

BACKGROUND REPORT
DRAFT RULE
Regulations Governing the Establishment and Operation of Game Farms- 68A-12.011
Agenda Item C3
October 7, 2020

Chapter 68A-12.011
Regulations Governing the Establishment and Operation of Game Farms

(1) ~~No Any~~ person may establish, maintain, or operate a game farm within this state for the protection, propagation, raising or production of native or non-native game birds defined per subsection 68A-1.004(37), F.A.C., and game mammals of the following families: Cervidae (such as deer and elk), Suidae (hog), Bovidae (such as buffalo and antelope) for private or commercial purposes unless licensed pursuant to sections 379.302 and 379.3711, F.S., and in accordance with this chapter. Any person who is in possession of any Cervidae, for any purpose, shall comply with 68A-4.0051, F.A.C. Before a game farm is established the owner or operator shall be licensed and comply with the provisions of this rule.

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

(a) Employee – any person working under a licensee or at a licensed or permitted facility, whether paid or unpaid.

(b) Full shade – shade which lasts all day long and provides greater than or equal to 80% reduction in sunlight.

(c) Shelter – A permanent or portable man-made structure with one or more walls with a roof, or roof without walls, or a natural structure (including but not limited to trees and shrubs) that protects animals from negative environmental factors. Walls of man-made shelters shall be constructed with gaps in the siding to allow for the circulation of air and to allow animals within the shelter to see beyond the walls.

(d) Original floor area – The total square footage required for the initial number of animals specified.

(e) Paddocks – open-air areas enclosed by fencing, railing or other Commission-approved structures which allow animals to graze and/or browse.

(f) Predator barrier – supplemental materials added to the bottom and/or exterior of approved fencing to prevent entry of predators. Barrier may include but is not limited to buried fence wire, electrified fence wire, gravel, rocks, concrete, or other natural/manmade materials.

(g) Refusal – when a licensee, applicant or employee intentionally denies access by Commission personnel to the facility, inventory or facility's records for the purposes of inspection, or directs another to deny such access.

(3) General qualifications: licensees or applicants for a game farm license shall:

(a) Be at least 18 years of age, if applying for authorization to possess game mammals classified as Class I or Class II wildlife per rule 68A-6.002, F.A.C. of the Bovidae family.

(b) Not have refused a captive wildlife inspection within three years preceding the date of application. Game Farm Licenses issued to a person who refuses any such inspection shall be revoked.

(c) Not have been convicted of any violation of game farm, hunt preserve, or captive wildlife regulations involving unsafe housing of wildlife or any violation which potentially endangers the public; any violation involving the unlawful commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three years of the date of application.

(d) Meet the experience requirements for Class I Bovidae authorization, as outlined in rule 68A-6.004 ~~68A-6.0022~~, F.A.C., if seeking authorization to possess such Class I wildlife.

(e) Experience requirements shall not apply to applicants for permits to possess Class II Bovidae in accordance with sections 379.3711 and 379.3712, F.S.

(f) ~~Facilities with species in the family Cervidae shall~~ Obtain a Herd Health Plan from the Department of Agriculture and Consumer Services, if the facility possesses species in the family Cervidae. Such Herd Health Plan shall be obtained within 180 days of initial licensing by the Commission. Failure to obtain and maintain a current and valid Herd Health Plan shall result in denial or revocation of any game farm license with authorization for species in the family Cervidae issued by the Commission.

(4) License application requirements:

An applicant shall make a written application to the Commission. An applicant for a game farm license shall provide the

following information:

(a) The business name of the proposed game farm, where applicable. To be licensed as a corporation, the facility shall be currently registered through the State of Florida Division of Corporations.

(b) The complete mailing address to include city, state and zip code for the applicant.

(c) The complete facility address where the game farm is located to include city, state, parcel number and zip code. If the address is a rural route, the applicant shall provide directions to the location of the game farm.

(d) Whether the facility is owned or leased by the applicant. A copy of the valid and current lease agreement shall be submitted annually with the application in the event that the facility location is under lease to the applicant. If leased, the lease agreement shall be for a term sufficient to cover the term of the license. Applicants under 18 years of age must have a parent or legal guardian as a co-licensee who shall provide such lease if applicable.

