

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

NONE

Section II

Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-531.300 Application Requirements for Water Well
Contractors

PURPOSE AND EFFECT: The proposed rulemaking addresses minor revisions to the Water Well Contractor Continuing Education Program Manual as adopted in subsection 62-531.300(2), F.A.C.

SUMMARY: The Water Well Contractor Continuing Education Program Manual has been amended to increase the maximum number of hours approved coursework that may be obtained through online instruction from three to six hours. The proposed amendments also correct grammatical errors and inconsistencies within the manual and amends the effective date of the manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Information known to the agency regarding costs of preparation of submittals required by the rules, and based on the extensive expertise and experience of agency staff, it was determined that a SERC was not necessary and that the rule amendments will not require Legislative ratification. The goal of the amendment is to increase the availability of Continued Education Credits online.

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

RULEMAKING AUTHORITY: 373.043, 373.309, 373.337 FS.

LAW IMPLEMENTED: 287.0571, 373.323, 373.326, 373.329 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristin Gousse, 2600 Blair Stone Road, MS 3544, Tallahassee, Florida 32399, (850)245-8483, Kristin.Gousse@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-531.300 Application Requirements for Water Well Contractors.

(1) No change.

(2) Approved coursework and CECs shall be governed by the requirements in the Water Well Contractor Continuing Education Program Manual effective date Form Date 6-22-14, <https://www.flrules.org/gateway/reference.asp?NO=Ref-XXX>, hereby adopted and incorporated by reference, and requires the use of the following forms, which are also adopted and incorporated by reference:

(a) through (d) No change.

(3) through (8) No change.

Rulemaking Authority 373.043, 373.309, 373.337 FS. Law Implemented 287.0571, 373.323, 373.326, 373.329 FS. History—New 8-18-73, Amended 10-9-84, Formerly 17-20.02, Amended 6-16-86, Formerly 17-20.020, Amended 5-25-89, Formerly 17-531.300, Amended 7-17-03, 11-25-07, 6-22-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alex Red, Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Noah Valenstein, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 28, 2019

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: RULE TITLES:

68A-6.001 Captive Wildlife Definitions

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

68A-6.002 Categories of Captive Wildlife

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

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

68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Public Contact;

	Transfer of Wildlife and Record Keeping Requirements
68A-6.0024	Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee
68A-6.0025	Sanctuaries; Retired Performing Wildlife and Identification
68A-6.003	Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.0041	Exceptions to Standard Caging Requirements for Captive Wildlife
68A-6.0042	Elephant Rides
68A-6.005	Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals
68A-6.006	Dealing in Exotic or Pet Birds: Records
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern
68A-6.0071	Record Keeping and Reporting Requirements
68A-6.0072	Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape
68A-6.008	Transfer of Wildlife and Record Keeping Requirements.
68A-6.009	General Regulations Governing Possession of Captive Wildlife
68A-6.010	Facility Requirements for Class I, II and III Wildlife.
68A-6.011	Structural Caging Requirements for Class I, II, and III Wildlife.
68A-6.012	Standard Caging Requirements for Captive Wildlife
68A-6.0121	Standard Caging Requirements for Primates
68A-6.01210	Standard Caging Requirements for Cervids, Bovids, and Suids
68A-6.01211	Standard Caging Requirements for Equids, Camelids, Giraffids, Tapirs, Wild Goats and Sheep
68A-6.01212	Standard Caging Requirements for Elephants
68A-6.01213	Standard Caging Requirements for Rhinoceroses and Hippopotamuses
68A-6.01214	Standard Caging Requirements for Reptiles and Amphibians
68A-6.01215	Standard Caging Requirements for Birds.
68A-6.0122	Standard Caging Requirements for Wild Felines.
68A-6.0123	Standard Caging Requirements for Wild Canids
68A-6.0124	Standard Caging Requirements for Bears
68A-6.0125	Standard Caging Requirements for Procyonids, Red Pandas, and Mustelids

- 68A-6.0126 Standard Caging Requirements for Rodents, Rabbits, Hedgehogs, Tenrecs, and Solendons
- 68A-6.0127 Standard Caging Requirements for Marsupials.
- 68A-6.0128 Standard Caging Requirements for Armadillos, Pangolins, Anteaters, and Sloths
- 68A-6.0129 Standard Caging Requirements for Bats
- 68A-6.013 Exceptions to Standard Caging Requirements for Captive Wildlife
- 68A-6.014 Transportation Requirements for Captive Wildlife
- 68A-6.015 Caging Requirements for Mobile Exhibits
- 68A-6.016 Public Contact with Captive Wildlife
- 68A-6.017 Possession and Exhibition of Venomous Reptiles and Reptiles of Concern
- 68A-6.0171 Caging, Facility, and Transportation Requirements for Venomous Reptiles
- 68A-6.0172 Caging, Facility, and Transportation Requirements for Venomous Reptiles
- 68A-6.0173 Identification of Non-Native Venomous Reptiles and Reptiles of Concern
- 68A-6.018 Injuries, Bites, and Escapes

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to improve the organization and efficiency of Chapter 68A-6. The effect of the proposed rule amendment is increased clarity and conciseness of Rule Chapter 68A-6, F.A.C.

SUMMARY: The proposed rule amendment does not change any of the existing rule language; it restructures the current language into a more understandable format and clarifies the intent of each rule by assigning them more appropriate titles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Major Rob Beaton 620 South Meridian Street Tallahassee, FL 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 68A-6.001 follows. See Florida Administrative Code for present text.

68A-6.001 Captive Wildlife Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to the possession of wildlife in captivity, in accordance with chapter 68A-6, F.A.C. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

(1) Conviction/convicted – any judicial disposition other than acquittal or dismissal.

(2) Elevated platform or perching area – surface or structure, either natural or manmade, positioned above the floor, or above the grade level of the cage or enclosure, that will provide a resting area for the animal(s).

(3) Employee – any person working under a permit or license holder or at a licensed or permitted facility, whether paid or unpaid.

(4) Escape-proof – all potential escape routes, to include but not limited to windows, vents, gaps, cracks and doors, are secured in a manner to prevent escape.

(5) Free-handling – the act of physical contact with venomous reptiles without the use of hooks, tongs, tools, specialized gloves, or other standard handling equipment.

(6) Gnawing and chewing items – natural or artificial materials that provide for the health of teeth, so as to, keep teeth sharp, wear down enamel and promote general oral hygiene. Gnawing items include, but are not limited to, logs and trees. Chewing items include, but are not limited to, woody stems, knuckle bones, and rawhide objects; suitability dependent upon species.

(7) Handling – the act of physical contact with venomous reptiles with the use of hooks, tongs, tools, specialized gloves, or other standard handling equipment.

(8) Lock/locked – a device operated by a key, combination, key card or other locking mechanism approved by the Commission to prevent unauthorized intrusion and make the primary enclosure, secondary containment or building(s) inaccessible to unauthorized personnel.

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

(10) Open air habitats or moated areas – areas enclosed by Commission-approved fences, walls, or moats which provide safe keeping of species specified in this Chapter.

(11) Original floor area – the total square footage required for the initial number of animals specified. For example, this is calculated by finding the new total area required for 4 squirrel monkeys when the original floor area equals 20' for 1 or 2 animals (4' x 5' x 5' high). For each additional animal, there is an increase in cage or enclosure size by 25 percent of original floor area. For two additional monkeys: 25% x 20' x 2 animals = 10'; add 10' to 20' = 30 total square feet of floor area required for 4 monkeys. New cages or enclosures can be 6' x 5' x 5' high, or any width/length dimension that equals or exceeds the increased cage or enclosure space.

(12) Paddocks – areas enclosed by fencing, railing or other Commission-approved structures which allow animals to graze or browse.

(13) Primary enclosure – any structure or device used to directly confine wildlife to a limited amount of space including, but not limited to, cages, pits, paddocks, moated areas and other enclosures.

(14) Reptile enclosures – areas encompassed by smooth walls or other Commission-approved materials which provide safe keeping of venomous and non-venomous snakes, crocodilians and other reptiles.

(15) Sale/sell – the transfer of property or other things to a buyer for an agreed price. The term shall include all lesser acts related thereto, such as attempting to sell, offering to sell, to barter, exchange, trade, or auction.

(16) Secondary containment – a secondary means of containing wildlife which surrounds or encompasses the primary cage or enclosure and is designed to contain wildlife that has escaped the primary cage or enclosure including, but not limited to, rooms, outbuildings or perimeter fences.

(17) Shelter, nest box or den – a structure that protects captive wildlife from the elements (weather conditions). Such structures may vary in size depending on the security and biological needs of the species. They are particularly described as follows:

(a) Shelter – A structure which shall provide protection from the elements and from extremes in temperature that are detrimental to the health and welfare of the animal. When vegetation and landscaping is available to serve as protection from the elements, access to a shelter shall also be provided during inclement weather conditions. Such shelter shall be attached to or adjacent to the paddock, habitat, or enclosure.

(b) Nest box or den – An enclosed shelter that provides a retreat area within, attached to, or adjacent to a cage or enclosure of specified size, which shall provide protection from the elements and from extremes in temperature that are detrimental to the health and welfare of the animal.

(18) Supervision – Regulating and monitoring a process, activity or task.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.372, 379.373, 379.374, 379.3761, 379.3762 FS. History–New 12-31-16, Amended _____.

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

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History–New 6-21-82, Amended 7-5-84, Formerly 39-6.011, Amended 6-1-86, 5-10-87, 4-13-88, 12-19-89, 7-1-90, 4-20-93, Formerly 39-6.0011, Amended 8-27-09, Repealed _____.

Substantial rewording of Rule 68A-6.002 follows. See Florida Administrative Code for present text.

68A-6.002 Classes of Captive Wildlife.

(1) The Commission hereby establishes the following categories of wildlife including their taxonomic successors and subspecies thereof:

(a) Class I:

1. Chimpanzees (*genus Pan*)
2. Gorillas (*genus Gorilla*)
3. Gibbons and Siamangs (family Hylobatidae)
4. Drills and mandrills (*genus Mandrillus*)
5. Orangutans (*genus Pongo*)
6. Baboons (*genus Papio*)
7. Gelada baboons (*genus Theropithecus*)
8. Snow leopards (*Panthera uncia*)
9. Leopards (*Panthera pardus*)
10. Jaguars (*Panthera onca*)
11. Tigers (*Panthera tigris*)
12. Lions (*Panthera leo*)
13. Bears (family Ursidae)
14. Rhinoceros (family Rhinocerotidae)
15. Elephants (family Elephantidae)
16. Hippopotamuses (family Hippopotamidae)
17. Cape buffalos and Gaur (family Bovidae)
18. Crocodiles (except dwarf and Congo) (family Crocodylidae)

19. Gavials (family Gavialidae)
20. Black caimans (*Melanosuchus niger*)
21. Komodo dragons (*Varanus komodoensis*)
22. Hyenas and Aardwolf (family Hyenidae)
23. Cougars, panthers (*Puma concolor*)
24. Cheetahs (*Acinonyx jubatus*)

(b) Class II:

1. Howler monkeys (*genus Alouatta*)
2. Uakaris (*genus Cacajao*)
3. Mangabeys (*genus Cercocebus*)
4. Guenons (*genus Cercopithecus*)

5. Patas monkeys (genus *Erythrocebus*)
6. Vervet, Grivet or Green monkeys (genus *Chlorocebus*)
7. Sakis (genus *Chiropotes* and *Pithecea*)
8. Guereza monkeys (genus *Colobus*)
9. Idris (genus *Indri*)
10. Macaques and Celebes black apes (genus *Macaca*)
11. Langurs (genus *Presbytis*)
12. Douc langurs (genus *Pygathrix*)
13. Snub-nosed langurs (genus *Phinopithecus*)
14. Proboscis monkeys (genus *Nasalis*)
15. Servals (*Leptailurus serval*)
16. European and Canadian lynx (*Lynx lynx*)
17. Bobcats (*Lynx rufus*)
18. Caracals (*Caracal caracal*)
19. African golden cats (*Profelis aurata*)
20. Temminck's golden cats (*Profelis temminckii*)
21. Fishing cats (*Prionailurus viverrina*)
22. Ocelots (*Leopardus pardalis*)
23. Clouded leopards (*Neofelis nebulosa*)
24. Wolves, coyotes, jackals (family Canidae)
25. Indian dholes (*Cuon alpinus*)
26. African hunting dogs (*Lycaon pictus*)
27. Wolverines (*Gulo gulo*)
28. Honey badgers (*Mellivora capensis*)
29. American badgers (*Taxides taxus*)
30. Old World badgers (*Meles meles*)
31. Binturongs (*Arctictis binturong*)
32. Dwarf crocodiles (*Osteolaemus tetraspis*)
33. Alligators, caimans (family Alligatoridae)
34. Ostrich (*Struthio camelus*)
35. Cassowary (*Casuarius spp.*)
36. Giraffe and Okapi (family Giraffidae)
37. Tapir (family Tapiridae)
38. Wild cattle; forest, woodland and aridland antelope; and similar species of non-native hoofstock (family Bovidae).

Such non-native hoofstock to include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other wild species of the family Bovidae which are of similar size, habits and nature.

(c) Class III: All other wildlife not listed herein, except those for which a permit is not required pursuant to rule 68A-6.003, F.A.C.

(d) Hybrids resulting from the cross between wildlife and domestic animal, which are substantially similar in size, characteristics and behavior so as to be indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 12-3-79, 6-

4-81, 6-21-82, Formerly 39-6.02, Amended 6-1-86, 7-1-90, 7-1-92, 9-15-96, Formerly 39-6.002, Amended 8-27-09, _____.

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

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 379.3711, 379.372, 379.3761, 379.3762 FS. History—New 6-21-82, Formerly 39-6.021, Amended 6-1-86, 4-11-90, Formerly 39-6.0021, Amended 8-27-09, Repealed _____.

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

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History—New 7-1-90, Amended 7-1-90, 7-1-91, 2-1-98, Formerly 39-6.0022, Amended 4-30-00, 1-1-08, 8-27-09, 7-8-10, 4-5-18, Repealed _____.

68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.1025, 379.303, 379.304 FS. History—New 7-1-90, Amended 2-1-98, Formerly 39-6.0023, Amended 8-27-09, Repealed _____.

68A-6.0024 Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.373, 379.374 FS. History—New 2-1-08, Amended 8-27-09, 6-7-10, 12-6-10, Repealed _____.

68A-6.0025 Sanctuaries; Retired Performing Wildlife and Identification.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921 FS. History—New 8-27-09, Amended 12-6-10, Repealed _____.

Substantial rewording of Rule 68A-6.003 follows. See Florida Administrative Code for present text.

68A-6.003 Permit Requirements and Exceptions.

(1) Except as otherwise provided in this Title, no person shall possess any native or non-native wildlife in captivity except as authorized by permit issued in accordance with section 379.3761 or 379.3762, F.S., and as provided in this chapter.

(2) Persons possessing any captive wildlife for purposes of public display or sale shall obtain a permit as specified in section 379.3761, F.S.

(3) Class I wildlife shall not be possessed for personal use, except as follows:

(a) Any Class I wildlife possessed for personal use on August 1, 1980, shall be eligible for a permit in accordance with the provisions for Class II wildlife. Any Class II wildlife possessed as personal use wildlife in accordance with section 379.3762, F.S., that is uplisted to Class I upon the effective date

of rule 68A-6.002, F.A.C., shall be eligible for a permit in accordance with the provisions of Class II wildlife. No other Class I wildlife shall be transferred or kept for personal use.

1. All Class I wildlife possessed for personal use in accordance with the provisions for Class II Wildlife, shall be permanently identified by means of tattoo, brand, passive integrated transponder (PIT tag), photographic identification, or other method that clearly and permanently identifies that particular specimen so as to be distinguished from other specimens of the same species.

a. For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, etc.) to enable that particular specimen to be distinguished from other specimens of the same species.

b. Record of identification including PIT tag numbers where applicable, along with information about the specimen being identified (species, method of identification, specimen name or number, gender and age) must be maintained in the possessor's records for as long as the specimen is possessed. Such records shall be made available for inspection, upon request, of commission personnel. A copy of such record shall be provided to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, upon annual renewal of the license issued in accordance with section 379.3761, F.S., and authorizing possession of such wildlife.

2. Effective Date: All permanent identification requirements in this rule shall not take effect until January 1, 2010.

(b) Persons possessing Class I wildlife for personal use shall comply with all provisions of this chapter relating to the personal use of wildlife.

(4) Persons possessing Class II wildlife as personal use wildlife shall purchase a permit as provided in section 379.3762, F.S.

(5) Persons possessing Class III wildlife as personal use wildlife shall obtain a no-cost permit from the Executive Director.

(6) Any person engaging in the business of breeding or the purchase or sale of exotic birds or birds customarily kept as pets shall be licensed as provided in section 379.3761, F.S.

(7) The provisions of this chapter shall not apply to entities operating solely as research facilities, which are registered and regulated as such in accordance with Animal Welfare Act (7 U.S.C. 2131, et. seq.) and regulations promulgated thereunder, provided the following requirements are met:

(a) Such facilities must maintain on premises a detailed research proposal which shall state with particularity the research objectives, methodology, and study duration, and outline planned safeguards to assure proper containment of the wildlife. Maintain an annual record of progress toward the

research project objectives. Such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(b) Such facilities housing wildlife must maintain such wildlife in cages or enclosures which meet the structural requirements as specified in rules 68A-6.010 and 68A-6.011, F.A.C.

