
- 533 1. Elkhorn coral (*Acropora palmata*)(T)
- 534 2. Staghorn coral (*Acropora cervicornis*)(T)
- 535 (i) Crustaceans:
- 536 1. Squirrel Chimney Cave shrimp (*Palaemonetes cummingsi*)(T)
- 537 (j) Insects:
- 538 1. American burying beetle (*Nicrophorus americanus*)(E)
- 539 2. Schaus swallowtail butterfly (*Heracles aristodemus ponceanus*)(E)
- 540 (k) Mollusks:
- 541 1. Chipola slabshell mussel (*Elliptio chiplolaensis*)(T)
- 542 2. Fat three-ridge mussel (*Amblema neislerii*)(E)
- 543 3. Gulf moccasinshell mussel (*Medionidus penicillatus*)(E)
- 544 4. Ochlockonee moccasinshell mussel (*Medionidus simpsonianus*)(E)
- 545 5. Oval pigtoe mussel (*Pleurobema pyriforme*)(E)
- 546 6. Purple bankclimber mussel (*Elliptioideus sloatianus*)(T)
- 547 7. Shinyrayed pocketbook mussel (*Lampsilis subangulata*)(E)
- 548 8. Stock Island tree snail (*Orthalicus reses*)(T)
- 549 (2) State-designated Threatened species-
- 550 (a) No person shall take, possess, or sell any threatened species included in this subsection or any taxonomic
- 551 successor or parts thereof or their nests or eggs except as authorized by Commission rule or by permit from the
- 552 Commission.
- 553 (b) The species in this subsection are hereby declared to be State-designated Threatened Species, and shall be
- 554 afforded the protective provisions specified.
- 555 (c) Fish:
- 556 1. Blackmouth shiner (*Notropis melanostomus*)
- 557 2. Crystal darter (*Crystallaria asprella*)

558 3. Key silverside (*Menidia conchorum*)  
559 (d) Reptiles:  
560 1. Florida brown snake (*Storeria victa*)  
561 2. Peninsula ribbon snake (*Thamnophis sauritus sackenii*)  
562 3. Gopher tortoise. The Gopher tortoise (*Gopherus polyphemus*) shall be afforded the protective provisions  
563 specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or  
564 transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows,  
565 except as authorized by Commission permit or when complying with Commission approved guidelines for specific  
566 actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-  
567 section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance  
568 would further management plan goals and objectives.  
569 4. Key ringneck snake (*Diadophis punctatus acricus*)  
570 5. Rim rock crowned snake (*Tantilla oolitica*)  
571 6. Short-tailed snake (*Stilosoma extenuatum*)  
572 7. Striped mud turtle (*Kinosternon baurii*) (lower keys population only)  
573 (e) Birds:  
574 1. Florida sandhill crane (*Grus canadensis pratensis*)  
575 2. Least tern (*Sterna antillarum*)  
576 3. Snowy plover (*Charadrius alexandrinus*)  
577 4. Southeastern American kestrel (*Falco sparverius paulus*)  
578 5. White-crowned pigeon (*Patagioenas leucocephala*)  
579 (f) Mammals:  
580 1. Big Cypress fox squirrel (*Sciurus niger avicennia*)  
581 2. Everglades mink (*Neovison vison evergladensis*)  
582 3. Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties  
583 or in Apalachicola National Forest or which are held in captivity under permit)  
584 4. Florida mastiff bat (*Eumops glaucinus floridanus*)  
585 (g) Corals:  
586 Pillar coral (*Dendrogyra cylindricus*)  
587 (h) Insects:  
588 Miami blue butterfly (*Cyclargus* [= *Hemiargus*] *thomasi bethunebakeri*) The Miami blue butterfly (*Cyclargus*  
589 [= *Hemiargus*] *thomasi bethunebakeri*), shall be afforded the protective provisions specified in this subsection.  
590 No person shall take, harm, harass, possess, sell, or transport any Miami blue butterfly (*Cyclargus* [=  
591 *Hemiargus*] *thomasi bethunebakeri*), or parts thereof or their eggs, larvae or pupae except as authorized by  
592 permit from the executive director. Permits will be issued based upon whether issuance would further  
593 management plan goals and objectives.

594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03

**68A-27.004, Designation of Threatened Species; prohibitions; permits TO BE REPEALED**

**68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.**

(1) During the moratorium created in Rule 68A-27.0012(4), F.A.C., staff will develop management plans for the species listed in this rule and the species will be evaluated under the species evaluation in Rule 68A-27.0012, F.A.C. for listing as a State-Designated Threatened species. If the Commission determines that the species warrants listing as a State-designated Threatened species, final Commission action on the listing shall include removing reference to the species from this rule. If the species evaluation demonstrates the species does not qualify for listing as a State-designated Threatened species, the Commission will remove the species from this rule upon completion of a management plan. Species that are determined to be data deficient pursuant to the Guidelines for Using the IUCN Red List Categories and Criteria shall not be removed from the Species of Special Concern list.

