

1 A bill to be entitled
 2 An act relating to the Florida Orca Protection Act;
 3 creating s. 379.3763, F.S.; providing definitions;
 4 prohibiting orcas from being held in captivity;
 5 prohibiting certain breeding, impregnation, or
 6 insemination-related activities and certain export,
 7 transport, movement, or sale activities; allowing an
 8 orca currently in captivity for entertainment purposes
 9 to remain in captivity under certain conditions;
 10 specifying penalties for violations; providing an
 11 exception, subject to conditions, for orcas that are
 12 rescued, undergoing rehabilitation, or being used in
 13 research by certain institutions or for educational
 14 presentations; providing an effective date.

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

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18 Section 1. Section 379.3763, Florida Statutes, is created
 19 to read:

20 379.3763 Florida Orca Protection Act.-

21 (1) As used in this section, the term:

22 (a) "Bona fide educational or scientific institution"

23 means an institution that is:

24 1. Described in s. 501 (a) of the Internal Revenue Code of
 25 1986, as amended, or that receives tax exemptions from the

26 institution's national or state taxing authority; and

27 2. Accredited as an educational or scientific institution
28 from a qualified national, regional, state, or local authority
29 for the institution's location.

30 (b) "Educational presentation" means a live, scheduled
31 orca display in the presence of spectators that includes natural
32 behaviors, enrichment, exercise activities, and live narration
33 and video content, a significant portion of which features orcas
34 in the wild, that provides science-based education to the public
35 about orcas.

36 (c) "Orca" means a killer whale (*Orcinus orca*).

37 (2) Effective July 1, 2018, except as provided in
38 subsection (3), a person may not:

39 (a) Hold in captivity an orca, whether wild-caught or
40 captive-bred, for any purpose, including, but not limited to,
41 display, performance, or entertainment purposes.

42 (b) Breed or impregnate an orca held in captivity in this
43 state.

44 (c) Export, collect, or import the semen, other gametes,
45 or embryos of an orca held in captivity for the purpose of
46 artificial insemination.

47 (d) Export, transport, move, or sell an orca located in
48 the state to another state or country unless authorized by
49 federal law or if the transfer is to another facility in North
50 America that meets standards equivalent to or more stringent

51 than those provided under the United States Animal Welfare Act,
52 7 U.S.C. ss. 2131 et. seq.

53 (3) An orca located in the state on July 1, 2018, may
54 continue to be held in captivity for entertainment purposes
55 until December 31, 2019, and may be used thereafter for
56 educational presentations only.

57 (4) A person that intentionally or negligently violates
58 subsection (2) shall be liable for a civil penalty of up to
59 \$100,000 per violation, per day, assessed by the commission.
60 Each day of continuing violation constitutes an additional,
61 separate, and distinct violation.

62 (5) This section does not apply to an orca that is held by
63 a bona fide educational or scientific institution for
64 rehabilitation after a rescue or stranding or for research
65 purposes pursuant to federal authority. However, the commission
66 shall be notified immediately upon the rescue or acquisition of
67 any orca, and an orca that is held for rehabilitation or
68 research purposes must be returned to the wild whenever
69 possible. If return to the wild is not possible, the orca may be
70 used for educational presentations, but may not be used for
71 breeding, performance, or entertainment purposes.

72 Section 2. This act shall take effect July 1, 2018.