

FLORIDA LAWS

UAPPEAL

CAPTIVE WILDLIFE

Captive wildlife is regulated by the Florida Fish and Wildlife Conservation Commission's Captive Wildlife Office. Hybrids are regulated the same as their more restricted parent. Captive wildlife permits apply only to mammals, birds, reptiles and amphibians. The Captive Wildlife Office does NOT have authority over or issue permits for conditional or prohibited species or imperiled species (see those sections).

PERMIT required for personal possession, exhibition, sale and import of captive wildlife.

- Requirements for non-renewed or revoked permit (Effective 6/20/22):
 - Bans issuing permit to another entity or facility that person is owner, director, officer, principal, employee or agent or has interest in it IF person was notified about it AND was arrested, charged, indicted or appeal conviction of Chapter 379 crime
 - Must dispose of all wildlife in 90 days (not to entity they are owner, officer, director, principal, employee or agent in or interest in) and keep records for 30 days after disposition – must allow inspection to verify disposition
 - Bans exhibiting or selling wildlife for another person or facility for 3 years
 - Bans employees whose corporation's license was revoked or non-renewed from care, feeding, handling or providing husbandry for such animals
- Most if not all permits must be submitted online and meet new application requirements (Effective 8/23/22)
- cages must be completely enclosed except paddocks, reptiles and open-air enclosures (Removes 1000 sq ft minimum)
- Venomous reptiles must have quantity per biological family and reptiles of concern quantity per species for births and deaths, acquisitions and sales or transfers
- Requirement to report injury or escapes by exhibition or sale permit, personal possession permit, and exempt under 3761(4):
 - Immediately report to Division of Law Enforcement any injury to 1) a person beyond basic first aid (exempts licensee, Corporate Authorized Individual, individual with required experience documentation on file for Class I-III, capuchin, spider, or woolly monkeys) or venomous reptiles or reptiles of concern OR 2) seriously bodily injury to those exempt in #1
 - Must make reasonable effort to recapture and return escaped wildlife
 - Requires reporting escapes as follows:
 - Class I and II and capuchin, spider and wooly monkeys - immediately after escape from primary or transport or other confinement or rigid supervision and control while outside of the primary enclosure
 - Venomous reptiles/ROC – immediately after escape from primary containment when whereabouts unknown or escape from secondary
 - Class III (except monkeys above) – 12 hours after: escape from 1) primary enclosure when whereabouts unknown, 2) primary with whereabouts known but not captured by reporting period, 3) approved facility location, 4) transport enclosure, leash, other constraint, or rigid supervision and control while outside the approved facility location

- Class I and venomous reptiles requires keeping list of name and address of contiguous landowners or residents of property in Part B of the Captive Wildlife Critical Incident/Disaster Plan
- Injury to a person in first bullet above OR escape above from maintaining wildlife in unsafe conditions OR manner which threatens public safety is violation of 68A-6.009

BANS wild-caught fox, skunk, bat, raccoon, or whitetail deer for personal use.

- PERMIT allowed for wild-caught fox, skunk, bat, raccoon, or whitetail deer for scientific, educational, exhibition, propagation, management or other justifiable purposes or for exhibition or sale.

LIST: See [Captive Wildlife Lists](#)

For more detailed information: See [Captive Wildlife Permits](#)

LIONFISH

BANS the following activities involving lionfish:

- Import of live ones and eggs
- Sale, barter or exchange of live ones imported after 8/1/2014
- Common carriers receiving live ones not from state or adjacent federal waters
- Possession or harvest of eggs or larvae
 - PERMIT for research
- Breeding lionfish or cultivating eggs
 - PERMIT for research

PERMIT (Conditional/Prohibited/Nonnative Species permit) required for lionfish.

