

## **Draft Rules: Florida's Listed Species Rules Revisions**

### **Agenda Item 4 B 3**

**December 9, 2009, Commission Meeting**

Chapters 68A-27 and 68A-1 contain rules and definitions relating to FWC's list of endangered species, threatened species and species of special concern and the process for listing or removing these species from the list. Pursuant to direction from the Commission at the June 2009 Commission meeting, the following draft rules are recommended to implement the revised endangered and threatened species management and listing system.

<b>68A-1.004</b>	<b>Definitions.</b>	<b>Revisions</b>
<b>68A-27.0001</b>	<b>Purpose and intent.</b>	<b>New</b>
<b>68A-27.001</b>	<b>Definitions.</b>	<b>New</b>
<b>68A-27.0011</b>	<b>Killing Endangered Species.</b>	<b>Minor revisions</b>
<b>68A-27.0012</b>	<b>Procedures for Listing and Removing Species from Florida's Endangered and Threatened Species List.</b>	<b>Substantial Revision</b>
<b>68A-27.002</b>	<b>Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property.</b>	<b>Repeal</b>
<b>68A-27.0021</b>	<b>Designation of Candidate Species; Prohibitions; Permits.</b>	<b>Minor revisions</b>
<b>68A-27.003</b>	<b>Florida Endangered and Threatened Species; Prohibitions.</b>	<b>Substantial Revision</b>
<b>68A-27.004</b>	<b>Designation of Threatened Species; Prohibitions.</b>	<b>Repeal</b>
<b>68A-27.005</b>	<b>Designation of Species of Special Concern; Prohibitions; Permits.</b>	<b>Substantial Revision</b>
<b>68A-27.006</b>	<b>Reward Program.</b>	<b>Minor Revisions</b>
<b>68A-27.007</b>	<b>Permits and Authorizations for the take of Florida Endangered and Threatened Species.</b>	<b>New</b>

1 **68A-1.004 Definitions.**

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

5 (1) through (18) No Change.

6 (19) Candidate species — A species, subspecies, or isolated population of a species or subspecies, which has  
7 been determined by the Commission to warrant listing under Rule 68A 27.003, 68A 27.004 or 68A 27.005, F.A.C.,  
8 but for which actual listing in the aforementioned rules is pending development of a management plan.

9 (20) through (29) renumbered as (19) through (28) No change.

10 (30) Direct take — Intentionally pursuing, hunting, capturing, killing, or destroying fish or wildlife or the nests,  
11 eggs, homes or dens of fish or wildlife.

12 (31) Endangered species — As designated by the Commission, a species, subspecies, or isolated population of a  
13 species or subspecies which is so few or depleted in number or so restricted in range or habitat due to any man-made  
14 or natural factors that it is in imminent danger of extinction, or extirpation from Florida, as determined by paragraph  
15 (a), (b), (c), (d), or (e) below in accordance with Rule 68A 27.0012, F.A.C.

16 (a) Reduction in population size based on any of the following:

17 1. An observed, estimated, inferred or suspected population size reduction of at least 80% over the previous ten  
18 years or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be  
19 understood or may not be reversible, based on (and specifying) any of the following:

20 a. Direct observation

21 b. An index of abundance appropriate for the taxon,

22 c. A decline in area of occupancy, extent of occurrence, or quality of habitat,

23 d. Actual or potential levels of exploitation,

24 e. The effects of introduced taxa, hybridization, pathogens, pollutants, competitors, or parasites.

25 2. A population size reduction of at least 80%, projected or suspected to be met within the next ten years or  
26 three generations, whichever is longer (up to a maximum of 100 years), based on (and specifying) any of  
27 subparagraph 1.b., 1.c., 1.d., or 1.e. above.

28 3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 80% over any  
29 10-year or three-generation period, whichever is longer (up to a maximum of 100 years in the future), where the time  
30 period must include both past and future, and where the reduction or its causes may not have ceased or may not be  
31 understood or may not be reversible, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e.  
32 above.

33 4. An observed, estimated, inferred, or suspected population size reduction of at least 90% over the last 10 years  
34 or three generations, whichever is longer, where the causes of reduction are clearly reversible and understood and  
35 ceased, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e. above.

36 (b) Geographic range in the form of either extent of occurrence estimated to be less than 40 square miles or area  
37 of occupancy estimated to be less than 4 square miles, and estimates indicating any two of the following:

- 38 ~~1. Severity fragmented or known to exist at only a single location.~~
- 39 ~~2. Continuing decline, observed, inferred or projected, in any of the following:~~
- 40 ~~a. Extent of occurrence~~
- 41 ~~b. Area of occupancy~~
- 42 ~~c. Area, extent, and/or quality of habitat~~
- 43 ~~d. Number of locations or subpopulations~~
- 44 ~~e. Number of mature individuals~~
- 45 ~~3. Extreme fluctuations in any of the following:~~
- 46 ~~a. Extent of occurrence~~
- 47 ~~b. Area of occupancy~~
- 48 ~~c. Number of locations or subpopulations~~
- 49 ~~d. Number of mature individuals~~
- 50 ~~(e) Population size estimated to number fewer than 250 mature individuals and either:~~
- 51 ~~1. An estimated continuing decline of at least 25% within three years or one generation, whichever is longer (up~~
- 52 ~~to a maximum of 100 years in the future), or~~
- 53 ~~2. A continuing decline, observed, projected or inferred, in numbers of mature individuals and at least one of the~~
- 54 ~~following:~~
- 55 ~~a. Population structure in the form of either no subpopulation estimated to contain more than 50 mature~~
- 56 ~~individuals, or at least 90% of mature individuals in one subpopulation.~~
- 57 ~~b. Extreme fluctuations in number of mature individuals.~~
- 58 ~~(d) Population size estimated to number less than 50 mature individuals.~~
- 59 ~~(e) Quantitative analysis showing the probability of extinction in the wild is at least 50% within ten years or~~
- 60 ~~three generations, whichever is longer (up to a maximum of 100 years).~~
- 61 (32) through (34) renumbered as (29) through (31) No change.
- 62 (32) Florida Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated
- 63 populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida which are
- 64 endangered and threatened under Commission rule as either (a) Federally-designated Endangered and Threatened
- 65 species by virtue of designation as endangered or threatened by the United States Departments of Interior or
- 66 Commerce under the Endangered Species Act, 16 U.S.C. § 1531, et seq. and rules thereto or (b) as a State-
- 67 designated Threatened species. Florida Endangered and Threatened species retain their status regardless of
- 68 subsequent changes in scientific nomenclature or subsequent identification of species or subspecies within the
- 69 species listed.
- 70 (35) through (81) renumbered as (33) through (79) No change.
- 71 ~~(82) Species of special concern—As designated by the Commission, a species, subspecies, or isolated~~
- 72 ~~population of a species or subspecies which is facing a moderate risk of extinction, or extirpation from Florida, in~~
- 73 ~~the future, as determined by paragraph (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C.~~
- 74 ~~(a) Reduction in population size based on any of the following:~~

