

HB 1459

2006

1                   A bill to be entitled  
2           An act relating to regulated reptiles; amending s. 372.86,  
3           F.S.; requiring the Fish and Wildlife Conservation  
4           Commission to establish a list of reptiles subject to  
5           regulation; authorizing the commission to adopt rules;  
6           amending s. 372.87, F.S.; requiring licensure for the  
7           keeping, possessing, or exhibiting of regulated reptiles;  
8           amending s. 372.88, F.S.; increasing the required bond  
9           amount for the exhibition of regulated reptiles; requiring  
10          such bonds to be payable to the commission; amending s.  
11          372.89, F.S.; requiring safe, secure, and proper housing  
12          of regulated reptiles; amending s. 372.90, F.S.; providing  
13          for the transportation of regulated reptiles; amending s.  
14          372.901, F.S.; providing for the inspection of regulated  
15          reptiles; requiring the commission to establish a  
16          reporting system for certain activities related to  
17          regulated reptiles; amending s. 372.91, F.S.; authorizing  
18          certain persons to open regulated reptile cages;  
19          renumbering s. 372.911, F.S., relating to rewards, to  
20          conform; renumbering and amending s. 372.912, F.S.,  
21          relating to organized regulated reptile hunts; amending s.  
22          372.92, F.S.; providing criminal penalties for certain  
23          activities related to regulated reptiles; providing an  
24          effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:  
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28 Section 1. Section 372.86, Florida Statutes, is amended to  
 29 read:

30 372.86 Possessing or~~7~~ exhibiting regulated ~~poisonous or~~  
 31 ~~venomous~~ reptile; license required.--

32 (1) The Fish and Wildlife Conservation Commission shall  
 33 establish a list of venomous, nonnative, or other reptiles for  
 34 which the possession, transportation, or exhibition is  
 35 regulated. The commission is authorized to adopt rules pursuant  
 36 to chapter 120 to implement the provisions of ss. 372.86-372.91.

37 (2) No person, firm, or corporation shall keep, possess,  
 38 or exhibit any regulated ~~poisonous or venomous~~ reptile without  
 39 first having obtained a special permit or license therefor from  
 40 the Fish and Wildlife Conservation Commission as herein  
 41 provided.

42 Section 2. Section 372.87, Florida Statutes, is amended to  
 43 read:

44 372.87 License fee; renewal, revocation.--The Fish and  
 45 Wildlife Conservation Commission is hereby authorized and  
 46 empowered to issue a license or permit for the keeping,  
 47 possessing, or exhibiting of regulated ~~poisonous or venomous~~  
 48 reptiles, upon payment of an annual fee of \$100 and upon  
 49 assurance that all of the provisions of ss. 372.86-372.91 and  
 50 such other reasonable rules and regulations as said commission  
 51 may prescribe will be fully complied with in all respects. Such  
 52 permit may be revoked by the Fish and Wildlife Conservation  
 53 Commission upon violation of any of the provisions of ss.  
 54 372.86-372.91 or upon violation of any of the rules and  
 55 regulations prescribed by said commission relating to the

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56 | keeping, possessing, and exhibiting of any regulated ~~poisonous~~  
 57 | ~~and venomous~~ reptiles. Such permits or licenses shall be for an  
 58 | annual period to be prescribed by the said commission and shall  
 59 | be renewable from year to year upon the payment of said fee and  
 60 | shall be subject to the same conditions, limitations, and  
 61 | restrictions as herein set forth.

62 | Section 3. Section 372.88, Florida Statutes, is amended to  
 63 | read:

64 | 372.88 Bond required, amount.--No person, party, firm, or  
 65 | corporation shall exhibit to the public either with or without  
 66 | charge, or admission fee any regulated ~~poisonous or venomous~~  
 67 | reptile without having first posted a good and sufficient bond  
 68 | in writing in the penal sum of \$10,000 ~~\$1,000~~ payable to the  
 69 | Fish and Wildlife Conservation Commission ~~Governor of the state,~~  
 70 | ~~and the Governor's successors in office~~, conditioned that such  
 71 | exhibitor will indemnify and save harmless all persons from  
 72 | injury or damage from such regulated ~~poisonous or venomous~~  
 73 | reptiles so exhibited and shall fully comply with all laws of  
 74 | the state and all rules and regulations of the ~~Fish and Wildlife~~  
 75 | ~~Conservation~~ commission governing the keeping, possessing, or  
 76 | exhibiting of regulated ~~poisonous or venomous~~ reptiles;  
 77 | provided, however, that the aggregate liability of the surety  
 78 | for all such injuries or damages shall, in no event, exceed the  
 79 | penal sum of said bond. The surety for said bond must be a  
 80 | surety company authorized to do business under the laws of the  
 81 | state or in lieu of such a surety, cash in the sum of \$10,000  
 82 | ~~\$1,000~~ may be posted with the said commission to ensure  
 83 | compliance with the conditions of said bond.