(8) The provisions of this chapter shall not apply to persons possessing the following non-native wildlife species exclusively for the purpose of production of meat, skins or hides, feathers or progeny thereof, and not for personal possession or public display or exhibition:

- (a) Ostrich
- (b) Cassowary
- (c) Rhea
- (d) Emu
- (e) Bison

(9) No permit shall be required for the sale of poultry, hamsters, guinea pigs, domestic rats and mice, gerbils, or chameleons (Anolis).

(10) Fox, skunks, bats, raccoons, or whitetail deer taken from the wild shall not be possessed as personal use wildlife and shall be possessed only in accordance with permits issued under rules 68A-9.002, 68A-9.006, F.A.C., or section 379.3761, F.S.

(11) No permit shall be required to possess the following wildlife for personal use, unless possession of a species is otherwise regulated by other rules of the Commission:

- (a) Reptiles or amphibians (nonvenomous, unprotected)
- (b) Gerbils, hedgehogs
- (c) Honey possums, sugar gliders
- (d) Rats and mice
- (e) Moles; shrews
- (f) Rabbits
- (g) Squirrels; chipmunks
- (h) Ferrets (domestic; European)
- (i) Guinea pigs
- (j) Hamsters
- (k) Prairie dogs
- (l) Chinchillas
- (m) Shell parakeets
- (n) Canaries
- (o) Lovebirds
- (p) Cockatiels
- (q) Parrots
- (r) Finches
- (s) Myna birds
- (t) Toucans
- (u) Doves; ringed, ruddy, and diamond
- (v) Button quail

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08, 1-8-08, 8-27-09, 11-8-10, 12-6-10,_____.

Substantial rewording of Rule 68A-6.004 follows. See Florida Administrative Code for present text.

68A-6.004 Possession of Class I, II, and III Wildlife: Permit Application Criteria.

(1) Permits to possess wildlife in captivity, issued pursuant to section 379.3761 or 379.3762, F.S., and the provisions of this chapter, shall authorize the keeping of captive wildlife, of the type and number specified in applications approved by the Commission, in accordance with law and Commission rules. Captive wildlife maintained under permit shall, unless otherwise authorized, be maintained only at the facility specified in the permit application and approved by the Commission.

(2) Qualification requirements for a permit to possess Class I or Class II wildlife:

All applicants shall qualify for permits as follows:

(a) Age Requirement: Applicants to possess Class I or Class II wildlife shall be at least 18 years of age.

(b) Applicants shall not have been convicted of any violation of captive wildlife regulations or venomous reptile or reptile of concern regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application.

(c) Experience Requirement for Class I permits:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological family (except crocodilians which shall be in the same biological order; ratites which shall be in the same biological sub-order; and cougars, panthers or cheetahs which shall remain at the genus level), which are substantially similar in size, characteristics, behavior, habits, care and nutritional requirements to the species for which the permit is sought.

2. For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

a. A description of the specific experience acquired.

b. The dates and times the experience was obtained and the specific location(s) where acquired.

c. References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience. One of these references must be licensed by the commission for

wildlife of the same family and the same or higher class for which the applicant is seeking authorization or a representative of a professional organization or governmental institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies and veterinarians.

d. Additional documentation may include records of prior permits for the keeping of captive wildlife, employment records, and any other competent documentation of the requisite experience.

3. Documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above, may substitute for up to six months or 500 hours of the required experience.

4. Providing false information to document the applicant's experience, by the applicant or any reference, is prohibited as provided in sections 837.012 and 837.06, F.S.

(d) Experience and examination requirements for Class II permits:

1. Applicants may qualify for a permit for Class II wildlife by documenting one year of experience (to consist of no less than 1000 hours) as defined in subparagraphs 68A-6.004(2)(c)1.-4., F.A.C., above. If the applicant is unable to document such experience, as an alternative, the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 500 hours of substantial practical experience (with documentation and compliance procedures as noted in subparagraphs 68A-6.004(2)(c)1.-4., F.A.C., above) in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one-year/1,000-hour requirement. Upon receipt of an application, the Commission shall notify the applicant of the time and place of the next examination. Applicant scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

2. The above requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.

3. The above requirements shall not apply to applicants for permits to possess species of the family *Bovidae* in accordance with sections 379.3711 and 379.3712, F.S.

(e) Any licensed corporation applying for a permit or authorized to possess Class I or Class II wildlife must have qualified personnel responsible for the care of such wildlife. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in subparagraphs 68A-6.004(2)(c)1.-4.

and (d)1., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial application and upon each instance of change in qualified person.

(f) Any person authorized pursuant to section 379.3761, F.S., to exhibit or sell Class I wildlife shall obtain and maintain a current and valid USDA license, where applicable, pursuant to the Animal Welfare Act and Animal Welfare Regulations of Title 9 CFR. Such USDA license shall be obtained within 180 days of initial licensing by the Florida Fish and Wildlife Conservation Commission. Failure to obtain and maintain a current and valid USDA license may result in denial or revocation of any Class I authorizations issued by the Florida Fish and Wildlife Conservation Commission.

(3) No permit shall be issued to any person to possess Class III wildlife for exhibition, sale or personal use unless such person can meet the following requirements:

(a) Be 16 years of age or older.

(b) Application for permits to possess Class III wildlife for personal use shall include the satisfactory completion of a questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristics. Such information shall be documented on the Personal Use Application and Questionnaire form FWCDLE 621 (01/07), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits.

(c) Applicants for permits to possess capuchin, spider, or woolly monkeys shall meet the age, experience and examination requirements for authorization to possess Class II wildlife.

(d) Be able to provide satisfactory caging facilities as required in the standard caging requirements of this Chapter, within 30 days of notification of tentative approval for a permit.

(e) Ensure that the conditions under which the wildlife will be held shall not constitute a threat to the public or to the animal.

(4) Except as otherwise provided, applicants for permits to possess wildlife in captivity shall specify the location of the facility at which the wildlife shall be kept or possessed. Prior to the issuance of a permit for Class I, Class II, or Class III capuchin, spider or woolly monkeys such facility shall be inspected and approved by Commission personnel prior to the issuance of the permit.

(5) Disaster and Critical Incident Plans: Applicants for permits to possess wildlife in captivity as authorized pursuant to section 379.3761 or 379.303, F.S., or the provisions of this chapter shall document in writing a course of action to be taken

in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06/09), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application or renewal; and Part B shall be retained in the permittee's files at the facility location and be made available for inspection upon request of Commission personnel and the director of the local emergency management agency for the county where the facility is located.

(a) Provisions of this subsection shall apply to permittees maintaining captive wildlife in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with Class I or Class II wildlife. In this instance Part B must accompany the Class I or Class II wildlife while in travel status in Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.04, Amended 5-10-87, 4-13-88, 7-1-90, 9-1-90, 4-14-92, 2-1-98, Formerly 39-6.004, Amended 1-1-08, 8-27-09, _____.

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

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.302, 379.303, 379.3711 FS. History—New 7-1-90, Amended 7-1-92, 2-1-98, Formerly 39-6.0041, Amended 8-27-09, Repealed _____.

68A-6.0042 Elephant Rides.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-98, Formerly 39-6.0042, Repealed _____.

Substantial rewording of Rule 68A-6.005 follows. See Florida Administrative Code for present text.

68A-6.005 Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee.

(1) Because the possession of wildlife in accordance with section 379.3761, F.S., is commercial in nature any person permitted to possess wildlife per section 379.3761, F.S., except hobbyist possessors of Class III wildlife, shall demonstrate consistent and sustained commercial activity in the form of exhibition or sale of such authorized wildlife. For the purposes of this section a "hobbyist" is defined as one whose primary

purpose for possession of such Class III wildlife is personal enjoyment but may occasionally exhibit or sell such wildlife. Consistent and sustained commercial activity may be demonstrated by the following examples of business procedures including, but not limited to:

(a) A regular media advertising campaign, or Internet website;

(b) Signs, billboards or flyers advertising commercial wildlife services or operations;

(c) Regular business hours during which the premises is open for commercial activity;

(d) Written business is conducted on printed letterhead, indicating the name of the company or business;

(e) Documented exhibition of wildlife to the public, with or without a charge;

(f) Sale of wildlife including any lesser acts thereof as defined in rule 68A-1.004, F.A.C.

(2) It is unlawful to exhibit venomous reptiles to the public without having posted a performance bond as listed below.

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission shall be submitted at the time of initial license application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the performance bond expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301. The terms of the performance bond shall include the following:

1. The exhibitor shall indemnify and save harmless the injured party if an injury occurs or other damage results from exhibited reptiles.

2. The exhibitor shall fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) In lieu of a surety bond, a person may submit a cash bond to the Florida Fish and Wildlife Conservation Commission to satisfy the performance bond requirement. Such payment shall be in the sum of \$10,000 and may be in the form of cash, cashier's check, or certified check. In the instance of a check, such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the exhibitor in instances of non-issuance or denial of the initial license application; or the exhibitor has submitted a request for refund to include a notarized statement that they no longer exhibit venomous reptiles.

(c) The performance bond will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury occurs or other damage results from exhibited reptiles and the exhibitor fails to indemnify and save harmless the injured party, or

2. The exhibitor fails to fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

(d) The exhibition of venomous reptiles in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000 is prohibited.

(3) It is unlawful to possess Class I wildlife without having guaranteed financial responsibility. The following methods of payment will satisfy the financial responsibility requirement:

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, in compliance with and as noted in paragraph 68A-6.005(2)(a), F.A.C., above. The terms of the performance bond shall include the following:

1. The possessor shall indemnify and save harmless the injured party if an injury to the public occurs, including accidental death, or other property damage occurs from the Class I wildlife.

2. The possessor shall indemnify and save harmless the Florida Fish and Wildlife Conservation Commission for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of Class I wildlife.

3. The performance bond shall be for the duration of not less than the duration of the licensing period.

(b) Cash, cashier's check, or certified check in the sum of \$10,000. In the instance of a check such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission. Such cash bond shall be refunded to the possessor of Class I wildlife in instances of non-issuance or denial of the initial license application; or the possessor has submitted a request for refund to include a notarized statement that they no longer possess Class I wildlife.

(c) Irrevocable letter of credit issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000.

(d) In lieu of the \$10,000 financial responsibility guarantee any person possessing Class I wildlife may maintain comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate as shall protect the possessor of Class I wildlife from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. The insurance policy shall be for a duration of not less than the duration of the

licensing period. A current Certificate of Insurance evidencing proof of insurance maintained by the possessor of Class I wildlife in such amounts as required by this section, including terms, coverage and expiration date, shall be submitted at the time of initial application and upon renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the insurance policy expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850)414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 32301.

(e) The performance bond or financial responsibility guarantee in the sum of \$10,000, or any portion thereof, will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury to the public, including accidental death, or other property damage results from Class I wildlife and the possessor of such Class I wildlife fails to indemnify and save harmless the injured party, or

2. Class I wildlife is taken into custody or seized by commission personnel. In instances where Class I wildlife is seized or taken into custody by the Commission the permittee shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of the wildlife.

(f) The possession of Class I wildlife in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000, or a financial responsibility guarantee in the sum of \$10,000, or a current and valid comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.05, Amended 5-10-87, 2-1-98, Formerly 39-6.005, Amended 8-27-09, 6-7-10,_____.

Substantial rewording of Rule 68A-6.006 follows. See Florida Administrative Code for present text.

68A-6.006 Sanctuaries; Retired Performing Wildlife.

(1) Only a corporation that is licensed in accordance with Section 379.3761, F.S., and exempt from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code, may operate a wildlife sanctuary for captive wildlife. For the purposes of this section a “wildlife sanctuary for captive wildlife” is defined as a facility established for the sole purpose of providing lifetime care for unwanted or infirmed captive wildlife. Such wildlife

sanctuary for captive wildlife shall be operated in compliance with the provisions of Chapter 68A-6, F.A.C., and this section.

(a) Each wildlife sanctuary for captive wildlife must maintain and have available for inspection proof of current status as a Florida registered not-for-profit corporation and proof of current exemption from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code.

(b) Acts which perpetuate the commercial trade in wildlife, including the trade, sale, offering for trade or sale, breeding except as authorized herein, or buying of captive wildlife or parts thereof, by any such wildlife sanctuary for captive wildlife are prohibited.

(c) Full or incidental contact between the public and such captive wildlife as defined in rule 68A-6.0016, F.A.C., is prohibited.

(d) All wildlife maintained by such sanctuary for captive wildlife shall be permanently identified by means of tattoo, brand, passive integrated transponder (PIT tag), photographic identification, or other method that clearly and permanently identifies that particular specimen so as to be distinguished from other specimens of the same species.

1. For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, etc.) to enable that particular specimen to be distinguished from other specimens of the same species.

2. Record of identification including PIT tag numbers where applicable, along with information about the specimen being identified (species, method of identification, specimen name or number, gender and age) must be maintained in the possessors records for as long as the specimen is possessed. Such records shall be made available for inspection, upon request, of commission personnel. A copy of such record shall be provided to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, upon annual renewal of the license issued in accordance with section 379.3761, F.S., and authorizing possession of such wildlife.

(e) Rare, endangered or otherwise protected specimens of wildlife may be transferred for breeding purposes in instances where such breeding program clearly enhances the survival potential of the species.

(f) Any sanctuary possessing Class I wildlife as listed in rule 68A-6.002, F.A.C., must meet the bonding or financial responsibility guarantee requirements of paragraphs 68A-6.005(3)(a)-(f), F.A.C.

(2) Any person licensed in accordance with section 379.3761, F.S., who possesses performing wildlife that due to its age or physical condition may no longer perform, may retain such retired performing wildlife for the purposes of providing lifetime care for said wildlife. Such retired performing wildlife

shall be permanently identified and records maintained and submitted as prescribed in subparagraphs (1)(d)1.-2., above.
Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 379.303, 379.304, 379.3762 FS. History—New 6-21-82, Formerly 39-6.06, 39-6.006, Amended _____.

Substantial rewording of Rule 68A-6.007 follows. See Florida Administrative Code for present text.

68A-6.007 Elephant Rides.

(1) No person, firm, or corporation shall use elephants for rides without first obtaining special authorization. Such authorization shall be affixed to the authorized entity's license issued under section 379.3761, F.S., as provided in this section.

(2) Qualifications for Elephant Ride Authorization.

(a) Safety record: Applicants for elephant ride authorization shall include in their initial application or application renewal, information that will identify, by drawings and/or photographs, the animal(s) that will be used in the rides. The application, or application renewal, shall also include a certified statement on the complete safety record of the animal(s). No elephant that has caused a serious injury or death to a handler, trainer, member of the public, or other person within five years prior to application, shall be used for rides. Incidents that occurred prior to the five-year period may be reviewed by the Commission for possible exclusion of the elephant for rides, in accordance with the following factors:

1. The circumstances surrounding the injuries caused by the elephant.

2. The seriousness or extent of injuries, or number of individuals affected.

3. The number of incidents in which the elephant was involved.

The Commission shall have final approval authority regarding the use of elephants authorized for rides following consideration of the above factors. In addition, if an elephant(s) is involved in a safety incident subsequent to the approval of the application, but prior to entering the State of Florida, or while performing in the state, Commission law enforcement personnel may direct the animal to be removed from all exhibition activities until the conclusion of the investigation or prosecution.

(b) Safeguards: Applicants shall provide documentation of safeguards to insure public safety. This documentation shall include:

1. An emergency plan for protecting the public that specifies what to do in case of elephant incidents; where tranquilizing equipment or firearms are kept; who is to use tranquilizing equipment, and when they shall be used to capture, control, or destroy escaped or out-of-control animals.

2. Such equipment, and an employee trained in the use of such equipment, shall be on the premises at all times that such wildlife is in a public contact situation.

(c) Experienced supervision: All elephant rides shall be supervised by a minimum of one qualified handler and one assistant. Applicants shall provide documentation that the handler has had not less than six months of experience in elephant handling. Such handler and assistant shall be in the immediate presence of the elephant at all times when the elephant is in a position to be in direct contact with the public. Applicants shall include the names of handlers and the experience documentation in their initial application, and in their renewal application thereafter.

(d) Barriers: A protective physical barrier shall be present between the elephant and the public at all elephant ride sites. Such barrier shall prevent bystanders from touching the animal. Applicants shall include in their application package photos or drawings of barriers they intend to use and a description of materials used to construct such barriers.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, , , 379.3761, 379.3762 FS. History—New 1-1-08, Amended 1-8-08, 8-27-09, 8-26-10, 12-31-16, 1-1-19, _____.

68A-6.0071 Record Keeping and Reporting Requirements.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.372, 379.373, 379.374 FS. History—New 1-1-08, Amended 1-8-08, 8-27-09, Repealed _____.

68A-6.0072 Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.372, 379.373, 379.374, 379.3761, 379.3762 FS. History—New 1-1-08, Amended 1-8-08, 8-23-10, Repealed _____.

