

Venomous Reptile Rule Changes

Agenda – Item # 16 A

Draft Rule Language Draft Rule Hearing September 9, 2016

68A-6.007 Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern.

(1) Any person who keeps, possesses, exhibits or sells any venomous reptiles or reptile of concern shall comply with Sections 379.303, 379.304, 379.305, 379.372, 379.373, 379.374 and 379.3761, F.S., and the provisions of subsection 68-5.002(4) and sections 68A-6.0023, 68A-6.004, 68A-6.0071 and 68A-6.0072, F.A.C., and this rule. The following reptiles, including their taxonomic synonymies successors, subspecies or hybrids thereof, are designated as reptiles of concern: None listed at this time.

(2) General qualifications: Licensees or applicants ~~Applicants~~ for authorization to possess venomous reptiles or reptiles of concern shall:

(a) Be at least 18 years old at the time of application.

(b) Not have been convicted of any violation of venomous reptile, ~~or~~ reptile of concern, conditional species, prohibited species, or captive wildlife regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application.

(c) Not have refused a captive wildlife inspection within three (3) years of the date of application. Venomous reptile licenses issued to a person who refuses any such inspection shall be revoked.

(d) Specify ~~(e) Shall specify~~ the location of the facility at which the venomous reptiles or reptiles of concern shall be maintained. Facilities for venomous reptiles shall be inspected and approved by Commission personnel prior to the issuance of the permit and placement of animals at the facility location.

(3) Experience requirements: Applicants for authorization to possess venomous reptiles or reptiles of concern shall meet the following experience requirements.

(a) Venomous reptiles: Any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species or other species within the same biological family which are similar in characteristics and care to the species for which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including:

- a. A description of the specific experience acquired.
- b. The dates the experience was obtained and the specific location(s) where acquired.
- c. References of no less than two (2) individuals, ~~no more than one of which may be a relative of the applicant,~~ having firsthand personal knowledge of the applicant's stated experience. References shall be from persons ~~One of these references must be~~ licensed by the ~~Commission~~ Commission for venomous reptiles of the same family for which the applicant is seeking authorization or a representative of a professional organization or governmental institution which deals directly with venomous reptiles as a part of their organization or institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies, and veterinarians.
- d. Additional documentation may include records of prior permits for the keeping of venomous reptiles, employment records, and any other competent documentation of the requisite experience.

2. If the applicant is unable to document such experience, as an alternative the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 500 hours of substantial practical experience in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one year/1,000-hour requirement. Applicants scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

(I). Examinations shall be completed without the use of any reference materials or other resources during the examination. Improper access to or use of any information or material that is not specifically condoned by the Commission for use in the examination shall be considered submission of materially false information in the application or other supporting documentation relating to the license, permit or other authorization.

(II). Applicants who fail to pass the written examination after two (2) attempts shall wait six (6) months from the date of the last examination to retake the examination.

3. Providing materially false information to document the applicant's experience, by the applicant or any reference, is prohibited and shall result in denial or revocation of the applicant or reference's license, permit or other authorization, in accordance with Rule 68-1.010, F.A.C. as provided in Sections 837.012 and 837.06, F.S.

4. Any licensed corporation authorized to do business in Florida may apply for a permit or other authorization to possess venomous reptiles. Such corporation must have qualified personnel responsible for the care of such venomous reptiles. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in paragraphs 68A-6.007(2)(a)-(b) and subparagraphs (3)(a)1.-3., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial

application and upon each instance of change in qualified personnel. Such corporation shall be fully responsible for any violation(s) committed by their employees or occurring at their facility.

(b) Reptiles of concern: On or after January 1, 2008, any person or entity not currently permitted to possess reptiles of concern must qualify for a permit by including with the application a satisfactorily completed questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristic of the reptile of concern to be possessed.

