UPDATED – 6/5/2013
68A-25.004 Regulations Governing the Operation of Alligator Farms.

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and ~~their~~ farming agents subject to the following:

(1) Definitions:
(a) Breeding stock is defined as all alligators six (6) feet or greater in length that are maintained in outdoor enclosures for propagation purposes.
(b) Rearing stock is defined as all alligators other than breeding stock on a farm.

(2) Licensing and permitting:
(a) An alligator farm may be established and operated only pursuant to and in accordance with provisions of a permit issued by the executive director or ~~his~~ designee.
(b) Only persons who are at least 18 years old shall be issued an alligator farm permit. Persons who have been issued an alligator farm permit prior to _____, 2013 and have remained in continuous possession of a valid alligator farm permit are exempt from this provision. All a~~A~~lligator farm permittees and ~~their~~ farming agents shall be licensed as required by Section 379.3751, F.S.
(c) An alligator farm may be licensed and permitted separately on a parcel contiguous with another alligator farm provided the following criteria are met to ensure maintenance of separate inventories on the farms:
1. The applicant shall submit a copy of the current deed or leaseholder agreement in the prospective farm, along with a detailed map or drawing to scale, depicting the farm's boundaries. Such boundaries shall be readily identifiable on the ground and shall show a clear demarcation between the farms.
2. A fence, wall, or equivalent structure, not less than six feet high, and constructed of not less than 11 1/2 gauge chain link, or equivalent, shall separate the borders of ponds or outdoor tanks of the adjacent farm, when they are not separated by a minimum of 100 feet of dry land.
3. When buildings are used for alligator grow-out, they shall be separate for each farm.
4. Egg incubators, if provided, shall be in buildings separate from those of any other contiguous farm.
5. Rearing tanks on the respective farms shall be separately drainable.
6. Farm buildings and outside tanks on the respective farm, that are not separated by a minimum of 100 feet, shall be visibly marked with the name of the farm or other identifier to facilitate inventory inspections.
(d) Farms that are located on non-contiguous properties shall be required to have separate alligator farming licenses and farm permits.
(e) Alligator farms permitted as eligible to receive eggs and hatchlings taken from the wild under provisions in Rules 68A-25.031 and 68A-25.032, F.A.C., shall provide a minimum of 2,000 square feet of rearing tank(s).
(f) A maximum of 30 permits may be issued that grant ~~farmers~~ authority to ~~take~~ receive alligator hatchlings under subsection 68A-25.031(1), F.A.C., and a maximum of 30 permits may be issued that grant ~~farmers the~~ first opportunity to participate in the ~~collection and~~ distribution of eggs taken from the wild under subsections 68A-25.031(2) and (3), F.A.C. Such permits shall be issued by the executive director or designee as follows:
1. When a permit becomes available, notice of such availability shall be published in the Florida Administrative ~~Weekly~~ Register.
a. Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative ~~Weekly~~ Register. Persons whose applications are received more than 30 days after publication of the notice shall not be eligible for assignment of the available permit, irrespective of the postmark
date on their application. Only persons licensed as alligator farmers pursuant to Section 379.3751, F.S., may apply, and only one application per person will be accepted.
b. Available permits shall be assigned based on a random drawing of qualified applicants.
c. Individuals assigned an available permit on the respective list shall be so notified. Said applicant shall have 180 days after notification to meet the eligibility criteria for alligator farm facilities specified herein. The

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applicant may be issued a permit following an inspection and determination that these requirements have been met.

2. No person shall be issued more than one permit for an alligator farm eligible to receive alligator eggs and one permit for an alligator farm eligible to receive alligator hatchlings taken from the wild as specified in this paragraph.

3. Failure of a permittee to participate in the egg collection and distribution under Rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

4. Failure of a permittee to participate in the hatchling collections under Rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

(g) Permits to establish and operate alligator farms are not transferable except when incident to a bona fide sale or other ownership transfer of the facility, provided the application of the purchaser is approved by the Commission in accordance with rules and regulations of the Commission.

(h) No one shall transfer a permit or interest in a permit to a relative or to any other person or change executive officers or directors when the Commission has notified the permittee in writing that revocation or non-renewal proceedings have been or will be brought against the permit, or when a permittee, executive officer, director, or person holding an interest in the permit or business has been arrested, charged, indicted, or convicted, or has appealed the conviction, of a crime which is disqualifying under Commission rules or regulations. It shall be a violation of this section to transfer or attempt to transfer any permit or interest in a permit or business or change executive officers or directors contrary to the provisions of this section. The term “relative” with respect to this section means an individual who is related to the permittee, executive officer, director, or person holding an interest as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother, or half sister.