(2) (4) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this Subsection paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species. For purposes of this section, the definition of the word take in Rule 68A-1.004, F.A.C. applies.

(b) Fish:

1. Atlantic sturgeon (*Acipenser oxyrinchus*)

2. Bluenose shiner (*Pteronotropis welaka*)

3. Harlequin darter (*Etheostoma histrio*)

**4. Key blenny (*Starksia starcki*) \***

5. Lake Eustis pupfish (*Cyprinodon hubbsi*)

6. Rivulus (*Rivulus marmoratus*)

7. Saltmarsh topminnow (*Fundulus jenkinsi*)

**8. Shoal bass (*Micropterus cataractae*)\***

9. Southern tessellated darter (*Etheostoma olmstedti maculaticeps*)

**10. Suwannee bass (*Micropterus notius*)\***

(c) Amphibians:

1. Florida bog frog (*Lithobates okaloosae*)

2. Georgia blind salamander (*Haideotriton wallacei*)

3. Gopher frog (*Lithobates capito*)

- 632 4. Pine Barrens treefrog (*Hyla andersonii*)
- 633 (d) Reptiles:
- 634 1. Alligator snapping turtle (*Macrochelys temminckii*)
- 635 2. Barbour's map turtle (*Graptemys barbouri*)
- 636 3. Florida Keys mole skink (*Eumeces egregius egregius*)
- 637 4. Florida pine snake (*Pituophis melanoleucus mugitus*)
- 638 5. Red rat snake (*Elaphe guttata*) (lower Keys population only)
- 639 6. Suwannee cooter (*Pseudemys suwanniensis*)
- 640 (e) Birds:
- 641 1. American oystercatcher (*Haematopus palliatus*)
- 642 2. Black skimmer (*Rynchops niger*)
- 643 3. Brown pelican (*Pelecanus occidentalis*)
- 644 4. Burrowing owl (*Athene cunicularia*)
- 645 5. Limpkin (*Aramus guarauna*)
- 646 6. Little blue heron (*Egretta caerulea*)
- 647 7. Marian's marsh wren (*Cistothorus palustris marianae*)
- 648 8. Osprey (*Pandion haliaetus*) (Monroe County population only)
- 649 9. Reddish egret (*Egretta rufescens*)
- 650 10. Roseate spoonbill (*Platalea ajaja*)
- 651 11. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*)
- 652 12. Snowy egret (*Egretta thula*)
- 653 13. Tricolored heron (*Egretta tricolor*)
- 654 14. Wakulla seaside sparrow (*Ammodramus maritimus juncicola*)
- 655 15. White ibis (*Eudocimus albus*)
- 656 16. Worthington's marsh wren (*Cistothorus palustris griseus*)
- 657 (f) Mammals:
- 658 1. Eastern chipmunk (*Tamias striatus*)
- 659 2. Florida mouse (*Podomys floridanus*)
- 660 3. Homosassa shrew (*Sorex longirostris eonis*)
- 661 4. Sanibel Island rice rat (*Oryzomys palustris sanibeli*)
- 662 5. Sherman's fox squirrel (*Sciurus niger shermani*)
- 663 6. Sherman's short-tailed shrew (*Blarina carolinensis shermani*)
- 664 (g) Mollusks:
- 665 Florida treesnail (*Liguus fasciatus*)
- 666 (h) Crustaceans:
- 667 1. Black Creek crayfish, also known as Spotted royal crayfish (*Procambarus pictus*)
- 668 2. Panama City crayfish (*Procambarus econfinae*)

669 3. Santa Fe Cave crayfish (*Procambarus erythrops*)

670

671 *\*These species are harvested species and will be excluded from the State-designated SSC species list pursuant to*  
672 *Rule 68A-27.0012(2)(a)3, F.A.C.*

673 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79,*  
674 *Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99,*  
675 *Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, 11-8-07.*

676

677 **68A-27.006 Reward Program.**

678 In order to implement a reward program for the reporting of illegal killing, wounding or wrongful possession of  
679 Florida Endangered and or Threatened Species as defined herein the Commission establishes the following ~~schedule~~  
680 ~~and~~ procedures.

681 (1) The Commission will receive information through its Wildlife Alert Reward Program ~~WATS lines in the~~  
682 ~~respective regional offices of the five regions.~~ The party providing calling in the information will be identified by a  
683 code only and all names, if given, will be kept confidential unless the party specifically authorizes the use of his or  
684 her name. Information will be given to the party on the method to maintain contact with the Commission in order to  
685 properly pursue the matter.

