68A-1.004 Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

(1) Airboat – Any boat, sled, sea skiff or swamp boat pushed, pulled or propelled by airpower generated by a motor of more than 25 horsepower.

(2) Alligator exhibit – A facility in which alligators are confined in such a manner that the general public may view the reptiles, with or without fee.

(3) Alligator farm – A facility in which alligators, hatchlings and eggs have been lawfully reduced to private control, confinement and possession and from which alligators, their hides, meat and products may be sold.

(4) Alligator hatchling – Any alligator that is less than nine inches in length measured in a straight line along the belly from the tip of the snout to the rear margin of the cloacal vent.

(5) All-terrain vehicle – An engine-powered vehicle with wheels or tracks of less than a 60-inch wheelbase measured from the center of the forward wheel or hub to the center of the rearmost wheel or hub.

(6) Amphibians – All members of the class Amphibia (for example frogs, toads, mudpuppies, newts and salamanders).

(7) Antlered deer – Any deer having one or more antlers at least five inches in length visible above the hairline.

(8) Antlerless deer – Any deer, except a spotted fawn, that is without antlers or whose antlers are less than five inches in length visible above the hairline.

(9) Antler point – Any antler projection that is at least one inch in length.

(10) Artificial bait – Any fish lure that is not a natural food for fish.

(11) Artificially propagated game – Game that is hatched or born and raised in captivity. The term “artificially propagated” is synonymous with the term “pen raised.”

(12) Bag limit – The maximum number of individual specimens of fish or wildlife which may lawfully be taken or possessed by one person in a specified time.

(13) Birds – The various forms of wildlife belonging to the class Aves, having both feathers and wings.

(14) Bird sanctuary – An area established for the protection of birds and other wildlife in which hunting is prohibited in developed areas in the interest of safety, unless otherwise provided by specific regulation of the Commission.

(15) Black bass – Any bass included in the genus Micropterus.

(16) Bow – A device consisting of flexible material having a string connecting its two ends for the purpose of discharging arrows; which propels arrows only by the energy stored by the drawing of the device; which has a minimum draw weight of 35 pounds; which is hand-held, hand-drawn and hand-released; which is not equipped with a device that can mechanically hold the bowstring in the drawn (ready to fire) position; and which may include mechanical bowstring release devices provided they are only hand-held.

(17) Bush hook – A single line with a single hook attached to a tree, bush, shore or other structure.

(18) Captive wildlife – Any wildlife, specifically birds, mammals, reptiles, and amphibians maintained in captivity for exhibition, sale, personal use, propagation, preservation, rehabilitation, protection or hunting purposes.

(19) Closed season – The calendar period during which the taking of freshwater fish or wildlife is prohibited.

(20) Commission – The Fish and Wildlife Conservation Commission, established pursuant to Article IV, Section 9, Florida Constitution.

(21) Common carrier – Railroad companies, airlines, water carriers, express companies, stage or bus companies, persons or companies operating stages, buses or airplanes, or any such person, firm, or corporation certified as a common carrier by the appropriate state or federal agency.

(22) Critical Incident – Any condition which results in the release or escape of captive wildlife from its enclosure, cage, leash, or other constraint.

(23) Critical wildlife area – An area established by the Commission which is regulated to minimize the adverse impact on wildlife due to man-caused disturbance or destruction.

(24) Crossbow – A device consisting of a bow affixed to a stock for discharging quarrels, bolts, or arrows and which utilizes a non-hand-held locking mechanism to maintain the device in a drawn or ready-to-discharge condition.

(25) Cub bear – A bear that is less than 100 pounds whole (ungutted) or less than 75 pounds eviscerated (gutted) weight.

(26) Daylight hours – The time of day from one-half hour before sunrise until one-half hour after sunset.

(27) Disaster – A sudden calamitous event that causes great damage, loss or destruction. Examples include a hurricane, tornado or other severe storm, flood, wildfire, or any other similar natural disaster, terrorist act, biological or radiological event, or any other similar man made disaster.