68A-6.008 Transfer of Wildlife and Record Keeping Requirements.

(1) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife. Possessors of such wildlife must maintain an accurate record of changes in inventory including acquisitions and sales or transfers of all wildlife. Possessors of Class I or Class II wildlife must also maintain an accurate record of all births and deaths. Such records shall be open to inspection upon request by commission personnel.

(a) Records of births or deaths must include the date of the birth or death and the quantity and species of each birth or death. For the purposes of this section “birth” shall be defined as the initial hatch or live birth date for the clutch or litter.

(b) Records of acquisition must include the date of acquisition; quantity and species of wildlife acquired; name and complete address of the supplier and permit or license identification number of the supplier where applicable.

(2) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. No person shall sell or transfer wildlife without documenting such sale or transfer. The record of sale or transfer must be entered in the transferor's records and made available for inspection upon request of Commission personnel for a period of three years after the sale or transfer.

(a) Records of sale or transfer shall include the date of sale or transfer; quantity and species of wildlife sold or transferred; name and complete address of the recipient; and permit or license identification number of the recipient where applicable.

(b) Records of sale or transfer are not required for wildlife that may be possessed for personal use without a permit as specified in paragraphs 68A-6.003(11)(a)-(v), F.A.C., unless such record keeping requirements are otherwise regulated by other rules of the Commission.

(3) Any person who sells or transfers any live non-native bird to another shall maintain documentation for a period of 24 months following such sale or transfer. Such documentation shall include:

(a) The name and complete address of the recipient.

(b) The date of sale or transfer.

(c) The number and species of birds sold.

(3) All records of sales or transfers shall be open to inspection by Commission personnel and to authorized agents of state or federal public health agencies.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.009 General Regulations Governing Possession of Captive Wildlife.

(1) No person shall maintain captive wildlife in any unsafe or unsanitary condition, or in a manner which results in threats to the public safety, or the maltreatment or neglect of such wildlife.

(2) Caging Requirements:

(a) All wildlife possessed in captivity shall, except when supervised and controlled in accordance with subsection (3) hereof, be maintained in cages or enclosures constructed and maintained in compliance with the provisions of this Chapter.

(b) Cages or enclosures housing captive wildlife shall be sufficiently strong to prevent escape and to protect the caged animal from injury, and shall be equipped with structural safety barriers to prevent any physical contact with the caged animal by the public, except for contacts as authorized under subsection (3) of this rule. Structural barriers may be constructed from materials such as fencing, moats, landscaping,

or close-mesh wire, provided that materials used are safe and effective in preventing public contact.

(c) All cages or enclosures less than 1,000 square feet shall be covered at the top to prevent escape (except paddocks, reptile enclosures and habitats specified below). Class I or Class II wildlife shall not be kept in uncovered enclosures that are less than 1,000 square feet, except as specified in this Chapter. All outdoor enclosures for non-native venomous reptile species and reptiles of concern shall be topped with close-meshed wire or an equivalent barrier to provide additional security as specified in rule 68A-6.00171, F.A.C.

(d) Caging considered unsafe or otherwise not in compliance herewith shall be reconstructed or repaired within 30 days after notification of such condition. In the event such condition results in a threat to human safety or the safety of the wildlife maintained therein, the wildlife maintained therein shall, at the direction of the Commission, be immediately placed in an approved facility, at the expense of the permittee, owner, or possessor, until such time as the unsafe condition is remedied. In instances where wildlife is seized or taken into custody by the Commission, said permittee, owner, or possessor of such wildlife shall be responsible for payment of all expenses relative to the animal's capture, transport, boarding, veterinary care, or other costs associated with or incurred due to such seizures or custody. Such expenses shall be paid by said permittee, owner, or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of chapter 379 or 828, F.S., or rules of the Commission, or if such violation is disposed of under section 921.187, F.S. Failure to pay such expenses shall be grounds for revocation or denial of permits to such individuals to possess wildlife.

(3) Sanitation and Nutritional Requirements:

(a) Sanitation, water disposal, and waste disposal shall be in accordance with all applicable local, state, and federal regulations.

(b) Water: Clean drinking water shall be provided daily. Any water containers used shall be clean. Reptiles and amphibians that do not drink water from containers and those in an inactive season or period shall be provided water in a manner and at such intervals as to ensure their health and welfare. All pools, tanks, water areas and water containers provided for swimming, wading or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff.

(c) Food: Food shall be of a type and quantity that meets the nutritional requirements for the particular species, and shall be provided in an unspoiled and uncontaminated condition. Clean containers shall be used for feeding.

(d) Waste: Fecal and food waste shall be removed daily from inside, under, and around cages and stored or disposed of

in a manner which prevents noxious odors or pests. Cages and enclosures shall be ventilated to prevent noxious odors.

(e) Cleaning and maintenance: Hard floors within cages or enclosures shall be cleaned a minimum of once weekly. Walls of cages and enclosures shall be spot cleaned daily. The surfaces of housing facilities, including perches, shelves and any furniture-type fixtures within the facility, shall be cleaned weekly, and shall be constructed in a manner and made of materials that permits thorough cleaning. Cages or enclosures with dirt floors shall be raked a minimum of once every three days and all waste material shall be removed. Any surface of cages or enclosures that may come into contact with animal(s) shall be free of excessive rust that prevents the required cleaning or that affects the structural strength. Any painted surface that may come into contact with wildlife shall be free of peeling or flaking paint.

(4) In addition to the standard caging requirements set forth in this Chapter, Class I and Class II animals shall be caged in accordance with the following requirements:

(a) All cages or enclosures of Class I and Class II wildlife, and Class III capuchin, spider and woolly monkeys, except paddocks, approved open air habitats, or outdoor reptile enclosures shall be equipped with a safety entrance. A safety entrance is defined as a protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry. Such entrances shall include: A double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices, subject to Commission approval, that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction for that particular species.

(b) All cages or enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at ground level to prevent escape by digging or erosion. Cages shall be constructed using metal clamps, ties or braces of equivalent strength as the material required for cage construction for the particular species. Cages or enclosures using the ground as flooring must meet the following requirements:

1. For enclosures housing wildlife that exhibits a behavior of digging or burrowing:

Enclosures shall have a footer or bottom apron constructed of concrete, chainlink or equivalent strength material as specified in this rule for the housing of such wildlife. The footer must be a depth of 3 feet. In the instance of a bottom apron, the bottom apron must be securely attached to the bottom of the enclosure fencing or wall and extend inward into the enclosure a minimum of 3 feet. The bottom apron must be buried to prevent injury to the captive wildlife in the enclosure.

2. For enclosures affected by erosion:

Measures must be taken to stop the erosion. Such measures may include, but are not limited to, a footer or bottom apron as described above or other measures capable of ensuring the structural integrity of the enclosure and preventing the escape of the captive wildlife.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.010 Facility Requirements for Class I, II and III Wildlife.

(1) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a “facility” means the site at which Class I or Class II wildlife are kept or exhibited, except for those locations where the standard caging requirements are exempted under rules 68A-6.0013, 68A-6.014 and 68A-6.015, F.A.C. Upon receipt of an initial application regarding Class I or Class II wildlife, the Florida Fish and Wildlife Conservation Commission shall notify the county or municipality wherein the proposed facility is to be located of a pending application. Current licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorizations shall be considered initial applications for license purposes. Applicants shall complete and submit a Facility Location Information form, FWCDLE 616IV (09-10), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits.

(2) Notwithstanding other requirements of this rule, facilities licensed pursuant to this section may be transferred through will, trust or probate proceedings to a lawful heir and such facilities may remain in the same location. Said heir must be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued.

(3) Facility requirements:

(a) Property ownership/lease:

1. The facility shall be constructed on property owned or leased by the applicant. If leased the lease shall be for a term of not less than one (1) year from date of application. Such lease shall be subject to initial and annual review and approval by the commission as a condition of said lease.

2. If the property is leased, the lessee must have exclusive rights to occupy, possess and use the property with no restrictions that could prevent the lessee from adhering to the eligibility requirements for licensure with no other in holdings or easements.

3. The existence of any such lease restrictions or termination of the lease shall result in the denial or revocation of the license or permit.

(b) Land area:

1. Class I wildlife: The facility shall not be constructed on less than five (5) acres.

2. Class II wildlife: The facility shall not be constructed on less than two and one-half (2 1/2) acres.

3. The total facility shall not be comprised of more than two (2) parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary.

(c) Buffer zones:

The facility shall contain a "buffer zone" of not less than thirty-five (35) feet between the caged wildlife and the facility property line.

(d) Perimeter fencing:

1. Class I wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high.

2. Class II wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high, or as an alternative, a fence of not less than six (6) feet high, with a 2-foot, 45 degree, inward angle overhang.

3. All vertical fencing and inward angle overhang fencing of the perimeter fence shall be constructed of 11 1/2 gauge chain link or equivalent.

(4) Exemptions:

The following Class I and Class II wildlife are exempt from the facility requirements of paragraphs (3)(a)-(d) as listed above:

(a) Permits authorizing possession of infants only including:

1. Class I or Class II carnivores until they reach 25 pounds or six (6) months of age, whichever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis:

2. Class I and II primates until they reach the age of twelve (12) months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.

(b) Crocodilians four (4) feet in length or less.

(c) Cats: Ocelots (*Leopardus pardalis*), Servals (*Leptailurus serval*), Caracals (*Caracal caracal*), Bobcats

(*Lynx rufus*), African golden cats (*Profelis aurata*), Temminck's golden cats (*Profelis temmincki*), and Fishing cats (*Prionailurus viverrina*).

(d) Non-human primates: Uakaris (*genus Cacajao*), Sakis (*genus Chiropotes and Pithecea*), and Guenons (*genus Cercopithecus*) not including Patas monkeys (*genus Erythrocebus*), De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.

(5) Any Class I or Class II wildlife exempt from meeting the facility requirements of paragraphs (3)(a)-(d) of this rule, must meet the following:

(a) Class I wildlife shall not be possessed in any multi-unit dwellings or on any premises consisting of less than one quarter acre of land area.

(b) Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit and yard area.

(c) A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(6) The above facility requirements relating to land area, buffer zones, and perimeter fencing, shall be effective January 1, 2008, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After January 1, 2008, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorizations shall be considered new applications for license purposes.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.011 Structural Caging Requirements for Class I, II, and III Wildlife.

Additional requirements for specific species shall be as follows:

(1) Group I – Chimpanzees (over 50 pounds), gorillas, orangutans.

(a) Outdoor facilities – Cage construction materials shall consist of steel bars, two-inch galvanized pipe, masonry block or their strength equivalent.

(b) Indoor facilities – Potential escape routes shall be equipped with steel bars, two-inch galvanized pipe or equivalent in rooms where the wildlife is maintained.

(2) Group II – Chimpanzees (up to 50 pounds), drills, mandrills, baboons, snow leopards, jaguars, tigers, lions, bears.

(a) Outdoor facilities – Cage construction materials shall consist of not less than nine-gauge chain link or equivalent.

(b) Indoor facilities – Potential escape routes shall be equipped with wire or grating of not less than nine-gauge or equivalent.

(3) Group III – Rhinoceros, elephants, hippopotamus, cape buffalos, gaur.

Indoor and outdoor facilities – Construction materials shall consist of steel bars, masonry block or equivalent.

(4) Group IV – Crocodiles, gavials, alligators, caimans, komodo dragons.

Outdoor facilities – Bounded by a fence at least five feet in height of not less than 11 1/2 gauge chain link or equivalent.

(5) Group V – Gibbons, siamangs, patas monkeys, howler monkeys, uakaris, mangabeys, guenons, sakis, guereza monkeys, celebes black apes, indris, macaques, langurs, proboscis monkeys, spider monkeys, woolly monkeys, and capuchin monkeys, leopards, cougars, clouded leopards, cheetahs, ocelots, servals, lynx, bobcats, caracals, African golden cats, Temminck's golden cats, fishing cats, wolves, coyotes, jackals, Indian dholes, African hunting dogs, aardwolves, binturongs, and Old World badgers.

(a) Outdoor facilities – Construction material shall consist of not less than 11 1/2 gauge chain link or equivalent.

(b) Indoor facilities – Potential escape routes shall be equipped with wire or grating not less than 11 1/2 gauge or equivalent.

(6) Group VI – Wolverines, honey badgers, American badgers, and hyenas.

(a) Outdoor facilities – Cage construction materials shall consist of not less than 9 gauge chain link or equivalent.

(b) Indoor facilities – Potential escape routes shall be equipped with wire or grating of not less than 9 gauge chain link or equivalent.

(7) Group VII – Ostrich, cassowary.

Outdoor facilities – Bounded by a fence of at least six feet in height of not less than 11 1/2 gauge chain link or equivalent.

(8) Group VIII – Class III mammals (except spider, woolly, and capuchin monkeys) and Varanidae (except Komodo dragon), giraffe, okapi, tapir, wild cattle, forest, woodland and aridland antelope; and similar species of non-native hoofstock (family Bovidae). Such non-native hoofstock to include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other wild species of the family Bovidae which are of similar size, habits and nature.

(a) Outdoor facilities – Cage construction materials shall consist of not less than 14-gauge wire or strength equivalent material.

(b) Indoor facilities – Rooms may serve as enclosures provided that:

1. Construction materials equal or exceed the strength equivalent for outside caging.

2. Potential escape routes are secured, or the animal is supervised to ensure against escape.

3. The size of the room(s) equals or exceeds that required for cages and enclosures in this Chapter.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68A-6.012 Standard Caging Requirements for Captive Wildlife.

(1) No captive wildlife shall be confined in any cage or other enclosure which contains more individual animals, or is smaller in dimension than as specified in this section, or is not equipped as specified in this section, except as defined in Rule 68A-6.013, F.A.C., or as authorized in accordance with the following:

Requests for deviations from standard caging or enclosure requirements may be granted to allow for different size configuration (length, width and height) if the required square footage is adequate and if the locomotory needs of the animal(s) are not compromised. Wet or dry moats may be substituted for the required fencing for retaining some species of wildlife. Any proposed deviations from the standard caging or enclosure requirements, or proposals to use wet or dry moats to substitute for fencing, or proposals to use open air habitats except as provided herein, must be approved in writing by the Commission prior to the use of the cage or enclosure for housing animals.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68A-6.0121 Standard Caging Requirements for Primates

Additional cage or enclosure requirements for primates: In addition to requirements of this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, mirrors or foraging items.

(1) Prosimians:

(a) Small (e.g., bush babies, loris, potto, angwantibo, tarsiers, and mouse, dwarf, forked, marked, and sportive lemurs).

1. For one or two animals, a cage 3 feet by 3 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that will accommodate all animals in the enclosures simultaneously. Each cage shall also have climbing apparatus.

(b) Medium (e.g., lemurs: ruffed, cata, true, gentle, avahi, aye-aye).

1. For one or two animals, a cage 4 feet by 5 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also have climbing apparatus.

(c) Large (e.g., sifakas, indris).

1. For one or two animals, a cage 6 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also include climbing apparatus.

(2) New World Monkeys:

(a) Tamarins and Marmosets.

1. For one or two animals, a cage 3 feet by 3 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also include climbing apparatus.

(b) Squirrels, titis, owls, talapoins and similar sized monkeys.

1. For one or two animals, a cage 4 feet by 5 feet, 5 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching areas and nest box(es) that will accommodate all animals in the enclosure simultaneously. Each cage shall also have climbing apparatus.

(c) Medium-sized New World monkeys (e.g., capuchins, sakis, uakaris).

1. For one or two animals, a cage 6 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall also have climbing apparatus.

(d) Large arboreal monkeys (e.g., howlers, spiders, woolly, woolly spider).

1. For one or two animals, a cage 6 feet by 6 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and shelter(s) that will accommodate all animal(s) in the enclosure simultaneously. Each cage shall also have horizontal climbing apparatus.

(3) Old World Monkeys:

(a) Macaques, guenons, mangabeys, patas, langurs, colobus, proboscis, simakobu, snub-nosed, and similar sized monkeys.

1. For one or two animals, a cage 6 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

(b) Baboons, mandrills and drills.

1. For one or two animals, a cage 10 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

(4) Apes:

(a) Gibbons and siamangs.

1. For one or two animals, a cage 8 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and shelter(s) that will accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

3. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

(c) Chimpanzees and orangutans.

1. For one animal under 50 pounds, a cage 8 feet by 6 feet, 6 feet high. For each additional animal double the original floor area. For one or two animals over 50 pounds, a cage 20 feet by 12 feet, 8 feet high. For each additional animal, increase cage size by 50 percent of original floor area.

2. Each cage shall have perching area(s) and shelter(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

3. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

(d) Gorillas.

1. For one or two animals, a cage 28 feet by 24 feet, 10 feet high. For each additional animal, increase cage size by 50 percent of original floor area.

2. Each cage shall have a platform(s) large enough to accommodate all animals simultaneously; such platform(s) shall be elevated three feet. Each cage shall also have shelter(s)

large enough to accommodate all animals in the enclosure simultaneously.

3. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained. For island exhibits, wet moats shall be used that are no less than 24 feet wide, with 50 percent of the water having a depth twice the height of the tallest animal.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.0122 Standard Caging Requirements for Wild Felines

In addition to requirements of this section, each cage or enclosure shall be equipped with a shelter(s)/nest box(es) large enough to accommodate all the animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, bones, barrels, drums, rawhide, pools, etc.

