

**Background Report
Agenda Item 8 C
November 16, 2016**

The Commission approved in November 2015 publishing Notice of Proposed Rules (NPR) for the following five (5) rule revisions, and the NPRs were published on January 13, 2016. There have been no changes to the proposed language and staff recommends the Commission give final approval for these rule revisions.

68A-9.002 Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes.

(1) The executive director may issue permits authorizing the taking or possession of wildlife or freshwater fish or their nests or eggs for scientific, educational, exhibition, propagation, management or other justifiable purposes. Such permits shall be subject to such terms, conditions and restrictions as may be prescribed therein, provided that no such permits shall be operative as to migratory birds unless the holder thereof has a permit or other authorization from the U.S. Fish and Wildlife Service permitting the taking, exhibiting, or possession of such birds, their nests or eggs. Failure to abide by all terms and conditions stipulated in any written permit issued by the executive director shall be a violation of this section.

(2) – (4) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.02, Amended 12-25-95, 4-1-96, Formerly 39-9.002, Amended 7-1-02, 3-21-10, _____.

68A-12.004 Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements.

(1) through (10) No change.

(11) Taxidermy operations and mounting requirements:

(a) Any person engaged in taxidermy shall tag all carcasses (whole specimens), untanned hides, and uncured animal parts of fish and wildlife, possessed or received with the name of the person taking or acquiring such fish or wildlife, the person's address, and date taken or acquired. As an alternative to individual tagging, persons engaged in taxidermy may choose to use a log book and numbering system. The log book shall contain the name of the person taking or acquiring such fish or wildlife, the person's address and the date taken or acquired. The carcass, untagged hide, or uncured animal part shall be assigned a number, which shall be affixed to the specimen so as to be readily identifiable and traceable to the log book information. The log book shall be kept on premises for inspection by Commission personnel.

(b) After fish or wildlife carcasses, hides, and parts have been cured or mounted, tagging or maintaining a log account is required only for the following:

1. All nongame migratory birds as listed in the Federal Migratory Bird Treaty Act and as adopted by Rule 68A-16.001 ~~68A-13.002~~, F.A.C.
2. All species listed by the Commission as Endangered or Threatened, and any Species of Special Concern for which there is no bag limit or open season established by the Commission or other state agency.
3. All furbearing animals or non-game mammals for which there is no established open season.
4. All alligators not tagged with CITES tags.
5. All fawn deer.

(c) Persons engaged in taxidermy shall not possess nor mount fish and wildlife carcasses listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., nor their parts (except for road-killed fox) without a permit from the Commission, except as provided herein. The procedure for obtaining permits for mounting shall be as follows:

1. Persons wishing to possess or mount such specimens or have such services performed, shall make application by letter to the Commission for such permit.
2. A dated copy of the letter of application shall be kept with the specimen, or the specimen shall be numbered and traceable to the letter of application kept in a log book.
3. The letter of application shall include a description of the specimen, an explanation of how the specimen was acquired, and the date of application.
4. The specimen shall not be maintained for over 90 days without a permit from the Commission.

**Background Report
Agenda Item 8 C
November 16, 2016**

5. Specimens for which permits are not issued for mounting shall be buried, incinerated, or otherwise disposed of as directed by Commission law enforcement personnel.

(d) The criteria for evaluation and issuance of permits for the mounting of protected species as listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., shall be as follows:

1. For nongame migratory birds – Permits are issued only for educational display purposes to schools, nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

2. For listed species referenced in Rules 68A-27.003, ~~68A-27.004~~ and 68A-27.005, F.A.C. – Permits are issued only in accordance with the requirements of subsections ~~68A-27.0032, 68A-27.005 and 68A-27.007~~, F.A.C.

3. For furbearing wildlife or nongame mammals – Permits are issued only when the specimen was legally acquired. No permit shall be required for road-killed fox.

