

**Captive Wildlife Draft
Rules - 2008**

This is the second and final phase of rule development resulting from recommendations received from the Captive Wildlife Technical Assistance Group and the public.

The following rule drafts were presented throughout the state in a series of five public workshops. The meetings were attended by 49 citizens.

Workshops were noticed via Florida Administrative Weekly, posted on MyFWC.com, and via mass e-mail distribution.

We have received to date nearly 1700 email responses to these draft rules.



**Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement**

Captive Wildlife
Public Input - 2008

Public Comment

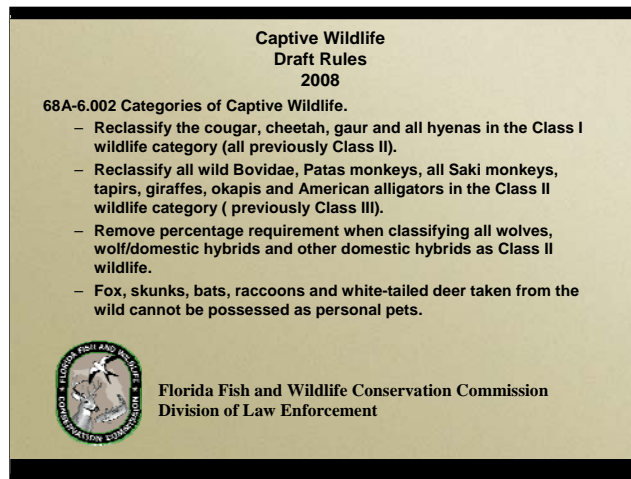
Over 1400 responses support most of the recommended changes.

Areas of concern were:

- Reclassifying certain wildlife to a higher, more restrictive categories.
- Removing the 75% requirement when identifying wolf/dog hybrids for classification purposes.
- Requiring footers and apron barriers in enclosures housing species that exhibit digging or burrowing tendencies.
- Establishing criteria for Wildlife Sanctuaries.



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68A-6.002 Categories of Captive Wildlife: Summary of Changes

Changes to this rule affect how and in what category wildlife is classified.

- Clarify that categories of wildlife includes taxonomic successors and subspecies thereof.

- Classification changes:

To Class I:

- Gaur (family *Bovidae*) From Class III.
- Hyena and Aardwolf (family *Hyaenidae*) From Class II.
- Cougars, panthers (*Puma concolor*) From Class II.
- Cheetahs (*Acinonyx jubatus*) From Class II.

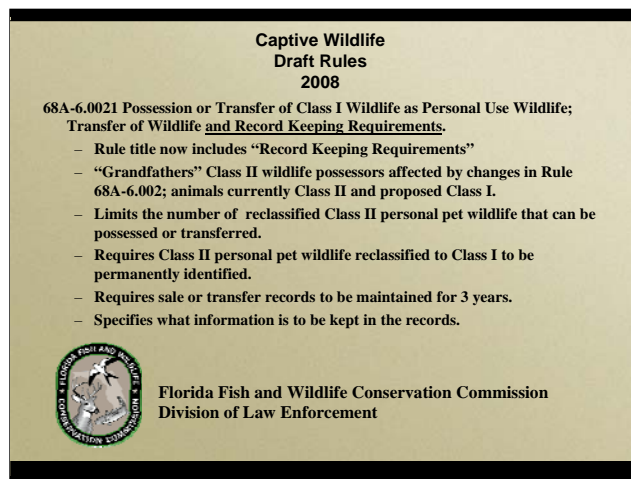
To Class II:

- Patas monkeys (genus *Erythrocebus*) From Class III.
- Vervet, Grivet or Green monkeys (genus *Chlorocebus*) This is genus change only.
- Change Bearded sakis to include all sakis (genus *Chiropotes* and *Pithecea*) Places all sakis in Class II.
- Change reference of specific jackal species to all jackal species (family *Canidae*)
- Change reference of Gray wolves and Red wolves to all wolves (family *Canidae*); and delete reference to wolf x domestic hybrid percentage.
- Include American alligator (family *Alligatoridae*) Previously not classified.
- Giraffe and Okapi (family *Giraffidae*) From Class III.
- Tapirs (family *Tapiridae*) From Class III.
- Wild cattle, forest, woodland, and arid land antelope and similar species of non-native hoof stock of the family *Bovidae*. Examples include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other species of the family *Bovidae* which are of similar size, habits and nature. From Class III.

