

Rules related to Florida Black Bears (updated 08/26/2019)

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.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06, 4-1-07, 7-1-08, 10-23-08, 7-1-10, 11-8-10, 1-1-11, 4-9-13, 7-29-15.

68A-4.001 General Prohibitions.

(1) No wildlife or freshwater fish or their nests, eggs, young, homes or dens shall be taken, transported, stored, served, bought, sold, or possessed in any manner or quantity at any time except as specifically permitted by these rules nor shall anyone take, poison, store, buy, sell, possess or wantonly or willfully waste the same except as specifically permitted by these rules.

(2) The use of gasoline or any other chemical or gaseous substances to drive wildlife from their retreats is prohibited.

(3) Intentionally placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts coyotes, foxes or raccoons and in a manner that is likely to create or creates a public nuisance is prohibited.

(4)(a) Intentionally feeding bears is prohibited except as provided for in this Title.

(b) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage that attracts bears and is likely to create or creates a nuisance is prohibited after receiving prior written notification from the Commission.

(5) The intentional feeding or the placement of food that attracts pelicans and modifies the natural behavior of the pelican so as to be detrimental to the survival or health of a local population is prohibited.

(6) The intentional feeding of sandhill cranes is prohibited.

(7) The feeding of non-human primates is prohibited. Feeding includes the placement of food or garbage, allowing the placement of food or garbage, or offering food or garbage in a manner that attracts non-human primates.

(8) No person shall take or assist in taking wildlife using a method that involves remote control aiming and discharging of a gun when that person is not physically present at the location of that gun.

(9) Unless otherwise specifically provided in this Title, non-protected mammals and non-protected birds may be taken throughout the year, without restrictions.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-4.01, Amended 4-1-96, Formerly 39-4.001, Amended 5-13-02, 7-1-04, 7-1-08, 7-29-15, 8-6-15, 2-11-18

68A-4.004 Possession of Wildlife or Freshwater Fish or the Carcasses Thereof.

(1) Whenever the taking or possession of wildlife or freshwater fish is prohibited, the possession of any carcass or portion of the carcass of such wildlife or freshwater fish is prohibited. The possession of any wildlife or freshwater fish showing evidence of being taken by any unlawful method is prohibited. Wildlife or freshwater fish lawfully taken during the open season and properly identified

may be possessed and stored in freezers or freezer lockers except when otherwise provided in Rule 68A-12.004 or 68A-23.006, F.A.C.

(2) No person shall possess the carcass or parts thereof of any member of the species *felis concolor* (cougar or panther), unless such carcass or parts thereof is of an animal for which possession was permitted under Rule 68A-6.002 or 68A-6.0011, F.A.C., or was lawfully acquired outside this state and is possessed in accordance with subsection 68A-12.004(10), F.A.C.

(3) Black bass, striped bass and white bass or their hybrids, peacock bass, or black crappie and panfish (for black crappie and panfish, only in waters where minimum-length or slot-size limits for these fish apply) may not be filleted, nor their head or tail fin removed, until the angler has completed fishing for the day.

(4) The prohibition in subsection (1) does not apply to deer carcass or parts thereof from a deer that was killed by accidental collision with a vehicle.

(5) No person shall possess the carcass or parts thereof of any black bear, unless such carcass or parts thereof is of an animal for which possession was permitted under Chapter 68A-6, F.A.C. or was legally taken or acquired and is possessed in accordance with subsection 68A-12.004(12), F.A.C.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-4.04, Amended 5-10-87, 7-1-89, 7-1-96, Formerly 39-4.004, Amended 7-1-00, 7-1-10, 7-29-15.

68A-4.009 Florida Black Bear Conservation.

(1) No person shall take, possess, injure, shoot, collect, or sell black bears or their parts or to attempt to engage in such conduct except as authorized by Commission rule or by permit from the Commission.

(2) The Commission will issue permits authorizing intentional take of bears when it determines such authorization furthers scientific or conservation purposes which will benefit the survival potential of the species or to reduce property damage caused by bears. For purposes of this rule, activities that are eligible for a permit include:

(a) Collection of scientific data needed for conservation or management of the species;

(b) Taking bears that are causing property damage when no non-lethal options can provide practical resolution to the damage, and the Commission is unable to capture the bear.

(3) The Commission authorizes members of the public to take a bear in an attempt to scare a bear away from people using methods considered non-lethal. Staff shall authorize specific methods and situations that qualify for this authorization at <http://MyFWC.com/bear/>.

(4) The Commission will provide technical assistance to land owners and comments to permitting agencies in order to minimize and avoid potential negative human-bear interactions or impacts of land modifications on the conservation and management of black bears. The Commission will base its comments and recommendations on the goals and objectives of the approved Florida Black Bear Management Plan. The plan can be obtained at <http://MyFWC.com/bear/>.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV., Sec. 9, Fla. Const., 379.1025 FS. History—New 8-23-12, Amended 7-29-15.

68A-9.012 Take of Wildlife on Airport Property.

Any airport may take wildlife on airport property for the purpose of ensuring aircraft and human safety in accordance with this rule. An airport or other entity owning or operating an airport as defined in Section 330.27(2), F.S., or their officers, employees, contractors (or employee of a contractor) or member of the airport's governing body as referenced in Section 379.2293(5), F.S., may carry out the activities specified in this rule. Notwithstanding the provisions of this section, the executive director or a designee may issue permits authorizing the take of additional species of wildlife, additional methods of take or alternative forms of disposition and transportation for justifiable purposes pursuant to Rule 68A-9.002, F.A.C., provided authorizations shall be denied or revoked upon reasonable conclusion that the requested or permitted activity would be detrimental to fish and wildlife resources or public health and safety.

(1) The taking and disposition of species, including eggs, regulated by the United States Departments of Interior or Commerce in 50 C.F.R. §10.13 (Migratory Birds), 50 C.F.R. §17.11 and §17.12 (Threatened and Endangered Species), 50 C.F.R. §22 (Bald Eagle), 50 C.F.R. §223.102 and §224.102 (Marine Species), is allowed pursuant to appropriate federal permit or other federal authorization. No additional Commission authorization is required.

(2) The following paragraphs control the take of black bears and species described in Chapter 68A-27, F.A.C., except species described in subsection (1):

(a) Any of these species may be harassed by persistent, non-injurious disturbance without physical capture or direct handling to disperse wildlife when the wildlife poses an imminent threat to aircraft and human safety.

(b) Any of these species and their eggs may be otherwise taken when:

1. The wildlife poses an imminent threat to aircraft and human safety; and,

2. A situation requires an emergency response which does not allow time for paragraph (2)(a), or

3. Attempts using paragraph (2)(a), have been documented as unsuccessful and when:

a. The airport is implementing a Federal Aviation Administration approved wildlife hazard management plan or military bird/animal aircraft strike hazard plan; and,

b. The airport has made habitat management alteration that has eliminated or significantly reduced hazardous wildlife attractants on airport property.

(c) Wildlife burrows, including burrowing owl and gopher tortoise burrows, within the safety area as defined in 14 C.F.R. §139.5 may be destroyed after or while all existing burrowing owl and gopher tortoise(s) within the burrows are flushed or live captured.

(d) Wildlife nests may be destroyed when wildlife and eggs are no longer present or have been taken as authorized in subsection (1) or (2).

(3) Notwithstanding any provision of Commission rule, an airport authority may take all other wildlife not described in subsections (1) and (2), on airport property if their presence poses a potential threat to aircraft and human safety.

(4) Notwithstanding any provision of Commission rule, wildlife in subsections (2) and (3), taken pursuant to this rule may be taken by any method except the following:

(a) Poison, other than those pesticides that are registered by the Florida Department of Agriculture and Consumer Services without additional authorizations and are only used in a manner consistent with the product labeling.

(b) Leg hold traps except those commercially manufactured padded-jaw traps.

(c) Traps, nets and snares unless they are visited at intervals not exceeding 24 hours.

(d) Any method prohibited pursuant to Section 828.12, F.S.

(e) Live capture of any deer, except Key deer as authorized by subsection (1).

(f) The killing of gopher tortoises is prohibited.

(5) Disposition of live-captured wildlife.

(a) Any species described in subsection (2), live captured shall be immediately released provided the release site and capture site are located on a contiguous piece of airport property or a permit or authorization has been obtained from the Commission for off-site release or alternative forms of disposition.

