

By the Committee on Crime & Punishment and Representatives
Silver, Heyman, Brown, Stafford, Futch and Lippman

1 A bill to be entitled
2 An act relating to the inhumane treatment of
3 animals; proscribing the inhumane treatment of
4 an "exotic mammal," as defined, or a nongame
5 bird; prohibiting the operator of a hunting or
6 game preserve from allowing any person to
7 profit from or participate in the killing or
8 wounding, or attempted killing or wounding, of
9 an exotic mammal or a nongame bird that is
10 tied, staked out, or enclosed within a
11 specified area or that is under the influence
12 of a chemical substance, under certain
13 circumstances; prohibiting the sale or purchase
14 of an exotic mammal or a nongame bird used in
15 violation of the act; specifying certain
16 actions that do not constitute a violation of
17 the act; providing penalties; providing for
18 recovery of costs incurred in investigating and
19 prosecuting a violation of the act; providing
20 an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. (1) No operator of a hunting or game
25 preserve may allow any person to profit from or participate in
26 the wounding or killing, or the attempted wounding or killing,
27 of any exotic mammal or any nongame bird when such animal is
28 tied, staked out, held in a cage or pen, or released from a
29 cage or pen into any manmade enclosure less than 500 acres
30 prior to such wounding or killing or when the animal is under
31 the influence of any narcotic or other chemical substance

1 which restricts its ability to maneuver or escape. For the
2 purposes of this section, "exotic mammal" means any mammal
3 that is not native to this state or that is not found in
4 significant numbers in the wild.

5 (2) A person may not purchase or sell any exotic
6 mammal or any nongame bird used in violation of subsection
7 (1).

8 (3) This section does not prohibit:

9 (a) The lawful hunting of exotic mammals or nongame
10 birds in the wild or lawful fishing.

11 (b) A licensed veterinarian from treating or
12 euthanizing an exotic mammal or a nongame bird if the
13 veterinarian determines that the exotic mammal's or nongame
14 bird's death is in the exotic mammal's or nongame bird's best
15 interest and uses only means intended to minimize the exotic
16 mammal's or nongame bird's suffering.

17 (c) The slaughter of exotic mammals or nongame birds
18 for food production when food production is the primary reason
19 for the slaughter.

20 (d) Biomedical research authorized under the federal
21 Animal Welfare Act, 7 U.S.C. ss. 2131, et seq.

22 (4) A person who violates this section commits the
23 inhumane treatment of an exotic mammal or a nongame bird, a
24 felony of the third degree, punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084, Florida Statutes. If a
26 person violates this section with respect to more than one
27 exotic mammal or nongame bird, the violation of the section
28 with respect to each exotic mammal or nongame bird constitutes
29 a separate offense.

30 (5) The state attorney may file a civil suit under
31 this section to recover:

1 (a) Civil penalties provided by other laws or
2 ordinances.
3 (b) The costs incurred by a law enforcement agency in:
4 1. Seizing and holding an exotic mammal or a nongame
5 bird involved in a violation of this section.
6 2. Investigating a violation of this section.
7 3. Prosecuting a violation of this section, including
8 reasonable attorney's fees and expert witness fees.
9 Section 2. This act shall take effect October 1, 1997.
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