- Include language to address the regulation of hybrids resulting from wild x domestic animal crosses which are substantially similar in size, characteristics, and behavior so as to be essentially indistinguishable from wild animals.

Such hybrids will be regulated as wildlife at the highest class of the wild parentage.

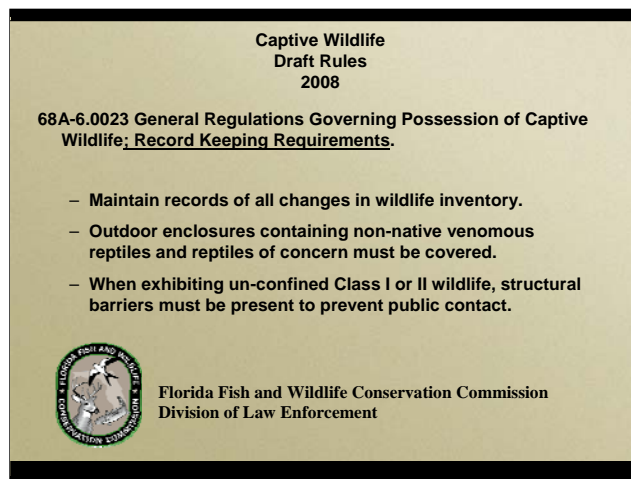
- Provide that fox, skunks, bats, raccoons or white tail deer taken from the wild may not be possessed as personal use wildlife.



68A-6.0021 Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife and Record Keeping Requirements: Summary of Changes

Changes to this rule are required to enact the previous rule. This includes grandfathering provisions and the permanent identification of Class I animals.

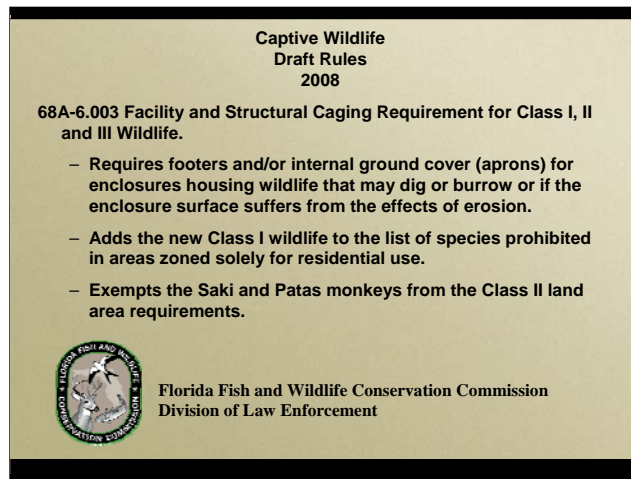
- Make change to rule title to include "Record Keeping Requirements"
- Provide a "grandfather" clause for any Class II wildlife possessed for personal use that is reclassified to Class I.
 - Any Class II wildlife that is reclassified to Class I wildlife upon the effective date of Rule 68A-6.002, F.A.C., is eligible for a permit in accordance with the provisions for Class II wildlife.
- Provide that no other Class I wildlife may be "transferred" or kept for personal use. The intent is to prevent continued acquisition of Class I for personal use by grandfathered entities.
- Require all Class I wildlife possessed for personal use to be permanently identified by means of tattoo, brand, passive integrated transponder (PIT tag), photographic id or other method that identifies the specimen from others of the same species. Specifies requirements in instances where photographic identification is used. Requires owners to maintain records of identification and submit same to FWC. Permanent identification requirements would be effective July 1, 2009.
- Change to three years the length of time records of sale/transfer are required to be maintained.
- Specify that sale/transfer records are to include: date, quantity and species, name and complete address of recipient; and license identification number where applicable.
- Provide that records of sale/transfer are not required for that wildlife that may be possessed for personal use without a permit.
- A recommendation to allow amnesty for persons relinquishing non-native pets is also being presented to the Commission. This rule will also incorporate the necessary language to allow surrender of those unwanted animals to the FWC and local animal control agencies without penalty if approved.



