

Rules relating to imperiled species as of January 2009:

CHAPTER 68A-27 RULES RELATING TO ENDANGERED OR THREATENED SPECIES

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68A-27.0011 Killing Endangered Species.

No person shall kill, attempt to kill or wound any endangered species as designated in Rule 68A-27.003, F.A.C.

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

68A-27.0012 Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern.

- (1) Petition to list, delist, or reclassify a species in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C.
 - (a) Persons wishing to add, delete or reclassify species in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., shall submit a written petition to the Commission. Petitions will be reviewed for completeness from July 1 through December 31.
 - (b) Petitions shall be clearly identified as such, and must contain the following in order to be considered complete:
 1. The rule to which the species is proposed to be added, removed from, or reclassified to,
 2. The name, address, and signature of the petitioner, and
 3. Sufficient information on the biology and distribution of the species to warrant investigation of its status using the criteria contained in definitions of endangered, threatened, or species of special concern in Rule 68A-1.004, F.A.C.
 - (c) Incomplete petitions will be returned to the petitioner with insufficiencies clearly noted in writing. Corrected petitions may be resubmitted for consideration.
 - (d) Complete petitions will be evaluated in accordance with the provisions in subsection (2).
 - (e) Emergency petitions may be submitted at any time and, if in the opinion of the Executive Director, immediate inclusion of a species in Rule 68A-27.003, F.A.C., is essential to prevent imminent extinction, such listing may be effected on a temporary basis by Executive Order; provided that the Executive Order shall be approved or terminated at the next regularly scheduled meeting of the Commission. Commission staff shall, within 365 days after the effective date of such approval, conduct the evaluations prescribed in subsections (2) and (3) of this rule to determine the appropriate final classification of the species. The Commission shall take final action on the listing at the next regularly scheduled meeting following the 365 day evaluation period.
 - (f) Notwithstanding the provisions contained in this paragraph, these procedures shall not be applied to harvested marine species that: would only meet the listing criteria in Rule 68A-1.004, F.A.C., due to declines caused by either recreational harvest, commercial harvest, or both; that are monitored through periodic stock assessments or other techniques; that are the subject of any rule in Title 68B, F.A.C., that allows harvest; and that have a management plan or other system of rules and processes that functions as a management plan.

(2) Review of petitions to determine biological status; Phase 1.

- (a) The Commission shall establish an annual work plan for investigating pending complete petitions,

- considering conservation priorities and available resources. The work plan shall establish a deadline for completion of each biological status review. Complete petitions not identified for staff action will be reconsidered with new complete petitions each subsequent year.
- (b) The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the biological status of the petitioned species. Written comments regarding biological status shall be accepted by the Commission for a period of no less than 45 days following public notice.
 - (c) Staff shall recommend and the Commission shall designate a biological review panel of scientists with demonstrated knowledge of species conservation and management that consists of an odd number of three to seven members. The biological review panel shall summarize information provided in the petition, information obtained from the public, and other available biological data on the status of the petitioned species into a biological status report. When assessing a species, this panel shall follow “Guidelines for Application of IUCN Red List Criteria at Regional Levels Version 3.0” and “Guidelines for Using the IUCN Red List Categories and Criteria, March 2004.” The biological status report shall contain a listing classification based on the IUCN guidelines and criteria in Rule 68A-1.004, F.A.C. In addition, the panel may provide within the report a biologically justified recommended classification which differs from the criteria-based classification by one level.
 - (d) Staff shall seek a minimum of three independent scientific reviews focused on the science used in the biological status report, including methodology, data, analysis, and interpretation. Reviewers will be provided no less than 45 days to comment on the biological status report.
 - (e) The Commission shall consider the biological status report, independent scientific reviews received, and public comments regarding the biological status in making a final determination whether addition, deletion or reclassification of the petitioned species in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., is warranted.
 - (f) If the petitioned species is determined by the Commission to warrant inclusion in or removal from Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., the Commission shall:
 - 1. Specify the appropriate listing category for the species based on biological status.
 - 2. Establish a deadline for completion of Phase 2 for the species as described in subsection (3) below, considering the recommendation of Commission employees and other interested parties.
 - 3. If the species is not already listed in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., it shall be added to the list of candidate species in Rule 68A-27.0021, F.A.C., and the protective provisions therein shall apply to the species.

(3) Development of management plans; Phase 2.

