



Some Wildlife Possession Requirements

Possession of most wild animals is illegal except when the animals are held under a specific permit allowing that possession. Some few innocuous species are excluded from permit requirements, but the list is quite short and permits are necessary for most wild birds, mammals, and reptiles. Different reasons for possession require different permits, and jurisdiction over wildlife is held by several regulatory agencies. The rules may seem daunting, but following them is both our legal and our ethical responsibility. Let us try to organize the requirements:

Florida Fish & Wildlife Conservation Commission (FWC) has authority over all wildlife in the state, both native and exotic, as mandated by the Constitution of the State of Florida. An FWC permit is required for possession of wildlife, whether for rehabilitation or other purposes.

United States Fish & Wildlife Service (USFWS), a branch of the Department of the Interior, has specific jurisdiction over "migratory birds" under several authorities but especially the Migratory Bird Treaty Act of 1918 (as amended). Over a thousand species of birds native to the US and its territories are regulated under this authority. A USFWS Rehabilitation Permit is required, in addition to an FWC permit, in order to possess native birds for rehabilitation. Other permits exist for other purposes.

The United States Department of Agriculture (USDA) provides regulatory supervision of (presently) mammals used in public display under the Animal Welfare Act of 1966 (as amended). The USDA has other broad powers (for example, over domestic animals) not relevant to wildlife rehabilitators. No permit from the USDA is needed to rehabilitate native wildlife.

One must become a "Wildlife Rehabilitator" in order to possess sick, injured or orphaned **native wild animals** for care. Good intentions are not sufficient, and even veterinarians are not exempt from this requirement. Neither are well-meaning citizens, animal control agents, government employees such as police and fire/rescue personnel, or people associated with "humane" or animal service organizations.

Even a properly permitted wildlife rehabilitator cannot possess the animal indefinitely, and the regulations impose a time limit for care. Rehab is supposed to be a process for returning recovered animals to the wild. If a patient is not progressing toward release, it isn't "rehabilitating".

Wildlife undergoing rehabilitation are prohibited from being displayed to the public, or used in educational programs. The rehabilitator is expected to protect the animal from the stresses of contact with humans, dogs, vehicles, and other interferences. It is also the rehabilitator's responsibility to foster proper psychological development of the animal by ensuring that it self-identifies with members of its own species and to prevent false imprinting onto humans or domestic animals.

To become a Wildlife Rehabilitator in Florida, one can find qualification details and an application at www.MyFWC.com. Florida provides a single combined application for both the State and the Federal permits. While it is theoretically possible to receive a rehab permit only from FWC and not USFWS, such a permittee would not be allowed to rehabilitate or possess native birds. This is the reason for the combined application.

A Wildlife Rehabilitation permit does not grant permission to possess native or non-native animals for purposes other than rehabilitation. To possess native wildlife *not* for rehabilitation, a "Personal Possession" permit from FWC is required. Possession of most species of exotic wildlife also requires the "Personal Possession" permit. A different permit,

called a “License to Sell or Exhibit”, is required if the animal will be used in public display, or be sold. No wildlife permits are required for possession of livestock, domestic animals, or poultry.

Note that it is illegal to release non-native animals. FWC also imposes a number of additional requirements on certain exotic species. There are “Prohibited Species” which can be possessed only for very limited and strictly controlled reasons. And there are “Conditional Species” that require special permitting which may specify additional requirements. (These include many species of fish, certain species of snakes and lizards, and nutria.) Venomous Reptiles comprise their own regulatory category.

Animals that undergo rehabilitation must ultimately be released to the wild or disposed of in some other lawful manner. A rehabilitation permit *does not* allow someone to keep permanently impaired non-releasable native birds, whether for “sanctuary” or to be used as educational tools. A “Special Purpose Possession” permit is required from USFWS for the permanent possession of any living native bird. In order to convert a *patient that cannot be released* into a permanent possession (say for educational exhibit), application must be made to USFWS and a Special Purpose Possession permit obtained for that individual bird. Similarly, in order to keep a native mammal or reptile that cannot be returned to the wild, a Personal Possession Permit or a License to Sell or Exhibit must be obtained from FWC.

If that permanently possessed animal to be used in public display is a mammal, then an Exhibitor’s License must be obtained from the USDA as well. This requirement is stringently enforced even if the mammal is a common species (like a squirrel or opossum) and regardless of the manner of exhibition or the number of exhibitions. One single mammal shown to the public one single time makes you an exhibitor in the eyes of USDA. Having such an animal in a place where members of the public can see it when they come to your facility, even if they are not directed or encouraged to look at it, is considered exhibition as well. And of course so is taking the animal to a classroom or scout troop.

Possession of native bird feathers, body parts, eggs, or nests also requires USFWS permitting except in the case of “game birds” that are legally hunted. Rehabilitators are allowed to possess a limited number of feathers for “imping” (replacing broken feathers on a live bird by gluing in appropriate feathers from a dead bird) but USFWS maintains a “feather bank” to which all excess feathers must be sent. If you wish to use parts of native birds (feathers, beaks, talons, etc.) in educational programs, you must obtain a Special Purpose Possession permit from USFWS for those body parts.

Reporting requirements:

Federal rehabilitation permits require an Annual Report. Due dates are shown on the current permit. FWC does not presently require an annual rehabilitation report, but records of animals and their disposition (Released, Euthanized, Died, Transferred) must be maintained and made available to FWC personnel upon request.

Possession permits both Federal and Florida have their own expiration dates and report requirements that permit holders must be aware of.

Corporations (charitable or otherwise) are required to file tax returns with the Internal Revenue Service. Florida also requires all “solicitors” (people or businesses that engage in fund raising) to register with the Division of Corporations. An annual report is required.

Individuals who accept gifts and/or donations incident to their rehabilitation work should be aware that the IRS treats such as additional income which must be reported and is subject to taxation.

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