

1 A bill to be entitled
2 An act relating to wildlife; amending s. 372.86, F.S.;
3 requiring the Fish and Wildlife Conservation Commission to
4 establish a list of reptiles of concern subject to
5 regulation; prohibiting the unlawful capturing, keeping,
6 possessing, transporting, or exhibiting of venomous
7 reptiles or reptiles of concern; authorizing the
8 commission to inspect venomous reptiles or reptiles of
9 concern held in captivity; requiring written reports of
10 violations; authorizing the commission to revoke licenses
11 and permits under certain circumstances; requiring the
12 commission to adopt rules for the transportation of
13 venomous reptiles or reptiles of concern; amending s.
14 372.87, F.S.; requiring licensure for the capturing,
15 keeping, possessing, or exhibiting of venomous reptiles or
16 reptiles of concern; providing for fees; authorizing the
17 commission to reduce fees applicable to reptiles of
18 concern under certain circumstances; requiring fee
19 proceeds to be deposited into the State Game Trust Fund;
20 specifying uses of the proceeds; amending s. 372.88, F.S.;
21 providing for the bond required for the exhibition of
22 venomous reptiles to be payable to the commission;
23 providing for regulation of the capturing of venomous
24 reptiles; repealing s. 372.89, F.S., relating to safe,
25 secure, and proper housing of poisonous or venomous
26 reptiles; repealing s. 372.90, F.S., relating to the
27 transportation of poisonous or venomous reptiles;
28 repealing s. 372.901, F.S., relating to the inspection of

29 | poisonous or venomous held in captivity; repealing s.
 30 | 372.91, F.S., relating to who may open cages, pits, or
 31 | other containers housing poisonous or venomous reptiles;
 32 | renumbering s. 372.911, F.S., relating to rewards, to
 33 | conform; amending s. 372.92, F.S.; providing criminal
 34 | penalties for certain activities related to venomous
 35 | reptiles or reptiles of concern; amending s. 372.935,
 36 | F.S.; providing violation levels and applicable penalties
 37 | relating to captive wildlife, including suspension or
 38 | revocation of license; providing a definition; providing
 39 | for commission limitations in certain administrative
 40 | actions; providing an appropriation; providing effective
 41 | dates.

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 | Section 1. Section 372.86, Florida Statutes, is amended to
 46 | read:

47 | 372.86 Capturing, keeping, possessing, transporting, or
 48 | exhibiting ~~poisonous or~~ venomous reptiles or reptiles of concern
 49 | reptile; license required.--

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

55 | (2) The commission shall establish a list of reptiles of
 56 | concern, including venomous, nonvenomous, native, nonnative, or

57 other reptiles which require additional regulation for capture,
 58 possession, transportation, or exhibition due to their nature,
 59 habits, status, or potential to impact humans or the
 60 environment.

61 (3) It shall be unlawful for any person, firm, or
 62 corporation, whether licensed hereunder or not, to capture,
 63 keep, possess, or exhibit any venomous reptile or reptile of
 64 concern in any manner not approved as safe, secure, and proper
 65 by the commission. Venomous reptiles or reptiles of concern held
 66 in captivity are subject to inspection by the commission. The
 67 commission shall determine whether the reptiles are securely,
 68 safely, and properly penned. In the event that the reptiles are
 69 not safely penned, the commission shall report the situation in
 70 writing to the person, firm, or corporation owning the reptiles.
 71 Failure of the person, firm, or corporation to correct the
 72 situation within 30 days after such written notice shall be
 73 grounds for revocation of the license or permit of the person,
 74 firm, or corporation.

75 (4) Venomous reptiles or reptiles of concern shall be
 76 transported in a safe, secure, and proper manner. The commission
 77 shall establish by rule the requirements for the transportation
 78 of venomous reptiles or reptiles of concern.

79 Section 2. Effective January 1, 2008, section 372.87,
 80 Florida Statutes, is amended to read:

81 372.87 License fee; renewal, revocation.--

82 (1) (a) The Fish and Wildlife Conservation Commission is
 83 hereby authorized and empowered to issue a license or permit for
 84 the capturing, keeping, possessing, or exhibiting of ~~poisonous~~

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85 ~~or~~ venomous reptiles, upon payment of an annual fee of \$100 and
86 upon assurance that all of the provisions of ss. 372.86-372.92
87 ~~372.86-372.91~~ and such other reasonable rules and regulations as
88 the said commission may prescribe will be fully complied with in
89 all respects.