4. For alligators – Permits for the mounting of untagged alligators are issued only for educational display purposes to schools or nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

5. For fawn deer – Permits for the mounting of fawn deer for possession by private individuals or businesses are issued only where the fawn was legally acquired or for educational display in schools, nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

(e) No permit shall be required for the mounting of carcasses, green hides, or uncured parts of:

1. Frozen or preserved specimens of game birds, game mammals, or furbearing animals that were legally taken during the open season.

2. Specimens of game mammals except black bear, game birds, fox squirrel, otter, bobcat or mink that were killed on roads or highways.

(12) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-4-81, 6-21-82, 7-5-84, Formerly 39-12.04, Amended 5-10-87, 6-8-87, 4-20-94, 8-7-97, Formerly 39-12.004, Amended 7-29-15, _____.

68A-27.0012 Procedures for Listing and Removing Species from Florida’s Endangered and Threatened Species List.

(1) No change.

(2) State-designated Threatened Species.

(a) Except as provided in subsection (1) above, these procedures shall not apply to:

1. Federally-designated Endangered and Threatened species,

2. Species not native to Florida,

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

4. Species whose occurrence in Florida is only accidental,

5. Species that ~~are~~ are not within the Commission’s constitutional authority.

(b) through (e) No change.

(3) No change.

~~(4) There is a moratorium for two years after the effective date of this rule on new requests for listing or removal of species to or from the State-designated Threatened Species list, except for emergency actions, in order to facilitate development of management plans for species currently on this list.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-23-99, Formerly 39-27.0012, Amended 7-1-03, 5-26-05, 11-8-10, 11-14-11, _____.

**Background Report
Agenda Item 8 C
November 16, 2016**

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

~~(1) During the moratorium created in subsection 68A-27.0012(4), F.A.C.: Management plans will be developed for the species listed in this rule and the species will be evaluated under the listing criteria in subsection 68A-27.001(3), 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. After a biological status review is conducted and a management plan is approved, the Commission will decide whether a species should remain listed when the species is determined to be data deficient pursuant to the Guidelines for Using the IUCN Red List Categories and Criteria.~~

~~(1)(2)~~ The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

~~(2)(a)~~ No person shall take, possess, transport, or sell any species of special concern included in this subsection or parts thereof or their nests or eggs except as authorized by permit from the executive director, 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.

~~(a)(b)~~ Fish:

- ~~1. Bluenose shiner (*Pteronotropis welaka*);~~
- ~~2. Harlequin darter (*Etheostoma histrio*);~~
- ~~3. Lake Eustis pupfish (*Cyprinodon hubbsi*);~~
- ~~4. Rivulus (*Rivulus marmoratus*);~~
- ~~5. Saltmarsh topminnow (*Fundulus jenkinsi*);~~
- ~~6. Southern tessellated darter (*Etheostoma olmstedi maculaticeps*).~~

~~(c)~~ Amphibians:

- ~~1. Florida bog frog (*Lithobates okaloosae*);~~
- ~~2. Georgia blind salamander (*Haideotriton wallacei*);~~
- ~~3. Gopher frog (*Lithobates capito*);~~
- ~~4. Pine Barrens treefrog (*Hyla andersonii*).~~

~~(b)(d)~~ Reptiles:

- ~~1. Alligator snapping turtle (*Macrochelys temminckii*);~~
- ~~2. Barbour's map turtle (*Graptemys barbouri*);~~
- ~~3. Florida Keys mole skink (*Eumeces egregius egregius*);~~
- ~~4. Florida pine snake (*Pituophis melanoleucus mugitus*);~~
- ~~5. Red-rat snake (*Elaphe guttata*); lower Keys population only;~~
- ~~6. Suwannee cooter (*Pseudemys suwanniensis*).~~

~~(c)(e)~~ Birds:

