

Commission Meeting Agenda Item 12A
September 27, 2018
Background Document

CHAPTER 68-5
RULES RELATING TO NON-NATIVE SPECIES

- 68-5.001 — Introduction of Non-native Species into the State
- 68-5.002 — Conditional Non-native Species
- 68-5.003 — Prohibited Non-native Species
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68-5.001 Introduction of Non-native Species into the State.

(1) No person shall transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, without having secured a permit from the Commission, except:

- (a) Fathead minnow (*Pimephales promelas*).
- (b) Variable platy (*Xiphophorus variatus*).
- (c) Coturnix quail (*Coturnix coturnix*).
- (d) Ring-necked pheasant (*Phasianus colchicus*).

(2) Unless otherwise specifically provided in Titles 68A through 68E, F.A.C., all species of freshwater aquatic life and wild animal life not native to Florida may be taken throughout the year, without restrictions.

(3) Conditional Non-native Species — No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.002, F.A.C., except by Conditional/Prohibited/Nonnative species permit and as provided in paragraphs (a) through (f) below:

(a) Permits shall be issued only to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession, except as provided in Rule 68-5.002, F.A.C.

(b) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., is not required to obtain the permit.

(c) Conditional freshwater fish and aquatic invertebrate species:

1. Species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property. Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.

2. Conditional freshwater fish and aquatic invertebrate species held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

3. Conditional non-native aquatic species shall not be taken on a fee or for-hire basis using hook and line or rod and reel.

(d) Conditional turtle species:

1. Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging, erosion, climbing or by passing through gaps. Such barriers may be constructed of solid metal or weather-resistant and rot resistant material, and may not use mesh material.

2. All eggs must be removed and destroyed daily from outdoor facilities.

(e) Snakes and lizards:

1. Conditional snake and lizard species may only be held in safe, secure and proper housing in cases, cages, pits or enclosures of

the following specifications:

a. Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion.

b. A room or out-building may contain conditional snake and lizard species in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger - Dangerous Reptiles."

c. Facilities with one or more permittee at the same facility location may not commingle their respective live conditional species inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the permittee or other identifier to facilitate inventory inspections.

d. All individuals associated with a facility authorized to possess conditional snake and lizard species shall demonstrate knowledge of facility requirements, and secure handling protocols for conditional snakes and lizards as established by the permittee.

2. Identification: Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag). Identification shall consist of the implantation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

a. For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the rear one-third (1/3) of the snake, forward of the anal plate.

b. For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.

c. The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

d. Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor's records for as long as the specimen is possessed.

e. Exemption: Conditional snakes and lizards being held for export by any person who possesses such animals in accordance with Sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such conditional snakes and lizards were acquired.

3. Inspection: Conditional snake and lizard species held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether the snakes or lizards are securely, properly and safely housed. In the event that any conditional snakes or lizards are not safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the permit.

4. Transporting: Conditional snake and lizard species shall be transported only after placement in a closely woven, double seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Said containers shall be prominently labeled "Dangerous Reptiles."

5. Disaster and Critical Incidents Plans.

a. A plan to secure conditional snakes or lizards in the event of disasters or critical incidents shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/License/Index.htm. This form shall consist of two parts. Part A of form FWCDLE_619 shall be submitted at the time of initial application to possess conditional snake and lizard species; and Part B shall be retained on file at the facility and be made available for inspection upon request of Commission personnel.

b. No later than 24 hours prior to the National Weather Center's projected onset of hurricane force winds of Category 3 or greater, all conditional snakes and lizards shall be placed in a closely woven, double seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Any conditional snakes and lizards in an outdoor enclosure shall be moved to a secure indoor facility of strong construction with concrete or other suitable flooring and securely anchored to the ground. Persons authorized to possess conditional snakes and lizards shall report their critical incident preparation status to their county emergency management agency prior to the onset of critical conditions.

6. Record Keeping: Persons authorized to possess conditional snake and lizard species shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all conditional snakes or lizards. Such records shall be kept on the permitted premises on a Captive Wildlife Inventory Reptile form, FWCDLE_620IV R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/License/Index.htm. Such records shall be open to inspection upon request by Commission personnel.

a. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

b. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier, except for animals acquired under the provisions of paragraph 68-5.004(3)(c), F.A.C.; and conditional species permit number of supplier where applicable.

c. Transfer: Conditional snake and lizard species may be transferred to persons authorized to possess conditional snakes and lizards. Such transfers must be accompanied by Captive Wildlife Inventory Reptile form, FWCDLE_620IV R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/License/Index.htm. This form shall be signed by the originator upon shipment and by the recipient upon receipt and shall list the common name, scientific name, and quantity of each species in transport; name and address of the originator and recipient; conditional species permit number of the recipient; if the shipment originates within Florida, the conditional species permit number of the originator.

