

68-5.004 Conditional Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in section 68-5.005, F.A.C.

- (1) Non-native freshwater fish and aquatic invertebrate species.
 - (a) Bighead carp (*Aristichthys nobilis*).
 - (b) Bony-tongue fishes (Family Arapaimidae).
 1. Arapaima (*Arapaima gigas*).
 2. Heterotis (*Heterotis niloticus*).
 - (c) Dorados (Genus *Salminus*, all species).
 - (d) Freshwater stingrays (Family Potamotrygonidae, all species).
 - (e) Grass carp (*Ctenopharyngodon idella*), with restrictions as provided in rule 68A-23.088, F.A.C.
 - (f) Silver carp (*Hypophthalmichthys molitrix*).
 - (g) Snail or black carp (*Mylopharyngodon piceus*).
 - (h) Nile perches (Genus *Lates*, all species). For owners of aquaculture facilities that are operating under permit or a certificate of registration, but which are not cultivating Nile perches as of April 11, 2007, and for owners of aquaculture facilities which are issued original permits or certificates of registration after April 11, 2007, Nile perches:
 1. Shall be held only in indoor facilities.
 2. Shall not be taken on a fee or for-hire basis using hook and line or rod and reel.
 - (i) Blue tilapia (*Oreochromis aureus*), except that *Oreochromis aureus* may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.
 - (j) Wami tilapia (*Oreochromis urolepis*).
 - (k) Mozambique tilapia (*Oreochromis mossambicus*).
 - (l) Nile tilapia (*Oreochromis niloticus*), except that *Oreochromis niloticus* may be possessed, cultured, and transported without permit in all counties of the Northeast, North Central, South and Southwest Regions.
 - (m) Walking catfish (*Clarias batrachus*).
 - (n) Blue catfish (*Ictalurus furcatus*), except that blue catfish may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.
 - (o) Australian red claw crayfish (*Cherax quadricarinatus*) only in closed tank culture systems.
 - (p) Red swamp crayfish (*Procambarus clarkii*) and white river crayfish (*Procambarus zonangulus*).
 1. Pond aquaculture of either species is prohibited.
 2. Red swamp crayfish and white river crayfish may be possessed west of the Apalachicola River and its tributaries or imported for direct sale to food wholesalers and food retailers for resale to consumers without permit.
 - (q) Arowanas (Family Osteoglossidae, all species except silver arowana, *Osteoglossum bicirrhosum*).
 - (r) Northern largemouth bass (*Micropterus salmoides salmoides*), except that intergrade largemouth bass (northern largemouth bass x Florida largemouth bass *Micropterus salmoides floridanus*) may be possessed in the Suwannee River and its tributaries and north and west of the Suwannee River.
- (2) Non-native mammals – Nutria (*Myocaster coypus*).
- (3) Non-native turtles. Red-eared slider (*Trachemys scripta elegans*): red-eared sliders may be possessed only by permitted individuals or commercial import or export businesses according to the provisions of subsection 68-5.005(4) F.A.C., except as provided below:
 - (a) Red-eared sliders in personal possession prior to July 1, 2007 may continue in the possession of the owner without a permit, except that red-eared sliders less than four inches carapace length may not be possessed after July 1, 2008 without a permit.
 - (b) Red-eared sliders with distinctive aberrant color patterns, including albino or amelanistic specimens, may be possessed without a permit otherwise required by this rule.
- (4) Non-native Snakes and lizards: The following species possessed for personal use by reptile of concern license holders prior to July 1, 2010 may continue in the possession of the owner for the life of the animal. A valid license to possess these animals must be maintained pursuant to section 379.372, F.S.
 - (a) Indian or Burmese python (*Python molurus*).
 - (b) Reticulated python (*Python reticulatus*).

- (c) Northern African python (*Python sebae*).
- (d) Southern African python (*Python natalensis*).
- (e) Amethystine python (*Morelia amethystinus*).
- (f) Scrub python (*Morelia kinghorni*).
- (g) Green anaconda (*Eunectes murinus*).
- (h) Nile monitor (*Varanus niloticus*).