- 75 ~~1. An observed, estimated, inferred or suspected population size reduction of at least 30% over the last ten years~~  
76 ~~or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be~~  
77 ~~understood or may not be reversible, based on (and specifying) any of the following:~~
- 78 ~~a. Direct observation.~~
  - 79 ~~b. An index of abundance appropriate for the taxon.~~
  - 80 ~~c. A decline in area of occupancy, extent of occurrence, and/or quality of habitat.~~
  - 81 ~~d. Actual or potential levels of exploitation.~~
  - 82 ~~e. The effects of introduced taxa, hybridization, pathogens, pollutants, competitors, or parasites.~~
- 83 ~~2. A population size reduction of at least 30%, projected or suspected to be met within the next ten years or~~  
84 ~~three generations, whichever is longer (up to a maximum of 100 years), based on (and specifying) any of~~  
85 ~~subparagraph 1.b., 1.c., 1.d., or 1.e. above.~~
- 86 ~~3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 30% over any~~  
87 ~~10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time~~  
88 ~~period must include both past and future, and where the reduction or its causes may not have ceased OR may not be~~  
89 ~~understood OR may not be reversible, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e.~~  
90 ~~above.~~
- 91 ~~4. An observed, estimated, inferred, or suspected population size reduction of at least 50% over the last 10 years~~  
92 ~~or three generations, whichever is longer, where the causes of reduction are clearly understood and reversible and~~  
93 ~~ceased, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e. above.~~
- 94 ~~(b) Geographic range in the form of either extent of occurrence estimated to be less than 7,700 square miles or~~  
95 ~~area of occupancy estimated to be less than 770 square miles, and estimates indicating any two of the following:~~
- 96 ~~1. Severely fragmented or known to exist at no more than 10 locations.~~
  - 97 ~~2. Continuing decline, observed, inferred or projected, in any of the following:~~
    - 98 ~~a. Extent of occurrence.~~
    - 99 ~~b. Area of occupancy.~~
    - 100 ~~c. Area, extent, and/or quality of habitat.~~
    - 101 ~~d. Number of locations or subpopulations.~~
    - 102 ~~e. Number of mature individuals.~~
  - 103 ~~3. Extreme fluctuations in any of the following:~~
    - 104 ~~a. Extent of occurrence.~~
    - 105 ~~b. Area of occupancy.~~
    - 106 ~~c. Number of locations or subpopulations.~~
    - 107 ~~d. Number of mature individuals.~~
  - 108 ~~(c) Population size estimated to number fewer than 10,000 mature individuals and either:~~
    - 109 ~~1. An estimated continuing decline of at least 10% within ten years or three generations, whichever is longer (up~~  
110 ~~to a maximum of 100 years in the future); or~~
    - 111 ~~2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of~~

112 the following:

113 a. ~~Population structure in the form of either no subpopulation estimated to contain more than 1,000 mature~~  
114 ~~individuals, or all mature individuals are in one subpopulation.~~

115 b. ~~Extreme fluctuations in number of mature individuals~~

116 (d) ~~Population very small or restricted in the form of either of the following:~~

117 1. ~~Population size estimated to number fewer than 1,000 mature individuals.~~

118 2. ~~Population with a very restricted area of occupancy (typically less than 8 square miles) or number of~~  
119 ~~locations (typically 5 or fewer) such that it is prone to the effects of human activities or stochastic events within a~~  
120 ~~very short time period in an uncertain future.~~

121 (e) ~~Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.~~

122 (83) through (85) renumbered as (80) through (82) No change.

123 (86) ~~Threatened species—As designated by the Commission, a species, subspecies, or isolated population of a~~  
124 ~~species or subspecies which is facing a very high risk of extinction, or extirpation from Florida, in the future, as~~  
125 ~~determined by paragraph (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C.:~~

126 (a) ~~Reduction in population size based on any of the following:~~

127 1. ~~An observed, estimated, inferred, or suspected population size reduction of at least 50% over the last ten~~  
128 ~~years or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be~~  
129 ~~understood or may not be reversible, based on (and specifying) any of the following:~~

130 a. ~~Direct observation~~

131 b. ~~An index of abundance appropriate for the taxon~~

132 c. ~~A decline in area of occupancy, extent of occurrence, and/or quality of habitat~~

133 d. ~~Actual or potential levels of exploitation~~

134 e. ~~The effects of introduced taxa, hybridization, pathogens, pollutants, competitors, or parasites~~

135 2. ~~A population size reduction of at least 50%, projected or suspected to be met within the next ten years or~~  
136 ~~three generations, whichever is longer, (up to a maximum of 100 years), based on (and specifying) any of~~  
137 ~~subparagraph 1.b., 1.c., 1.d. or 1.e. above.~~

138 3. ~~An observed, estimated, inferred, projected, or suspected population size reduction of at least 50% over any~~  
139 ~~10-year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time~~  
140 ~~period must include both past and future, and where the reduction or its causes may not have ceased or may not be~~  
141 ~~understood or may not be reversible, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e.~~  
142 ~~above.~~

143 4. ~~An observed, estimated, inferred, or suspected population size reduction of at least 70% over the last 10 years~~  
144 ~~or three generations, whichever is longer, where the causes of reduction are clearly understood and reversible and~~  
145 ~~ceased, based on (and specifying) any of subparagraph 1.a., 1.b., 1.c., 1.d., or 1.e. above.~~

146 (b) ~~Geographic range in the form of either extent of occurrence estimated to be less than 2,000 square miles or~~  
147 ~~area of occupancy estimated to be less than 200 square miles, and estimates indicating any two of the following:~~

148 1. ~~Severely fragmented or known to exist at no more than five locations.~~

149 ~~2. Continuing decline, observed, inferred or projected, in any of the following:~~  
150 ~~a. Extent of occurrence~~  
151 ~~b. Area of occupancy~~  
152 ~~c. Area, extent, and/or quality of habitat~~  
153 ~~d. Number of locations or subpopulations~~  
154 ~~e. Number of mature individuals~~  
155 ~~3. Extreme fluctuations in any of the following:~~  
156 ~~a. Extent of occurrence~~  
157 ~~b. Area of occupancy~~  
158 ~~c. Number of locations or subpopulations~~  
159 ~~d. Number of mature individuals~~  
160 ~~(e) Population size estimated to number fewer than 2,500 mature individuals and either:~~  
161 ~~1. An estimated continuing decline of at least 20% within five years or two generations, whichever is longer (up~~  
162 ~~to a maximum of 100 years in the future); or~~  
163 ~~2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of~~  
164 ~~the following:~~  
165 ~~a. Population structure in the form of either no subpopulation estimated to contain more than 250 mature~~  
166 ~~individuals, or at least 95% of mature individuals in one subpopulation~~  
167 ~~b. Extreme fluctuations in number of mature individuals~~  
168 ~~(d) Population size estimated to number fewer than 250 mature individuals.~~  
169 ~~(e) Quantitative analysis showing the probability of extinction in the wild is at least 20% within 20 years or five~~  
170 ~~generations, whichever is longer (up to a maximum of 100 years).~~  
171 (87) through (99) renumbered as (83) through (95) No change.  
172 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79,*  
173 *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-*  
174 *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-*  
175 *00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06, 4-1-07, 7-1-08, 10-23-08*

176  
177 **68A-27.0001 Purpose and intent.**

178 (1) The purpose and intent of this rule chapter is to conserve or improve the status of endangered and threatened  
179 species in Florida to effectively reduce the risk of extinction through the use of a science-informed process that is  
180 objective and quantifiable, that accurately identifies endangered and threatened species that are in need of special  
181 actions to prevent further imperilment, that identifies a framework for developing management strategies and  
182 interventions to reduce threats causing imperilment, and that will prevent species from being threatened to such an  
183 extent that they become regulated and managed under the federal Endangered Species Act of 1973, as amended,  
184 16 U.S.C. §1531 et seq.