7. Reporting:

a. Persons exhibiting or selling live conditional snakes and lizards in accordance with Section 379.304, F.S., shall complete a Captive Wildlife Inventory Reptile form, FWCDLE_620IV R (06-10), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of permit and six months thereafter.

b. Any person authorized to possess conditional snakes and lizards must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(f) Research involving conditional species:

1. A detailed research proposal shall accompany the application for the permit. The proposal shall state with particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

2. All research involving conditional species shall be conducted according to the provisions of paragraphs (3)(c) - (e) above.

3. The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

4. Any escape or release of conditional species shall be reported immediately to the Commission.

(4) Prohibited Non native Species — No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.003, F.A.C., except by Conditional/Prohibited/Nonnative Species permit and as provided in paragraphs (a) and (b) below:

(a) Exhibition of prohibited species: public aquaria, zoological parks, or public exhibitors shall be granted a permit provided the following requirements are met:

1. Prohibited aquatic species shall be maintained in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry bed wastewater retention area with no public access.

2. Prohibited terrestrial species shall be maintained in indoor facilities in cages or other confinement facilities that prevent escape and public contact.

3. Critical incident and disaster plan. A plan for securing animals on site, evacuating and/or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall also include methods to transport and return evacuated animals to the exhibition facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

4. Inspections. Exhibitors permitted to possess prohibited species may be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

5. The permit will expire 12 months from the date of issuance.

6. Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors providing educational exhibits, for public exhibition purposes only, under the following conditions:

a. Only male sea snakes may be possessed.

b. A public aquarium, zoological park, or public exhibitor possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.

c. Each public aquarium, public zoological park, or public exhibitor possessing sea snakes shall provide quarterly reports to the Commission regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.

d. Each public aquarium, zoological park, or public exhibitor possessing sea snakes shall post with the Commission a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Fish and Wildlife Conservation Commission, for use by the Commission to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the Commission. The letter of credit shall provide that the zoological park or aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park or aquarium or public exhibitor possesses sea snakes.

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

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

g. A public aquarium, public zoological park, or public exhibitor possessing sea snakes pursuant to this subsection shall abide by all regulatory requirements of the Fish and Wildlife Conservation Commission with respect to venomous reptiles.

(b) Research involving prohibited species: Individuals or institutions engaged in research shall be granted a permit, provided the following requirements are met:

1. Eligibility. A permit for research involving prohibited species shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

2. Research proposal. A detailed research proposal shall be submitted and shall state with particularity research objectives, methodology and study duration, and shall outline planned safeguards to ensure proper containment of all specimens. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

3. General security measures and containment.

a. Applicants shall submit to the Commission a list of personnel that have access to the prohibited species and arrangements for final disposition or euthanization of specimens.

b. All research on prohibited aquatic species shall be conducted in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry bed wastewater retention area with no public access.

c. All research on prohibited terrestrial wildlife species shall be conducted in indoor facilities in cages or other confinement

facilities that prevent escape.

4. Critical incident and disaster plan. A plan for securing animals on site, evacuating and/or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall include methods to transport and return evacuated animals back to the research facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

5. Inspections. All research facilities where research involving prohibited species is to be conducted will be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

6. The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report will include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

7. Any escape or release of prohibited species shall be reported immediately to the Commission, and escape or release shall constitute grounds for revocation of the permit to conduct research involving prohibited species.

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

(6) No leopard tortoise (*Geochelone pardalis*), African spurred tortoise (*Geochelone sulcata*), or Bell's hingeback tortoise (*Kinixys belliana*) shall be imported or transported into this state, without a Conditional/Prohibited/Nonnative Species permit subject to the following:

(a) Tortoises shall be inspected by a veterinarian and certified as being free of external parasites prior to being imported. Certified veterinary health certificates and written notice of the shipment shall be submitted to the Commission no less than 10 days before arrival of any tortoise.

(b) Containers used to transport tortoises shall be disinfected prior to importation, and shall be incinerated within 24 hours of arrival or exported out of Florida within 72 hours.

(c) Such other conditions as may be necessary to ensure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

(7) No person shall allow or permit any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, to remain in any facility that is no longer maintained or operated for the production or maintenance of such non-native species. The presence of any such non-native species in any facility shall constitute possession by the owner or operator of the facility.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History New 6-7-07, Amended 8-23-10.

68-5.002 Conditional Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in subsection 68-5.001(3), F.A.C.

(1) Non-native freshwater fish and aquatic invertebrate species:

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

(b) Bony tongue fishes (Family Arapaimidae).

1. Arapaima (*Arapaima gigas*).

2. Heterotis (*Heterotis niloticus*).

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

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

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

(f) Silver carp (*Hypophthalmichthys molitrix*).

