

Background
Consent Agenda #1
Draft Rule – 68A-27.003 Rule Revision

68A-27.003 Florida Endangered and Threatened Species List; Prohibitions.

(1) Federally-designated Endangered and Threatened species:

(a) through (h) No change

(i) Insects:

1. American burying beetle (*Nicrophorus americanus*)(E),

2. Cassius blue butterfly (*Leptotes cassius theonus*)(T[S/A]), ceraunus blue butterfly (*Hemiargus ceraunus antibubastus*)(T[S/A]), and nickerbean blue butterfly (*Cyclargus ammon*)(T[S/A]) are listed due to similarity of appearance to Miami blue butterfly (consistent with 77 Fed. Reg. 20948-20986) and as such only the following prohibitions apply to these three species:

a. Incidental take, that is, take that results from, but is not a purpose of, carrying out an otherwise lawful activity will not apply to cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly.

b. Collection of the cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly is prohibited in coastal counties south of Interstate 4 and extending to the boundaries of the State of Florida at the endpoints of Interstate 4 at Tampa and Daytona Beach. Specifically, such activities are prohibited in the following counties: Brevard, Broward, Charlotte, Collier, De Soto, Hillsborough, Indian River, Lee, Manatee, Pinellas, Sarasota, St. Lucie, Martin, Miami-Dade, Monroe, Palm Beach, and Volusia.

3. Miami blue butterfly (*Cyclargus thomasi bethunebakeri*)(E) (consistent with 77 Fed. Reg. 20948-20986),

4. Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*)(E).

5. Bartram's scrub-hairstreak (*Strymon acis bartrami*)(E) (consistent with 79 Fed. Reg. 47222-47244),

6. Florida leafwing (*Anaea troglodyte floridalis*)(E) (consistent with 79 Fed. Reg. 47222-47244);²

7. Miami tiger beetle (*Cicindelidia floridana*)(E) (consistent with 81 Fed. Reg. 68985-69007).

(j) Mollusks:

1. Chipola slabshell (mussel) (*Elliptio chiplolaensis*)(T),

2. Fat threeridge (mussel) (*Amblema neislerii*)(E),

3. Gulf moccasinshell (mussel) (*Medionidus penicillatus*)(E),

4. Ochlockonee moccasinshell (mussel) (*Medionidus simpsonianus*)(E),

5. Oval pigtoe (mussel) (*Pleurobema pyriforme*)(E),

6. Purple bankclimber (mussel) (*Elliptoideus sloatianus*)(T),

7. Shinyrayed pocketbook (mussel) (*Lampsilis subangulata*)(E),

8. Stock Island tree snail (*Orthalicus reses* [not incl. *nesodryas*])(T).

9. Choctaw bean (*Villosa choctawensis*)(E) (consistent with 77 Fed. Reg. 61664-61719),

10. Round ebonyshell (*Fusconaia rotulata*)(E) (consistent with 77 Fed. Reg. 61664-61719),

11. Southern kidneyshell (*Ptychobranthus jonesi*)(E) (consistent with 77 Fed. Reg. 61664-61719),

12. Fuzzy pigtoe (*Pleurobema strodeanum*)(T) (consistent with 77 Fed. Reg. 61664-61719),

13. Narrow pigtoe (*Fusconaia escambia*)(T) (consistent with 77 Fed. Reg. 61664-61719),

14. Tapered pigtoe (*Fusconaia burki*)(T) (consistent with 77 Fed. Reg. 61664-61719),

15. Southern sandshell (*Hamiota australis*)(T) (consistent with 77 Fed. Reg. 61664-61719);²

16. Suwannee moccasinshell (*Medionidus walkeri*)(T) (consistent with 81 Fed. Reg. 69417-69425).

(k) No change.

(2) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03, 7-20-09, 11-8-10, 11-14-11, 8-23-12, 9-19-12, 6-10-15, 1-11-17;_____.

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.