

Bill No. SB 2766

Barcode 520552

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Comm: RE  
04/12/2007 06:34 PM

.  
. .  
. .  
. .  
. .  
. .

---

The Committee on Environmental Preservation and Conservation  
(Jones) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

372.86 Capturing, keeping, possessing, transporting,  
or exhibiting ~~poisonous or venomous~~ reptiles or reptiles of  
concern; license required.--

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

(2) The commission shall establish a list of reptiles  
of concern, including venomous, nonvenomous, native,  
nonnative, or other reptiles which require additional  
regulation for capture, possession, transportation, or

Bill No. SB 2766

Barcode 520552

1 exhibition due to their nature, habits, status, or potential  
2 to negatively impact the environment, ecology or humans.

3 (3) It shall be unlawful for any person, firm, or  
4 corporation, whether licensed hereunder or not, to capture,  
5 keep, possess, or exhibit any venomous reptile or reptile of  
6 concern in any manner not approved as safe, secure, and proper  
7 by the commission. Venomous reptiles or reptiles of concern  
8 held in captivity are subject to inspection by the commission.

9 The commission shall determine whether the reptiles are  
10 securely, safely, and properly penned. In the event that the  
11 reptiles are not safely penned, the commission shall report  
12 the situation in writing to the person, firm, or corporation  
13 owning the reptiles. Failure of the person, firm, or  
14 corporation to correct the situation within 30 days after such  
15 written notice shall be grounds for revocation of the license  
16 or permit of the person, firm, or corporation.

17 (4) Venomous reptiles or reptiles of concern shall be  
18 transported in a safe, secure, and proper manner. The  
19 commission shall establish by rule the requirements for the  
20 transportation of venomous reptiles or reptiles of concern.

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

23 372.87 License fee; renewal, revocation.--

24 (1)(a) The Fish and Wildlife Conservation Commission  
25 is ~~hereby~~ authorized and empowered to issue a license or  
26 permit for the capturing, keeping, possessing, or exhibiting  
27 of ~~poisonous or~~ venomous reptiles, upon payment of an annual  
28 fee of \$100 and upon assurance that all of the provisions of  
29 ss. ~~372.86-372.92~~~~372.86-372.91~~ and such other reasonable  
30 rules and regulations as the ~~said~~ commission may prescribe  
31 will be fully complied with in all respects.

Bill No. SB 2766

Barcode 520552

1        (b) The Fish and Wildlife Conservation Commission is  
2 authorized and empowered to issue a license or permit for the  
3 capturing, keeping, possessing, or exhibiting of reptiles of  
4 concern upon payment of an annual fee not to exceed \$100 and  
5 upon assurance that all of the provisions of ss. 372.86-372.92  
6 and such other reasonable rules and regulations as the  
7 commission may prescribe will be fully complied with in all  
8 respects. The annual fee for issuance or renewal of a license  
9 or permit under this paragraph for reptiles of concern is  
10 initially set at \$100. However, the commission may reduce that  
11 annual fee by rule if the commission determines that there is  
12 general compliance with ss. 372.86-372.92 and that such  
13 compliance allows for a reduction in fees to cover the costs  
14 of administering and enforcing the reptiles of concern  
15 program. The commission may issue a license or permit to an  
16 applicant who has a current and valid license or permit for  
17 venomous reptiles under paragraph (a) and meets all  
18 requirements for the capturing, keeping, possessing, or  
19 exhibiting of reptiles of concern, but shall not require  
20 payment of an additional annual fee.

21        (2) Such permits or licenses ~~permit~~ may be revoked by  
22 the ~~Fish and Wildlife Conservation~~ commission upon violation  
23 of any of the provisions of ss. 372.86-372.92 ~~372.86-372.91~~ or  
24 upon violation of any of the rules and regulations prescribed  
25 by ~~thesaid~~ commission relating to the capturing, keeping,  
26 possessing, and exhibiting of any ~~poisonous and~~ venomous  
27 reptiles or reptiles of concern. Such permits or licenses  
28 shall be for an annual period to be prescribed by the ~~said~~  
29 commission and shall be renewable ~~from year to year~~ upon the  
30 payment of said fee and shall be subject to the same  
31 conditions, limitations, and restrictions as ~~herein~~ set forth

Bill No. SB 2766

Barcode 520552

1 in this section. All moneys received pursuant to this section  
 2 shall be deposited into the State Game Trust Fund to be used  
 3 to implement, administer, enforce, and educate the public  
 4 regarding ss. 372.86-372.92.

