

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Colonel Curtis Brown, Director, Division of Law Enforcement
Date: February 19, 2020
Subject: Notice of Change, Elephant Rides - Consent Agenda

Purpose:

Obtain Commission approval for publishing a Notice of Change for Rule 68A-6.007, "Elephant Rides" to include clarifying language as requested by the Joint Administrative Procedures Committee (JAPC).

Why:

The JAPC review of the rule proposal approved by the Commission identified two clarifications that staff concur with and therefore the changes need to be advertised to the public.

Top Points:

- 1) The recommended changes do not change the substance of the rule previously approved.
- 2) The first change will add a citation to referencing the existing rule that explains how to apply for and obtain authorization to possess an elephant.
- 3) The second change will clarify that no person should attempt to weaken or breach a barrier between elephants being displayed and the public.

Affected Parties:

The original changes affected those who are permitted to provide elephant rides and these changes do not add any requirements.

Summary:

Staff submitted proposed Rule 68A-6.007 (approved at the October 2019 Commission meeting) to JAPC as a part of the administrative rule review process. JAPC requested clarifications on two portions of the rule language. The first change proposed by staff adds a reference to the language in 68A-6.007(1) specifying the existing F.A.C. Rule where qualifications for the authorization to possess an elephant are located. The second change modifies the violation language in 68A-6.007(4). The proposed changes are provided below in strikethroughs and underlines.

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. and Rule 68A-6.004(c).

(2) through (3) No change.

(4) No person shall ~~It shall be a violation for any person to~~ intentionally attempt to weaken or breach the integrity of any boundary or barrier.

(5) through (6) No change.

Staff Recommendation:

Approval to publish a Notice of Change with the proposed amendments and file the rule for adoption as soon as possible.

Staff Contact and/or Presenter:

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