Re: Please Veto Senate Bill 1414

Governor DeSantis,

On behalf of our many members in Florida, the United States Association of Reptile Keepers (USARK) submits this letter in opposition to Senate Bill 1414 (SB 1414). We understand that this a complex bill covering both hunting/fishing regulations and what are labeled as invasive reptile species. While we fully support the hunting/fishing portion of the bill, Section 3 of the bill, amending Florida law regarding the use, possession, sale, and breeding of certain reptile species, is unconstitutional and illogical, and will devastate a number of industries that depend on the commercial import, breeding, and sale of these reptile species. USARK and our membership ask that you veto SB 1414.

Pursuant to Article IV, Section 9 of the Florida Constitution, the Florida Fish and Wildlife Conservation Commission (FWC) has exclusive authority over the regulation of wild animals, including native and non-native wildlife. The Florida Constitution does not authorize the state legislature, counties or municipalities to adopt statutes or ordinances that regulate or prohibit the possession of wild animals. With SB 1414, the Florida legislature is attempting to do exactly what the Florida Constitution forbids by both banning possession and creating new regulations.

While the legislature may enact laws to “aid” FWC, that is not the case here. The Florida legislature has created new regulations and prohibitions that expressly contradict FWC’s regulations. This is not in aid of FWC’s authority. SB 1414 rewrites the very laws which the Constitution explains must be authored by FWC.

Importantly, SB 1414 does much more than ban a few reptile species (namely all tegu lizards, and the species Iguana iguana, commonly known as the green iguana). SB 1414 also essentially repeals the current Conditional Species regulation for reptiles, a highly complicated set of rules which fall firmly under the jurisdiction of the FWC.

Under Florida Administrative Code Rules 68-5.004 and 68-5.006, FWC has used its constitutional authority to promulgate extensive rules regarding the use, possession, breeding, and sale of so-called “Conditional Species.” FWC, again using its constitutional authority, has

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1 See City of Miramar v. Bain, 429 So. 2d 40, 42 (Fla. 4th DCA 1983) (“We recognize that the Commission has exclusive authority to enact rules and regulations governing wildlife such as those that are the subject of this appeal.”); see also Op. Att’y Gen. 80-04 (1980) (“Section 9, Art. IV, State Const., vests in the Game and Fresh Water Fish Commission the exclusive authority to exercise all of the state’s regulatory power over all wild animal life (except for penalties and license fees)….“).
designated several species as Conditional Species, including the red-eared slider (a turtle) and several snakes and lizards. Fla. Admin. Code R. 68-5.004(3), (4). Conditional Species permitholders are subject to stringent regulations, including the requirement that owners keep reptiles of the listed species under the exact standards and FWC control as Association of Zoos and Aquariums (AZA) accredited facilities. This means someone working with Conditional Species must have the same caging, inspections, and all other FWC oversight as Sea World, Busch Gardens, Disney’s Animal Kingdom, Zoo Miami, and all other AZA facilities. Under current Florida statute 379.372, it is only the possession, sale, import, barter, trade, and breeding of Conditional Species “for personal use or sale for personal use” that is prohibited—and this is entirely consistent with FWC’s regulations.

Subject to these extensive FWC regulations, numerous small business owners in Florida have invested millions of dollars and substantial resources into the business of breeding and selling these Conditional Species, particularly the red-eared slider. The Florida herpetocultural trade (businesses working with reptiles and amphibians) generates $160,000,000 annually in Florida. That means several million dollars in taxes and thousands of jobs. We have a recently completed Economic Impact Report on Florida’s Reptile and Amphibian Industry, which we have included with this letter, that expands on this industry’s substantial economic impact.

Although the focus of SB 1414 was ostensibly the tegu lizard and green iguana, SB 1414’s expansive language also eliminates the commercial industries that have been built around breeding and selling Conditional Species. While under FWC’s exercise of its exclusive regulatory authority, businesses are permitted to import, export, sell, and breed Conditional Species like the red-eared slider for commercial purposes subject to regulation, SB 1414 would amend Florida statute 379.372 to provide that the only purposes for which Conditional Species may be kept, sold, or bred is “educational, research, or eradication or control purposes.” This directly contradicts FWC rule, which expressly authorizes the issuance of Conditional Species permits to “commercial import or export businesses.” Fla. Admin. Code R. 68-5.005(1).

While SB 1414 provides for the grandfathering of certain individuals and businesses with respect to tegus and green iguanas, it inexplicably offers no similar grandfathering for individuals and businesses with Conditional Species. As a consequence, SB 1414’s express language would force businesses that have invested millions in the breeding and sale of Conditional Species like the red-eared slider to close. For the State to shut down these businesses—without compensation, no less—is unnecessary and unjust.

For these reasons, we respectfully ask that you veto SB 1414. We would also ask that you direct FWC to work with our members and other stakeholders to draft new regulations regarding tegus and green iguanas—something the reptile industry has sought for many years—in a way that will benefit all Floridians while fully protecting Florida’s environment. Historically, FWC and our industry have worked well together to write sound regulations, and USARK looks forward to doing the same here.

Please contact USARK anytime if we may be of assistance or provide further information. Thank you for your time and have a good day.
More about USARK

USARK is a registered 501(c)(6) non-profit national advocacy protecting the freedom of Americans to responsibly keep reptiles and amphibians. We would like to reiterate that we represent responsible keepers and agree that those violating proper animal welfare practices should be punished.

USARK is a science, education, and conservation based non-profit membership organization. We represent pet owners, conservationists, business owners, veterinarians, and scientists who work with reptiles and amphibians. We are the only national advocacy representing solely the reptile and amphibian keeping community, and true subject matter experts. USARK is dedicated to species conservation through responsible captive propagation and endorses a Keepers’ Code of Ethics. USARK regularly provides science-based training to government agencies and officials at the federal, state and local levels. Our voice is critical when it comes to forming government policy as too often this arena is dominated by those who seek to end all forms of animal ownership.

/s/ Phil Goss
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