

Bill No. CS for SB 2388

Amendment No. ____ Barcode 394398

CHAMBER ACTION

Senate

House

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Senator Dockery moved the following amendment:

Senate Amendment (with title amendment)

On page 7, line 23, through page 10, line 25, delete those lines

and insert:

Section 7. Section 372.921, Florida Statutes, is amended to read:

372.921 Exhibition or sale of wildlife.--

(1) In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, no person, firm, corporation, or association shall have, or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, amphibians, and reptiles, whether indigenous to Florida or not, without having first secured a permit from the commission authorizing such person, firm, or corporation to have in its possession in captivity the species and number of wildlife specified within such permit; however, this section does not apply to any wildlife not protected by

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1 law and the rules of the commission.

2 (2) The fees to be paid for the issuance of permits
3 ~~for the exhibition of wildlife~~ required by subsection (1)
4 shall be as follows:

5 (a) For not more than 25 Class I or Class II ~~10 Class~~
6 ~~I, Class II, or Class III~~ individual specimens in the
7 aggregate of all species, the sum of \$150~~\$5~~ per annum.

8 (b) For over 25 Class I or Class II ~~10 Class I, Class~~
9 ~~II, or Class III~~ individual specimens in the aggregate of all
10 species, the sum of \$250~~\$25~~ per annum.

11 (c) For any number of Class III individual specimens
12 in the aggregate of all species, the sum of \$50 per annum.

13

14 The fees prescribed by this subsection shall be submitted to
15 the commission with the application for permit required by
16 subsection (1) and shall be deposited in the State Game Trust
17 Fund.

18 (3) An applicant for a permit shall be required to
19 include in her or his application a statement showing the
20 place, number, and species of wildlife to be held in captivity
21 by the applicant and shall be required upon request by the
22 Fish and Wildlife Conservation Commission to show when, where,
23 and in what manner she or he came into possession of any
24 wildlife acquired subsequent to the effective date of this
25 act. The source of acquisition of such wildlife shall not be
26 divulged by the commission except in connection with a
27 violation of this section or a regulation of the commission in
28 which information as to source of wildlife is required as
29 evidence in the prosecution of such violation.

30 (4) Permits issued pursuant to this section and places
31 where wildlife is kept or held in captivity shall be subject

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1 to inspection by officers of the commission at all times. The
2 commission shall have the power to release or confiscate any
3 specimens of any wildlife, specifically birds, mammals,
4 amphibians, or reptiles, whether indigenous to the state or
5 not, when it is found that conditions under which they are
6 being confined are unsanitary, or unsafe to the public in any
7 manner, or that the species of wildlife are being maltreated,
8 mistreated, or neglected or kept in any manner contrary to the
9 provisions of chapter 828, any such permit to the contrary
10 notwithstanding. Before any such wildlife is confiscated or
11 released under the authority of this section, the owner
12 thereof shall have been advised in writing of the existence of
13 such unsatisfactory conditions; the owner shall have been
14 given 30 days in which to correct such conditions; the owner
15 shall have failed to correct such conditions; the owner shall
16 have had an opportunity for a proceeding pursuant to chapter
17 120; and the commission shall have ordered such confiscation
18 or release after careful consideration of all evidence in the
19 particular case in question. The final order of the
20 commission shall constitute final agency action.

21 (5) In instances where wildlife is seized or taken
22 into custody by the commission, said owner or possessor of
23 such wildlife shall be responsible for payment of all expenses
24 relative to the capture, transport, boarding, veterinary care,
25 or other costs associated with or incurred due to seizure or
26 custody of wildlife. Such expenses shall be paid by said owner
27 or possessor upon any conviction or finding of guilt of a
28 criminal or noncriminal violation, regardless of adjudication
29 or plea entered, of any provision of chapter 828 or this
30 chapter, or rule of the commission or if such violation is
31 disposed of under s. 921.187. Failure to pay such expense may

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1 be grounds for revocation or denial of permits to such
2 individual to possess wildlife.

3 (6) Any animal on exhibit of a type capable of
4 contracting or transmitting rabies shall be immunized against
5 rabies.

6 (7) The provisions of this section relative to
7 licensing do not apply to any municipal, county, state, or
8 other publicly owned wildlife exhibit. The provisions of this
9 section do not apply to any traveling zoo, circus, or exhibit
10 licensed as provided by chapter 205.

11 (8) This section shall not apply to the possession,
12 control, care, and maintenance of ostriches, emus, and rheas,
13 except those kept and maintained primarily for exhibition
14 purposes in zoos, carnivals, circuses, and other
15 establishments where such species are kept for display to the
16 public.

17 (9) The commission is authorized to adopt rules
18 pursuant to ss. 120.536(1) and 120.54 to implement the
19 provisions of this section.

20 (10) A violation of this section is punishable as
21 provided by s. 372.83.

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24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, lines 22-23, delete those lines

27

28 and insert:

29 to license requirements for the sale or
30 exhibition of wildlife; increasing permit fees;
31 providing an effective