

Notice of Proposed Rule

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO: RULE TITLE

[68A-6.0022](#): Possession of Wildlife in Captivity; Permits

[68A-6.003](#): Structural Caging Requirement for Class I, II and III Wildlife

[68A-6.004](#): Standard Caging Requirements for Captive Wildlife

[68A-6.007](#): Reptiles of Concern; Prohibited Species

[68A-6.0071](#): Regulations Governing Dealers of Live Venomous Reptiles or Reptiles of Concern; Reporting Requirements

[68A-6.0072](#): Regulations Governing Identification of Venomous Reptiles and Reptiles of Concern; Escape

PURPOSE AND EFFECT: The purpose of these proposed rule amendments and new rule is to address the possession and housing of captive wildlife, venomous reptiles, and reptiles of concern. The proposed rules will have the effect of providing clarification regarding permitting requirements, facility and land area requirements, standard caging requirements, record keeping and reporting requirements for the possession of captive wildlife, venomous reptiles or reptiles of concern, and identification of non-native venomous reptiles and reptiles of concern.

SUMMARY: : Subject areas to be covered in the proposed rules include possession and housing of captive wildlife, venomous reptiles and reptiles of concern. Proposed rules will: require safety entrances for enclosures housing capuchin, spider and woolly monkeys; address land area requirements for facilities housing Class I or Class II wildlife; consolidate and clarify caging requirements for reptiles and amphibians; develop minimum caging requirements for large constrictor snakes; consolidate portions of 68A-25.002 with 68A-25.006 to create 68A-6.007 addressing the possession, exhibition, and caging of venomous reptiles, reptiles of concern, and prohibited species; require development of Disaster Plan or Critical Incident Plan for permittees authorized to possess captive wildlife, venomous reptiles or reptiles of concern; require development and posting of Bite Protocol and Cage Card Identification at venomous reptile facilities; develop record keeping and reporting requirements for dealers of live venomous reptiles or reptiles of concern; develop requirements for the permanent marking/identification of non-native venomous reptiles and all reptiles of concern; and require immediate reporting upon discovery of the escape of any non-native venomous reptile or reptile of concern.

SUMMARY OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: [Article IV, Sec. 9, Fla. Const. ; 372.921\(9\), 372.922\(3\), 372.92, Florida Statutes.](#)

LAW IMPLEMENTED: [Article IV, Sec. 9, Fla. Const. ; 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.901 372.92, 372.921, 372.922, Florida Statutes.](#)

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: During the Commission's regular meeting, February 7-8, 2007, 8:30 a.m. to 5:00 p.m., each day.

PLACE: Sandestin Resort, 9300 Emerald Coast Parkway, West Destin, FL 32550, 850-267-8000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Linda Harrison, Division of Law Enforcement, Investigations Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850) 488-6253.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 68A-6 WILDLIFE IN CAPTIVITY AS PERSONAL PETS

68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements.

(1) No Change.

(2) No permit shall be required to possess the following wildlife for personal use, unless possession of a species is otherwise regulated by other rules of the Commission:

(a) Reptiles, or amphibians (nonvenomous, unprotected)

(b) – (v) No Change.

(3) No Change.

(4) No permit shall be issued to any person to possess Class III wildlife for exhibition, sale or as personal use unless such person can ~~provide documentation of the following~~ meet the following requirements:

(a) No change

(b) Application for permits to possess Class III wildlife as personal use shall include the satisfactory completion of a questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristics.

(c) Applicants for permits to possess capuchin, spider, or woolly monkeys shall meet the age, experience and examination requirements for authorization to possess Class II wildlife.

~~(d)(e)~~ No Change.

~~(e)(d)~~ No Change.

(5) Qualification requirements for a permit to possess Class I or Class II wildlife:

~~(a)~~ All applicants shall qualify for permits as follows:

~~(a) 1.~~ Age Requirement: Applicants to possess Class I or Class II wildlife shall be at least 18 years of age.

~~(b) 2.~~ Applicants shall not have been convicted of any violation of captive wildlife regulations, venomous reptile or reptile of concern regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation offense involving the illegal commercialization of wildlife, any violation offenses involving cruelty to animals, or any violation involving importation of wildlife within three (3) years of the date of application.

~~(c) 3.~~ Experience Requirement for Class I permits:

~~1. a.~~ Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological order (except ratites which shall be in the same biological sub-order), which are substantially similar in size, characteristics, care and nutritional requirements to the species for which the permit is sought.

~~2. b.~~ For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

~~a. 1.~~ A description of the specific experience acquired.