(b) Any species described in subsection (3), live captured by any method shall be released or euthanized within 24 hours following capture or inspection of a trapping device containing wildlife except,

1. Wildlife may only be released if:

a. The wildlife is released on the property of the airport provided the release site and capture site are located on a contiguous piece of property, or

b. The wildlife is a native species; and,

c. The property where the animal is to be released is located within the county of capture and is a minimum of 40 contiguous acres; and,

d. The person releasing the wildlife is in possession, at time of release, of written permission from the property owner allowing such action.

2. Euthanasia of wildlife shall be humane as defined by the American Association of Zoo Veterinarians or the American Veterinary Medical Association.

3. Euthanasia of any live captured bobcat is prohibited and any live captured bobcat shall be released as provided in subparagraph 1.

(6) Transportation of wildlife.

(a) Live-captured wildlife described in subsection (3), may be transported pursuant to this subsection only for:

1. The purpose of euthanasia as provided in subsection (5), or

2. The purpose of release as provided in subsection (5).

(b) Transportation of wildlife authorized by this subsection shall not supersede the provisions of any rabies alert or area quarantine issued by County Health Departments or County Animal Services.

(7) Wildlife described in subsections (2) and (3), that is killed pursuant to this rule or parts of that wildlife shall not be retained for personal use and shall be buried or incinerated.

(8) Any take that kills wildlife described in subsection (2), shall be reported by the airport. An Airport Wildlife Incident Report (Form FWC-AWIR 01-2013, herein incorporated by reference) must be submitted to the Commission within 5 business days. The form is available at MyFWC.com or <http://www.flrules.org/Gateway/reference.asp?No=Ref-03696> and must be submitted to the Protected Species Permit Coordinator, 620 S. Meridian Street, Mail Station 2A, Tallahassee, FL 32399-1600 or by email at AirportIncidents@myFWC.com.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-27-10, Amended 2-13-14.

68A-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing.

Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

(1) Limited entry (special hunting and fishing) opportunities for which special-use permits are required shall be established by rule or, for small-game areas, by order of the Executive Director pursuant to Rule 68A-13.007, F.A.C., subject to the following provisions:

(a) Special-opportunity hunting and fishing shall be established on land owned, leased or managed by the Commission or the State of Florida based on its suitability as determined by relative abundance of fish and game species, habitat availability, and accessibility of the area for public use.

(b) There shall be no exemptions to the requirement for a special-use permit for limited entry (special hunting and fishing) opportunities.

(c) A management area permit shall not be required for special-opportunity hunting or fishing.

(d) Special-use permits shall be valid only for the dates and times specified on the permit.

(e) Special-use permits shall be transferable, except that special-use bear permits shall not be transferable and special-opportunity dove hunt permits shall not be transferable after the date and time they become effective.

(2) The Commission establishes fees for special-use permits and non-refundable application fees for limited entry (special hunting and fishing) opportunities as follows:

(a) Special-opportunity hunting and fishing permits:

1. Except as otherwise provided in this paragraph, the fee for a special-opportunity deer hunt permit is \$175 for 7 days and the application fee is \$5.

a. The fee for a special-opportunity deer hunt permit for Ft. Drum Wildlife Management Area is \$50.

b. The fee for a special-opportunity deer hunt permit for Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$100 each.

2. Except as otherwise provided in this paragraph, the fee for a special-opportunity turkey hunt permit is \$175 for 7 days and the application fee is \$5.

a. The fee for a special-opportunity turkey hunt permit for Ft. Drum WMA is \$50.

b. The fee for a special-opportunity turkey hunt permit for Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$100 each.

3. The fee for a special-opportunity dove hunt permit is \$35 per day. Under a special-opportunity dove hunt permit, one minor under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in Section 790.22, F.S., provided that the permittee and minor collectively may take only one daily bag limit. Notwithstanding other provisions in this chapter, the minor shall be considered to be in possession of a permit for the purpose of access to the special-opportunity dove hunt.

4. The fee for a special-opportunity dove hunt combination permit is \$45 per day. Under the combination permit, one minor under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in Section 790.22, F.S., provided that the permittee and the minor may each take one daily bag limit of doves. Notwithstanding other provisions of this chapter, the minor shall be considered to be in the possession of a permit for the purpose of access to the special-opportunity dove hunt.

5. The fee for an annual special-opportunity dove field permit is \$150. Under the annual permit, one minor child under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in

Section 790.22, F.S., provided that the permittee and minor may each take one daily bag limit of doves. This permit shall be non-transferable and shall be valid only for the dove field specified. A minimum of one-half of the daily quota for each special-opportunity dove field will be available as annual permits.

6. Except as otherwise provided in this paragraph, the fee for a special-opportunity hog hunt permit is \$50 per day and the application fee is \$5.

7. The fee for a special-opportunity fishing permit is \$50 per day and the application fee is \$5.

8. The fee for a special-opportunity quail hunt permit is \$100 per day and the application fee is \$5.

9. The fee for a special-opportunity released-quail hunt permit is \$100 for 4 days, and the application fee is \$5.

(b) Special-use bear permit:

1. The fee for a special-use bear permit for a resident to take bears in this state pursuant to Rule 68A-13.004, F.A.C., is \$100.

2. The fee for a special-use bear permit for a non-resident to take bears in this state pursuant to Rule 68A-13.004, F.A.C., is \$300.

3. There shall be no application fee for a special-use bear permit and applications must be submitted by 11:59 p.m. the day prior to the bear season as established in Rule 68A-13.004, F.A.C.

(3) Short-term use permits are hereby established to hunt, fish or otherwise use for any outdoor recreational purposes, land owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission as specified below. Such permits are required for these uses on the specified areas in addition to other licenses, permits and stamps required by law, except that short-term permits shall not be required for persons possessing an annual management area permit and as otherwise specified below.

(4) The Commission establishes short-term permits and fees as follows:

(a) Tenoroc Fish Management Area.

1. A daily-use permit is \$3.

2. For groups of 25 to 100 people, a daily-use permit is \$75.

3. For groups of 101 people or more, a daily-use permit is \$150.

4. The following persons are excluded from the management area permit or short-term use permit requirements:

a. Persons participating in Commission-sponsored meetings or activities.

b. Persons exempt from management area permit requirements by Section 379.353, F.S.

(b) Andrews WMA, Three Lakes WMA, Fred C. Babcock/Cecil M. Webb WMA, Chassahowitzka WMA, J.W. Corbett WMA, and those portions of Hilochee WMA in Lake county.

1. A daily-use permit for outdoor recreational activities other than hunting is \$3 per person or \$6 per non-commercial vehicle.

2. For groups of 25 to 100 people, a daily-use permit is \$75.

3. For groups of 101 people or more, a daily-use permit is \$150.

4. A daily-use permit shall not be required for persons participating in Commission-sponsored meetings or activities.

5. A daily-use permit shall not be required for persons using the Florida Trail for through-hiking.

6. A daily-use permit shall not be required for persons exempt from management area permit requirements by Section 379.353, F.S.

7. A daily-use permit shall not be required for the spouse or dependent children of persons in possession of a management area permit while traveling in the same vehicle or in the company of the permit holder.

(c) Tosohatchee WMA.

1. A daily-use permit for all outdoor recreational activities (including camping) other than hunting is \$4 per person.

2. For bicyclists and pedestrians, a daily-use permit is \$1.

3. For groups of 25 or more people, a daily-use permit is \$50.

4. A daily-use permit shall not be required for persons participating in Commission-sponsored meetings or activities.

5. A daily-use permit shall not be required for persons using the Florida Trail for through-hiking.

6. A daily-use permit shall not be required for persons exempt from management area permit requirements by Section 379.353, F.S.

7. A daily-use permit shall not be required for the spouse or dependent children of persons in possession of a management area permit while traveling in the same vehicle or in the company of the permit holder.

(d) To facilitate certain recreational activities including, but not limited to, public shooting ranges, camping, and paddling, short-term permit fees may be established and administered through negotiated contracts with private vendors in accordance with Chapter

287, F.S. Such short-term permit fees established in this manner, shall be required in lieu of an annual management area permit or other short-term use permits.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354 FS. History—New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00, 5-13-02, 7-1-06, 8-22-06, 7-1-07, 7-1-08, 7-1-10, 4-1-15, 7-29-15.