(e) The County where the game farm is located and the size (in acres) of the area to be fenced) and utilized for of the game farm.

(f) The current estimated or planned inventory of game possessed, identified by species and quantity.

(g) The applicant's printed legal name, signature, and contact information to include home phone number and business phone number.

(h) A copy of the applicant's valid government-issued photo ID.

~~(i)(h)~~ The applicant's biographical information to include date of birth, driver's license number/ID number ~~height, hair color, sex and race.~~

~~(j)(i)~~ Email address, if any.

~~(k)(j)~~ Emergency contact information including name and phone number for an individual who is not the licensee or applicant.

(5) Any corporation authorized to do business in Florida may apply for a game farm license.

(a) For corporations authorized to possess Class I Bovidae, such corporation shall have qualified personnel responsible for the care of such wildlife. The corporation shall provide documentation of experience for at least one person, in accordance with rule ~~68A-6.004~~ ~~68A-6.0022~~, F.A.C. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and shall be subject to approval upon initial application and upon each instance of change in qualified personnel.

(b) Such corporation shall be fully responsible for any violation(s) committed by their employees or occurring at their facility.

(6) Caging for game birds and mammals shall meet the specifications below and shall be constructed and maintained in such a manner as to prevent escape of captive game. Requests for deviations from standard caging or enclosure requirements may be granted to allow for different size configuration (length, width and height) if the required square footage is adequate and if the locomotory needs of the animal(s) are not compromised. Any proposed deviations from the standard caging or enclosure requirements or proposals to use open air habitats except as provided herein, shall be approved in writing by the Commission prior to the use of the cage or enclosure for housing animals.

(7) Facility requirements:

(a) Game farm boundaries shall not exceed an area of 2,000 acres and shall be owned or leased by the applicant. No game farm shall join, connect to or share a common fence with another game farm.

(b) Shelter shall be provided to all game birds and mammals.

1. For game mammals, such shelter shall provide no less than 10 square feet of full shade per animal, which is continuously available and sufficient to cover the body mass of all animals in any posture housed within any enclosure. Access to bodies of water for cooling should be considered for those species which will utilize it. Shade can be provided by different structures over the course of the day.

2. For game birds, such shelter shall provide full shade which is continuously available and sufficient to cover the body mass of all animals housed within any enclosure. Shade can be provided by different structures over the course of the day.

(c) All game farms enclosures shall be fenced in such a manner that game thereon cannot escape and wild game on surrounding lands cannot enter. Perimeter fencing shall meet the following criteria:

1. Fencing for game mammals:

a. Fence construction materials, ~~including connecting materials,~~ shall consist of not less than 12.5-gauge high-tensile class III galvanized steel wire with fixed knots, or strength-equivalent material, and shall be attached to posts at no less than 5 equidistant locations with clips, staples, ties or other means used to connect fencing to posts that are a minimum of 14.5 gauge or strength

equivalent material except for fencing for Class I Bovidae. For Class I Bovidae, construction materials shall meet the requirements of paragraph 68A-6.011(3) 68A-6.003(3)(e), F.A.C.

b. Fence shall be no less than 8 eight feet in height, unless specified elsewhere. Fences may be installed up to 3 inches above the ground, provided that a strand of high-tensile barbed wire not less than 15.5 gauge is strung across the bottom. In addition, 1 one strand of high-tensile barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8-foot height requirement. Licensees shall maintain minimum fence height by leveling built up earthen material which has migrated to the base of the fence due to natural causes.

c. ~~To maintain the minimum height,~~ Fence(s) shall be constructed of single panels of fencing material. Such fencing material shall be attached to singular construction posts no greater than 25 feet apart in a manner that ensures the fence maintains an above ground 8-foot vertical height, unless specified elsewhere, so as to and prevents escape. The posts shall be securely anchored and braced at corners and elsewhere as necessary to keep fence properly stretched and erect.

d. Fencing material shall have no greater than 7 inches between manufactured knots and be free of broken wires or gaps.

e. ~~Predator barrier shall not disrupt the integrity of the approved fence material.~~ Mounding type p~~Predator barriers~~ shall not extend outward from the base of the perimeter fence more than 28 inches and not be higher than 20 inches from the ground. ~~Predator barriers~~ shall not provide increased accessibility for non-predator species into fenced enclosure.

