

Enhancing Regulations of Invasive Reptiles
Agenda Item 8A
July 23, 2020

The following is a substantial rewording of 68-5.007, F.A.C.

68-5.007 Possession of Prohibited 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 68-5.006, F.A.C., except by Conditional/Prohibited/Nonnative Species permit and as provided below:

(1) Exhibition of Prohibited Species:

(a) Eligibility:

1. A permit for educational exhibition of Prohibited species shall only be issued to public aquaria, zoological parks, or public exhibitors.

2. Permits shall not be issued to entities operating at private residences.

(b) Applicants for permits to possess Prohibited species for educational exhibition in accordance with this section shall submit a completed Conditional/Prohibited/Nonnative Species Permit application form [Form Number] available at [hyperlink] which is adopted and incorporated herein by reference. Forms may also be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(c) Possession of sea snakes (Family Hydrophiidae, all species) is limited to public aquaria, public zoological parks, or public exhibitors providing educational exhibits, for public exhibition purposes only, under the following conditions:

1. Only male sea snakes may be possessed.

2. A public aquarium, zoological park, or public exhibitor possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.

3. Each public aquarium, public zoological park, or public exhibitor possessing sea snakes shall provide quarterly reports to the Commission regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.

4. Each public aquarium, zoological park, or public exhibitor possessing sea snakes shall post with the Commission a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Fish and Wildlife Conservation Commission, for use by the Commission to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the Commission. The letter of credit shall provide that the zoological park or aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park or aquarium or public exhibitor possesses sea snakes.

5. No person or public aquarium, public zoological park, or public exhibitor shall barter, sell, or trade sea snakes within this state.

6. A public aquarium, public zoological park, or public exhibitor that imports sea snakes pursuant to this subsection may transport sea snakes into this state only by airplane that may land only at an airport located in a non-coastal county within this state.

7. A public aquarium, public zoological park, or public exhibitor possessing sea snakes pursuant to this subsection shall abide by all regulatory requirements of the Fish and Wildlife Conservation Commission with respect to venomous reptiles.

(d) The permit will expire 12 months from the date of issuance.

(2) Research: Individuals or institutions engaged in research shall be granted a permit, provided the following requirements are met:

(a) Eligibility: A permit for research involving Prohibited species shall be issued only to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state, county, or tribal agency.

(b) Applicants for permits to possess Prohibited species for research use in accordance with this section shall

submit a completed Conditional/Prohibited/Nonnative Species Permit application form [Form Number] available at [hyperlink] which is adopted and incorporated herein by reference. Forms may also be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(c) Research proposal: A detailed research proposal shall be submitted with the permit application and shall state with particularity research objectives, methodology and study duration, and shall outline planned safeguards to ensure proper containment of all specimens. 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.

(d) General security measures and containment:

1. Applicants shall submit to the Commission a list of personnel that have access to the Prohibited species and arrangements for final disposition or euthanization of specimens.

2. All research on Prohibited aquatic species shall be conducted in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

3. All research on captive Prohibited terrestrial wildlife species shall be conducted in indoor facilities in cages or other confinement facilities that prevent escape, unless otherwise authorized by the Commission.

(e) 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 will 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.

(3) Eradication and Control

(a) Applicants for permits to possess Prohibited species for eradication and control purposes in accordance with this section shall submit a completed Conditional/Prohibited/Nonnative Species Permit application form [Form Number] available at [hyperlink] which is adopted and incorporated herein by reference. Forms may also be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(b) Permits for eradication and control projects involving the release of Prohibited species for telemetry projects

1. Eligibility: Permits shall only be issued to a principal investigator who is a faculty member of a college or university, is affiliated with an accredited institution, or is a member of a federal, state, county, or tribal agency.

2. Written proposal: A detailed proposal shall be submitted with the permit application and shall state with particularity the management objectives, methodology and duration, and shall outline planned safeguards to ensure proper containment and recovery of all specimens. An annual record of progress toward the project objectives shall be maintained, and such written proposal and record of progress shall be available for inspection upon request of Commission personnel.

