

Elephant Rides



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Florida Fish and Wildlife Conservation Commission

This presentation will provide an overview on proposed language for the elephant ride rule in Florida Administrative Code (FAC) 68A-6.007.

Division: Division of Law Enforcement

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Photo credit: Google

Background

- Long-standing history of elephant rides in Florida
- Elephant rides are used in both public and private venues
- There are currently five licensees authorized to conduct elephant rides in Florida



At the May 2019, Commission meeting, staff presented an overview of captive wildlife and discussed bringing future draft rules to the Commission. Today we will be discussing draft rule language for elephant rides.

Elephant rides are conducted in both public and private settings. Examples of public venues are circus type settings and fairs. Examples of private venues are weddings and corporate events.

Of the five licensees authorized to conduct elephant rides in Florida, there are three in state licensees and two out of state licensees. Between the five licensees, there are 10 elephants authorized for use; nine Asian elephants and one African elephant

Photo credit: (L) Thought Co; Asian Elephant (R) The Telegraph; African Elephant

Objectives

- Clarify rule language
- Enhance handler requirements
- Set boundary and barrier requirements for rides
- Grandfathering private rides for existing licensees



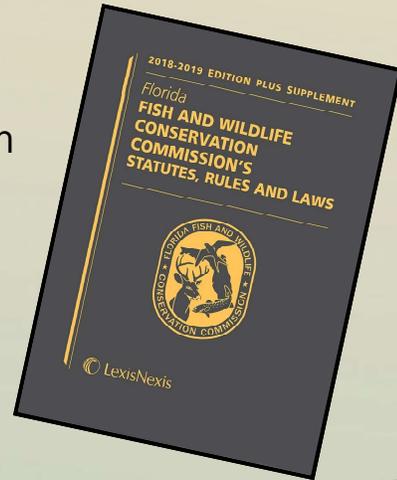
The objectives for the amended rule are to:

- Clarify the language
- Specify boundary and barrier requirements
- Enhance handler requirements

Photo credit: Pinterest

Rule Clarification

- Definitions
- Application requirements
 - Photographic identification
 - Safety Record
 - Notification
- Emergency Response



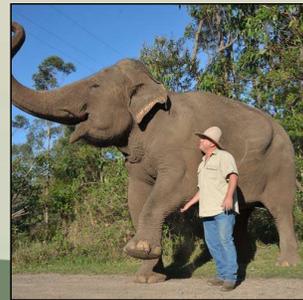
A definitions section has been added to the draft rule language and provides definitions for safety incident, free contact, and ride area. This will help with consistency of enforcement and ease of understanding for stakeholders.

The draft rule also provides for clear standards for elephant ride authorization, such as:

- Providing identification for each elephant used in rides to include photographs of the front and both sides of the elephant. Photographs must be submitted annually with applications.
- The rule currently states that no elephant that has caused a serious injury or death to a handler, trainer, member of the public, or other person within five years of application could be used for rides. The industry proposed that if an elephant had ever caused serious injury or death, that elephant should not be used for rides. This proposal is implemented in the proposed draft rule.
- The current rule requires that licensees provide an itinerary upon initial application and each renewal. The draft rule would require licensees to notify the Commission no less than 24 hours in advance if a ride is occurring off the location authorized to house elephants. This will allow the Commission to know if an elephant is being taken off of a licensed facility to conduct rides.
- The emergency response requirement is updated to include a requirement for tethering devices and requires a firearm be present when rides are occurring. A minimum caliber or .375 H&H magnum is also established. These safety items must be in close proximity to the ride location and be readied by an employee listed on the plan within five minutes of an incident.

Qualified Handlers

- Increased experience requirements to become a qualified handler
- Experience hours must be obtained by working with specific elephants
- Experience must be gained during free contact with the elephant
- Qualified handlers at the effective date of the rule will not need to meet the new requirements



The rule currently requires six months of documented experience in elephant handling. The new rule would require a minimum of 1000 hours of free contact experience with the animal to be handled during rides. An additional 250 hours of free contact experience would need to be provided to the Commission for each additional elephant when an already approved handler would seek authorization.

Experience must be gained by working with a qualified handler who is currently authorized for the specific animal.

Handlers who are already approved by FWC will not need to submit additional experience documentation concerning elephants for which they are currently authorized.

Photo credit: Sunshine Coast Daily

Boundary and Barrier Requirements

For elephant rides open to the general public, there shall be a public barrier and a clearly identifiable ride area at each elephant ride site.



The current rule language provides little detail on how, and with what materials, barriers must be constructed and does not require that a ride area be established. Having a designated ride area and public barrier will prevent bystanders from coming into contact with an elephant during a ride.

The ride area [area where the elephant walks while conducting rides] shall be defined by a ring curb or other clearly identifiable boundary delineation.

The purpose of the public barrier is to not keep the elephant contained, but rather to keep the public from coming into contact with the elephant.

The public barrier shall be a minimum of 44 inches tall from the ground up with gaps no greater than 6 inches to prevent bystanders from having contact with the animal. The barrier shall be constructed of a manufactured material which creates a continuous and uniform barrier which is anchored or otherwise secured in a manner that maintains the integrity of the barrier. The public barrier shall be no less than 5 feet from the ride boundary and have clearly visible signs posted every 10 feet which state "Keep Out" in at least 2-inch letters.

Photo credit: (L) Alibaba.com; alloy barrier (R) Wendi Warren; ring curb.

Grandfathering of Private Rides

- Licensees with continuous annual authorization shall be allowed to conduct private rides
- Private elephant rides shall be prearranged
 - Written contract in place at least 24 hours in advance
 - Not open to the general public
 - Only guests and host of the contracted event are eligible to engage in rides



Grandfathering would continue for licensed corporations who change licensees over time.

A public barrier is not required for private rides. Private rides shall utilize two qualified handlers and adequate number of assistants to prevent bystanders from coming into contact with the elephant.

Picture Credit: Google



Stakeholder Engagement

In the last two years staff has been actively engaging stakeholders to encourage input on elephant ride rules.

This has been done through:

- Public workshops
- Online commenting
- Direct engagement with staff



Seven workshops were held from April 2018 - August 2019

- 283 stakeholders attended and provided input at these meetings held in Lakeland (two), Tallahassee, Tampa, Ocala, Palm Beach and Gainesville. In addition to the public meetings, a paper form for recommendations and an online comment section were offered to stakeholders to encourage more feedback. The meetings in Lakeland and Gainesville in August 2019 allowed stakeholders to view a draft rule and provide comments on the language.

In the roughly 1,200 comments received, most fell into 3 categories:

- Requesting rides continue without rule change
- Recommending rule language
- Requesting a ban on elephant rides (greater than 80 percent)

Picture Credit: state-maps.org

Staff Recommendation

Approve the proposed draft rule for elephants rides

If approved and directed, the changes will be filed for adoption without further hearing



Effective January 1, 2020.

Staff requests the Commissioners to approve the draft rule language for 68A-6.007 without further hearing, unless requested.