

STORAGE NAME: h1533s1.ag

DATE: March 13, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1533

RELATING TO: Cruelty to Animals

SPONSOR(S): Committee on Agriculture and Representative Jacobs

COMPANION BILL(S): SB 980 (s) by Senator Forman

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE YEAS 7 NAYS 1
 - (2) CRIME & PUNISHMENT
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Committee Substitute for House Bill 1533 makes it a crime for commercial animal exhibitors to have certain types of riderless equine animals jump downward from a distance of 10 or more feet.

Over the last forty years, there have been various "acts" featuring mules, donkeys, or horses who are conditioned to climb a ramp and step off a platform, usually more than 6 feet high, into a pool of water. Both veterinarians and horse trainers say this is an unnatural act for these animals who have an inborn trepidation of water, heights, and crowds.

This bill would make it a misdemeanor of the first degree for a person who unnecessarily conducts, finances, manages, or participates in a commercial animal exhibition in which riderless horses, mules, or donkeys are encouraged to fall or jump downward a distance of 10 feet at a time.

This bill would have a minimal, if any, fiscal impact.

Please see Section VI. for a description of the amendment included in the committee substitute.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Several groups (People for the Ethical Treatment of Animals, North American Saddle Mule Association, Animal Rights Foundation of Florida, Inc., et al) have filed complaints in the past regarding the inhumane treatment of horses, mules, and donkeys who are used in "diving" shows.

According to Greg Sefton, President of the North American Saddle Mule Association, not only is the actual "dive" traumatic to the animal, the "training" to get the animal to the point of diving is both abusive and traumatic. He reports that cattle prods and stun guns, delivering a shock of 20 to 60 thousand volts, are used to spur the animal up the ramp and off the platform. According to Mr. Sefton, equines have a very unique digestive system which does not allow regurgitation or flatulence. Therefore, it is possible that a high speed belly flop could rupture the stomach or intestines causing a painful death from peritonitis.

In 1994, the Animal Rights Foundation of Florida, Inc. filed a motion for a temporary injunction against the owner of a "diving mule" act in Manatee County. The ruling came back stating "...to grant the requested relief would counteract the constitutional principle of separation of powers. Enacting laws and setting public policy are the task of the Legislature, which is accountable to its constituents."

B. EFFECT OF PROPOSED CHANGES:

This legislation would prohibit acts that require riderless equines to jump a distance of 10 feet downward. Violators of this law would be guilty of a misdemeanor of the first degree, punishable by a year's imprisonment or a fine not to exceed \$5000 or both. Enforcement would be handled on the local level.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. The new law would need to be implemented and enforced.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced: **Not Applicable.**

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment: **Not Applicable.**

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

- (2) Who makes the decisions?

- (3) Are private alternatives permitted?

- (4) Are families required to participate in a program?

- (5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

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(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Section 828, Florida Statutes

E. SECTION-BY-SECTION RESEARCH:

Please refer to section "B", Effect of Proposed Changes, for a section-by-section explanation.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS: **None.**

1. Non-recurring Effects:

2. Recurring Effects:

3. Long Run Effects Other Than Normal Growth:

4. Total Revenues and Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE: **None.**

1. Non-recurring Effects:

2. Recurring Effects:

3. Long Run Effects Other Than Normal Growth:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: **None.**

1. Direct Private Sector Costs:

2. Direct Private Sector Benefits:

3. Effects on Competition, Private Enterprise and Employment Markets:

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or take actions requiring expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue raising authority of any county or municipality.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce any state tax revenues shared with counties and municipalities.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Because this bill is carried over from last session, an amendment was adopted to change the effective date.

The bill was further amended to change the distance downward the animal can be made to jump from 5 feet or more to 10 feet or more. The amendment also added the term "riderless" before the word "horses" to make it a crime for a riderless animal to be made to jump downward from a distance of 10 feet or more. These changes are to keep the law from interfering with horse riding events such as steeplechase.

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VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

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