

By Senator Farmer

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1 A bill to be entitled
 2 An act relating to transactions for the possession of
 3 animals; amending s. 379.372, F.S.; making technical
 4 changes; prohibiting a person, a party, a firm, an
 5 association, or a corporation from keeping,
 6 possessing, importing, selling, bartering, trading, or
 7 breeding for personal use or sale green iguanas or
 8 black and white tegus; creating s. 725.09, F.S.;

9 providing legislative intent; defining the terms "pet"
 10 and "pet dealer"; declaring that certain contracts
 11 entered into on or after a specified date for the sale
 12 or lease of a pet are against the public policy of
 13 this state and are void and unenforceable; providing
 14 an exception; providing remedies for noncompliance;
 15 providing penalties; reenacting s. 379.2311(1), F.S.,
 16 relating to the definition of the term "priority
 17 invasive species," to incorporate the amendment made
 18 to s. 379.372, F.S., in a reference thereto; providing
 19 an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 379.372, Florida Statutes, is amended to
 24 read:

25 379.372 Capturing, keeping, possessing, transporting, or
 26 exhibiting venomous reptiles, reptiles of concern, conditional
 27 reptiles, or prohibited reptiles; license required.—

28 (1) (a) A ~~No~~ person, a party, a firm, an association, or a
 29 corporation may not ~~shall~~ capture, keep, possess, or exhibit any

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30 poisonous or venomous reptile or reptile of concern without
31 first having obtained a special permit or license therefor from
32 the Fish and Wildlife Conservation Commission as provided in
33 this section.

34 (b) ~~By December 31, 2007,~~ The commission shall establish a
35 list of reptiles of concern, including venomous, nonvenomous,
36 native, nonnative, or other reptiles, which require additional
37 regulation for capture, possession, transportation, or
38 exhibition due to their nature, habits, status, or potential to
39 negatively impact humans, the environment, or ecology.

40 (c) It is ~~shall be~~ unlawful for any person, party, firm,
41 association, or corporation, whether licensed hereunder or not,
42 to capture, keep, possess, or exhibit any venomous reptile or
43 reptile of concern in any manner not approved as safe, secure,
44 and proper by the commission. Venomous reptiles or reptiles of
45 concern held in captivity are subject to inspection by the
46 commission. The commission shall determine whether the reptiles
47 are securely, safely, and properly penned. If ~~In the event that~~
48 the reptiles are not safely penned, the commission must ~~shall~~
49 report the situation in writing to the person, party, firm,
50 association, or corporation owning the reptiles. Failure of the
51 person, party, firm, association, or corporation to correct the
52 situation within 30 days after such written notice is ~~shall be~~
53 grounds for revocation of the license or permit of the person,
54 party, firm, association, or corporation.

55 (d) Venomous reptiles or reptiles of concern shall be
56 transported in a safe, secure, and proper manner. The commission
57 shall establish by rule the requirements for the transportation
58 of venomous reptiles or reptiles of concern.

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59 (2) (a) A ~~No~~ person, a party, a firm, an association, or a
60 corporation may not ~~shall~~ keep, possess, import into the state,
61 sell, barter, trade, or breed any of the following species for
62 personal use or for sale for personal use:

- 63 1. Burmese or Indian python (*Python molurus*).
- 64 2. Reticulated python (*Python reticulatus*).
- 65 3. Northern African python (*Python sebae*).
- 66 4. Southern African python (*Python natalensis*).
- 67 5. Amethystine or scrub python (*Morelia amethystinus*).
- 68 6. Green Anaconda (*Eunectes murinus*).
- 69 7. Nile monitor (*Varanus niloticus*).
- 70 8. Green iguana (*Iguana iguana*).
- 71 9. Black and white tegu (*Salvator merianae*).

72 10.8. Any other reptile designated as a conditional or
73 prohibited species by the commission.

74 (b) If a person, party, firm, association, or corporation
75 holds a permit issued before July 1, 2010, under subsection (1)
76 to legally possess a species listed in paragraph (a), that
77 person, party, firm, association, or corporation may possess
78 such reptile for the remainder of the life of the reptile.

79 (c) If a person, party, firm, association, or corporation
80 holds a permit issued before July 1, 2010, under subsection (1)
81 to legally possess a reptile listed in paragraph (a), and the
82 reptile remains alive following the death or dissolution of the
83 licensee, the reptile may be legally transferred to another
84 entity holding a permit authorizing possession of the reptile
85 for the remainder of the life of the reptile.

86 (d) If the commission designates a species of reptile as a
87 conditional or prohibited species after July 1, 2010, the

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88 commission may authorize the personal possession of that newly
89 designated species by those licensed to possess that species of
90 reptile before the effective date of the species' designation by
91 the commission as a conditional or prohibited species. The
92 personal possession of such reptile is not a violation of
93 paragraph (a) if the personal possession was authorized by the
94 commission.

95 (e) This subsection does not apply to traveling wildlife
96 exhibitors that are licensed or registered under the United
97 States Animal Welfare Act or to zoological facilities that are
98 licensed or exempted by the commission from the licensure
99 requirement.

100 Section 2. Section 725.09, Florida Statutes, is created to
101 read:

102 725.09 Contracts for the sale or lease of pets.-

103 (1) It is the intent of the Legislature to protect
104 consumers in this state from deceptive and predatory financing
105 arrangements and to protect pets from the harmful effects of
106 such arrangements by making it a policy of this state to
107 prohibit the leasing of pets.

108 (2) As used in this section, the term:

109 (a) "Pet" means a living animal that has been acquired for
110 the primary purpose of providing companionship to the owner,
111 rather than for a business or an agricultural purpose.

112 (b) "Pet dealer" has the same meaning as in s. 828.29(13).

113 (3) A contract entered into on or after July 1, 2019, to do
114 either of the following is against the public policy of this
115 state and is void and unenforceable:

116 (a) Transfer ownership of a pet, if the pet is used as

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117 collateral for the contract or is subject to repossession in any
118 manner upon default of the contract. Such prohibition does not
119 apply to sales for which payments are made to repay an unsecured
120 loan for the purchase of the animal.

121 (b) Lease a pet, if the contract provides for or offers the
122 option of transferring ownership of the animal at the end of the
123 lease term.

124 (4) In addition to any other remedies provided by law, the
125 consumer taking possession of a pet transferred under a contract
126 described in this section is the owner of the pet and is
127 entitled to the return of all amounts the consumer paid under
128 such contract.

129 (5) A person who offers a pet for lease or as collateral
130 for a contract in violation of this section commits a
131 noncriminal violation as defined in s. 775.08(3) and upon
132 conviction must be punished as provided in s. 775.082(5) by a
133 civil fine of not more than \$500 for a first violation and not
134 more than \$1,000 for a second or subsequent violation.

135 Section 3. For the purpose of incorporating the amendment
136 made by this act to section 379.372, Florida Statutes, in a
137 reference thereto, subsection (1) of section 379.2311, Florida
138 Statutes, is reenacted to read:

139 379.2311 Nonnative animal management.—

140 (1) As used in this section, the term "priority invasive
141 species" means the following:

142 (a) Lizards of the genus *Tupinambis*, also known as tegu
143 lizards;

144 (b) Species identified in s. 379.372(2)(a);

145 (c) *Pterois volitans*, also known as red lionfish; and

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146 (d) *Pterois miles*, also known as the common lionfish or
147 devil firefish.

148 Section 4. This act shall take effect July 1, 2019.