

68A-9.010 Taking Nuisance Wildlife.

Any person owning property may take nuisance wildlife or they may authorize another person to take nuisance wildlife on their behalf except those species listed in subsection (1) below on their property by any method except those methods listed in subsection (2) below. Persons responsible for government owned property are considered "landowners" for the purpose of this rule. Notwithstanding the provisions of this section, the executive director or a designee may issue permits authorizing the take of additional species of wildlife, additional methods of take or alternative forms of disposition and transportation for justifiable purposes pursuant to Rule 68A-9.002, F.A.C., provided authorizations shall be denied or revoked upon reasonable conclusion that the requested or permitted activity would be detrimental to fish and wildlife resources or public health and safety.

(1) Wildlife that may not be taken as nuisance wildlife:

(a) Species listed in Chapter 68A-27, F.A.C.

(b) The following mammals:

1. Black bear.

2. Deer.

3. Bats – Except that bats may be taken either when:

a. The take is incidental to the use of an exclusion device, a device which allows escape from and blocks re-entry into a roost site located within a structure, or incidental to the use of a registered chemical repellent, at any time from August 15 to April 15 or

b. The take is incidental to permanent repairs which prohibit the egress of bats from a roost site located within a structure provided an exclusion device as described in sub-subparagraph a. above is used for a minimum of four consecutive days/nights for which the low temperature is forecasted by the U.S. National Weather Service to remain above 50° F prior to repairs and during the time-period specified.

4. Bobcat – Except that a bobcat may be taken, as provided by subsections (2), (3) and (4) below, when it causes or is about to cause property damage, or presents a threat to public safety. Euthanasia of any live captured bobcat is prohibited and any live captured bobcat shall be released as provided by subsection (3).

(c) The following birds:

1. All birds listed in 50 C.F.R. §10.13 as protected by the Migratory Bird Treaty Act unless the take is authorized by the U. S. Fish and Wildlife Service by a permit or depredation order.

2. Bobwhite quail.

3. Wild turkey.

(2) Methods that may not be used to take nuisance wildlife:

(a) Gun and light.

(b) Steel traps.

(c) Live traps and snares unless they are visited at intervals not exceeding 24 hours.

(d) Poison, other than those pesticides that are registered by the Florida Department of Agriculture and Consumer Services without additional authorizations and are only used in a manner consistent with the product labeling.

(e) Bat exclusion devices or any other intentional use of a device or material at a roost site which may prevent or inhibit the free ingress and/or egress of bats from April 16 through August 14.

(f) Any method prohibited pursuant to Section 828.12, F.S.

(3) Disposition of live-captured nuisance wildlife.

(a) Wildlife live captured by any method shall be released or euthanized within 24 hours following capture or inspection of a trapping device containing wildlife, provided any species described in subsection (1) above or any non-target wildlife shall be released immediately at the site of capture.

(b) Nuisance wildlife may only be released if:

1. The nuisance wildlife is released on the property of the landowner provided the release site and capture site are located on one contiguous piece of property; or

2. The nuisance wildlife is a native species; and

3. The property where the nuisance animal is to be released is located within the county of capture and is a minimum of 40 contiguous acres; and

4. The person releasing the nuisance wildlife is in possession, at time of release, of written permission from the property owner allowing such action.

(c) Euthanasia of nuisance wildlife shall be humane as defined by the American Association of Zoo Veterinarians or the American Veterinary Medical Association.

(d) The provisions of this subsection shall not prohibit the personal possession of wildlife as authorized by subsection 68A-6.0022(2), F.A.C.

(4) Transportation of nuisance wildlife.

(a) Live-captured nuisance wildlife may be transported under authority of this section only for:

1. The purpose of euthanasia as provided in subsection (3) above; or
2. The purpose of release as provided in subsection (3) above.

(b) Transportation of wildlife authorized by this section shall not supersede the provisions of any rabies alert or area quarantine issued by County Health Departments or County Animal Services.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-08, Amended 7-1-10, 7-27-10.