(28) Executive director – The administrative head of the Commission.

(29) Falconry – The sport of taking quarry by means of a trained raptor.

(30) Fawn deer – Any native deer with visible spots.

(31) Florida Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida which are endangered and threatened under Commission rule as either:

(a) Federally-designated Endangered and Threatened species by virtue of designation as endangered or threatened by the United States Departments of Interior or Commerce under the Endangered Species Act, 16 U.S.C. § 1531, et seq. and rules thereto; or

(b) As a State-designated Threatened species. Florida Endangered and Threatened species retain their status regardless of subsequent changes in scientific nomenclature or subsequent identification of species or subspecies within the species listed.

(32) Freshwater fish – All of the species that are indigenous to fresh water.

(33) Freshwater game fish:

(a) The following members of the Genus Micropterus:

1. Largemouth bass (Micropterus salmoides).
2. Shoal bass (Micropterus cataractae).
3. Suwannee bass (Micropterus notius).
4. Spotted bass (Micropterus punctulatus).

(b) The following members of the Genus Pomoxis:

1. Black crappie (Pomoxis nigromaculatus).
2. White crappie (Pomoxis annularis).

(c) The following fishes commonly called panfish:

1. Bluegill (Lepomis macrochirus).
2. Redear (Lepomis microlophus).
3. Redbreast (Lepomis auritus).
4. Flier (Centrarchus macropterus).
5. Warmouth (Lepomis gulosus).
6. Longear (Lepomis megalotis).
7. Mud sunfish (Acantharchus pomotis).
8. Shadow bass (Ambloplites ariommus).
9. Spotted sunfish (Lepomis punctatus).

(d) Freshwater white bass (Morone chrysops).

(e) Striped bass (Morone saxatilis).

(f) White bass-striped bass hybrid and its reciprocal known locally as sunshine bass.

(g) All members of the genus Cichla commonly known as peacock bass including the butterfly peacock (Cichla ocellaris) and speckled peacock (Cichla temensis).

(34) Fish management area – A pond, lake, or other body of water established for the management of freshwater fish, on which public fishing or other outdoor recreation is permitted in accordance with regulations specifically provided for each individual area.

(35) Furbearers – Raccoon, opossum, skunk, nutria, beaver, coyote, fox, bobcat, otter, mink, weasel, and round-tailed muskrat.

(36) Game – Game mammals and game birds.

(37) Game birds – Wild turkey, quail, rails, snipe, woodcock, ducks, geese, brant, dove, coot, common moorhen, and non-native species generally considered game such as pheasant, chukar partridge, and coturnix quail.

(38) Game farm – An area or establishment where game is produced by artificial propagation.

(39) Game mammals – Deer, gray squirrel, bear, rabbits, and non-native species generally considered game such as elk, antelope and buffalo.

(40) Gun – Shotgun, rifle, pistol, revolver, air gun, gas gun, blow gun, bow, crossbow, or any other device mechanically

propelling an arrow, spear, or other projectile.

(41) Legal game – Antlered deer, gray squirrel, rabbit, quail, rail, snipe, woodcock, duck, dove, geese, coot and common moorhen during open seasons established for each species by Rule 68A-13.003, 68A-13.004 or 68A-13.008, F.A.C., unless otherwise stipulated for a particular species in a regulation established for a specific wildlife management area, wildlife and environmental area, public small game hunting area or public use areas.

(42) Light – Any artificial light for use in taking wildlife or freshwater fish.

(43) Mammals – Wildlife belonging to the class Mammalia, having hair and feeding their young on milk.

(44) Migratory birds – All birds included in the Migratory Bird Treaty Act, 16 U.S.C. 703-711.

(45) Migratory game birds – Ducks, geese, brant, rail or marsh hen, coot, common moorhen, snipe, woodcock and doves.

