

By the Committees on Criminal Justice; Agriculture; and
 Senator Posey

591-2453-06

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 misdemeanor of the first
28 degree, punishable as provided in s. 775.082 or s. 775.083.

29 Section 11. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 990

Changes third degree felony penalty for knowingly releasing a regulated reptile to the wild or, through gross negligence, allowing the reptile to escape to a first degree misdemeanor.