

CHAMBER ACTION

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1 The Agriculture & Environment Appropriations Committee  
2 recommends the following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6  
7 A bill to be entitled  
8 An act relating to wildlife; amending s. 372.86, F.S.;  
9 requiring the Fish and Wildlife Conservation Commission to  
10 establish a list of reptiles of concern subject to  
11 regulation; authorizing the commission to adopt rules;  
12 amending s. 372.87, F.S.; requiring licensure for the  
13 capturing, keeping, possessing, or exhibiting of reptiles  
14 of concern; requiring fees collected for such licenses be  
15 deposited into the State Game Trust Fund; specifying the  
16 use of proceeds; amending s. 372.88, F.S.; providing for  
17 the bond required for the exhibition of venomous reptiles  
18 of concern to be payable to the commission; amending s.  
19 372.89, F.S.; requiring safe, secure, and proper housing  
20 of reptiles of concern; amending s. 372.90, F.S.;  
21 providing for the transportation of venomous reptiles of  
22 concern; directing the commission to establish  
23 requirements for such transportation; amending s. 372.901,

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24 F.S.; providing for the inspection of reptiles of concern;  
 25 requiring the commission to establish a reporting system  
 26 for certain activities related to reptiles of concern;  
 27 amending s. 372.91, F.S.; restricting who may open cages,  
 28 pits, or other containers housing venomous reptile of  
 29 concern; renumbering s. 372.911, F.S., relating to  
 30 rewards, to conform; repealing s. 372.912, F.S., relating  
 31 to organized poisonous reptile hunts; amending s. 372.92,  
 32 F.S.; providing criminal penalties for certain activities  
 33 related to reptiles of concern; creating s. 372.935, F.S.;  
 34 providing violation levels and applicable penalties  
 35 relating to captive wildlife, including suspension or  
 36 revocation of license; providing a continuing  
 37 appropriation; providing an effective date.

38  
 39 Be It Enacted by the Legislature of the State of Florida:

40  
 41 Section 1. Section 372.86, Florida Statutes, is amended to  
 42 read:

43 372.86 Capturing, possessing, transporting, or exhibiting  
 44 reptiles of concern ~~poisonous or venomous reptile~~; license  
 45 required.--

46 (1) The Fish and Wildlife Conservation Commission shall  
 47 establish a list of reptiles of concern, including venomous,  
 48 nonvenomous, native, nonnative, or other reptiles for which the  
 49 capture, possession, transportation, or exhibition is regulated.  
 50 The commission may adopt rules pursuant to ss. 120.536(1) and  
 51 120.54 to implement the provisions of ss. 372.86-372.91.

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52           (2) No person, firm, or corporation shall capture, keep,  
53 possess, or exhibit any ~~poisonous or venomous~~ reptile of concern  
54 without first having obtained a special permit or license  
55 therefor from the Fish and Wildlife Conservation Commission as  
56 herein provided.

57           Section 2. Section 372.87, Florida Statutes, is amended to  
58 read:

59           372.87 License fee; renewal, revocation.--The Fish and  
60 Wildlife Conservation Commission is hereby authorized and  
61 empowered to issue a license or permit for the capturing,  
62 keeping, possessing, or exhibiting of ~~poisonous or venomous~~  
63 reptiles of concern, upon payment of an annual fee of \$100 and  
64 upon assurance that all of the provisions of ss. 372.86-372.91  
65 and such other reasonable rules and regulations as said  
66 commission may prescribe will be fully complied with in all  
67 respects. Such permit may be revoked by the Fish and Wildlife  
68 Conservation Commission upon violation of any of the provisions  
69 of ss. 372.86-372.91 or upon violation of any of the rules and  
70 regulations prescribed by said commission relating to the  
71 capturing, keeping, possessing, and exhibiting of any reptile of  
72 concern ~~poisonous and venomous reptiles~~. Such permits or  
73 licenses shall be for an annual period to be prescribed by the  
74 said commission and shall be renewable from year to year upon  
75 the payment of said fee and shall be subject to the same  
76 conditions, limitations, and restrictions as herein set forth.  
77 All moneys received pursuant to this section shall be deposited  
78 into the State Game Trust Fund to be used to implement,

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79 | administer, enforce, and educate the public regarding ss.  
80 | 372.86-372.91.