68A-9.010 Taking Nuisance Wildlife.

Any person owning property may take nuisance wildlife or they may authorize another person to take nuisance wildlife on their behalf except those species listed in subsection (1) below on their property by any method except those methods listed in subsection (2) below. Persons responsible for government owned property are considered “landowners” for the purpose of this rule. Notwithstanding the provisions of this section, the executive director or a designee may issue permits authorizing the take of additional species of wildlife, additional methods of take or alternative forms of disposition and transportation for justifiable purposes pursuant to Rule 68A-9.002, F.A.C., provided authorizations shall be denied or revoked upon reasonable conclusion that the requested or permitted activity would be detrimental to fish and wildlife resources or public health and safety.

(1) Wildlife that may not be taken as nuisance wildlife:

(a) Species listed in Chapter 68A-27, F.A.C.

(b) The following mammals:

1. Black bear.

2. Deer.

3. Bats – Except that bats may be taken either when:

a. The take is incidental to the use of an exclusion device, a device which allows escape from and blocks re-entry into a roost site located within a structure, or incidental to the use of a registered chemical repellent, at any time from August 15 to April 15 or

b. The take is incidental to permanent repairs which prohibit the egress of bats from a roost site located within a structure provided an exclusion device as described in sub-subparagraph a. above is used for a minimum of four consecutive days/nights for which the low temperature is forecasted by the U.S. National Weather Service to remain above 50° F prior to repairs and during the time-period specified.

4. Bobcat – Except that a bobcat may be taken, as provided by subsections (2), (3) and (4) below, when it causes or is about to cause property damage, or presents a threat to public safety. Euthanasia of any live captured bobcat is prohibited and any live captured bobcat shall be released as provided by subsection (3).

(c) The following birds:

1. All birds listed in 50 C.F.R. §10.13 as protected by the Migratory Bird Treaty Act unless the take is authorized by the U. S. Fish and Wildlife Service by a permit or depredation order.

2. Bobwhite quail.

3. Wild turkey.

(2) Methods that may not be used to take nuisance wildlife:

(a) Gun and light.

(b) Steel traps.

(c) Live traps and snares unless they are visited at intervals not exceeding 24 hours.

(d) Poison, other than those pesticides that are registered by the Florida Department of Agriculture and Consumer Services without additional authorizations and are only used in a manner consistent with the product labeling.

(e) Bat exclusion devices or any other intentional use of a device or material at a roost site which may prevent or inhibit the free ingress and/or egress of bats from April 16 through August 14.

(f) Any method prohibited pursuant to Section 828.12, F.S.

(3) Disposition of live-captured nuisance wildlife.

(a) Wildlife live captured by any method shall be released or euthanized within 24 hours following capture or inspection of a trapping device containing wildlife, provided any species described in subsection (1) above or any non-target wildlife shall be released immediately at the site of capture.

(b) Nuisance wildlife may only be released if:

1. The nuisance wildlife is released on the property of the landowner provided the release site and capture site are located on one contiguous piece of property; or
2. The nuisance wildlife is a native species; and
3. The property where the nuisance animal is to be released is located within the county of capture and is a minimum of 40 contiguous acres; and
4. The person releasing the nuisance wildlife is in possession, at time of release, of written permission from the property owner allowing such action.

(c) Euthanasia of nuisance wildlife shall be humane as defined by the American Association of Zoo Veterinarians or the American Veterinary Medical Association.

(d) The provisions of this subsection shall not prohibit the personal possession of wildlife as authorized by subsection 68A-6.0022(2), F.A.C.

(4) Transportation of nuisance wildlife.

(a) Live-captured nuisance wildlife may be transported under authority of this section only for:

1. The purpose of euthanasia as provided in subsection (3) above; or
2. The purpose of release as provided in subsection (3) above.

(b) Transportation of wildlife authorized by this section shall not supersede the provisions of any rabies alert or area quarantine issued by County Health Departments or County Animal Services.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-08, Amended 7-1-10, 7-27-10.

68A-12.002 General Methods of Taking Game and Crows; Prohibitions.

(1) No person may take any game or crows except as herein provided.

(2) Game and crows may be taken only during the daytime between one-half hour before sunrise and one-half hour after sunset in the open season established by the Commission, provided that the hours in which the taking of gobblers or bearded turkeys is permitted during the spring season shall be from one-half hour before sunrise until sunset and that the hours in which the taking of migratory game birds is permitted shall be as specified in Rules 68A-13.003 and 68A-13.008, F.A.C.

(3) Resident game birds, crows or game mammals may be taken with any of the following:

(a) Shotgun.

(b) Rifle, revolver or pistol, except that:

1. No fully automatic firearm may be used.

2. Firearms using any rimfire cartridge are prohibited for taking deer or bear.

3. The use of non-expanding, full metal case (military ball) ammunition is prohibited for taking deer or bear.

4. No centerfire semi-automatic rifle having a magazine capacity of more than five rounds may be used.

5. Muzzleloading guns of less than .40 caliber firing a single bullet or of less than 20 gauge firing two or more balls, are prohibited for taking deer or bear.

6. The take of game specified for any muzzleloading gun season with any gun other than a bow, crossbow or muzzleloading gun is prohibited except this subparagraph shall not limit the methods of take of game specified for any coinciding season.

(c) Air guns may be used to take gray squirrel and rabbit only.

(d) Falcon.

(e) Bow or crossbow, except that:

1. Any arrow or bolt used to take deer, bear or turkey shall be equipped with a broadhead that has a minimum of two sharpened edges with a minimum width of 7/8 inches.

2. The take of game specified for any archery season with any gun other than a bow or crossbow is prohibited during any special archery season except this subparagraph shall not limit the methods of take of game specified for any coinciding season.

3. The take of game specified for any crossbow season with any gun other than a bow or crossbow is prohibited except this subparagraph shall not limit the methods of take of game specified for any coinciding season.

(f) Dogs may be used as an aid to taking game unless otherwise prohibited.

(4) Migratory game birds may be taken with any of the following:

(a) Shotgun – Shotguns used for taking migratory game birds shall be not larger than 10 gauge and incapable of holding more than three shells in magazine and chamber combined.

(b) Falcon.

(c) Bow or crossbow.

(5) Game may be taken from stationary, drifting or manually-propelled watercraft including sail or motor-powered vessels, provided the motor is shut off or the sails furled and the vessel's progress from such motor or sail has ceased.

(6) Resident game birds and game mammals may be taken from stationary vehicles.

(7) The taking of fawn deer, cub bear, bear with one or more cub bear, panther or swimming deer is prohibited.

(8) No person shall:

(a) Possess or use arrows or bolts having explosive or drug-administering heads while taking game or crows.

(b) Take any game or crows with a bow equipped with sights or aiming devices with electronic computational capabilities or light projection (laser) features during any archery season.

(c) Take any game or crows from a moving motorized vehicle, aircraft or boat (except as provided in subsection 5 hereof), or use such vehicle, aircraft or boat to herd or drive game or crows.

(d) Take game or crows in the South Region from any tracked vehicle not in compliance with Rule 68A-11.005, F.A.C., or possess any bow and arrow on an airboat during any early archery season in Dade County.

(e) Take or attempt to take any game with the aid of live decoys, recorded game calls or sounds, set guns, artificial light, net, trap, snare, drug, or poison.

(f) Take any game on any land or waters upon which corn, wheat, grain or any other food or substance has been deposited by other than normal agricultural harvesting or planting except as provided by subsection (9). Migratory game birds may be taken in accordance with regulations established by the U.S. Department of the Interior.

(g) Waste any game that has been wounded or killed by that person while hunting. For purposes of this paragraph, "waste" means to intentionally fail to make a reasonable effort to retrieve a wounded or killed animal and render it for consumption or use.

(h) Place, expose or distribute any soporific, anesthetic, tranquilizer, hypnotic or similar drug or chemical preparation by baits or by other means whereby game birds or game animals may be affected, unless authorized by written permit from the executive director.

(i) Take any turkey while it is on the roost.

(j) Take any game, using a gun, in that portion of Lake Seminole in Jackson County located east of County Road 271 and south of Apalachee Wildlife Management Area and north of Three Rivers State Park, as designated by posted signs.

