

# Now at 68A-6.009

## **68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements.**

(1) No person shall maintain captive wildlife in any unsafe or unsanitary condition, or in a manner which results in threats to the public safety, or the maltreatment or neglect of such wildlife.

(2) Caging Requirements:

(a) All wildlife possessed in captivity shall, except when supervised and controlled in accordance with subsection (3) hereof, be maintained in cages or enclosures constructed and maintained in compliance with the provisions of Rules 68A-6.003, 68A-6.004 and 68A-6.007, F.A.C.

(b) Cages or enclosures housing captive wildlife shall be sufficiently strong to prevent escape and to protect the caged animal from injury, and shall be equipped with structural safety barriers to prevent any physical contact with the caged animal by the public, except for contacts as authorized under subsection (3) of this rule. Structural barriers may be constructed from materials such as fencing, moats, landscaping, or close-mesh wire, provided that materials used are safe and effective in preventing public contact.

(c) All cages or enclosures less than 1,000 square feet shall be covered at the top to prevent escape (except paddocks, reptile enclosures and habitats specified below). Class I or Class II wildlife shall not be kept in uncovered enclosures that are less than 1,000 square feet, except as specified in Rule 68A-6.004, F.A.C. All outdoor enclosures for non-native venomous reptile species and reptiles of concern shall be topped with close-meshed wire or an equivalent barrier to provide additional security as specified in Rule 68A-6.007, F.A.C. For the purpose of this section, the following definitions apply:

1. Paddocks: Areas enclosed by fencing, railing or other Commission-approved structures which allow animals to graze or browse.

2. Reptile enclosures: Areas encompassed by smooth walls or other Commission-approved materials which provide safe keeping of venomous and non-venomous snakes, crocodilians and other reptiles.

3. Open air habitats or moated areas: Areas enclosed by Commission-approved fences, walls, or moats which provide safe keeping of species specified in Rule 68A-6.004, F.A.C.

(d) Caging considered unsafe or otherwise not in compliance herewith shall be reconstructed or repaired within 30 days after notification of such condition. In the event such condition results in a threat to human safety or the safety of the wildlife maintained therein, the wildlife maintained therein shall, at the direction of the Commission, be immediately placed in an approved facility, at the expense of the permittee, owner, or possessor, until such time as the unsafe condition is remedied. In instances where wildlife is seized or taken into custody by the Commission, said permittee, owner, or possessor of such wildlife shall be responsible for payment of all expenses relative to the animal's capture, transport, boarding, veterinary care, or other costs associated with or incurred due to such seizures or custody. Such expenses shall be paid by said permittee, owner, or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of Chapter 379 or 828, F.S., or rules of the Commission, or if such violation is disposed of under Section 921.187, F.S. Failure to pay such expenses shall be grounds for revocation or denial of permits to such individuals to possess wildlife.

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be tethered or controlled in such a manner as to prevent physical contact with the public and a structural safety barrier, as provided in paragraph (2)(b) above, must be present to prevent physical contact with unconfined Class I or Class II wildlife except in instances where public contact is allowed in paragraph (3)(a) below.

(a) Public contact and exhibition.

1. General: All Class I, II or III wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

2. Class I wildlife shall only be permitted to come into physical contact with the public in accordance with the following:

a. Full contact: For the purpose of this section, full contact is defined as situations in which an exhibitor or employee handler maintains proximate control and supervision, while temporarily surrendering physical possession or custody of the animal to another. Full contact with Class I wildlife is authorized only as follows:

I. Class I cats (Felidae only) that weigh not more than twenty-five (25) pounds;  
II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than twenty-five pounds;

III. Gibbons and siamangs not less than four (4) months of age and not more than two (2) years of age;

IV. Elephants as approved in Rule 68A-6.0042, F.A.C.

b. Incidental contact: For the purpose of this section, incidental contact is defined as situations in which an exhibitor or employee handler maintains control, possession and supervision of the animal while permitting the public to come into contact with it. Incidental contact with Class I wildlife is authorized only as follows:

I. Class I carnivores except cheetahs and cougars that weigh not more than 40 pounds;

II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than 40 pounds;

III. Gibbons and siamangs that are not less than four (4) months of age: no maximum poundage or age limit;

IV. Elephants;

V. Incidental contact with other Class I wildlife must be approved in writing by the Commission prior to the use of the wildlife for incidental contact with the public. Factors to be considered when approving such contact are found in subparagraph (3)(a)1.

3. Public contact or handling intervals for Class I wildlife shall be limited as to frequency, intensity, and duration so that such handling will not adversely affect the health, welfare, or safety of the animals, nor expose the public to injury.

(4) Any condition which results in wildlife escaping from its enclosure, cage, leash, or other constraint, or which results in injury to any person, shall be considered a violation of subsection 68A-6.0023(1), F.A.C., hereof.

(5) Sanitation and Nutritional Requirements:

(a) Sanitation, water disposal, and waste disposal shall be in accordance with all applicable local, state, and federal regulations.

(b) Water: Clean drinking water shall be provided daily. Any water containers used shall be clean. Reptiles and amphibians that do not drink water from containers and those in an inactive season or period shall be provided water in a manner and at such intervals as to ensure their health and welfare. All pools, tanks, water areas and water containers provided for swimming, wading or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff.

(c) Food: Food shall be of a type and quantity that meets the nutritional requirements for the particular species, and shall be provided in an unspoiled and uncontaminated condition. Clean containers shall be used for feeding.

(d) Waste: Fecal and food waste shall be removed daily from inside, under, and around cages and stored or disposed of in a manner which prevents noxious odors or pests. Cages and enclosures shall be ventilated to prevent noxious odors.

(e) Cleaning and maintenance: Hard floors within cages or enclosures shall be cleaned a minimum of once weekly. Walls of cages and enclosures shall be spot cleaned daily. The surfaces of housing facilities, including perches, shelves and any furniture-type fixtures within the facility, shall be cleaned weekly, and shall be constructed in a manner and made of materials that permits thorough cleaning. Cages or enclosures with dirt floors shall be raked a minimum of once every three days and all waste material shall be removed. Any surface of cages or enclosures that may come into contact with animal(s) shall be free of excessive rust that prevents the required cleaning or that affects the structural strength. Any painted surface that may come into contact with wildlife shall be free of peeling or flaking paint.

(6) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife. Possessors of such wildlife must maintain an accurate record of changes in inventory including acquisitions and sales or transfers of all wildlife. Possessors of Class I or Class II wildlife must also maintain an accurate record of all births and deaths. Such records shall be open to inspection upon request by commission personnel.

(a) Records of births or deaths must include the date of the birth or death and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch or litter.

(b) Records of acquisition must include the date of acquisition; quantity and species of wildlife acquired; name and complete address of the supplier and permit or license identification number of the supplier where applicable.

(7) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. No person shall sell or transfer wildlife without documenting such sale or transfer. The record of sale or transfer must be entered in the transferor's records and made available for inspection upon request of Commission personnel for a period of three years after the sale or transfer.

(a) Records of sale or transfer shall include the date of sale or transfer; quantity and species of wildlife sold or transferred; name and complete address of the recipient; and permit or license identification number of the recipient where applicable.

(b) Records of sale or transfer are not required for wildlife that may be possessed for personal use without a permit as specified in paragraphs 68A-6.0022(2)(a)-(v), F.A.C., unless such record keeping requirements are otherwise regulated by other rules of the Commission.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.1025, 379.303, 379.304 FS. History—New 7-1-90, Amended 2-1-98, Formerly 39-6.0023, Amended 8-27-09.*