

By the Committee on Agriculture; and Senator Posey

575-2047-06

1                               A bill to be entitled  
2            An act relating to regulated reptiles; amending  
3            s. 372.86, F.S.; requiring the Fish and  
4            Wildlife Conservation Commission to establish a  
5            list of reptiles subject to regulation;  
6            authorizing the commission to adopt rules;  
7            amending s. 372.87, F.S.; requiring licensure  
8            for the keeping, possessing, or exhibiting of  
9            regulated reptiles; amending s. 372.88, F.S.;  
10          increasing the required bond amount for the  
11          exhibition of regulated reptiles; requiring  
12          such bonds to be payable to the commission;  
13          amending s. 372.89, F.S.; requiring safe,  
14          secure, and proper housing of regulated  
15          reptiles; amending s. 372.90, F.S.; providing  
16          for the transportation of regulated reptiles;  
17          amending s. 372.901, F.S.; providing for the  
18          inspection of regulated reptiles; requiring the  
19          commission to establish a reporting system for  
20          certain activities related to regulated  
21          reptiles; amending s. 372.91, F.S.; authorizing  
22          certain persons to open regulated reptile  
23          cages; renumbering s. 372.911, F.S., relating  
24          to rewards, to conform; renumbering and  
25          amending s. 372.912, F.S., relating to  
26          organized regulated reptile hunts; amending s.  
27          372.92, F.S.; providing criminal penalties for  
28          certain activities related to regulated  
29          reptiles; providing an effective date.  
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31    Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Section 372.86, Florida Statutes, is  
2 amended to read:

3 372.86 Possessing ~~or~~, exhibiting regulated ~~poisonous~~  
4 ~~or venomous~~ reptile; license required.--

5 (1) The Fish and Wildlife Conservation Commission  
6 shall establish a list of venomous, nonnative, or other  
7 reptiles for which the possession, transportation, or  
8 exhibition is regulated. The commission is authorized to adopt  
9 rules pursuant to chapter 120 to implement the provisions of  
10 ss. 372.86-372.91.

11 (2) No person, firm, or corporation shall keep,  
12 possess, or exhibit any regulated ~~poisonous or venomous~~  
13 reptile without first having obtained a special permit or  
14 license therefor from the Fish and Wildlife Conservation  
15 Commission as herein provided.

16 Section 2. Section 372.87, Florida Statutes, is  
17 amended to read:

18 372.87 License fee; renewal, revocation.--The Fish and  
19 Wildlife Conservation Commission is hereby authorized and  
20 empowered to issue a license or permit for the keeping,  
21 possessing, or exhibiting of regulated ~~poisonous or venomous~~  
22 reptiles, upon payment of an annual fee of \$100 and upon  
23 assurance that all of the provisions of ss. 372.86-372.91 and  
24 such other reasonable rules and regulations as said commission  
25 may prescribe will be fully complied with in all respects.  
26 Such permit may be revoked by the Fish and Wildlife  
27 Conservation Commission upon violation of any of the  
28 provisions of ss. 372.86-372.91 or upon violation of any of  
29 the rules and regulations prescribed by said commission  
30 relating to the keeping, possessing, and exhibiting of any  
31 regulated ~~poisonous and venomous~~ reptiles. Such permits or

1 licenses shall be for an annual period to be prescribed by the  
2 said commission and shall be renewable from year to year upon  
3 the payment of said fee and shall be subject to the same  
4 conditions, limitations, and restrictions as herein set forth.

5 Section 3. Section 372.88, Florida Statutes, is  
6 amended to read:

7 372.88 Bond required, amount.--No person, party, firm,  
8 or corporation shall exhibit to the public either with or  
9 without charge, or admission fee any regulated ~~poisonous or~~  
10 ~~venomous~~ reptile without having first posted a good and  
11 sufficient bond in writing in the penal sum of ~~\$10,000~~ \$1,000  
12 payable to the Fish and Wildlife Conservation Commission  
13 ~~Governor of the state, and the Governor's successors in~~  
14 ~~office~~, conditioned that such exhibitor will indemnify and  
15 save harmless all persons from injury or damage from such  
16 regulated ~~poisonous or venomous~~ reptiles so exhibited and  
17 shall fully comply with all laws of the state and all rules  
18 and regulations of the ~~Fish and Wildlife Conservation~~  
19 commission governing the keeping, possessing, or exhibiting of  
20 regulated ~~poisonous or venomous~~ reptiles; provided, however,  
21 that the aggregate liability of the surety for all such  
22 injuries or damages shall, in no event, exceed the penal sum  
23 of said bond. The surety for said bond must be a surety  
24 company authorized to do business under the laws of the state  
25 or in lieu of such a surety, cash in the sum of ~~\$10,000~~ \$1,000  
26 may be posted with the said commission to ensure compliance  
27 with the conditions of said bond.

28 Section 4. Section 372.89, Florida Statutes, is  
29 amended to read:

30 372.89 Safe housing required.--All persons, firms, or  
31 corporations licensed under this law to keep, possess, or

1 exhibit regulated ~~poisonous or venomous~~ reptiles shall provide  
2 safe, secure, and proper housing for said reptiles in cases,  
3 cages, pits, or enclosures. It shall be unlawful for any  
4 person, firm, or corporation, whether licensed hereunder or  
5 not, to keep, possess, or exhibit any regulated ~~poisonous or~~  
6 ~~venomous~~ reptiles in any manner not approved as safe, secure,  
7 and proper by the Fish and Wildlife Conservation Commission.