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 ~~poisonous or~~ venomous  
 10 reptile or Class I wildlife, as defined by rule of the Fish  
 11 and Wildlife Conservation Commission, without having first  
 12 posted a good and sufficient bond in writing in the penal sum  
 13 of \$10,000 ~~\$1,000~~ payable to the commission ~~Governor of the~~  
 14 ~~state, and the Governor's successors in office, conditioned~~  
 15 ~~that such exhibitor will indemnify and save harmless all~~  
 16 ~~persons from injury or damage from such~~ ~~poisonous or~~ venomous  
 17 reptiles or Class I wildlife so exhibited and shall fully  
 18 comply with all laws of the state and all rules and  
 19 regulations of the ~~Fish and Wildlife Conservation~~ commission  
 20 governing the capturing, keeping, possessing, or exhibiting of  
 21 ~~poisonous or~~ venomous reptiles or Class I wildlife; provided,  
 22 however, that the aggregate liability of the surety for all  
 23 such injuries or damages shall, in no event, exceed the penal  
 24 sum of the said bond. The surety for the said bond must be a  
 25 surety company authorized to do business under the laws of the  
 26 state or in lieu of such a surety, cash in the sum of \$10,000  
 27 ~~\$1,000~~ may be posted with the ~~said~~ commission to ensure  
 28 compliance with the conditions of ~~the said~~ bond. The  
 29 commission shall provide, by rule, for waiving the bond  
 30 requirement if it finds that surety bonds for this purpose are  
 31 generally unavailable within the State of Florida.

Bill No. SB 2766

Barcode 520552

1           Section 4. Sections 372.89, 372.90, 372.901, and  
2 372.91, Florida Statutes, are repealed.

3           Section 5. Section 372.911, Florida Statutes, is  
4 renumbered as section 372.0715, Florida Statutes.

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

7           372.92 Rules and regulations; penalties.--

8           (1) The Fish and Wildlife Conservation Commission may  
9 prescribe such other rules and regulations as it may deem  
10 necessary to prevent the escape of ~~poisonous and~~ venomous  
11 reptiles or reptiles of concern, either in connection of  
12 construction of such cages or otherwise to carry out the  
13 intent of ss. ~~372.86-372.88~~ ~~372.86-372.91~~.

14           (2) A person who knowingly releases a nonnative  
15 venomous reptile or reptile of concern to the wild or who  
16 through gross negligence allows a nonnative venomous reptile  
17 or reptile of concern to escape commits a Level Three  
18 violation, punishable as provided in s. 372.935.

19           Section 7. Section 372.935, Florida Statutes, is  
20 amended to read:

21           (Substantial rewording of section. See  
22 s. 372.935, F.S., for present text.)  
23           372.935 Captive wildlife penalties.--

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

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

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

30           2. Rules or orders of the commission relating to the  
31 filing of reports or other documents required of persons who

Bill No. SB 2766

Barcode 520552

1 are licensed to possess captive wildlife.

2 3. Rules or orders of the commission requiring permits  
3 to possess captive wildlife for which a fee is charged, when  
4 the person being charged was issued the permit and the permit  
5 has expired less than 1 year prior to the violation.

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

9 (c) Any person cited for committing a noncriminal  
10 infraction specified in paragraph (a) shall be cited to appear  
11 before the county court. The civil penalty for any noncriminal  
12 infraction is \$50 if the person cited has not previously been  
13 found guilty of a Level One violation and \$250 if the person  
14 cited has previously been found guilty of a Level One  
15 violation, except as otherwise provided in this subsection.

16 Any person cited for failing to have a required permit or  
17 license shall pay an additional civil penalty in the amount of  
18 the license fee required.

19 (d) Any person cited for an infraction under this  
20 subsection may:

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

23 2. Sign and accept a citation indicating a promise to  
24 appear before the county court. The officer may indicate on  
25 the citation the time and location of the scheduled hearing  
26 and shall indicate the applicable civil penalty.

27 (e) Any person charged with a noncriminal infraction  
28 under this subsection may:

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

31 2. If the person has posted bond, forfeit bond by not

Bill No. SB 2766

Barcode 520552

1 appearing at the designated time and location.