(g) Snail or black carp (*Mylopharyngodon piceus*).

(h) Nile perches (Genus *Lates*, all species). For owners of aquaculture facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for owners of aquaculture facilities which are issued original permits or certificates of registration after April 11, 2007, Nile perches:

1. Shall be held only in indoor facilities.

2. Shall not be taken on a fee or for hire basis using hook and line or rod and reel.
- (i) Blue tilapia (*Oreochromis aureus*), except that *Oreochromis aureus* may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.
 - (j) Wami tilapia (*Oreochromis urolepis*).
 - (k) Mozambique tilapia (*Oreochromis mossambicus*).
 - (l) Nile tilapia (*Oreochromis niloticus*), except that *Oreochromis niloticus* may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.
 - (m) Walking catfish (*Clarias batrachus*).
 - (n) Blue catfish (*Ictalurus furcatus*), except that blue catfish may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.
 - (o) Australian red claw crayfish (*Cherax quadricarinatus*) only in closed tank culture systems.
 - (p) Red swamp crayfish (*Procambarus clarkii*) and white river crayfish (*Procambarus zonangulus*).
1. Pond aquaculture of either species is prohibited.
2. Red swamp crayfish and white river crayfish may be possessed west of the Apalachicola River and its tributaries or imported for direct sale to food wholesalers and food retailers for resale to consumers without permit.
- (q) Arowanas (Family Osteoglossidae, all species except silver arowana, *Osteoglossum bicirrhosum*).
 - (r) Northern largemouth bass (*Micropterus salmoides salmoides*), except that intergrade largemouth bass (northern largemouth bass x Florida largemouth bass *Micropterus salmoides floridanus*) may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.
- (2) Non-native mammals — Nutria (*Myocaster coypus*).
- (3) Non-native turtles. Red-eared slider (*Trachemys scripta elegans*): red-eared sliders may be possessed only by permitted individuals or commercial import or export businesses according to the provisions of paragraph 68-5.001(3)(d), F.A.C., except as provided below:
- (a) Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner without a permit, except that red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.
 - (b) Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.
- (4) Non-native Snakes and lizards: The following species possessed for personal use by reptile of concern license holders prior to July 1, 2010 may continue in the possession of the owner for the life of the animal. A valid license to possess these animals must be maintained pursuant to Section 379.372, F.S.
- (a) Indian or Burmese python (*Python molurus*).
 - (b) Reticulated python (*Python reticulatus*).
 - (c) Northern African python (*Python sebae*).
 - (d) Southern African python (*Python natalensis*).
 - (e) Amethystine python (*Morelia amethystinus*).
 - (f) Scrub python (*Morelia kinghorni*).
 - (g) Green anaconda (*Eunectes murinus*).
 - (h) Nile monitor (*Varanus niloticus*).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History: New 6-7-07, Amended 7-1-10, 8-23-10, 3-14-17.

68-5.003 Prohibited Non-native Species:

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in subsection 68-5.001(4), F.A.C.

- (1) Non-native freshwater aquatic species:
- (a) African electric catfishes (Family Malapteruridae, all species).
 - (b) African tigerfishes (Genus *Hydrocynus*, all species).
 - (c) Airbreathing catfishes (Family Clariidae, all species except *Clarias batrachus*).
 - (d) Candiru catfishes (Family Trichomycteridae, all species).

- (e) Freshwater electric eels (*Electrophorus electricus*).
- (f) Lampreys (Family Petromyzontidae, all species).
- (g) All species of piranha and pirambeba (subfamily Serrasalminae).
- (h) Snakeheads (Family Channidae, all species).
- (i) Tilapias (Genera *Tilapia*, *Sarotherodon*, *Aleolapia* and *Oreochromis*, all species except *Oreochromis aureus*, *Oreochromis urolepis*, *Oreochromis mossambicus*, and *Oreochromis niloticus*).
- (j) Trahiras or Tigerfishes (Family Erythrinidae, all species).
- (k) Airsac catfishes (Family Heteropneustidae, all species).
- (l) Green sunfish (*Lepomis cyanellus*).
- (m) Australian crayfish (Genus *Cherax*, all species except *Cherax quadricarinatus* cultured in a closed tank system).
- (n) Zebra mussel (*Dreissena polymorpha*).
- (o) Quagga mussel (*Dreissena bugensis*).
- (2) Non-native mammals—African giant pouched rats (Genus *Cricetomys*, all species).
- (3) Non-native marine species:
 - (a) Mitten crab (Genus *Eriocheir*, all species).
 - (b) Sea snakes (Family Hydrophiidae, all species), except that sea snakes may be possessed as described in subparagraph 68-5.001(4)(a)6., F.A.C.
 - (c) Weeverfishes (Family Trachinidae, all species).
 - (d) Stone fishes (Genus *Synanceia*, all species).
 - (e) Genus *Synanceia*, all species.
 - (f) Pitted stonefish (*Erosa erosa*).
 - (g) Red rock cod (*Scorpaena papillosa*).
 - (h) Stonefish (*Leptosynanceia asteroblepa*).
 - (i) Stargazing stonefish (*Trachicephalus uranoscopus*).

