



Date: September 7, 2021
To: Florida Fish and Wildlife Conservation Commission
From: Animal Legal Defense Fund
Re: Draft Rule 68A-6.018 Injuries, Bites, and Escapes

The Animal Legal Defense Fund, the nation's preeminent legal advocacy organization for animals, has been working for four decades to protect the lives and advance the interests of animals through the legal system. On behalf of our thousands of supporters in Florida, the Animal Legal Defense Fund supports draft rule 68A-6.018, which would impose new requirements for bites and escapes of captive wild animals.

The Animal Legal Defense Fund commends the Florida Fish and Wildlife Conservation Commission (FWC) for considering this update to the rules and regulations surrounding captive wild animal bites and escapes and encourages the FWC to adopt draft rule 68A-6.018. Gathering more data on bites and escapes will help in to get a more complete picture of the extent to which this is a problem in Florida, and which species commonly escape and cause injuries. Obtaining this information will be critical in determining whether further regulation of captive wild animals is necessary.

We have provided some additional recommendations below.

Possession of Class I, Class II, some Class III Wild Animals¹, Venomous Reptiles, and Reptiles of Concern is Inherently Dangerous

Possession of Class I, Class II, some Class III Wild Animals, Venomous Reptiles, and Reptiles of Concern is inherently dangerous for humans and for animals themselves. The vast majority of Class I and Class II wild animals are large predatory species, capable of killing or severely injuring humans and domesticated companion animals. Even smaller Class I, Class II, and Class III animals, such as servals, ocelots, langurs, macaques, and capuchin monkeys have caused serious injuries to owners, surrounding community members, and companion animals following escapes.

Private possession of these animals is particularly concerning. Private owners lack the resources and space to adequately care for Class I, Class II, some Class III Wild Animals, Venomous Reptiles, and Reptiles of Concern. These animals require environments as close to their natural habitat as possible, which they are simply not going to receive when housed

¹ Including, but not limited to capuchin monkeys, spider monkeys, woolly monkeys, tamarin monkeys, blue monkeys, lemurs, marmosets, and parrots.

in cages and crates in private homes. Confining animals in this way – where they are unable to express their natural behaviors and are chronically stressed and frustrated – makes them all the more prone to aggression and escape.

The Animal Legal Defense Fund encourages the FWC to consider prohibiting the possession of Class I, Class II, some Class III Wild Animals, Venomous Reptiles, and Reptiles of Concern without a USDA Exhibitors License. Doing so would prevent countless instances of captive wild animal biting, injuries, and escapes, as the vast majority of these occur in the hands of private owners.

Exemptions from Section (1) Should be Removed

Section (1) of 68A-6.018 specifies that, “Any person in possession of captive wildlife which requires a license or permit . . . shall report any injury or bite resulting from such wildlife which requires treatment beyond basic first aid, *except if occurring to the licensee, an employee authorized as a Corporate Authorized Individual on the license in accordance with Rule 68A-6.004(2)(e) or 68A-6.017(3)(a)4., F.A.C, or an individual with approved experience documentation on file for such wildlife in accordance with Rule 68A-6.004(2)(c), 68A-6.004(2)(d), 68A-6.004(3)(c), or 68A-6.017(3), F.A.C.* The Animal Legal Defense Fund recommends this exemption be removed, and that **all** injuries or bites requiring treatment beyond basic first aid be reported.

Regardless of whether an injury or bite occurs to a patron of a zoo, a neighbor of an escaped pet, an experienced animal handler, or a licensee, that information should promptly be reported to the FWC Division of Law Enforcement so that the FWC may compile a complete record of serious injuries and animal bites. A complete record is essential in determining future policy on captive wild animals. For example, do most serious injuries occur to licensees themselves, or do they occur during direct contact experiences with patrons at roadside zoos? A complete record of all serious bites is the only effective way to establish and recognize patterns that may inform future policy and stronger regulations regarding the keeping of captive wild animals.

Immediate Reporting Requirement for Class III Wildlife Escape

Section 2(b) of 68A-6.018 states that, “*any person in possession of Class III wildlife, except capuchin, spider, or woolly monkeys, which requires a license or permit issued under Sections 379.3761 or 379.3762, F.S., shall report any escapes . . . to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement . . . within 24 hours of discovery of the escape.*” We commend the FWC for requiring immediate reporting of Class I and Class II wildlife, capuchin monkeys, spider monkeys, woolly monkeys, venomous reptiles, and reptiles of concern, and encourage immediate reporting for all Class III wildlife as well. Class III wildlife encompasses a wide array of animal species, including tamarin monkeys, blue monkeys, lemurs, marmosets, snakes, and parrots. While some species of Class III animals may not pose as dire of a threat to the public as certain species of Class I and Class II animals, they are still non-domesticated animals who can cause harm to humans – particularly children, who may try to capture them or pick them up – and domesticated house pets, such as dogs and cats.

Additionally, many species of primates, birds, reptiles, and amphibians carry zoonotic diseases, such as Salmonella, tuberculosis, yellow fever virus, herpes B virus, and psittacosis.²³⁴ At a time when we are still in the midst of COVID-19, a zoonotic disease that has killed millions of people worldwide, we must remain extra vigilant in protecting against zoonotic diseases. Requiring immediate reporting of Class III wildlife, which includes several species that are common reservoirs for zoonotic diseases, will increase the chances that these animals will be captured safely and placed back with licensees or rehomed to more appropriate environments in a prompt manner, thus minimizing the possibility of zoonotic disease transmission to unsuspecting citizens.

The Animal Legal Defense Fund encourages the FWC to make these changes to 68A-6.018, and to consider limiting possession of Class I, Class II, some Class III Wild Animals, Venomous Reptiles, and Reptiles of Concern to those who hold a USDA Exhibitors License. Doing so will help to keep both animals and communities safer from attacks, bites, injuries, and escapes. That being said, we are supportive of 68A-6.018 and appreciate the opportunity for public input. We look forward to collaborating with the FWC to protect captive wild animals whenever possible. Please always reach out if you have further questions or if there is any other information we can provide.

Best,

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² Nonhuman Primate Import Requirements, Centers for Disease Control and Prevention, <https://www.cdc.gov/importation/laws-and-regulations/nonhuman-primates/nprm/index.html>.

³ Reptiles and Amphibians, Recent Outbreaks, Centers for Disease Control and Prevention, <https://www.cdc.gov/healthypets/pets/reptiles.html>.

⁴ Birds, Centers for Disease Control and Prevention, <https://www.cdc.gov/healthypets/pets/birds.html>.