90 (b) The Fish and Wildlife Conservation Commission is
91 authorized and empowered to issue a license or permit for the
92 capturing, keeping, possessing, or exhibiting of reptiles of
93 concern upon payment of an annual fee not to exceed \$100 and
94 upon assurance that all of the provisions of ss. 372.86-372.92
95 and such other reasonable rules and regulations as the
96 commission may prescribe will be fully complied with in all
97 respects. The annual fee for issuance or renewal of a license or
98 permit under this paragraph for reptiles of concern is initially
99 set at \$100. However, the commission may reduce that annual fee
100 by rule if the commission determines that there is general
101 compliance with ss. 372.86-372.92 and that such compliance
102 allows for a reduction in fees to cover the costs of
103 administering and enforcing the reptiles of concern program. The
104 commission may issue a license or permit to an applicant who has
105 a current and valid license or permit for venomous reptiles
106 under paragraph (a) and meets all requirements for the
107 capturing, keeping, possessing, or exhibiting of reptiles of
108 concern, but shall not require payment of an additional annual
109 fee.

110 (2) Such permits or licenses ~~permit~~ may be revoked by the
111 ~~Fish and Wildlife Conservation~~ commission upon violation of any
112 of the provisions of ss. 372.86-372.92 ~~372.86-372.91~~ or upon

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113 violation of any of the rules and regulations prescribed by the
 114 ~~said~~ commission relating to the capturing, keeping, possessing,
 115 and exhibiting of any ~~poisonous and~~ venomous reptiles or
 116 reptiles of concern. Such permits or licenses shall be for an
 117 annual period to be prescribed by the ~~said~~ commission and shall
 118 be renewable ~~from year to year~~ upon the payment of said fee and
 119 shall be subject to the same conditions, limitations, and
 120 restrictions as ~~herein~~ set forth in this section. All moneys
 121 received pursuant to this section shall be deposited into the
 122 State Game Trust Fund to be used to implement, administer,
 123 enforce, and educate the public regarding ss. 372.86-372.92.

124 Section 3. Section 372.88, Florida Statutes, is amended to
 125 read:

126 372.88 Bond required, amount.--No person, party, firm, or
 127 corporation shall exhibit to the public either with or without
 128 charge, or admission fee any ~~poisonous or~~ venomous reptile or
 129 Class I wildlife, as defined by rule of the Fish and Wildlife
 130 Conservation Commission, without having first posted a good and
 131 sufficient bond in writing in the penal sum of \$10,000 ~~\$1,000~~
 132 payable to the commission ~~Governor of the state, and the~~
 133 ~~Governor's successors in office~~, conditioned that such exhibitor
 134 will indemnify and save harmless all persons from injury or
 135 damage from such ~~poisonous or~~ venomous reptiles or Class I
 136 wildlife so exhibited and shall fully comply with all laws of
 137 the state and all rules and regulations of the ~~Fish and Wildlife~~
 138 ~~Conservation~~ commission governing the capturing, keeping,
 139 possessing, or exhibiting of ~~poisonous or~~ venomous reptiles or
 140 Class I wildlife; provided, however, that the aggregate

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141 liability of the surety for all such injuries or damages shall,
142 in no event, exceed the penal sum of the said bond. The surety
143 for the said bond must be a surety company authorized to do
144 business under the laws of the state or in lieu of such a
145 surety, cash in the sum of \$10,000 ~~\$1,000~~ may be posted with the
146 ~~said~~ commission to ensure compliance with the conditions of the
147 ~~said~~ bond.

