



## Captive Wildlife Venomous Reptiles

Rule Development

September 9, 2016

**Florida Fish and Wildlife Conservation Commission**

Division of Law Enforcement



- At the April 2016 Commission meeting, the Commissioners asked staff to work with stakeholders to review venomous reptile rules and return with proposed rule changes. Staff formed a Technical Assistance Group (TAG) and met with the group twice to hear their feedback and provide subject matter expertise as staff developed draft rules for venomous reptiles. Staff has also disseminated the proposed changes to industry experts for input and have taken their feedback under consideration.
- Staff will present the creation of Rule 68A-6.001, F.A.C., and the definitions therein; and proposed rule language for Rule 68A-6.007, F.A.C.

Photo: Central American jumping pit viper

## Technical Advisory Group (TAG)

- 11 group members
- Two meetings held in Ocala for a total of 3 days



- Originally, 11 members were chosen for the group however, due to scheduling conflicts, 2 members were unable to attend either meeting. An additional member was added on the first day of the first meeting. A total of 10 members were in attendance, 9 of which represented industry (such as the American Zoological Association, United States Association of Reptile Keepers, and individuals engaged in personal and commercial possession) and 2 were also researchers from universities.
- Resources included FWC staff and representatives from the Humane Society of the United States and Zoological Association of America.
- Dates of meetings: June 1<sup>st</sup> – 2<sup>nd</sup>, July 8<sup>th</sup>
- There were 10 to 15 audience members each day. Comment cards were offered to the public at both meetings and time was allowed for public comment at the meeting on July 8<sup>th</sup>.

Photo of TAG meeting- taken by The Florida Channel.

## Proposed Changes to Rule 68A-6.007

### (Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern)

- Staff is seeking to increase biosecurity, accountability and responsibility
- Restrict free-handling and handling outside of an escape-proof room
- Implement structural requirements for buildings containing venomous reptiles
- Require safety entrance for escape-proof rooms



#### CURRENTLY:

- There are no requirements for where a venomous reptile may be handled or whether or not tools are required for handling. For example, a licensee could handle a large cobra outside without using any tools and without the protection of an escape-proof room.
- There are no structural requirements for rooms or out buildings in which venomous reptile enclosures are housed.
- Safety entrances are not required for rooms where venomous reptiles are kept.

#### PROPOSED:

Staff feels that increasing biosecurity, accountability and responsibility will allow for increased public safety. The goal of the proposed language is to enhance biosecurity and decrease the likelihood of escapes by:

- Prohibit free-handling of any non-native venomous reptile outside of an escape-proof room. Prohibit the handling (using snake hooks or other tools) of non-native venomous reptiles outside of an escape-proof room, except as authorized in writing by the Commission prior to handling activity.
- Create structural requirements for buildings in which venomous reptile enclosures are housed.
- Require a safety entrance for rooms or buildings where venomous reptiles are kept.

Please refer to the draft rule language and draft form for specific details.



## Proposed Rule 68A-6.001 (Captive Wildlife Definitions)

- Example of definitions:
  - Escape-proof – all potential escape routes, to include but not limited to windows, vents, gaps, cracks and doors, are secured in a manner to prevent escape.
  - Free-handling – the act of physical contact with wildlife without the use of hooks, tongs, tools, specialized gloves, or other standard handling equipment.



- Rule will apply to all of Chapter 68A-6, F.A.C. Some of the proposed definitions are presented above.
- Definitions will make rule language less ambiguous for licensees and improve consistency of enforcement statewide; the ultimate end result being improved safety.
- Escape-proof rooms and outbuildings will serve as secondary containment.
- **Please refer to the draft rule language and draft form for specific details.**

## Criminal Penalties

- Penalties are specified in Section 379.4015, Florida Statutes.
- A level three violation (first degree misdemeanor) occurs if the offense is related to:
  - Release or escape of non-native venomous reptiles or reptiles of concern
  - Death or serious bodily injury to another person (other than the licensee) occurs as a result of an escape or other violation.
- If a second violation related to the above occurs within ten (10) years, it is a first degree misdemeanor with a minimum mandatory fine of \$750 and permanent revocation of all captive wildlife licenses and permits.



- The penalty for the first conviction of a level three violation is punishable for up to \$1,000 fine and 1 year in jail.
- In summary, in regards to convictions for escapes or injuries to another, licenses could potentially be permanently revoked after two convictions.

## Administrative Penalties

- 68-1.010(4), F.A.C., provides an avenue for the Commission to suspend, revoke or deny a request for renewal of any license, permit or other authorization using a set of determining factors.
- Some factors include:
  - Danger to the public
  - Prior violations
  - Mitigating or aggravating factors related to public safety and protection of natural resources



- Factors:
  - The severity of the conduct
  - The danger to the public created or occasioned by the conduct
  - The existence of prior violations of Chapter 379, F.S., or the rules of the Commission
  - The length of time a licensee or permittee has been licensed or permitted
  - The effect of denial, suspension, revocation or non-renewal upon the applicant, licensee, or permittee's existing livelihood
  - Attempts by the applicant, licensee or permittee to correct or prevent violations, or the refusal or failure of the applicant, licensee or permittee to take reasonable measures to correct or prevent violations
  - Related violations by an applicant, licensee or permittee in another jurisdiction
  - The deterrent effect of denial, suspension, revocation or non-renewal
  - Any other mitigating or aggravating factors that reasonably relate to public safety and welfare or the management and protection of natural resources for which the Commission is responsible.

## Staff Requests

- Additional time to:
  - Work with the TAG and other interested parties on the development of training and certification courses for venomous reptiles.
  - Continue discussions with the TAG and staff from The Division of Habitat and Species Conservation related to options for the classification of non-native venomous reptiles.



## Staff Recommendations

- Approve advertising proposed Rule 68A-6.001, F.A.C., and the definitions therein.
- Approve advertising proposed amendments to Rule 68A-6.007, F.A.C.



Return in  
November for Final  
Approval