68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Record Keeping Requirements: Summary of Changes

This rule increases record keeping requirements and adds additional provisions for public safety.

- Include “68A-6.007” (Venomous Reptiles and Reptiles of Concern) as it pertains to requiring wildlife to be maintained in cages or enclosures constructed in compliance with the specified rules.
- Include language that requires outdoor enclosures for non-native venomous reptiles or reptiles of concern to be covered.
- Require structural safety barriers to be present to prevent public contact with unconfined Class I or II wildlife by the public.
- Requires possessors to maintain an accurate record of all changes in inventory to include: births, deaths, acquisition and sales or transfers.
 - Records are to be kept on the licensed premises and open to inspection.
 - Describes the information required for records of birth, death, and acquisition.
 - Requires that records of sale/transfer are to be maintained as provided in 68A-6.0021, F.A.C. (the previous rule).



68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife: Summary of Changes

- Require cages or enclosures that use the ground as flooring, that house wildlife which exhibit a behavior of digging or burrowing or use the enclosures may suffer from erosion, to have buried concrete footers or a bottom apron to further prevent escape from digging or erosion.
- Insert new form date for the Critical Incident/Disaster Plan form due to form modifications.
- Make changes as necessary for newly proposed changes to Class I and Class II lists of wildlife:
 - The following proposed Class I wildlife may not be possessed on property within an area zoned solely for residential use:
 - Gaur (family Bovidae)
 - Hyena and Aardwolf (family *Hyaenidae*)
 - Cougars, panthers (*Puma concolor*)
 - Cheetahs (*Acinonyx jubatus*)
- Make changes necessary for newly proposed changes to Class II non-human primates:
 - Include all sakis as exempt from facility requirements as specified in rule.
 - Exclude Patas monkeys as exempt facility requirements as specified in rule, due to size range upon maturity.
- Refers applicant to land area requirements for permitting.
- Also, under discussion with the Florida Association of Counties, is the modification of rule language associated with “zoned solely for residential use.” This issue will be discussed again at the December Commission meeting prior to final public hearing in February.

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68A-6.004 Standard Caging Requirements for Captive Wildlife.

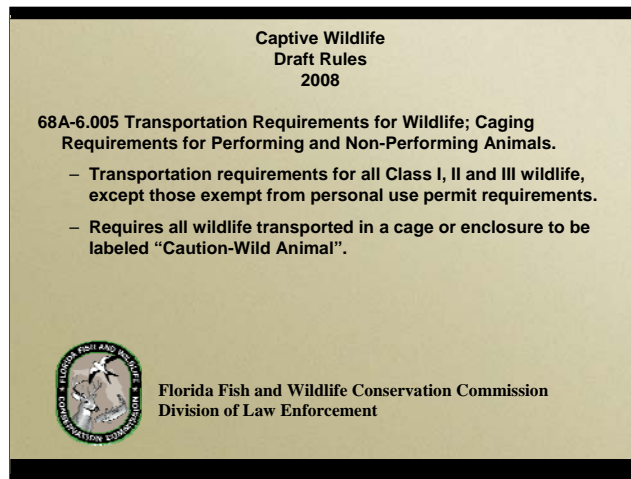
- The use of open-air habitats, if not specifically allowed, must be approved by the Commission.
- Adds the requirement for a temperature regulation device in cages housing Red Pandas.



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68A-6.004 Standard Caging Requirements for Captive Wildlife: Summary of Changes

- Establish the use of open-air habitats for captive wildlife, when appropriate. Application must be approved in writing by the Commission prior housing wildlife.
- Add requirement for providing devices that allow for temperature regulation in Red Panda enclosures, as is necessary to ensure the well-being of this species.