- (a) Phase 2 will be initiated subsequent to Commission action pursuant to subsection (2) except for a decision not to list a previously unlisted species. Within 45 days following the Commission meeting, the Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the conservation needs of the species, and any economic and social factors that should be considered in its management.
- (b) The Commission shall use information obtained from the public and other available information to develop a draft management plan for each species described in paragraph (3)(a) of this rule section. This draft plan shall at a minimum address:
 - 1. Biological status as determined in Phase 1,
 - 2. Conservation objectives,
 - 3. Recommended management actions,
 - 4. Recommended regulations and incentives,
 - 5. Anticipated economic, ecological, and social impacts of implementing or not implementing the recommended conservation actions.
- (a) The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a notice of the availability of the draft management plan. Written comments regarding conservation recommendations and expected economic and social impacts of implementation of the management plan shall be accepted by the Commission for a period of no less than 45 days following public notice.
- (b) Final Commission action on the petition shall include:
 - 1. Deletion of the species from Rule 68A-27.0021, F.A.C., if appropriate, and addition to and/or deletion from Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., in accordance with the

- determination made in subsection (2) of this rule.
2. A determination on any proposed regulations in the management plan.

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

68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property.

Species of birds and mammals protected in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C., may be harassed on airport property as specified in subsection 68A-9.010, F.A.C., if aircraft safety and human lives are in imminent jeopardy.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.02, Amended 6-1-86, 5-10-87, 4-13-88, 4-11-90, 6-23-98, 6-23-99, Formerly 39-27.002, Amended 7-1-08.

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

- (1) The species in subsection (3) are hereby declared to be candidate species for inclusion in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C.
- (2) No person shall engage in direct take of any candidate species except as authorized by specific permit from the Executive Director.
- (3) The following species are hereby declared to be candidate species: none.

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

68A-27.003 Designation of Endangered Species; Prohibitions; Permits.

- (1) The following species, listed prior to June 23, 1999, are hereby declared to be endangered and shall be afforded the protective provisions specified. No person shall pursue, molest, harm, harass, capture, possess, or sell any of the endangered species included in this subsection, or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.
 - (a) Pillar coral (*Dendrogyra cylindrus*)
 - (b) Blackmouth shiner (*Notropis melanostomus*)
 - (c) Okaloosa darter (*Etheostoma okaloosae*)
 - (d) Shortnose sturgeon (*Acipenser brevirostrum*)
 - (e) American crocodile (*Crocodylus acutus*)
 - (f) Green sea turtle (*Chelonia mydas*)
 - (g) Hawksbill sea turtle (*Eretmochelys imbricata*)
 - (h) Kemp's ridley sea turtle (*Lepidochelys kempii*)
 - (i) Leatherback sea turtle (*Dermochelys coriacea*)
 - (j) Striped mud turtle (*Kinosternon bauri*) (lower keys population only)
 - (k) Wood stork (*Mycteria americana*)
 - (l) Snail kite (*Rostrhamus sociabilis plumbeus*)
 - (m) Peregrine falcon (*Falco peregrinus*)
 - (n) Ivory-billed woodpecker (*Campephilus principalis*)
 - (o) Bachman's warbler (*Vermivora bachmanii*)
 - (p) Kirtland's warbler (*Dendroica kirtlandii*)
 - (q) Florida grasshopper sparrow (*Ammodramus savannarum floridanus*)
 - (r) Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*)
 - (s) Gray bat (*Myotis grisescens*)
 - (t) Indiana bat (*Myotis sodalis*)

- (u) Florida mastiff bat (*Eumops glaucinus floridanus*)
- (v) Silver rice rat (*Oryzomys argentatus*)
- (w) Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*)
- (x) Perdido Key beach mouse (*Peromyscus polionotus trissyllepsis*)
- (y) St. Andrews beach mouse (*Peromyscus polionotus peninsularis*)
- (z) Anastasia Island beach mouse (*Peromyscus polionotus phasma*)
- (aa) Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*)
- (bb) Key Largo woodrat (*Neotoma floridana smalli*)
- (cc) Florida saltmarsh vole (*Microtus pennsylvanicus dukecampbelli*)
- (dd) Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*)
- (ee) Florida manatee (*Trichechus manatus latirostris*)
- (ff) Florida panther (*Puma concolor coryi*)
- (gg) Key deer (*Odocoileus virginianus clavium*). No person shall feed Key deer (*Odocoileus virginianus clavium*) by hand or by placing any food that serves to attract such species.
- (hh) North Atlantic right whale (*Eubalaena glacialis*)
- (ii) Fin whale (*Balaenoptera physalus*)
- (jj) Sei whale (*Balaenoptera borealis*)
- (kk) Humpback whale (*Megaptera novaeangliae*)
- (ll) Sperm whale (*Physeter macrocephalus*)
- (mm) Schaus' swallowtail butterfly (*Heracles aristodemus ponceanus*)
- (nn) Stock Island tree snail (*Orthalicus reses*)