185 (2) The Commission shall include in its annual work plan the Florida Endangered and Threatened species it will  
186 focus on in the next fiscal year. Work shall include but not be limited to species evaluation requests, management

187 plan development and implementation, and other conservation actions.

188 (3) The protections of this rule chapter shall not prohibit lawful hunting, fishing or other recreational activities  
189 when those activities result in annoyance or disturbance of Florida Endangered and Threatened Species.

190 (4) The Commission does not intend to prohibit actions taken on an emergency basis necessary to address  
191 public safety.

192 (5) This rule chapter is not intended to exercise regulatory authority over those species under Legislative  
193 authority. The Commission will continue to regulate those species to the extent authorized by Florida Statute.  
194 Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.  
195

196 **68A-27.001 Definitions.**

197 When used in this rule chapter, the terms and phrases listed below have the meaning provided:

198 (1) Florida Endangered and Threatened Species – species of fish or wild animal life, subspecies or isolated  
199 populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida which are  
200 endangered and threatened under Commission rule as either (a) Federally-designated Endangered and Threatened  
201 species by virtue of designation as endangered or threatened by the United States Departments of Interior or  
202 Commerce under the Endangered Species Act, 16 U.S.C. § 1531, et seq. and rules thereto or (b) as a State-  
203 designated Threatened species. Florida Endangered and Threatened species retain their status regardless of  
204 subsequent changes in scientific nomenclature or subsequent identification of species or subspecies within the  
205 species listed.

206 (2) Federally-designated Endangered and Threatened Species – species of fish or wild animal life, subspecies  
207 or isolated populations of species or subspecies, whether vertebrate or invertebrate, that are native to Florida and are  
208 classified as Endangered and Threatened under Commission rule by virtue of designation by the United States  
209 Departments of Interior or Commerce as endangered or threatened under the Federal Endangered Species Act, 16  
210 U.S.C. § 1531 et seq. and rules thereto.

211 (3) State-designated Threatened Species – As designated by the Commission, species of fish or wild animal life,  
212 subspecies, or isolated population of a species or subspecies, whether vertebrate or invertebrate, that are native to  
213 Florida and are classified as Threatened as determined by paragraph (a), (b), (c), (d), or (e) below in accordance with  
214 Rule 68A-27.0012, F.A.C. The designation of a species as threatened shall include all subspecies unless stated  
215 otherwise in Commission rule.

216 (a) Reduction in population size based on any of the following:

217 1. An observed, estimated, inferred or suspected population size reduction of at least 50% over the last 10 years  
218 or three generations, whichever is the longer, where the causes of the reduction are: clearly reversible and  
219 understood and ceased, based on (and specifying) any of the following:

220 a. Direct observation

221 b. An index of abundance appropriate to the taxon

222 c. A decline in area of occupancy, extent of occurrence and/or quality of habitat

223 d. Actual or potential levels of exploitation

224 e. The effects of introduced taxa, hybridization, pathogens, pollutants, competitors or parasites.

225 2. An observed, estimated, inferred or suspected population size reduction of at least 30% over the last 10 years  
226 or three generations, whichever is the longer, where the reduction or its causes may not have ceased or may not be  
227 understood or may not be reversible, based on (and specifying) any of (a)1.a. to (a)1.e. above.

228 3. A population size reduction of at least 30%, projected or suspected to be met within the next 10 years or three  
229 generations, whichever is the longer (up to a maximum of 100 years), based on (and specifying) any of (a)1.b. to  
230 (a)1.e. above.

231 4. An observed, estimated, inferred, projected or suspected population size reduction of at least 30% over any  
232 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time  
233 period must include both the past and the future, and where the reduction or its causes may not have ceased or may  
234 not be understood or may not be reversible, based on (and specifying) any of (a)1.a. to (a)1.e above.

235 (b) Geographic range in the form of either (b)1. (extent of occurrence) or (b)2. (area of occupancy) or both:

236 1. Extent of occurrence estimated to be less than 20,000 square kilometers (7,722 square miles), and estimates  
237 indicating at least two of a–c:

238 a. Severely fragmented or known to exist at no more than 10 locations.

239 b. Continuing decline, observed, inferred or projected, in any of the following:

240 (i) extent of occurrence

241 (ii) area of occupancy

242 (iii) area, extent and/or quality of habitat

243 (iv) number of locations or subpopulations

244 (v) number of mature individuals.

245 c. Extreme fluctuations in any of the following:

246 (i) extent of occurrence

247 (ii) area of occupancy

248 (iii) number of locations or subpopulations

249 (iv) number of mature individuals.

250 2. Area of occupancy estimated to be less than 2,000 square kilometers (772 square miles), and estimates  
251 indicating at least two of a–c:

252 a. Severely fragmented or known to exist at no more than 10 locations.

253 b. Continuing decline, observed, inferred or projected, in any of the following:

254 (i) extent of occurrence

255 (ii) area of occupancy

256 (iii) area, extent and/or quality of habitat

257 (iv) number of locations or subpopulations

258 (v) number of mature individuals.

259 c. Extreme fluctuations in any of the following:

260 (i) extent of occurrence

261 (ii) area of occupancy

262 (iii) number of locations or subpopulations  
263 (iv) number of mature individuals.  
264 (c) Population size estimated to number fewer than 10,000 mature individuals and either:  
265 1. An estimated continuing decline of at least 10% within 10 years or three generations, whichever is longer,  
266 (up to a maximum of 100 years in the future); or  
267 2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of  
268 the following (a–b):  
269 a. Population structure in the form of one of the following:  
270 (i) no subpopulation estimated to contain more than 1000 mature individuals; or  
271 (ii) all mature individuals are in one subpopulation.  
272 b. Extreme fluctuations in number of mature individuals.  
273 (d) Population very small or restricted in the form of either of the following:  
274 1. Population size estimated to number fewer than 1000 mature individuals.  
275 2. Population with a very restricted area of occupancy (typically less than 20 square kilometers [8 square miles])  
276 or number of locations (typically five or fewer) such that it is prone to the effects of human activities or stochastic  
277 events within a very short time period in an uncertain future, and is thus capable of becoming endangered or  
278 threatened or even extinct in a very short time period.  
279 (e). Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.  
280 (4) Take – to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in  
281 such conduct. The term “harm” in the definition of take means an act which actually kills or injures fish or wildlife.  
282 Such act shall include acts that actually kill or injure wildlife by significantly impairing essential behavioral patterns,  
283 including breeding, feeding or sheltering. The term “harass” in the definition of take means an intentional or  
284 negligent act or omission which creates the likelihood of injury to wildlife. “Harass” shall include annoying fish or  
285 wildlife only if the annoyance creates the likelihood of injury by significantly disrupting normal behavioral patterns  
286 which include, but are not limited to, breeding, feeding or sheltering.  
287 (5) Incidental take – any taking otherwise prohibited, if such taking is incidental to, and not the purpose of the  
288 carrying out of an otherwise lawful activity.  
289 (6) Management plan – a document created or adopted by the Commission with the purpose of providing  
290 guidance for the management of the species. The intent of management plans is to provide guidance to conserve  
291 species so that their status improves and the species can be removed from the Florida Endangered and Threatened  
292 Species list as well as to provide guidance to conserve the species so that they will not again need to be listed. It  
293 shall be a comprehensive, single-species management plan; or a document involving a multi-species plan; or a  
294 document indicating the specified rule or rules; or a reference to a federal recovery plan that will be used for  
295 guidance in the management of the species. The management plan shall address biological status; identify  
296 measurable conservation objectives, including a time frame; identify any exempt activities if appropriate; identify  
297 conservation actions; identify incentives if appropriate; recommend rules for species if warranted; address  
298 anticipated economic, ecological, and social impacts of implementing or not implementing the management plan;

299 and include a revision schedule.

300 (7) Native – a species, subspecies or isolated populations of species or subspecies that occur naturally in Florida  
301 or that has been reintroduced into its historic range, rather than occurring in Florida as a result of accidental or  
302 deliberate introduction by humans.

303 (8) Candidate species – A species of fish or wild animal life, subspecies, or isolated populations of species or  
304 subspecies, whether invertebrate or vertebrate, that the Commission has determined warrants listing as a State-  
305 designated Threatened Species in accordance with Rule 68A-27.0012, F.A.C. and is awaiting final Commission  
306 action to be added to the list of Florida Endangered and Threatened Species in Rule 68A-27.003, F.A.C.

307 (9) Isolated population – A significant and discrete population of a species or subspecies of fish or wild animal  
308 life that is reproductively separated from other populations of the same species or subspecies as a consequence of  
309 physical, ecological, or other factors.

310 (10) Data deficient – the condition where a species was evaluated and found to have insufficient scientific and  
311 commercial data to recommend a listing status for the species.

312 *Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.*

313

314 **68A-27.0011 Killing Endangered Species.**

315 No person shall intentionally kill, attempt to kill or wound any ~~endangered~~ species that is both as designated in Rule  
316 68A-27.003, F.A.C. and designated in 50 C.F.R. 17.11 as endangered.

317 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-84,*  
318 *Formerly 39-27.011, Amended 4-13-88, Formerly 39-27.0011.*

319

320 **68A-27.0012 Procedures for Listing, and Removing Species from Florida's and Reclassifying Endangered**  
321 **and ~~Threatened~~ ~~and~~ Species List of ~~Special~~ Concern.**

322 (Substantial rewording of Rule 68A-27.0012 follows. See Florida Administrative Code for present text.)

323 (1) Federally-designated Endangered and Threatened Species. Species which are native to Florida and which  
324 are designated as Endangered or Threatened under the Federal Endangered Species Act (ESA), 15 U.S.C. § 1531 et  
325 seq. and rules thereto will be listed by the Commission as a Florida Endangered and Threatened Species by virtue of  
326 the federal designation. If a species native to Florida is added or reclassified under the ESA, the species shall be so  
327 listed or reclassified in the Florida Endangered and Threatened Species rule pursuant to the notice provisions of  
328 section 120.54(6), F.S. relating to adoption of federal standards. Before species that have been removed from the  
329 ESA are removed from the Florida Endangered and Threatened Species rule, they shall receive a biological status  
330 review according to paragraph (2)(c)2. to determine if the species warrants listing as a state-designated species.  
331 Prior to any species being removed from the Florida Endangered and Threatened Species list, the Commission shall  
332 develop a management plan that is intended to maintain or enhance the conservation of that species.

333 (2) State-designated Threatened Species.

334 (a) Notwithstanding the provisions contained in this subsection, these procedures shall not be applied to the  
335 following species:

336 1. Federally-designated Endangered and Threatened species, except when those species are scheduled to be

337 removed from the federal list,  
338 2. Species not native to Florida,  
339 3. Harvested species that are monitored through periodic stock assessments or other techniques and are the  
340 subject of any rule in Title 68, F.A.C. that allows harvest.  
341 4. Species whose occurrence in Florida is only accidental.  
342 (b) Requesting the evaluation of a species for listing or removal from the State-designated Threatened species  
343 list.  
344 1. Persons requesting that the Commission list on or remove a species from the State-designated Threatened  
345 species list must submit a written species evaluation request to the Commission through the Division of Habitat and  
346 Species Conservation, Tallahassee, Florida. The Commission can also initiate species evaluation requests. Species  
347 evaluation requests shall be submitted from January 1 through June 30 and will be reviewed for completeness and  
348 considered for evaluation in the listing process from July 1 through September 30.  
349 2. Species evaluation requests shall be clearly identified as such, and must contain the following in order to be  
350 considered complete:  
351 a. The name, address, and signature of the person or persons submitting the request,  
352 b. Scientific and common name of the species,  
353 c. Sufficient information on the biology and distribution of the species to warrant investigation of its status  
354 using the criteria contained in the definition of a State-designated Threatened species. For listing requests, this  
355 information shall also include a biological score calculated according to the process initially described in Millsap, B.  
356 A., J. A. Gore, D. E. Runde, and S. I. Cerulean, Wildlife Monographs: Setting Priorities for the Conservation of  
357 Fish and Wildlife Species in Florida (Wildlife Monographs 111, July 1990, and as subsequently modified), the data,  
358 or references to data, and the score assigned for each biological variable used to determine the biological score. The  
359 information submitted with the request must include or reference the best scientific and commercial data available  
360 regarding the species.  
361 3. Incomplete species evaluation requests, including requests which do not include or reference the best  
362 scientific and commercial data available, will be returned to the requestor with insufficiencies clearly noted in  
363 writing. Corrected species evaluation requests may be resubmitted for consideration outside the submission time  
364 period identified in 1. above if resubmitted within 30 days of being returned. Corrected species evaluation requests  
365 resubmitted more than 30 days after being returned must be submitted within the time period identified in 1. above.  
366 4. Complete species evaluation requests will be evaluated in accordance with the provisions in paragraph (2)(c)  
367 for listing or (3)(b) for removal from the list.  
368 5. Emergency listing requests may be submitted at any time and, if in the opinion of the Executive Director,  
369 immediate designation of a species as a State-designated Threatened species is essential to prevent imminent  
370 extinction, such listing may be effected on a temporary basis by Executive Order; provided that the Executive Order  
371 shall be approved or terminated at the next regularly scheduled meeting of the Commission. Commission staff shall,  
372 within 365 days after the effective date of such approval, conduct the evaluations prescribed in paragraphs (2)(c),  
373 (2)(d), and (2)(e) of this rule to determine if the species should be listed as State-designated Threatened. The

374 Commission shall take final action on the listing at the next regularly scheduled meeting following the 365-day  
375 evaluation period.