(4) Facility requirements: All persons licensed to keep, possess, or exhibit venomous reptiles or reptiles of concern shall provide safe, secure and proper enclosures housing for said reptiles. ~~in cases, cages, pits or enclosures.~~ Primary enclosures shall be housed within appropriate secondary containment which meets the requirements of this rule. It shall be unlawful for any person whether licensed or not to keep, possess, or exhibit any venomous reptile or reptile of concern in any manner not approved as safe, secure and proper by the Florida Fish and Wildlife Conservation Commission. Venomous reptiles or reptiles of concern shall be kept in primary ~~eages, cases, pits or~~ enclosures of the following specifications:

(a) Primary enclosures shall be structurally sound and constructed using the following authorized materials: plate glass of at least one-eighth (1/8) inch thickness, break-resistant or injection molded plastic of similar strength, concrete reinforced with wire, sheet metal, one-quarter (1/4) inch or smaller woven or welded wire mesh (hardware cloth), molded fiberglass, plywood or solid wood (excluding materials constructed of lumber by-products such as oriented strand board (OSB), medium density fibreboard (MDF) and melamine) that has been treated to be impervious to moisture and is not less than one-half (1/2) inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Primary enclosures equipped with tracks holding sliding panels shall have the tracks secured with screws or rivets and enclosure design shall be escape-proof for the species contained therein. Primary enclosures and doors to primary enclosures shall be secured.

~~(a) Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination, key card or other locking device approved by the commission to prevent unauthorized intrusion.~~

(b) Secondary containment: primary enclosures for venomous reptiles and reptiles of concern shall be kept in an escape-proof room or outbuilding which serves as secondary containment. Such room or outbuilding shall be structurally sound.

1. Any components constructed of lumber byproducts such as oriented strand board (OSB), medium density fibreboard (MDF) and melamine shall be no less than one-half (1/2) inch in thickness, shall not be directly exposed to weather and shall be constructed, covered, coated or treated to be impervious to moisture.

2. Manufactured outbuildings purchased after December 31, 2016 shall bear the insignia of approval of the Florida Building Commission and the manufacturer's data plate shall be clearly visible, legible and unobstructed.

3. Any room or outbuilding so used shall be securely anchored to the ground. Any outbuilding so used shall be equipped with a safety entrance. For the purposes of this Rule, a safety entrance is defined as a protected, escape-proof area that can be entered by a keeper and prevents escape of venomous reptile(s) from secondary containment. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for secondary containment and subject to Commission approval.

4. Rooms or outbuildings shall not be equipped with roll-up or retractable type entrances.

5. All rooms or outbuildings housing venomous reptiles shall be locked to prevent unauthorized intrusion, inspected and approved as conforming to these rules by Commission personnel prior to use.

6. Such room or out building shall be clearly posted at every point of entry with a sign stating "Danger – Venomous Reptiles" or in the instance of nonvenomous reptiles of concern a sign stating "Danger – Dangerous Reptiles."

7. If a viewing panel is used as a portion of an exterior wall of a room or out building serving as secondary containment, that viewing panel shall not also serve as one of the venomous reptile primary enclosure walls.

8. Viewing panels used a portion of an exterior wall of a room or out building serving as secondary containment shall be constructed of a minimum of one-quarter (1/4) inch thick, tempered, safety glass.

9. All primary enclosure access points shall be within the escape-proof room or out building.

~~(b) A room or out building may contain venomous reptiles or reptiles of concern in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger – Venomous Reptiles" or in the instance of nonvenomous reptiles of concern a sign stating "Danger – Dangerous Reptiles."~~

(c) Venomous reptiles and reptiles of concern may be housed outside of secondary containment in outdoor primary enclosures meeting the following conditions:

~~(c) Outdoor open topped enclosures:~~

1. Outdoor open-topped enclosures may only be used to house venomous reptiles native to the State of Florida and shall be inspected and approved by the Commission prior to use.

2. For venomous reptile species and reptiles of concern not native to Florida, all outdoor enclosures shall be topped with close-meshed wire or an equivalent barrier to provide additional security, equipped with a safety entrance and shall be inspected and approved by the Commission prior to use.