~~Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History New 6-7-07, Amended 7-1-10, 8-26-10.~~

68-5.004 Amnesty for Persons Relinquishing Non-native Pets.

~~It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida's environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose.~~

~~(1) Persons adopting nonnative species through an FWC sponsored amnesty event may accept non-native fish or wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.~~

~~(2) Any person relinquishing or adopting non-native fish or wildlife pursuant to this rule is hereby deemed not to be in violation of the permit requirement of subsection 68A-6.0023(7), F.A.C.~~

~~(3) Relinquishing reptiles of concern, or conditional snakes and lizards.~~

~~(a) Persons with a valid license to possess or exhibit reptiles designated as reptiles of concern after July 1, 2010, may accept reptiles of concern as defined in subsection 68A-6.007(1), F.A.C. from persons who have not obtained a permit from the Commission for possession of such reptiles without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.~~

~~(b) Persons authorized to possess conditional snakes and lizards may accept conditional snakes and lizards listed in subsection 68-5.002(4), F.A.C., from persons who have not obtained a permit from the Commission for possession of such conditional snakes and lizards without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.~~

~~(c) Persons accepting unpermitted reptiles of concern, or conditional snakes and lizards, shall complete a Captive Wildlife Inventory-Donated Reptile form FWCDLE_624IV (06-10), which is adopted and incorporated herein by reference, which is available from the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, and submit the form to the same address within 72 hours of acquisition.~~

~~(d) Any person relinquishing or accepting reptiles of concern, or conditional snakes and lizards, under this subsection is authorized to make such transfer and is not in violation of the prohibitions on buying, selling or transferring contained in subsection~~

68A-6.0023(7), F.A.C.

(e) Persons accepting unpermitted reptiles of concern, or conditional snakes or lizards, under this subsection must otherwise comply with all permit conditions and Commission rules, specifically including provisions in Rules 68A-6.007, 68A-6.0071, and 68A-6.0072, F.A.C.

~~(4) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.~~

Rulemaking Authority Article IV, Section 9, Florida Constitution. Law Implemented Article IV, Section 9, Florida Constitution. History New 10-23-08, Amended 8-23-10.

~~68-5.005 Lionfish.~~

~~(1) As used in this rule, "lionfish" means any finfish of the genus *Pterois*.~~

~~(2) The importation of live lionfish or hybrids or eggs thereof is prohibited.~~

~~(3) Live lionfish imported from outside the State of Florida after August 1, 2014, may not be sold, offered for sale, bartered, or otherwise exchanged.~~

~~(4)(a) Except as provided in paragraph (b), a wholesale or retail dealer, or any other wholesale or retail establishment possessing live lionfish, or any hybrids thereof may only possess live lionfish harvested from Florida waters or adjacent federal waters. Any wholesale or retail establishment shall maintain the invoices, receipts, bills of sale, bills of lading, or other documentation affirmatively showing that all lionfish possessed or purchased by the dealer have been sourced from Florida waters or adjacent federal waters.~~

~~(b) A wholesale dealer or retailer may possess and offer for sale live lionfish imported prior to August 1, 2014. However, the burden shall be upon any person possessing imported live lionfish to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such live lionfish were imported and entered the state in interstate commerce prior to August 1, 2014. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this section.~~

~~(5) No common carrier or employee of said carrier may carry, knowingly receive for carriage, or permit the carriage of any live lionfish, including hybrids or eggs thereof, except for lionfish lawfully harvested from Florida waters or adjacent federal waters.~~

~~(6) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., may raise juvenile or adult lionfish lawfully harvested from Florida waters or adjacent waters.~~

~~(7) Except for the activities authorized by a Conditional/Prohibited/Nonnative Species permit as provided in subsection (8) below, the harvest or possession of lionfish eggs or larvae for any purposes other than destruction is prohibited.~~

~~(8) The intentional breeding of lionfish or cultivation of lionfish eggs or larvae in captivity is prohibited except as authorized by Conditional/Prohibited/Nonnative species permit as provided in paragraphs (a) through (f) below:~~

~~(a) Eligibility.~~

~~1. A permit for research involving lionfish cultivation shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.~~

~~2. Permits shall be issued only for the purposes of researching lionfish population control measures or mitigating negative impacts to native species and ecosystems.~~

~~(b) Lionfish cultivation held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property.~~

~~(c) Lionfish cultivation held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.~~

~~(d) A detailed research proposal shall accompany the application for the permit. The proposal shall state the research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be~~

available for inspection upon request of Commission personnel.