(k) Take ducks, geese, mergansers, or coots while the person is within 30 yards of any permanent blind or anything in violation of either Section 253.77 or 373.430(1)(b) or 403.161(1)(b), F.S., on Lake Miccosukee (Jefferson County), Lake Iamonia (Leon County), Lake Jackson (Leon County), or Carr Lake (Leon County).

(9)(a) Game feeding stations may be maintained for the purpose of propagating quail, turkey, and other wild game under natural conditions.

(b) Non-migratory game may be taken in proximity to game feeding stations which are maintained with feed (corn, wheat, grain or any other food substance deposited by other than normal agricultural harvesting or planting) throughout the year provided that each feeding station shall have been maintained at least six months prior to the taking of game in proximity thereof. Wild turkey may not be taken if the hunter is less than 100 yards from a game feeding station when feed is present. Bear may not be taken if the hunter or the bear is less than 100 yards from a game feeding station when feed is present.

(c) No processed food products may be used at game feeding stations in any area of the state with an established bear season. Processed food products are any food substance that has been modified by the addition of ingredients or by treatment to modify its chemical composition or form or to enhance its aroma or taste. This includes: food products enhanced by sugar, honey, syrups, oils, salts, spices, peanut butter, grease, meat, bones, or blood; candies, pastries, gum, and sugar blocks; and extracts of such products but does not include scented sprays or aerosols and scent powders.

(d) Notwithstanding (c) above, pelletized feeds, flavored corns or other grains, and mineral or vitamin supplements specifically and exclusively produced or marketed for feeding deer and commercially available feeds specifically and exclusively marketed for feeding swine (hogs) may be used at game feeding stations statewide.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-12.02, Amended 6-1-86, 4-11-90, 4-14-92, 4-20-93, 3-1-94, 3-30-95, 4-1-96, 12-28-98, Formerly 39-12.002, Amended 7-1-05, 7-1-06, 7-1-08, 10-23-08, 1-1-11, 7-1-13, 12-23-14, 7-29-15.

68A-12.003 Protection of Certain Deer and Turkey; Tagging of Deer, Bear, and Turkey; Evidence of Sex Required.

(1) It is unlawful for any person to take or possess any unbearded turkey hen during any gobbler season or any antlerless deer within the state unless authorized by these rules.

(2) Positive evidence of sex identification, including the head, shall remain on deer taken or killed within the state and on all turkey taken during any gobbler season when taking of turkey hens is prohibited so long as such deer or turkey is kept in camp or forest or is en route to the domicile of its possessor or until such deer or turkey has been cooked or stored at the domicile of its possessor.

(3) Deer and turkey may be dismembered in the field or camp but each portion shall have a tag affixed to it identifying the name, address, FWC Recreational Licensing Issuance Services Customer ID number (if a hunting license is required) of the person who killed it, the date and location at which it was taken, and shall be readily traceable to the portion of the animal bearing the sex identification.

(4) Positive evidence of sex identification in the form of testicles, penis, penis sheath, udder or vulva shall remain naturally attached to the carcass of all bear taken and shall remain attached until the bear is checked at a Commission designated check station.

(5) No bear shall be dismembered until checked at a Commission designated check station. Bear may be dismembered in the camp or field after being checked at a Commission designated check station but each portion shall have a tag affixed to it identifying the name, address, and FWC Recreational Licensing Issuance Services Customer ID number of the person who killed it.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-21-82, Formerly 39-12.03, Amended 4-11-90, Formerly 39-12.003, Amended 7-29-15.

68A-12.004 Possession or Sale of Birds or Mammals; Taxidermy Operations and Mounting Requirements.

(1) The possession for sale or the purchase or sale of birds, game mammals or the carcass or any part thereof whether produced in this state or transported from any other state or country is unlawful except as authorized herein.

(2) Game legally taken may be stored in public cold storage, refrigerators, ice houses or ice boxes when packaged or tagged and clearly marked with the owner's name and license number (if license is required).

(3) Lawfully taken game may be prepared and served at any public eating place to persons who have killed such game and are in possession of a valid hunting license, if license is required.

(4) Game produced on a licensed game farm may be sold and transported in the state at any time for any lawful purpose as herein provided.

(5) Game not native to the state, except those designated in subsections (6), (7), (10) and (12) of this rule, when lawfully acquired may be sold or transported in the state and said game may be served in restaurants or any other public eating places.

(6) Quail or any other bird that might be mistaken for quail when dressed for the market may not be sold except as provided in Rule 68A-12.006, F.A.C.

(7) The sale of deer (venison) is prohibited except:

(a) Live deer may be sold by licensed game farms and transported alive for propagation purposes only.

(b) Deer (venison) from species of deer not native to the state may be sold. Non-native deer (venison) may be sold uncooked to the public provided:

1. Non-native deer (venison) may only be sold uncooked when packaged in a tamper-proof container with a label stating "NON-NATIVE VENISON (species identified)." The label shall identify the species of deer contained in the container.

2. No person shall possess any venison for commercial consumptive purposes without being in possession of documentation that the venison is from non-native species produced on a licensed game farm or hunting preserve or otherwise legally acquired.

(c) This section shall not supersede any rules of any state or Federal agency or any laws regarding quality control, inspections, transportation, sale or regulation of foodstuff and meat products.

(8) The foregoing shall not prohibit the sale or purchase of articles manufactured from the heads, antlers, horns, hides, teeth and feet of lawfully taken game mammals, except black bear.

(9) When lawfully taken, the feathers or skins of non-protected or resident game birds or the skins of deer, squirrels or rabbits may be sold.

(10) The transportation or possession of a carcass, skull or untanned skin of any cougar is prohibited unless the cougar was legally taken or acquired and the carcass, skull or untanned skin of that cougar has attached thereto a tag bearing the name and address of the

possessor, and the date when and specific place where the cougar was taken or acquired. In addition the possessor of the carcass, skull or untanned skin shall have in his possession documentation that the cougar was legally taken, acquired or exported from the state or country of origin.

(11) Taxidermy operations and mounting requirements:

(a) Any person engaged in taxidermy shall tag all carcasses (whole specimens), untanned hides, and uncured animal parts of fish and wildlife, possessed or received with the name of the person taking or acquiring such fish or wildlife, the person's address, and date taken or acquired. As an alternative to individual tagging, persons engaged in taxidermy may choose to use a log book and numbering system. The log book shall contain the name of the person taking or acquiring such fish or wildlife, the person's address and the date taken or acquired. The carcass, untagged hide, or uncured animal part shall be assigned a number, which shall be affixed to the specimen so as to be readily identifiable and traceable to the log book information. The log book shall be kept on premises for inspection by Commission personnel.

(b) After fish or wildlife carcasses, hides, and parts have been cured or mounted, tagging or maintaining a log account is required only for the following:

1. All nongame migratory birds as listed in the Federal Migratory Bird Treaty Act and as adopted by Rule 68A-13.002, F.A.C.
2. All species listed by the Commission as Endangered or Threatened, and any Species of Special Concern for which there is no bag limit or open season established by the Commission or other state agency.
3. All furbearing animals or non-game mammals for which there is no established open season.
4. All alligators not tagged with CITES tags.
5. All fawn deer.

(c) Persons engaged in taxidermy shall not possess nor mount fish and wildlife carcasses listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., nor their parts (except for road-killed fox) without a permit from the Commission, except as provided herein. The procedure for obtaining permits for mounting shall be as follows:

1. Persons wishing to possess or mount such specimens or have such services performed, shall make application by letter to the Commission for such permit.
2. A dated copy of the letter of application shall be kept with the specimen, or the specimen shall be numbered and traceable to the letter of application kept in a log book.
3. The letter of application shall include a description of the specimen, an explanation of how the specimen was acquired, and the date of application.
4. The specimen shall not be maintained for over 90 days without a permit from the Commission.
5. Specimens for which permits are not issued for mounting shall be buried, incinerated, or otherwise disposed of as directed by Commission law enforcement personnel.

(d) The criteria for evaluation and issuance of permits for the mounting of protected species as listed in subparagraphs 68A-12.004(11)(b)1.-5., F.A.C., shall be as follows:

1. For nongame migratory birds – Permits are issued only for educational display purposes to schools, nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.
2. For listed species referenced in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C. – Permits are issued only in accordance with the requirements of subsections 68A-27.002, F.A.C.
3. For furbearing wildlife or nongame mammals – Permits are issued only when the specimen was legally acquired. No permit shall be required for road-killed fox.
4. For alligators – Permits for the mounting of untagged alligators are issued only for educational display purposes to schools or nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.
5. For fawn deer – Permits for the mounting of fawn deer for possession by private individuals or businesses are issued only where the fawn was legally acquired or for educational display in schools, nonprofit educational institutions, museums, or facilities operated by a municipal, county, state, or other public entity.

