

Elephant Rides
DRAFT RULE LANGUAGE
Agenda Item 10A
October 3, 2019

68A-6.007 Elephant Rides

(1) No person, firm, or corporation shall use elephants for rides without first obtaining written authorization from the Commission. Such authorization shall be applied for annually with the license issued under Section 379.3761, F.S.

(2) Definitions: For the purposes of this rule, the following shall be defined as:

(a) Safety incident - any incident involving the elephant that causes injury or death of any person or animal.

(b) Free contact - contact in which there are no barriers between a person and the elephant

(c) Ride area - area where the elephant walks while conducting rides

(3) Qualifications for elephant ride authorization

(a) Identification: Applicants for elephant ride authorization shall include in their application identifying information including photographic identification and other information that clearly identifies the elephant(s) to be used in the rides. The identifying information must allow the Commission to identify the individual elephant(s) being used in the rides so as to be distinguished from other elephants. Photographs of each elephant must be updated at each application and shall include a full view of the front and both sides of the elephant.

(b) Safety record: The application shall include a notarized statement which details the complete safety record and documents all of the known safety incidents or escapes involving the elephant identified in the ride authorization request. No elephant that has ever caused a safety incident shall be used for rides. In addition, licensees are required to notify the Commission immediately if an elephant escapes containment or is involved in a safety incident subsequent to the approval of the application. Any elephant involved in a safety incident, regardless of location, shall not be allowed to have any contact with the public in Florida and all ride authorizations will be immediately suspended until an investigation and review of the incident by the Commission is completed. After reviewing the findings of the investigation, the Commission shall render a determination concerning the continuation or termination of such ride authorization or the authorization of any qualified handler or assistant to operate the elephant ride. Such determination shall consider the following:

1. If the safety incident was not caused by the elephant, it shall not result in termination of the elephant ride authorization or public contact.

2. If the safety incident was not caused by and could not have been prevented by the handler or assistant, it shall not result in termination of the handler or assistant's authorization.

(c) Notification: Licensee shall notify the Commission no less than 24 hours prior to conducting elephant rides at a location other than a facility authorized to possess elephants. Notification shall consist of an itinerary which shall include dates, times, and locations that elephant rides will be conducted. Licensees shall not be required to notify the Commission if these rides were previously submitted on the itinerary required as part of their application for licensure under Section 379.3761, F.S.

(d) Emergency response: A tethering device and firearm shall be present at all sites where elephant rides are available. Applicants shall have a written emergency response plan to ensure public safety. This plan shall be available onsite and at all times elephant rides are occurring for inspection by Commission personnel. Emergency response plan and preparation shall include:

1. Measures for protecting the public which specify what to do in case of an elephant safety incident, including where tethering devices and firearms are kept. If the plan includes tranquilizing equipment, their location must also be included. The plan must also include a list of onsite personnel authorized to use the tethering devices, tranquilizing equipment and/or firearms, and when such equipment, devices and/or firearms shall be used to capture, control, or destroy escaped or out-of-control animals. All tranquilizing equipment, tethering devices and/or firearms are subject to inspection by commission personnel to ensure all equipment and/or firearms are operable and sufficient for the intended purpose. The tethering device shall have the ability to be anchored and be within 50 feet of the elephant while conducting rides. The minimum acceptable caliber for the firearm shall be .375 H & H magnum. Personnel authorized in the plan to utilize tranquilizing equipment, tethering devices and/or firearms shall be an employee 18 years of age or older and trained in the use of such devices, equipment and/or firearms.

2. When an elephant is available for or conducting rides, personnel, equipment, devices and/or firearms shall be on the premises, in close proximity and able to be accessed within 5 minutes. Use and possession of firearms specified in the plan shall be in compliance with F.S. 790.

(e) Experienced supervision: All elephant rides shall be supervised by a minimum of one qualified handler and one assistant. Both the qualified handler and assistant shall be a minimum of 18 years of age and not have any unsafe captive wildlife conditions or animal

neglect or abuse related violations within three years. Applicants shall provide a notarized document at the time of application showing the qualified handler meets the standards below:

1. A minimum of 1000 hours of free contact experience with the specific animal that he or she will be handling.

2. The experience must be gained by working with a qualified handler who is currently authorized as a handler for that specific elephant.

3. The experience hours must include the dates, times, and locations of the training and identifying information of the currently authorized handler. The currently authorized handler must sign the provided experience hours certifying all claimed hours were gained in their presence and with the specific elephant for which they are requesting authorization.

4. Individuals authorized as qualified handlers on the effective date of this rule are not required to provide additional documentation of experience for the elephants for which they are currently authorized.

5. Once a handler has been approved for an elephant, they may request additional elephant authorizations by providing an additional 250 hours of free contact experience with each additional elephant in the same manner as stated above.

6. In their initial and renewal application and upon every change of personnel, applicants shall provide the Captive Wildlife Office with the following information for the requested qualified handlers and assistants:

a. Name,

b. Date of birth, and

c. A copy of a valid government-issued photo ID

7. Qualified handlers and assistants shall be approved by the Commission in writing prior to conducting the activity. Such handler shall be in the immediate presence of the elephant at all times when the elephant is in position to be in direct contact with the public. Such handler is determined to be in the immediate presence of an elephant if the handler is in close physical proximity to the elephant and able to instantly exert direct control, if necessary.

(f) For elephant rides open to the general public there shall be a ride area and public barrier as defined below:

1. The ride area shall be clearly identified with a ring curb or other easily identifiable boundary delineation.

2. The public barrier shall be a minimum of 44 inches tall from the ground up with gaps no greater than six 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 five feet from the ride boundary and have clearly visible signs posted every 10 feet which state "Keep Out" in at least 2-inch letters.

(g) Licensees who have had continuous annual authorization for elephant rides since the effective date of this rule shall be allowed to conduct private elephant rides. A private elephant ride shall be prearranged and must have a written contract in place at least 24 hours in advance and not be open to the general public. Only guests or hosts of the contracted event are eligible to engage in elephant rides. Such ride shall utilize two qualified handlers and adequate assistants to prevent bystanders from coming into contact with the elephant and are not required to have an additional barrier.

(4) It shall be a violation for any person to intentionally attempt to weaken or breach the integrity of any boundary or barrier.

(5) No person, except the ride participants, qualified handler, or assistant, may come into contact with the elephant while it is conducting a ride.

(6) Full contact is only allowed by the ride participants during the elephant ride. Ride participants shall only come into contact with the elephant's back and sides.

Rulemaking Authority Art. IV, Sec. 9, Fla Const. Law Implemented Art. IV, Sec. 9, Fla Const. History—New 2-1-98, Formerly 39-6.0042.