Rulemaking Authority Article IV, Section 9, Florida Constitution. Law Implemented Article IV, Section 9, Florida Constitution. History—New 10-23-08, Amended 8-23-10, 12-27-18.

68-5.006 Prohibited Non-native Species.

Live specimens of the following species, including their taxonomic successors, subspecies, or hybrids or eggs thereof may be possessed only pursuant to permit issued by the Executive Director except as provided in section 68-5.007, F.A.C.

- (1) Non-native freshwater aquatic species:
 - (a) African electric catfishes (Family Malapteruridae, all species).
 - (b) African tigerfishes (Genus *Hydrocynus*, all species).
 - (c) Airbreathing catfishes (Family Clariidae, all species except *Clarias batrachus*).
 - (d) Candiru catfishes (Family Trichomycteridae, all species).
 - (e) Freshwater electric eels (*Electrophorus electricus*).
 - (f) Lampreys (Family Petromyzontidae, all species).
 - (g) All species of piranha and pirambeba (subfamily Serrasalminae).
 - (h) Snakeheads (Family Channidae, all species).
 - (i) Tilapias (Genera *Tilapia*, *Sarotherodon*, *Alcolapia* and *Oreochromis*, all species except *Oreochromis aureus*, *Oreochromis urolepis*, *Oreochromis mossambicus*, and *Oreochromis niloticus*).
 - (j) Trahiras or Tigerfishes (Family Erythrinidae, all species).
 - (k) Airsac catfishes (Family Heteropneustidae, all species).
 - (l) Green sunfish (*Lepomis cyanellus*).
 - (m) Australian crayfish (Genus *Cherax*, all species except *Cherax quadricarinatus* cultured in a closed tank system).
 - (n) Zebra mussel (*Dreissena polymorpha*).
 - (o) Quagga mussel (*Dreissena bugensis*).
- (2) Non-native mammals:
 - (a) African giant pouched rats (Genus *Cricetomys*, all species).
 - (b) Brushtail possum (*Trichosurus vulpecula*).
 - (c) Dhole (Genus *Cuon*, all species).
 - (d) Flying foxes (Genus *Pteropus*, all species).
 - (e) Mongoose, meerkats (Genera *Atilax*, *Cynictis*, *Helogale*, *Herpestes*, *Ichneumia*, *Mungos*, and *Suricata*, all species).
 - (f) Raccoon dog (*Nyctereutes procyonoides*).
- (3) Non-native marine species:
 - (a) Mitten crab (Genus *Eriocheir*, all species).
 - (b) Sea snakes (Family Hydrophiidae, all species), except that sea snakes may be possessed as described in paragraph 68-5.007(1)(f), F.A.C.
 - (c) Weeverfishes (Family Trachinidae, all species).
 - (d) Stone fishes (Genus *Synanceia*, all species).
 - (e) Genus *Synanceia*, all species.
 - (f) Pitted stonefish (*Erosa erosa*).
 - (g) Red rock cod (*Scorpaena papillosa*).
 - (h) Stonefish (*Leptosynanceia asteroblepa*).
 - (i) Stargazing stonefish (*Trachicephalus uranoscopus*).

- (4) Non-native reptiles:
 - (a) Yellow anaconda (*Eunectes notaeus*).
 - (b) Beni anaconda (*Eunectes beniensis*).
 - (c) DeSchauensee's anaconda (*Eunectes deschauenseei*).
 - (d) Brown tree snake (*Boiga irregularis*).
- (5) Non-native birds:
 - (a) Dioch (*Quelea quelea*).
 - (b) Java sparrow (*Lonchura oryzivora*).
 - (c) Pink starling (*Pastor roseus*).
 - (d) Red-whiskered bul-bul (*Pycnonotus jocosus*).

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-27-18, Amended 5-2-19.

