

DRAFT RULE
Bird Trap Prohibitions - 68A-16.006, F.A.C.
Update No. 1 – February 14, 2019
Agenda Item 10-D
February 21, 2019

Summary of Change: Updated language in (2)(e) expands authorizations to allow use of bird traps for nuisance wildlife activities covered in 50 C.F.R. 21, subpart D for the control of depredating and otherwise injurious birds in the manner described in the Code of Federal Regulations.

NOTICE OF PROPOSED RULE - 68A-16.006, F.A.C.

RULE TITLE: Prohibitions Related to Bird Traps

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-16.006 Prohibitions Related to Bird Traps

(1) For the purpose of this rule, a bird trap is any device, material, substance or enclosure designed or used to catch and retain avian species, typically by allowing entry but not exit or by catching hold of a part of the body.

(2) The use, placement, or possession of bird traps outdoors; transport of bird traps other than by common carrier; or the attempt to conduct these activities is prohibited without a permit issued pursuant to 68A-27.007 or 68A-9.002, F.A.C., with the following exceptions:

(a) Persons possessing a federal permit authorizing the trapping of birds listed under the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq., may use, place, possess, or transport bird traps for the purposes specified in the permit.

(b) Persons authorized to trap resident game birds under a state permit or under Chapter 68A-12, F.A.C., may use, place, possess, or transport bird traps for the purposes specified in the state permit or in Chapter 68A-12, F.A.C.

(c) Persons possessing a falconry permit may use, place, possess, or transport bird traps for the purposes specified in the permit. Persons possessing a falconry permit also may capture birds not identified by the United States Departments of Interior or Commerce in 50 C.F.R. §10.13, List of Migratory Birds to feed raptors possessed under the person's falconry permit.

(d) Any airport employee or authorized representative may use, place, possess, or transport bird traps to conduct activities authorized under Rule 68A-9.012, F.A.C.

(e) Persons possessing a federal authorization for nuisance, depredating or injurious birds may use, place, possess, or transport bird traps while conducting the authorized activities.

(f) Devices used to retain poultry or domesticated pigeons.

(3) Bird traps must be clearly labelled with the name, address, phone number and, if applicable, permit number of the person placing the trap outdoors.