- ~~1. American oystercatcher (*Haematopus palliatus*);~~
- ~~2. Black skimmer (*Rynchops niger*);~~
- ~~3. Brown pelican (*Pelecanus occidentalis*);~~
- ~~4. Burrowing owl (*Athene cunicularia*);~~
- ~~5. Limpkin (*Aramus guarauna*);~~
- ~~6. Little blue heron (*Egretta caerulea*);~~
- ~~7. Marian's marsh wren (*Cistothorus palustris marianae*);~~
- ~~8. Osprey (*Pandion haliaetus*); Monroe County population only;~~
- ~~9. Reddish egret (*Egretta rufescens*);~~
- ~~10. Roseate spoonbill (*Platalea ajaja*);~~
- ~~11. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*);~~
- ~~12. Snowy egret (*Egretta thula*);~~
- ~~13. Tricolored heron (*Egretta tricolor*);~~
- ~~14. Wakulla seaside sparrow (*Ammodramus maritimus juncicola*);~~

**Background Report
Agenda Item 8 C
November 16, 2016**

15. White ibis (*Eudocimus albus*);

16. Worthington's marsh wren (*Cistothorus palustris griseus*).

(d)(f) Mammals:

1. Eastern chipmunk (*Tamias striatus*);

2. Florida mouse (*Peromyscus floridanus*);

~~1.3-~~ Homosassa shrew (*Sorex longirostris eonis*),

4. Sanibel Island rice rat (*Oryzomys palustris sanibeli*);

~~2.5-~~ Sherman's fox squirrel (*Sciurus niger shermani*);

6. Sherman's short-tailed shrew (*Blarina carolinensis shermani*).

(g) Mollusks:

Florida treesnail (*Liguus fasciatus*)

(e)(h) Crustaceans:

1. Black Creek crayfish, also known as Spotted royal crayfish (*Procambarus pictus*);

2. Panama City crayfish (*Procambarus econfinae*);

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

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, 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, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, 11-8-07, 11-8-10, 9-19-12, _____.

68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species.

(1) No change.

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

(a) Intentional take: The Commission may issue permits authorizing intentional take of Florida State-designated Threatened species for scientific or conservation purposes which will benefit the survival potential of the species except for species that have a permitting standard for intentional take in Rule 68A-27.003, F.A.C., and then that standard will apply. For purposes of this rule, a scientific or conservation purpose shall mean activities that further the conservation or survival of the species, including collection of scientific data needed for conservation or management of the species. The following factors shall be considered in determining whether there is a scientific or conservation purpose which will benefit the survival potential of the species;

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

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

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

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

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

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

7. Human safety.

(b) Incidental take: The Commission may issue permits authorizing incidental take of State-designated Threatened species upon a conclusion that the following permitting standards have been met: the standards for species that have a permitting standard for incidental take ~~when contained~~ in Rule 68A-27.003, F.A.C.; take precedence; ~~for blackmouth shiner, striped mud turtle, Florida mastiff bat, and pillar coral, a permit may be issued if the permitted activity clearly enhances the survival potential of the species;~~ for all other State-designated Threatened species, the permit may be issued when there is a scientific or conservation benefit and only upon a showing by the applicant that the permitted

**Background Report
Agenda Item 8 C
November 16, 2016**

activity will not have a negative impact on the survival potential of the species. Factors which shall be considered in determining whether a permit may be granted are:

1. The objectives of a federal recovery plan or a state management plan for the species sought to be taken;
2. The foreseeable long range impact over time if take of the species is authorized;
3. The impacts to other fish and wildlife species if take is authorized;
4. The extent of injury, harm or loss of the species;
5. Whether the incidental take could reasonably be avoided, minimized or mitigated by the permit applicant;
6. Human safety; and
7. Other factors relevant to the conservation and management of the species.

(c) Land management activities that benefit wildlife and that are not inconsistent with Management Plans for species as defined in this rule chapter are authorized and do not require a permit authorizing incidental take despite any other provision of this section.