(1) African and Asian lions; tigers.

(a) For one or two animals, a cage 24 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animal(s) simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

(c) Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 10 feet high, with a 2-foot, 45 degree, inward angle overhang, or jump walls at least 12 feet high, without an overhang. The inward angle fencing shall be made of the same material as the vertical fencing. Wet or dry moats may be substituted for the required fencing provided prior Commission written approval has been obtained.

(2) Jaguars, leopards, and cougars.

(a) For one or two animals, a cage 20 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

(c) Outdoor cages over 1,000 square feet (uncovered) for cougars shall have vertical jump walls at least 10 feet high, with a 4-foot, 45 degree, inward angle overhang. Leopards and jaguars shall not be kept in uncovered enclosures except in facilities with wet or dry moats, which have been previously approved in writing by the Commission.

(3) Lesser cats (e.g., bobcats, lynx, ocelots, caracal, serval, margay, fishing cats, jungle cats, Teminick's cats, golden cats).

(a) For one or two animals, a cage 12 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

(4) Small cats (e.g., Geoffroy's cats, jaguarundis, leopard cats, wildcats (*Felis silvestris*), mountain cats, pampas cats, marbled cats, pallas' cats, sand cats, oncilla/tiger cats, black-footed cats, flat-headed cats, kodkods, rusty-spotted cats.)

(a) For one or two animals, a cage 6 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a claw log, unless the animal(s) front claws have been removed.

(5) Cheetahs.

(a) For one or two animals, a cage 40 feet by 20 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.0123 Standard Caging Requirements for Wild Canids

In addition to the requirements of this section, each cage or enclosure shall be equipped with a shelter(s)/den(s) that shall accommodate all the animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to boxes, balls, bones, barrels, drums, rawhide, pools, etc.

(1) Foxes, small (e.g., Fennec, kit).

(a) For one or two animals, a cage 6 feet by 4 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

(2) Foxes (e.g., red, grey, Arctic, bat eared, bush dogs).

(a) For one or two animals, a cage 8 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

(3) Wolves (e.g., gray wolf, except red wolf, maned wolf, hyenas, African wild dogs, Cape hunting dogs).

(a) For one or two animals, a cage 20 feet by 10 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

(c) Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 8 feet high, with a 45 degree inward angle overhang 2 feet wide or, jump walls 10 feet high without an overhang.

(4) Coyotes, jackals, Asian wild dogs, red wolf, dingoes.

(a) For one or two animals, a cage 20 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) that shall accommodate all animals in the enclosure simultaneously.

(c) Outdoor cages over 1,000 square feet (uncovered) shall have vertical jump walls at least 8 feet high with a 45 degree, inward angle overhang 2 feet wide or, jump walls 10 feet high without an overhang.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.0124 Standard Caging Requirements for Bears

In addition to the requirements of this section, each cage or enclosure shall be equipped with a shelter(s) that shall accommodate all animals in the enclosure simultaneously. Each enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to boxes, balls, bones, barrels, drums, climbing apparatus, foraging items, etc.

(1) Black bears, Asiatic, sloth, spectacled.

(a) For one animal, a cage 20 feet by 20 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) for resting. Each cage shall have a 4 foot by 6 foot pool of water, 3 feet deep.

(2) Sun bears.

(a) For one animal, a cage 20 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) for resting. Each cage shall have a 3 foot by 4 foot pool of water, 2 feet deep.

(3) Brown bears (e.g., European, grizzly, Kodiak) and polar bears.

(a) For one animal, a cage 24 feet by 32 feet, 10 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have an elevated platform(s) for resting. Each cage shall have a 6 foot by 10 foot pool of water, 4 feet deep, except for polar bears, which shall have a 10 foot by 10 foot pool, 5 feet deep.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.0125 Standard Caging Requirements for Procyonids, Red Pandas, and Mustelids

(1) Raccoons, coati-mundis, olingos, kinkajous, ringtail (cacomistles).

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, mirrors, climbing apparatus, foraging items, etc.

(a) For up to two animals, a cage 6 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have perching area(s) and nest box(es) that will accommodate all animals in the enclosure simultaneously.

(2) Pandas (red).

In addition to the requirements for this section, each cage or enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. Each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, climbing apparatus, foraging/browse items, pools of water, etc.

(a) For one animal, a cage 10 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have perching area(s) that will accommodate all animals in the enclosure simultaneously.

(c) Shelter must be provided at all times to protect animals from excessive heat.

(3) Badgers, weasels and polecats, skunks, fishers, ferrets, otters, wolverines, minks, martins, civets, genets, mongoose, and binturong.

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, PVC tubing, etc. Each cage shall have a shelter(s)/den(s)/nest box(es) that will accommodate all animals in the enclosure simultaneously.

(a) Small (e.g., ferrets, weasels, polecats, skunks).

1. For one or two animals, a cage 5 feet by 4 feet, 3 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

2. Each cage shall be equipped with chewing items.

(b) Arboreal (e.g., martins, fishers, genets, small or medium civets.).

1. For one or two animals, a cage 6 feet by 4 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

2. Each cage shall be equipped with perching areas, climbing apparatus, and chewing items.

(c) Medium (e.g., badger).

1. For one or two animals, a cage 6 feet by 6 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

2. Each cage shall have chewing items and an area of sufficient depth to provide for digging.

(d) Large (e.g., wolverine, binturong, African civet).

For one or two animals, a cage 10 feet by 10 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

(e) Aquatic (e.g., common river otters, sea otters, giant river otter). For sea otters, specifications will be as required by Federal regulations, incorporated herein by reference as found in Title 9 C.F.R., Chapter I Part 3, Subpart E.

1. For one or two animals, a cage 10 feet by 10 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor space.

2. Each cage shall have a 8 foot by 4 foot pool of water, 2.5 feet deep. For each additional animal, increase pool size by 25 percent of original pool area. Dry resting areas shall be provided.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.0126 Standard Caging Requirements for Rodents, Rabbits, Hedgehogs, Tenrecs, and Solendons

(1) Rodents.

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, boxes, balls, PVC tubing, browse, etc. Each cage shall have shelters or nest box(es) that will accommodate all animals in the enclosure simultaneously.

(a) Small aquatic rodents (e.g., Florida water rat, muskrat).

1. For one or two animals, a cage 4 feet by 6 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

2. Each cage shall have a pool of water, 2 feet by 2 feet, 1 foot deep.

3. Each cage shall have gnawing items.

(b) Medium aquatic rodents (e.g., nutria, mountain beaver).

1. For one or two animals, a cage 8 feet by 6 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor space.

2. Each cage shall have a pool of water, 3 feet by 2 feet, 2 feet deep.

3. Each cage shall have gnawing items.

(c) Large aquatic rodents (e.g., capybara, beaver).

1. For one or two animals, a cage 10 feet by 10 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor space.

2. Each cage shall have a 6 foot by 8 foot pool of water, 3 feet deep. For each additional animal, increase the pool size by 25 percent of original floor area.

3. Each cage shall have gnawing items.

(d) Large rodents (e.g., porcupines, caviés, paca, pacarana, agoutis).

1. Caviés, paca, pacarana, agoutis and similar sized ground dwelling rodents.

a. For one or two animals, a cage 6 feet by 4 feet, 3 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

b. Each cage shall have gnawing items.

2. South and North American porcupines.

a. For one to two animals, a cage 8 feet by 6 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have gnawing items, perching areas and climbing apparatus.

3. Old World porcupines (e.g., crested, bush tailed, and similar sized animals).

a. For one to two animals, a cage 8 feet by 8 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have gnawing items and browse. Each cage shall also have perching areas and climbing apparatus except for crested porcupines.

(e) Squirrels and tree shrews.

1. Arboreal squirrels/tree shrews.

a. For up to two animals, a cage 4 feet by 4 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

b. Each cage shall have climbing apparatus and gnawing items.

2. Terrestrial squirrels.

a. Small prairie dogs, chipmunks.

(I) For up to two animals, a cage 3 feet by 3 feet, 2 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

(II) Each cage shall have gnawing items.

b. Large (e.g., marmots, ground hogs).

(I) For up to two animals, a cage 4 feet by 4 feet, 4 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

(II) Cage floors shall have an area of sufficient depth that provides for digging. Each cage shall have gnawing items.

(2) Wild rabbits, hares, and picas.

a. For up to two animals, a cage 6 feet by 4 feet, 3 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

b. Each cage shall have gnawing items.

(3) Hedgehogs, tenrecs, and solendons.

(a) For one or two animals, a cage 2 feet by 2 feet, 2 feet high. For each additional animal, increase the cage length by 50 percent.

(b) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68A-6.0127 Standard Caging Requirements for Marsupials

In addition to requirements of this section, each enclosure shall be equipped with a shelter(s) or nest box(es) that shall accommodate all the animals in the enclosure simultaneously. When vegetation or landscaping is available to serve as protection from the elements, access to a shelter shall also be provided during inclement weather conditions. Such shelter shall be attached to or adjacent to the paddock, habitat, or enclosure. Each paddock, habitat, or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, browsing and grazing material.

(1) Kangaroo (e.g., red, grey).

For one or two animals, a paddock enclosing 625 square feet, 8 feet high. For each additional animal, increase the cage by 25 percent of original floor area.

(2) Walleroos and large wallabies (e.g., rock wallabies, and similar sized species).

For one or two animals, a paddock enclosing 500 square feet, 8 feet high. For each additional animal, increase the cage by 25 percent of original floor area.

(3) Hare wallabies, forest wallabies (e.g., dama, potorros, rat kangaroos, and similar sized species).

For one or two animals, a paddock enclosing 100 square feet, 6 feet high. For each additional animal, increase the cage by 25 percent of original floor area.

(4) Tree kangaroos (arboreal).

(a) For one or two animals, a cage or enclosure 10 feet by 8 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

(5) Ringtail opossums, gliders, pygmy possums, brushtail possums, cuscus, bandicoots.

(a) Small (e.g., pygmy opossums).

1. For one or two animals, a cage or enclosure 2 feet by 2 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor space.

2. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

(b) Gliders (e.g., sugar glider, Family Petauridae).

1. For one or two animals, a cage or enclosure 4 feet by 4 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

(c) Ringtail possums (Family Pseudocheiridae).

1. For one or two animals, a cage or enclosure 4 feet by 3 feet, 3 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

(d) Cuscuses and brushtail possums (Phalangeridae).

1. For one or two animals, a cage or enclosure 4 feet by 4 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have a horizontal climbing apparatus.

(e) Bandicoots.

For one or two animals, a cage or enclosure 4 feet by 3 feet, 3 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(6) Marsupial carnivores (Dasyuridae).

(a) Small (e.g., 3 striped marsupial mouse).

For one or two animals, a covered cage or enclosure 1 foot by 2 feet, 1 foot high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Large (e.g., Tasmanian tiger cat, Tasmanian devil, marsupial cat).

For one or two animals, a cage or enclosure 4 feet by 6 feet, 4 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(7) American (New World) opossums/possums and honey possum.

(a) Small (e.g., mouse opossums, honey possum: Tarsipes rostratus).

1. For one or two animals, a cage or enclosure 2 feet by 2 feet, 2 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

(b) Large (e.g., American, yapok, four-eyed, woolly, bushy-tailed, and similar sized animals).

1. For one or two animals, a cage or enclosure 4 feet by 4 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

2. Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus.

(8) Wombats.

For one or two animals, a cage, enclosure, or paddock 10 feet by 10 feet, 6 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(9) Koalas.

Indoor facilities with natural light sources such as windows and skylights shall be provided. Temperature extremes shall be avoided. The ambient temperature shall not be lower than 550 F nor exceed 850 F.

(a) For one or two animals, a cage, or enclosure, 8 feet by 10 feet, 8 feet high. For each additional animal, increase cage size by 25 percent of original floor area.

(b) Each cage shall have perching area(s) and horizontal climbing apparatus.

(c) Shade must be provided at all times and such animals must be protected from the heat.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68A-6.0128 Standard Caging Requirements for Armadillos, Pangolins, Anteaters, and Sloths

(1) All armadillos except giant armadillo.

(a) For one or two animals, a cage or enclosure, 4 feet by 4 feet, 4 feet high. For each additional animal, increase the cage length by 25 percent.

(b) Cage floors shall include an area of sufficient depth to provide for digging. Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

(2) Giant armadillo.

(a) For one or two animals, a cage 10 feet by 12 feet, 6 feet high. For each additional animal, increase the cage length by 25 percent.

(b) Cage floors shall include an area of sufficient depth to provide for digging. Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

(3) Pangolin.

(a) For one or two animals, a cage 10 feet by 10 feet, 8 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

(b) Cage floors shall include an area of sufficient depth to provide for digging. Climbing apparatus shall be provided for arboreal species. A pool or tub of water shall be provided that shall accommodate the animal(s). Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

(4) Anteaters and aardvarks.

(a) Small anteaters.

1. For one or two animals, a cage 8 feet by 8 feet, 6 feet high. For each additional animal, increase the cage length by 25 percent.

2. Cage floors shall include an area of sufficient depth to provide for digging. Climbing apparatus shall be provided for arboreal species. Each cage shall be provided with arboreal nest box(es) that shall accommodate all animals in the enclosure simultaneously.

(b) Giant anteaters and aardvarks.

1. For one or two animals, a cage 10 feet by 12 feet, 6 feet high. For each additional animal, increase the cage size by 25 percent of original floor area.

2. Cage floor shall include an area of sufficient depth to provide for digging. Climbing apparatus shall be provided for arboreal species. Each cage shall be provided with a den(s) that shall accommodate all animals in the enclosure simultaneously.

(5) Sloth (e.g., two-toed and three-toed).

In addition to the requirements for this section, each cage or enclosure shall have an accessible device to provide physical stimulation or manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, natural or artificial trees, tree limbs, etc. Each cage shall have a shelter(s) or den(s) or nest box(es).

(a) For one or two animals, a cage 4 feet by 6 feet, 8 feet high. For each additional animal, increase the cage length by 25 percent.

(b) Each cage shall have perching area(s) and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have horizontal climbing apparatus large enough to accommodate all animals in the enclosure simultaneously.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.0129 Standard Caging Requirements for Bats

(1) Bats with a wingspread from 2-6 feet.

(a) For up to 6 animals, an enclosure 21 feet by 21 feet, 6 feet high. Each enclosure shall be designed to encourage uninterrupted flight by incorporating a center structure to impede cross flights. The available flight area shall be no less than 1.5 times the wingspread of the largest bat in the enclosure. The center structure may incorporate nest boxes, feeding stations, trees, resting shelves, perches, columns, etc. For each additional animal, increase the enclosure size by 15 percent of the original floor area.

(b) Each cage shall have perching areas and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have climbing apparatus.

(2) Bats with a wingspread less than 2 feet.

(a) The enclosure shall be large enough to permit aerial maneuvering within the enclosure.

(b) Each cage shall have perching areas and nest box(es) that shall accommodate all animals in the enclosure simultaneously. Each cage shall have climbing apparatus.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.01210 Standard Caging Requirements for Cervids, Bovids, and Suids.

In addition to the enclosure requirements for this paragraph, each enclosure shall have a shelter(s).

(1) Cervids (deer family) and cursorial bovids (antelope).

(a) Large (e.g., elk, sambar, red deer, sable antelope, eland, wildebeest, and deer and antelope of similar size).

For one or two animals, a paddock enclosing 1,250 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(b) Medium (e.g., white-tailed, fallow, axis, sika, pronghorn, deer and antelope of similar size).

For one or two animals, a paddock enclosing 800 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(c) Small (e.g., roe, dikdik, muntjac, brocket, pudu, Chinese water deer, musk deer, deer and antelope of similar size).

For one or two animals, a paddock enclosing 450 square feet, 5 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(2) Large non-cursorial bovids (e.g. wild cattle, African buffalo, bison).

For one or two animals, a paddock enclosing 1,250 square feet, 6 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(3) Wild swine (Suidae) and peccaries.

For one or two animals, a paddock enclosing 200 square feet, 4 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.01211 Standard Caging Requirements for Equids, Camelids, Giraffids, Tapirs, Wild Goats and Sheep.

In addition to the enclosure requirements for this paragraph, each enclosure shall have a shelter(s).

(1) Equids (e.g., zebras, asses).

For one or two animals, a paddock enclosing 1,250 square feet, 6 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(2) Camelids (e.g., vicuna and guanaco).

For one or two animals, a paddock enclosing 800 square feet, 6 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(3) Giraffes, okapi.

For one or two animals, a paddock enclosing 1,500 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(4) Tapirs.

(a) For one or two animals, a paddock enclosing 500 square feet, 6 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

(b) Each enclosure shall have a pool of water, 60 square feet, 3 feet deep, equipped with a ramp or steps. For each additional animal, increase pool surface area by 25 percent of original area.

(5) Wild goats/sheep (Caprinae) (e.g., musk ox, goral, serow, takin).

For one or two animals, a paddock enclosing 500 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.01212 Standard Caging Requirements for Elephants

(1) Non-performance.