81 | Section 3. Section 372.88, Florida Statutes, is amended to  
82 | read:

83 | 372.88 Bond required, amount.--No person, party, firm, or  
84 | corporation shall exhibit to the public either with or without  
85 | charge, or admission fee any ~~poisonous or~~ venomous reptile of  
86 | concern without having first posted a good and sufficient bond  
87 | in writing in the penal sum of \$1,000 payable to the Fish and  
88 | Wildlife Conservation Commission ~~Governor of the state, and the~~  
89 | ~~Governor's successors in office,~~ conditioned that such exhibitor  
90 | will indemnify and save harmless all persons from injury or  
91 | damage from such ~~poisonous or~~ venomous reptiles of concern so  
92 | exhibited and shall fully comply with all laws of the state and  
93 | all rules and regulations of the ~~Fish and Wildlife Conservation~~  
94 | commission governing the capturing, keeping, possessing, or  
95 | exhibiting of ~~poisonous or~~ venomous reptiles of concern;  
96 | provided, however, that the aggregate liability of the surety  
97 | for all such injuries or damages shall, in no event, exceed the  
98 | penal sum of said bond. The surety for said bond must be a  
99 | surety company authorized to do business under the laws of the  
100 | state or in lieu of such a surety, cash in the sum of \$1,000 may  
101 | be posted with the said commission to ensure compliance with the  
102 | conditions of said bond.

103 | Section 4. Section 372.89, Florida Statutes, is amended to  
104 | read:

105 | 372.89 Safe housing required.--All persons, firms, or  
106 | corporations licensed under this law to capture, keep, possess,

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107 | or exhibit any reptile of concern ~~poisonous or venomous reptiles~~  
 108 | shall provide safe, secure, and proper housing for said reptiles  
 109 | in cases, cages, pits, or enclosures. It shall be unlawful for  
 110 | any person, firm, or corporation, whether licensed hereunder or  
 111 | not, to capture, keep, possess, or exhibit any reptile of  
 112 | concern ~~poisonous or venomous reptiles~~ in any manner not  
 113 | approved as safe, secure, and proper by the Fish and Wildlife  
 114 | Conservation Commission.

115 |       Section 5. Section 372.90, Florida Statutes, is amended to  
 116 | read:

117 |       372.90 Transportation.--~~Poisonous or~~ Venomous reptiles of  
 118 | concern may be transported only in the following fashion: The  
 119 | reptile~~7~~ or reptiles shall be placed in a stout closely woven  
 120 | cloth sack, tied or otherwise secured. This sack shall then be  
 121 | placed in a box. The box shall be of strong material in solid  
 122 | sheets, except for small air holes, which holes shall be  
 123 | screened. Boxes containing ~~poisonous or venomous snakes or other~~  
 124 | reptiles shall be prominently labeled "~~Danger Poisonous Snakes~~"  
 125 | ~~or~~ "Danger--Venomous Poisonous Reptiles." The commission shall  
 126 | establish by rule requirements for the transportation of  
 127 | venomous reptiles of concern.

128 |       Section 6. Section 372.901, Florida Statutes, is amended  
 129 | to read:

130 |       372.901 Inspection and reporting.--

131 |       (1) Poisonous or Venomous Reptiles of concern, held in  
 132 | captivity, are ~~shall be~~ subject to inspection by an inspecting  
 133 | officer from the Fish and Wildlife Conservation Commission. The  
 134 | inspecting officer shall determine whether the said reptiles are

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135 securely, properly, and safely penned. In the event that the  
136 reptiles are not safely penned, the inspecting officer shall  
137 report the situation in writing to the person or firm owning the  
138 said reptiles. Failure of the owner or exhibitor to correct the  
139 situation within 30 days after such written notice shall be  
140 grounds for revocation of the license or permit of said owner or  
141 exhibitor.

