



**Florida Fish and Wildlife Conservation Commission**

July 10, 2007

**MEMORANDUM**

Commissioners  
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Enterprise  
  
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Palm Beach  
  
Brian S. Yablonski  
Tallahassee

**TO: Exhibitors of Class I Wildlife, Venomous Reptiles and Interested Parties**

**FROM: Colonel Julie Jones, Director** *[Signature]*  
**Division of Law Enforcement**

**SUBJECT: Exhibition of Class I Wildlife or Venomous Reptiles**

Executive Staff  
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Executive Director  
  
Victor J. Heiler  
Assistant Executive Director  
  
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Division of Law Enforcement  
Colonel Julie L. Jones  
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The 2007 Legislature passed SB 2766 requiring, among other things, persons exhibiting Class I wildlife to "guarantee financial responsibility" in the amount of \$10,000 for any liability incurred. Statute 372.88 of this bill states in part:

**372.88 Bond required, amount.--**

(2) No person, party, firm, or corporation shall exhibit to the public either with or without charge or admission fee, any Class I wildlife, as defined in Chapter 372.922, Florida Statute, and Rule 68A-6, Florida Administrative Code, without having first guaranteed financial responsibility, in the sum of \$10,000, for any liability which may be incurred in the exhibition to the public of Class I wildlife. The commission shall adopt, by rule, the methods of payment that satisfy the financial responsibility, which may include cash, the establishment of a trust fund, an irrevocable letter of credit, casualty insurance, a corporate guarantee, or any combination thereof, in the sum of \$10,000 which shall be posted with the commission. In lieu of the \$10,000 financial responsibility guarantee required in this paragraph, the exhibitor has the option to maintain comprehensive general liability insurance, with minimum limits of \$2 million per occurrence and \$2 million annual aggregate, as shall protect the exhibitor from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. Proof of such insurance shall be submitted to the commission.

*Managing fish and wildlife resources for their long-term well-being and the benefit of people.*

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The bill language may be accessed at [www.flsenate.gov](http://www.flsenate.gov). To review the bill language in its entirety, search by using the "Jump to Bill" search feature. Enter "2007" for the session and "2766" for the bill number, then press "go." When the bill information appears, scroll down the page and click on the link after "06/27/07 Approved by Governor; Chapter No. 2007-239." This new law became effective July 1, 2007.

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This legislation requires the Commission to promulgate a rule establishing the methods of payment or guarantees in the amount of \$10,000 for exhibition of Class I wildlife. Staff is proposing methods of payment to include: bond, cashier's check, or certified check payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000; irrevocable letter of credit; or cash. In lieu of the \$10,000 bond or financial responsibility guarantee, Class I wildlife exhibitors may maintain \$2 million comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate to protect the exhibitors from claims for damage for personal injury, including accidental injury, as well as for claims for property damage which may arise.

This legislation also raised the existing bond requirement for exhibiting venomous reptiles from \$1,000 to \$10,000. The bond shall be payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000. In lieu of the bond, venomous reptile exhibitors may submit a cash bond to satisfy this requirement. The cash bond may be in the form of cash, cashier's check, or certified check.

Commission staff is requesting your input on the proposed methods of payment or financial responsibility guarantee for Class I wildlife exhibitors. **Please complete and return the enclosed mailer to the Florida Fish and Wildlife Conservation Commission or send comments, via e-mail to Captain Linda Harrison at [linda.harrison@myfwc.com](mailto:linda.harrison@myfwc.com), by July 30, 2007.**

We value the input received during this process and look forward to working with stakeholders to develop the rule. Your comments will be summarized and presented during the final public hearing for this rule at our September 12-14, 2007 Commission meeting. Additional meeting information can be found at [www.myfwc.com](http://www.myfwc.com) by selecting "Calendar of Events."

jj/teh  
Enclosure



# DRAFT

Reference: SB 2766

## 68A-6.0024 Commercialization of Wildlife; Public Contact; Bonding or Financial Responsibility Guarantee.

(1) It is unlawful to exhibit venomous reptiles to the public without having posted a performance bond as listed below.