REQUIREMENTS:

General:

- Wholesale or retail dealers are limited to lionfish from state or adjacent federal waters AND have receipts or invoices verifying it
- Wholesale/retail dealers may possess and sell lionfish imported before 8/1/2014 with chain of possession
- Aquaculturists with certificate of registration may raise juveniles or adults from state or adjacent federal waters AND have receipts or invoices verifying it

Research:

- Must be college or university faculty member, accredited institution affiliation or agency member AND must be for researching population control measures or mitigating negative impacts to native species
- Outdoor tanks must be 1' above 100-year flood elevation with barrier system
- Indoors must be culture system with no discharge, closed system or similar
- Detailed research proposal and annual record or progress
- Detailed report of research findings for renewals
- Immediately report escapes or release to FWC

(Florida Admin Code 68-5)

ELEPHANT RIDES

BANS the following regarding elephants:

- Using elephants that caused a safety incident for rides or with public contact
- Weakening or breaching integrity of boundary or barrier
- Contact with elephant during ride except handler, assistant or riders
- Full contact with elephant except during ride (limited to back and sides)

Elephant rides require written permission.

REQUIREMENTS:

- Photographic information of each elephant with front and side views
- Notarized safety record with safety incidents (human or animal injury or death) and escapes
- Notify commission immediately of safety incident or escape AND allows termination of rides unless incident not caused by elephant or handler and could not have been prevented
- Provide itinerary at least 24 hours before ride unless at facility
- Tethering device and firearm at all locations
- Written emergency response plan as listed
- 1 qualified handler and 1 assistant present that are 18+ with NO unsafe wildlife conditions or animal abuse or neglect violation in last 3 years and are approved in writing
 - Handler needs 1000 documented and signed off hours of free contact experience with 1st elephant from working with current handler and 250 hours per additional elephant
- Ride area such as a ring curb and secured public barrier at least 5' from ride that is at least 44" tall with no more than 6" gaps and has "Keep Out" signs every 10'
- Private Rides: allows for those with continual ride authorization since effective date if it is prearranged, has written contract 24 hours+ in advance, not open to public, is limited to guests and host, and has 2 handlers and assistants – barrier not required

(Florida Admin Code 68A-6.007 - Added 5/11/20)

CONDITIONAL/PROHIBITED SPECIES

Conditional and prohibited species are regulated by the Wildlife Impact Management Section.

BANS prohibited species for commercial use and pets except red-eared sliders.

- Allows beneficiary for prohibited species permit holder that dies to be issued a permit to keep animal for life if application sent within 90 days

BANS conditional species as pets.

PERMIT (Conditional/Prohibited/Nonnative Species permit) required to transport into the state, introduce, or possess any listed non-native freshwater fish, aquatic invertebrate, marine plant or animal, or wild animal for any purpose that might result in liberation.

- EXEMPT: Commercial sales of prohibited green iguanas and tegus with License to Possess Class III Wildlife for Exhibition or Public Sale on 6/30/2020 and held or planned to hold those species on their 2018 or 2019 license - Void if transferred - BANS breeding after 6/30/24

PERMIT required for import or transport of Leopard, African spurred and Bell's hingeback tortoise with certificate of veterinary inspection at least 10 days prior, containers disinfected before import and either incinerated within 24 hours or exported within 72 hours.

LIST: See [Prohibited - Conditional list](#)

For More Detailed Information: See [Conditional/Prohibited/Nonnative Species Permits](#)

(Florida Admin Code 68-5)

NATIVE FISH

Native fish are allowed to be kept in aquariums up to the fishing possession limit for each species (Department Correspondence – Native Fish)

AQUACULTURE

REGISTRATION (Aquaculture Certificate of Registration) from Department of Agriculture and Consumer Services required to raise aquatic species for commercial sale.

- INCLUDES: freshwater and marine ornamental fish and invertebrates, alligator farmers and exhibitors, freshwater turtle farms, crustaceans, grass carp, snails, baitfish, algae and shellfish for commercial use
- EXEMPT: hobbyists and those who grow for personal use
- ALSO NEED:
 - Restricted Species Authorization for restricted species
 - Restricted Crustaceans: Australian red claw, red swamp crayfish, white river crayfish
 - BANNED for personal use
 - Sovereign submerged land lease for live rock on state submerged lands
 - BANS staghorn, elkhorn, rough cactus, pillar, lobed star, mountainous star, boulder star
- Must comply with Aquaculture Best Management Practices
- Shellfish require Shellfish Harvester Education Training

(Department website)

Diamondback terrapins

BANS diamondback terrapins as pets and for commercial or private sales after 3/1/22.