2. Game farms with licenses which are current on November 22, 2018 the effective date of this rule, will have two years from November 22, 2018 to come into compliance with the above fencing requirement unless they meet the limited exception conditions below. Game farms with licenses which are current on November 22, 2018 effective date of this rule, that meet the specifications below do not need to update their fencing except for new construction or with replacement of over 250 feet of existing fencing.

a. Existing fence ~~Facilities with game farm licenses current on the effective date of this rule which have fencing that is a minimum of 14.5 12.5-gauge steel wire or strength-equivalent material. shall not be required to replace existing fence materials provided that such fencing material is attached to singular construction posts no greater than 25 feet apart in a manner that ensures the fence maintains an above ground 8 foot vertical height unless specified differently elsewhere, has mesh openings no greater than 7 inches, free of broken wires and prevents escape. The posts shall be securely anchored and braced at corners and elsewhere as necessary to keep the fence properly stretched and erect. One strand of high tensile barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8 foot height requirement.~~

b. Fence shall be no less than 8 feet in height. One strand of barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8-foot height requirement.

c. Fencing material is attached to singular construction posts no greater than 25 feet apart in a manner that ensures the fence maintains an above ground 8 foot vertical height, unless specified differently elsewhere, so as to prevents escape. The posts shall be securely anchored and braced at corners and elsewhere as necessary to keep the fence properly stretched and erect.

d. Fencing material shall have no greater than 8 inches between manufactured knots and be free of broken wires or gaps.

e. Facilities with game farm licenses current on November 22, 2018 the effective date of this rule which have fencing that is not constructed of single panels of steel wire mesh shall not be required to replace existing panels with single panels, provided that the existing fencing meets the following specifications:

(I) Ppanels are a minimum of 14.5 12.5 gauge wire or strength-equivalent material, and are connected with strength equivalent material or greater at intervals no greater than 18 inches apart, has mesh openings no greater than 7 inches apart, free of broken wires, and the fence remains free of gaps and prevents escape. Such wire or strength equivalent fencing material shall be attached to singular construction posts no greater than 25 feet apart in a manner that ensures the fence maintains an above ground 8 foot vertical height unless specified differently elsewhere and prevents escape. The

(II) Pposts are shall be securely anchored and braced at corners and elsewhere as necessary to keep the fence properly stretched and erect so as to prevent any gaps greater than 8 inches between the panels. One strand of high tensile barbed wire not less than 15.5 gauge may be strung no greater than 6 inches above the fence panel in order to achieve the 8 foot height requirement.

(III) Panels are connected with strength-equivalent material or greater at intervals that prevent gaps that could allow captive game mammals to escape.

(d)3. Minimum caging requirements for game mammals:

1.a. Caging shall be designed and built to prevent injury and escape.

2.b. Nest boxes and dens shall be built to allow for accurate inventory.

3.e. Cervidae (deer family) and cursorial Bovidae (antelope):

~~a.(H)~~ Large (e.g., elk, sambar, red deer, sable antelope, eland, wildebeest, and deer and antelope of similar size): For one or two animals, a paddock enclosing 1,250 square feet, 8 feet high. For each additional animal, increase paddock by 25% of the original footage, not to exceed 25 animals per acre.

~~b.(H)~~ Medium (e.g., white-tailed, fallow, axis, sika, pronghorn, deer and antelope of similar size): For one or two animals, a paddock enclosing 800 square feet, 8 feet high. For each additional animal, increase paddock by 25 percent of the original footage, not to exceed 50 animals per acre.

~~c.(H)~~ Small (e.g., roe, dik-dik, muntjac, brocket, pudu, Chinese water deer, musk deer, deer and antelope of similar size): For one or two animals, a paddock enclosing 450 square feet, 5 feet high. For each additional animal, increase paddock by 25% of the original footage, not to exceed 75 animals per acre, except in accordance with paragraph (9)(c) below.