(d) Agriculture, as defined in Section 570.02, F.S., conducted in accordance with Chapter 5I-8, F.A.C., and the wildlife best management practices (BMPs) adopted in Rule 5I-8.001, F.A.C., by the Department of Agriculture and Consumer Service pursuant to Section 570.94, F.S., is authorized and does not require a permit authorizing incidental take despite any other provision of this section or Rule 68A-27.005, F.A.C.

(e) Wildlands fire suppression actions necessary to ensure public safety during emergency circumstances , including but not limited to, setting counterfires, removing fences and other obstacles, digging trenches, cutting firelines, or using water from public and private sources are authorized and do not require a permit authorizing incidental take despite any other provision of this section.

(f) Intentional tTake of a marine organism as defined in Chapter 68B-8, F.A.C., and identified as a Florida Endangered and Threatened Species will be permitted pursuant to the provisions of Chapter 68B-8, F.A.C.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 11-8-10, Amended 10-9-13, 1-19-15,_____.

**Background Report
Agenda Item 8 C
November 16, 2016**

The Commission approved in November 2015 publishing Notice of Proposed Rules (NPR) for the following rule, and the NPR was published on January 13, 2016. There were changes to the proposed language, and the Commission approved in September 2016 publishing the revised language. It was published on October xx, 2016. There have been no changes to the revised proposed language and staff recommends the Commission give final approval for this rule.

68A-16.003 Non-Listed ~~Inactive~~-Migratory Bird Nests

~~For birds not listed in Chapter 68A-27, F.A.C., no permit is required to take (remove, relocate, or destroy) nests or any parts thereof which are inactive and do not contain eggs or flightless young, except as specified in FWC approved management plans or guidelines for such species. The nest must be removed, relocated, or destroyed when no birds are physically present. The nest materials may not be possessed but may be donated to an entity in possession of state and/or federal permits or other authorizations, or relocated to an alternate nesting platform or destroyed by burial, trash disposal or incineration, in accordance with state, county or local rules and ordinances. Any take (removal, relocation or destruction) should be reported to the FWC Inactive Bird Nest Take registry within 2 business days. The registry and additional information are available at MyFWC.com.~~

For birds identified by the United States Departments of Interior or Commerce in 50 C.F.R. §10.13 List of Migratory Birds (effective 09/2016, which is hereby incorporated by reference at <https://www.flrules.org/gateway/reference.asp?NO= Ref->) and not listed in Chapter 68A-27 or Rule 68A-16.002, F.A.C.,

(a) the possession, sale, purchase, barter, transport, import, export, or collection of an inactive or active nest (meaning a nest containing eggs or flightless young) or parts thereof are prohibited by the Commission without appropriate Federal authorization.

(b) notwithstanding the prohibitions in (a), on-site destruction of an inactive nest (meaning a nest that does not contain eggs or flightless young) or parts thereof is permitted by the Commission but may require Federal authorization.

**Background Report
Agenda Item 8 C
November 16, 2016**

The Commission approved in November 2015 publishing Notice of Proposed Rules (NPR) for the following rule, but a NPR was not published at that time as staff learned there would be changes to the proposed language. Changes to the proposed language were made, and the Commission approved in September 2016 publishing a revised NPR. It was published on October xx, 2016. There have been no changes to the proposed language and staff recommends the Commission give final approval for this rule.

68A-27.003 Florida Endangered and Threatened Species List; Prohibitions~~Designation of Endangered and Threatened Species; Prohibitions.~~

(1) No changes.

(2) State-designated Threatened species:

(a) No person shall take, possess, or sell any threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by Commission rule or by permit from the Commission or when such conduct is authorized in a management plan as defined in this Chapter and approved by the Commission, or as authorized in Commission-approved guidelines.

(b) The species in this subsection are hereby declared to be State-designated Threatened Species, and shall be afforded the protective provisions specified.