~~b. 2.~~ The dates the experience was obtained and the specific location(s) where acquired.

~~c. 3.~~ References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience, one of which must be licensed by the commission for wildlife of the same family and the same or higher class for which the applicant is seeking authorization.

~~d.~~ Additional documentation may include records of prior permits for the keeping of captive wildlife, employment records, and any other competent documentation of the requisite experience.

~~3. e.~~ Documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above, may substitute for up to six months or 500 hours of the required experience.

~~4.~~ Providing false information to document the applicant's experience, by the applicant or any reference, is prohibited as provided in s. 837.012 and s. 837.06, F.S.

(d) 4- Experience and examination requirements for Class II permits:

~~1. a.~~ Applicants may qualify for a permit for Class II wildlife by documenting one year of experience (to consist of no less than 1000 hours) as defined in ~~68A-6.0022(5)c.1-4, 68A-6.0022(5)(a)3.a-e~~ above. 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 100 hours of substantial practical experience (with documentation and compliance procedures as noted in ~~68A-6.0022(5)(a)3.~~ above) 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. Upon receipt of an application, the Commission shall notify the applicant of the time and place of the next examination. Applicant scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

~~2. b.~~ The above requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.

~~5. Facility Requirements:~~

~~a.~~ Applicants for permits to possess wildlife in captivity shall specify the location of the facility at which captive wildlife shall be maintained, and such facility shall be inspected and approved by the Commission prior to issuance of the permit.

~~b.~~ In order to assure public safety, Class I and Class II wildlife shall only be kept in appropriate neighborhoods and, accordingly, facilities that house such wildlife shall meet the requirements of this rule subsection. Compliance with these requirements is a necessary condition for licensure. For purposes of this subsection, a "facility" means the site at which Class I or Class II carnivores are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures is not prohibited by county ordinance and, if within a municipality, municipal ordinance.

~~c.~~ Notwithstanding any other requirements of this rule, facilities licensed prior to the effective date of this section may sell or transfer their interests, including their approved classification(s) of wildlife, (excluding licenses) to other qualified investor or owners for possession, and such facility may remain in the same location. New or prospective owners shall be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(I), F.A.C., Class I wildlife shall not be possessed in multi-unit dwellings or in any premises consisting of less than one quarter acre of land area. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(II), F.A.C., Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit, and yard area.

~~(I) Additional facility requirements for Class I Carnivores (lions, tigers, leopards, snow leopards, jaguars, and bears):~~

~~(A) The facility shall not be constructed on less than five (5) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.~~

~~(B) The facility shall have a "buffer zone" of not less than 35 feet between the caging and the facility property line.~~

~~(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 1 1/2 gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging.~~

~~(II) Additional facility requirements for the following Class II carnivores: cougars, panthers, clouded leopards, and Class II Canidae:~~

~~(A) The facility shall not be constructed on less than two and one half (2 1/2) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.~~

~~(B) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.~~

~~(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 1 1/2 gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45 degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 1 1/2 gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging.~~

~~(D) The above requirements shall be effective July 1, 2000, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After July 1, 2000, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorization shall be considered new applications for license purposes.~~

(6) Except as otherwise provided, applicants for permits to possess wildlife in captivity shall specify the location of the facility at which the wildlife shall be kept or possessed. Prior to the issuance of a permit for Class I, Class II, or Class III capuchin, spider or woolly monkeys such facility shall be inspected and approved by Commission personnel prior to the issuance of the permit.

(7) Disaster and Critical Incident Plans:

Applicants for permits to possess wildlife 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 form FWCDLE 619 (02-06), 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.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 7-1-90, Amended 7-1-90, 7-1-91, 2-1-98, Formerly 39-6.0022, Amended 4-30-00,_____.

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth in Rule 68A-6.004, F.A.C., Class I and Class II animals shall be caged in accordance with the following requirements:

~~(a) A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.~~

~~(a)(b)~~ All cages or enclosures of Class I and Class II wildlife, and Class III capuchin, spider and woolly monkeys, animals except paddocks, approved open air habitats, or outdoor reptile enclosures shall be equipped with a safety entrance. A safety entrance is defined as a protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry. Such entrances shall include: A double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices, subject to Commission approval, that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction for that particular species.

~~(b)(e)~~ No Change.

(2) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a "facility" means the site at which Class I or Class II wildlife are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures are not prohibited by county ordinance and, if within a municipality, municipal ordinance.

