

**68A-4.008 Taking Wildlife on Roads and Rights-of-Way Prohibited.**

(1) It shall be unlawful to take or attempt to take wildlife (except for the collection of amphibians or reptiles without the use of a gun and the take of raptors per 68A-9.005 F.A.C.) on, upon or from the right-of-way of any federal, state or county-maintained road whether paved or otherwise. Taking or attempting to take wildlife (except for the collection of amphibians and reptiles without the use of a gun and the take of raptors per 68A-9.005 F.A.C.) while such wildlife is on or upon the right-of-way of any federal, state or county-maintained road whether paved or otherwise, is prohibited.

(2) Federal, state or county-maintained roads may be specifically excepted by Commission order. Requests for the exception of certain roads from the provisions herein shall be made by formal action taken at a public meeting of the County Commission, and may be granted upon affirmation by the County Commission that the following criteria have been met:

(a) Roads or portions thereof subject to exception shall be unpaved, and shall not be scheduled for paving for at least three (3) years from the date of request.

(b) Roads or portions thereof subject to exception shall be no less than two (2) uninterrupted linear miles in length.

(c) No exception shall be made for any portion of road which lies within 3/10 of a mile of any dwelling, church, school, commercial building or other occupied structure, or which lies adjacent to the boundary of any property, the owner or lessee of which objects to the proposed exception.

(d) Roads or portions thereof excepted under the provisions herein shall be posted, at the expense of the County Commission, with signs at intervals of 500 feet or as otherwise directed by the Commission and shall include the phrase: "Right of Way Hunting permitted: The \_\_\_\_\_ County Commission and the Florida Fish and Wildlife Conservation Commission."

(e) A determination that the exception would not endanger the public, livestock, crops or other property.

Prior to final action by the Commission, the Commission staff shall furnish a recommendation on the proposed exception to the County Commission which shall review it before a public meeting and then advise the Commission of any public comments or concerns.

(3) All federal, state or county-maintained roads within wildlife management areas are open to the taking of wildlife except perimeter roads adjacent to or outside of such management areas. Federal, state or county-maintained roads within management areas may be closed to taking wildlife by use of a gun by specific management area regulation.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.1025 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-83, Formerly 39-4.08, Amended 6-11-87, 6-7-88, 6-15-89, Formerly 39-4.008, Amended 5-1-03, 3-25-12.*