(e) No permit shall be required for the mounting of carcasses, green hides, or uncured parts of:

1. Frozen or preserved specimens of game birds, game mammals, or furbearing animals that were legally taken during the open season.
2. Specimens of game mammals except black bear, game birds, fox squirrel, otter, bobcat or mink that were killed on roads or highways.

(12) The sale or purchase of any bear carcass or any part thereof is prohibited. The sale or purchase of any taxidermal specimen of a black bear is prohibited. The sale or purchase of a taxidermal specimen of any other species of bear is prohibited unless it was legally taken or acquired and has attached thereto a tag bearing the name and address of the possessor and the date when and the specific place where it was taken or acquired. In addition the possessor of any taxidermal specimen of any bear shall have in his possession documentation that the specimen was legally taken, acquired, or exported from the state or country of origin. The possession or transportation of any carcass or untanned skin of any bear is prohibited unless it was legally taken or acquired and has attached thereto a Commission bear tag or a tag bearing the name and address of the possessor, the species, and the date when and specific place where it was taken or acquired. In addition the possessor of the carcass or untanned skin shall have in his possession documentation that it was legally taken, acquired or exported from the state or country of origin.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-5-84, Formerly 39-12.04, Amended 5-10-87, 6-8-87, 4-20-94, 8-7-97, Formerly 39-12.004, Amended 7-29-15.

68A-12.007 Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting.

(1) All dogs used for taking or attempting to take, trailing, pursuing, or molesting wildlife shall wear a collar or tag which shall legibly display the name and address of the owner of the dog. No person shall use any dog to take or attempt to take, trail, pursue or molest wildlife unless such dog is wearing a collar or tag displaying the information required above.

(2) The purpose and intent of this subsection is to empower the Fish and Wildlife Conservation Commission, upon the complaint of a landowner or lessee, to enforce against the unauthorized use of dogs for hunting. No person owning, having the care of, or using any dog shall permit such dog to trail, pursue or molest wildlife on the lands of another person without written permission from the landowner or lessee of said lands. Written permission shall be in the possession of each person using such dog on the lands of another person, and shall be presented for inspection upon request of any Commission wildlife officer or other law enforcement officer as referred to in subsection 68A-3.002(3), F.A.C.

(3)(a) The purpose and intent of this subsection is to implement registration requirements for use of dogs to take deer on private lands.

(b) Registration –

1. No person shall use dogs to take, attempt to take, trail, pursue or molest deer on any privately-owned property unless such property has been registered with the Commission as set forth under this subsection. Privately-owned property shall be registered by the landowner(s), lessee, or other person designated by the landowner(s) via written permission as required under subsection (2) of this section. Individuals may register an aggregate of private lands including different ownerships under one registration. No more than one registration shall be in effect for each parcel of land at any given time. Registration shall not be required for use of dogs on leashes for trailing wounded game.

2. Applications for registering private lands for taking deer with dogs shall be on such form as prescribed by the Commission and shall include: a written description of the property boundaries and map showing property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a copy of a lease for hunting rights or written permission as required under subsection (2) of this section where the landowner is not the applicant, and other information pertaining to the proposed activity necessary for registration issuance and enforcement of this rule.

(c) Requirements –

1. Each registration issued pursuant to this subsection shall include a registration number. In addition to requirements under subsection (1) of this section, no person shall use any dog for taking, attempted taking, trailing, pursuing or molesting deer unless such dog is wearing a collar or attachment to the collar legibly displaying the entire registration number specific to the registered property where said use of the dog is occurring.

2. No person using any dog for taking or attempting to take, trailing, pursuing, or molesting deer shall allow a dog off the registered property, whether intentionally or negligently.

3. No person shall participate in taking, attempted taking, trailing, pursuing or molesting deer on any privately-owned property unless such person is in possession of a copy of the registration for said privately-owned property.

(4) No person owning or having the care of any dog shall knowingly or negligently permit such dog to trail, pursue or otherwise molest game during the closed season except as herein provided.

(5) Bird dogs may be trained during the closed season for taking quail with the aid of a pistol firing a blank or a solid ball or as

provided by Rule 68A-12.008, F.A.C.

(6) Deer dogs may be trained during the closed season for taking deer when such dogs are constantly attached to a leash or rope in the hands of the trainer. Deer dogs may be allowed to run free for training purposes only during the period beginning 35 days prior to the first day of the antlered deer season and closing 19 days thereafter, except in Zone D when the period shall begin the last Saturday of October and continue for 19 days thereafter. Taking wildlife with any gun while training deer dogs is prohibited.

(7) No field trials for dogs shall be conducted on any wildlife management area without Commission permit, except that a permit from the applicable landowner or primary area manager shall constitute sufficient authorization on wildlife management areas not owned by the Commission and having a designated field trial area. Participation in organized field trials shall not constitute hunting.

(8) During archery or muzzleloading gun season dogs on leash may be used for trailing wounded game mammals.

(9) While archery or muzzleloading gun hunting during special seasons the taking of deer or wild hog by the use or aid of dogs is prohibited.

(10) Taking turkey by aid of a dog is prohibited at any time.

(11) Taking bear by aid of a dog is prohibited except that dogs on leash may be used for trailing shot bear.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-27-83, 7-5-84, 7-1-85, Formerly 39-12.07, Amended 4-11-90, 3-1-94, 7-1-94, 9-7-97, Formerly 39-12.007, Amended 12-9-99, 8-22-04, 7-17-05, 7-1-08, 7-1-10, 7-29-15.

68A-13.0001 Definitions.

When used in this rule chapter, the terms and phrases listed below have the meaning provided:

(1) Deer management unit (DMU) – The following geographical portions of the state, less any lands established by the Commission pursuant to Rule 68A-14.001, F.A.C.:

(a) DMU A1 – That portion of Zone A located east and south of County Road 835, east and north of County Road 833/Josie Billie Rd/Snake Road, east of the eastern boundary of Big Cypress National Preserve south of Interstate 75, and east of the western boundary of Dade County south of Big Cypress National Preserve.

(b) DMU A2 – That portion of Zone A located south of County Road 886/Golden Gate Parkway west of Interstate 75, south of Interstate 75 west of the State Road 29, east of State Road 29 south of the northern boundary of Big Cypress National Preserve, west of the eastern boundary of Big Cypress National Preserve, and west of the western boundary of Dade County south of the Big Cypress National Preserve.

(c) DMU A3 – That portion of Zone A located north of County Road 886/Golden Gate Parkway west of Interstate 75, north of Interstate 75 west of State Road 29, east of State Road 29 north of Big Cypress National Preserve, north of Interstate 75 east of the eastern boundary of Big Cypress National Preserve and west of County Road 833/Josie Billie Rd/Snake Road, west and south of County Road 833/Josie Billie Rd/Snake Road, west and north of County Road 835, and east of Lake Okeechobee.

(d) DMU B1 – Includes all of Zone B.

(e) DMU C1 – That portion of Zone C located west of the eastern boundary of Highlands County north of State Road 70, and west of the eastern boundary of Polk County south of State Road 60, west of Interstate 75 south of State Road 50 and north of State Road 60.

(f) DMU C2 – That portion of Zone C located east of the eastern boundary of Highlands County north of State Road 70, east of the eastern boundary of Polk County south of State Road 60, south of State Road 50 east of U.S. Highway 441, west of U.S. Highway 1 south of State Road 50, and south of State Road 528/Bennett Causeway and Canaveral Barge Canal east of U.S. Highway 1.

(g) DMU C3 – That portion of Zone C located south of U.S. Highway 27 west of U.S. Highway 41, and west of U.S. Highway 41 north of State Road 50 and south of U.S. Highway 27.

(h) DMU C4 – That portion of Zone C located north of State Road 50 east of U.S. Highway 441; east of U.S. Highway 1 north of State Road 50; north of State Road 528/Bennett Causeway and Canaveral Barge Canal east of U.S. Highway 1; east of U.S. Highway 41 north of State Road 50; south of U.S. Highway 441 east of U.S. Highway 41; west and south of State Road 20, U.S. Highway 17/State Road 20/State Road 100, and State Road 20/State Road 100; and south of State Road 100/Moody Boulevard east of U.S. Highway 1.