376 (c) Determining if listing is warranted.

377 1. Biological vulnerability screening - The Commission staff shall review the information used to determine the  
378 biological score submitted with the species evaluation request. Using that information, and all other available  
379 scientific and commercial information staff shall determine a final biological score for the species for the purpose of  
380 further reviewing the species evaluation request.

381 a. If the final biological score is greater than or equal to 27, then the species evaluation request will be further  
382 evaluated under subparagraph (c)2. Biological Status Review below.

383 b. If the final biological score is less than 19, then no further action will be taken on the request and the  
384 requester will be notified of the score.

385 c. If the final biological score is greater than or equal to 19 and less than 27, then staff shall review the  
386 submitted and other available information on population trend, population size, extent of occurrence, area of  
387 occupancy, and quantitative analyses to recommend to the Commission whether the species evaluation request will  
388 be further evaluated under sub-paragraph (c)2. Biological Status Review below or returned to the requestor with no  
389 further action taken.

390 d. If the data and analysis within a request demonstrate that the species would qualify for listing by meeting at  
391 least one of the listing criteria for a State-designated Threatened species in Rule 68A-27.001, F.A.C., regardless of  
392 the biological score, then the species evaluation request will be further evaluated under subparagraph (c)2.  
393 Biological Status Review below.

394 2. Biological Status Review.

395 a. The Commission shall establish an annual work plan for investigating species evaluation requests meeting the  
396 biological vulnerability screening threshold, which considers the Commission's conservation priorities and available  
397 resources. The work plan shall establish a deadline for completion of each biological status review. Complete  
398 species evaluation requests meeting the biological vulnerability screening threshold not identified for staff action  
399 will be reconsidered each subsequent year.

400 b. The Commission staff shall provide notification to parties who request such notification and shall publish in  
401 the Florida Administrative Weekly a solicitation for information on the biological status of the species being  
402 evaluated. Written comments regarding biological status shall be accepted by the Commission for a period of no  
403 less than 45 days following public notice.

404 c. Commission staff shall recommend and the Commission shall designate a biological review group of  
405 scientists with demonstrated knowledge of species conservation and management that consists of an odd number of  
406 three to seven members. The biological review group shall use information provided in the species evaluation  
407 request, information obtained from the public, the definition of a State-designated Threatened species in Rule 68A-  
408 27.001, F.A.C. and the best available scientific and commercial biological data on the status of the species to  
409 determine if the species status meets the criteria for listing as a State-designated Threatened species. When  
410 assessing a species, this group shall follow the most recent versions of "Guidelines for Using the IUCN Red List

411 Categories and Criteria” and “Guidelines for Application of IUCN Red List Criteria at Regional Levels” available at  
412 www.iucnredlist.org. The Commission staff shall present the group’s findings in a biological status report, and shall  
413 include a recommendation on whether or not the species status meets the criteria for listing as a State-designated  
414 Threatened species based on the IUCN guidelines and criteria in Rule 68A-27.001, F.A.C. In addition, the Staff  
415 may provide within the report a biologically-justified opinion that differs from the criteria-based finding.

416 d. Commission staff shall seek a minimum of three independent scientists to conduct reviews focused on the  
417 science used in the biological status report, including methodologies, data, analyses, and interpretations. Reviewers  
418 will be provided no less than 45 days to comment on the biological status report.

419 e. The Commission shall consider the biological status report, independent scientific reviews received, and  
420 public comments regarding the biological status in making a final determination whether listing a species is  
421 warranted.

422 f. The nongame work plan will include species that did not qualify as threatened in this section but were  
423 identified during the process as needing special attention to prevent future listing. This work plan will be used to set  
424 priorities for nongame management and conservation actions.

425 g. If a species is determined by the Commission to warrant listing, the Commission shall:

426 i. Establish a deadline for developing a management plan for the species as described in paragraph (2)(d) below,  
427 considering the recommendation of staff and other interested parties.

428 ii. Add the species to the list of candidate species in Rule 68A-27.0021, F.A.C., and the protective provisions  
429 therein shall apply to the species.

430 (d) Developing management plans.

431 1. A management plan will be developed for species that the Commission has determined warrant listing before  
432 final action is taken to list the species.

433 2. Within 45 days following the meeting where the Commission determined that listing was warranted, the  
434 Commission shall provide notification to parties who request such notification and shall publish in the Florida  
435 Administrative Weekly a solicitation of information on the conservation needs of the species, and any economic and  
436 social factors that should be considered in its management. Written comments regarding conservation needs and  
437 economic and social factors to consider in creating the management plan shall be accepted by the Commission for a  
438 period of no less than 45 days following public notice.

439 3. The Commission staff shall use information obtained from the public and other available information to  
440 develop a draft management plan for each species that the Commission has determined warrants listing. The  
441 positive and negative social and economic impacts shall be considered in creation of the draft management plan.

442 4. The Commission staff shall provide notification to parties who request such notification and shall publish in  
443 the Florida Administrative Weekly a notice of the availability of the draft management plan. Written comments  
444 regarding conservation recommendations and expected economic and social impacts of implementation of the  
445 management plan shall be accepted by the Commission for a period of no less than 45 days following public notice.

446 (e) Final Commission action on the species evaluation request shall include:

447 1. Acceptance of the management plan.

448 2. Deletion of the species from the candidate species list in Rule 68A-27.0021, F.A.C., if appropriate, and  
449 changes to Rule 68A-27.003, F.A.C., in accordance with the determination made in paragraph (2)(c) of this rule.

450 3. Adoption of any proposed rules submitted in support of the management plan.

451 (3) Criteria for removal from the State-designated Threatened species list are as follows:

452 (a) Species listed as State-designated Threatened species as of the effective date of this rule: Management plans  
453 will be developed for the species listed in this rule and the species will be evaluated under the listing criteria in 68A-  
454 27.001(3). Species that are determined to be data deficient pursuant to the Guidelines for Using the IUCN Red List  
455 Categories and Criteria shall not be removed from the State-designated Threatened species list.

456 (b) All State-designated Threatened species listed after the effective date of this rule: Individuals may submit  
457 species evaluation requests for removing species from the list as described in the species evaluation request process  
458 in (2)(b). Species shall be removed from the State-designated Threatened species list if they do not meet any of the  
459 criteria in Rule 68A-27.001, F.A.C. in accordance with the Guidelines for Using the IUCN Red List Categories and  
460 Criteria.