142 (2) The commission shall establish by rule a reporting  
143 system for reptiles of concern. Such reports may include, but  
144 are not limited to, information regarding:

145 (a) The capture, purchase, or other acquisition of a  
146 reptile of concern.

147 (b) The possession of a reptile of concern.

148 (c) The sale, gift, or other transfer of a reptile of  
149 concern.

150 (d) The death, destruction, or other disposition of a  
151 reptile of concern.

152 Section 7. Section 372.91, Florida Statutes, is amended to  
153 read:

154 372.91 Who may open cages, pits, or other containers  
155 housing ~~poisonous or~~ venomous reptiles of concern.--No person  
156 except the licensee or her or his authorized employee shall open  
157 any cage, pit, or other container which contains ~~poisonous or~~  
158 venomous reptiles of concern.

159 Section 8. Section 372.911, Florida Statutes, is  
160 renumbered as section 372.0715, Florida Statutes.

161 Section 9. Section 372.912, Florida Statutes, is repealed.

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162 Section 10. Section 372.92, Florida Statutes, is amended  
163 to read:

164 372.92 Rules and regulations; penalties.--

165 (1) The Fish and Wildlife Conservation Commission may  
166 prescribe such other rules and regulations as it may deem  
167 necessary to prevent the escape of ~~poisonous and venomous~~  
168 reptiles of concern, either in connection of construction of  
169 such cages or otherwise to carry out the intent of ss. 372.86-  
170 372.91.

171 (2) A person who knowingly releases a reptile of concern  
172 to the wild or who through gross negligence allows a reptile of  
173 concern to escape commits a Level Four violation, punishable as  
174 provided in s. 372.935.

175 Section 11. Section 372.935, Florida Statutes, is created  
176 to read:

177 372.935 Captive wildlife penalties.--

178 (1) LEVEL ONE.--Unless otherwise provided by law, the  
179 following classifications and penalties apply:

180 (a) A person commits a Level One violation if she or he  
181 violates any of the following provisions:

182 1. Rules or orders of the commission requiring free  
183 permits or other authorizations to possess captive wildlife.

184 2. Rules or orders of the commission relating to the  
185 filing of reports or other documents required of persons who are  
186 licensed to possess captive wildlife.

187 3. Rules or orders of the commission requiring permits to  
188 possess captive wildlife that a fee is charged for, when the

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189 person being charged was issued the permit and the permit has  
 190 expired less than 1 year prior to the violation.

191 (b) Any person cited for committing any offense classified  
 192 as a Level One violation commits a noncriminal infraction,  
 193 punishable as provided in this section.

194 (c) Any person cited for committing a noncriminal  
 195 infraction specified in paragraph (a) shall be cited to appear  
 196 before the county court. The civil penalty for any noncriminal  
 197 infraction is \$50 if the person cited has not previously been  
 198 found guilty of a Level One violation and \$250 if the person  
 199 cited has previously been found guilty of a Level One violation,  
 200 except as otherwise provided in this subsection. Any person  
 201 cited for failing to have a required permit or license shall pay  
 202 an additional civil penalty in the amount of the license fee  
 203 required.

204 (d) Any person cited for an infraction under this  
 205 subsection may:

206 1. Post a bond, which shall be equal in amount to the  
 207 applicable civil penalty; or

208 2. Sign and accept a citation indicating a promise to  
 209 appear before the county court. The officer may indicate on the  
 210 citation the time and location of the scheduled hearing and  
 211 shall indicate the applicable civil penalty.

212 (e) Any person charged with a noncriminal infraction under  
 213 this subsection may:

214 1. Pay the civil penalty, either by mail or in person,  
 215 within 30 days after the date of receiving the citation; or



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216 2. If the person has posted bond, forfeit bond by not  
217 appearing at the designated time and location.

218 (f) If the person cited follows either of the procedures  
219 in subparagraph (e)1. or subparagraph (e)2., he or she shall be  
220 deemed to have admitted the infraction and to have waived his or  
221 her right to a hearing on the issue of commission of the  
222 infraction. Such admission shall not be used as evidence in any  
223 other proceedings except to determine the appropriate fine for  
224 any subsequent violations.

