

Background Report
Proposed Rule Revisions and
Link to Final Federal Rule on Eagle Permits
Agenda Item #
April 19 – 20, 2017

68A-16.002. Bald Eagle (*Haliaeetus leucocephalus*).

(1) No person shall take, feed, disturb, possess, sell, purchase or barter, ~~any bald eagle or parts thereof, or their nests or eggs,~~ or attempt to engage in any such conduct, ~~any bald eagle or parts thereof, or their nests or eggs,~~ except when such conduct is authorized by the U. S. Fish and Wildlife Service.;

~~(a) As authorized from the executive director by specific permit, which will be issued based upon whether the permit would advance the management plan goal and objectives;~~

~~(b) When such conduct is consistent with the FWC Eagle Management Guidelines;~~

~~(c) When such conduct is consistent with a previously issued permit, exemption, or authorization issued by the FWC under imperiled species regulations (Chapter 68A-27, F.A.C.) or by the USFWS under the Endangered Species Act (U.S.C. 1531 et seq.).~~

(2) For purposes of this section, the term “disturb” is defined as, “To agitate or bother a bald eagle to the degree that causes, or is likely to cause (a) injury to an eagle, (b) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (c) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

(3) On public land, it is unlawful for any person to knowingly enter any area posted as closed for the protection of bald eagles, their nests, or their nest trees, except the staff or authorized agents of the managing public entity for that area, or as authorized pursuant to subsection (1).

~~(4) The section of the Bald Eagle Management Plan entitled “Permitting Framework April 2008,” which includes the FWC Eagle Management Guidelines, is incorporated herein by reference.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223 FS. History—New 5-15-08, Amended

Link to Final Federal Rule on Eagle Permits:

http://eagleruleprocess.org/files/Federal_Register_Published_FR.pdf