(e) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(f) Any escape or release of lionfish, or the eggs thereof, shall be reported immediately to the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History New 8-1-14, Amended 11-26-14.

68-5.001 Purpose and Intent

68-5.002 Definitions

68-5.003 Introduction of Non-native Species into the State

68-5.004 Conditional Non-native Species

68-5.005 Possession of Conditional Non-native Species

68-5.006 Prohibited Non-native Species

68-5.007 Possession of Prohibited Non-native Species

68-5.008 Amnesty for Persons Relinquishing Non-native Pets

68-5.009 Lionfish

68-5.001 Purpose and Intent

(1) The purpose of this chapter is to establish definitions, provide requirements for import permits, provide Conditional and Prohibited species lists, establish requirements for possession of Conditional and Prohibited species, establish criteria for amnesty for persons relinquishing nonnative fish and wildlife, and regulations related to lionfish.

(2) Unless otherwise specifically provided in Titles 68A through 68E, F.A.C., all species of freshwater aquatic life and wild animal life not native to Florida may be taken throughout the year, without restrictions.

(3) No person shall allow or permit any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, to remain in any facility that is no longer maintained or operated for the production or maintenance of such non-native species. The presence of any such non-native species in any facility shall constitute possession by the owner or operator of the facility.

68-5.002 Definitions

This rule is held for future definitions.

68-5.003 Introduction of Non-native Species into the State.

(1) No person shall transport into the state, introduce, or possess, for any purpose that might reasonably be expected to result in liberation into the state, any freshwater fish, aquatic invertebrate, marine plant, marine animal, or wild animal life not native to the state, without having secured a permit from the Commission, except:

(a) Fathead minnow (*Pimephales promelas*).

(b) Variable platy (*Xiphophorus variatus*).

(c) Coturnix quail (*Coturnix coturnix*).

(d) Ring-necked pheasant (*Phasianus colchicus*).

68-5.004 Conditional Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in section 68-5.005, F.A.C.

(1) Non-native freshwater fish and aquatic invertebrate species.

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

(b) Bony-tongue fishes (Family Arapaimidae).

1. Arapaima (*Arapaima gigas*).

2. Heterotis (*Heterotis niloticus*).

- (c) Dorados (Genus *Salminus*, all species).
- (d) Freshwater stingrays (Family Potamotrygonidae, all species).
- (e) Grass carp (*Ctenopharyngodon idella*), with restrictions as provided in Rule 68A-23.088, F.A.C.
- (f) Silver carp (*Hypophthalmichthys molitrix*).
- (g) Snail or black carp (*Mylopharyngodon piceus*).
- (h) Nile perches (Genus *Lates*, all species). For owners of aquaculture facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for owners of aquaculture facilities which are issued original permits or certificates of registration after April 11, 2007, Nile perches:
1. Shall be held only in indoor facilities.
 2. Shall not be taken on a fee or for-hire basis using hook and line or rod and reel.
- (i) Blue tilapia (*Oreochromis aureus*), except that *Oreochromis aureus* may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.
- (j) Wami tilapia (*Oreochromis urolepis*).
- (k) Mozambique tilapia (*Oreochromis mossambicus*).
- (l) Nile tilapia (*Oreochromis niloticus*), except that *Oreochromis niloticus* may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.
- (m) Walking catfish (*Clarias batrachus*).
- (n) Blue catfish (*Ictalurus furcatus*), except that blue catfish may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.
- (o) Australian red claw crayfish (*Cherax quadricarinatus*) only in closed tank culture systems.
- (p) Red swamp crayfish (*Procambarus clarkii*) and white river crayfish (*Procambarus zonangulus*).
1. Pond aquaculture of either species is prohibited.
 2. Red swamp crayfish and white river crayfish may be possessed west of the Apalachicola River and its tributaries or imported for direct sale to food wholesalers and food retailers for resale to consumers without permit.
- (q) Arowanas (Family Osteoglossidae, all species except silver arowana, *Osteoglossum bicirrhosum*).
- (r) Northern largemouth bass (*Micropterus salmoides salmoides*), except that intergrade largemouth bass (northern largemouth bass x Florida largemouth bass *Micropterus salmoides floridanus*) may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.
- (2) Non-native mammals – Nutria (*Myocaster coypus*).
 - (3) Non-native turtles. Red-eared slider (*Trachemys scripta elegans*): red-eared sliders may be possessed only by permitted individuals or commercial import or export businesses according to the provisions of subsection 68-5.005(4) F.A.C., except as provided below:
- (a) Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner without a permit, except that red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.
 - (b) Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.
- (4) Non-native Snakes and lizards: The following species possessed for personal use by reptile of concern license holders prior to July 1, 2010 may continue in the possession of the owner for the life of the animal. A valid license to possess these animals must be maintained pursuant to Section 379.372, F.S.
- (a) Indian or Burmese python (*Python molurus*).
 - (b) Reticulated python (*Python reticulatus*).
 - (c) Northern African python (*Python sebae*).
 - (d) Southern African python (*Python natalensis*).
 - (e) Amethystine python (*Morelia amethystinus*).
 - (f) Scrub python (*Morelia kinghorni*).
 - (g) Green anaconda (*Eunectes murinus*).
 - (h) Nile monitor (*Varanus niloticus*).