225 (g) Any person who willfully refuses to post bond or  
226 accept and sign a summons commits a misdemeanor of the second  
227 degree, punishable as provided in s. 775.082 or s. 775.083. Any  
228 person who fails to pay the civil penalty specified in this  
229 subsection within 30 days after being cited for a noncriminal  
230 infraction or to appear before the court pursuant to this  
231 subsection commits a misdemeanor of the second degree,  
232 punishable as provided in s. 775.082 or s. 775.083.

233 (h) Any person electing to appear before the county court  
234 or who is required to appear shall be deemed to have waived the  
235 limitations on the civil penalty specified in paragraph (c). The  
236 court, after a hearing, shall make a determination as to whether  
237 an infraction has been committed. If the commission of an  
238 infraction has been proven, the court may impose a civil penalty  
239 not less than those amounts in paragraph (c) and not to exceed  
240 \$500.

241 (i) At a hearing under this chapter, the commission of a  
242 charged infraction must be proved beyond a reasonable doubt.

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243 (j) If a person is found by the hearing official to have  
244 committed an infraction, she or he may appeal that finding to  
245 the circuit court.

246 (2) LEVEL TWO.--Unless otherwise provided by law, the  
247 following classifications and penalties apply:

248 (a) A person commits a Level Two violation if he or she  
249 violates any of the following provisions:

250 1. Unless otherwise stated in subsection (1), rules or  
251 orders of the commission that require a person to pay a fee to  
252 obtain a permit to possess captive wildlife or that require the  
253 maintenance of records relating to captive wildlife.

254 2. Rules or orders of the commission relating to captive  
255 wildlife not specified in subsection (1) or subsection (3).

256 3. Rules or orders of the commission that require housing  
257 of wildlife in a safe manner when a violation results in an  
258 escape of wildlife other than Class I wildlife.

259 4. Section 372.86, relating to possessing or exhibiting  
260 reptiles.

261 5. Section 372.87, relating to licensing of reptiles.

262 6. Section 372.88, relating to bonding requirements for  
263 exhibits.

264 7. Section 372.89, relating to housing requirements.

265 8. Section 372.90, relating to transportation.

266 9. Section 372.901, relating to inspection.

267 10. Section 372.91, relating to limitation of access to  
268 reptiles.

269 11. Section 372.921, relating to exhibition or sale of  
270 wildlife.

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271 12. Section 372.922, relating to personal possession of  
272 wildlife.

273 (b) A person who commits any offense classified as a Level  
274 Two violation and who has not been convicted of a violation that  
275 is classified as a Level Two or above within the past 3 years  
276 commits a misdemeanor of the second degree, punishable as  
277 provided in s. 775.082 or s. 775.083.

278 (c) Unless otherwise stated in this subsection, a person  
279 who commits any offense classified as a Level Two violation  
280 within a 3-year period of any previous conviction of any offense  
281 classified as a Level Two violation or higher commits a  
282 misdemeanor of the first degree, punishable as provided in s.  
283 775.082 or s. 775.083 with a minimum mandatory fine of \$250.

284 (d) Unless otherwise stated in this subsection, a person  
285 who commits any offense classified as a Level Two violation  
286 within a 5-year period of any two previous convictions of  
287 offenses that are classified as Level Two violations or above  
288 commits a misdemeanor of the first degree, punishable as  
289 provided in s. 775.082 or s. 775.083, with a minimum mandatory  
290 fine of \$500 and a suspension of all licenses issued under this  
291 chapter related to captive wildlife for 1 year.

292 (e) A person who commits any offense classified as a Level  
293 Two violation within a 10-year period of any three previous  
294 convictions of offenses classified as Level Two violations or  
295 above commits a misdemeanor of the first degree, punishable as  
296 provided in s. 775.082 or s. 775.083, with a minimum mandatory  
297 fine of \$750 and a suspension of all licenses issued under this  
298 chapter related to captive wildlife for 3 years.

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299       (3) LEVEL THREE.--Unless otherwise provided by law, the  
300 following classifications and penalties apply.

