

Enhancing Regulations of Invasive Reptiles

Agenda Item 8A

July 23, 2020

68-5.005 Possession of Conditional Non-native Species.

No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in rule 68-5.004, F.A.C., except by Conditional/Prohibited/Nonnative species permit and as provided in subsections (1) through (6) below:

(1) Permits shall be issued only to individuals or institutions engaged in research, or to commercial import or export businesses, public aquaria, public zoological parks, or public exhibitors providing educational exhibits. Permits shall not be issued for display of these species in private aquaria, private zoological parks, or for personal possession, except as provided in rule 68-5.004, F.A.C.

(2) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to chapter 597, F.S., and who is authorized to possess such species in accordance with chapter 597, F.S., is not required to obtain the permit.

(3) Conditional freshwater fish and aquatic invertebrate species:

(a) Species held outdoors may only be held in a water body that has the lowest point of the top edge of its levee, dike, bank, or tank at an elevation of at least one foot above the 100-year flood elevation determined by reference to elevation maps issued by the National Flood Insurance Program, U.S. Department of Homeland Security. Such water body shall have no water discharge or shall be constructed with a barrier system designed to prevent escape of adults, juveniles, and eggs in the water effluent discharged from the permittee's property. Public visitation at facilities in possession of conditional non-native species shall occur only under supervision of the permittee or his/her designee.

(b) Conditional freshwater fish and aquatic invertebrate species held indoors may only be held in culture systems having no water discharge, having a water discharge through a closed drain system, or other system designed to prevent discharge of water containing adults, juveniles and eggs from the permittee's property.

(c) Conditional non-native aquatic species shall not be taken on a fee- or for-hire basis using hook and line or rod and reel.

(4) Conditional turtle species:

(a) Outdoor facilities must have a permanent containment barrier secured at least six inches below ground level to prevent escape by digging, erosion, climbing or by passing through gaps. Such barriers may be constructed of solid metal or weather-resistant and rot-resistant material, and may not use mesh material.

(b) All eggs must be removed and destroyed daily from outdoor facilities.

(5) Snakes and lizards:

(a) Conditional snake and lizard species may only be held in safe, secure and proper housing in cases, cages, pits or enclosures of the following specifications:

1. 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 lock, key card or other locking device approved by the Commission to prevent unauthorized intrusion.

2. A room or out-building may contain conditional snake and lizard species in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination lock, 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 – Dangerous Reptiles."

3. Facilities with one or more permittee at the same facility location may not commingle their respective live

conditional species inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the permittee or other identifier to facilitate inventory inspections.

4. All individuals associated with a facility authorized to possess conditional snake and lizard species shall demonstrate knowledge of facility requirements, and secure handling protocols for conditional snakes and lizards as established by the permittee.

(b) Identification: Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag). Identification shall consist of the implantation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

1. For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the rear one-third (1/3) of the snake, forward of the anal plate.

2. For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.

3. The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

4. Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor's records for as long as the specimen is possessed.

5. Exemption: Conditional snakes and lizards being held for export by any person who possesses such animals in accordance with sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such conditional snakes and lizards were acquired.

(c) Inspection: Conditional snake and lizard species held in captivity are subject to inspection by Commission personnel. Commission personnel shall determine whether the snakes or lizards are securely, properly and safely housed. In the event that any conditional snakes or lizards are not safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit 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 permit.

(d) Transporting: Conditional snake and lizard species shall be transported only after placement in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Said containers shall be prominently labeled "Dangerous Reptiles."

(e) Disaster and Critical Incidents Plans.

1. A plan to secure conditional snakes or lizards in the event of disasters or critical incidents shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 (06-10), 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/License/Index.htm. This form shall consist of two parts. Part A of form FWCDLE_619 shall be submitted at the time of initial application to possess conditional snake and lizard species; and Part B shall be retained on file at the facility and be made available for inspection upon request of Commission personnel.

2. No later than 24 hours prior to the National Weather Center's projected onset of hurricane-force winds of Category 3 or greater, all conditional snakes and lizards shall be placed in a closely woven, double-seam sewn, cloth sack. This cloth sack shall be placed in a second cloth sack of similar construction, which shall be placed in a secure container. Any conditional snakes and lizards in an outdoor enclosure shall be moved to a secure indoor facility of strong construction with concrete or other suitable flooring and securely anchored to the ground. Persons authorized to possess conditional snakes and lizards shall report their critical incident preparation status to their county emergency management agency prior to the onset of critical conditions.

(f) Record Keeping: Persons authorized to possess conditional snake and lizard species shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all conditional snakes or lizards. Such records shall be kept on the permitted premises on a Captive Wildlife

Inventory-Reptile form, FWCDLE_620IV-R (06-10), 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/License/Index.htm. Such records shall be open to inspection upon request by Commission personnel.

1. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section “birth” shall be defined as the initial hatch or live birth date for the clutch.

2. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier, except for animals acquired under the provisions of paragraph 68-5.008(3)(c), F.A.C.; and conditional species permit number of supplier where applicable.

3. Transfer: Conditional snake and lizard species may be transferred to persons authorized to possess conditional snakes and lizards. Such transfers must be accompanied by Captive Wildlife Inventory-Reptile form, FWCDLE_620IV-R (06-10), 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/License/Index.htm. This form shall be signed by the originator upon shipment and by the recipient upon receipt and shall list the common name, scientific name, and quantity of each species in transport; name and address of the originator and recipient; conditional species permit number of the recipient; if the shipment originates within Florida, the conditional species permit number of the originator.

(g) Reporting:

1. Persons exhibiting or selling live conditional snakes and lizards in accordance with section 379.304, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE_620IV-R (06-10), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of permit and six months thereafter.

2. Any person authorized to possess conditional snakes and lizards must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(6) Research involving conditional species:

(a) A detailed research proposal shall accompany the application for the permit. The proposal shall state with particularity research objectives, methodology and study duration, and outline planned safeguards to assure proper containment of the species. An annual record of progress toward the research project objectives shall be maintained, and such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(b) All research involving conditional species shall be conducted according to the provisions of subsections (1)-(5) above. ~~paragraphs (3)(e) (e) above.~~

(c) The permit shall expire 12 months from the date of issuance and shall not be renewed until a detailed report of research findings is received and approved by the Commission. The report shall include a description of activities undertaken in the permit period, progress toward research project objectives, and proposed additional activities to be undertaken during any renewal period. Such reports are public records subject to the requirements for public disclosure under chapter 119, F.S.

(d) Any escape or release of conditional species shall be reported immediately to the Commission.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-14, Amended 11-26-14, 12-27-18.