

NOTICE OF PROPOSED RULEMAKING
FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

RULE NO:
68A-1.004

RULE TITLE:
Definitions.

PURPOSE AND EFFECT: The purpose and effect of this rule is to define the terms “captive wildlife,” “critical incident,” “disaster,” “relative,” “reptiles of concern” and “venomous reptiles.” Additionally, the rule amendment is intended to amend the definition of the term “person” to be consistent with Florida Statutes. These definitions provide clarification for these terms as they are used in captive wildlife regulations, which are concurrently being amended.

SUMMARY: Provides clear definitions of the terms “captive wildlife,” “critical incident,” “disaster,” “relative,” “reptiles of concern” and “venomous reptiles,” as those terms are used in captive wildlife regulations. The rule amendment also redefines the term “person.”

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Article IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Sec. 9, Fla. Const.

A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission’s regular meeting, February 7-8, 2007, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Sandestin Resort, 9300 Emerald Coast Parkway, West Destin, FL 32550, 850-267-8000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Linda Harrison, Division of Law Enforcement, Investigations Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850) 488-6253.

THE FULL TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

68A-1.004 Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

(1) - (19) No Change.

(20) Captive wildlife- any wildlife, specifically birds, mammals, reptiles, and amphibians maintained in captivity for exhibition, sale, personal use, propagation, preservation, rehabilitation, protection or hunting purposes.

(21)(20) - (23)(22) No Change.

(24) Critical Incident – Any condition which results in the release or escape of captive wildlife from its enclosure, cage, leash, or other constraint.

(25)(23) - (28)(26) No Change.

(29) Disaster – A sudden calamitous event that causes great damage, loss or destruction. Examples include a hurricane, tornado or other severe storm, flood, wildfire, or any other similar natural disaster, terrorist act, biological or radiological event, or any other similar man made disaster.

~~(30)(27)~~ - ~~(56)(53)~~ No Change.

~~(57)(54)~~ Person – The word “person” as used in these rules shall have the same meaning as in section 1.01, F.S. Includes individuals, associations, partnerships, and corporations, unless the context should otherwise require.

~~(58)(55)~~ - ~~(66)(63)~~ No Change.

~~(67)~~ Relative - An individual who is related 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.

~~(68)(64)~~ No Change.

~~(69)~~ Reptiles of Concern – As designated by the Commission, any member of the class Reptilia, including subspecies, taxonomic successors or hybrids thereof, which due to its nature, has habits or the potential to impact the environment, may be possessed and housed only in accordance with the regulations provided for reptiles of concern.

~~(70)(65)~~ - ~~(91)(86)~~ No Change.

~~(92)~~ Venomous reptile – All members of the class Reptilia including their taxonomic successors, subspecies, or any hybrid thereof, regardless of surgical alteration, determined to have the potential to cause serious human injury due to the toxic effects of its venom or poison. Including all venomous reptiles of the class Reptilia belonging to the families Elapidae, Crotalidae, Viperidae, and Hydrophiidae; all reptiles in the genus *Heloderma*; and all reptiles in the family Colubridae belonging to the genera: *Rhabdophis*, *Boiga*, *Dispholidus*, *Thelatornis*, and *Atractapsis*.

~~(93)(87)~~ - ~~(98)(92)~~ No Change.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON(S) ORIGINATING PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN F.A.W.: July 28, 2006