- GRANDFATHER: owners on 3/1/22 that obtain Diamondback Terrapin Personal Possession Permit by 5/31/22 and renew it every 10 years.

PERMIT (Diamondback Terrapin Permit for Exhibition and Education) issued for education, display or outreach by public aquaria, public zoological parks and public exhibitors starting 3/1/22 - renewed 10 years

- GRANDFATHER: Current ones require a permit by 5/31/22.
- Scientific Collecting Permit holders need to apply for one 90 days before permit expiration.

REQUIREMENTS:

Applications:

- Name, primary and secondary phone, email, physical and mailing address, number of terrapins, and caging description
- Exhibition/Education also requires institution/program name (if applicable), type of institution/program, institution/program physical and mailing address, description of educational

exhibit, and proposal with scope of exhibition/education with program type, hours, if public accessible, costs or fees to public, brief history, and lesson plans

- Photographs showing head and tail from top and side
- Authorization to send request for additional information
- Answer whether found guilty of wildlife violations or had fish or wildlife permit suspended or revoked

Others:

- Must contact FWC and amend the permit for any information change
- BANS breeding for pets AND males/females must be separate unless sterilized - breeding must be authorized for exhibition/education
- Enclosure must be 5x shell length x 2x shell width of largest one with temperature regulation device that is non-injurious, non-injurious substrate like gravel or carpet, pool of water 2x shell width by 2x shell width and deep enough for submersion based on largest terrapin, and dry resting area
- BANS collection
- Non-transferrable
- Allow inspections
- Submit photos upon request
- (Exhibit/Education) Need minimum 12 educational engagement/48 hours annually
- (Exhibit/Education) Permanently displayed terrapins must be available for viewing during hours of operation
- (Exhibit/Education) Need detailed report of activities
- (Exhibit/Education) Must submit permit renewals 45 days prior to expiration

IMPERILED SPECIES

BANS take, possession and sale of federally listed endangered and threatened species and state threatened species.

- EXEMPT: as allowed under scientific collection permits or other state or federal permit
- EXEMPT: take and incidental take of federally endangered or threatened species authorized by USFWS or National Oceanic and Atmospheric Administration's National Marine Fisheries Service exempt from state permit unless state permit specifically authorized under written agreement with them - if no federal permit required, then no state permit is required

BANS take, possession, transport and sale of species of special concern except by permit if not detrimental to survival Currently only Panama City crayfish (last updated 2018).

BANS take of candidate species except as specifically authorized. Currently only striped newt (last updated 2021).

LIST: See [list](#)

PERMITS: State-threatened

- Scientific Collection Permit (intentional take for scientific or conservation purposes)
 - Need research plan or education plan and documentation of conservation plan
- State Listed Species (other than Gopher tortoise) Incidental Take Permit (incidental take while carrying out another activity)
- Gopher Tortoise Incidental Take Permit
- Florida Burrowing Owl Incidental Take Permit
- Southeastern American Kestrel Incidental Take Permit
- Non Florida Resident Raptor Take (Falconry) Permit (falconry for nonresidents)
 - Resident falconry regulated under captive wildlife laws

(Florida Admin Code 68A-27)

IMPORT (AGRICULTURE)

PERMIT along with Certificate of Veterinary Inspection within 30 days (Owner-Shipper Statement if exempt) required for import of restricted animals ([Permit for Movement of Restricted Animals](#))

REQUIREMENTS:

- Hoofed animals need a certificate within 5 days prior
- Elephants are categorized into Category 1 (no Mtb/Trunk Wash (TW) exposure), Category 2 (Mtb exposure but TW negative), and Category 3 (positive TW – bans travel except medical reasons)

(Florida Admin Code 5C-3)