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84 Section 4. Section 372.89, Florida Statutes, is amended to  
85 read:

86 372.89 Safe housing required.--All persons, firms, or  
87 corporations licensed under this law to keep, possess, or  
88 exhibit regulated ~~poisonous or venomous~~ reptiles shall provide  
89 safe, secure, and proper housing for said reptiles in cases,  
90 cages, pits, or enclosures. It shall be unlawful for any person,  
91 firm, or corporation, whether licensed hereunder or not, to  
92 keep, possess, or exhibit any regulated ~~poisonous or venomous~~  
93 reptiles in any manner not approved as safe, secure, and proper  
94 by the Fish and Wildlife Conservation Commission.

95 Section 5. Section 372.90, Florida Statutes, is amended to  
96 read:

97 372.90 Transportation.--Regulated ~~Poisonous or venomous~~  
98 reptiles may be transported only in the following fashion: The  
99 reptile, or reptiles shall be placed in a stout closely woven  
100 cloth sack, tied or otherwise secured. This sack shall then be  
101 placed in a box. The box shall be of strong material in solid  
102 sheets, except for small air holes, which holes shall be  
103 screened. Boxes containing ~~poisonous or venomous snakes or other~~  
104 reptiles shall be prominently labeled "~~Danger--Poisonous Snakes~~"  
105 or "Danger--Poisonous Reptiles."

106 Section 6. Section 372.901, Florida Statutes, is amended  
107 to read:

108 372.901 Inspection and reporting.--  
109 (1) Regulated ~~Poisonous or venomous~~ reptiles, held in  
110 captivity, shall be subject to inspection by an inspecting  
111 officer from the Fish and Wildlife Conservation Commission. The

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112 inspecting officer shall determine whether the said reptiles are  
113 securely, properly, and safely penned. In the event that the  
114 reptiles are not safely penned, the inspecting officer shall  
115 report the situation in writing to the person or firm owning the  
116 said reptiles. Failure of the owner or exhibitor to correct the  
117 situation within 30 days after such written notice shall be  
118 grounds for revocation of the license or permit of said owner or  
119 exhibitor.

120 (2) The commission shall establish by rule a reporting  
121 system for regulated reptiles. Such reports may include, but are  
122 not limited to, information regarding:

123 (a) The purchase or other acquisition of a regulated  
124 reptile.

125 (b) The possession of a regulated reptile.

126 (c) The sale, gift, or other transfer of a regulated  
127 reptile.

128 (d) The death, destruction, or other disposition of a  
129 regulated reptile.

130 Section 7. Section 372.91, Florida Statutes, is amended to  
131 read:

132 372.91 Who may open cages, pits, or other containers  
133 housing regulated ~~poisonous or venomous~~ reptiles.--No person  
134 except the licensee or her or his authorized employee shall open  
135 any cage, pit, or other container which contains regulated  
136 ~~poisonous or venomous~~ reptiles.

137 Section 8. Section 372.911, Florida Statutes, is  
138 renumbered as section 372.0715, Florida Statutes.

139 Section 9. Section 372.912, Florida Statutes, is  
 140 renumbered as section 372.902, Florida Statutes, and amended to  
 141 read:

142 372.902 ~~372.912~~ Organized regulated ~~poisonous~~ reptile  
 143 hunts.--

144 (1) All persons, firms, and corporations sponsoring and  
 145 conducting any organized regulated ~~poisonous~~ reptile hunt for  
 146 whatever purpose shall comply with the provisions of ss. 372.86-  
 147 372.91.

148 (2) All persons participating in any organized regulated  
 149 ~~poisonous~~ reptile hunt in the state which is sponsored and  
 150 conducted by a nonprofit organization registered with the  
 151 Department of State under the provisions of chapter 617 shall be  
 152 exempt from the licensing provisions contained in ss. 372.86,  
 153 372.87, and 372.88, only for the duration of said organized  
 154 hunt.

155 (3) All organized regulated ~~poisonous~~ reptile hunts in the  
 156 state shall be registered with the Fish and Wildlife  
 157 Conservation Commission and be subject to reasonable rules and  
 158 regulations promulgated by said commission.

159 Section 10. Section 372.92, Florida Statutes, is amended  
 160 to read:

161 372.92 Rules and regulations; penalties.--

162 (1) The Fish and Wildlife Conservation Commission may  
 163 prescribe such other rules and regulations as it may deem  
 164 necessary to prevent the escape of regulated ~~poisonous and~~  
 165 ~~venomous~~ reptiles, either in connection of construction of such  
 166 cages or otherwise to carry out the intent of ss. 372.86-372.91.

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167        (2) Any person who violates a provision of ss. 372.86-  
168 372.91 or any rule or regulation established under ss. 372.86-  
169 372.91 commits a misdemeanor of the first degree, punishable as  
170 provided in s. 775.082 or s. 775.083.

171        (3) Any person who knowingly releases a regulated reptile  
172 to the wild or who through gross negligence allows a regulated  
173 reptile to escape commits a felony of the third degree,  
174 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

175        Section 11. This act shall take effect July 1, 2006.