~~4.d.~~ Wild swine (Suidae) and peccaries: For one or two animals, a paddock enclosing 200 square feet, 4 feet high. For each additional animal, increase paddock by 25% of the original footage.

~~5.e.~~ Wild goats/sheep (Caprinae): For one or two animals, a paddock enclosing 500 square feet, 8 feet high. For each additional animal, increase paddock by 25% of the original footage.

~~(c)4.~~ Enclosures Fencing for game birds shall:

~~1.a.~~ Shall Bbe constructed of materials sufficient to prevent escape or injury of birds.

~~2.b.~~ Shall Pprovide protection from predators.

~~3.5.~~ Caging for game birds shall Pprovide adequate space to allow the birds to have normal postural movements, stand erect and turn around without touching the sides of the enclosure or other wildlife.

~~(f)(d)~~ Game farms are subject at any time to inspection by Commission personnel, for compliance with Commission rules and other applicable laws. No game farm license shall be issued for the possession of game until the premises of such game farm has been inspected and approved by Commission personnel.

~~(g)(e)~~ It is unlawful to buy, sell or transfer any live game to or from any unlicensed entity within Florida. Game raised or produced on game farms may be purchased, sold, shipped, and transported for propagation, restocking or food purposes. Recipients of any live game received from a game farm shall be licensed pursuant to this rule, section 379.3761 or 379.3712, F.S., unless exempt from the licensing provision.

~~(f)~~ The licensing provisions of this rule shall not apply to:

- ~~1.~~ The possession, protection, propagation, raising or production of bison for commercial farming purposes.
- ~~2.~~ The protection, propagation, raising or production of 100 or fewer live bobwhite quail or non native game birds (except non native ducks and geese) for personal use, consumption, educational, dog training or other not for sale or exhibition purpose.
- ~~3.~~ Persons purchasing or receiving eggs for personal use, consumption, educational or other not for sale or exhibition purposes.

~~(g)~~ A continuous source or supply of clean water shall be readily available at all times for all game.

(8) Game birds or mammals may be temporarily housed in cages or enclosures smaller than the sizes set forth in subsection (7) above, only under the following circumstances:

(a) For transport, in accordance with the requirements of subsection (9), below.

(b) Wildlife being held for sale by those persons properly licensed pursuant to section 379.3761 or 379.3711, F.S., or for veterinary care, or quarantine may be temporarily housed or caged in smaller cages or enclosures for a period not to exceed 60 days. With written notification to the Commission, this period may be extended in circumstances where a licensed veterinarian has certified that a longer holding period is medically necessary in the interests of the health, safety and welfare of the subject animals or the public. Medical records concerning all animals for which an extension of the 60-day period is obtained shall be maintained at the facility and shall be made available for inspection, upon request, by Commission personnel. The caging or enclosure of all wildlife temporarily held under this section shall not be smaller than that required for the caged animal to stand up, lie down, and turn around without touching the sides of the enclosure or another animal. All wildlife caged or housed as outlined above, shall be permanently marked or their enclosures shall be permanently marked so as to be traceable to written records indicating the date the wildlife was placed in temporary holding. Such records shall be maintained and made available for inspection by Commission personnel. Commission personnel shall direct dealers to mark wildlife temporarily if, upon inspection, there is no record indicating the date the wildlife was placed in temporary holding.

(c) Juvenile individuals of the families Caprinae, Suidae, Cervidae and Bovidae may be kept in enclosures that do not meet the size specifications in subparagraph (7)(c)3. until the animal reaches six months of age for up to six months. Duration may be extended with a veterinarian's statement, showing that such size cage is required for the continued health and welfare of the animals

until a specified date. Such caging may be utilized provided that:

1. Written documentation is available to verify the age of the animal.
2. The animal is marked or otherwise identifiable.
3. The animal shall be provided space for exercise on a daily basis.
4. The enclosure shall allow normal postural movement.

(d) Hatchling/fledgling birds may be held in enclosures that allow for normal postural movements and social adjustments that ensure the health and sanitary needs of the animals.

