



FLORIDA TO HOLD WORKSHOP ON “DANGEROUS” REPTILES

The Issue

The Florida Fish & Wildlife Conservation Commission has issued a Notice of Proposed Rulemaking to address bonding requirements for the exhibition of venomous reptiles and Class I wildlife. This proposed rule along with the Regulated Reptile Bill, signed into effect earlier this year, and a variety of other draft rules will be discussed at a Commission meeting on September 12th - 14th in St. Petersburg.

The Impact

The commission will review and discuss incorporation of legislation already signed into effect earlier this year (Senate Bill 2766 also known as the Regulated Reptile Bill), requiring the Fish & Wildlife Conservation Commission to establish a list of reptiles of concern, including venomous, nonvenomous, native, nonnative, or other reptiles which require additional regulation for capture, possession, transportation, or exhibition due to their nature, habits, status or potential to negative impact to the environment, ecology or humans. This legislation makes it unlawful for any person, firm or corporation to capture, keep, possess or exhibit any venomous reptile or reptile of concern in any manner not approved as safe, secure and proper by the commission. Venomous reptiles or reptiles of concern held in captivity are subject to inspection by the commission. If these reptiles are not safely penned, the commission must report the situation in writing to the owner of the reptiles. Failure to comply within 30 days after written notice is grounds for revocation of the owner's license or permit.

License Requirements

This legislation makes it unlawful for any person, firm or corporation to capture, keep, possess, or exhibit any venomous reptile or reptile of concern without first obtaining a special permit or license from the Fish & Wildlife Conservation Commission. The Commission is authorized to issue a license or permit for the capturing, keeping, or exhibiting of reptiles of concern upon payment of an annual fee, not to exceed \$100.

Bond Requirements

The Commission's proposed rule, Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee, will have the effect of assuring that exhibitors of Class I wildlife maintain minimal financial responsibility for maintaining such animal(s). No person, party, firm or corporation may exhibit to the public, either with or without charge or admission fee, any venomous reptile without first posting a bond in writing guaranteeing financial responsibility in the sum of **\$10,000**. This bond covers any liability which may occur in the exhibition to the public and is payable to the commission. In lieu of the required financial responsibility guarantee, the exhibitor has the option to maintain comprehensive general liability insurance, with minimum limits of \$2 million per occurrence and \$2 million annual aggregate, to protect the exhibitor from claims for damage for personal injury and property damage. Proof of such insurance must be submitted to the commission. The insurance policy must be for the duration of the licensing period.

This bond will be forfeited to the Commission if the following occurs:

- An injury occurs or other damage results from exhibited reptiles and the exhibitor fails to indemnify and save the injured;
- The exhibitor fails to fully comply with all laws of the state as well as rules of the Commission concerning the capturing, keeping, possessing or exhibiting of venomous reptiles; or
- Class I wildlife is taken into custody or seized by commission personnel. If so, the owner/possessor of the animal is additionally responsible for all expenses related to the capture, transport, boarding, veterinary care and other costs incurred due to seizure or custody of the wildlife.

Neighbor Notification

Another Commission draft rule, 68A-6.003, to be discussed at the workshop would also require new Class I wildlife license applicants to notify neighbors adjacent to the proposed facility location of their intent to possess such wildlife. It would also require neighbor notification of any change in license authorizations and of any escape of such animals from the facility as well as notification to animal control officers and emergency responders.

Recommended Action

If this regulation is of concern to you, we urge you to attend this meeting specifically **on September 13, 2007**, as this is the day the Commission will be discussing and hearing public concerns on the issues above. The meeting will be held from 8:30 a.m. to 5:30 p.m. at the St. Petersburg Hilton, 33 First Street South, St. Petersburg, Florida 33107, (727) 894-5000. Anyone who desires will be given the opportunity to speak. The Commission plans to take public input from this meeting and request a final public hearing on the draft rules for December 2007. If you would like to review Senate Bill 2766, the Pet Alert on this legislation and a copy of the text of the legislation can be found on the Breaking News page of the PIJAC website at www.pijac.org. Questions regarding the proposed rulemaking regarding bonding requirements can be directed to Captain Linda Harrison, Division of Law Enforcement, Investigations Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850) 488-6411. If you have any additional questions please contact PIJAC's Michael Maddox at 202-452-1525.

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