(i) An ~~The executive director shall not issue an~~ alligator farm permit shall not be issued to any person who has been convicted of any violation of Section 379.409 or 379.3015, F.S., or the rules of the Commission relating to the illegal taking of any crocodilian species:

1. For five (5) years following such conviction; or

2. For ten (10) years following, if such conviction involves the taking of an endangered crocodilian species.

Any ~~The executive director shall revoke any~~ alligator farm permit possessed by ~~of~~ persons convicted of any violation of Section 379.409 or 379.3015, F.S., or the rules of the Commission relating to the illegal taking of any crocodilian species shall be revoked.

(j) Upon revocation or non-renewal of an alligator farm permit as provided in Rule 68A-5.004, F.A.C., the permittee shall have six (6) months to dispose of legally acquired alligator stock. The alligator farm and stock may not be sold or otherwise disposed of to any alligator farm of which the permittee or a relative is an officer, director, or principal or holds any interest.

(3) Record keeping requirements:

(a) Permittees shall maintain inventory records of the number of alligator eggs and alligators in each incubator, tank, pond, and enclosure. The source and disposition of eggs and alligators added to or removed from each incubator, rearing tank, and breeding stock enclosure shall be accurately recorded. Such inventory, source, and disposition records shall be kept on the farm on an Alligator Farm Inventory Record (FWC Form 1004AF, effective June 30, 1992, which is incorporated herein by reference and may be obtained from the Commission) or in a manner that is substantially in compliance with the required record keeping.

(b) Shipping tickets, invoices or bills of lading, Hatchling Collection Forms (FWC Form 1002AF), Alligator Egg and Hatchling Transfer Documents (FWC Form 1003AF), Public Waters Alligator Egg Transfer Documents (FWC Form 1005AF), Captive Alligator and Egg Transportation/Transfer Documents (FWC Form 1006AF), and records of all hide sales or transfers shall be maintained and kept at the farm to show source of supply or disposition of alligator stock.

(c) Records required under this subsection shall be maintained until December 31 of the following year.

(4) Reporting requirements:

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(a) An Alligator Farm Annual Report (FWC Form 1000AF, effective _____, 2013~~July 1, 1994~~, which is incorporated to this rule by reference and may be obtained from the Commission) shall be completed at the conclusion of each calendar year and submitted to the Commission by January 31.

(b) Failure to submit complete reports that accurately reflect farm records as required by this section shall be punishable as provided in Section 379.401(1)(a), F.S.

(5) Inspection and inventory requirements:

(a) Commission personnel may, during reasonable hours, enter and inspect all alligator farmers' places of business, farm buildings, farm lands, vessels, and motor vehicles that are used or are of a type that could be used in the production, storage, sale, or transportation within this state of any alligators, their eggs, meat, or hides; inspect all records or documents pertaining thereto; and conduct partial inventories to determine if the permittee is in compliance with applicable laws and regulations.

1. The permittee or designee shall make such records open to inspection upon request by Commission personnel.

(b) A complete inventory of all rearing stock may be scheduled, conducted, and directed by Commission personnel during reasonable hours to determine an accurate count of alligators present on a farm under one or more of the following conditions:

1. Upon bona fide sale or transfer of farm ownership.

2. Upon two or more failures during a calendar year to maintain complete alligator farming records.

3. Prior to the transfer of alligator stock upon revocation or non-renewal of an alligator farming permit.

4. When a partial inventory reveals a discrepancy of ten (10) percent or more in inventory records. A partial inventory is defined as counting the alligators in not more than three (3) rearing tanks or counting ten (10) percent of the entire reported inventory, whichever is greater.

5. When the annual report submitted by a permittee indicates a discrepancy that cannot be reconciled between the permittee's records of the farm's~~his~~ total inventory and the Commission's computed total number of alligators that should be present on a farm based on the previous years' annual reports and records of receipts, dispositions, harvests, and transfers of eggs and alligators, provided that the permittee shall have seven (7) days to resolve such discrepancies to the satisfaction of the Commission.

(c) No inventory of breeding stock shall be made without the written approval of the executive director or designee.

(d) The alligator farm permittee shall provide all labor, equipment, and materials necessary to conduct inventories. Failure to abide by this requirement shall result in the suspension of all unused CITES tags and suspension of authorization to transfer alligators and alligator eggs as provided for in subsection 68A-25.004(8), F.A.C., until the inventory is completed.