(e) Cages or enclosures for mobility-impaired animals shall meet standard caging requirements, unless it can be demonstrated that such cage or enclosure, or its required accessories, are detrimental to the health or welfare of the animal. In such cases, written documentation by a veterinarian confirming the need for the exemption shall be maintained by the permittee and made available to Commission employees upon request.

(f) Animals held at exotic animal auctions, flea markets, and animal swap meets may be kept in enclosures that do not meet the size requirements of subparagraph (7)(c)3., provided that such wildlife is maintained in accordance with subparagraphs (8)(f)1.-7. below. The owner shall be responsible for the welfare of the animals, unless the wildlife is consigned to an auctioneer or other sales representative, at which time the consignee shall be responsible.

1. Wildlife shall be transported and held in non-injurious enclosures, under conditions that provide fresh air without injurious drafts, and shall be provided protection from the elements.
2. Wildlife shall be protected from temperature extremes that could be detrimental to the health and welfare of the animals.
3. A continuous source or supply of clean water shall be readily available at all times for all game.
4. Fecal and food waste shall be removed from the wildlife's enclosures daily.
5. Wildlife held in the same enclosures shall be kept in compatible groups.
6. Wildlife cages/enclosures shall not be stacked over other cages/enclosures unless excreta are prevented from entering lower cages/enclosures.
7. Sick or injured wildlife shall be afforded prompt and appropriate treatment.

(9) Unless otherwise provided in this section, no person or common carrier may purchase, receive, possess, or transport any game originating from a game farm without a bill of sale or transfer clearly indicating: the quantity and species of game; the name, complete address and license identification number of the game farm producing the game; the date of sale or transfer; and the name, complete address and, where applicable, license identification number of the recipient. Any person licensed pursuant to the provisions of this rule transporting game for personal consumption, which was produced under the authorization of their license, may transport game without a bill of sale or transfer, provided their valid Game Farm License accompanies the shipment. Any package or container containing such game shall be clearly marked as follows:

(a) Live game shall be transported in a cage or enclosure. The cage or enclosure shall be clearly labeled "Live Animal." The cage or enclosure shall also be clearly and visibly marked with a label including the common or scientific names of each species, the quantity of each species, the name and address of the source of the game and the name and address of the recipient of the game.

(b) For game that is transported in a trailer, compartment of a trailer, or vehicle, a label stating, "Live Animal" shall be affixed to every access door(s), or attached to any locking mechanism securing such access door(s), with lettering not less than one inch in height and in a contrasting color to the trailer. A list including the common or scientific names of each species, the quantity of each species, the name and address of the source of the game and the name and address of the recipient of the game shall be maintained in the vehicle.

(c) Wildlife transport cages, enclosures or trailers shall be as follows:

1. Sufficient strength and security to prevent escape.
2. Large enough to ensure that each individual animal has sufficient space to turn, stand erect, and lie naturally. Provided, however, that certain species may be restricted in their movements according to professionally acceptable standards when freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(10) All game farms established under the provisions of this section shall comply with chapter 68A-6, F.A.C., concerning the provisions of food, humane treatment and sanitary conditions. Those game farms acquiring, possessing, selling or otherwise disposing of deer, elk or other members of the family Cervidae shall also comply with rules 68A-4.005, 68A-4.0051 and 68A-4.0053, F.A.C., concerning introduction, importation, movement, and transportation requirements. Those game farms acquiring, possessing, selling or otherwise disposing of mallard ducks shall also comply with rule 68A-4.0052, F.A.C.

(11) Any person holding a game farm license shall maintain a record of each of the following changes in inventory: acquisitions of game, animals harvested for personal consumption, and sale or transfer of game, alive or dead. Such records shall be open to inspection upon request by Commission personnel and shall be maintained for a minimum of five years from the date of acquisition, transfer or sale:

(a) Records of acquisition shall include the date of acquisition; quantity and species of game acquired; name and complete address of supplier; and license identification number of the supplier, where applicable.

(b) Records of sale or transfer shall include the date of sale or transfer; quantity and species of game sold or transferred; name and complete address of the entity to which game is sold or transferred; and license identification number of the recipient, where applicable. Such records shall be available for inspection upon request by Commission personnel.