(a) Notwithstanding other requirements of this rule, facilities licensed pursuant to this section may be transferred through probate proceedings to a lawful heir and such facilities may remain in the same location. Said heir must be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued.

(b) Facility requirements:

1. Property ownership/lease:

a. The facility shall be constructed on property owned or leased by the applicant. If leased the lease shall be for a term of not less than one (1) year from date of application. Such lease shall be subject to initial and annual review and approval by the commission as a condition of said lease.

b. If the property is leased, the lessee must have exclusive rights to occupy, possess and use the property with no restrictions that could prevent the lessee from adhering to the eligibility requirements for licensure with no other in holdings or easements.

c. The existence of any such lease restrictions or termination of the lease shall result in the denial or revocation of the license or permit.

2. Land area:

- a. Class I wildlife: The facility shall not be constructed on less than five (5) acres.
- b. Class II wildlife: The facility shall not be constructed on less than two and one-half (2 ½) acres.
- c. The total facility shall not be comprised of more than two (2) parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary.

3. Buffer zones:

The facility shall contain a "buffer zone" of not less than thirty-five (35) feet between the caged wildlife and the facility property line.

4. Perimeter fencing:

- a. Class I wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high.
- b. Class II wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high, or as an alternative, a fence of not less than six (6) feet high, with a 2-foot, 45 degree, inward angle overhang.
- c. All vertical fencing and inward angle overhang fencing of the perimeter fence shall be constructed of 11 ½ gauge chain link or equivalent.

5. Zoning:

Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.

- a. Primates (all listed species)
- b. Cats (all listed species)
- c. Bears (family *Ursidae*)
- d. Elephants (family *Elephantidae*)
- e. Rhinoceros (family *Rhinocerotidae*)
- f. Hippopotamuses (family *Hippopotamidae*)
- g. Cape Buffalos (*Syncerus caffer caffer*)

(c). Exemptions:

The following Class I and Class II wildlife are exempt from the facility requirements as listed above:

1. Permits authorizing possession of infants only including:

- a. Class I or Class II carnivores until they reach 25 pounds or six (6) months of age, which ever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis:
- b. Class I and II primates until they reach the age of twelve (12) months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.

2. Crocodylians four (4) feet in length or less.

3. Cats: Ocelots (*Leopardus pardalis*), Servals (*Leptailurus serval*), Caracals (*Caracal caracal*), Bobcats (*Lynx rufus*), African golden cats (*Profelis aurata*), Temminck's golden cats (*Profelis temmincki*), and Fishing cats (*Prionailurus viverrina*).

4. Non-human primates: Uakaris (*genus Cacajao*), Bearded sakis (*genus Chiropotes*), and Guenons (*genus Cercopithecus*) not including De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.

(d) Any Class I or Class II wildlife exempt from meeting the facility requirements of this rule must meet the following:

- 1. Class I wildlife shall not be possessed in any multi-unit dwellings or on any premises consisting of less than one quarter acre of land area.
- 2. Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit and yard area.
- 3. A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(e) The above requirements shall be effective January 1, 2008, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After January 1, 2008, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements here in. Requests to upgrade wildlife classification authorizations shall be considered new applications for license purposes.

(3)(2) No Change.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended _____.

68A-6.004. Standard Caging Requirements for Captive Wildlife.

(1) No Change.

(2) No Change.

(3) No Change.

(4) Carnivores and Certain Omnivores with Similar Requirements:

(a) – (n) No Change.

(o) Rhinos.

1. No Change.

2. Access to a shelter shall be provided ~~at all times~~.

(p) No Change.

(q) Reptiles and amphibians.

1. Reptiles.

In addition to requirements for this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment or devices shall be non-injurious, and may include, but are not limited to ambient temperature, hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a non-injurious substrate, including but not limited to gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Arboreal species of snakes or lizards shall be provided with a perch of sufficient height to allow for such specimen to perch or bask without any portion of its body or tail touching the floor, sides or roof of the enclosure. Enclosure sizes for all snakes or lizards shall be based on the total length of the longest specimen in the enclosure.

a. Snakes and glass lizards.

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well being of the species. The environment or devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate such as newspaper, processed wood shavings, rocks, sand or indoor outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s). Enclosure sizes for all snakes and glass lizards shall be based upon the length of the longest specimen in the enclosure.~~

(I) Snakes, except as otherwise provided, and glass lizards:

For up to two specimens, a cage or enclosure having a perimeter equal to the length of the longest specimen, the width of the cage shall be ten inches or not less than 20 30 percent of the length of the longest specimen which ever is greater, and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

(II) Blood pythons or large constrictors that exceed 12 feet upon maturity: Boas, pythons, or anacondas

1. Specimens up to 5 feet in length.

For up to two specimens, a cage or enclosure 2.5 feet by 1 foot. For each additional specimen increase perimeter by 10 percent. Constrictors of this size possessed for exhibition or sale are exempt from this minimum cage requirement but shall meet the requirements as indicated for snakes and glass lizards.