(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission shall be submitted at the time of initial license application and upon renewal. The term of the performance bond shall be for a duration of not less than the duration of the licensing period. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the performance bond expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850) 414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 323300.

(b) In lieu of a surety bond, a person may submit a cash bond to the Florida Fish and Wildlife Conservation Commission to satisfy the performance bond requirement. Such payment shall be in the sum of \$10,000 and may be in the form of cash, cashier's check, or certified check. In the instance of a check, such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission.

(c) The performance bond will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury occurs or other damage results from exhibited reptiles and the exhibitor fails to indemnify and save harmless the injured party; or

2. The exhibitor fails to fully comply with all laws of the state and rules of the commission governing the capturing, keeping, possessing or exhibiting of venomous reptiles.

(d) The exhibition of venomous reptiles in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000 is prohibited.

(2) It is unlawful to exhibit Class I wildlife without having guaranteed financial responsibility. The following methods of payment will satisfy the financial responsibility requirement:



(a) A valid performance bond payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, in compliance with and as noted in subparagraph 68A-6.0024(1)(a), F.A.C., above.

(b) Cash, cashier's check, or certified check in the sum of \$10,000. In the instance of a check such instrument shall be made payable to the Florida Fish and Wildlife Conservation Commission.

(c) Irrevocable letter of credit issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000.

(d) In lieu of the \$10,000 financial responsibility guarantee any person exhibiting Class I wildlife may maintain comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate as shall protect the exhibitor from claims for damage for personal injury, including accidental death, as well as claims for property damage which may arise. The insurance policy shall be for a duration of not less than the duration of the licensing period. Proof of insurance, the terms and coverage, and expiration date shall be submitted upon initial application and renewal. The licensee shall notify the Florida Fish and Wildlife Conservation Commission in writing within 5 calendar days if the insurance policy expires, is cancelled or revoked, or for any other reason becomes invalid. The notification in writing may be delivered by fax at (850) 414-8212, or by mail or hand delivery to Florida Fish and Wildlife Conservation Commission, Office of Licensing and Permitting, 2590 Executive Center Circle, Suite 200-Berkley Building, Tallahassee, Florida 323300.

(e) The performance bond or financial responsibility guarantee in the sum of \$10,000, or any portion thereof, will be forfeited to the Florida Fish and Wildlife Conservation Commission if:

1. An injury to the public or other property damage results from exhibited Class I wildlife and the exhibitor fails to indemnify and save harmless the injured party; or
2. Class I wildlife is taken into custody or seized by commission personnel. In instances where Class I wildlife is seized or taken into custody by the Commission the permittee shall be responsible for payment of all expenses relative to the capture, transport, boarding, veterinary care, or other costs associated with or incurred due to seizure or custody of the wildlife.

(f) The exhibition of Class I wildlife in the absence of a current and valid performance bond, payable to the Florida Fish and Wildlife Conservation Commission, in the sum of \$10,000, or a financial responsibility guarantee in the sum of \$10,000, or a current and valid comprehensive general liability insurance with minimum limits of \$2 million per occurrence and \$2 million annual aggregate is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.88, 372.92, 372.921 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.92, 372.921 FS. History - New

**PLEASE COMPLETE AND RETURN IN THE ENCLOSED ENVELOPE**

**Current Proposed Methods of Payment**

**Bond**

(payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000, such bond shall be for the duration of the annual licensing period)

**Cash**

**Cashier's Check**

(payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000)

**Certified Check**

(payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000)

**Irrevocable Letter of Credit**

(issued by a bank, savings and loan, credit union or other similar state or federally chartered financial institution, payable to the Florida Fish and Wildlife Conservation Commission in the sum of \$10,000)

**Other suggested methods of payment to satisfy the financial responsibility guarantee:**

**Other comments:**