8 Section 5. Section 372.90, Florida Statutes, is  
9 amended to read:

10 372.90 Transportation.--Regulated ~~Poisonous or~~  
11 ~~venomous~~ reptiles may be transported only in the following  
12 fashion: The reptile, or reptiles shall be placed in a stout  
13 closely woven cloth sack, tied or otherwise secured. This sack  
14 shall then be placed in a box. The box shall be of strong  
15 material in solid sheets, except for small air holes, which  
16 holes shall be screened. Boxes containing poisonous ~~or~~  
17 ~~venomous snakes or other~~ reptiles shall be prominently labeled  
18 "~~Danger Poisonous Snakes~~" or "Danger--Poisonous Reptiles."

19 Section 6. Section 372.901, Florida Statutes, is  
20 amended to read:

21 372.901 Inspection and reporting.--

22 (1) Regulated ~~Poisonous or venomous~~ reptiles, held in  
23 captivity, shall be subject to inspection by an inspecting  
24 officer from the Fish and Wildlife Conservation Commission.  
25 The inspecting officer shall determine whether the said  
26 reptiles are securely, properly, and safely penned. In the  
27 event that the reptiles are not safely penned, the inspecting  
28 officer shall report the situation in writing to the person or  
29 firm owning the said reptiles. Failure of the owner or  
30 exhibitor to correct the situation within 30 days after such  
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1 written notice shall be grounds for revocation of the license  
2 or permit of said owner or exhibitor.

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

6 (a) The purchase or other acquisition of a regulated  
7 reptile.

8 (b) The possession of a regulated reptile.

9 (c) The sale, gift, or other transfer of a regulated  
10 reptile.

11 (d) The death, destruction, or other disposition of a  
12 regulated reptile.

13 Section 7. Section 372.91, Florida Statutes, is  
14 amended to read:

15 372.91 Who may open cages, pits, or other containers  
16 housing regulated ~~poisonous or venomous~~ reptiles.--No person  
17 except the licensee or her or his authorized employee shall  
18 open any cage, pit, or other container which contains  
19 regulated ~~poisonous or venomous~~ reptiles.

20 Section 8. Section 372.911, Florida Statutes, is  
21 renumbered as section 372.0715, Florida Statutes.

22 Section 9. Section 372.912, Florida Statutes, is  
23 renumbered as section 372.902, Florida Statutes, and amended  
24 to read:

25 372.902 ~~372.912~~ Organized regulated ~~poisonous~~ reptile  
26 hunts.--

27 (1) All persons, firms, and corporations sponsoring  
28 and conducting any organized regulated ~~poisonous~~ reptile hunt  
29 for whatever purpose shall comply with the provisions of ss.  
30 372.86-372.91.

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1           (2) All persons participating in any organized  
2 ~~regulated poisonous~~ reptile hunt in the state which is  
3 sponsored and conducted by a nonprofit organization registered  
4 with the Department of State under the provisions of chapter  
5 617 shall be exempt from the licensing provisions contained in  
6 ss. 372.86, 372.87, and 372.88, only for the duration of said  
7 organized hunt.

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

12           Section 10. Section 372.92, Florida Statutes, is  
13 amended to read:

14           372.92 Rules and regulations; ~~penalties~~.--

15           (1) The Fish and Wildlife Conservation Commission may  
16 prescribe such other rules and regulations as it may deem  
17 necessary to prevent the escape of ~~regulated poisonous and~~  
18 ~~venomous~~ reptiles, either in connection of construction of  
19 such cages or otherwise to carry out the intent of ss.  
20 372.86-372.91.

21           (2) Any person who violates a provision of ss.  
22 372.86-372.91 or any rule or regulation established under ss.  
23 372.86-372.91 commits a misdemeanor of the first degree,  
24 punishable as provided in s. 775.082 or s. 775.083.

25           (3) Any person who knowingly releases a regulated  
26 reptile to the wild or who through gross negligence allows a  
27 regulated reptile to escape commits a felony of the third  
28 degree, punishable as provided in s. 775.082, s. 775.083, or  
29 s. 775.084.

30           Section 11. This act shall take effect July 1, 2006.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 990

Committee Substitute for Senate Bill 990 is different from  
Senate Bill 990 in that it:

1. Strikes everything after the enacting clause;
2. Directs the Fish and Wildlife Conservation Commission (commission) to establish a list of venomous, non-native, or other reptiles for which the possession, transportation, or exhibition is regulated;
3. Requires people currently possessing regulated non-native, non-venomous reptiles for personal use to purchase a license for \$100 per year;
4. Increases the required bond amount for the exhibition of regulated reptiles from \$1,000 to \$10,000 and requires the bonds to be payable to the commission rather than to the governor;
5. Requires the commission to establish by rule a reporting system for regulated reptiles regarding purchase, possession, sale or gift, and death, destruction or disposition of regulated reptiles; and
6. Provides criminal penalties for violations of the rules and regulations related to regulated reptiles.