(c) Fish:

1. Blackmouth shiner (*Notropis melanostomus*),

2. Bluenose shiner (*Pteronotropis welaka*),

~~3.~~ 2. Crystal darter (*Crystallaria asprella*),

~~4.~~ 3. Key silverside (*Menidia conchorum*),

5. Saltmarsh topminnow (*Fundulus jenkinsi*),

6. Southern tessellated darter (*Etheostoma olmstedi maculaticeps*).

(d) Amphibians:

1. Florida bog frog (*Lithobates okaloosae*),

2. Georgia blind salamander (*Eurycea wallacei*).

(~~e~~) Reptiles:

1. Barbour's map turtle (*Graptemys barbouri*),

2. Florida brownsnake (*Storeria victa*); lower Keys population only,

~~2.~~ Peninsula ribbon snake (*Thamnophis sauritus sackenii*); lower Keys population only,

3. Florida Keys mole skink (*Plestiodon egregius egregius*),

4. Florida pine snake (*Pituophis melanoleucus mugitus*),

~~5.~~ 3. Gopher tortoise (*Gopherus polyphemus*). The Gopher tortoise shall be afforded the protective provisions specified in this subparagraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

~~6.~~ 4. Key ringneck snake (*Diadophis punctatus acricus*),

~~7.~~ 5. Rim rock crowned snake (*Tantilla oolitica*),

~~8.~~ 6. Short-tailed snake (*Stilosoma extenuatum*),

~~7.~~ Striped mud turtle (*Kinosternon baurii*); lower Keys population only.

(f) Birds:

1. American oystercatcher (*Haematopus palliatus*),

2. Black skimmer (*Rynchops niger*),

3. Florida burrowing owl (*Athene cunicularia floridana*),

~~4.~~ 4. Florida sandhill crane (*Grus Antigone canadensis pratensis*),

**Background Report
Agenda Item 8 C
November 16, 2016**

- 52. Least tern (~~Sternula~~ *Sterna antillarum*),
- 6. Little blue heron (*Egretta caerulea*),
- 7. Marian's marsh wren (*Cistothorus palustris marianae*),
- 8. Reddish egret (*Egretta rufescens*),
- 9. Roseate spoonbill (*Platalea ajaja*),
- 10. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*),
- 113. Snowy plover (*Charadrius nivosusalexandrinus*),
- 124. Southeastern American kestrel (*Falco sparverius paulus*),
- 13. Tricolored heron (*Egretta tricolor*),
- 14. Wakulla seaside sparrow (*Ammodramus maritimus juncicola*),
- 15. White-crowned pigeon (*Patagioenas leucocephala*),
- 16. Worthington's marsh wren (*Cistothorus palustris griseus*).

(g) Mammals:

- 1. Big Cypress fox squirrel (*Sciurus niger avicennia*),
- 2. Everglades mink (*Neovison vison evergladensis*).
- 3. Sanibel rice rat (*Oryzomys palustris sanibeli*),
- 4. Sherman's short-tailed shrew (*Blarina shermani*),

(h) Crustaceans:

- 1. Black Creek crayfish (*Procambarus pictus*),
- 2. Santa Fe crayfish (*Procambarus erythrops*).

Rulemaking 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, 7-20-09, 11-8-10, 11-14-11, 8-23-12, 9-19-12, 6-10-15, _____.

**Background Report
Agenda Item 8 C
November 16, 2016**

The Commission approved in November 2015 publishing Notice of Proposed Rules (NPR) for the following two (2) rule revisions, and the NPRs were published on January 13, 2016. There have been changes to the proposed language and staff recommends the Commission approve publishing a Notice of Change for the rules and to file for adoption as soon as possible after completion of all rule-making requirements.

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) through (5) No change.

(6) Turtles.

(a) Take and possession– For turtles not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:

1. No person shall take more than one turtle per day unless authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C.

2. Turtle eggs may not be taken from the wild.

3. Turtles may only be taken by hand, baited hooks, minnow seine nets or dip nets.

4. No person shall take Escambia map turtles (*Graptemys ernsti*), cooters (*Pseudemys* spp.), striped mud turtles (Lower Keys population) (*Kinosternon baurii*) or snapping turtles (*Chelydra* spp.) from the wild.