461 (4) There is a moratorium for two years after the effective date of this rule on new requests for listing or  
462 removal of species to or from the State-designated Threatened Species list, except for emergency actions, in order to  
463 facilitate development of management plans for species currently on this list.

464 *Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-23-99,*  
465 *Formerly 39-27.0012, Amended 7-1-03, 5-26-05.*

466 ~~**68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport**~~  
467 ~~**Property—REPEALED**~~

469 **68A-27.0021 Designation of Candidate Species; Prohibitions; Permits.**

470 (1) The species in subsection (3) are hereby declared to be candidate species for inclusion in Rule 68A-27.003;  
471 68A-27.004 or 68A-27.005, F.A.C.

472 (2) No person shall ~~intentionally engage in direct take of~~ any candidate species except as authorized by specific  
473 permit from the Executive Director.

474 (3) The following species are hereby declared to be candidate species: none.

475 *Rulemaking Specific Authority: Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History New 6-23-99,*  
476 *Formerly 39-27.0021, Amended 4-30-00, 5-1-01.*

478 **68A-27.003 Florida Endangered and Threatened Species; Prohibitions; Permits.**

479 (Substantial rewording of Rule 68A-27.003 follows. See Florida Administrative Code for present text.)

480 (1) Federally-designated Endangered and Threatened species-

481 (a) No person shall take, possess, or sell any of the endangered or threatened species included in this subsection, or  
482 parts thereof or their nests or eggs except as allowed by specific federal or state permit or authorization.

483 (b) The following Federally-designated Endangered and Threatened species shall be afforded the protection  
484 afforded under Commission rules and Florida Statutes and under the Federal Endangered Species Act, 16 U.S.C. §

485 1531 et seq. and its implementing regulations. Species classified as endangered are identified below by (E) and  
486 threatened as (T).

487 (c) Fish:

488 1. Gulf sturgeon (*Acipenser oxyrinchus desotoi*)(T)

489 2. Okaloosa darter (*Etheostoma okaloosae*)(E)

490 3. Shortnose sturgeon (*Acipenser brevirostrum*)(E)

491 4. Smalltooth sawfish (*Pristis pectinata*)(E)

492 (d) Amphibians:

493 1. Frosted flatwoods salamander (*Ambystoma cingulatum*)(T)

494 2. Reticulated flatwoods salamander (*Ambystoma bishopi*)(E)

495 (e) Reptiles:

496 1. American alligator (*Alligator mississippiensis*)(T); Listed only because of similarity of appearance to the  
497 American crocodile

498 2. American crocodile (*Crocodylus acutus*)(T)

499 3. Atlantic salt marsh snake (*Nerodia clarkii taeniata*)(T)

500 4. Bluetail mole skink (*Eumeces egregius lividus*)(T)

501 5. Eastern indigo snake (*Drymarchon corais couperi*)(T)

502 6. Green sea turtle (*Chelonia mydas*)(E)

503 7. Hawksbill sea turtle (*Eretmochelys imbricata*)(E)

504 8. Kemp's ridley sea turtle (*Lepidochelys kempii*)(E)

505 9. Leatherback sea turtle (*Dermochelys coriacea*)(E)

506 10. Loggerhead sea turtle (*Caretta caretta*)(T)

507 11. Sand skink (*Neoseps reynoldsi*)(T)

508 (f) Birds:

509 1. Audubon's crested caracara (*Polyborus plancus audubonii*) (T)

510 2. Bachman's warbler (*Vermivora bachmanii*)(E)

511 3. Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*)(E)

512 4. Everglade snail kite (*Rostrhamus sociabilis plumbeus*)(E)

513 5. Eskimo curlew (*Numenius borealis*)(E)

514 6. Florida grasshopper sparrow (*Ammodramus savannarum floridanus*)(E)

515 7. Florida scrub-jay (*Aphelocoma coerulescens*)(T)

516 8. Ivory-billed woodpecker (*Campephilus principalis*)(E)

517 9. Kirtland's warbler (*Dendroica kirtlandii*)(E)

518 10. Piping plover (*Charadrius melodus*)(T)

519 11. Red-cockaded woodpecker (*Picoides borealis*)(E)

520 12. Roseate tern (*Sterna dougallii dougallii*)(T)

521 13. Whooping crane (*Grus americana*)(E); Listed as experimental population in Florida

- 522 14. Wood stork (*Mycteria americana*)(E)
- 523 (g) Mammals:
- 524 1. Anastasia Island beach mouse (*Peromyscus polionotus phasma*)(E)
- 525 2. Caribbean monk seal (*Monachus tropicalis*)(E)
- 526 3. Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*)(E)
- 527 4. Finback whale (*Balaenoptera physalus*)(E)
- 528 5. Florida manatee (*Trichechus manatus latirostris*)(E)
- 529 6. Florida panther (*Puma (=Felis) concolor coryi*)(E)
- 530 7. Florida salt marsh vole (*Microtus pennsylvanicus dukecampbelli*)(E)
- 531 8. Gray bat (*Myotis grisescens*)(E)
- 532 9. Gray wolf (*Canis lupus*)(E)
- 533 10. Humpback whale (*Megaptera novaeangliae*)(E)
- 534 11. Indiana bat (*Myotis sodalis*)(E)
- 535 12. Key deer (*Odocoileus virginianus clavium*)(E). No person shall feed Key deer (*Odocoileus virginianus*
- 536 *clavium*) by hand or by placing any food that serves to attract such species.
- 537 13. Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*)(E)
- 538 14. Key Largo woodrat (*Neotoma floridana smalli*)(E)
- 539 15. Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*)(E)
- 540 16. North Atlantic right whale (*Eubalaena glacialis*)(E)
- 541 17. Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*)(E)
- 542 18. Red wolf (*Canis rufus*)(E)
- 543 19. Rice rat (*Oryzomys palustris natator* (E); Lower Keys population west of 7-mile bridge.
- 544 20. Sei whale (*Balaenoptera borealis*)(E)
- 545 21. Silver rice rat (*Oryzomys argentatus*)(E)
- 546 22. Southeastern beach mouse (*Peromyscus polionotus niveiventris*)(T)
- 547 23. Sperm whale (*Physeter macrocephalus*)(E)
- 548 24. St. Andrew beach mouse (*Peromyscus polionotus peninsularis*)(E)
- 549 (h) Corals:
- 550 1. Elkhorn coral (*Acropora palmata*)(T)
- 551 2. Staghorn coral (*Acropora cervicornis*)(T)
- 552 (i) Crustaceans:
- 553 1. Squirrel Chimney Cave shrimp (*Palaemonetes cummingi*)(T)
- 554 (j) Insects:
- 555 1. American burying beetle (*Nicrophorus americanus*)(E)
- 556 2. Schaus swallowtail butterfly (*Heracles aristodemus ponceanus*)(E)
- 557 (k) Mollusks:
- 558 1. Chipola slabshell mussel (*Elliptio chiplolaensis*)(T)