3. The floors of outdoor enclosures shall be of concrete or masonry block construction at least two (2) inches in thickness. Sides shall be constructed of concrete block, or strength equivalent material, with a minimum height of four (4) feet above the floor of the enclosure. Outdoor enclosures need not have concrete or masonry flooring if the enclosure meets the following additional specifications:

~~1. For venomous reptiles native to the United States, the floors of outdoor cages shall be of concrete or masonry construction at least two inches in thickness. Sides shall be of similar construction, at least eight inches in thickness, or strength equivalent, with a minimum height of four feet above the floor of the enclosure. Outdoor enclosures need not have concrete or masonry flooring if the enclosure meets the following additional specifications:~~

a. The enclosure shall have concrete or masonry walls, at least eight inches in thickness, or strength equivalent.

b. The enclosure shall have footers made of concrete, or strength equivalent, extending not less than three feet below the grade level, outside the perimeter.

c. The corners of enclosure shall be designed or guarded to prevent the escape of reptiles by climbing.

d. All landscaping of the enclosure shall be arranged to insure that vegetation or other structures do not allow for the escape of reptiles.

~~4. 2.~~ Entrance doors shall be kept securely locked on all outdoor enclosures to prevent escape and unauthorized intrusion and the enclosure shall be equipped with barriers to prevent visitors from falling into enclosures that are constructed below ground level.

~~3. For venomous reptile species and reptiles of concern not native to the United States, all outdoor enclosures shall be topped with close-meshed wire or an equivalent barrier to provide additional security.~~

5. Outdoor enclosures ~~4. Enclosures~~ shall meet the minimum standard caging size requirements as specified in Rule 68A-6.004, F.A.C.

6. If a viewing panel is used as a portion of an exterior wall of an outdoor open-topped enclosure, such panel shall be constructed of a minimum of one-quarter (1/4) inch thick, tempered, safety glass. Viewing panel shall not serve as an access point to the enclosure.

(d) The amendments to the facility requirements in subsection (4) of this rule shall be effective December 31, 2016, but shall not apply to those facilities licensed to possess venomous reptiles prior to that date. Facilities licensed to possess venomous reptiles prior to December 31, 2016, shall have until January 1, 2019 to come into compliance with the

amendments to subsection (4) of this rule, but their enclosures must be structurally sound and escape-proof. After December 31, 2016, those licensees that desire to expand their inventory to include a family of venomous reptile species not previously authorized at their facility location shall comply with the amended requirements of subsection (4) of this rule.

(5) Licensees and employees:

(a) Venomous reptile or reptile of concern licensees and employees shall each be fully responsible for any employees' care, use and/or possession of the licensee's venomous reptiles or reptiles of concern.

(b) In the event that the licensee is not present at the licensed facility, the employee(s) of a venomous reptile or reptile of concern licensee shall make the licensee's facility available for inspection by Commission personnel.

(6) ~~(5)~~ Facilities housing venomous reptiles shall maintain bite or exposure protocols for the species of venomous reptiles possessed and have a visible primary eage enclosure identification system identifying the venomous reptiles housed or maintained on the premises.

(a) Bite or Exposure Protocol: Facilities or premises where venomous reptiles are housed or maintained shall have posted on the premises a venomous reptile bite protocol. Such protocol shall include: identification of the species by common and scientific name, emergency contact information, type of antivenin required for treatment of bites or exposures from the species housed or maintained, a plan of action to be taken in the event of a bite or exposure, and location of antivenin if stored on premises. In lieu of antivenin on premises contact information shall be provided for an antivenin bank or medical facility that maintains antivenin for the species possessed. Such protocol shall be clearly visible and posted in the room, building or other structure and in close proximity to where venomous reptiles are housed or maintained. Such protocol shall be current and accurate.

(b) Primary Enclosure Identification System: Each primary enclosure housing venomous reptiles shall be accurately, visibly and clearly marked with a label stating "Danger Venomous Reptile"; identifying the species contained therein by common and scientific name; and displaying the PIT tag number or photograph of the specimen(s) within, if applicable. A label as described above shall accompany the venomous reptile when it is removed from the primary enclosure and transported outside of an escape-proof room or out building. Venomous reptile identification labels shall be removed from empty primary enclosures.