(c) All animals removed under a permit for eradication and control shall be humanely killed, except green iguanas and tegus removed by persons in possession of a valid commercial use of green iguanas and tegus permit pursuant to subsection (4) below.

(d) The permit will expire 12 months from the date of issuance.

(4) Commercial Use of Green Iguanas (*Iguana iguana*) and Tegus (genera *Salvator* and *Tupinambis*, all species):

(a) If a person, firm, or corporation held a valid captive wildlife class III exhibition or sale license on January 1, 2020, and documented an inventory of green iguanas or tegu lizards on his or her or its 2019 application, the Commission may authorize that person, firm, or corporation so as to allow them to continue to exhibit, sell, or breed green iguanas or tegu lizards commercially for as long as the license remains active. Such status is void upon any license transfer or lapse. The person, firm, or corporation may only sell such inventory of green iguanas or tegu lizards outside of this state and may not import the species into this state.

(b) Applicants for permits to possess green iguanas or tegus for commercial use purposes in accordance with this section shall submit a completed Conditional/Prohibited/Nonnative Species Permit application form [Form

Number] available at [hyperlink] which is adopted and incorporated herein by reference. Forms may also be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(c) Permitted commercial users shall submit an annual report at the conclusion of each license period detailing the following:

1. The seller name, seller license number, source of each animal, recipient name, recipient location, species common name, species scientific name, and quantity sold for each sale or transfer.

2. Reports shall be submitted by email to NonnativePermitApps@MyFWC.com or by mail to the Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, Wildlife Impact Management Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, within 90 days of permit expiration or upon application for permit renewal, whichever is precedent.

(d) The permit will expire 12 months from the date of issuance.

(5) Personal Possession of Prohibited Species:

(a) Eligibility:

1. Reptiles: Prohibited reptile species shall only be permitted to be possessed for personal use in accordance with section 379.372, F.S.

2. Other Prohibited species: if the Commission designates a species as a Prohibited species after May 2, 2019, the Commission may authorize the personal possession of that newly designated species by those licensed or otherwise authorized to possess that species before the effective date of the species' designation by the Commission as a Prohibited species.

3. Permits may only be granted to persons in lawful possession of such species prior to the species' listing as Prohibited for the remainder of the life of the animal. No additional individuals may be acquired. If the animal remains alive following the death or dissolution of the licensee, the animal may be legally transferred to another entity holding a permit authorizing possession of the animal for the remainder of the life of the animal.

4. Identification: Prohibited species possessed for personal use 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.

(b) Permit qualifications:

1. Applicants for permits to possess Prohibited species for personal use in accordance with this section shall submit a completed Conditional/Prohibited/Nonnative Species Permit application form WIM 01 (02/19) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10435> which is adopted and incorporated herein by reference. Forms may also be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

2. 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 upon permit application.

(c) The permit will expire 12 months from the date of issuance.

(6) Caging and Biosecurity

(a) Inspections:

1. Permittees and applicants applying to possess captive Prohibited species shall be inspected by Commission personnel or an authorized representative of the Commission prior to issuance of a permit. Scheduled and unannounced inspections to ensure general security measures are followed may be conducted at any time during the permit and/or application period. Commission personnel shall determine whether the Prohibited species are securely, properly and safely housed. In the event that any Prohibited species are not securely, properly and safely housed, Commission personnel shall report the situation in writing to the person authorized to possess or exhibit such Prohibited species. 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.

2. Refusal of inspection shall result in denial of permit application or revocation of existing permit.

(b) Prohibited species maintained for exhibition purposes shall only be exhibited from within approved enclosures. Prohibited species shall not be exhibited in any mobile exhibitions.

(c) Prohibited aquatic species shall be maintained in indoor facilities in containers or other confinement facilities designed to prevent escape and having no exterior water discharge or having a water discharge through a closed drain system that terminates in a dry-bed wastewater retention area with no public access.

(d) Captive Prohibited terrestrial species shall be maintained in indoor facilities in cages that prevent escape and public contact.