For one animal in a non-performing static facility, a paddock enclosing 1,500 square feet, 6 feet high, with access to a shelter. For each additional animal, increase paddock size by 50 percent of the original area. Elephants which are tethered within such enclosure shall be provided with daily unrestrained movement

periods, unless daily tethering is necessary due to the following situations:

- (a) Elephant needs restraining due to a training period.
- (b) Elephant is aggressive toward people or other animals in the compound.
- (c) Elephant is undergoing medical treatment or research.
- (d) Elephant is restrained for security or breeding purposes.
- (e) Constant tethering shall not exceed 14 days without a written justification from a veterinarian. Tethering shall permit normal postural movement of the elephant.

(2) Performing.

(a) For one performing animal, a paddock enclosing not less than 700 square feet, 6 feet high, with access to a shelter. For each additional performing animal, increase paddock size by 50 percent of the original area. Elephants may be tethered in such enclosure; however, such restraint shall permit normal postural movements.

(b) No facility shall utilize the performing elephant paddock dimensions prior to written approval by the Commission. To obtain such approval, the permittee shall provide written documentation to the Commission of exercise intervals and scheduled performances. The exercise intervals shall be of such frequency, intensity and duration as to provide for the health and welfare of the animal over an extended period. Such information shall be verifiable by Commission personnel through inspections.

(c) When not kept in a paddock, performing, or being exercised, elephants shall either be (1) tethered, or (2) enclosed by an electric fence under the direct, on site, supervision of at least one qualified trainer/handler (see section 68A-6.007(2), in an area not accessible to the public.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.01213 Standard Caging Requirements for Rhinoceroses and Hippopotamuses

(1) Rhinos.

(a) For one animal, a paddock enclosing 1,500 square feet, 5 feet high. For each additional animal, increase the paddock by 50 percent of original paddock area.

(b) Access to a shelter shall be provided.

(2) Hippopotamus (e.g., Nile and pygmy).

1. Nile.

a. For one animal, a paddock enclosing 1,500 square feet, 5 feet high, with a pool of water, 120 square feet, 5 feet deep, equipped with a ramp or steps. For each additional animal, increase paddock and pool surface area by 50 percent of original area.

b. Access to a shelter shall be provided.

2. Pygmy.

a. For up to two animals, a paddock enclosing 600 square feet, 4 feet high, with a pool of water 80 square feet, 3 feet deep, equipped with a ramp or steps. For each additional animal, increase paddock and pool surface area by 25 percent of original area.

b. Access to a shelter shall be provided.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.01214 Standard Caging Requirements for Reptiles and Amphibians

(1) Reptiles.

In addition to requirements for this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment or devices shall be non-injurious, and may include, but are not limited to ambient temperature, hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a non-injurious substrate, including but not limited to gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Arboreal species of snakes or lizards shall be provided with a perch of sufficient height to allow for such specimen to perch or bask without any portion of its body or tail touching the floor, sides or roof of the enclosure. Enclosure sizes for all snakes or lizards shall be based on the total length of the longest specimen in the enclosure.

(a) Snakes and glass lizards.

1. Snakes, except as otherwise provided, and glass lizards:

For up to two specimens, a cage or enclosure having a perimeter equal to the length of the longest specimen, the width of the cage shall be ten inches or not less than 30 percent of the length of the longest specimen which ever is greater, and enclosure shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

2. Blood pythons or large constrictors that exceed 12 feet upon maturity: Boas, pythons, or anacondas.

a. Specimens up to 5 feet in length.

For up to two specimens, a cage or enclosure 2.5 feet by 1 foot. For each additional specimen increase perimeter by 10 percent. Constrictors of this size possessed for exhibition or sale are exempt from this minimum cage requirement but shall meet the requirements as indicated for snakes and glass lizards.

b. Specimens 5 feet to 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to 1.25 times the length of the longest specimen. The width of the cage shall not be less than 30 percent of the length of the longest specimen and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

c. Specimens greater than 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to the length of the longest specimen. The width of the cage shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

(b) Lizards (other than glass lizards).

1. Lizards up to 6 inches in length. For one or two lizards, a cage or enclosure 12 inches by 8 inches, 6 inches high. For each additional lizard, increase enclosure size by one inch in length and width.

2. Lizards 7 to 12 inches in length.

For one or two lizards, a cage or enclosure 20 inches by 10 inches, 12 inches high. For each additional lizard, increase size by two inches in length and width.

3. Lizards 13 to 24 inches in length.

For one or two lizards, a cage or enclosure 30 inches by 12 inches, 12 inches high. For each additional lizard, increase size by three inches in length and width.

4. Lizards 25 to 36 inches in length.

For one or two lizards, a cage or enclosure 48 inches by 16 inches, 20 inches high. For each additional lizard, increase size by 10 inches or 25 percent in length and width.

5. Lizards 37 inches to 6 feet in length.

For one or two lizards, a cage or enclosure 6 feet by 3 feet, 4 feet high. For each additional lizard, increase size by 25 percent of the original floor area.

6. Lizards over 6 feet in length.

For one or two lizards, a cage or enclosure 9 feet by 6 feet, 4.5 feet high. For each additional lizard, increase the size by 25 percent of original floor area.

(c) Turtles, Tortoises and box turtles.

Each enclosure for turtles, tortoises and box turtles shall have a pool of water. The pool area shall equal no less than two (2) times the shell width by two (2) times the shell length. For turtles, other than tortoises and box turtles, such pool shall allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required. Enclosure and pool sizes for all turtles, tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.

1. Turtles (other than tortoises and box turtles):

For one or two turtles, an enclosure with an area at least five times the shell length by two times the shell width of the largest turtle. The pool area shall equal no less than two times the shell width, by two times the shell length of the largest turtle. A dry resting area equal to the size of the shell of the largest turtle shall be provided. For each additional specimen, increase original floor area and pool area by 10 percent.

2. Tortoises and box turtles:

For one or two tortoises or box turtles, an enclosure with a floor area 10 times the shell size of the largest specimen in the enclosure. For additional specimens, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.

(d) Crocodilians.

1. For one animal, an enclosure of sufficient size to permit moving and turning both on a dry area and in a pool of water, the water being of sufficient depth to permit submersion.

2. For additional animals, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.

(e) Amphibians. Aquatic amphibians shall be kept in water filled tanks, or aquaria. Semi-aquatic amphibians shall be kept in enclosures, tanks, or aquaria, with a water area and a dry area that shall permit moving and turning. Both the dry area and the water area shall provide room to accommodate all animals in the enclosure simultaneously.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68A-6.01215 Standard Caging Requirements for Birds

Perching birds shall be provided with a perch of a diameter sufficient to prevent the meeting of the bird's claws, and of sufficient height to prevent floor contact. Perches and perching areas shall be sufficient to accommodate all birds in the enclosure simultaneously. Perches shall be constructed in a manner and of materials that provide for effective cleaning or replacement to insure the health of the birds. Enclosures shall be provided with shelter(s).

(1) Psittacine and small Passerines:

(a) Large (e.g., large cockatoos, large macaws, including Palm cockatoos, green-winged and similar sized birds).

For one or two birds, a cage providing space sufficient to permit perching without the tail feathers touching the floor and provide for head clearance with normal posturing, with a minimum cage dimension to allow full extension of both wings. These measurements shall be based on the largest bird in the enclosure. For each additional bird, increase perimeter by 25 percent.

(b) Medium (e.g., medium-sized parrots, lorries and large conures including Amazons, Patagonian and similar sized birds).

For one or two birds, a cage 18 inches by 18 inches, 2 feet high. For each additional bird, increase perimeter by 25 percent.

(c) Small (e.g., parrots, cockatiels, lorries and parakeets).

For up to four birds, a cage 1 foot by 2 feet, 10 inches high. For each additional bird, increase perimeter by 25 percent.

(d) Very-small (e.g., canaries, finches, and similar-sized birds (except hummingbirds)).

For up to 2 birds, a cage 8 inches by 8 inches, 8 inches high. For each additional bird, increase perimeter by 25 percent.

(e) Hummingbirds and sunbirds.

For up to 5 birds, a cage 4 feet by 2 feet by 2 feet. For each additional bird, increase original floor area by 10 percent.

(f) Small and medium passerine birds (e.g., jays, doves, pigeons, starlings and other similar-sized birds).

For up to two birds, a cage 3 feet by 2 feet, 3 feet high. For each additional bird, increase perimeter by 25 percent.

(g) Large passerine (e.g., ravens, crows, magpies, small hornbills and similar-sized birds).

For up to two birds, a cage 4 feet by 4 feet, 6 feet high. For each additional bird increase original floor area by 25 percent.

(h) Ground hornbills, Indian great hornbills, crowned pigeons and similar sized birds.

1. For up to three birds, a cage having 144 square feet of floor area, 6 feet high, with a perch elevated 4 feet above the floor.

2. For each additional bird, increase cage original floor area by 25 percent.

(2) Waterfowl.

(a) Small to Medium (e.g., green-winged teal, mallard and similar sizes ducks, geese).

1. For up to four birds, a cage with 75 square feet of land area and 7.5 square feet of water area.

2. For each additional adult bird, increase enclosure and pool size by 25 percent.

(b) Large (e.g., geese, swans, and similar size).

1. For up to four birds, an enclosure with 150 square feet of land and 15 square feet of water area.

2. For each additional adult bird, increase enclosure and pool size by 25 percent.

(3) Eagles, hawks, owls, vultures, toucans and toucanets.

(a) For each bird, an enclosure 2 wingspreads by 3 wingspreads. The roof shall be of sufficient height to permit bird to perch erect on the highest perch.

(b) For each additional bird, increase cage length by 50 percent and width by 25 percent.

(c) Birds of prey used for falconry demonstrations shall be kept as specified in subsection 68A-9.005(4), F.A.C.

(4) Large ground-dwelling (e.g., Congo peafowl, Javan peafowl, curassows, wild turkeys, brush turkeys (moundbuilders), large grouse, capricali, and sage hen) (exhibit only).

(a) For up to five birds, a cage having 144 square feet of floor, 6 feet high, with the perch elevated 4 feet above the floor.

(b) For each additional bird, increase original floor area by 10 percent.

(5) Lesser game birds (e.g., pheasants, wild guinea fowl, tragopans, snowcocks, partridge, grouse, chachalacas, guans) (exhibit only).

(a) For up to five birds, a cage having 100 square feet of floor, 6 feet high, with the perch elevated 30 inches.

(b) For each additional bird, increase original floor area 10 percent.

(6) Quail (e.g., bob-white quail, scaled quail, button quail, and other species) (exhibit only).

(a) For a pair, a cage 2 feet by 2 feet, 1 foot high.

(b) For each additional animal, increase original floor area by 10 percent.

(7) Wading birds (e.g., flamingos, ibises, spoonbills, herons, egrets, cranes, storks and their allies) and certain shore birds (plovers and sandpipers).

(a) For up to five, a cage of 144 square feet, with a wading pool of water covering 14 square feet.

(b) For each additional bird, increase original floor area by 25 percent.

(8) Diving, skimming fish-eaters (e.g., pelicans, cormorants, anhinga, frigate birds, gannets, boobies, albatrosses, sheerwaters, petrels, sheepbills).

(a) For up to two birds, a cage of 144 square feet, one half of which will be a pool of water, 18 inches deep.

(b) For each additional bird, increase original paddock area by 25 percent.

(9) Penguins (e.g., Humboldts, Emperor, King, Jackass, etc.), puffins, murre, auks.

(a) Puffins, murre, auks.

For up to two birds, a cage of 100 square feet, one half of which shall be a pool of water, three feet deep. For each additional animal, increase original floor area and pool size by 25 percent.

(b) Penguins-large (e.g., Emperor, King, and southernmost species).

For up to two birds, a cage of 100 square feet, one half of which shall be a pool of water, three feet deep with flowing water, 55-degree Fahrenheit or less. For each additional animal, increase original floor area and pool size by 25 percent.

(c) Penguins-small (e.g., Humboldts, blackfoot and northernmost species).

For up to two birds, a cage of 80 square feet, one half of which shall be a pool of water, two feet deep. For each additional bird, increase original floor area and pool size by 25 percent.

(10) Ratites (e.g., ostrich, rhea, emu, cassowary).

(a) For one or two birds, a paddock enclosing 500 square feet, four feet high (six feet for ostriches) with an attached shaded, protected area.

(b) For each additional bird, increase original paddock area by 25 percent.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68A-6.013 Exceptions to Standard Caging Requirements for Captive Wildlife.

Wildlife may be temporarily housed in cages or enclosures smaller than the sizes set forth in this Chapter only under the following circumstances:

(1) For transport and for performing and non-performing animals as specified in rule 68A-6.014 and 68A-6.015, F.A.C.

(2) Wildlife being held for sale by those persons properly licensed pursuant to section 379.3761 or 379.3711, F.S., or for veterinary care, or quarantine may be temporarily housed or caged in smaller cages or enclosures for a period not to exceed 60 days. With written notification to the Commission, this period may be extended in circumstances where a licensed veterinarian has certified that a longer holding period is medically necessary in the interests of the health, safety and welfare of the subject animals or the public. Medical records concerning all animals for which an extension of the 60-day period is obtained shall be maintained at the facility and shall be made available for inspection, upon request, by Commission personnel. The caging or enclosure of all wildlife temporarily held under this section shall not be smaller than that required for the caged animal to stand up, lie down, and turn around without touching the sides of the enclosure or another animal. All wildlife thus caged or housed shall be permanently marked or their enclosures shall be permanently marked, so as to be traceable to written records indicating the date the wildlife was placed in temporary holding. Such records shall be maintained and made available for inspection by Commission personnel. Commission personnel shall direct dealers to mark wildlife temporarily if, upon inspection, there is no record indicating the date the wildlife was placed in temporary holding.

(3) The standard caging requirements, as defined in this Chapter, except for the fencing requirements, shall not apply to facilities possessing ratites (ostriches, rheas, emus, and cassowaries) for propagation purposes only and not for public exhibition or as personal pets. Facilities possessing bison for propagation purposes only and not for public exhibition or as personal pets are exempt from the standard caging requirements, as defined in this Chapter.

(4) Newborn and juvenile mammals may be temporarily kept in enclosures below the standard caging requirements and are exempted from the facility requirements of subsections 68A-6.010(5)(a)-(b), F.A.C., and structural strength requirements, rule 68A-6.011, F.A.C., as follows:

(a) Newborn mammals may be kept in incubation and rearing facilities. Nursing young may be maintained with their parents with no increase in required cage size for the adult animal for up to twelve weeks, provided that documentation is available to show the age of the young. Such time may be extended with a veterinarian's statement, showing that such size cage is required for the continued health and welfare of the animals until a certain date.

(b) Juvenile mammals may be kept in enclosures that meet or exceed the size specification in subsection (2) of this section, provided that:

1. Written documentation is available to verify the age of the animal.

2. The animal is marked or otherwise identifiable.

3. The animal shall be provided space for exercise on a daily basis.

4. Cages that meet the standard caging requirements shall be provided for Class I and Class II carnivores when they reach 25 pounds or six months of age, whichever comes first. Class III carnivores shall be provided cages that meet the standard caging requirements at six months of age. Class I, II, and III primates shall be provided cages that meet standard caging requirements at twelve (12) months of age.

(5) Hatchling/fledgling birds and newborn reptiles and amphibians may be held in enclosures that allow for normal postural movements and social adjustments that ensure the health and sanitary needs of the animals.

(6) Birds held temporarily for exhibit only and not for sale may be kept in show cages or enclosures for a maximum of three (3) days, provided that, such birds have sufficient space for perching without touching the sides, top, or bottom of the cage and the health and sanitary needs of the birds are met. Water shall be available in the show cages at all times.

(7) Reptiles and amphibians held temporarily for herpetile shows, expositions, and exhibits may be kept for a maximum of three (3) days in enclosures that allow for normal postural movements and social adjustments and that ensure the health and sanitary needs of the animals.

(8) Cages or enclosures for mobility-impaired animals shall meet standard caging requirements, unless it can be demonstrated that such cage or enclosure, or its required accessories, are detrimental to the health or welfare of the animal. In such cases, written documentation by a veterinarian confirming the need for such exemption shall be maintained by the permittee and made available to Commission employees upon request.

(9) For animals held at exotic animal auctions, flea markets, and animal swap meets, said animals may be kept in enclosures that meet the size requirements of subsection (2), provided that such wildlife is maintained in accordance with paragraphs (9)(a)-(g), below. The owner of said wildlife shall be responsible for the welfare of such animals, unless such wildlife is consigned to an auctioneer or other sales representative, at which time the consignee shall be responsible.

(a) Wildlife shall be transported and held in non-injurious enclosures, under conditions that provide fresh air without injurious drafts, and shall be provided protection from the elements.

(b) Wildlife shall be protected from temperature extremes that could be detrimental to the health and welfare of the animals.

(c) Birds and mammals shall be watered at least twice during each twelve hour period.

(d) Fecal and food waste shall be removed from the wildlife's enclosures daily.

(e) Wildlife held in the same enclosures shall be kept in compatible groups.

(f) Wildlife cages/enclosures shall not be stacked over other cages/enclosures unless excreta is prevented from entering lower cages/enclosures.

(g) Sick or injured wildlife shall be afforded prompt veterinary treatment.