~~(b) Cage Enclosure Identification System: Each cage or enclosure housing venomous reptiles shall be clearly marked with a card or sign clearly stating "Danger Venomous Reptile" and identifying the species contained therein by common and scientific name. Such card or sign shall be clearly visible. A card or sign shall accompany the venomous reptile when it is removed from the cage or enclosure for handling or transport purposes.~~

(c) Facilities with one or more licensees ~~licensee~~ at the same facility location may not commingle their respective live venomous reptile or reptile of concern inventories. All primary eages ~~or~~ enclosures must be clearly identified or visibly marked with the name of the licensee or other identifier to facilitate inventory inspections.

(7) Inspection: Venomous reptiles or reptiles of concern held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether such venomous reptiles or reptiles of concern are securely, properly and safely housed.

~~(6) Inspection: Venomous reptiles or reptiles of concern held in captivity are subject to inspection by commission personnel. Commission personnel shall determine whether the said reptiles are securely, properly and safely housed. In the event that the reptiles are not safely housed, commission personnel shall report the situation in writing to the person possessing or exhibiting such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the license or permit.~~

(8) (7) No person except the licensee or his or her authorized employee shall open any primary enclosure eage, pit, or other container which contains venomous reptiles.

(9) Handling of non-native venomous reptiles outside of secondary containment is prohibited, except as authorized in writing by the Commission prior to handling activity. Free-handling of non-native venomous reptiles outside of secondary containment is prohibited.

(10) Transporting: Any person transporting venomous reptiles shall comply with Section 379.372, F.S., and the provisions of this rule. Venomous reptiles shall be placed in a stout closely woven cloth sack, tied or otherwise secured. In lieu of a stout closely woven cloth sack, the venomous reptile may be contained in a trap, container or box of solid construction which is locked or otherwise secured. The sack, trap, container or box shall then be placed in a locked box or container. The outer box or container shall be constructed of material strong enough to prevent escape and shall have small air holes, which shall be screened. Outer boxes or containers shall be prominently labeled "Danger – Venomous Reptiles" and shall be subject to inspection and approval by the Commission.

~~(8) Transporting: Any person transporting venomous reptiles shall comply with Section 379.372, F.S., and the provisions of this rule. Venomous reptiles shall be placed in a stout closely woven cloth sack, tied or otherwise secured. In lieu of a stout closely woven cloth sack, the venomous reptile may be contained in a trap or box of solid construction which is locked or otherwise secured. The sack, trap or box shall then be placed in a box. The box shall be of strong material in solid sheets, except for small air holes which shall be screened. Boxes containing venomous reptiles shall be prominently labeled "Danger – Venomous Reptiles."~~

(11) (9) Disaster and Critical Incident Plans: Applicants for permits to possess venomous reptiles or reptiles of concern in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 (06/09), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE_619 shall be submitted at the time of initial application or renewal; and Part B shall be retained on

file at the facility location and be made available for inspection upon request of Commission personnel.

(a) Provisions of this subsection shall apply to permittees maintaining venomous reptiles or reptiles of concern in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with venomous reptiles or reptiles of concern. In this instance Part B must accompany the venomous reptile or reptile of concern while in travel status in Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

(12) Venomous reptile bites and escapes:

(a) Licensees shall immediately contact the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement if any person that is not the licensee, an employee or immediate family member is bitten by any non-native venomous reptile at the licensee's facility or in the licensee's possession or inventory. For the purpose of this section, the term "immediate family member" shall mean the licensee's mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law or daughter-in-law.

(b) Upon discovery of an escape of a venomous reptile from secondary containment, or if a venomous reptile has escaped from its primary containment and its whereabouts are unknown, the licensee shall immediately contact the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement and immediately thereafter all contiguous land owners or neighbors by any method necessary to ensure notification. If the contiguous land owner or neighbor is a business complex or multi-unit dwelling, notification shall be made to the building manager or property manager. For the purposes of this section, a "contiguous landowner or neighbor" shall mean the current resident for all properties sharing a common boundary with the facility location. The entire width of a dedicated roadway shall be considered sharing a common boundary in instances of a dedicated roadway between neighboring properties.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.373, 379.374 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.372, 379.373, 379.374, 379.3761, 379.3762 FS. History—New 1-1-08, Amended 1-8-08, 8-27-09, 8-26-10.