(46) Muzzleloading gun – A firearm that cannot be loaded from the breech and is fired by wheel lock, flintlock, percussion cap, or centerfire primer.

(47) Non-game fish – All freshwater fish species, except grass carp, not listed in subsection 68A-1.004(32), F.A.C., as freshwater game fish.

(48) Non-performing wildlife – Wildlife which is exhibited to the public in a mobile cage or enclosure and is not removed from such enclosure for regular exercise or performing activities.

(49) Non-protected birds – English sparrow and starling.

(50) Non-protected mammals – armadillo, black or norway rat, and house mouse.

(51) Nuisance wildlife – Wildlife that causes or is about to cause property damage, presents a threat to public safety, or wildlife causing an annoyance within, under or upon a building.

(52) Open season – The calendar period during which freshwater fish or wildlife may be lawfully taken.

(53) Performing wildlife – Wildlife that is rehearsed, controlled, or monitored by a trainer and can accomplish a consistent routine conducted under the discipline of the trainer.

(54) Permanent blind – anything that provides shelter, cover, or place of concealment for a person, but does not include any rooted vegetation or a shelter, cover, or place of concealment remaining in place only while the person is present.

(55) Person – The word “person” as used in these rules shall have the same meaning as in Section 1.01, F.S.

(56) Personal pet – Wildlife maintained in captivity primarily for personal use or enjoyment.

(57) Possession – The word “possession” whenever used in these rules shall mean any one of the following:

(a) Manual possession.

(b) Physical possession.

(c) Control or custody.

(d) Possession in one’s clothing, attire or equipment.

(e) Possession in or about a vessel, vehicle or beast of burden under one’s custody or control, including but not limited to compartments, drawers, pockets, trunks, and similar places in and about such vessel, vehicle, or beast of burden.

(58) Possession limit – The maximum number of individual specimens of freshwater fish or wildlife which may be lawfully possessed.

(59) Prepared alligator meat – Alligator meat that is cooked or cured in a manner allowing it to be consumed by humans without further preparation.

(60) Private lands – Lands not owned by, or under any contractual use agreement with, any governmental body.

(61) Private hunting preserve – An area designated and licensed by an individual or concern on which artificially propagated game is taken.

(62) Private pond – Any man-made body of water that is located entirely within the property of the owner of the water body and has no surface water connection to public waters.

(63) Raptor – A bird which is a member of the Accipitridae (except the bald eagle) or Falconidae family; or a great horned owl.

(64) Regions – The following geographical portions of the state:

(a) Southwest Region: Charlotte, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota counties.

(b) North Central Region: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Suwannee, Taylor and Union counties.

(c) Northwest Region: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton and Washington counties.

(d) South Region: Broward, Collier, Dade, Glades, Hendry, Martin, Monroe, Okeechobee, Palm Beach and St. Lucie counties.

(e) Northeast Region: Brevard, Flagler, Indian River, Lake, Marion, Orange, Osceola, Putnam, Seminole, Sumter, St. Johns and Volusia counties.

(65) Relative – An individual who is related as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother, or half sister.

(66) Reptiles – All members of the class Reptilia (for example, alligators, caimans, crocodiles, turtles, lizards and snakes).

(67) Reptiles of Concern – As designated by the Commission, any member of the class Reptilia, including subspecies, taxonomic successors or hybrids thereof, which due to its nature, has habits or the potential to impact the environment, may be possessed and housed only in accordance with the regulations provided for reptiles of concern.

(68) Resident game birds – Wild turkey and quail.

(69) Restricted hunting area – An area established in which hunting is prohibited in developed areas in the interest of safety unless otherwise provided by specific permit.

(70) Rough fish – Common carp, gars, gizzard shad, threadfin shad, suckers, tilapia and bowfin.

(71) Sell – The transfer of property or other things to a buyer for an agreed price. The term shall include all lesser acts related thereto, such as attempting to sell, offering to sell, to barter, exchange, or trade.

