

By Representatives Levine and Frankel

1 A bill to be entitled
2 An act relating to animal enterprises; amending
3 s. 828.40, F.S.; renaming the Florida Animal
4 Enterprise Protection Act as the Florida Animal
5 Enterprise Act; amending s. 828.41, F.S.;
6 revising the definition of "animal enterprise";
7 creating s. 828.44, F.S.; prohibiting the
8 harmful or abusive treatment of any elephant;
9 defining harmful or abusive acts or behavior;
10 prohibiting specified restraint or confinement
11 of an elephant; providing an exception;
12 prohibiting knowingly making an elephant
13 available to be ridden during a circus or
14 traveling show; prohibiting the importation
15 into the state of an elephant under specified
16 circumstances; providing exceptions;
17 prohibiting the use of an elephant in a circus
18 or traveling show under certain circumstances;
19 prohibiting the transport of specified
20 elephants; providing penalties; providing
21 requirements for circuses or traveling shows
22 operating within the state; requiring the
23 development of a written protocol; providing
24 for the keeping of specified records; providing
25 a penalty for violation; providing an effective
26 date.

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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Section 828.40, Florida Statutes, is
31 amended to read:

1 828.40 Short title.--Sections 828.40-828.44
2 ~~828.40-828.43~~ may be cited as the "Florida Animal Enterprise
3 ~~Protection Act.~~"

4 Section 2. Subsection (1) of section 828.41, Florida
5 Statutes, is amended to read:

6 828.41 Definitions.--As used in ss. 828.40-828.44
7 ~~828.40-828.43~~, the term:

8 (1) "Animal enterprise" means:

9 (a) A commercial or academic enterprise that uses
10 animals for food or fiber production, agriculture, research,
11 or testing;

12 (b) A zoo, aquarium, circus, traveling show, rodeo, or
13 lawful competitive animal event; or

14 (c) Any fair or similar event intended to advance
15 agricultural arts and sciences.

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17 For purposes of this section, "circus" or "traveling show"
18 means a circus or traveling show that spends more than 50
19 percent of its working time during a calendar year away from
20 its permanent facility or home base of operation.

21 Section 3. Section 828.44, Florida Statutes, is
22 created to read:

23 828.44 Humane treatment and handling of elephants;
24 restrictions on use of elephants in circuses or traveling
25 shows; penalties.--

26 (1) No person who owns, possesses, or is in charge of
27 an elephant shall engage in any act or behavior that is
28 harmful or abusive to an elephant or any act or behavior
29 which, if continued, would likely cause harm or abuse to an
30 elephant. For the purposes of this section, "harmful or
31 abusive acts or behaviors" include, but are not limited to:

- 1 (a) Deprivation of food, water, or rest.
2 (b) Use of an electric prod or other electrical device
3 for the purpose of disciplining an elephant. This paragraph
4 does not apply to the use of electrical fencing for the
5 purpose of containing an elephant.
6 (c) Physical beating.
7 (d) Insertion of any instrument into any bodily
8 orifice.
9 (e) Use of martingales.
10 (f) Use of block and tackle.
11 (2) No person shall restrain or confine an elephant
12 with chains for more than 8 hours in any 24-hour period,
13 except that an elephant may be restrained or confined with
14 chains for more than 8 hours in any 24-hour period when
15 veterinary care is being administered.
16 (3) No person shall knowingly make available any
17 elephant for the purpose of allowing an individual or
18 individuals to ride the elephant during a circus or traveling
19 show.
20 (4) No person shall import into the state any live
21 elephant as part of a circus or traveling show unless the
22 elephant will reside in the state for more than 300 days in
23 the calendar year. This subsection shall not apply to the
24 importation into the state of any elephant for use in a
25 theatrical motion picture or television series.
26 (5) No elephant may be used in a circus or traveling
27 show which requires the confinement of the elephant in a truck
28 or rail car for more than 36 consecutive hours during a
29 calendar year.
30 (6) No elephant under 6 years of age may be used in a
31 circus or traveling show for performance or exhibition.

1 (7) No elephant in a circus or traveling show may be
2 transported for purposes of performance or exhibition when the
3 elephant is determined to be sick, lame, or arthritic. It
4 shall be the duty of the owner or director of a circus or
5 traveling show, or the person employed by the circus or
6 traveling show to be in charge of the handling and maintenance
7 of elephants, to remove any elephant exhibiting signs of
8 illness or stress from performance, exhibition, and travel
9 duties associated with the circus or traveling show.

10 (8) A person who violates the provisions of this
11 section commits a misdemeanor of the first degree, punishable
12 as provided in s. 775.082 or s. 775.083. Upon a second or
13 subsequent conviction for a violation of this section, such
14 person commits a felony of the third degree, punishable as
15 provided in s. 775.082, s. 775.083, or s. 775.084.

16 (9) Each circus or traveling show operating within the
17 state must develop a written protocol that specifically
18 addresses all policies related to the humane management and
19 handling of any elephant owned or used by the circus or
20 traveling show.

21 (a) The owner or director of a circus or traveling
22 show operating within the state shall:

23 1. Conduct a semiannual review of the policies
24 developed pursuant to this section.

25 2. Inspect and make an assessment of the physical
26 facility in which any elephant is kept.

27 3. Make an assessment of the safety measures used in
28 the handling and maintenance of any elephant.

29 4. Based on the assessment pursuant to subparagraph
30 3., identify and fully implement any needed corrective
31 measures.

1 5. Obtain, on a weekly basis, drug tests from all
2 elephant handlers and elephant keepers employed by the circus
3 or traveling show and submit such tests to the Department of
4 Agriculture and Consumer Services.

5 (b) Each owner or director of a circus or traveling
6 show operating within the state is required to keep written
7 records of compliance with the provisions of this subsection.
8 Such records shall be kept for a period of not less than 2
9 years and shall be available for inspection during normal
10 business hours by the Department of Agriculture and Consumer
11 Services, its authorized agents, or appropriate law
12 enforcement officials. A person who violates the provisions of
13 this paragraph commits a misdemeanor of the third degree,
14 punishable as provided in s. 775.082 or s. 775.083.

15 Section 4. This act shall take effect upon becoming a
16 law.

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HOUSE SUMMARY

Renames the Florida Animal Enterprise Protection Act as the Florida Animal Enterprise Act. Revises the definition of "animal enterprise." Prohibits the harmful or abusive treatment of any elephant and defines "harmful or abusive acts or behaviors" for purposes of the act. Prohibits restraint or confinement of an elephant with chains for more than 8 hours in any 24-hour period and provides an exception. Prohibits making an elephant available to be ridden during a circus or traveling show and provides penalties. Prohibits the importation into the state of an elephant unless the elephant will reside in the state for more than 300 days in the calendar year. Provides exceptions and penalties. Prohibits the use of an elephant in a circus or traveling show which requires the confinement of the elephant in a truck or rail car for more than 36 consecutive hours during a calendar year. Prohibits the use of an elephant under 6 years of age for performance or exhibition. Prohibits the transport of an elephant determined to be sick, lame, or arthritic for purposes of performance or exhibition. Provides penalties for violation. Provides requirements for circuses or traveling shows operating within the state with respect to the humane management and handling of elephants. Requires the development of a written protocol. Provides for the keeping of specified records. Provides a third degree felony penalty for violation.