68-5.005 Possession of Conditional Non-native Species.

No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.004, F.A.C., except by Conditional/Prohibited/Nonnative species permit and as provided in subsections (1) through (6) below:

(1) Permits shall be issued only to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession, except as provided in Rule 68-5.004, F.A.C.

(2) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., is not required to obtain the permit.

(3) Conditional freshwater fish and aquatic invertebrate species:

(a) Species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property. Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.

(b) Conditional freshwater fish and aquatic invertebrate species held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

(c) Conditional non-native aquatic species shall not be taken on a fee- or for-hire basis using hook and line or rod and reel.

(4) Conditional turtle species:

(a) Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging, erosion, climbing or by passing through gaps. Such barriers may be constructed of solid metal or weather-resistant and rot-resistant material, and may not use mesh material.

(b) All eggs must be removed and destroyed daily from outdoor facilities.

(5) Snakes and lizards:

(a) Conditional snake and lizard species may only be held in safe, secure and proper housing in cases, cages, pits or enclosures of the following specifications:

1. Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion.

2. A room or out-building may contain conditional snake and lizard species in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger – Dangerous Reptiles."

3. Facilities with one or more permittee at the same facility location may not commingle their respective live conditional species inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the permittee or other identifier to facilitate inventory inspections.

4. All individuals associated with a facility authorized to possess conditional snake and lizard species shall demonstrate knowledge of facility requirements, and secure handling protocols for conditional snakes and lizards as established by the permittee.

(b) Identification: Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag). Identification shall consist of the implantation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

1. For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the

rear one-third (1/3) of the snake, forward of the anal plate.

2. For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.

3. The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

4. Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor's records for as long as the specimen is possessed.

5. Exemption: Conditional snakes and lizards being held for export by any person who possesses such animals in accordance with Sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such conditional snakes and lizards were acquired.

(c) Inspection: Conditional snake and lizard species held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether the snakes or lizards are securely, properly and safely housed. In the event that any conditional snakes or lizards are not safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the permit.

(d) Transporting: Conditional snake and lizard species shall be transported only after placement in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Said containers shall be prominently labeled "Dangerous Reptiles."

(e) Disaster and Critical Incidents Plans.

1. A plan to secure conditional snakes or lizards in the event of disasters or critical incidents shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/License/Index.htm. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application to possess conditional snake and lizard species; and Part B shall be retained on file at the facility and be made available for inspection upon request of Commission personnel.

2. No later than 24 hours prior to the National Weather Center's projected onset of hurricane-force winds of Category 3 or greater, all conditional snakes and lizards shall be placed in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Any conditional snakes and lizards in an outdoor enclosure shall be moved to a secure indoor facility of strong construction with concrete or other suitable flooring and securely anchored to the ground. Persons authorized to possess conditional snakes and lizards shall report their critical incident preparation status to their county emergency management agency prior to the onset of critical conditions.

(f) Record Keeping: Persons authorized to possess conditional snake and lizard species shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all conditional snakes or lizards. Such records shall be kept on the permitted premises on a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/License/Index.htm. Such records shall be open to inspection upon request by Commission personnel.

1. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

2. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier, except for animals acquired under the provisions of paragraph 68-5.008(3)(c), F.A.C.; and conditional species permit number of supplier where applicable.

3. Transfer: Conditional snake and lizard species may be transferred to persons authorized to possess conditional snakes and lizards. Such transfers must be accompanied by Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at

www.myfwc.com/License/Index.htm. This form shall be signed by the originator upon shipment and by the recipient upon receipt and shall list the common name, scientific name, and quantity of each species in transport; name and address of the originator and recipient; conditional species permit number of the recipient; if the shipment originates within Florida, the conditional species permit number of the originator.

(g) Reporting:

1. Persons exhibiting or selling live conditional snakes and lizards in accordance with Section 379.304, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06-10), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of permit and six months thereafter.