5. No softshell turtles (*Apalone* spp.) may be taken from the wild during the period May 1 to July 31.

6. No person shall possess more than two Escambia map turtles (*Graptemys ernsti*), two diamond-backed terrapins (*Malaclemys terrapin*), two box turtles (*Terrapene carolina*), or two loggerhead musk turtles (*Sternotherus minor*).

7. The Commission recognizes aquaculture as an alternative to commercial harvest of wild populations of freshwater turtles. An owner, manager, agents or director of an aquaculture facility certified by the Florida Department of Agriculture and Consumer Services pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C., may harvest freshwater turtles as brood stock for scientific or commercial aquaculture as authorized by permit from the executive director limiting the location of harvest activities, duration of harvest activities, species of turtles to be harvested, number and size of turtles to be harvested to prevent overharvest of freshwater turtles.

(b) Transport – No person shall transport more than one turtle or any turtle eggs unless authorized by one of the following:

1. A permit from the executive director as provided in Rule 68A-9.002, F.A.C. An individual transporting turtles under the authority of this permit shall possess a copy of the permit.

2. An aquaculture facility certification issued by the Florida Department of Agriculture and Consumer Services under Section 597.004, F.S. and Chapter 5L-3, F.A.C. An individual transporting turtles under the authority of this certification shall possess a copy of such certificate.

3. A license for sale or exhibition of wildlife under Section 379.3761, F.S. An individual transporting more than one turtle under the authority of this license shall possess a copy of such license.

4. Documentation of the source and supplier of the turtles, indicating the purchase date; quantity and species of turtles acquired; name and complete address of supplier; and license identification number of supplier where applicable.

(c) Sale – No person shall buy, sell, or possess for sale turtles, their eggs or parts thereof, that have been taken from the wild.

(7) through (9) No change.

(10) No person shall take or possess Peninsula ribbon snakes (*Thamnophis sauritus sackenii*) or red rat snakes (*Pantherophis guttatus*) from the Lower Keys population.

(11) No person shall buy, sell or possess for sale any Florida pine snake (*Pituophis melanoleucus mugitus*), nor shall any person possess more than one Florida pine snake, except that said restrictions shall not apply to amelanistic (= “albino”) specimens.

(12) Reptiles may be taken throughout the year in any manner not conflicting with other provisions of these rules. *Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History–New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-*

**Background Report
Agenda Item 8 C
November 16, 2016**

25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09, 8-19-14, _____.

68A-26.002 Regulations Relating to the Taking of Amphibians.

(1) For amphibians not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:

(a) No intentional take by any means or possession is allowed of the gopher frog (*Lithobates capito*) or the Pine Barrens treefrog (*Hyla andersonii*) except as authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C., relating to the permitting to take wildlife or freshwater fish for justifiable purposes.

(b) ~~Except as prohibited in (1)(b) below, Other~~ frogs may be taken by gigs, clubs, blow guns, hook and line, firearms or manually. Frogs may be taken throughout the year including non-daylight hours except that they may only be taken by firearm during daylight hours.

~~(b) No intentional take by any means or possession is allowed of the gopher frog (*Lithobates capito*) or the Pine Barrens treefrog (*Hyla andersonii*) except as authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C., relating to the permitting to take wildlife or freshwater fish for justifiable purposes.~~

(c2) ~~Other a~~ Amphibians ~~other than frogs~~ may be taken throughout the year in any manner not conflicting with other provisions of these rules and regulations except that when seines, nets or traps are used, the provisions of Chapter 68A-23, F.A.C., relating to the taking of bait minnows and other freshwater fish shall apply.

(d3) Any person taking for sale or selling frogs shall be licensed as provided by Section 379.363, F.S.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.363 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-26.02, 39-26.002, Amended 3-25-12, _____.