The owner of said wildlife shall be responsible for the welfare of such animals, unless such wildlife is consigned to an auctioneer or other sales representative, at which time the consignee shall be responsible.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.014 Transportation Requirements for Captive Wildlife.

(1) No person shall import, export, transport, ship or deliver in interstate or intrastate commerce any container or package containing any live wildlife unless each container or package bears, in a conspicuous place on the outside, a tag with both the name and address of the shipper and consignee and the exact contents of the package. The exact content of the package shall include an accurate and legible list by species scientific name, common name and number of each species included in the entire shipment.

(2) General requirements for transporting wildlife in vehicles. This rule subsection applies to all Class I, all Class II and all Class III animals except those listed in subsection 68A-6.003(11), F.A.C. No vehicle shall be used in transporting any wildlife except as follows:

(a) Vehicles shall be equipped to provide fresh air without injurious drafts and adequate protection from the elements to all animals.

(b) The animal traveling area shall be free of engine exhaust fumes.

(c) Fecal and food wastes shall be removed from the animal quarters daily.

(d) Animal cages shall have openings for emergency removal of wildlife.

(e) Wildlife in transport shall be protected from extremes in temperature that could be detrimental to the health and welfare of the animal.

(f) Wildlife transported in the same cage area shall be in compatible groups.

(g) Wildlife must be transported in a cage or enclosure. The cage or enclosure must be labeled "Live Animal" and list the number of specimens and common and scientific name of the wildlife. For wildlife that is transported in a trailer or compartment of a trailer, a label stating "Live Animal" must be affixed to the trailer access or loading door and the list

containing the number of specimens and common and scientific name of the wildlife must be maintained in the vehicle. The animal's cage or enclosure shall be as follows:

1. Be of sufficient strength and security to prevent escape.

2. Large enough to ensure that each specimen has sufficient space to turn, stand erect, and lie naturally. Provided, however that certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons. Elephants shall be tethered during transport (except nursing young).

(h) Wildlife shall not be placed in enclosures over other specimens unless each enclosure is fitted with floor which prevents excreta from entering lower enclosures.

(i) Wildlife shall be watered twice daily and fed daily.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.015 Caging Requirements for Mobile Exhibits.

(1) Performing Animals. No mobile exhibit shall utilize the performing animal caging dimensions prior to approval by the Commission. To obtain such approval, the permittee shall provide written schedules to the Commission of wildlife exercise intervals and scheduled performances. The exercise intervals shall be of such frequency, intensity and duration as to provide for the health and welfare of the animal over an extended period, provided that the animals shall not be caged without exercise or performances for more than a 72-hour period. Performing and exercise information shall be verifiable by Commission personnel through inspections. Performing animals used in mobile exhibits shall not be confined in any cage or enclosure that is smaller in dimension; or is not equipped as follows:

(a) Class I and Class II Carnivores (i.e., lions, tigers, jaguars, leopards, pumas, bears, hyenas, wolves).

For a single animal, a cage which shall permit the animal to turn or stand on all fours with head clearance, and confined in such a manner so that no animal can injure another. For Class I animals, cages shall be constructed of steel, case hardened aluminum, alloy, or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals. All cages shall have secure locking devices.

(b) Primates, Class I and Class II. For a single animal, a cage which shall permit the animal to turn and stand erect with head clearance, confined in such a manner so that no animal can injure another. For Class I animals, cages shall be constructed

of steel, case hardened aluminum, alloy or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals. All cages shall have secure locking devices.

(c) Elephants. When not performing or being exercised, elephants shall either be:

1. Securely tethered.

2. Enclosed by an electric fence, under the supervision of at least one qualified handler in accordance with paragraph 68A-6.007(2)(c), F.A.C., and in an area not accessible to the public.

(d) Class III Animals. For a single animal, a cage which shall permit the animal to turn and stand on all fours, or stand erect, with head clearance, confined in such a manner so that no animal can injure another.

(e) Time limitation on smaller travel caging allowed for housing performing animals. For performing wildlife possessed by traveling zoos and other traveling acts, wildlife shall be housed in cages or enclosures that meet or exceed the specifications as provided in this Chapter, whenever such wildlife is housed in such travel cages or enclosures for more than 90 days. Performing wildlife shall not be kept in cages or enclosures below the size required by the standard caging requirements for more than a total of 90 days out of each 120 day period. Such mobile exhibits shall provide an itinerary of planned exhibition times and locations with annual renewal applications.

(2) Non-Performing Animals. Non-performing wildlife in mobile exhibits shall not be confined in any cage or enclosure that is smaller in dimension or is not equipped as follows:

(a) Class I and Class II Carnivores (i.e., lions, tigers, jaguars, leopards, pumas, bears, hyenas, wolves).

For a single animal, the cage length shall be double the body length (excluding tail), with a width that is equal to the body length, and a height that permits the animal to stand on all fours with head clearance. For two or more animals kept together, add one-third more cage length for each additional animal. For Class I animals, cages shall be constructed of steel, case hardened aluminum, alloy or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals. All cages shall have secure locking devices.

(b) Primates. All cages shall be well ventilated and shall have secure locking devices. Each cage shall have an overhead pull bar and a seat. For two or more animals kept together, add one-third more cage length for each additional animal. For Class I animals, cages shall be constructed of steel, case hardened aluminum, alloy or strength equivalent material. If bars are used, bars shall be spaced no more than 2 inches apart. For Class II animals, cage construction shall not be less than 11 1/2 gauge chain link or strength equivalent material. Cages of Class I and Class II animals that the public can access, shall be equipped with a physical barrier, which is made of a material to prevent the public from coming in contact with the animals.

1. Gorillas. For a single animal, a cage 8 feet by 8 feet, with a height at least 2 feet over the standing height of the animal.

2. Orangutan. For a single animal, a cage 7 feet by 7 feet, with a height at least two feet over standing height of the animal.

3. Adult chimpanzee. For a single animal, a cage 6 1/2 feet by 6 1/2 feet, with a height at least two feet over standing height of the animal.

4. Chimpanzees up to 50 pounds and macaques. For a single animal, a cage 5 feet by 5 feet, with a height at least two feet over standing height of the animal.

(c) Elephants. For one animal in a non-performing capacity, a paddock that is double the body length in length and equal to the body length in width. For two or more animals kept together, increase square footage by one third for each additional animal. Other than for exercise periods, elephants not kept in a paddock shall either be:

1. Securely tethered.

2. Enclosed by an electric fence under the direct, on-site supervision of a least one qualified handler in accordance with paragraph 68A-6.007(2)(c), F.A.C., and in an area not accessible to the public.

(d) Class III animals (except reptiles). For a single animal, the cage length shall be double the body length (excluding tail), with a width that is equal to the body length, and a height that will permit the animal to stand on all fours, or stand erect, with head clearance. For two or more animals kept together, add one third more cage length for each additional animal.

(e) Time limitation on smaller travel caging allowed for housing non-performing animals. For non-performing wildlife possessed by traveling zoos and other traveling acts, wildlife shall be housed in standard cage specifications as provided in this Chapter, whenever such wildlife is present in such travel cages or enclosures for more than 45 days. Non-performing wildlife shall not be kept in cages or enclosures below the size required by the standard caging requirements for more than a total of 45 days out of each 90 day period. Such mobile exhibits shall provide an itinerary of planned exhibition times and locations with annual renewal applications.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New

68A-6.016 Public Contact with Captive Wildlife.

Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be tethered or controlled in such a manner as to prevent physical contact with the public and a structural safety barrier, as provided in paragraph 68A-6.009(2)(b), ~~above~~, must be present to prevent physical contact with unconfined Class I or Class II wildlife except in instances where public contact is allowed in subsection (1), below.

(1) Public contact and exhibition.

(a) General: All Class I, II or III wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

(b) Class I wildlife shall only be permitted to come into physical contact with the public in accordance with the following:

1. Full contact: For the purpose of this section, full contact is defined as situations in which an exhibitor or employee handler maintains proximate control and supervision, while temporarily surrendering physical possession or custody of the animal to another. Full contact with Class I wildlife is authorized only as follows:

a. Class I cats (Felidae only) that weigh not more than twenty-five (25) pounds,

b. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than twenty-five pounds,

c. Gibbons and siamangs not less than four (4) months of age and not more than two (2) years of age,

d. Elephants as approved in rule 68A-6.007, F.A.C.

2. Incidental contact: For the purpose of this section, incidental contact is defined as situations in which an exhibitor or employee handler maintains control, possession and supervision of the animal while permitting the public to come into contact with it. Incidental contact with Class I wildlife is authorized only as follows:

a. Class I carnivores except cheetahs and cougars that weigh not more than 40 pounds,

b. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than 40 pounds,

c. Gibbons and siamangs that are not less than four (4) months of age; no maximum poundage or age limit,

d. Elephants,

e. Incidental contact with other Class I wildlife must be approved in writing by the Commission prior to the use of the wildlife for incidental contact with the public. Factors to be considered when approving such contact are found in paragraph (1)(a).

(c). Public contact or handling intervals for Class I wildlife shall be limited as to frequency, intensity, and duration so that such handling will not adversely affect the health, welfare, or safety of the animals, nor expose the public to injury.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New

68A-6.017 Possession and Exhibition of Venomous Reptiles and Reptiles of Concern.

(1) Any person who keeps, possesses, exhibits or sells any venomous reptiles or reptile of concern shall comply with sections 379.303, 379.304, 379.305, 379.372, 379.373, 379.374 and 379.3761, F.S., and the provisions of subsection 68-5.004(4), the rules of this Chapter, and this rule. The following reptiles, including their taxonomic synonymies, subspecies or hybrids thereof, are designated as reptiles of concern: None listed at this time.

(2) General qualifications: Licensees or applicants for authorization to possess venomous reptiles or reptiles of concern shall:

(a) Be at least 18 years old at the time of application.

(b) Not have been convicted of any violation of venomous reptile, reptile of concern, conditional species, prohibited species, or captive wildlife regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application.

(c) Not have refused a captive wildlife inspection within three (3) years of the date of application. Venomous reptile licenses issued to a person who refuses any such inspection shall be revoked.

(d) Specify the location of the facility at which the venomous reptiles or reptiles of concern shall be maintained. Facilities for venomous reptiles shall be inspected and approved by Commission personnel prior to the issuance of the permit and placement of animals at the facility location.

(3) Experience requirements: Applicants for authorization to possess venomous reptiles or reptiles of concern shall meet the following experience requirements.

(a) Venomous reptiles: Any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species or other species within the same biological family which are similar in characteristics and care to the species for which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including:

a. A description of the specific experience acquired.

b. The dates the experience was obtained and the specific location(s) where acquired.

c. References of no less than two (2) individuals having firsthand knowledge of the applicant's stated experience. References shall be from persons licensed by the Commission for venomous reptiles of the same family for which the applicant is seeking authorization or a representative of a professional organization or governmental institution which deals directly with venomous reptiles as a part of their organization or institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies and veterinarians.

d. Additional documentation may include records of prior permits for the keeping of venomous reptiles, employment records, and any other competent documentation of the requisite experience.

2. If the applicant is unable to document such experience, as an alternative the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 500 hours of substantial practical experience in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one year/1,000-hour requirement. Applicants scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

a. Examinations shall be completed without the use of any reference materials or other resources during the examination. Improper access to or use of any information or material in the examination shall be considered submission of materially false information in the application or other supporting documentation relating to the license, permit or other authorization.

b. Applicants who fail to pass the written examination after two (2) attempts shall wait six (6) months from the date of the last examination to retake the examination.

3. Providing materially false information to document the applicant's experience, by the applicant or any reference, is prohibited and shall result in denial or revocation of the applicant or reference's license, permit or other authorization, in accordance with rule 68-1.010, F.A.C.

4. Any licensed corporation authorized to do business in Florida may apply for a permit or other authorization to possess venomous reptiles. Such corporation must have qualified personnel responsible for the care of such venomous reptiles. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in paragraphs 68A-6.017(2)(a)-(b), and subparagraphs (3)(a)1.-3., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial application and upon each instance of change in qualified personnel. Such corporation shall be fully responsible for any violation(s) committed by their employees or occurring at their facility.

(b) Reptiles of concern: On or after January 1, 2008, any person or entity not currently permitted to possess reptiles of concern must qualify for a permit by including with the application a satisfactorily completed questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristic of the reptile of concern to be possessed.

(4) Disaster and Critical Incident Plans: Applicants for permits to possess venomous reptiles or reptiles of concern in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06/09), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application or renewal; and Part B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

(a) Provisions of this subsection shall apply to permittees maintaining venomous reptiles or reptiles of concern in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with venomous reptiles or reptiles of concern. In this instance Part B must accompany the venomous reptile or reptile of concern while in travel status in

Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68A-6.0171 Caging, Facility, and Transportation Requirements for Venomous Reptiles and Reptiles of Concern.

(1) Facility requirements: All persons licensed to keep, possess, or exhibit venomous reptiles or reptiles of concern shall provide safe, secure and proper enclosures for said reptiles. Primary enclosures shall be housed within appropriate secondary containment which meets the requirements of this rule. It shall be unlawful for any person whether licensed or not to keep, possess, or exhibit any venomous reptile or reptile of concern in any manner not approved as safe, secure and proper by the Florida Fish and Wildlife Conservation Commission. Venomous reptiles or reptiles of concern shall be kept in primary enclosures of the following specifications:

(a) Primary enclosures shall be structurally sound and constructed using the following authorized materials: plate glass of at least one-eighth (1/8) inch thickness, break-resistant or injection molded plastic of similar strength, concrete reinforced with wire, sheet metal, one-quarter (1/4) inch or smaller woven or welded wire mesh (hardware cloth), molded fiberglass, plywood or solid wood (excluding materials constructed of lumber by-products such as oriented strand board (OSB), medium density fibreboard (MDF) and melamine) that has been treated to be impervious to moisture and is not less than one-half (1/2) inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Primary enclosures equipped with tracks holding sliding panels shall have the tracks secured with screws or rivets and enclosure design shall be escape-proof for the species contained therein. Primary enclosures and doors to primary enclosures shall be secured.

(b) Secondary containment: primary enclosures for venomous reptiles and reptiles of concern shall be kept in an escape-proof room or outbuilding which serves as secondary containment. Such room or outbuilding shall be structurally sound.

1. Any components constructed of lumber byproducts such as oriented strand board (OSB), medium density fibreboard (MDF) and melamine shall be no less than one-half (1/2) inch in thickness, shall not be directly exposed to weather and shall be constructed, covered, coated or treated to be impervious to moisture.

2. Manufactured outbuildings purchased after December 31, 2016, shall bear the insignia of approval of the Florida Building Commission and the manufacturer's data plate shall be clearly visible, legible and unobstructed.

3. Any room or outbuilding so used shall be securely anchored to the ground. Any outbuilding so used shall be equipped with a safety entrance. For the purposes of this rule, a safety entrance is defined as a protected, escape-proof area that can be entered by a keeper and prevents escape of venomous reptile(s) from secondary containment. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for secondary containment and subject to Commission approval.

4. Rooms or outbuildings shall not be equipped with roll-up or retractable type entrances.

5. All rooms or outbuildings housing venomous reptiles shall be locked to prevent unauthorized intrusion, inspected and approved as conforming to these rules by Commission personnel prior to use.

6. Such room or out building shall be clearly posted at every point of entry with a sign stating "Danger – Venomous Reptiles" or in the instance of nonvenomous reptiles of concern a sign stating "Danger – Dangerous Reptiles."

7. If a viewing panel is used as a portion of an exterior wall of a room or out building serving as secondary containment, that viewing panel shall not also serve as one of the venomous reptile primary enclosure walls.

8. Viewing panels used a portion of an exterior wall of a room or out building serving as secondary containment shall be constructed of a minimum of one-quarter (1/4) inch thick, tempered, safety glass.

a. Interior viewing panels may be constructed of two ply laminated glass or coated with a safety/security window film no less than eight millimeters (8 Mil) thick.

b. Any safety/security film used shall be installed pursuant to the manufacturers detailed specifications. Documentation of film specifications shall be available for inspection by Commission personnel.

9. All primary enclosure access points shall be within the escape-proof room or out building.

(c) Venomous reptiles and reptiles of concern may be housed outside of secondary containment in outdoor primary enclosures meeting the following conditions:

1. Outdoor open-topped enclosures may only be used to house venomous reptiles native to the State of Florida and shall be inspected and approved by the Commission prior to use.

2. For venomous reptile species and reptiles of concern not native to Florida, all outdoor enclosures shall be topped with close-meshed wire or an equivalent barrier to provide additional security, equipped with a safety entrance and shall be inspected and approved by the Commission prior to use.

3. The floors of outdoor enclosures shall be of concrete or masonry block construction at least two (2) inches in thickness. Sides shall be constructed of concrete block, or strength equivalent material, with a minimum height of four (4) feet

above the floor of the enclosure. Outdoor enclosures need not have concrete or masonry flooring if the enclosure meets the following additional specifications:

a. The enclosure shall have concrete or masonry walls, at least eight inches in thickness, or strength equivalent.

b. The enclosure shall have footers made of concrete, or strength equivalent, extending not less than three feet below the grade level, outside the perimeter.

c. The corners of enclosure shall be designed or guarded to prevent the escape of reptiles by climbing.

d. All landscaping of the enclosure shall be arranged to insure that vegetation or other structures do not allow for the escape of reptiles.