(i) DMU C5 – That portion of Zone C located north of U.S. Highway 27 west of U.S. Highway 441, north of U.S. Highway 441 west of Interstate 75, west of Interstate 75 north of U.S. Highway 441.

(j) DMU C6 – That portion of Zone C located east of Interstate 75 north of U.S. Highway 441; north of U.S. Highway 441 east of Interstate 75; north and east of State Road 20, U.S. Highway 17/State Road 20/State Road 100, and State Road 20/State Road 100; and north of State Road 100/Moody Boulevard east of U.S. Highway 1.

(k) DMU D1 – That portion of Zone D located south of Interstate 10.

(l) DMU D2 – That portion of Zone D located north of Interstate 10.

(2) Zone – The following geographical portions of the state:

(a) Zone A – The counties of Broward, Charlotte (east of the Peace River and east Charlotte Harbor), Collier, Dade, DeSoto (south of State Road 70 and east of the Peace River), Glades, Hendry, Highlands (south of State Road 70), Lee, Martin (west of U.S. Highway 441), Monroe, Okeechobee (south of State Road 70 and west of U.S. Highway 441) and Palm Beach (except that portion lying east of U.S. Highway 441, east of State Road 80 north of County Road 880, north of County Road 880, and north of U.S. Highway 98/U.S. Highway 441/State Road 80/Southern Boulevard).

(b) Zone B – The counties of Hernando (south of State Road 50 and east of Interstate 75), Hillsborough (north of State Road 60 and east of Interstate 75), Lake (south of State Road 50), Orange (south of State Road 50 and west of U.S. Highway 17), Osceola (west of U.S. Highway 17, south and west of County Road 525, west of the western shoreline of Lake Tohopekaliga, west of C-35 canal, west of the western shoreline of Cypress Lake, west of C-36 canal and west of the eastern shoreline of Lake Hatchineha), Pasco (east of Interstate 75), Polk (north of State Road 60) and Sumter (south of State Road 50).

(c) Zone C – The counties of Alachua, Baker, Bradford, Brevard, Citrus, Clay, Charlotte (except east of the Peace River and east Charlotte Harbor), Columbia, DeSoto (north of State Road 70, and west of the Peace River south of State Road 70), Dixie, Duval, Flagler, Gadsden (east of U.S. Highway 27), Gilchrist, Hamilton, Hardee, Hernando (north of State Road 50 and west of Interstate 75), Highlands (north of State Road 70), Hillsborough (south of State Road 60 and west of Interstate 75), Indian River, Jefferson, Lafayette, Lake, Leon (east of U.S. Highway 27, east of State Road 61 and east of U.S. Highway 319), Levy, Madison, Manatee, Marion, Martin (east of U.S. Highway 441), Nassau, Okeechobee (except that portion lying south of State Road 70 and west of U.S. Highway 441), Orange (north of State Road 50 and east of U.S. Highway 17), Osceola (east of U.S. Highway 17, north and east of County Road 525, east of the western shoreline of Lake Tohopekaliga, east of C-35 canal, east of the western shoreline of Cypress Lake, east of C-36 canal and east of the eastern shoreline of Lake Hatchineha), Palm Beach (east of U.S. Highway 441, east of State Road 80 north of County Road 880, north of County Road 880, and north of U.S. Highway 98/U.S. Highway 441/State Road 80/Southern Boulevard), Pasco (west of Interstate 75), Pinellas, Polk (south of State Road 60), Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter (north of State Road 50), Suwannee, Taylor, Union, Volusia and Wakulla (east of U.S. Highway 319, north and east of U.S. Highway 98 and east of the Wakulla and St. Marks Rivers).

(d) Zone D – The counties of Bay, Calhoun, Escambia, Franklin, Gadsden (west of U.S. Highway 27), Gulf, Holmes, Jackson, Leon (west of U.S. Highway 27, west of State Road 61 and west of U.S. Highway 319), Liberty, Okaloosa, Santa Rosa, Wakulla (west of U.S. Highway 319, south of U.S. Highway 98 and west of the Wakulla and St. Marks Rivers), Walton and Washington.

(3) Bear management unit (BMU) – The following geographical portions of the state:

(a) East Panhandle BMU – The counties of Bay, Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and Washington.

(b) North BMU – The counties of Baker, Columbia, Duval, Hamilton, Nassau, Suwannee, and Union.

(c) Central BMU – The counties of Alachua, Bradford, Brevard, Clay, Flagler, Lake, Marion, Orange, Putnam, Seminole, St. Johns, Sumter, and Volusia.

(d) South BMU – The counties of Broward, Collier, Hendry, Lee, Miami-Dade, Monroe, and Palm Beach.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-14, Amended 7-1-15, 7-29-15.

68A-13.004 Hunting Regulations for Non-Migratory Game and Issuance of Antlerless Deer Permits and Private Lands Deer Management Permits.

The hunting regulations for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. Two (2) antlered deer during the antlered deer, crossbow (last 5 days), muzzleloading gun or archery/muzzleloading gun

seasons.

2. One (1) antlered and 1 antlerless deer or 2 antlered deer during the antlerless deer season.

3. Two (2) antlerless deer, or 2 antlered deer, or 1 antlered and 1 antlerless deer during the archery and crossbow seasons except that antlerless deer may not be taken during each zone's last 5 days of the crossbow season.

4. Antlerless deer taken under the authority of an antlerless deer permit issued under subsection (4) of this rule shall be included in the daily bag, but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

5. Antlerless and antlered deer taken under the authority of a permit issued under subsection (5) of this rule shall not be subjected to daily bag or possession limits.

(b) Turkey: daily bag, 2; spring season bag, 2 (except in Holmes County where the bag shall be 1); all fall seasons combined bag, 2; possession limit, 2.

(c) Quail, gray squirrel, and rabbit: daily bag 12 of each species; possession limit 24 of each species; daily falconry bag 2 quail, 12 gray squirrels and 12 rabbits; falconry possession limit 4 quail, 24 gray squirrels and 24 rabbits.

(d) Bear: daily, possession and season bag 1.

(2) Regulations specific to deer management units:

(a) The take of antlered deer within the listed deer management unit not meeting the prescribed criteria shall be prohibited, except for antlered deer taken pursuant to Rules 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C., and antlered deer taken by persons under 16 years of age.

1. DMU A1: Taking of antlered deer not having at least one antler with two or more points is prohibited.

2. DMU A2: Taking of antlered deer not having at least one antler with two or more points is prohibited.

3. DMU A3: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

4. DMU B1: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

5. DMU C1: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

6. DMU C2: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

7. DMU C3: Taking of antlered deer not having at least one antler with two or more points is prohibited.

8. DMU C4: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

9. DMU C5: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

10. DMU C6: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

11. DMU D1: Taking of antlered deer not having at least one antler with two or more points is prohibited.

12. DMU D2: Taking of antlered deer not having at least one antler with three or more points or one antler with a main beam of ten inches or more in length is prohibited.

(b) The take of deer in the Florida Keys; of antlered deer in that portion of Collier County lying south of State Road 84, west of State Road 29, north of U.S. Highway 41 and east of the western boundary of the Fakahatchee Strand State Preserve; and of antlerless deer in those portions of the eastern Everglades south of the Tamiami Trail (U.S. 41) and east of Everglades National Park, or in Collier County south of Alligator Alley (State Road 84) is prohibited, except for deer taken pursuant to Rules 68A-9.002, 68A-9.012, 68A-12.010, or 68A-12.011, F.A.C.

(3) Open seasons:

(a) Antlered deer:

1. Zone A: Opening the third Saturday in September and closing 29 days thereafter and reopening the Saturday before the fourth Thursday in November and closing the first Sunday in January.

2. Zone B: Opening 9 days after the fourth Thursday in November and closing 78 days thereafter.

3. Zone C: Opening the first Saturday in November closing 78 days thereafter.

4. Zone D: Opening the fourth Thursday in November and closing 3 days thereafter and reopening the second Saturday in December and closing 71 days thereafter.

