

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Colonel Curtis Brown, Director, Division of Law Enforcement
Date: October 3, 2019
Subject: Proposed Draft Rule Changes to Rule 68A-6.007, F.A.C., Elephant Rides

Purpose:

Obtain approval for draft rule changes to Rule 68A-6.007, Elephant Rides.

Summary:

Elephant rides have a long-standing history in Florida. In recent years elephant rides have become more of a polarizing topic between those involved in the industry and humane interest groups. These groups have pushed for the ban of elephant rides in Florida and across the nation. There are currently five licensees authorized for elephant rides in the state of Florida. Three facilities reside in Florida and two are out of state licensees. Of these five licensees, a total of 10 elephants are used in rides; nine Asian elephants and one African elephant.

Staff has conducted seven public workshops since 2018 to gain public comment on elephant rides in Florida. The public was able to submit comments at each workshop as well as through an online form located on the myFWC website. Over 1200 comments were received from individuals residing in and outside of Florida. Many of these comments called for an outright ban on elephant rides. There was also strong input from individuals requesting that rides continue without rule changes. Staff considered these comments when developing draft language and has engaged with the industry throughout the rule development process.

Current rules governing elephant rides in Florida lack clarity and allow for ambiguity in enforcement action. The proposed draft rule clarifies application requirements such as animal identification and safety records. The elephant ride industry proposed that any elephant that had ever caused serious injury or death should not be used for rides. Staff concur with this recommendation. Licensees would need to notify the Commission in advance when an elephant ride is to occur outside of a licensed facility. Handlers will be required to have free-contact experience hours specific to each elephant, thus increasing public safety. The proposed draft rule modification would require a boundary and barrier during public elephant rides. The boundary would form the ride delineation and the public barrier would prevent unauthorized contact from bystanders. The draft rule also provides specific requirements for public barrier height and material. Licensees who have been continuously licensed and authorized for elephant rides at the time the rule becomes effective would be grandfathered for certain activities.

Staff Recommendation:

Approve advertising draft rule changes to 68A-6.007, F.A.C., and authorize staff to file for adoption without further hearing unless requested.

Staff Contact and/or Presenter:

Major Rob Beaton, Captive Wildlife Section Leader, Division of Law Enforcement