

Proposed Final Rule
Non-native Fish and Wildlife Rule 68-5.007, F.A.C.
UPDATE No. 1: February 15, 2019
Agenda Item 10C
February 21, 2019

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).

(4) Personal possession of Prohibited species:

NEW LANGUAGE: (a) Reptiles: Prohibited reptile species shall only be permitted to be possessed for personal use in accordance with Section 379.372, F.S.

~~OLD LANGUAGE: (a) Reptiles: Prohibited reptile species shall only permitted to be possessed for personal use in accordance with Section 379.372, F.S.~~

(b) Other Prohibited species: if the Commission designates a species as a Prohibited species after [EFFECTIVE DATE OF RULE], the Commission may authorize the personal possession of that newly designated species by those licensed or otherwise authorized to possess that species before the effective date of the species' designation by the Commission as a Prohibited species.

1. Permits may only be granted to persons in lawful possession of such species prior to the species' listing as Prohibited for the remainder of the life of the animal. No additional individuals may be acquired. If the animal remains alive following the death or dissolution of the licensee, the animal may be legally transferred to another entity holding a permit authorizing possession of the animal for the remainder of the life of the animal.

2. Identification: Prohibited species possessed for personal use 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.

(c) Permit qualifications:

1. Applicants for permits to possess Prohibited species for personal use in accordance with this section shall submit a completed Conditional/Prohibited/Nonnative Species Permit application form WIM 01 (02/19) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxx> 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 Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-166, or at www.flrules.org.

2. Disaster and Critical Incident Plans: Applicants for permits to possess Prohibited species as authorized pursuant to the provisions of this chapter shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06/09), 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 Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.flrules.org. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application or renewal; and Part B shall be retained in the permittee's files at the facility location and be made available for inspection upon request of Commission personnel and the director of the local emergency management agency for the county where the facility is located.

3. 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 upon permit application.