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

9 (g) Any person who willfully refuses to post bond or  
10 accept and sign a summons commits a misdemeanor of the second  
11 degree, punishable as provided in s. 775.082 or s. 775.083.  
12 Any person who fails to pay the civil penalty specified in  
13 this subsection within 30 days after being cited for a  
14 noncriminal infraction or to appear before the court pursuant  
15 to this subsection commits a misdemeanor of the second degree,  
16 punishable as provided in s. 775.082 or s. 775.083.

17 (h) Any person electing to appear before the county  
18 court or who is required to appear shall be deemed to have  
19 waived the limitations on the civil penalty specified in  
20 paragraph (c). The court, after a hearing, shall make a  
21 determination as to whether an infraction has been committed.  
22 If the commission of an infraction has been proven, the court  
23 may impose a civil penalty not less than those amounts in  
24 paragraph (c) and not to exceed \$500.

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

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

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

Bill No. SB 2766

Barcode 520552

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

3           1. Unless otherwise stated in subsection (1), rules or  
4 orders of the commission that require a person to pay a fee to  
5 obtain a permit to possess captive wildlife or that require  
6 the maintenance of records relating to captive wildlife.

7           2. Rules or orders of the commission relating to  
8 captive wildlife not specified in subsection (1) or subsection  
9 (3).

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

13           4. Section 372.86, relating to capturing, keeping,  
14 possessing, transporting, or exhibiting venomous reptiles or  
15 reptiles of concern.

16           5. Section 372.87, relating to requiring a license or  
17 permit for the capturing, keeping, possessing, or exhibiting  
18 of venomous reptiles or reptiles of concern.

19           6. Section 372.88, relating to bonding requirements  
20 for public exhibits of venomous reptiles.

21           7. Section 372.92, relating to commission rules and  
22 regulations to prevent the escape of venomous reptiles or  
23 reptiles of concern.

24           8. Section 372.921, relating to exhibition or sale of  
25 wildlife.

26           9. Section 372.922, relating to personal possession of  
27 wildlife.

28       (b) A person who commits any offense classified as a  
29 Level Two violation and who has not been convicted of a Level  
30 Two or higher violation within the past 3 years commits a  
31 misdemeanor of the second degree, punishable as provided in s.



Bill No. SB 2766

Barcode 520552

1 775.082 or s. 775.083.

2 (c) Unless otherwise stated in this subsection, a  
3 person who commits any offense classified as a Level Two  
4 violation within a 3-year period of any previous conviction of  
5 a Level Two or higher violation commits a misdemeanor of the  
6 first degree, punishable as provided in s. 775.082 or s.  
7 775.083 with a minimum mandatory fine of \$250.

8 (d) Unless otherwise stated in this subsection, a  
9 person who commits any offense classified as a Level Two  
10 violation within a 5-year period of any two previous  
11 convictions of Level Two or higher violations commits a  
12 misdemeanor of the first degree, punishable as provided in s.  
13 775.082 or s. 775.083, with a minimum mandatory fine of \$500  
14 and a suspension of all licenses issued under this chapter  
15 related to captive wildlife for 1 year.

16 (e) A person who commits any offense classified as a  
17 Level Two violation within a 10-year period of any three  
18 previous convictions of Level Two or higher violations commits  
19 a misdemeanor of the first degree, punishable as provided in  
20 s. 775.082 or s. 775.083, with a minimum mandatory fine of  
21 \$750 and a suspension of all licenses issued under this  
22 chapter related to captive wildlife for 3 years.

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

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

27 1. Rules or orders of the commission that require  
28 housing of wildlife in a safe manner when a violation results  
29 in an escape of Class I wildlife.

30 2. Rules or orders of the commission related to  
31 captive wildlife when the violation results in serious bodily

Bill No. SB 2766

Barcode 520552

1 injury to another person by captive wildlife that consists of  
 2 a physical condition that creates a substantial risk of death,  
 3 serious personal disfigurement, or protracted loss or  
 4 impairment of the function of any bodily member or organ.

5 3. Rules or orders of the commission relating to the  
 6 use of gasoline or other chemical or gaseous substances on  
 7 wildlife.

8 4. Rules or orders of the commission prohibiting the  
 9 release of wildlife for which only conditional possession is  
 10 allowed.

