

STORAGE NAME: h0989z.ag  
DATE: May 6, 2000

**\*\*FAILED TO PASS THE LEGISLATURE\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
AGRICULTURE  
FINAL ANALYSIS**

**BILL #:** HB 989  
**RELATING TO:** Animal Enterprises  
**SPONSOR(S):** Representative Levine  
**TIED BILL(S):** None

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

- (1) AGRICULTURE (not considered)
  - (2) CRIME & PUNISHMENT
  - (3) GENERAL GOVERNMENT APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

HB 989 renames the Florida Animal Enterprise Protection Act as the Florida Animal Enterprise Act. It revises the definition of "animal enterprise" and prohibits the harmful or abusive treatment of elephants.

The bill prohibits specified restraint or confinement of an elephant, and knowingly making elephants available to be ridden during circus or traveling shows. The bill prohibits the importation of elephants into the state under specified circumstances.

HB 989 requires drug tests of elephant handlers and keepers be submitted to the Department of Agriculture and Consumer Services (department) and the records made available for inspection by the department and other entities. This requirement presents a problem in that the animal disease diagnostic laboratories within the department are not approved to conduct blood test analyses on humans.

This legislation has a minimal fiscal impact to the state, and has an effective date of upon becoming law.

**HB 989 was not considered and, therefore, died in the Agriculture Committee.**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

**Less Government:** This legislation places additional restrictions and regulations on the owners/directors of circuses and traveling shows.

B. PRESENT SITUATION:

C. EFFECT OF PROPOSED CHANGES:

HB 989 addresses the humane treatment and handling of elephants used in circuses and traveling shows. The bill revises the definition of "animal enterprise" to include traveling shows.

The bill prohibits the harmful or abusive treatment of any elephant. It prohibits a person from restraining or confining an elephant with chains for more than 8 hours in any 24-hour period, except for medical reasons. The bill prohibits a person from knowingly making an elephant available to be ridden during a circus or traveling show.

The bill prohibits the importation of elephants into the state unless the elephant will reside in the state for more than 300 days in the calendar year, with some exceptions. It prohibits using an elephant in a circus or traveling show which requires the confinement of the animal in a truck or rail car for more than 36 consecutive hours during a calendar year.

The bill prohibits the use of an elephant under the age of 6 years in a circus or traveling show. It prohibits transporting an elephant used in a circus or traveling show when the animal is determined to be sick, lame, or arthritic.

Violations of the provisions of this legislation will constitute a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding one year or a fine of \$1,000. Subsequent violations will constitute a felony of the third degree, punishable by a term of imprisonment not exceeding 10 years or a fine of \$5,000.

The bill requires each circus or traveling show operating within the state to develop a written protocol specifically addressing all policies relating to the humane management and handling of any elephant owned or used by the circus or traveling show. The owner or director of the circus or traveling show must review the policies periodically to ensure the physical facilities and safety measures being used are adequate and take corrective

measures as needed. The owner/director is also required to obtain, on a weekly basis, drug tests from all elephant handlers/keepers employed by the circus or traveling show and submit such tests to the Department of Agriculture and Consumer Services (department). The owners/directors are required to keep written records of compliance for a period of not less than 2 years. The records shall be available for inspection during normal business hours by the department, its authorized agents, or appropriate law enforcement officials. A violation of these provisions constitutes a misdemeanor of the third degree. (A misdemeanor of the third degree is not provided for in the statutes.)

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Amending s. 828.40, F.S.; revising the reference to the Florida Animal Enterprise Act.

**Section 2:** Amending s. 828.41, F.S.; revising definitions.

**Section 3:** Creating s. 282.44, F.S.; prohibiting inhumane or abusive treatment of elephants; prohibiting the restraining or confinement of an elephant; prohibiting knowingly making an elephant available to be ridden at a circus or traveling show; prohibiting the importation of an elephant into the state under specified circumstances; prohibiting the use of an elephant under 6 years of age in a circus or traveling show; prohibiting the transport of an elephant for performance purposes if the elephant is deemed to be sick, lame or arthritic; providing penalties for violations; and, requiring each circus or traveling show to develop a written protocol addressing policies related to the humane management and handling of any elephant owned or used by the circus or traveling show.

**Section 4:** Providing an effective date of upon becoming law.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**Florida Department of Agriculture and Consumer Services:**

	Amount Year 1 <u>(FY 00-01)</u>	Amount Year 2 <u>(FY 01-02)</u>	Amount Year 3 <u>(FY 02-03)</u>
1. <u>Revenues:</u>			
None			
2. <u>Expenditures:</u>			
Non-Recurring (GR):			
Support staff, (1) FTE @ \$2,000	\$ 2,000	\$ -	\$ -
Total Non-Recurring	<u>2,000</u>	<u>-</u>	<u>-</u>
Recurring (GR):			
Positions (Located in Tallahassee)			
(1) FTE PG-12 Senior Word Processing Systems Operator	29,974	30,873	31,799

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Expenses (Standard Package)			
Support Staff (1) FTE @ \$7,350	<u>7,350</u>	<u>7,350</u>	<u>7,350</u>
Total Recurring	<u>37,324</u>	<u>38,223</u>	<u>39,149</u>
Total All Costs	<u>\$ 39,324</u>	<u>\$ 38,223</u>	<u>\$ 39,149</u>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Unknown.

**D. FISCAL COMMENTS:**

None.

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

**A. APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

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

This bill does not reduce any state tax shared with counties or municipalities.

**V. COMMENTS:**

**A. CONSTITUTIONAL ISSUES:**

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

**Department of Agriculture and Consumer Services (department):** According to the department, language in this bill (s. 828.44(9) 5(b)) needs to be addressed as to whose responsibility it is to analyze the drug tests and enforce requirements as dictated by the statutes. The animal disease diagnostic laboratories within the department are not approved to conduct blood test analysis on humans. Blood tests on humans must be done at an accredited clinical laboratory for humans.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Debbi Kaiser

Staff Director:

Susan D. Reese

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON AGRICULTURE:**

Prepared by:

Debbi Kaiser

Staff Director:

Susan D. Reese