

## **MEMORANDUM**

**DATE:** March 18, 2009

**TO:** Applicants for Authorization to Possess Class I and II Wildlife

**FROM:** Colonel Julie Jones  
Director, Division of Law Enforcement

**SUBJECT:** Land Area Requirements for Certain Class I and II Wildlife

Rule 68A-6.003, Florida Administrative Code (F.A.C.), regarding land area requirements was amended January 1, 2008. The regulation was designed to better protect the public from inherently dangerous wildlife being kept in captivity for commercial and private purposes. The limitation on acreage will preclude such animals from being kept in small residential neighborhoods where zoning and public safety conflicts may be problematic.

In order to enhance public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purpose of this rule, "facility" shall mean the site at which Class I or Class II wildlife are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures are not prohibited by county ordinance and, if within a municipality, municipal ordinance.

**ALL NEW APPLICANTS FOR CLASS I AND CLASS II WILDLIFE, AND REQUESTS FOR UPGRADES TO EXISTING LICENSES, TO INCLUDE A FAMILY NOT PREVIOUSLY AUTHORIZED AT A FACILITY LOCATION, SHALL COMPLY WITH THE FOLLOWING:**

- 1) Class I wildlife: The facility shall not be constructed on less than five (5) acres.
- 2) Class II wildlife: The facility shall not be constructed on less than two and one-half contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the FWC as a condition of granting said license.
- 3) The total facility shall not be comprised of more than two (2) parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary.
- 4) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.
- 5) The cages of the facility shall be bounded by a fence not less than eight feet in height, constructed of not less than 1 1/2-gauge chain

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link or strength equivalent, or as an alternative, a fence of not less than six feet in height, with a two foot, 45-degree inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 ½-gauge chain link or strength equivalent. This fencing is to prevent the escape from the property of any wildlife that may escape from primary caging.

- 6) Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.
  - a. Primates (all listed species)
  - b. Cats (all listed species)
  - c. Bears (family *Ursidae*)
  - d. Elephants (family *Elephantidae*)
  - e. Rhinoceros (family *Rhinocerotidae*)
  - f. Hippopotamuses (family *Hippopotamidae*)
  - g. Cape Buffalos (*Syncerus caffer caffer*)
  
- 7) The following Class I and Class II wildlife are exempt from the facility requirements as listed above:
  - a) Permits authorizing possession of infants only including:
    1. Class I or Class II carnivores until they reach 25 pounds or six (6) months of age, whichever ever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.
  
    2. Class I and Class II primates until they reach the age of twelve (12) months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.
  
  - b) Crocodylians four (4) feet in length or less.
  
  - c) Cats: Ocelots (*Leopardus pardalis*), Servals (*Leptailurus serval*), Caracals (*Caracal caracal*), Bobcats (*Lynx rufus*), African golden cats (*Profelis aurata*), Temminck's golden cats (*Profelis temmincki*), and Fishing cats (*Prionailurus viverrina*).

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- d) Non-human primates: Uakaris (*genus Cacajao*), Bearded sakis (*genus Chiropotes*), and Guenons (*genus Cercopithecus*) **not including** De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the *genus Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.
- e) Any Class I or Class II wildlife exempt from meeting the facility requirements of this rule must meet the following:
  - 1. Class I wildlife shall not be possessed in any multi-unit dwellings or on any premises consisting of less than one quarter acre of land area.
  - 2. Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit and yard area.
  - 3. A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

**No person may possess Class I wildlife for personal use.**

The above requirements shall be effective January 1, 2008, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After January 1, 2008, those licenses that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements here in. Requests to upgrade wildlife classification authorizations shall be considered new applications for license purposes.

For more information regarding land area requirements for Class I and II wildlife, a copy of Rule 68A-6.003 can be found at [www.flrules.org/](http://www.flrules.org/).

We appreciate your interest in the land area requirements. If we can answer any further questions, please write or call this office (850) 488-6253.