4. Entrance doors shall be kept securely locked on all outdoor enclosures to prevent escape and unauthorized intrusion and the enclosure shall be equipped with barriers to prevent visitors from falling into enclosures that are constructed below ground level.

5. Outdoor enclosures shall meet the minimum standard caging size requirements as specified in this Chapter.

6. If a viewing panel is used as a portion of an exterior wall of an outdoor open-topped enclosure, such panel shall be constructed of a minimum of one-quarter (1/4) inch thick, tempered, safety glass. Viewing panel shall not serve as an access point to the enclosure.

(d) The amendments to the facility requirements in subsection (1), of this rule, shall be effective December 31, 2016, but shall not apply to those facilities licensed to possess venomous reptiles prior to that date. Facilities licensed to possess venomous reptiles prior to December 31, 2016, shall have until January 1, 2018, to come into compliance with the amendments to subsection (1) of this rule, but their enclosures must be structurally sound and escape-proof. After December 31, 2016, those licensees that desire to expand their inventory to include a family of venomous reptile species not previously authorized at their facility location shall comply with the amended requirements of subsection (1) of this rule.

(2) Licensees and employees:

(a) Venomous reptile or reptile of concern licensees and employees shall each be fully responsible for any employees' care, use and/or possession of the licensee's venomous reptiles or reptiles of concern.

(b) In the event that the licensee is not present at the licensed facility, the employee(s) of a venomous reptile or reptile of concern licensee shall make the licensee's facility available for inspection by Commission personnel.

(3) Facilities housing venomous reptiles shall maintain bite or exposure protocols for the species of venomous reptiles possessed and have a visible primary enclosure identification system identifying the venomous reptiles housed or maintained on the premises.

(a) Bite or Exposure Protocol: Facilities or premises where venomous reptiles are housed or maintained shall have posted on the premises a venomous reptile bite protocol. Such protocol shall include: identification of the species by common and scientific name, emergency contact information, type of antivenin required for treatment of bites or exposures from the species housed or maintained, a plan of action to be taken in the event of a bite or exposure, and location of antivenin if stored on premises. In lieu of antivenin on premises contact information shall be provided for an antivenin bank or medical facility that maintains antivenin for the species possessed. Such protocol shall be clearly visible and posted in the room, building or other structure and in close proximity to where venomous reptiles are housed or maintained. Such protocol shall be current and accurate.

(b) Primary Enclosure Identification System: Each primary enclosure housing venomous reptiles shall be accurately, visibly and clearly marked with a label stating "Danger Venomous Reptile;" identifying the species contained therein by common and scientific name; and displaying the PIT tag number or photograph of the specimen(s) within, if applicable. A label as described above shall accompany the venomous reptile when it is removed from the primary enclosure and transported outside of an escape-proof room or out building. Venomous reptile identification labels shall be removed from empty primary enclosures.

(c) Facilities with one or more licensees at the same facility location may not commingle their respective live venomous reptile or reptile of concern inventories. All primary enclosures must be clearly identified or visibly marked with the name of the licensee or other identifier to facilitate inventory inspections.

(4) Inspection: Venomous reptiles or reptiles of concern held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether such venomous reptiles or reptiles of concern are securely, properly and safely housed.

(5) No person except the licensee or his or her authorized employee shall open any primary enclosure, pit, or other container which contains venomous reptiles.

(6) Handling of non-native venomous reptiles outside of secondary containment is prohibited, except as authorized in writing by the Commission prior to handling activity. Free-handling of non-native venomous reptiles outside of secondary containment is prohibited.

(7) Transporting: Any person transporting venomous reptiles shall comply with section 379.372, F.S., and the provisions of this rule. Venomous reptiles shall be placed in a stout closely woven cloth sack, tied or otherwise secured. In lieu of a stout closely woven cloth sack, the venomous reptile may be contained in a trap, container or box of solid

construction which is locked or otherwise secured. The sack, trap, container or box shall then be placed in a locked box or container. The outer box or container shall be constructed of material strong enough to prevent escape and shall have small air holes, which shall be screened. Outer boxes or containers shall be prominently labeled "Danger – Venomous Reptiles" and shall be subject to inspection and approval by the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68A-6.0172 Record Keeping and Reporting Requirements for Venomous Reptiles and Reptiles of Concern.

Any person who possesses any live venomous reptile or reptile of concern shall have a permit issued in accordance with section 379.372, and if applicable, section 379.3761, F.S., and comply with Section 379.304, F.S., and the provisions of this rule, rule 68A-6.017, and 6.0171, F.A.C., and, if applicable, rule 68A-6.0172, F.A.C.

(1) Record Keeping:

Possessors shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all venomous reptiles or reptiles of concern. Such records shall be kept on the licensed premises on a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06/09), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Such records shall be open to inspection upon request by commission personnel.

(a) Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

(b) Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier; and license identification number of supplier where applicable.

(c) Records of sale or transfer shall include the date of sale or transfer; quantity and species of reptiles sold or transferred; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, of each specimen sold or transferred; and the license identification number of the recipient where applicable.

(2) Reporting:

(a) Persons exhibiting or selling live venomous reptiles or reptiles of concern in accordance with section 379.372 or

379.3761, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06/09), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and six months thereafter.

(b) Persons possessing any live venomous reptile or reptile of concern in accordance with section 379.372, F.S., for personal use shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (06/09), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and upon any instance of inventory change.

(c) Persons operating in accordance with section 68A-6.003(1) and sections 68A-6.003(7)-(8), F.A.C., are exempt from these reporting requirements.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

68A-6.0173 Identification of Non-Native Venomous Reptiles and Reptiles of Concern.

(1) Any person who keeps or possesses any live reptile of concern; or who keeps or possesses for personal use any live venomous reptile not indigenous to Florida or any live reptile of concern, in accordance with sections 379.372 and 379.373, F.S., must permanently identify such reptile.

(a) Live venomous reptiles not indigenous to Florida shall be permanently identified by photographic identification or with a unique passive integrated transponder (PIT tag).

(b) Live reptiles of concern shall be permanently identified with a unique passive integrated transponder (PIT tag).

(c) Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be maintained in the possessors records for as long as the specimen is possessed.

(2) For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, etc.) to enable that particular specimen to be distinguished from other specimens of the same species.

(3) Passive integrated transponder (PIT tag) identification shall consist of the implantation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

(a) For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the back one-third (1/3) of the snake, forward of the anal plate.

(b) For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg or in a rear leg.

(c) The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

(4) Exemption: Reptiles of concern being held for export by any person who possesses such reptile of concern in accordance with sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such reptiles of concern were acquired.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

68A-6.018 Injuries, Bites, and Escapes.

(1) Any condition which results in wildlife escaping from its enclosure, cage, leash, or other constraint, or which results in injury to any person, shall be considered a violation of subsection 68A-6.009(1), F.A.C., hereof.

(2) Any person authorized to possess any venomous reptile not indigenous to Florida or reptile of concern must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(3) Venomous reptile bites and escapes:

(a) Licensees shall immediately contact the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement if any person that is not the licensee, an employee or immediate family member is bitten by any non-native venomous reptile at the licensee's facility or in the licensee's possession or inventory. For the purpose of this section, the term "immediate family member" shall mean the licensee's mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law or daughter-in-law.

(b) Upon discovery of an escape of a venomous reptile from secondary containment, or if a venomous reptile has escaped from its primary containment and its whereabouts are unknown, the licensee shall immediately contact the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement and immediately thereafter all contiguous land owners or neighbors by any method necessary to ensure notification. If the contiguous land owner or neighbor is a business complex or multi-unit dwelling, notification shall be made to the building manager or property manager. For the purposes of this section, a "contiguous landowner or neighbor" shall mean the current resident for all properties sharing a common boundary with the facility location. The entire width

of a dedicated roadway shall be considered sharing a common boundary in instances of a dedicated roadway between neighboring properties.

(4) Notification of escapes: Any person authorized to possess any Class I wildlife as listed pursuant to rule 68A-6.002, F.A.C., must report any escapes from the primary caging or enclosures or the approved facility location; or other enclosure, cage, leash or other constraint when wildlife is away from such approved facility location, to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement. Such reporting shall occur immediately upon discovery of the escape. Any person authorized to possess Class I wildlife shall maintain a list of the current contiguous land owners or neighbors in Part B of the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (06/09), as required in subsection 68A-6.004(5), F.A.C. Such list shall include the name, address and contact phone number for contiguous land owners or neighbors. For the purposes of this section a "contiguous land owner or neighbor" shall mean the current resident for all properties sharing a common boundary with the facility location. The entire width of a dedicated roadway shall be considered sharing a common boundary in instances of a dedicated roadway between neighboring properties.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Colonel Curtis Brown, Director, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 01, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 13, 2018

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NOS.:	RULE TITLES:
11D-9.001	Definitions
11D-9.002	Funds Availability
11D-9.005	Application and Award Procedures
11D-9.006	Forms and Instructions
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 45 No. 62, March 29, 2019 issue of the Florida Administrative Register.

11D-9.006 Forms and Instructions.

Copies of the materials and forms required for the application process in Rule 11D-9.005, F.A.C., are incorporated by reference herein may be obtained through the electronic grants management system, the Office of Criminal Justice Grants website, by email to criminaljustice@fdle.state.fl.us, or by writing or calling: Office of Criminal Justice Grants, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone (850)617-1250.

Forms Required

- | | | |
|---|---------------------|--|
| (1) Project Expenditure Report | OCJG-001 | |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02283 | (rev. June 2012) | |
| (2) Financial Closeout Audit | OCJG-002 | |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02284 | (rev. June 2012) | |
| (3) PGI Budget Request | OCJG-003 | |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02285 | (rev. June 2012) | |
| (4) PGI Earnings and Expenditure Report | OCJG-004 | |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02287 | (rev. June 2012) | |
| (5) Application for Funding Assistance | OCJG-005 | |
| | (rev. April 2005) | |
| (6) Confidential Funds Certification | OCJG-008 | |
| | (rev. October 2005) | |
| (7) Criminal Intelligence System Certification | OCJG-009 | |
| | (rev. October 2005) | |
| (8) Automated Data Processing (ADP) Equipment and Software and Criminal Justice Information and Communication Systems | OCJG-010 | |
| Request for Approval Form | (rev. October 2005) | |
| (9) Sole Source Justification for Services and Equipment Request for Approval Form | OCJG-011 | |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02288 | (rev. June 2012) | |
| (10) Certificate of Acceptance of Subgrant Award | OCJG-012 | |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02289 | (rev. June 2012) | |
| (11) Refund Form | OCJG-018 | |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02290 | (created June 2012) | |

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|---|---------------------|
| (12) Grant Adjustment Notice | OCJG-020 |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02314 | (created June 2012) |
| (13) Performance Report | OCJG-023 |
| http://www.flrules.org/Gateway/reference.asp?No=Ref-02292 | (created June 2012) |
| (14) Certificate of Participation | OCJG-024 |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02293 | (created June 2012) |
| (15) Request for Cash Advance | OCJG-025 |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02315 | (created June 2012) |
| (16) PGI Budget Approval | OCJG-026 |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02295 | (created June 2012) |
| (17) Certification as to Bulletproof Vest Purchase Requirements | OCJG-027 |
| https://www.flrules.org/Gateway/reference.asp?No=Ref-02296 | (created June 2012) |

Rulemaking Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.009, Amended 6-22-00, Formerly 9B-61.009, Amended 11-5-02, 3-27-06, 3-13-13, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:

61A-5.0105 Beverage Licenses, New Quota Issue
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 172, September 4, 2018 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:

61A-5.747 Quota License Drawing Entry Form
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 172, September 4, 2018 issue of the Florida Administrative Register has been withdrawn.

Section IV Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on May 1, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from MAJESTIC MEMORY CARE CENTER. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on May 2, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from EXCELLENCE ASSISTED LIVING FACILITY. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on May 2, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from WESTCHESTER OF SUNRISE. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on May 2, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from WESTCHESTER OF WINTER PARK. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on May 3, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from FLORIDIAN GARDENS ASSISTED LIVING FACILITY. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on May 3, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from BRIGHTON GARDENS. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on May 3, 2019, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from MANORCARE AT LELY PALMS. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Madison Health and Rehabilitation Center, seeking additional time beyond May 31, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007158. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Sandy Ridge Health and Rehabilitation, seeking additional time beyond May 31, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007179. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Santa Rosa Health and Rehabilitation Center, seeking additional time beyond May 31, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007180. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Surrey Place Healthcare and Rehabilitation, seeking additional time beyond May 31, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007182. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Valencia Hills Health and Rehabilitation Center, seeking additional time beyond May 31, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007184. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Ybor City Healthcare and Rehab Center, seeking additional time beyond May 31, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007186. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Salerno Bay Health and Rehabilitation Center, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007187. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Lourdes Noreen McKeen Residence for Geriatric Care, Inc., seeking additional time beyond May 31, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007190. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 7, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Solaris HealthCare Charlotte Harbor, LLC, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007191. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Boynton Health Care Center, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007193. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Lake Placid Health and Rehabilitation Center, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007192. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care

Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Oasis Health and Rehabilitation, LLC d/b/a Lake Worth Enterprises, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007202. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from SNH SE Barrington Boynton Tenant LLC d/b/a Barrington Terrace of Boynton Beach, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007246. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Five Star Quality Care-FL, LLC d/b/a The Court at Palm Aire, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007248. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from FS Tenant Pool III Trust d/b/a The Forum at Deer Creek, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007251. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from SNH SE Tenant TRS, Inc. d/b/a The Garden of Port St. Lucie, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007254. Any interested person or other agency may submit written comments on the petition within 14 days

after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-4.1265 Emergency Environmental Control for Nursing Homes

NOTICE IS HEREBY GIVEN that on May 8, 2019, the Agency for Health Care Administration, received a petition for Variance from subsection 59A-4.1265(5) from Five Star Coral Springs, LLC d/b/a Park Summit at Coral Springs, seeking additional time beyond June 1, 2019, to implement the Detailed Nursing Home Emergency Power Plan. The petition was assigned case number 2019007256. Any interested person or other agency may submit written comments on the petition within 14 days after this notice by e-mailing LTCstaff@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jacqueline Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or e-mailing LTCstaff@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On May 16, 2019, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Marion County Judicial Center, filed March 27, 2019, and advertised on April 3, 2019 in Vol.45, No. 65, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Chapter 407.4.8, Florida Building Code that requires cab position indicators because the Petitioner did not provide enough information for the Bureau to make an informed decision. (VW 2019-055).

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, dhr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice: On May 8, 2019 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2009 FDA Food Code from HM Retail LLC located in Hialeah. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and the three compartment sink.

The Petition for this variance was published in Vol. 45/91 on May 09, 2019. The Order for this Petition was signed and approved on May 16, 2019. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink and the three compartment sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that the handwash sink and the three compartment sink is provided with hot and cold running water under pressure, and that the handwash sink is provided with soap, an approved hand drying device and a handwashing sign.

A copy of the Order or additional information may be obtained by contacting: Daisy.Lee@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-20.007 Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees

NOTICE IS HEREBY GIVEN that on May 13, 2019, the Board of Professional Engineers, received a petition for variance and waiver filed by Doru V. Botic, P.E., G.C. Petitioner is seeking

a variance or waiver of subsection 61G15-20.007(1), Florida Administrative Code, which requires that applicants who have engineering degrees from programs that are not accredited by EAC/ABET, in order to establish educational equivalency, must have taken two basic science courses in different subject areas.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Zana Raybon, Executive Director, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, or telephone (850)521-0050 or by email: zraybon@fbpe.org. Comments on this petition should be filed with the Board of Professional Engineers at the above address within 14 days of publication of this notice.

DEPARTMENT OF HEALTH

Board of Nursing

NOTICE IS HEREBY GIVEN that on May 14, 2019, the Board of Nursing, received a petition for All State Home Health Institute, seeking a variance or waiver of Rule 64B9-15.007, Florida Administrative Code, regarding renewal of certified nursing assistant training programs. Comments on this petition should be filed with the Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399; Joe.Baker@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

NOTICE IS HEREBY GIVEN that on May 16, 2019, the Florida Housing Finance Corporation, received a petition for waiver of paragraph 67-48.0072(21)(B) from Tacolcy Edison Gardens, LLC for an extension of the SAIL Award Firm Loan commitment deadline.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

State Board of Education

The Blind Services Foundation and the Division of Blind Services announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 29, 2019, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free # 1(888)585-9008, Conference Room # 319-035-377

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting

A copy of the agenda may be obtained by contacting: The Division of Blind Services, 325 West Gaines Street, Tallahassee, FL 32399, Phone: (850)245-0329, Email: Selena.Sickler@dbs.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: The Division of Blind Services, 325 West Gaines Street, Tallahassee, FL 32399, Phone: (850)245-0329, Email: Selena.Sickler@dbs.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Division of Blind Services, 325 West Gaines Street, Tallahassee, FL 32399, Phone: (850)245-0329, Email: Selena.Sickler@dbs.fldoe.org.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation Central Office announces a public meeting to which all persons are invited.