- 559 2. Fat three-ridge mussel (*Amblema neislerii*)(E)
- 560 3. Gulf moccasinshell mussel (*Medionidus penicillatus*)(E)
- 561 4. Ochlockonee moccasinshell mussel (*Medionidus simpsonianus*)(E)
- 562 5. Oval pigtoe mussel (*Pleurobema pyriforme*)(E)
- 563 6. Purple bankclimber mussel (*Elliptoideus sloatianus*)(T)
- 564 7. Shinyrayed pocketbook mussel (*Lampsilis subangulata*)(E)
- 565 8. Stock Island tree snail (*Orthalicus reses*)(T)
- 566 (2) State-designated Threatened species-
- 567 (a) No person shall take, possess, or sell any threatened species included in this subsection or parts thereof or
- 568 their nests or eggs except as authorized by Commission rule or by permit from the Commission.
- 569 (b) The species in this subsection are hereby declared to be State-designated Threatened Species, and shall be
- 570 afforded the protective provisions specified.
- 571 (c) Fish:
- 572 1. Blackmouth shiner (*Notropis melanostomus*)
- 573 2. Crystal darter (*Crystallaria asprella*)
- 574 3. Key silverside (*Menidia conchorum*)
- 575 (d) Reptiles:
- 576 1. Florida brown snake (*Storeria victa*); lower Keys population only
- 577 2. Peninsula ribbon snake (*Thamnophis sauritus sackenii*); lower Keys population only
- 578 3. Gopher tortoise. The Gopher tortoise (*Gopherus polyphemus*) shall be afforded the protective provisions
- 579 specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or
- 580 transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows,
- 581 except as authorized by Commission permit or when complying with Commission approved guidelines for specific
- 582 actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-
- 583 section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance
- 584 would further management plan goals and objectives.
- 585 4. Key ringneck snake (*Diadophis punctatus acricus*)
- 586 5. Rim rock crowned snake (*Tantilla oolitica*)
- 587 6. Short-tailed snake (*Stilosoma extenuatum*)
- 588 7. Striped mud turtle (*Kinosternon baurii*); lower Keys population only
- 589 (e) Birds:
- 590 1. Florida sandhill crane (*Grus canadensis pratensis*)
- 591 2. Least tern (*Sterna antillarum*)
- 592 3. Snowy plover (*Charadrius alexandrinus*)
- 593 4. Southeastern American kestrel (*Falco sparverius paulus*)
- 594 5. White-crowned pigeon (*Patagioenas leucocephala*)
- 595 (f) Mammals:

- 596 1. Big Cypress fox squirrel (*Sciurus niger avicennia*)  
597 2. Everglades mink (*Neovison vison evergladensis*)  
598 3. Florida black bear (*Ursus americanus floridanus*); other than those found in Baker and Columbia counties  
599 or in Apalachicola National Forest or which are held in captivity under permit  
600 4. Florida mastiff bat (*Eumops glaucinus floridanus*)

601 (g) Corals:

602 Pillar coral (*Dendrogyra cylindricus*)

603 (h) Insects:

604 Miami blue butterfly (*Cyclargus* [= *Hemiargus*] *thomasi bethunebakeri*) The Miami blue butterfly (*Cyclargus*  
605 [= *Hemiargus*] *thomasi bethunebakeri*), shall be afforded the protective provisions specified in this subsection.  
606 No person shall take, harm, harass, possess, sell, or transport any Miami blue butterfly (*Cyclargus* [=  
607 *Hemiargus*] *thomasi bethunebakeri*), or parts thereof or their eggs, larvae or pupae except as authorized by  
608 permit from the executive director. Permits will be issued based upon whether issuance would further  
609 management plan goals and objectives.

610

611 Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79,  
612 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  
613 39-27.003. Amended 12-16-03

614

615 **~~68A-27.004, Designation of Threatened Species; prohibitions; permits TO BE REPEALED~~**

616

617 **68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.**

618 (1) During the moratorium created in Rule 68A-27.0012(4), F.A.C: Management plans will be developed for  
619 the species listed in this rule and the species will be evaluated under the listing criteria in 68A-27.001(3), F.A.C., for  
620 listing as a State-designated Threatened species. If the Commission determines that the species warrants listing as a  
621 State-designated Threatened species, final Commission action on the listing shall include removing reference to the  
622 species from this rule. If the species evaluation demonstrates the species does not qualify for listing as a State-  
623 designated Threatened species, the Commission will remove the species from this rule upon completion of a  
624 management plan. Species that are determined to be data deficient pursuant to the Guidelines for Using the IUCN  
625 Red List Categories and Criteria shall not be removed from the Species of Special Concern list.

626 (2) (4) The following species are hereby declared to be of special concern, and shall be afforded the protective  
627 provisions specified.

628 (a) No person shall take, possess, transport, or sell any species of special concern included in this Subsection  
629 paragraph or parts thereof or their nests or eggs except as authorized by ~~Commission regulations~~ or by permit from  
630 the executive director ~~or by statute or regulation of any other state agency~~, permits being issued upon reasonable  
631 conclusion that the permitted activity will not be detrimental to the survival potential of the species. For purposes of  
632 this section, the definition of the word take in Rule 68A-1.004, F.A.C. applies.

633 (b) Fish:

- 634 1. Atlantic sturgeon (*Acipenser oxyrinchus*)  
635 2. Bluenose shiner (*Pteronotropis welaka*)  
636 3. Harlequin darter (*Etheostoma histrio*)  
637 4. Lake Eustis pupfish (*Cyprinodon hubbsi*)  
638 5 Rivulus (*Rivulus marmoratus*)  
639 6. Saltmarsh topminnow (*Fundulus jenkinsi*)  
640 7. Southern tessellated darter (*Etheostoma olmstedii maculaticeps*)  
641 (c) Amphibians:  
642 1. Florida bog frog (*Lithobates okaloosae*)  
643 2. Georgia blind salamander (*Haideotriton wallacei*)  
644 3. Gopher frog (*Lithobates capito*)  
645 4. Pine Barrens treefrog (*Hyla andersonii*)  
646 (d) Reptiles:  
647 1. Alligator snapping turtle (*Macrochelys temminckii*)  
648 2. Barbour's map turtle (*Graptemys barbouri*)  
649 3. Florida Keys mole skink (*Eumeces egregius egregius*)  
650 4. Florida pine snake (*Pituophis melanoleucus mugitus*)  
651 5. Red rat snake (*Elaphe guttata*); lower Keys population only  
652 6. Suwannee cooter (*Pseudemys suwanniensis*)  
653 (e) Birds:  
654 1. American oystercatcher (*Haematopus palliatus*)  
655 2. Black skimmer (*Rynchops niger*)  
656 3. Brown pelican (*Pelecanus occidentalis*)  
657 4. Burrowing owl (*Athene cunicularia*)  
658 5. Limpkin (*Aramus guarauna*)  
659 6. Little blue heron (*Egretta caerulea*)  
660 7. Marian's marsh wren (*Cistothorus palustris marianae*)  
661 8. Osprey (*Pandion haliaetus*); Monroe County population only  
662 9. Reddish egret (*Egretta rufescens*)  
663 10. Roseate spoonbill (*Platalea ajaja*)  
664 11. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*)  
665 12. Snowy egret (*Egretta thula*)  
666 13. Tricolored heron (*Egretta tricolor*)  
667 14. Wakulla seaside sparrow (*Ammodramus maritimus juncicola*)  
668 15. White ibis (*Eudocimus albus*)  
669 16. Worthington's marsh wren (*Cistothorus palustris griseus*)  
670 (f) Mammals:

- 671 1. Eastern chipmunk (*Tamias striatus*)  
672 2. Florida mouse (*Podomys floridanus*)  
673 3. Homosassa shrew (*Sorex longirostris eonis*)  
674 4. Sanibel Island rice rat (*Oryzomys palustris sanibeli*)  
675 5. Sherman's fox squirrel (*Sciurus niger shermani*)  
676 6. Sherman's short-tailed shrew (*Blarina carolinensis shermani*)

677 (g) Mollusks:

678 Florida treesnail (*Liguus fasciatus*)

679 (h) Crustaceans:

- 680 1. Black Creek crayfish, also known as Spotted royal crayfish (*Procambarus pictus*)  
681 2. Panama City crayfish (*Procambarus econfinae*)  
682 3. Santa Fe Cave crayfish (*Procambarus erythrops*)

683 Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79,  
684 Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99,  
685 Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, 11-8-07.

686

687 **68A-27.006 Reward Program.**

688 In order to implement a reward program for the reporting of illegal killing, wounding or wrongful possession of  
689 Florida Endangered and or Threatened Species as defined herein the Commission establishes the following ~~schedule~~  
690 ~~and~~ procedures.

691 (1) The Commission will receive information through its Wildlife Alert Reward Program WATS lines in the  
692 ~~respective regional offices of the five regions.~~ The party providing calling in the information will be identified by a  
693 code only and all names, if given, will be kept confidential unless the party specifically authorizes the use of his or  
694 her name. Information will be given to the party on the method to maintain contact with the Commission in order to  
695 properly pursue the matter.

696 (2) Upon conviction based upon the information received the party supplying information which leads to such  
697 conviction will be transmitted a reward funds determined by a predetermined schedule in the following manner:

698 (a) If the party authorizes the use of his name a check in the appropriate amount will be forwarded directly to  
699 the party.

700 (b) If this party desires to remain anonymous a check in the appropriate amount will be made out to the regional  
701 enforcement supervisor and the regional manager of the involved region. After endorsement by both parties the  
702 check will be cashed and the money delivered by the regional enforcement supervisor and the regional manager to  
703 the party at a mutually agreeable time and place.

704 ~~(3) Payment for information received which leads to a conviction will be according to the following schedule:~~

705 ~~(a) Category I—Conviction for the unlawful taking or attempting to take or possession of an endangered or~~  
706 ~~threatened species will be \$250.~~

707 ~~(b) Category II—Conviction for selling or attempting to sell or for the unlawful taking or attempting to take or~~

708 ~~for possession of more than one endangered or threatened species will be \$500.~~

709 ~~(e) Category III—Conviction for either a category I or a category II offense where the circumstances of the case~~  
710 ~~show a flagrant or total disregard for the concept of the threatened or endangered species program, payment of an~~  
711 ~~amount to be determined by the Commission on an individual case basis.~~

712 ~~*Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2292 FS; History—*~~  
713 ~~*New 10-23-79, Amended 7-1-83, Formerly 39-27.06, 39-27.006.*~~

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716 **68A-27.007 Permits and Authorizations for the take of Florida Endangered and Threatened Species.**

717 (1) Permit requirements for the taking of Federally-designated Endangered and Threatened Species: The  
718 purpose of this subsection is to eliminate the need for both federal and state permits for take of Federally-designated  
719 Endangered and Threatened Species. Activities that result in take of Federally-designated Endangered and  
720 Threatened Species do not require a permit from the Commission when authorized by the U.S. Fish and Wildlife  
721 Service or the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service pursuant to  
722 16 U.S.C. Section 1539, or other authorization provided by 16 U.S.C. Section 1536. The Commission permit or  
723 other authorization will only be issued to take Federally-designated Endangered and Threatened Species if  
724 specifically authorized under a written agreement or regulatory delegation by the U.S. Fish and Wildlife Service or  
725 the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service provided that the  
726 issuance shall not be inconsistent with federal law.

727 (2) The permit requirements for the taking of a State-designated Threatened species are as follows:

728 (a) Intentional take: The Commission may issue permits authorizing intentional take of Florida State-designated  
729 Threatened species for scientific or conservation purposes which will benefit the survival potential of the species.  
730 For purposes of this rule, a scientific or conservation purpose shall mean activities that further the conservation or  
731 survival of the species, including collection of scientific data needed for conservation or management of the species.  
732 The following factors shall be considered in determining whether there is a scientific or conservation purpose which  
733 will benefit the survival potential of the species;

734 1. Whether the purpose for which the permit required is adequate to justify removing specimens of the species if  
735 removed from the wild;

736 2. The probable direct or indirect effect which issuing the permit would have on the wild population of the  
737 species sought to be taken;

738 3. Whether the permit would conflict with any program intended to enhance the survival of the species sought  
739 to be taken;

740 4. Whether the purpose of the permit would likely reduce the threat of extinction for the species sought to be  
741 taken;

742 5. The opinions or views of scientists or other persons or organizations having expertise concerning the species  
743 sought to be taken;

744 6. Whether the expertise, facilities, or other resources available to the applicant are adequate to successfully  
745 accomplish the objective stated in the application.

746 (b) Incidental take: The Commission may issue permits authorizing incidental take of State-designated  
747 Threatened species upon a conclusion that the permitted activities and all proposed mitigation will provide an  
748 overall conservation benefit for the species and no negative impact on the survival potential of the species. Factors  
749 which shall be considered in determining whether a permit may be granted are:

750 1. The objectives of a federal recovery plan or a state management plan for the species sought to be taken;

751 2. The foreseeable long range impact over time if take of the species is authorized;

752 3. The impacts to other fish and wildlife species if take is authorized;

753 4. The extent of injury, harm or loss of the species;

754 5. Whether the incidental take could reasonably be avoided, minimized or mitigated by the permit applicant;

755 6. Human safety; and

756 7. Other factors relevant to the conservation and management of the species.

757 (c) Land management activities that benefit wildlife or agriculture, as defined in Section 570.02, Florida

758 Statutes, conducted in accordance with Department of Agriculture and Consumer Service's adopted best

759 management practices and that are not inconsistent with Management Plans for species as defined in this rule

760 chapter are authorized and do not require a permit authorizing incidental take despite any other provision of this

761 section.

762 (d) Wildlands fire suppression actions necessary to ensure public safety during emergency circumstances are

763 authorized and do not require a permit authorizing incidental take despite any other provision of this section, unless

764 specified in management plans for species as defined in this rule chapter.

765 (e) Take of marine life identified as a Florida Endangered and Threatened Species will be permitted pursuant to

766 the provisions of Chapter 68B-8.