

BACKGROUND
Final Public Hearing
September 17, 2008

Final Rules – Adoption of Nonnative Wildlife

68-5.004, Amnesty for Persons Relinquishing Non-native Pets

Release of exotic animals by pet owners remains a significant pathway for the introduction of non-native species. FWC has initiated an amnesty program to provide an option for owners of exotic pets to surrender their pets to responsible agencies instead of illegally releasing them on public or private lands.

FWC has sponsored three nonnative pet amnesty days, with the most recent event held February 23 at the Miami MetroZoo. All events attracted considerable media attention, with the number of surrendered animals increasing each time (148 animals surrendered in Miami).

Due to the popularity of nonnative pet amnesty events, and the likelihood of the continuance of this program, a rule is needed to allow for the transfer of wildlife from unpermitted entities to properly licensed adopters. Draft rule 68-5.004 would allow, at FWC-sanctioned amnesty events, adopters to accept nonnative fish and wildlife from unlicensed individuals, and owners of unlicensed fish and wildlife to surrender their animals, without penalty. This will necessitate an exception to Rule 68A-6.0021(2), which currently prohibits transfers of unpermitted wildlife.

A second exception to Rule 68A-6.0021 (2) would allow state and county animal control agencies to accept unlicensed nonnative animals, and for owners of unlicensed nonnative animals to surrender those animals to state and county animal control agencies, without penalty. Many animal control agencies currently serve as volunteer animal drop-off points. The draft rule would allow these agencies to hold surrendered wildlife that require a permit temporarily before transferring these animals to properly licensed caregivers, or to euthanize those that are in poor health or can not be placed in a reasonable amount of time.

These exceptions to Rule 68A-6.0021 (2) will be included in the review of the captive wildlife rules and will be presented for final approval in February 2009. In the interim, incipient policy making will be used to allow the persons adopting wildlife through the FWC's amnesty program to accept wildlife from unpermitted entities, provided adopters have satisfactorily filled out the appropriate application forms, and will allow state and county animal control agencies to accept unlicensed nonnative animals.

Presented for final approval:

68-5.004 Amnesty for Persons Relinquishing Non-native Pets.–

It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida's environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose.

(1) Persons adopting nonnative species through an FWC sponsored amnesty event may accept nonnative fish or wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife. Persons relinquishing nonnative fish or wildlife to a person pursuant to this rule are hereby deemed not to be in violation of the permit requirement of Rule 68A-6.0021(2).

(2) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife. Persons relinquishing nonnative fish or wildlife to a state and county wildlife control agency pursuant to this rule are hereby deemed not to be in violation of the permit requirement of Rule 68A-6.0021(2).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History - New _____.

To be presented for final adoption at the February 2009 Commission meeting:

68A-6.0021 Possession or Transfer of Class I Wildlife as Personal Use Wildlife; Transfer of Wildlife.

(1) No Change.

(2) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. The recipient's name, address and the permit or license

number if required shall be entered in the transferor's records and made available for inspection upon request of Commission employees for a period of one year after the transfer. This subsection shall not apply to persons relinquishing wildlife pursuant to Rule 68-5.004.

(3) No Change.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021, 372.022, 372.922 FS. Law Implemented 372.16, 372.86, 372.921, 372.922 FS. History— New 6-21-82, Formerly 39-6.021, Amended 6-1-86, 4-11-90, Formerly 39-6.0021, Amended _____.