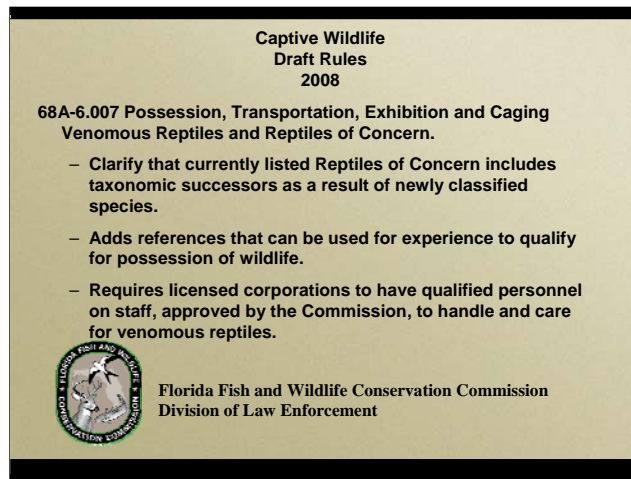


68A-6.005 Transportation Requirements for Wildlife; Caging: Summary of Changes

- Provides language that all wildlife shall be transported in a cage or enclosure appropriate for the species.

- Provides language that all transport cages which contain wildlife shall be labeled “Caution or Danger – Wild Animal”

- The rules exempt those species not requiring a personal use permit. Examples are canaries, parrots and chipmunks.



68A-6.007 Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern: Summary of Changes

This rule clarifies that currently listed Reptiles of Concern includes taxonomic successors as a result of newly classified species and modified experience requirements to possess venomous reptiles and reptiles of concern.

- Clean up language for reptiles of concern to include their “taxonomic successors.”
- Address taxonomic split of the *amthistina* complex in the genus *Morelia* to better reflect the intent of the listing of Amethystine or scrub pythons as reptiles of concern. (Includes all subspecies of the genus *Morelia* that exceed 12’ in length upon maturity.)
- Adds references that can be used for experience to qualify for possession of wildlife. Reference requirements allow for one of the references to be provided from a representative of a professional or governmental institution such as a University, Public Service agency, Zoological association, herpetological society or veterinary.
- Require corporations to have qualified personnel responsible for the care of venomous reptiles.
 - Personnel must meet the experience requirements provided for venomous reptiles.
 - Documentation of experience for such personnel must be submitted upon initial application and any change in personnel.
 - Consistent with requirements for Class I and II wildlife.
- Insert new form date for the Critical Incident/Disaster Plan form due to form modifications.

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68A-6.0011 Possession of Wildlife in Captivity; Permit Requirements

- Requires USDA-permitted research facilities which are exempt from Commission licensing, that possess wildlife in captivity, to maintain a detailed research proposal and progress report available for inspection by Commission personnel.
- Exempts bison, possessed exclusively for the purpose of production of meat, skins or hides, or progeny, from the standard caging requirements.

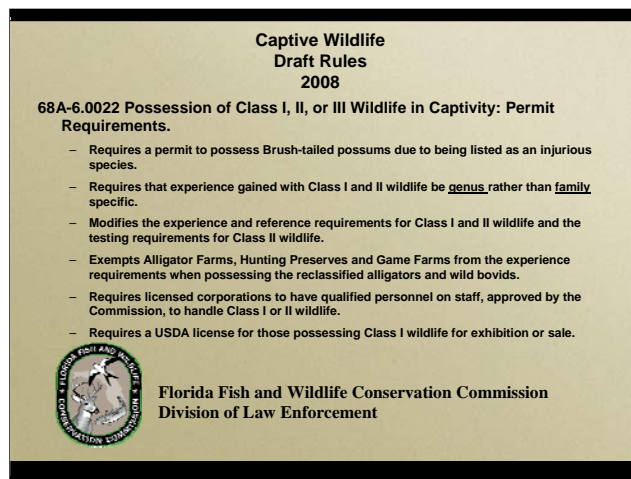


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68A-6.0011 Possession of Wildlife in Captivity; Permit Requirements: Summary of Changes

Require USDA-registered research facilities, currently exempt from meeting the requirements of captive wildlife requirements, to maintain a detailed research proposal, annual record of progress toward research objectives and to meet cage strength requirements.