2. Any person authorized to possess conditional snakes and lizards must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(6) Research involving conditional species:

(a) A detailed research proposal shall accompany the application for the permit. The proposal shall state with particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(b) All research involving conditional species shall be conducted according to the provisions of paragraphs (3)(c)-(e) above.

(c) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(d) Any escape or release of conditional species shall be reported immediately to the Commission.

68-5.006 Prohibited Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in section 68-5.007, F.A.C.

(1) Non-native freshwater aquatic species:

(a) African electric catfishes (Family Malapteruridae, all species).

(b) African tigerfishes (Genus *Hydrocynus*, all species).

(c) Airbreathing catfishes (Family Clariidae, all species except *Clarias batrachus*).

(d) Candiru catfishes (Family Trichomycteridae, all species).

(e) Freshwater electric eels (*Electrophorus electricus*).

(f) Lampreys (Family Petromyzontidae, all species).

(g) All species of piranha and pirambeba (subfamily Serrasalminae).

(h) Snakeheads (Family Channidae, all species).

(i) Tilapias (Genera *Tilapia*, *Sarotherodon*, *Alcolapia* and *Oreochromis*, all species except *Oreochromis aureus*, *Oreochromis urolepis*, *Oreochromis mossambicus*, and *Oreochromis niloticus*).

(j) Trahiras or Tigerfishes (Family Erythrinidae, all species).

(k) Airsac catfishes (Family Heteropneustidae, all species).

(l) Green sunfish (*Lepomis cyanellus*).

(m) Australian crayfish (Genus *Cherax*, all species except *Cherax quadricarinatus* cultured in a closed tank system).

(n) Zebra mussel (*Dreissena polymorpha*).

(o) Quagga mussel (*Dreissena bugensis*).

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

(3) Non-native marine species:

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

(b) Sea snakes (Family Hydrophiidae, all species), except that sea snakes may be possessed as described in paragraph 68-5.007(1)(f), F.A.C.

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

- (d) Stone fishes (Genus *Synanceia*, all species).
- (e) Genus *Synanceia*, all species.
- (f) Pitted stonefish (*Erosa erosa*).
- (g) Red rock cod (*Scorpaena papillosa*).
- (h) Stonefish (*Leptosynanceia asteroblepa*).
- (i) Stargazing stonefish (*Trachicephalus uranoscopus*).

68-5.007 Possession of Prohibited Non-native Species.

No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.006, F.A.C., except by Conditional/Prohibited/Nonnative Species permit and as provided in paragraphs (a) and (b) below:

(1) Exhibition of prohibited species: public aquaria, zoological parks, or public exhibitors shall be granted a permit provided the following requirements are met:

(a) Prohibited aquatic species shall be maintained in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

(b) Prohibited terrestrial species shall be maintained in indoor facilities in cages or other confinement facilities that prevent escape and public contact.

(c) Critical incident and disaster plan. A plan for securing animals on site, evacuating and/or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall also include methods to transport and return evacuated animals to the exhibition facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

(d) Inspections. Exhibitors permitted to possess prohibited species may be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

(e) The permit will expire 12 months from the date of issuance.

(f) Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors providing educational exhibits, for public exhibition purposes only, under the following conditions:

1. Only male sea snakes may be possessed.

2. A public aquarium, zoological park, or public exhibitor possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.

3. Each public aquarium, public zoological park, or public exhibitor possessing sea snakes shall provide quarterly reports to the Commission regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.

4. Each public aquarium, zoological park, or public exhibitor possessing sea snakes shall post with the Commission a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Fish and Wildlife Conservation Commission, for use by the Commission to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the Commission. The letter of credit shall provide that the zoological park or aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park or aquarium or public exhibitor possesses sea snakes.

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

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

7. A public aquarium, public zoological park, or public exhibitor possessing sea snakes pursuant to this subsection shall abide by all regulatory requirements of the Fish and Wildlife Conservation Commission with respect to venomous reptiles.

(2) Research involving prohibited species: Individuals or institutions engaged in research shall be granted a permit, provided the following requirements are met:

(a) Eligibility. A permit for research involving prohibited species shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

(b) Research proposal. A detailed research proposal shall be submitted and shall state with particularity research objectives, methodology and study duration, and shall outline planned safeguards to ensure proper containment of all specimens. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(c) General security measures and containment.

1. Applicants shall submit to the Commission a list of personnel that have access to the prohibited species and arrangements for final disposition or euthanization of specimens.

2. All research on prohibited aquatic species shall be conducted in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

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

(d) Critical incident and disaster plan. A plan for securing animals on site, evacuating and/or euthanizing animals in the event of a natural disaster or critical incident shall be submitted by the applicant and approved by the Commission before a permit will be issued. The critical incident and disaster plan shall include methods to transport and return evacuated animals back to the research facility. Commission personnel will review the critical incident and disaster plan to ensure the State of Florida is adequately protected from the risk of introduction of the species.

