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Florida Animal Control Association Position Florida's Dangerous Captive Wildlife Regulations/Statutes January 25, 2007

FWC Rulemaking Issues

FACA has several additional recommendations that should be adopted by the FWC to better protect the public's safety and health with respect to Dangerous Captive Wildlife. Our recommendations are as follows:

Appropriate Neighborhoods: Dangerous Captive Wildlife (Class I & Class II Wildlife, all venomous reptiles, and Reptiles of Concern) should only be housed in appropriate areas, not in our residential neighborhoods. FWC has proposed that Class I wildlife should not be housed in residential neighborhoods. FACA strongly supports this rulemaking change; however this proposal should be extended to include all Dangerous Captive Wildlife. Additionally, all Dangerous Captive Wildlife should be kept a safe distance away from facilities housing vulnerable children and adults. These include: day care centers; schools; nursing homes; and other similar facilities.

Grandfathered Permittees: Grandfathered permittees should not be allowed to restock animals or transfer their permits to others. Transferring a grandfathered permit allows new permittees to have grandfathered status, even though they did not hold a permit at the time of grandfathering. The goal should be to reduce the number of grandfathered permittees until they are eliminated entirely. Allowing grandfathered permittees to restock negates this goal.

Captive Wildlife Escape Report: FWC has recommended immediate reporting upon learning of an animal's escape. FACA strongly supports this rulemaking change and will work with FWC to ensure the proper process is put into place so that local governments are notified by FWC of any escapes.

Signage: FWC rules should require signage to warn first responders, utility workers, and animal control where Dangerous Captive Wildlife are being kept. It is also important for neighbors to know where Dangerous Captive Wildlife are being kept. Should an animal escape, neighbors are much less likely to be alert if they are unaware of the animal's presence. While those who own Dangerous Captive Wildlife

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maintain that outside signage makes them vulnerable to complaints from neighbors, and may provide a "shopping list" for thieves, the health and safety of neighborhood residents should take precedence.

FWC rules should also require signage to be posted on vehicles transporting Dangerous Captive Wildlife. This could become very important should such a vehicle be involved in an accident. The safety of first responders should be the utmost concern here.

Posting of Dangerous Captive Wildlife Location: FWC should post the location of Dangerous Captive Wildlife on its website. This information is already a matter of public record despite the concern expressed by permittees that thieves could use this information. The overriding issue is the health and safety of neighborhood residents. Floridians have a right to know where dangerous animals are being kept.

Microchipping: We understand that FWC may consider requiring microchipping of some Dangerous Captive Wildlife. FACA strongly supports this rulemaking change. However, this proposal should be extended to include all Dangerous Captive Wildlife.

Disaster Preparedness Plans: FWC has recommended requiring disaster preparedness plans for Dangerous Captive Wildlife, and requiring that those plans be updated annually. FACA strongly supports this rulemaking change, and will work with FWC to ensure the proper process is put into place so that local government emergency operations centers (EOCs) receive this information in a timely manner.

Nuisance Captive Wildlife: The permitting of captive wildlife should take into consideration its impact upon the quality of life for adjacent property owners. The current FWC permitting process doesn't permit adjacent property owners any voice in the locating of permitted wildlife near their property nor does it offer recourse for resolution of a loss of reasonable enjoyment and use of their property in the case of nuisances. Captive wildlife may impact property values, create nuisance situations, and result in the loss of a reasonable perception of safety for family and self. Permitting of wildlife can create an infringement upon the established property uses inconsistent with the accepted uses without benefit of a variance hearing. As the FWC has accepted responsibility through its exclusive jurisdiction over the permitting and regulation of all wildlife in our state, it is only reasonable to expect that they address the problems it creates for adjacent property owners and offer resolutions.

FWC rules do not address Captive Wildlife that may be creating a nuisance to people near the permitted captive wildlife facility. FACA recommends that FWC incorporate a definition for such nuisances and develop appropriate penalties for nuisances that are not abated, to include non-renewal of captive wildlife permits. Such provision should apply to all captive wildlife regulated and permitted by the FWC including Class III wildlife.

Legislative Issues

Permit and License Fees: FACA supports legislation to enhance Florida Fish and Wildlife Conservation Commission (FWC) permit and license fees for Dangerous Captive Wildlife to levels that will ensure sufficient resources to effectively enforce all applicable public safety and health-related captive wildlife regulations. FACA understands concerns that high administrative costs may drive regulated activity “underground.” However, there is currently no upfront administrative fee required for processing permits and licenses. Also, permit and license fees are quite low. Permittees should be required to pay for the workload they add to FWC.

Fines: FACA also supports legislation requiring fines collected as a result of FWC Dangerous Captive Wildlife enforcement actions to be used to fund FWC public safety enforcement resources.

Insurance/Bonds: Finally, FACA supports legislation to require sufficient liability insurance or bonds in the event that Dangerous Captive Wildlife injures or kills a person or damages property.