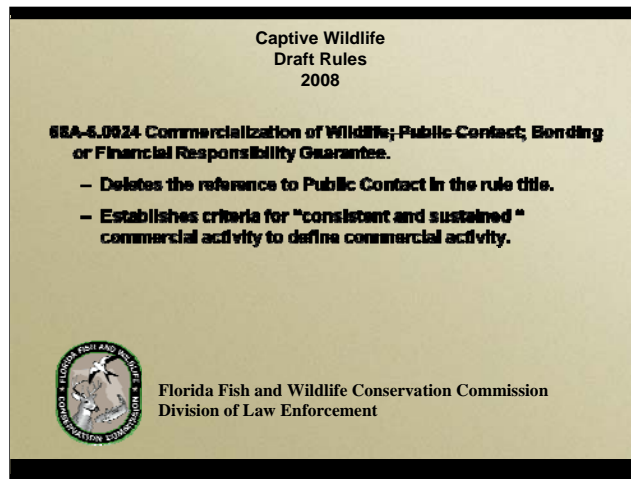
- Provide that the captive wildlife rules do not apply to Bison possessed exclusively for the purpose of production of meat, skins or hides, or progeny thereof.



68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements: Summary of Changes

This rule is being modified to enhance the qualifications for persons who desire to possess Class I and Class II wildlife. Increasing the experience requirements and references protects the public and allows for better care of the animals.

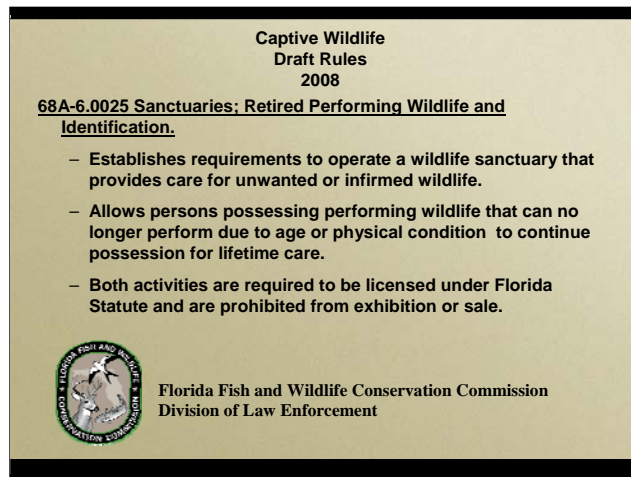
- Remove brushtailed possums from the list of wildlife that may be possessed for personal use without a permit. (Currently listed federally as an injurious species).
- Require experience for Class I and Class II wildlife to be with the species or other species in the same genus that are substantially similar in size, characteristics, care and nutritional requirements to the species for which the permit is sought .
- Require applicants for Class I and II wildlife to provide the time range the experience was obtained.
- Increase the hours of experience requirement from 100 to 500 hours, when utilizing the test option, for Class II applicants. (Same as venomous reptile requirement.)
- Modify reference requirements to allow for one of the references to be provided from a representative of a professional or governmental institution such as a University, Public Service agency, Zoological association, herpetological society or veterinary.
- Provide that the experience requirements do not apply to alligators when possessed on an alligator farm.
- Provide that the experience requirements do not apply to *Bovidae* when possessed on Game Farms and Hunting Preserves.
- Require corporations to have qualified personnel responsible for the care of Class I or II wildlife.
 - Personnel must meet the experience requirements provided for Class I or II wildlife.
 - Documentation of experience for such personnel must be submitted upon initial application and any change in personnel.
- Require a USDA license to be obtained within 180 days after initial application and maintained when Class I wildlife is possessed for exhibition or sale.
- Clarify language for Critical Incident/Disaster Plan requirement, modify form and form date.



68A-6.0024 Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee: Summary of Changes

- Delete reference to "public contact" in rule title. Language pertaining to public contact is found in the previous rule for general possession of captive wildlife.
- Require persons permitted in to possess wildlife for exhibition or sale to demonstrate consistent and sustained commercial activity as characterized by:
 - A regular media advertising campaign, or Internet Web site;
 - Signs, billboards or flyers advertising commercial wildlife services or operations;
 - Regular "Open for business" hours;
 - Written business is conducted on printed letterhead, indicating the name of the company or business;
 - Documented exhibition of wildlife to the public, with or without a charge, of no less than 12 times per year;
 - Sale of wildlife.

This provision clarifies that Class I wildlife can only be possessed for exhibition or sale.



68A-6.0025 Sanctuaries; Retired Performing Wildlife and Identification: Summary of Changes

Currently, sanctuaries are not defined in rule. To clarify “what is a sanctuary” and establish criteria for the possession of animals in a sanctuary setting, we have proposed a new rule.

