

DRAFT RULE  
Rules Relating to Amphibians - 68A-26.002, F.A.C.  
Agenda Item XX  
December 11, 2019

Summary of revised language: Incorporates the Species Conservation Measures and Permitting Guidelines for the Pine Barrens treefrog into Rule 68A-26.002, F.A.C. Adds that the Guidelines can provide authorizations for take consistent with other rules, and includes the prohibitions outlined in 68A-4.001, F.A.C., in the rule.

**NOTICE OF PROPOSED RULE - 68A-26.002, F.A.C.**

**RULE TITLE:** Regulations Relating to the Taking of Amphibians

**THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:**

**68A-26.002 Regulations Relating to the Taking of Amphibians.**

For amphibians not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:

(1) None of the following species shall be taken, transported, stored, served, bought, sold or possessed in any manner at any time except as authorized by permit from the executive director as provided in 68A-9.002, F.A.C., or as authorized in Commission approved guidelines: gopher frog, *Lithobates capito*; Pine Barrens treefrog, *Hyla andersonii*. The following Species Conservation Measures and Permitting Guidelines from the Commission are hereby incorporated by reference and can be found online at the following link: Pine Barrens treefrog, *Hyla andersonii* ([https://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](https://www.flrules.org/Gateway/reference.asp?No=Ref-_____) \*). ~~No intentional take by any means or possession is allowed of the gopher frog (*Lithobates capito*) or the Pine Barrens treefrog (*Hyla andersonii*) except as authorized by permit from the executive director as provided in Rule 68A 9.002, F.A.C.,~~

(2) No change.

(3) ~~Amphibians~~ ~~Other amphibians~~ other than frogs may be taken throughout the year in any manner not conflicting with other provisions of these rules and regulations except that when seines, nets or traps are used, the provisions of Chapter 68A-23, F.A.C., relating to the taking of bait minnows and other freshwater fish shall apply.

(4) No change.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.363 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-26.02, 39-26.002, Amended 3-25-12, 1-11-17, 7-1-18, \_\_\_\_\_.*

**NOTE: Staff is requesting Commission approval to advertise the proposed amendment and file for adoption as soon as possible. If the rule amendment is approved for both advertisement and final adoption, Commission staff will file the rule for adoption as allowed by s. 120.54(3) Florida Statutes, without further public hearing.**

\*The PDF of these draft guidelines can be found at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. The final hyperlink to the Commission approved guidelines will be inserted into the final rule.