686 (2) Upon conviction based upon the information received the party supplying information which leads to such  
687 conviction will be transmitted a reward ~~funds determined by a predetermined schedule~~ in the following manner:

688 (a) If the party authorizes the use of his name a check in the appropriate amount will be forwarded directly to  
689 the party.

690 (b) If this party desires to remain anonymous a check in the appropriate amount will be made out to the regional  
691 enforcement supervisor and the regional manager of the involved region. After endorsement by both parties the  
692 check will be cashed and the money delivered by the regional enforcement supervisor and the regional manager to  
693 the party at a mutually agreeable time and place.

694 ~~(3) Payment for information received which leads to a conviction will be according to the following schedule:~~

695 ~~(a) Category I—Conviction for the unlawful taking or attempting to take or possession of an endangered or~~  
696 ~~threatened species will be \$250.~~

697 ~~(b) Category II—Conviction for selling or attempting to sell or for the unlawful taking or attempting to take or~~  
698 ~~for possession of more than one endangered or threatened species will be \$500.~~

699 ~~(c) Category III—Conviction for either a category I or a category II offense where the circumstances of the case~~  
700 ~~show a flagrant or total disregard for the concept of the threatened or endangered species program, payment of an~~  
701 ~~amount to be determined by the Commission on an individual case basis.~~

702 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2292 FS. History—*  
703 *New 10-23-79, Amended 7-1-83, Formerly 39-27.06, 39-27.006.*

704

705

706 **68A-27.007 Permits and Authorizations for the take of Florida Endangered and Threatened Species.**

707 (1) Permit requirements for the taking of Federally-designated Endangered and Threatened Species: The  
708 purpose of this subsection is to eliminate the need for both federal and state permits for take of Federally-designated  
709 Endangered and Threatened Species. Activities that result in take of Federally-designated Endangered and  
710 Threatened Species do not require a permit from the Commission when authorized by the the U.S. Fish and Wildlife  
711 Service or the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service. The  
712 Commission will issue state permits to take Federally-designated Endangered and Threatened Species if specifically  
713 authorized under a written agreement or regulatory delegation by the U.S. Fish and Wildlife Service or the National  
714 Oceanic and Atmospheric Administration’s National Marine Fisheries Service provided that the issuance shall not  
715 be inconsistent with federal law.

716 (2) The permit requirements for the taking of a State-designated Threatened species are as follows:

717 (a) Intentional take: The Commission may issue permits authorizing intentional take of Florida State-designated  
718 Threatened species for scientific or conservation purposes which will benefit the survival potential of the species.  
719 For purposes of this rule, a scientific or conservation purpose shall mean activities that further the conservation or  
720 survival of the species, including collection of scientific data needed for conservation of the species. The following  
721 factors shall be considered in determining whether there is a scientific or conservation purpose which will benefit  
722 the survival potential of the species:

723 1. Whether the purpose for which the permit required is adequate to justify removing specimens of the species if  
724 removed from the wild;

725 2. The probable direct or indirect effect which issuing the permit would have on the wild population of the  
726 species sought to be taken;

727 3. Whether the permit would conflict with any program intended to enhance the survival of the species sought  
728 to be taken;

729 4. Whether the purpose of the permit would likely reduce the threat of extinction for the species sought to be  
730 taken;

731 5. The opinions or views of scientists or other persons or organizations having expertise concerning the species  
732 sought to be taken;

733 6. Whether the expertise, facilities, or other resources available to the applicant are adequate to successfully  
734 accomplish the objective stated in the application.

735 (b) Incidental take: The Commission may issue permits authorizing incidental take of State-designated  
736 Threatened species upon a conclusion that the permitted activities and all proposed mitigation will provide an  
737 overall conservation benefit for the species and no negative impact on the survival potential of the species. Factors  
738 which shall be considered in determining whether a permit may be granted are:

739 1. The objectives of a federal recovery plan or a state management plan for the species sought to be taken;

740 2. The foreseeable long range impact over time if take of the species is authorized;

741 3. The impacts to other fish and wildlife species if take is authorized;

742 4. The extent of injury, harm or loss of the species;

- 743 5. Whether taking could reasonably be avoided, minimized or mitigated by the permit applicant;  
744 6. Human safety; and  
745 7. Other factors relevant to the conservation and management of the species.  
746 (c) Land management activities that benefit wildlife and are not inconsistent with Management Plans are  
747 authorized and do not require a permit authorizing incidental take despite any other provision of this section.  
748 (d) Take of marine life identified as a Florida Endangered and Threatened Species will be permitted pursuant to  
749 the provisions of Chapter 68B-8.