301       (a) A person commits a Level Three violation if he or she  
302 violates any of the following provisions:

303       1. Rules or orders of the commission that require housing  
304 of wildlife in a safe manner when a violation results in an  
305 escape of Class I wildlife.

306       2. Rules or orders of the commission related to captive  
307 wildlife when the violation results in serious bodily injury to  
308 another person by captive wildlife which consists of a physical  
309 condition that creates a substantial risk of death, serious  
310 personal disfigurement, or protracted loss or impairment of the  
311 function of any bodily member or organ.

312       3. Rules or orders of the commission relating to the use  
313 of gasoline or other chemical or gaseous substances on wildlife.

314       4. Rules or orders of the commission prohibiting the  
315 release of wildlife for which only conditional possession is  
316 allowed.

317       5. Rules or orders of the commission prohibiting knowingly  
318 entering false information on an application for a license or  
319 permit when the license or permit is to possess wildlife in  
320 captivity.

321       6. Section 372.265, relating to illegal importation or  
322 introduction of foreign wildlife.

323       (b)1. A person who commits any offense classified as a  
324 Level Three violation and who has not been convicted of a  
325 violation that is classified as a Level Three or above within

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326 the past 10 years commits a misdemeanor of the first degree,  
327 punishable as provided in s. 775.082 or s. 775.083.

328 2. A person who commits any offense classified as a Level  
329 Three violation within a 10-year period of any previous  
330 conviction of any offense classified as a Level Three violation  
331 or above commits a misdemeanor of the first degree, punishable  
332 as provided in s. 775.082 or s. 775.083, with a minimum  
333 mandatory fine of \$750 and a suspension of all licenses issued  
334 under this chapter relating to captive wildlife for 3 years.

335 (4) LEVEL FOUR.--Unless otherwise provided by law, the  
336 following classifications and penalties apply.

337 (a) A person commits a Level Four violation if he or she  
338 violates any of the following provisions:

339 1. Section 370.081, relating to the illegal importation  
340 and possession of nonindigenous marine plants and animals.

341 2. Section 372.92, relating to release of reptiles of  
342 concern.

343 3. Rules or orders of the commission relating to the  
344 importation, possession, or release of fish and wildlife for  
345 which possession is prohibited.

346 (b) A person who commits any offense classified as a Level  
347 Four violation commits a felony of the third degree, punishable  
348 as provided in s. 775.082 or s. 775.083, with a permanent  
349 revocation of all licenses or permits to possess captive  
350 wildlife issued under this chapter.

351 (5) VIOLATIONS OF SECTION.--Unless otherwise provided in  
352 this chapter, a person who violates any provision of this  
353 section commits, for the first offense, a misdemeanor of the

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354 second degree, punishable as provided in s. 775.082 or s.  
355 775.083, and commits, for the second or any subsequent offense,  
356 a misdemeanor of the first degree, punishable as provided in s.  
357 775.082 or s. 775.083.

358 (6) SUSPENSION OR REVOCATION OF LICENSE.--The court may  
359 order the suspension or revocation of any license or permit  
360 issued to a person to possess captive wildlife pursuant to this  
361 chapter if that person commits a criminal offense or a  
362 noncriminal infraction as specified under this section.

363 (7) CONVICTION DEFINED.--For purposes of this section, the  
364 term "conviction" means any judicial disposition other than  
365 acquittal or dismissal.

366 (8) COMMISSION LIMITATIONS.--Nothing in this section shall  
367 limit the commission from suspending or revoking any license to  
368 possess wildlife in captivity by administrative action in  
369 accordance with chapter 120. For purposes of administrative  
370 action, a conviction of a criminal offense shall mean any  
371 judicial disposition other than acquittal or dismissal.

372 Section 12. Beginning in the 2006-2007 fiscal year, the  
373 sum of \$300,000 is appropriated from the State Game Trust Fund  
374 to the Fish and Wildlife Conservation Commission on a recurring  
375 basis to implement the provisions of this act.

376 Section 13. This act shall take effect October 1, 2006.