- (2) The Miami blue butterfly (*Cyclargus* [= *Hemiargus*] *thomasi bethunebakeri*), listed after June 23, 1999, is hereby declared to be endangered, and shall be afforded the protective provisions specified in this subsection. No person shall take, harm, harass, possess, sell, or transport any Miami blue butterfly (*Cyclargus* [= *Hemiargus*] *thomasi bethunebakeri*), or parts thereof or their eggs, larvae or pupae except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.

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

68A-27.004 Designation of Threatened Species; Prohibitions; Permits.

- (1) The following species, listed prior to June 23, 1999, are hereby declared to be threatened, and shall be afforded the protective provisions specified.
- No person shall take, possess, transport, molest, harass or sell any of the threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.
- (a) Crystal darter (*Crystallaria asprella*)
 - (b) Key silverside (*Menidia conchorum*)
 - (c) Loggerhead seaturtle (*Caretta caretta*)
 - (d) Bluetail mole skink (*Eumeces egregius lividus*)
 - (e) Sand skink (*Neoseps reynoldsi*)
 - (f) Key ringneck snake (*Diadophis punctatus acricus*)
 - (g) Rim rock crowned snake (*Tantilla oolitica*)
 - (h) Short-tailed snake (*Stilosoma extenuatum*)
 - (i) Florida brown snake (*Storeria dekayi victa*) (lower keys population only)
 - (j) Florida ribbon snake (*Thamnophis sauritus sackeni*) (lower keys population only)
 - (k) Eastern Indigo snake (*Drymarchon corais couperi*)
 - (l) Atlantic salt marsh water snake (*Nerodia clarkii taeniata*)
 - (m) Southeastern American kestrel (*Falco sparverius paulus*)
 - (n) Crested caracara (*Caracara cheriway*)
 - (o) Florida sandhill crane (*Grus canadensis pratensis*)

- (p) Roseate tern (*Sterna dougalli*)
- (q) Least tern (*Sterna antillarum*)
- (r) White-crowned pigeon (*Columba leucocephala*)
- (s) Florida scrub jay (*Aphelocoma coerulescens*)
- (t) Snowy plover (*Charadrius alexandrinus*)
- (u) Piping plover (*Charadrius melodus*)
- (v) Big Cypress fox squirrel (*Sciurus niger avicennia*)
- (w) Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit)
- (x) Everglades mink (*Mustela vison evergladensis*)
- (y) Southeastern beach mouse (*Peromyscus polionotus niveiventris*)

- (2) The Gopher tortoise (*Gopherus polyphemus*) is hereby declared to be threatened, and shall be afforded the protective provisions specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004, Amended 9-29-03, 11-8-07, 5-15-08.

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

- (1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.
- (a) No person shall take, possess, transport, or sell any species of special concern included in this paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.
 - (b) The following species were listed prior to January 1, 2001, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002, F.A.C., shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.
 1. Atlantic sturgeon (*Acipenser oxyrinchus*) (1)
 2. Lake Eustis pupfish (*Cyprinodon variegatus hubbsi*) (1)
 3. Saltmarsh topminnow (*Fundulus jenkinsi*) (1)
 4. Rivulus (*Rivulus marmoratus*) (1)
 5. Southern tessellated darter (*Etheostoma olmstedi maculaticeps*) (1)
 6. Harlequin darter (*Etheostoma histrio*) (1)
 7. Shoal bass (*Micropterus cataractae*) (1, 2)
 8. Suwannee bass (*Micropterus notius*) (1)
 9. Key blenny (*Starksia starcki*) (1)
 10. Gopher frog (*Rana capito*) (1, 2)
 11. Pine Barrens treefrog (*Hyla andersonii*) (1)