- Defines captive wildlife sanctuaries as a facility established solely for the purpose of providing lifetime care for unwanted or infirmed wildlife.
- Requires sanctuaries to be licensed per 372.921 (exhibition and sale license) and not-for-profit corporation status as described in 501 (c) 3 of the Internal Revenue Code.
- Prohibits acts which perpetuate the commercial trade in captive wildlife including the exhibition, trade, sale, offering for trade or sale, breeding, or buying of captive wildlife or parts thereof.
- Prohibits full or incidental contact between the public and such wildlife.
- Requires permanent identification, recordkeeping of such identification and submission of such identification records to FWC.
- Allows persons licensed to maintain Class I performing wildlife, retired due to age or physical condition, to provide lifetime care.
 - Requires permanent identification, recordkeeping and submission of such records as required for wildlife maintained by a captive wildlife sanctuary.
 - Are prohibited from exhibition or sale.

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**68A-6.0041 Exceptions to Standard Caging Requirements for
Captive Wildlife.**

- Adds bison to the list of species exempt from the standard caging requirements when possessed for propagation purposes.



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68A-6.0041 Exceptions to Standard Caging Requirements for Captive Wildlife: Summary of Changes

- Exempt Bison (when possessed for propagation purposes only) from standard caging requirements. This acknowledges the agricultural status of the Bison.

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68A-6.0071 Record Keeping and Reporting Requirements.

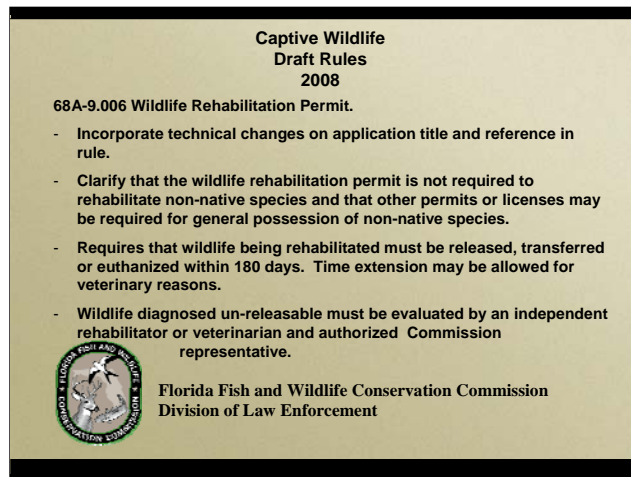
- Staff will review and modify the Captive Wildlife Inventory-Reptile form as needed to finalize these draft rules.



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68A-6.0071 Record Keeping and Reporting Requirements: Summary of Changes

- The Captive Wildlife Inventory-Reptile form, FWCDLE_620IV-R (12-06), will be reviewed to determine if modifications are necessary.



68A-9.006 Wildlife Rehabilitation Permit: Summary of Changes

This rule updates the requirements to rehabilitate wildlife. It clarifies that rehabilitators should not keep wildlife past the time required to rehabilitate the animal, should not release exotic wildlife to the wild or comingle native and exotic wildlife.

- Delete reference to “joint” permit and update language to accurately reflect federal permit requirement when rehabilitating migratory birds.
- Reflect correct application title and delete “incorporated by reference” to allow for standardization of agency permit applications without necessitating a rule change.
- Clarify that no rehabilitation permit is required for rehabilitation of non-native species in the Class III, venomous reptile and reptile of concern categories.
- Provide that exotic or non-native wildlife may not be comingled with native wildlife possessed for rehabilitation purposes.
- Provide that wildlife may be held no longer than 180 days before it must be released, transferred or euthanized.
- Allow that the 180-day requirement may be extended in instances where a licensed veterinarian has certified that a longer holding period is necessary in the interest of the health and welfare of the wildlife.
 - Require medical records in these instances to be maintained at the facility and made available for inspection upon request.
- Require evaluation by an independent rehabilitator or veterinarian before physically impaired wildlife is diagnosed as un-releasable.

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Staff requests Commission approval to proceed with the advertising of the proposed rules.

If approved today, due to the large amount of public comment received and additional comment anticipated, we would request that the proposed rules be presented for final consideration and adoption at the February 2009 Commission meeting.



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