11 5. Rules or orders of the commission prohibiting  
 12 knowingly entering false information on an application for a  
 13 license or permit when the license or permit is to possess  
 14 wildlife in captivity.

15 6. Section 372.265, relating to illegal importation or  
 16 introduction of foreign wildlife.

17 7. Section 370.081, relating to the illegal  
 18 importation and possession of nonindigenous marine plants and  
 19 animals.

20 8. Section 372.92, relating to release or escape of  
 21 nonnative venomous reptiles or reptiles of concern.

22 9. Rules or orders of the commission relating to the  
 23 importation, possession, or release of fish and wildlife for  
 24 which possession is prohibited.

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

30 2. A person who commits any offense classified as a  
 31 Level Three violation within a 10-year period of any previous

Bill No. SB 2766

Barcode 520552

1 conviction of a Level Three or higher violation commits a  
 2 misdemeanor of the first degree, punishable as provided in s.  
 3 775.082 or s. 775.083, with a minimum mandatory fine of \$750  
 4 and permanent revocation of all licenses or permits to possess  
 5 captive wildlife issued under this chapter.

6 (4) LEVEL FOUR.--Unless otherwise provided by law, the  
 7 following classifications and penalties apply:

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

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

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

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

22 (7) COMMISSION LIMITATIONS.--Nothing in this section  
 23 shall limit the commission from suspending or revoking any  
 24 license to possess wildlife in captivity by administrative  
 25 action in accordance with chapter 120. For purposes of  
 26 administrative action, a conviction of a criminal offense  
 27 shall mean any judicial disposition other than acquittal or  
 28 dismissal.

29 Section 8. For the 2007-2008 fiscal year, the sum of  
 30 \$75,000 is appropriated from the State Game Trust Fund to the  
 31 Fish and Wildlife Conservation Commission for initial costs

Bill No. SB 2766

Barcode 520552

1 associated with regulating venomous reptiles and reptiles of  
2 concern.

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

5  
6

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10

11 and insert:

12

A bill to be entitled

13

An act relating to wildlife; amending s.

14

372.86, F.S.; requiring the Fish and Wildlife

15

Conservation Commission to establish a list of

16

reptiles of concern subject to regulation;

17

prohibiting the unlawful capturing, keeping,

18

possessing, transporting, or exhibiting of

19

venomous reptiles or reptiles of concern;

20

authorizing the commission to inspect venomous

21

reptiles or reptiles of concern held in

22

captivity; requiring written reports of

23

violations; authorizing the commission to

24

revoke licenses and permits under certain

25

circumstances; requiring the commission to

26

adopt rules for the transportation of venomous

27

reptiles or reptiles of concern; amending s.

28

372.87, F.S.; requiring licensure for the

29

capturing, keeping, possessing, or exhibiting

30

of venomous reptiles or reptiles of concern;

31

providing for fees; authorizing the commission

Bill No. SB 2766

Barcode 520552

1 to reduce fees applicable to reptiles of  
2 concern under certain circumstances; requiring  
3 fee proceeds to be deposited into the State  
4 Game Trust Fund; specifying uses of the  
5 proceeds; amending s. 372.88, F.S.; providing  
6 for the bond required for the exhibition of  
7 venomous reptiles to be payable to the  
8 commission; providing for regulation of the  
9 capturing of venomous reptiles; repealing s.  
10 372.89, F.S., relating to safe, secure, and  
11 proper housing of poisonous or venomous  
12 reptiles; repealing s. 372.90, F.S., relating  
13 to the transportation of poisonous or venomous  
14 reptiles; repealing s. 372.901, F.S., relating  
15 to the inspection of poisonous or venomous held  
16 in captivity; repealing s. 372.91, F.S.,  
17 relating to who may open cages, pits, or other  
18 containers housing poisonous or venomous  
19 reptiles; renumbering s. 372.911, F.S.,  
20 relating to rewards, to conform; amending s.  
21 372.92, F.S.; providing criminal penalties for  
22 certain activities related to venomous reptiles  
23 or reptiles of concern; amending s. 372.935,  
24 F.S.; providing violation levels and applicable  
25 penalties relating to captive wildlife,  
26 including suspension or revocation of license;  
27 providing a definition; providing for  
28 commission limitations in certain  
29 administrative actions; providing an  
30 appropriation; providing effective dates.

31