(e) It shall be a violation of this section, punishable as provided in Section 379.401(2)(e), F.S., if a total physical inventory reveals a discrepancy in the recorded numbers of alligators by a farmer in excess of ten (10) percent. Any CITES tags that have been issued to the farm permittee in excess of the number of harvestable alligators actually present on the farm, as revealed by the inventory, shall be seized by Commission personnel and returned to the Commission.

(f) The permittee shall make all captively produced alligator eggs that are incubated on the farm available for inspection by August 1 of each nesting year. Such eggs shall be made available for inspection during reasonable hours in containers having not more than one layer of eggs at each incubation facility on the alligator farm. Only viable alligator eggs will be credited to the egg inventory. Eggs laid after August 1 may be collected and added to the egg inventory only if egg development characteristics indicate a laying date after August 1, and nests are verified by Commission personnel prior to being collected.

(6) Specifications for alligator farms:

(a) Pens or holding facilities shall be constructed in a manner to prevent the escape of any alligator contained in such pen or facility or entrance by any alligator from outside such pen or facility. The ponds and outdoor tanks of all farms licensed to exhibit wildlife under Section 379.3761, F.S., shall conform to the fencing requirements for alligators as provided in Rule 68A-6.003, F.A.C. Farms not licensed to exhibit wildlife shall not

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be required to meet such standards, but shall have fencing five feet in height consisting of not less than 11½ gauge chain link or its equivelent and utilize fence ties 11½ gauge or its equivelent to secure the fencing to posts, rails, and to any other structural parts to prevent the escape or entrance of an alligator.

(b) Alligators less than four (4) feet in length shall be kept in readily drainable rearing tanks of concrete, fiberglass, plastic, or metal construction or other materials approved by the executive director or designee that will ensure their secure and humane confinement.

(c) Minimum space requirements shall be:

1. One half (0.5) square foot of space for each alligator less than 24 inches in length and enough space to allow the alligator to at least partially submerge and partially exit from the water.

2. One and a half (1.5) sqaure feet of space for each alligator measuring 24 inches to 48 inches in length and enough space to allow the alligator to at least partially submerge.

3. Three (3) square feet of space for each alligator greater than 48 inches in length and enough space to allow the alligator to at least partially submerge.

4. For all alligator sizes, one dimension of the enclosure must be at least as long as the longest animal it contains. Alligator farm permittees who also display alligators residing in their permanent enclosures to the public shall furnish alligator housing of sufficient size and design as provided by Rules 68A-6.004 and 68A-6.0023, F.A.C.

(7) Harvest of alligators:

(a) Any alligator killed under the authority of this section or that dies on a farm shall be recorded in the farm inventory records and either tagged within 24 hours with a CITES tag, furnished at no cost to the alligator farm permittee by the Commission, or destroyed. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide or carcass not tagged as prescribed herein or any unskinned, untagged, frozen alligator carcass is prohibited, and such hides and carcasses shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(b) Alligator meat not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(c) Parts of alligators may be sold as provided in Rule 68A-25.052, F.A.C.

(d) Tagged, unskinned alligator carcasses and tagged hides may be sold or otherwise disposed of.

(e) Property rights to unused CITES tags issued to alligator farm permittees shall be vested in the Commission, and unused CITES tags shall remain the property of the Commission. No person except the alligator farm permittee or ~~his~~ licensed farming agents shall possess any unused CITES tag at any time.

(f) All unused CITES tags shall be returned to the Commission with the annual report by January 31 of the following year. It shall be a violation of this section for any person to possess any unused CITES tag(s) from the previous year after January 31.

(8) Transfer of alligator eggs and live, untagged alligators from alligator farms:

(a) Alligator eggs and live, untagged alligators may be sold and may be transferred but only to other licensed alligator farms; to exhibitors licensed pursuant to Section 379.3761, F.S.; to persons permitted to receive such eggs or alligators; or to persons out of state.

(b) The transfer of any alligator egg or live, untagged alligator from an alligator farm premises shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF, effective April 30, 2000, which is incorporated herein by reference and may be obtained from the Commission). The originating farm permittee shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transfer, obtain the signature of the recipient on the document, and forward the document to the Commission, within 30 days following the date of transfer. A copy of the completed document must accompany the alligators or alligator eggs during transport.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3751 FS. History–New 8-1-

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79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00, 3-30-06, 3-19-08,_____.

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