

# Get The Facts About Gopher Tortoises:

## Laws, Policies and Guidelines



Gopher tortoises are a threatened species and are protected under state law, Chapter 68A-27 of the Florida Administrative Code (F.A.C.). Property owners must obtain relocation permits from the Florida Fish and Wildlife Conservation Commission (FWC) to relocate all gopher tortoises before any land clearing or development activities can take place.

### Rule 68A-27.003 (F.A.C.)

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

### Gopher tortoise enforcement policy

Gopher tortoise or gopher tortoise burrow permits are not required to conduct agricultural, silvicultural and management activities intended to improve native wildlife habitat. In addition, if a landowner can demonstrate that gopher tortoise burrows on their land are abandoned, the law pertaining to protecting burrows does not apply.

### Upper respiratory tract disease

The FWC no longer requires upper respiratory tract disease testing as a prerequisite to issuing gopher tortoise relocation permits.

### Permitting guidelines

Landowners or developers must relocate gopher tortoises out of harm's way on land slated for development. Prior to initiating development activity, landowners or developers must obtain proper permits for all gopher tortoise capture, relocation and release. New FWC permitting guidelines

provide incentives for relocating tortoises to lands that have long-term protection and management; authorize gopher tortoise agents to capture, handle and transport gopher tortoises; require recipient site certification for private landowners who would like to receive displaced tortoises; and require a mitigation contribution to the FWC for all permits.

### Relocation

Before gopher tortoise capture, handling and relocation activities begin, landowners must obtain a permit from the FWC.

Landowners with 10 or fewer burrows may opt to relocate tortoises on-site as habitat requirements permit; or retain a permitted authorized gopher tortoise agent for all off-site relocations.



Photo by David Moynahan

### Mitigation contributions

All permits require a mitigation contribution. A mitigation contribution is compensation, usually in the form of monetary contributions or protected land donations. All mitigation contributions support gopher tortoise conservation actions as specified in the FWC Gopher Tortoise Management Plan.

For more information contact the gopher tortoise permit coordinator at (850) 921-1031 or visit [MyFWC.com/GopherTortoise](http://MyFWC.com/GopherTortoise).



Florida Fish and Wildlife  
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