DATE AND TIME: May 29, 2019, 9:00 a.m. – 12:00 p.m.

PLACE: Tampa – Auditorium, 11201 McKinley Dr., Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FDOT Freight & Multimodal Operations Office welcomes your involvement in the development of the 2019 FMTP update. The FMTP is a comprehensive plan that identifies freight transportation facilities critical to the state's economic growth and guides multimodal freight investments in the state. We need your input to make this plan successful! Please register at <https://www.surveymonkey.com/r/FMTPUpdate>.

A copy of the agenda may be obtained by contacting: Holly Cohen at: holly.cohen@dot.state.fl.us.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

The Florida Prepaid College Board announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 31, 2019, 2:00 p.m. ET

PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: All responses to be publicly opened in regards to the Invitation to Negotiate, ITN 19-03, Commingled Investment Product Services for the Stanley G. Tate Florida Prepaid College Program, Florida 529 Savings Plan, the Florida ABLE Program and the Florida Prepaid College Foundation.

A copy of the agenda may be obtained by contacting: The Florida Prepaid College Board, ITN Administrator by email at ITNinfo.PrePaid@MyFloridaPrepaid.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 30, 2019, 12:30 p.m.

PLACE: Nutrien (formerly PCS Phosphate) Conference Center, 16071 SE 78th Place, White Springs, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Hazardous Materials Response Team Policy Board.

A copy of the agenda may be obtained by contacting: Dwayne Mundy, Public Safety and Regulatory Compliance Program Director, North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, FL 32653.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 30, 2019, 10:00 a.m.

PLACE: Nutrien (formerly PCS Phosphate) Conference Center, 16071 SE 78th Place, White Springs, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Dwayne Mundy, Public Safety and Regulatory Compliance Program Director, North Central Florida Regional Planning Council, 2009 NW 67th Place, Gainesville, FL 32653.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 3, 2019, 8:30 a.m. Eastern Time

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board - topics include, but are not limited to, proposed legislation affecting Chapter 475, Part II, F.S., Chapter 61J1, F.A.C. rule amendments, budget discussions, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: DREAppraisalSection@myfloridalicense.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by

contacting: Department of Business and Professional Regulation at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

The Florida Real Estate Appraisal Board Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 4, 2019, 9:00 a.m., Eastern Time.

PLACE: Zora Neale Hurston Building, 400 West Robinson Street, Suite N901, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or Board counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., Suite N801, Orlando, FL 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Dentistry

The Department of Health, Board of Dentistry Anesthesia Committee announces a public meeting to which all persons are invited.

DATE AND TIME: May 28, 2019, 12:30 p.m. ET

PLACE: Telephone Conference Call: 1(888)585-9008 when prompted, enter conference code 599196982#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General information concerning Anesthesia.

A copy of the agenda may be obtained by contacting: www.floridasdentistry.gov. If any person decides to appeal any decision made by the Board with respect to any matter

considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact the Board Office at (850)245-4474.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:RULE TITLES:

64B16-27.4001 Delegation to and Supervision of Pharmacy Technicians; Responsibility of Supervising Pharmacist

64B16-27.410 Registered Pharmacy Technician to Pharmacist Ratio

64B16-27.420 Pharmacy Technician - Delegable and Non-Delegable Tasks

The Pharmacy Practice Committee announces a workshop to which all persons are invited.

DATE AND TIME: Monday, June 17, 2019, 4:00 p.m., or as soon thereafter as can be heard.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, (407)996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss the proposed text of Rules 64B16-27.4001, 64B16-27.410, and 64B16-27.420, F.A.C.

A copy of the agenda may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3254 or (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Jennifer Wenhold, Executive Director, Board of Pharmacy, at the address/telephone number listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Board of Pharmacy Practice Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 17, 2019, 4:00 p.m.

PLACE: Rosen Plaza Hotel, 9700 International Dr., Orlando, FL 32819, (407)996-9700.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting regarding discussion and actions regarding current and proposed rules.

A copy of the agenda may be obtained by contacting: (850)245-4474.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: (850)245-4474. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (850)245-4474.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Board of Pharmacy announces a public meeting to which all persons are invited.

DATES AND TIMES: June 18, 2019, 9:00 a.m.; June 19, 2019, 9:00 a.m.

PLACE: Rosen Plaza Hotel, 9700 International Dr., Orlando, FL 32819, (407)996-9700.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is an update to Notice 21604827. General business meeting involving discussion and actions, including, but not limited to general board business.

A copy of the agenda may be obtained by contacting: (850)245-4474.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: (850)245-4474. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (850)245-4474.

DEPARTMENT OF HEALTH

Board of Athletic Training

The Department of Health, Board of Athletic Training, announces a CANCELLATION of the general business meeting which was initially published in the Florida Administrative Register on January 17, 2019 in volume 45/12 and updated April 12, 2019 in volume 45/72.

DATE AND TIME: July 11, 2019, 9:00 a.m. ET

PLACE: Embassy Suites, 4955 Kyngs Heath Road, Kissimmee, FL, 34746, (407)597-4000

PURPOSE: To conduct general board business.

A copy of the agenda may be obtained by visiting www.floridasathletictraining.gov. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and the evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact the Board Office at least one week in advance by phone to (850)245-4292.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

The Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement, Boating Advisory Council, announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2019, 9:00 a.m.

PLACE: Courtyard by Marriott Bradenton Sarasota Riverfront, 100 Riverfront Drive, Bradenton, FL 34205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Boating Advisory Council to review and discuss boating-related topics and to take action, if needed. Such action may include, but may not be limited to, discussion about working waterfronts and boating and navigation regulations.

A copy of the agenda may be obtained by contacting: the FWC, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or by calling Precious Boatwright or Myeisha Dixon at (850)488-5600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Precious Boatwright at (850)488-5600.

FLORIDA SHERIFFS ASSOCIATION

The NOTICE OF WORKSHOP announces a public meeting to which all persons are invited.

DATE AND TIMES: June 20, 2019, 10:30 a.m.; 2:00 p.m. ET

PLACE: Remote Access Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bid # FSA19-VEL27.0 Pursuit,

Administrative and Other Vehicles 10:30 a.m. ET

Bid # FSA19-VEH17.0 Heavy Trucks

and Equipment 2:00 p.m. ET

The Florida Sheriffs Association and the Florida Association of Counties invite interested bidders, including Motor Vehicle Manufacturers and Dealers/Certified Representatives to participate in a voluntary workshop to identify and develop:

- Terms and Conditions
- Product Standard Equipment
- Streamline Build Sheet Requirements
- New Products

Registration is required for this workshop, no later than June 19, 2019, 2:00 p.m. ET. To register go to: <https://form.jotform.com/71995918716171>

FLORIDA SHERIFFS ASSOCIATION

By: Craig Chown, Cooperative Purchasing Program Manager

A copy of the agenda may be obtained by contacting: Craig Chown, cchown@flsheriffs.org.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Rates & Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 4, 2019, 11:00 a.m. (ET)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include return of premium dividend; Subplan D; Operations Manual revisions; and review of rates, rating plans & policy forms and associated matters to include application forms.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Operations Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 4, 2019, 2:00 p.m. (ET)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include the 2018 Annual Report; policy administration & managed care service provider selection; disaster recovery matters; and a report on operations.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

The Central Florida Expressway Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 27, 2019, 5:00 p.m. – 7:30 p.m.

PLACE: Clermont Arts & Recreation Center, 3700 South US Highway 27, Clermont, Florida 34711

Open House: 5:00 p.m. – 6:30 p.m. in Center’s gymnasium

Public Hearing: 6:30 p.m. – 7:30 p.m. in Center’s theater

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Project No. 599-225

Project Description: CFX Feasibility / Project Development and Environment Study

Lake / Orange County Connector (US 27 to SR 429)

The Central Florida Expressway Authority is holding a public hearing regarding this study on Thursday, June 27, from 5:00 p.m. to 7:30 p.m., at the Clermont Arts and Recreation Center Gymnasium and Theater located at 3700 South US Highway 27 in Clermont, FL 34711.

A second alternatives public meeting was held for this study on March 7, 2019. As a result of comments from that meeting, as well as from the general public, local officials and agencies, and an evaluation of environmental, social, cultural, and cost considerations, a preferred alternative has been selected and will be presented at the June 27 public hearing. A court reporter will be present to record a formal transcript of the hearing. Attendees will be given a final opportunity to comment on the social, economic, and environmental impacts of the study.

The purpose of the study is to determine if a limited access facility between US 27 in south Lake County and State Road 429 (Daniel Webster Western Beltway) in west Orange County is viable and fundable in accordance with CFX policies and procedures. Study limits are bordered by Porter Road on the north,

SR 429 on the east, Old YMCA Road on the south and US 27 on the west. Study documents will be available for public review from June 6, 2019 through July 7, 2019 at the following locations:

- Central Florida Expressway Authority, 4974 ORL Tower Road, Orlando, FL 32807, Monday – Friday, 8:00 a.m. – 5:00 p.m.
- Winter Garden Branch Library, 805 East Plant Street, Winter Garden, FL 34787, Monday – Thursday, 10:00 a.m. – 9:00 p.m.; Friday & Saturday, 10:00 a.m. – 5:00 p.m.
- Cooper Memorial Library (Go to Reference Desk), Lake-Sumter State College, 2525 Oakley Seaver Drive, Clermont, FL 34711, Monday – Thursday, 8:00 a.m. – 8:00 p.m.; Friday & Saturday, 9:00 a.m. – 5:00 p.m.

For additional information or with questions, please contact Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210, or by email at

LakeOrangeStudy@CFXway.com or visit the study webpage at <https://bit.ly/2H46Nr6>. You may also follow the study on Facebook at @LakeOrangeConnector.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require accommodations under the Americans with Disabilities Act or persons who require translation services, free of charge, should contact Ms. Putnam as noted above at least seven (7) days prior to the meeting.

A copy of the agenda may be obtained by contacting: Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210, or by email at LakeOrangeStudy@CFXway.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210, or by email at LakeOrangeStudy@CFXway.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

University of Florida

Advertisement for Professional Services

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-643, Broward hall Renovation, Phase II (Gainesville, FL)

The project consists of the following: In 2013 and 2014, the Broward Hall renovations provided nearly 11,000 SF of improved space for the UF Teaching Center for the College of Liberal Arts and Sciences. This final phase will improve nearly 5,000 SF for student study space and multi-purpose use. Additionally, the renovations will create multi-purpose space for students and campus partners. Support space will also be created for Building Services as well as Residential Life and Education. This renovation will include HVAC upgrades in the center section, completion of fire sprinkler system, upgrade to fire alarm system, upgrade to electrical system, improve restrooms and improve common areas.

The estimated construction budget is approximately \$5,000,000 and does not include any site work or underground utilities upgrades. The project will be delivered using the Construction management at Risk method and construction shall be on an extremely fast track and specific time allotment for construction during Summer of 2020 which is a mandatory requirement to be met as part of this project.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection, structural, and civil engineering consultants for this project and will be provided as a part of Basic Services. The selected applicant will also be required to provide insurance

coverage for General Liability, Automotive Liability, and Workers' Compensation.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the PQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant firm and all engineering and landscape architecture consultants (firms) from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific PQS forms, instructions, Project Fact Sheet, facilities program, UF Design and Commissioning Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process

information – can be found on the Planning Design & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time, on Friday, May 31, 2019. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Planning Design & Construction, 245 Gale Lemerand Drive / P.O. Box 115050, Gainesville, FL 32611-5050, Telephone: (352)273-4000, Internet: www.facilities.ufl.edu.

**FISH AND WILDLIFE CONSERVATION COMMISSION
FWC 18/19-109 - PROFESSIONAL SERVICES FOR
CONTINUING CONTRACTS ENVIRONMENTAL
RESTORATION**

BID NO: FWC 18/19-109

**TITLE: PROFESSIONAL SERVICES FOR CONTINUING
CONTRACTS ENVIRONMENTAL RESTORATION**

The Florida Fish and Wildlife Conservation Commission (FWC) requests qualifications from design, surveying and mapping, and engineering firms/teams to provide project design, survey, modeling, permitting, construction administration, and other related professional engineering services necessary to complete a wide variety of environmental resource projects throughout Florida. Services such as geotechnical, archeological, and other assessments or tasks not specifically mentioned might be performed by others under the responsibility of the selected firm and are considered incidental to complete a specific project.

**SEALED BIDS WILL BE PUBLICLY OPENED AND READ
ALoud ON:**

DATE & TIME: June 24, 2019, 3:00 p.m.

Location: Florida Fish & Wildlife Conservation Commission, 2590 Executive Center Circle East, Suite 100, Tallahassee, Florida 32301

Please follow the steps below to review the advertisement:

- Click on: http://www.myflorida.com/apps/vbs/vbs_www.main_menu
- Click on: Search Advertisements
- Under Agency, select the “Fl. Fish and Wildlife Conservation Commission” from the drop down box
- Scroll to the bottom of the page and click on “Initiate Search”
- Click on the solicitation number FWC 18/19-109. This will allow you to view the advertisement for this solicitation
- At the bottom of the advertisement, there is a list of Downloadable Files for the Advertisement
- Click on the link for each file

***Please Note: The Vendor Bid System (link provided above) is the posting location for all new and changing information regarding this solicitation. Interested bidders should continue to monitor this site for the entirety of the solicitation process.

PURCHASING MANAGER: (Direct questions to the following)

Alyssa DeLong, Procurement Manager, Florida Fish & Wildlife Conservation Commission, Tallahassee Purchasing Office, 2590 Executive Center Circle, Tallahassee, Florida 32301, (850)488-6551, alyssa.delong@myfwc.com.

Section XII Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Monday, May 13, 2019 and 3:00 p.m., Friday, May 17, 2019.

Rule No.	File Date	Effective Date
1T-1.001	5/13/2019	6/2/2019
1T-1.036	5/13/2019	6/2/2019
1T-1.039	5/13/2019	6/2/2019
1T-1.040	5/13/2019	6/2/2019
1T-1.042	5/13/2019	6/2/2019
53ER19-34	5/16/2019	5/16/2019
53ER19-35	5/16/2019	5/16/2019
53ER19-36	5/16/2019	5/16/2019
53ER19-37	5/16/2019	5/16/2019
61D-6.005	5/13/2019	6/2/2019
61G6-9.005	5/17/2019	6/6/2019
64B5-16.001	5/15/2019	6/4/2019
64B5-17.0105	5/14/2019	6/3/2019
64B9-15.0035	5/14/2019	6/3/2019
65G-3.001	5/15/2019	6/4/2019
65G-3.005	5/15/2019	6/4/2019
65G-3.006	5/15/2019	6/4/2019

**LIST OF RULES AWAITING LEGISLATIVE
APPROVAL SECTIONS 120.541(3), 373.139(7)
AND/OR 373.1391(6), FLORIDA STATUTES**

Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-3.009	12/5/2018	**/**/****

DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

Town of Pierson, Florida

The Florida Department of Environmental Protection (DEP) has determined that the Town of Pierson's project to construct sanitary sewer systems and a new wastewater treatment plant is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$26,697,300. The project may qualify for a Clean Water State Revolving Fund loan composed of federal and state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Mahnaz Massoudi, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850)245-2960 or emailing to mahnaz.massoudi@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On May 16, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Tory T. Vagle, R.N., License # RN 2939902. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On May 16, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the license of Ashley Elizabeth Marker, L.P.N., License # PN 5179014. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On May 16, 2019, the State Surgeon General issued an Order of Emergency Suspension with regard to the certificate Darrick R. Lorenzo, C.N.A., Certificate # CNA 310425. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to subsections 456.073(8) and 120.60(6) Florida Statutes (2018). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

School Psychology

Notice of Emergency Action

On May 16, 2019, State Surgeon General issued an Order Lifting Emergency Suspension of License with regard to the license of Carolyn Yonfa, Ph.D., License No.: PY 9102. Department orders that the Emergency Suspension of License be lifted.

INWOOD CONSULTING ENGINEERS, INC.

Notice of Opportunity for a Public Hearing

The Florida Department of Transportation announces an opportunity to request a public hearing for the rehabilitation or replacement of bridge #157117, as described below. This proposed project involves the use of properties protected under the National Historic Preservation Act of 1966. The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried-out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December

14, 2016, and executed by FHWA and FDOT.

PURPOSE: Notice is hereby given that interested persons may request a location and design concept public hearing for:

Project Name and Number: Rehabilitation or Replacement of Bridge #157117; 430501-1-32-01

Type of Project: Design

Project Limits: Dr. Martin Luther King Jr. St (9th St) From 6th Ave S to 7th Ave S

City/Town/County: St. Petersburg, Pinellas County, Florida

This Project Includes: Evaluating alternatives for the rehabilitation or replacement of the MLK Bridge over Booker Creek.

Persons interested in requesting a location and design concept public hearing, or reviewing the documents housed at the FDOT offices at the address below, should submit a request in writing to: Florida Department of Transportation District 7, Project Management, Craig Fox, 11201 McKinley Dr., Tampa, FL 33612, Craig.Fox@dot.state.fl.us.

The request to hold a public hearing should be postmarked no more than 15 calendar days following the publication of this notice.

Section XIII

Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