(c) Any person holding a game farm license who imports or conducts intrastate movement of deer, elk, or other members of the family Cervidae shall keep and maintain copies of all records of compliance with rule 68A-4.0051 and chapter 5C-26, F.A.C., regarding the importation or intrastate movement of such deer, elk, or other members of the family Cervidae.

(12) All game possessed or sold for food or consumptive purposes shall be killed on the premises of the game farm or transported to a properly licensed processing facility for immediate processing. In instances where live game is transported to a licensed processing facility for immediate processing, a copy of the current and valid game farm license of the farm where such game was produced shall accompany the live game in transport. In instances where live game is sold or transferred, the transporter of such game shall be licensed or otherwise authorized by the Commission to possess such game. Harvested game possessed, sold or transferred for food or consumptive purposes shall comply with the following provisions:

(a) The sale of deer meat (venison) from species of deer native to the state is prohibited.

(b) Each game bird or the sealed container in which game birds are placed shall be clearly marked with the species and the name, complete address, and license identification number of the game farm producing such game birds.

(c) Deer meat (venison) from species of deer not native to the state shall only be sold when packaged in a tamper-proof container clearly marked with a label stating, "NON-NATIVE VENISON, PRODUCED ON A LICENSED GAME FARM" and shall include the name of the species. Additionally, each container shall be clearly marked to indicate the name, complete address, and license identification number of the game farm producing such venison.

(d) Any harvested game stored on the premises of the game farm that has been sold or transferred shall be clearly marked or tagged to reflect the name and complete address of the recipient, species name, person who harvested the animal, date of harvest and date of sale or transfer.

(e) Game harvested on a game farm and stored on the premises shall not be commingled with game taken from the wild and shall be marked with the species name and date of harvest.

(f) Game farms shall also comply with all statutes or regulations relating to food safety, quality control, inspections, transportation, sale and regulation of foodstuffs and meat products.

(13) Game farms shall be equipped and operated in such manner as to provide sufficient food and humane treatment for the game kept thereupon. The premises, pens, and facilities of all game farms shall be maintained in a sanitary condition. All game harvested shall be taken as specified by Commission rules for the species. Injured or wounded mammals shall be immediately euthanized, transported to a veterinarian for treatment, or treated by the owner.

(14) Any method of euthanasia shall be authorized for humane purposes provided that such method of euthanasia is humane pursuant to the American Association of Zoo Veterinarians guidelines or the American Veterinary Medical Association guidelines. Only a veterinarian, the game farm licensee or the licensee's employee may euthanize game on the game farm premises. A current list of employees authorized by the licensee to euthanize game shall be maintained by the licensee and made available for inspection upon request by Commission personnel.

(15) Native game shall only be killed pursuant to the regulations for that species or in accordance with subsection (14), above. Only the game farm licensee or the licensee's employees may kill game on the game farm premises.

(16) Licensed facilities shall report any escapes from the perimeter fencing or the approved facility location. Licensed facilities shall report any escapes from an enclosure, cage, or other constraint when wildlife is away from such approved facility location. Such reporting shall be made to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, immediately upon discovery of the escape.

(17) It is unlawful to buy, sell or transfer any live game to or from any unlicensed entity within Florida. Game raised or produced on game farms may be purchased, sold, shipped, and transported for propagation, restocking or food purposes. Recipients

of any live game received from a game farm shall be licensed pursuant to this rule, section 379.3761 or 379.3712, F.S., unless exempt from the licensing provisions.

(18) The licensing provisions of this rule shall not apply to:

(a) The possession, protection, propagation, raising or production of bison for commercial farming purposes.

(b) The protection, propagation, raising or production of 100 or fewer live bobwhite quail or non-native game birds (except non-native ducks and geese) for personal use, consumption, educational, dog training or other not-for-sale or exhibition purpose.

(c) Persons purchasing or receiving eggs for personal use, consumption, educational or other not-for-sale or exhibition purposes.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.302, 379.3711 FS. History—New 8-27-09, Amended 11-22-18.

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