68A-6.017 Possession and Exhibition of Venomous Reptiles and Reptiles of Concern.

(1) Any person who keeps, possesses, exhibits or sells any venomous reptiles or reptile of concern shall comply with Sections 379.303, 379.304, 379.305, 379.372, 379.373, 379.374 and 379.3761, F.S., and the provisions of subsection 68-5.004(4), F.A.C., the rules of this chapter, and this rule. The following reptiles, including their taxonomic synonymies, subspecies or hybrids thereof, are designated as reptiles of concern: None listed at this time.

(2) General qualifications: Licensees or applicants for authorization to possess venomous reptiles or reptiles of concern shall:

- (a) Be at least 18 years old at the time of application.
- (b) Not have been convicted of any violation of venomous reptile, reptile of concern, conditional species, prohibited species, or captive wildlife regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application.
- (c) Not have refused a captive wildlife inspection within three (3) years of the date of application. Venomous reptile licenses issued to a person who refuses any such inspection shall be revoked.
- (d) Specify the location of the facility at which the venomous reptiles or reptiles of concern shall be maintained. Facilities for venomous reptiles shall be inspected and approved by Commission personnel prior to the issuance of the permit and placement of animals at the facility location.

(3) Experience requirements: Applicants for authorization to possess venomous reptiles or reptiles of concern shall meet the following experience requirements.

(a) Venomous reptiles: Any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species or other species within the same biological family which are similar in characteristics and care to the species for which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including:

- a. A description of the specific experience acquired.
- b. The dates the experience was obtained and the specific location(s) where acquired.
- c. References of no less than two (2) individuals having firsthand knowledge of the applicant's stated experience. References shall be from persons licensed by the Commission for venomous reptiles of the same family for which the applicant is seeking authorization or a representative of a professional organization or governmental institution which deals directly with venomous reptiles as a part of their organization or institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies and veterinarians.
- d. Additional documentation may include records of prior permits for the keeping of venomous reptiles, employment records, and any other competent documentation of the requisite experience.

2. If the applicant is unable to document such experience, as an alternative the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law

Enforcement, together with the documentation of not less than 500 hours of substantial practical experience in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one year/1,000-hour requirement. Applicants scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

a. Examinations shall be completed without the use of any reference materials or other resources during the examination. Improper access to or use of any information or material in the examination shall be considered submission of materially false information in the application or other supporting documentation relating to the license, permit or other authorization.

b. Applicants who fail to pass the written examination after two (2) attempts shall wait six (6) months from the date of the last examination to retake the examination.

3. Providing materially false information to document the applicant's experience, by the applicant or any reference, is prohibited and shall result in denial or revocation of the applicant or reference's license, permit or other authorization, in accordance with Rule 68-1.010, F.A.C.

4. Any licensed corporation authorized to do business in Florida may apply for a permit or other authorization to possess venomous reptiles. Such corporation must have qualified personnel responsible for the care of such venomous reptiles. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in paragraphs 68A-6.017(2)(a)-(b), and subparagraphs (3)(a)1.-3., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial application and upon each instance of change in qualified personnel. Such corporation shall be fully responsible for any violation(s) committed by their employees or occurring at their facility.

(b) Reptiles of concern: On or after January 1, 2008, any person or entity not currently permitted to possess reptiles of concern must qualify for a permit by including with the application a satisfactorily completed questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristic of the reptile of concern to be possessed.

(4) Disaster and Critical Incident Plans: Applicants for permits to possess venomous reptiles or reptiles of concern in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 (06/09) (effective June 2009, which is adopted and incorporated herein by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-11105>). Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE_619 shall be submitted at the time of initial application or renewal; and Part B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

(a) Provisions of this subsection shall apply to permittees maintaining venomous reptiles or reptiles of concern in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with venomous reptiles or reptiles of concern. In this instance Part B must accompany the venomous reptile or reptile of concern while in travel status in Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 9-30-19.