(b) Antlerless deer:

1. Zone A:

a. DMU A1: Allowed by permit only.

b. DMU A2: Open during the first 9 days of the archery and crossbow seasons in Zone A, and opening the Saturday before the fourth Thursday in November and closing 1 day thereafter.

c. DMU A3: Open during the first 16 days of the archery and crossbow seasons in Zone A, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

2. Zone B:

a. DMU B1: Open during the archery season in Zone B, the first 30 days of the crossbow season in Zone B, and opening on the last Friday in December and closing 2 days thereafter.

3. Zone C:

a. DMU C1: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

b. DMU C2: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 2 days thereafter.

c. DMU C3: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 2 days thereafter.

d. DMU C4: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

e. DMU C5: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone C, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone C.

f. DMU C6: Open during the archery season in Zone C, the first 30 days of the crossbow season in Zone C, and opening the Friday before the fourth Thursday in November and closing 3 days thereafter.

4. Zone D:

a. DMU D1: Open during the archery season in Zone D, the first 33 days of the crossbow season in Zone D, the first weekend (Saturday and Sunday) of the antlered deer season in Zone D and the first consecutive Saturday and Sunday following December 25.

b. DMU D2: Open during the archery season in Zone D, the first 33 days of the crossbow season in Zone D, the first and third weekends (Saturdays and Sundays) of the antlered deer season in Zone D, the first consecutive Saturday and Sunday following December 25, and the first weekend (Saturday and Sunday) of muzzleloading gun season in Zone D.

(c) Turkey:

1. Fall season (gobblers or bearded turkeys only): During the last 58 days of the antlered deer season in Zone A; during the first 58 days of the antlered deer season in Zones B and C; and during the first 41 days of the antlered deer season in Zone D except in Holmes County where there will be no open season.

2. Spring season (gobblers or bearded turkeys only):

a. Opening on the first Saturday of March and closing 36 days thereafter south of State Road 70. Opening on the third Saturday of March and closing 36 days thereafter north of State Road 70 except in Holmes County where the season will open on the third Saturday of March and close 15 days thereafter.

b. In addition to the season specified in sub-subparagraph a. above, a "Youth Turkey Hunt" shall open on the last Saturday of February and close 1 day thereafter south of State Road 70 and open the second Saturday of March and close 1 day thereafter north of State Road 70. Only youth under 16 years of age may hunt and must be under the supervision and in the presence of an adult not younger than 18 years of age. Adults with required license and permits for taking wild turkeys or otherwise exempt from these requirements by Section 379.353, F.S., may participate in the hunt when in the presence of at least one youth under 16 years of age. Adults shall not take wildlife with a gun.

(d) Quail: Opening the second Saturday of November and closing 113 days thereafter. Opening October 1 and closing March 31 for falconry.

(e) Gray squirrel: Opening the second Saturday of October and closing the first Sunday in March. Opening October 1 and closing

March 31 for falconry.

(f) Rabbit: Throughout the year.

(g) Bear:

1. East Panhandle, North, Central, and South BMUs: Opening the Saturday prior to the last Saturday in October and closing 6 days thereafter. If a BMU's harvest objective, established pursuant to subparagraph 2., is attained prior to the season close and on or after the second day of the season, that BMU's season shall close at 11:59 p.m. on the day its harvest objective is attained.

2. The harvest objective for each BMU shall be as established by Order of the Executive Director, after approval of the Commission, and shall be based on the proportion of the BMU population available for harvest consistent with biologically sustainable population objectives for each BMU.

3. All bear taken shall be checked and tagged within 12 hours of recovery at a Commission designated check station. The tag shall remain affixed to the hide until it is tanned or mounted.

(h) Notwithstanding the provisions of paragraphs (3)(a) and (c)-(e) antlered deer, antlerless deer as provided by paragraph 3(b), gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. During an archery season opening 49 days prior to the first day of the antlered deer season and closing 29 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter in Zone D except that turkey may not be taken in Holmes County.

2. During a crossbow season opening 49 days prior to the first day of the antlered deer season and closing 34 days thereafter in Zones A, B and C and opening 33 days prior to the first day of the antlered deer season and closing 32 days thereafter and reopening 4 days after the fourth Thursday in November and closing 4 days thereafter in Zone D except that turkey may not be taken in Holmes County.

(i) Notwithstanding the provisions of paragraphs (3)(a), (c), (d), (e), and (g), antlered deer, antlerless deer as provided by paragraph (3)(b), gobblers or bearded turkeys, gray squirrel and quail may be taken:

1. During a muzzleloading gun season opening 14 days prior to the first day of the antlered deer season and closing 13 days thereafter in Zones A, B and C; and opening 9 days after the first day of the antlered deer season and closing 6 days thereafter in Zone D except that turkey may not be taken in Holmes County.

2. During a muzzleloading gun season in the Zone D opening the day following the last day of the antlered deer season and closing 6 days thereafter, provided that turkeys may not be taken.

(4) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the crossbow (last 5 days), muzzleloading gun, and antlered deer seasons in accordance with the following:

(a) A person who owns, leases or otherwise has written permission to take antlerless deer on specifically identified lands may apply for an antlerless deer permit in accordance with this subsection. An antlerless deer permit will be issued for property or an aggregate of contiguous properties not less than 640 acres in size; or for property or an aggregate of contiguous properties not less than 150 acres in size which are contiguous to property under a current antlerless deer permit. Agricultural lands that have been permitted within the previous 12 months for taking of deer for crop depredation purposes shall be exempt from the minimum acreage requirement of this rule.

(b) Applications for antlerless deer permits shall be on such a form as prescribed by the Commission and shall include: a written description of the property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a signature of the landowner or legal agent of the landowner providing permission to take antlerless deer where the landowner is not the applicant; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this subsection.

(c) The permittee shall be furnished an identifying tag for each antlerless deer to be taken from the permitted area. Each person who takes an antlerless deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

(d) Commission personnel shall be granted access to collect biological specimens and data on antlerless deer taken under the provisions of this subsection.

(5) Issuance of Private Lands Deer Management Permits to landowners – Antlerless and antlered deer may be taken under permit from the executive director from the first day of the zonal deer season till the last day of the zonal deer season for not more than 128 total days (including during archery, crossbow, muzzleloading gun, and antlered deer seasons, and during any periods closed to deer

hunting within this time frame) by any gun allowed for deer in Rule 68A-12.002, F.A.C., on property enrolled in the Private Lands Deer Management Permit program. Property enrolled in the program that is bisected by a zone line (permitted lands lie within multiple zones) may have one of the zonal deer seasons apply to all permitted lands as designated by the applicant. Property may be enrolled in this program in accordance with the following:

(a) Only property that meets the criteria listed in this paragraph is eligible to be enrolled in the Private Lands Deer Management Permit program.

1. The property identified for enrollment in an application must be at least 5,000 acres that form one continuous uninterrupted piece of land; an aggregate of properties under different ownership that adjoin one another so as to form one continuous uninterrupted piece of land that together satisfy the acreage requirement will be considered one property for purposes of this program if those properties are the subject of one application.

2. A written Wildlife Management Plan (WMP), developed or approved by a Certified Wildlife Biologist (CWB; certified by The Wildlife Society 5410 Grosvenor Lane, Suite 200, Bethesda, MD 20816) or developed through the Commission's Landowner Assistance Program, must be provided for the property identified for enrollment in an application.

3. Annual recommendations for the harvest of antlered and antlerless deer that are intended to help reach the stated deer management objectives for the property shall be provided.

4. The annual harvest recommendations shall be developed by a CWB and be based on a deer population survey conducted on the property except as follows:

a. No deer population survey is required for approval of the harvest so long as the harvest recommendation for antlered deer does not exceed 1 deer per 150 acres and so long as the harvest recommendation for antlerless deer does not exceed 1 deer per 150 acres. Harvest recommendations provided under this exception do not need to be developed by a CWB.

b. Antlered and antlerless deer harvest recommendations may be submitted without conducting a deer population survey in the year immediately following two consecutive years of deer population surveys, and in alternate years thereafter, provided the surveyed areas and survey methodologies are comparable between surveys.

5. Commission approved survey standards shall be used to conduct any deer surveys required in subparagraph 4. above.

(b) The permit shall require a minimum of four (4) qualifying conservation activities (active habitat management, wildlife management or conservation-related activities for youth) annually on the property during the period it is enrolled in the program. Conservation-related activities for youth may only account for one (1) of the four (4) qualifying conservation activities required by the permit. For an application to be approved, the four (4) qualifying conservation activities combined must affect at least 10% of the permitted land.