2. Specimens 5 feet to 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to 1.25 times the length of the longest specimen. The width of the cage shall not be less than 30 percent of the length of the longest specimen and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

3. Specimens greater than 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to the length of the longest specimen. The width of the cage shall not be less than 30 percent of the length of the longest specimen and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

b. Lizards (other than glass lizards).

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate, such as gravel, newspaper, processed wood~~

~~shavings, rocks, sand, or indoor-outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s).~~

(I) Lizards up to 6 inches in length. For one or two animals, a cage or enclosure 12 inches by 8 inches, 6 inches high. For each additional animal, increase enclosure size by 1 inch in length and width.

(II) Lizards 7 to 12 inches in length.

For one or two animals, a cage or enclosure 20 inches by 10 inches, 12 inches high. For each additional animal, increase cage or enclosure size by 2 inches in the length and width.

(III) Lizards 13 to 24 inches in length.

For one or two animals, a cage or enclosure 30 inches by 12 inches, 12 inches high. For each additional animal, increase cage or enclosure size by 3 inches in length and width.

(IV) Lizards 25 to 36 inches in length.

For one or two animals, a cage or enclosure ~~36~~ 48 inches by ~~12~~ 16 inches, ~~16~~ 20 inches high. For each additional animal, increase cage or enclosure size by 10 inches or 25 percent in length and width.

(V) Lizards 37 inches to 6 feet in length.

For one or two animals, a cage or enclosure 6 feet by 3 feet, 4 feet high. For each additional animal, increase cage or enclosure size by 25 percent of the original floor area.

(VI) Lizards over 6 feet in length.

For one or two animals, a cage or enclosure 9 feet by 6 feet, 4.5 feet high. For each additional animal, increase the size of the cage or enclosure by 25 percent of the original floor area.

c. Turtles, Tortoises and box turtles

Each enclosure for turtles, tortoises and box turtles shall have a pool of water. The pool area shall equal no less than two (2) times the shell width by two (2) times the shell length. For turtles, other than tortoises and box turtles, such pool shall allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required. Enclosure and pool sizes for all turtles, tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.

(I) e- Turtles (other than tortoises and box turtles):

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each enclosure shall be provided with a noninjurious substrate, such as gravel, rocks or sand. Each enclosure shall have a pool of water that will allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required. Enclosure sizes for all turtles shall be based upon the size of the largest specimen in the enclosure.~~

For one or two turtles, an enclosure with an area at least 5 times the shell length by 2 times the shell width. A dry resting area equal to the size of the shell of the largest turtle shall be provided. For each additional animal, increase original floor area and pool area by 10 percent

(II) d- Tortoises and box turtles:

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each cage shall be provided with a noninjurious substrate, such as gravel, rocks, newspaper, sand or indoor-outdoor carpet. Such substrate shall be kept clean.~~

~~Enclosure sizes for all tortoises and box turtles shall be based upon the size of the largest specimen in the enclosures~~

For one or two tortoises or box turtles, an enclosure with a floor area 10 times the shell size of the largest specimen in the enclosure. For additional animals, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.

~~d.e.~~ - e.f. No Change.

(r) No Change.

(5) Effective date: All cage and enclosure requirements in this rule shall not take effect until January 1, ~~2008~~ 2000, for those licensed or permitted prior to December 31, 1997.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History-New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.04, Amended 5-10-87, 4-13-88, 7-1-90, 9-1-90, 4-14-92, 2-1-98, Formerly 39-6.004, Amended _____.

68A-6.007 Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern; Prohibited Reptile Species.

(1) Any person who keeps, possesses, exhibits or sells poisonous or venomous reptiles shall comply with Sections 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.921, F.S., and the provisions of this rule.

(2) Any person who keeps, possesses, exhibits or sells reptiles of concern shall comply with Sections 372.921, 372.922, F.S., and the provisions of this rule. The following reptiles, including any subspecies or hybrids thereof, are designated as reptiles of concern:

- (a) Indian or Burmese python (*Python molurus*)
 - (b) Reticulated python (*Python reticulatus*)
 - (c) African rock python (*Python sebae*)
 - (d) Amethystine or Scrub python (*Morelia amethystinus*)
 - (e) Green anacondas (*Eunectes murinus*)
 - (f) Nile monitor (*Varanus niloticus*)
- (3) General qualifications:

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, reptile of concern 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) 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.