(72) Set line – See bush hook.

(73) Small game – Game species other than deer, bear or wild turkey.

(74) Small game season – The calendar period during which small game may be taken, provided that migratory game birds may be taken only during seasons established under Rules 68A-13.003 and 68A-13.008, F.A.C.

(75) Snare – A trapping device consisting of a noose designed to capture wildlife.

(76) Snatch hook – Any device which includes one or more hooks used for the purpose of hooking fish other than in the mouth. A gaff hook used for landing fish taken by hook and line or rod and reel shall not be included in the meaning of the term.

(77) Special season – The calendar period during which specified game species may be hunted only by the use of a designated hunting device at a time other than the general hunting season for that species.

(78) Spring turkey season – The designated spring period during which only gobblers or bearded turkeys may be taken.

(79) Steel trap – Any mechanical device (other than a snare or a device commonly used to take nuisance moles, pocket gophers or household rodents) that is designed and used to take wildlife by seizing and holding a part of the body.

(80) Take – The term shall include taking, attempting to take, pursuing, hunting, molesting, capturing, or killing any wildlife or freshwater fish, or their nests or eggs by any means whether or not such actions result in obtaining possession of such wildlife or freshwater fish or their nests or eggs.

(81) To close – To prohibit the taking of wildlife or freshwater fish.

(82) To open – To permit the taking of wildlife or freshwater fish during the open season.

(83) Total length – In freshwater fish means the straight line distance from the most forward point of the head with the mouth closed to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

(84) Transport – Shipping, transporting, carrying, importing, exporting, receiving or delivering for shipment, transportation or carriage or export.

(85) Triploid grass carp – Freshwater fish also called white amur, belonging to the family Cyprinidae and known scientifically as Ctenopharyngodon idella, which have been genetically altered to contain three sets of chromosomes, thus rendering them functionally sterile. Only such fish as have been determined to be triploid by the producer using scientifically accepted methods and verified by the use of a Coulter Counter by the Commission or by the U.S. Fish and Wildlife Service are included in this definition.

(86) Trotline – A multiple hook and line device consisting of a main line to which shorter lines are attached at intervals.

(87) Untanned skin – Any skin or hide that has not been processed beyond the fleshed, salted or stretched stage.

(88) Venomous reptile – All members of the class Reptilia including their taxonomic successors, subspecies, or any hybrid thereof, regardless of surgical alteration, determined to have the potential to cause serious human injury due to the toxic effects of its venom or poison. Including all venomous reptiles of the class Reptilia belonging to the families Elapidae, Crotalidae, Viperidae, and Hydrophiidae; all reptiles in the genus *Heloderma*; and all reptiles in the family Colubridae belonging to the genera: *Rhabdophis*, *Boiga*, *Dispholidus*, *Thelatornis*, and *Atractapsis.*

(89) Wild hog – A hog that is free-roaming and which cannot be legally claimed as a domestic hog in private ownership.

(90) Wildlife – All wild or non-domestic birds, mammals, fur-bearing animals, reptiles and amphibians.

(91) Wildlife and environmental area – Endangered or environmentally unique habitats which shall have as their primary management objective the protection and conservation of their endangered or unique resources. Outdoor recreation will be specifically provided for in regulations established for each area when such use does not conflict with the primary management objectives.

(92) Wildlife management area – An area of private or public ownership established for the management of wildlife or freshwater fish on which hunting, fishing or other outdoor recreation may be permitted only at such times and under such regulations as are specifically provided for each individual area.

Wildlife management area – Such an area upon which the users are subject to the management area stamp requirements of Section 379.354, F.S., excluding lands owned by the United States of America, Department of Defense.

(93) Wildlife refuge – An area within which the taking of wildlife is prohibited and the taking of freshwater fish is prohibited when so provided by the order establishing the refuge.

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