

Background Information
Agenda Item 7 A
September 26, 2018

NOTICE OF RULE DEVELOPMENT - 68A-29

RULE TITLE: Regulations relating to the Taking of Mammals

PURPOSE AND EFFECT: The Commission is considering a rule to clarify the take of mammals that are not on Florida Endangered and Threatened Species list or otherwise regulated by rules in 68A. No mammal chapter exists, and the proposed rule will create of a mammal chapter similar to existing chapters for birds (68A-16), reptiles (68A-25), and amphibians (68A-26). The new mammal chapter includes species being delisted or those that were recently delisted as part of the Imperiled Species Management Plan, species with similarity of appearance concerns, and possession limits for species that may be maintained as pets. The species included in this draft rule are included to continue to limit take to prevent the need to be listed again in the future or to reduce the risk that they will be taken, possessed, bred, or sold as part of the pet trade.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-29.002 Regulations Relating to the Taking of Mammals.

For mammals not listed in Chapter 68A-27, F.A.C. or not regulated under 68A-24, the following restrictions control the take as defined in 68A-1.004, F.A.C. of the mammals listed below:

- (1) None of the following species or their young, homes, dens or nests shall be taken, transported, stored, served, bought, sold or possessed in any manner at any time unless specifically permitted except as authorized by permit from the executive director as provided in Rules 68A-9.002, 68A-9.006, or 68A-9.010, F.A.C., relating to the permitting of take of wildlife or freshwater fish for justifiable purposes, wildlife rehabilitation, or take of nuisance wildlife:
 - a. Florida mouse (*Podomys floridanus*),
 - b. Shrews (*Cryptotis* spp., *Blarina* spp., *Sorex* spp.),
 - c. Fox squirrels (*Sciurus* spp.),
 - d. Bats (*Corynorhinus* spp., *Myotis* spp., *Perimyotis* spp., *Eptesicus* spp., *Lasiurus* spp., *Nycticeius* spp., *Tadarida* spp.),
 - e. Mink (*Neovison vison*),
 - f. Santa Rosa beach mouse (*Peromyscus polionotus leucocephalus*),
 - g. Pine vole (*Microtus pinetorum*),
 - h. Long-tailed weasel (*Mustela frenata*),
 - i. Round-tailed muskrat (*Neofiber alleni*).

- (2) No person shall buy, sell, or possess for sale any of the following mammals, except as authorized by 68A-9, F.A.C., nor shall any person possess more than one of Eastern chipmunk (*Tamias striatus*), Southeastern pocket gopher (*Geomys pinetis*), or Marsh rabbit (*Sylvilagus palustris*). No person shall buy, sell, or possess for sale, except as authorized by 68A-9, F.A.C., nor shall any person possess more than 3 Southern flying squirrels (*Glaucomys volans*) for personal use.

NOTE: Staff is requesting Commission approval to advertise the proposed amendment and file for adoption as soon as possible. If the rule amendment is approved for both advertisement and final adoption, Commission staff will file the rule for adoption as allowed by s. 120.54(3) Florida Statutes, without further public hearing.