

BACKGROUND REPORT
DRAFT RULE Rules Relating to Reptiles - 68A-25.002, F.A.C.
Agenda Item 8C
July 23, 2020

Summary of revised language: Removes redundant language referring to take and possession of gopher tortoises, which are prohibited under 68A-27.003, F.A.C. Adds language prohibiting painting any turtle or tortoise. Proposed changes to other sections of this rule are addressed in Agenda Item 8B.

**CHAPTER 68A-25
RULES RELATING TO REPTILES**

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) through (5) No change.

(6) **For other proposed changes to this section, please see Agenda Item 8B.**

~~(7) No person shall buy, sell, take or possess any gopher tortoise (*Gopherus polyphemus*), or any part thereof, unless authorized by permit from the executive director as provided in rule 68A-9.002, and chapter 68A-27, F.A.C.~~

~~(8) Possession of gopher tortoises may be authorized by permit from the executive director when the owner can demonstrate that such tortoise(s) was (were) legally acquired and possessed before July 1, 1988.~~

~~(79) No person shall paint any turtle or tortoise or possess any turtle or tortoise on which paint has been applied to its shell or body parts, provided that water-soluble, non-toxic identifying marking may be used in turtle racing contests.~~

~~(810) No person shall take or possess Peninsula ribbon-snakes (*Thamnophis sauritus sackenii*) or red rat snakes (*Pantherophis guttatus*) from the Lower Keys population.~~

~~(914) No person shall buy, sell or possess for sale any Florida pine snake (*Pituophis melanoleucus mugitus*), nor shall any person possess more than one Florida pine snakes, except that said restrictions shall not apply to amelanistic (= "albino") specimens.~~

~~(1042) Reptiles may be taken throughout the year in any manner not conflicting with other provisions of these rules.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const, 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09, 8-19-14, 1-11-17, 5-7-19,_____.

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.