12. Florida bog frog (*Rana okaloosae*) (2)
13. Georgia blind salamander (*Haideotriton wallacei*) (1, 2)
14. Alligator snapping turtle (*Macrolemys temminckii*) (1)
15. Suwannee cooter (*Pseudemys concinna suwanniensis*) (1, 2)
16. Barbour's map turtle (*Graptemys barbouri*) (1, 2)
17. American alligator (*Alligator mississippiensis*) (1, 3)
18. Florida key mole skink (*Eumeces egregius egregius*) (1)
19. Red rat snake (*Elaphe guttata*) (lower keys population only) (1)
20. Brown pelican (*Pelecanus occidentalis*) (1)
21. Florida pine snake (*Pituophis melanoleucus mugitus*) (2)
22. Little blue heron (*Egretta caerulea*) (1, 4)
23. Osprey (*Pandion haliaetus*) (Monroe County population only) (1, 2)
24. Black skimmer (*Rynchops niger*) (1)
25. White ibis (*Eudocimus albus*) (2)
26. Snowy egret (*Egretta thula*) (1)
27. Reddish egret (*Egretta rufescens*) (1, 4)
28. Tricolored heron (*Egretta tricolor*) (1, 4)
29. Roseate spoonbill (*Platalea ajaja*) (1, 4)
30. Whooping crane (*Grus americana*) (5)
31. Limpkin (*Aramus guarauna*) (1)
32. American oystercatcher (*Haematopus palliatus*) (1, 2)
33. Burrowing owl (*Athene cunicularia*) (1)
34. Marian's marsh wren (*Cistothorus palustris marianae*) (1)
35. Worthington's marsh wren (*Cistothorus palustris griseus*) (1)
36. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*) (1)
37. Wakulla seaside sparrow (*Ammodramus maritimus juncicolus*) (1)
38. Sherman's fox squirrel (*Sciurus niger shermani*) (1, 2)
39. Eastern chipmunk (*Tamias striatus*) (1)
40. Florida mouse (*Podomys floridanus*) (1)
41. Sherman's short-tailed shrew (*Blarina carolinensis* [= *brevicauda*] *shermani*) (2)
42. Homosassa shrew (*Sorex longirostris eionis*) (2)
43. Sanibel Island rice rat (*Oryzomys palustris sanibeli*) (1, 2)
44. Florida tree snail (*Liguus fasciatus*) (1)
45. Bluenose shiner (*Pteronotropis welaka*) (1, 2)
46. Black Creek crayfish (*Procambarus pictus*) (1)
47. Panama City crayfish (*Procambarus econfinae*) (1)
48. Sims Sink crayfish (*Procambarus erythrops*) (1)

(2) The following species, listed after January 1, 2001, are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

- (a) Flatwoods salamander (*Ambystoma cingulatum*). No person shall directly take any flatwoods salamander or parts thereof or their eggs except as authorized by Commission rule or by permit from the executive director.
- (b) Red-cockaded woodpecker (*Picoides borealis*). No person shall take, harass, possess, sell, or transport any red-cockaded woodpecker or parts thereof or their eggs or their nests or dens except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, 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, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, 11-8-07.

68A-27.006 Reward Program.

In order to implement a reward program for the illegal killing, wounding or wrongful possession of endangered or threatened species as defined herein the Commission establishes the following schedule and procedures.

- (1) The Commission will receive information through its WATS lines in the respective regional offices of the five regions. The party calling in the information will be identified by a code only and all names, if given, will be kept confidential unless the party specifically authorizes the use of his name. Information will be given to the party on the method to maintain contact with the Commission in order to properly pursue the matter.
- (2) Upon conviction based upon the information received the party supplying information which leads to such conviction will be transmitted funds determined by a predetermined schedule in the following manner:
 - (a) If the party authorizes the use of his name a check in the appropriate amount will be forwarded directly to the party.
 - (b) If this party desires to remain anonymous a check in the appropriate amount will be made out to the regional enforcement supervisor and the regional manager of the involved region. After endorsement by both parties the check will be cashed and the money delivered by the regional enforcement supervisor and the regional manager to the party at a mutually agreeable time and place.
- (3) Payment for information received which leads to a conviction will be according to the following schedule:
 - (a) Category I – Conviction for the unlawful taking or attempting to take or possession of an endangered or threatened species will be \$250.
 - (b) Category II – Conviction for selling or attempting to sell or for the unlawful taking or attempting to take or for possession of more than one endangered or threatened species will be \$500.
 - (c) Category III – Conviction for either a category I or a category II offense where the circumstances of the case show a flagrant or total disregard for the concept of the threatened or endangered species program, payment of an amount to be determined by the Commission on an individual case basis.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2292 FS. History–New 10-23-79, Amended 7-1-83, Formerly 39-27.06, 39-27.006.