148 Section 4. Sections 372.89, 372.90, 372.901, and 372.91,
149 Florida Statutes, are repealed.

150 Section 5. Section 372.911, Florida Statutes, is
151 renumbered as section 372.0715, Florida Statutes.

152 Section 6. Section 372.92, Florida Statutes, is amended to
153 read:

154 372.92 Rules and regulations; penalties.--

155 (1) The Fish and Wildlife Conservation Commission may
156 prescribe such other rules and regulations as it may deem
157 necessary to prevent the escape of ~~poisonous and~~ venomous
158 reptiles or reptiles of concern, either in connection of
159 construction of such cages or otherwise to carry out the intent
160 of ss. 372.86-372.88 ~~372.86-372.91~~.

161 (2) A person who knowingly releases a nonnative venomous
162 reptile or reptile of concern to the wild or who through gross
163 negligence allows a nonnative venomous reptile or reptile of
164 concern to escape commits a Level Three violation, punishable as
165 provided in s. 372.935.

166 Section 7. Section 372.935, Florida Statutes, is amended
167 to read:

168 (Substantial rewording of section. See

169 s. 372.935, F.S., for present text.)
 170 372.935 Captive wildlife penalties.--
 171 (1) LEVEL ONE.--Unless otherwise provided by law, the
 172 following classifications and penalties apply:
 173 (a) A person commits a Level One violation if he or she
 174 violates any of the following provisions:
 175 1. Rules or orders of the commission requiring free
 176 permits or other authorizations to possess captive wildlife.
 177 2. Rules or orders of the commission relating to the
 178 filing of reports or other documents required of persons who are
 179 licensed to possess captive wildlife.
 180 3. Rules or orders of the commission requiring permits to
 181 possess captive wildlife for which a fee is charged, when the
 182 person being charged was issued the permit and the permit has
 183 expired less than 1 year prior to the violation.
 184 (b) Any person cited for committing any offense classified
 185 as a Level One violation commits a noncriminal infraction,
 186 punishable as provided in this section.
 187 (c) Any person cited for committing a noncriminal
 188 infraction specified in paragraph (a) shall be cited to appear
 189 before the county court. The civil penalty for any noncriminal
 190 infraction is \$50 if the person cited has not previously been
 191 found guilty of a Level One violation and \$250 if the person
 192 cited has previously been found guilty of a Level One violation,
 193 except as otherwise provided in this subsection. Any person
 194 cited for failing to have a required permit or license shall pay
 195 an additional civil penalty in the amount of the license fee
 196 required.

197 (d) Any person cited for an infraction under this
198 subsection may:

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

201 2. Sign and accept a citation indicating a promise to
202 appear before the county court. The officer may indicate on the
203 citation the time and location of the scheduled hearing and
204 shall indicate the applicable civil penalty.

205 (e) Any person charged with a noncriminal infraction under
206 this subsection may:

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

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

211 (f) If the person cited follows either of the procedures
212 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
213 deemed to have admitted the infraction and to have waived his or
214 her right to a hearing on the issue of commission of the
215 infraction. Such admission shall not be used as evidence in any
216 other proceedings except to determine the appropriate fine for
217 any subsequent violations.

218 (g) Any person who willfully refuses to post bond or
219 accept and sign a summons commits a misdemeanor of the second
220 degree, punishable as provided in s. 775.082 or s. 775.083. Any
221 person who fails to pay the civil penalty specified in this
222 subsection within 30 days after being cited for a noncriminal
223 infraction or to appear before the court pursuant to this
224 subsection commits a misdemeanor of the second degree,

225 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

243 1. Unless otherwise stated in subsection (1), rules or
244 orders of the commission that require a person to pay a fee to
245 obtain a permit to possess captive wildlife or that require the
246 maintenance of records relating to captive wildlife.

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

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

252 4. Section 372.86, relating to capturing, keeping,

253 possessing, transporting, or exhibiting venomous reptiles or
254 reptiles of concern.

255 5. Section 372.87, relating to requiring a license or
256 permit for the capturing, keeping, possessing, or exhibiting of
257 venomous reptiles or reptiles of concern.

258 6. Section 372.88, relating to bonding requirements for
259 public exhibits of venomous reptiles.

260 7. Section 372.92, relating to commission rules and
261 regulations to prevent the escape of venomous reptiles or
262 reptiles of concern.

263 8. Section 372.921, relating to exhibition or sale of
264 wildlife.