(e) Inspections. All research facilities where research involving prohibited species is to be conducted will be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit period.

(f) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report will include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(g) Any escape or release of prohibited species shall be reported immediately to the Commission, and escape or release shall constitute grounds for revocation of the permit to conduct research involving prohibited species.

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

68-5.008 Amnesty for Persons Relinquishing Non-native Pets.

It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida's environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose. (1) Persons adopting nonnative species through an FWC sponsored amnesty event may accept non-native fish or wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

(2) Any person relinquishing or adopting non-native fish or wildlife pursuant to this rule is hereby deemed not to be in violation of the permit requirement of subsection 68A-6.0023(7), F.A.C.

(3) Relinquishing reptiles of concern, or conditional snakes and lizards.

(a) Persons with a valid license to possess or exhibit reptiles designated as reptiles of concern after July 1, 2010, may accept reptiles of concern as defined in subsection 68A-6.007(1), F.A.C. from persons who have not obtained a permit from the Commission for possession of such reptiles without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(b) Persons authorized to possess conditional snakes and lizards may accept conditional snakes and lizards listed in subsection 68-5.004(4), F.A.C., from persons who have not obtained a permit from the Commission for possession of such conditional snakes and lizards without violating the provisions of subsection 68A-6.0023(7), F.A.C., which prohibits the buying, selling or transferring of wildlife to or from an unpermitted entity within Florida.

(c) Persons accepting unpermitted reptiles of concern, or conditional snakes and lizards, shall complete a Captive Wildlife Inventory-Donated Reptile form FWCDLE 624IV (06-10), which is adopted and incorporated herein by reference, which is

available from the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, and submit the form to the same address within 72 hours of acquisition.

(d) Any person relinquishing or accepting reptiles of concern, or conditional snakes and lizards, under this subsection is authorized to make such transfer and is not in violation of the prohibitions on buying, selling or transferring contained in subsection 68A-6.0023(7), F.A.C.

(e) Persons accepting unpermitted reptiles of concern, or conditional snakes or lizards, under this subsection must otherwise comply with all permit conditions and Commission rules, specifically including provisions in Rules 68A-6.007, 68A-6.0071, and 68A-6.0072, F.A.C.

(4) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

68-5.009 Lionfish.

(1) As used in this rule, "lionfish" means any finfish of the genus *Pterois*.

(2) The importation of live lionfish or hybrids or eggs thereof is prohibited.

(3) Live lionfish imported from outside the State of Florida after August 1, 2014, may not be sold, offered for sale, bartered, or otherwise exchanged.

(4)(a) Except as provided in paragraph (b), a wholesale or retail dealer, or any other wholesale or retail establishment possessing live lionfish, or any hybrids thereof may only possess live lionfish harvested from Florida waters or adjacent federal waters. Any wholesale or retail establishment shall maintain the invoices, receipts, bills of sale, bills of lading, or other documentation affirmatively showing that all lionfish possessed or purchased by the dealer have been sourced from Florida waters or adjacent federal waters.

(b) A wholesale dealer or retailer may possess and offer for sale live lionfish imported prior to August 1, 2014. However, the burden shall be upon any person possessing imported live lionfish to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such live lionfish were imported and entered the state in interstate commerce prior to August 1, 2014. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this section.

(5) No common carrier or employee of said carrier may carry, knowingly receive for carriage, or permit the carriage of any live lionfish, including hybrids or eggs thereof, except for lionfish lawfully harvested from Florida waters or adjacent federal waters.

(6) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer services issued pursuant to Chapter 597, F.S., and who is authorized to possess such species in accordance with Chapter 597, F.S., may raise juvenile or adult lionfish lawfully harvested from Florida waters or adjacent waters.

(7) Except for the activities authorized by a Conditional/Prohibited/Nonnative Species permit as provided in subsection (8) below, the harvest or possession of lionfish eggs or larvae for any purposes other than destruction is prohibited.

(8) The intentional breeding of lionfish or cultivation of lionfish eggs or larvae in captivity is prohibited except as authorized by Conditional/Prohibited/Nonnative species permit as provided in paragraphs (a) through (f) below:

(a) Eligibility.

1. A permit for research involving lionfish cultivation shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state or county agency.

2. Permits shall be issued only for the purposes of researching lionfish population control measures or mitigating negative impacts to native species and ecosystems.

(b) Lionfish cultivation held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property.

(c) Lionfish cultivation held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

(d) A detailed research proposal shall accompany the application for the permit. The proposal shall state the research objectives.

methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(e) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under Chapter 119, F.S.

(f) Any escape or release of lionfish, or the eggs thereof, shall be reported immediately to the Commission.

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