(4) 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 personal knowledge of the applicant's stated experience, one of which must be licensed by the commission for venomous reptiles of the same family for which the applicant is seeking authorization.
- 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.

3. Providing false information to document the applicant's experience, by the applicant or any reference, is prohibited as provided in s. 837.012 and s. 837.06, F.S.

(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.

(5) Facility requirements:

All persons licensed to keep, possess, or exhibit venomous reptiles or reptiles of concern shall provide safe, secure and proper housing for said reptiles in cases, cages, pits or enclosures. 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 cages, cases, pits or enclosures of the following specifications:

(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) 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) Outdoor open-topped enclosures:

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.

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.

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

5. Facilities housing venomous reptiles shall maintain bite or exposure protocols for the species of venomous reptiles possessed and have a visible cage 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.

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.

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

(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.

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

(8) Transporting:

Any person transporting venomous reptiles shall comply with Section 372.90, 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."

(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 form FWCDLE 619 (02-06), 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.

(11) All species of snakes commonly known as sea snakes or sea kraits, belonging to the families *Elapidae*, *Hydrophiidae* or *Laticaudidae* are prohibited from being imported or possessed, except under the provisions of Section 370.081(4), F.S.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority: Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922, F.S. Law Implemented: Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922, F.S. History: New

68A-6.0071 Record Keeping and Reporting Requirements.

(1) Any person who possesses any live venomous reptile or reptile of concern shall have a permit issued in accordance with s. 372.86, 372.921, or 372.922, F.S., and comply with the provisions of this rule, 68A-6.007, and if applicable 68A-6.0072, F.A.C.

(a) Record Keeping:

Possessors shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all venomous reptiles or reptiles of concern. Such records shall be kept on the licensed premises on a Captive Wildlife Inventory Report form, FWCDLE 620IV-R (12-06), 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. 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; and license identification number of supplier where applicable.

3. Records of sale or transfer shall include the date of sale or transfer; quantity and species of reptiles sold or transferred; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, of each specimen sold or transferred; and the license identification number of the recipient where applicable.

(b) Reporting:

1. Persons exhibiting or selling live venomous reptiles or reptiles of concern in accordance with s. 372.86 or 372.921, F.S., shall complete a Captive Wildlife Inventory Report form, FWCDLE 620IV-R (12-06), 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 license and six months thereafter.

2. Persons possessing any live venomous reptile in accordance with s. 372.86, F.S., or any live reptile of concern in accordance with s. 372.922, F.S., for personal use shall complete a Captive Wildlife Inventory Report form, FWCDLE 620IV-R (12-06), 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 license and upon any instance of inventory change.

3. Persons operating in accordance with s. 68A-6.0011, F.A.C., are exempt from these reporting requirements.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority: Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922, F.S. Law Implemented: Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922, F.S. History: New

68A-6.0072 Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape.

(1) Any person who keeps or possesses for personal use any live venomous reptile not indigenous to Florida, in accordance with s. 372.86, F.S., or any live reptile of concern, in accordance with s. 372.922, F.S., must permanently identify such reptile.

(a) Live venomous reptiles not indigenous to Florida shall be permanently identified by photographic identification or with a unique passive integrated transponder (PIT tag).

(b) Live reptiles of concern shall be permanently identified with a unique passive integrated transponder (PIT tag).

(c) 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 maintained in the possessors records for as long as the specimen is possessed.

(2) For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, ect.) to enable that particular specimen to be distinguished from other specimens of the same species.

(3) Passive integrated transponder (PIT tag) identification shall consist of the implementation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

(a) For snakes implementation shall be in specimens with a two (2) inch or greater diameter. The PIT tag shall be implanted in the back one-third (1/3) of the snake, forward of the anal plate.

(b) For lizards implementation shall be in the body cavity in close proximity to and forward of a rear leg or in a rear leg.

(c) The requirement pertaining to the location of the PIT tag implementation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

(4) Any person authorized to possess any venomous reptile not indigenous to Florida or reptile of concern must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(5) Effective Date:

All permanent identification requirements in this rule shall not take effect until July 1, 2008, for any live venomous reptile not indigenous to Florida or any reptile of concern possessed prior to January 1, 2008.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority: Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922, F.S. Law Implemented: Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922, F.S. History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