(e) Captive Prohibited reptile species shall be maintained in indoor facilities in safe, secure, and proper housing in cases, cages, or enclosures of the following specifications:

1. 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 fiberboard (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. 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. Enclosures and doors to enclosures shall be secured. The doors of each enclosure 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. Enclosures shall be equipped with a double doored 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 Prohibited reptiles from secondary containment. Any components constructed of lumber byproducts such as oriented strand board (OSB), medium density fiberboard (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.

3. A room may contain Prohibited reptile species in cages that are not locked provided that such a room is equipped with a safety entrance as described in subparagraph 68-5.007(5)(e)2. above and 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.

(f) Facilities with one or more permittee at the same facility location may not commingle their respective live Prohibited 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.

(g) All permittees shall develop a safe handling protocol establishing requirements for all caretakers to follow regarding biosecurity and safety. All individuals associated with a facility authorized to possess Prohibited reptile species shall demonstrate knowledge of facility requirements and secure handling protocols for Prohibited species as established by the permittee.

(h) Identification: Prohibited species 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 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, PIT tag 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. Such reports shall be submitted by email to NonnativePermitApps@MyFWC.com or by mail to the Wildlife Impact Management Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(i) Transporting:

1. Prohibited reptile 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, locked container. Said containers shall be prominently labeled “Dangerous Reptiles.”

2. Placeholder for transport requirements for other taxa groups.

(7) Record Keeping and Reporting

(a) Record Keeping: Persons possessing Prohibited species shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all Prohibited species. Such records shall be kept on the permitted premises on a Prohibited Species Inventory Report Form (form number), available at (hyperlink) which is adopted and incorporated herein by reference. Forms may also be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Such records shall be available for inspection upon request by Commission personnel at all times.

1. Records of births or deaths shall include the date, 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; and Prohibited species permit number of supplier where applicable.

3. Transfer: Prohibited species may be transferred to persons authorized to possess Prohibited species. Such transfers must be accompanied by a completed Prohibited Species Inventory Report Form (form number). 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; Prohibited species permit number of the recipient; if the shipment originates within Florida, the Prohibited species permit number of the originator.

(b) Reporting:

1. Persons exhibiting or selling live Prohibited reptiles in accordance with section 379.304, F.S., shall complete a Prohibited Species Inventory Report Form (form number) and submit same to Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of permit and six months thereafter.

2. Persons permitted for eradication and control of Prohibited species shall submit a report to the Commission quarterly detailing the number, common and scientific name, location (longitude and latitude), date of removal, and final disposition of each animal.

(c) Any escape or unauthorized release of Prohibited species shall be reported immediately to the Commission, and escape or release shall constitute grounds for revocation of the permit to possess Prohibited species.

(8) Critical Incident and Disaster Plan:

(a) Applicants for permits to possess Prohibited species as authorized pursuant to the provisions of this chapter 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) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10436> which is adopted and incorporated herein by reference. Forms may also be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, Wildlife Impact Management Section 620 South Meridian Street, Tallahassee, Florida 32399-1600. 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 submitted at the time of initial application or renewal and retained in the permittee’s files at the facility location and be made available for inspection upon request of Commission personnel and the director of the local emergency management agency for the county where the facility is located.

(b) No later than 24 hours prior to the National Weather Center’s projected onset of hurricane-force winds of Category 3 or greater, all Prohibited reptiles shall be placed individually 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, locked container. Persons authorized to possess Prohibited reptiles shall report their critical incident preparation status to their local FWC Captive Wildlife Investigator prior to the onset of critical conditions.

(9) No permits shall be granted for possession of any species of piranha or pirambeba (subfamily Serrasalminae).

(10) Prohibited reptiles shall not be bred, except by permitted facilities for educational exhibition at Association of Zoos and Aquariums-accredited institutions, research, or qualifying commercial use purposes. Any other males and females of a Prohibited species shall be caged separately, unless the individual animals have been spayed, neutered, or otherwise sterilized.

(11) Persons in possession of species listed as Prohibited after May 2, 2019 shall have ninety (90) days from the effective date of the species' listing as Prohibited to come into compliance with the provisions of this section.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-27-18, Amended 5-2-19, [DATE].