(c) A person must be the owner of the property, the leasee of the property or otherwise have written permission from the landowner to participate in the Private Lands Deer Management Permit program. Applications for the Private Lands Deer Management Permit program shall be on such a form as prescribed by the Commission and shall include: a written description of the property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a signature of the landowner or legal agent of the landowner providing permission to participate in the program; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this subsection.

(d) Commission personnel shall review the application and approve or deny based on whether it is complete and includes the required proposed conservation activities. Annual harvest limits for antlered and antlerless deer shall be established by the Commission, based upon the CWB's recommendations included in the WMP in consideration of the stated deer management objectives for the property. If the application is approved, the Commission shall enroll the property in the program and issue a permit in the name of the applicant. As a condition of issuance or renewal of the permit, the property must be managed consistent with the WMP and the conservation activities must be performed substantially as proposed.

(e) No person may harvest deer on property enrolled in the Private Lands Deer Management Permit program except as authorized under a permit issued under this subsection or under the authority of a deer depredation permit.

(f) The Commission shall furnish an identifying tag for each antlerless and antlered deer to be taken from the permitted area. Each person who takes an antlerless or antlered deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless or antlered deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

(g) Commission personnel may access property enrolled in the Private Lands Deer Management Permit program to check for permit compliance or to collect biological specimens and data on any deer taken.

(h) The permittee shall submit a deer harvest report by April 1 as prescribed by the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06, 7-1-08, 7-1-10, 1-1-11, 7-26-12, 7-1-13, 6-1-13, 7-1-14, 7-2-14, 7-1-15, 7-29-15.

F.S. 379.3762 Personal possession of wildlife.—

(1) It is unlawful for any person or persons to possess any wildlife as defined in this act, whether native to Florida or not, until she or he has obtained a permit as provided by this section from the Fish and Wildlife Conservation Commission.

(2) The classifications of types of wildlife and fees to be paid for permits for the personal possession of wildlife shall be as follows:

(a) **Class I**—Wildlife which, because of its nature, habits, or status, shall not be possessed as a personal pet.

(b) **Class II**—Wildlife considered to present a real or potential threat to human safety, the sum of \$140 per annum.

(c) **Class III**—All other wildlife not included in Class I or Class II, for which a no-cost permit must be obtained from the commission.

(3) Any person, firm, corporation, or association exhibiting or selling wildlife and being duly permitted as provided by s. [379.304](#) shall be exempt from the fee requirement to receive a permit under this section.

(4) This section shall not apply to the possession, control, care, and maintenance of ostriches, emus, rheas, and bison domesticated and confined for commercial farming purposes, except those kept and maintained on hunting preserves or game farms or primarily for exhibition purposes in zoos, carnivals, circuses, and other such establishments where such species are kept primarily for display to the public.

(5) A person who violates this section is punishable as provided in s. [379.4015](#).

History.—s. 1, ch. 74-309; s. 9, ch. 91-134; s. 3, ch. 93-223; s. 591, ch. 95-148; s. 174, ch. 99-245; s. 34, ch. 2002-46; s. 10, ch. 2003-151; s. 3, ch. 2005-210; s. 165, ch. 2008-247; s. 40, ch. 2009-86; s. 14, ch. 2010-185.

Note.—Former s. 372.922(1), (2), (5)-(7).

68A-6.002 Categories of Captive Wildlife.

(1) The Commission hereby establishes the following categories of wildlife including their taxonomic successors and subspecies thereof:

(a) Class I:

1. Chimpanzees (*genus Pan*)
2. Gorillas (*genus Gorilla*)
3. Gibbons and Siamangs (family Hylobatidae)
4. Drills and mandrills (*genus Mandrillus*)
5. Orangutans (*genus Pongo*)
6. Baboons (*genus Papio*)
7. Gelada baboons (*genus Theropithecus*)
8. Snow leopards (*Panthera uncia*)
9. Leopards (*Panthera pardus*)
10. Jaguars (*Panthera onca*)
11. Tigers (*Panthera tigris*)
12. Lions (*Panthera leo*)
13. Bears (family Ursidae)
14. Rhinoceros (family Rhinocerotidae)
15. Elephants (family Elephantidae)
16. Hippopotamuses (family Hippopotamidae)
17. Cape buffalos and Gaur (family Bovidae)
18. Crocodiles (except dwarf and Congo) (family Crocodylidae)

19. Gavials (family Gavialidae)
20. Black caimans (*Melanosuchus niger*)
21. Komodo dragons (*Varanus komodoensis*)
22. Hyenas and Aardwolf (family *Hyaenidae*)
23. Cougars, panthers (*Puma concolor*)
24. Cheetahs (*Acinonyx jабatus*)

(b) Class II:

1. Howler monkeys (genus *Alouatta*)
 2. Uakaris (genus *Cacajao*)
 3. Mangabeys (genus *Cercocebus*)
 4. Guenons (genus *Cercopithecus*)
 5. Patas monkeys (genus *Erythrocebus*)
 6. Vervet, Grivet or Green monkeys (genus *Chlorocebus*)
 7. Sakis (genus *Chiropotes* and *Pithecea*)
 8. Guereza monkeys (genus *Colobus*)
 9. Idris (genus *Indri*)
 10. Macaques and Celebes black apes (genus *Macaca*)
 11. Langurs (genus *Presbytis*)
 12. Douc langurs (genus *Pygathrix*)
 13. Snub-nosed langurs (genus *Phinopithecus*)
 14. Proboscis monkeys (genus *Nasalis*)
 15. Serval (*Leptailurus serval*)
 16. European and Canadian lynx (*Lynx lynx*)
 17. Bobcats (*Lynx rufus*)
 18. Caracals (*Caracal caracal*)
 19. African golden cats (*Profelis aurata*)
 20. Temminck's golden cats (*Profelis temmincki*)
 21. Fishing cats (*Prionailurus viverrina*)
 22. Ocelots (*Leopardus pardalis*)
 23. Clouded leopards (*Neofelis nebulosa*)
 24. Wolves, coyotes, jackals (family Canidae)
 25. Indian dholes (*Cuon alpinus*)
 26. African hunting dogs (*Lycaon pictus*)
 27. Wolverines (*Gulo gulo*)
 28. Honey badgers (*Mellivora capensis*)
 29. American badgers (*Taxides taxus*)
 30. Old World badgers (*Meles meles*)
 31. Binturongs (*Arctictis binturong*)
 32. Dwarf crocodiles (*Osteolaemus tetraspis*)
 33. Alligators, caimans (family Alligatoridae)
 34. Ostrich (*Struthio camelus*)
 35. Cassowary (*Casuaris spp.*)
 36. Giraffe and Okapi (family Giraffidae)
 37. Tapir (family Tapiridae)
 38. Wild cattle; forest, woodland and aridland antelope; and similar species of non-native hoofstock (family Bovidae)
- Such non-native hoofstock to include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other wild species of the family Bovidae which are of similar size, habits and nature.

(c) Class III: All other wildlife not listed herein, except those for which a permit is not required pursuant to Rule 68A-6.0022,

F.A.C.

(d) Hybrids resulting from the cross between wildlife and domestic animal, which are substantially similar in size, characteristics and behavior so as to be indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.

(2) Except as provided in Rule 68A-6.0021, F.A.C., Class I wildlife shall not be possessed for personal use.

(3) Persons possessing any captive wildlife for purposes of public display or sale shall obtain a permit as specified in Section 379.3761, F.S.

(4) Persons possessing Class II wildlife as personal use wildlife shall purchase a permit as provided in Section 379.3762, F.S.

(5) Persons possessing Class III wildlife as personal use wildlife shall obtain a no-cost permit from the Executive Director.

(6) Fox, skunks, bats, raccoons, or whitetail deer taken from the wild shall not be possessed as personal use wildlife and shall be possessed only in accordance with permits issued under Rules 68A-9.002, 68A-9.006, F.A.C., or Section 379.3761, F.S.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 12-3-79, 6-4-81, 6-21-82, Formerly 39-6.02, Amended 6-1-86, 7-1-90, 7-1-92, 9-15-96, Formerly 39-6.002, Amended 8-27-09.