265 9. Section 372.922, relating to personal possession of
266 wildlife.

267 (b) A person who commits any offense classified as a Level
268 Two violation and who has not been convicted of a Level Two or
269 higher violation within the past 3 years commits a misdemeanor
270 of the second degree, punishable as provided in s. 775.082 or s.
271 775.083.

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

278 (d) Unless otherwise stated in this subsection, a person
279 who commits any offense classified as a Level Two violation
280 within a 5-year period of any two previous convictions of Level

281 Two or higher violations commits a misdemeanor of the first
 282 degree, punishable as provided in s. 775.082 or s. 775.083, with
 283 a minimum mandatory fine of \$500 and a suspension of all
 284 licenses issued under this chapter related to captive wildlife
 285 for 1 year.

286 (e) A person who commits any offense classified as a Level
 287 Two violation within a 10-year period of any three previous
 288 convictions of Level Two or higher violations commits a
 289 misdemeanor of the first degree, punishable as provided in s.
 290 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
 291 a suspension of all licenses issued under this chapter related
 292 to captive wildlife for 3 years.

293 (3) LEVEL THREE.--Unless otherwise provided by law, the
 294 following classifications and penalties apply:

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

297 1. Rules or orders of the commission that require housing
 298 of wildlife in a safe manner when a violation results in an
 299 escape of Class I wildlife.

300 2. Rules or orders of the commission related to captive
 301 wildlife when the violation results in serious bodily injury to
 302 another person by captive wildlife that consists of a physical
 303 condition that creates a substantial risk of death, serious
 304 personal disfigurement, or protracted loss or impairment of the
 305 function of any bodily member or organ.

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

308 4. Rules or orders of the commission prohibiting the

309 release of wildlife for which only conditional possession is
310 allowed.

311 5. Rules or orders of the commission prohibiting knowingly
312 entering false information on an application for a license or
313 permit when the license or permit is to possess wildlife in
314 captivity.

315 6. Section 372.265, relating to illegal importation or
316 introduction of foreign wildlife.

317 7. Section 370.081, relating to the illegal importation
318 and possession of nonindigenous marine plants and animals.

319 8. Section 372.92, relating to release or escape of
320 nonnative venomous reptiles or reptiles of concern.

321 9. Rules or orders of the commission relating to the
322 importation, possession, or release of fish and wildlife for
323 which possession is prohibited.

324 (b)1. A person who commits any offense classified as a
325 Level Three violation and who has not been convicted of a Level
326 Three or higher violation within the past 10 years commits a
327 misdemeanor of the first degree, punishable as provided in s.
328 775.082 or s. 775.083.

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

336 (4) LEVEL FOUR.--Unless otherwise provided by law, the

337 following classifications and penalties apply:

338 (a) A person commits a Level Four violation if he or she
339 violates any Level Three provision after the permanent
340 revocation of a license or permit.

341 (b) A person who commits any offense classified as a Level
342 Four violation commits a felony of the third degree, punishable
343 as provided in s. 775.082 or s. 775.083.

344 (5) SUSPENSION OR REVOCATION OF LICENSE.--The court may
345 order the suspension or revocation of any license or permit
346 issued to a person to possess captive wildlife pursuant to this
347 chapter if that person commits a criminal offense or a
348 noncriminal infraction as specified under this section.

349 (6) CONVICTION DEFINED.--For purposes of this section, the
350 term "conviction" means any judicial disposition other than
351 acquittal or dismissal.

352 (7) COMMISSION LIMITATIONS.--Nothing in this section shall
353 limit the commission from suspending or revoking any license to
354 possess wildlife in captivity by administrative action in
355 accordance with chapter 120. For purposes of administrative
356 action, a conviction of a criminal offense shall mean any
357 judicial disposition other than acquittal or dismissal.

358 Section 8. For the 2007-2008 fiscal year, the sum of
359 \$75,000 is appropriated from the State Game Trust Fund to the
360 Fish and Wildlife Conservation Commission for initial costs
361 associated with regulating venomous reptiles and reptiles of
362 concern.

363 Section 9. Except as otherwise expressly provided in this
364 act, this act shall take effect July 1, 2007.