

68A-6.009 General Regulations Governing Possession of Captive Wildlife.

(1) No person shall maintain captive wildlife ~~in any unsafe or unsanitary condition, or in a manner which results in threats to the public safety, or the maltreatment or neglect of such wildlife.~~ any of the following:

- (a) An unsanitary condition;
- (b) An unsafe condition;
- (c) A threat to public safety;
- (d) Maltreatment, neglect, or injury of such wildlife;
- (e) An injury to a person as specified in Rule 68A-6.018(6), F.A.C.;
- (f) An escape of wildlife as specified in Rule 68A-6.018(7), F.A.C.

(2) Caging Requirements:

(a) All wildlife possessed in captivity shall, except when supervised and controlled in accordance with subsection (3) hereof, be maintained in cages or enclosures constructed and maintained in compliance with the provisions of this chapter.

(b) Cages or enclosures housing captive wildlife shall be sufficiently strong to prevent escape and to protect the caged animal from injury, and shall be equipped with structural safety barriers to prevent any physical contact with the caged animal by the public, except for contacts as authorized under subsection 68A-6.016(1), F.A.C. Structural safety barriers may be constructed from materials such as fencing, moats, landscaping, or close-mesh wire, provided that materials used are safe and effective in preventing public contact.

(c) All cages or enclosures ~~less than 1,000 square feet shall be covered at the top~~ completely enclosed to prevent escape, (except paddocks, reptile enclosures, and open air habitats specified in this chapter~~below~~). ~~Class I or Class II wildlife shall not be kept in uncovered enclosures that are less than 1,000 square feet, except as specified in this chapter.~~ All outdoor enclosures for non-native venomous reptile species and reptiles of concern shall be topped with close-meshed wire or an equivalent barrier to provide additional security as specified in Rule 68A-6.0171, F.A.C.

(d) Caging considered unsafe or otherwise not in compliance herewith shall be reconstructed or repaired within 30 days after notification of such condition. In the event such condition results in a threat to human safety or the safety of the wildlife maintained therein, the wildlife maintained therein shall, at the direction of the Commission, be immediately placed in an approved facility, at the expense of the permittee, owner, or possessor, until such time as the unsafe condition is remedied. In instances where wildlife is seized or taken into custody by the Commission, said permittee, owner, or possessor of such wildlife shall be responsible for payment of all expenses relative to the animal's capture, transport, boarding, veterinary care, or other costs associated with or incurred due to such seizures or custody. Such expenses shall be paid by said permittee, owner, or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of Chapter 379 or 828, F.S., or rules of the Commission, or if such violation is disposed of under Section 921.187, F.S. Failure to pay such expenses shall be grounds for revocation or denial of permits to such individuals to possess wildlife.

(3) Sanitation and Nutritional Requirements:

(a) Sanitation, water disposal, and waste disposal shall be in accordance with all applicable local, state, and federal regulations.

(b) Water: Clean drinking water shall be provided daily. Any water containers used shall be clean. Reptiles and amphibians that do not drink water from containers and those in an inactive season or period shall be provided water in a manner and at such intervals as to ensure their health and welfare. All pools, tanks, water areas and water containers provided for swimming, wading or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff.

(c) Food: Food shall be of a type and quantity that meets the nutritional requirements for the particular species, and shall be provided in an unspoiled and uncontaminated condition. Clean containers shall be used for feeding.

(d) Waste: Fecal and food waste shall be removed daily from inside, under, and around cages and stored or disposed of in a manner which prevents noxious odors or pests. Cages and enclosures shall be ventilated to prevent noxious odors.

(e) Cleaning and maintenance: Hard floors within cages or enclosures shall be cleaned a minimum of once weekly. Walls of cages and enclosures shall be spot cleaned daily. The surfaces of housing facilities, including perches, shelves and any furniture-type fixtures within the facility, shall be cleaned weekly, and shall be constructed in a manner and made of materials that permits thorough cleaning. Cages or enclosures with dirt floors shall be raked a minimum of once every three days and all waste material shall be removed. Any surface of cages or enclosures that may come into contact with animal(s) shall be free of excessive rust that prevents the required cleaning or that affects the structural strength. Any painted surface that may come into contact with wildlife shall be free of peeling or flaking paint.

(4) In addition to the standard caging requirements set forth in this chapter, Class I and Class II animals shall be caged in accordance with the following requirements:

(a) All cages or enclosures of Class I and Class II wildlife, and Class III capuchin, spider and woolly monkeys, except paddocks, approved open air habitats, or outdoor reptile enclosures shall be equipped with a safety entrance. A safety entrance is defined as a protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry. Such entrances shall include: A double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices, subject to Commission approval, that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction for that particular species.

(b) All cages or enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at ground level to prevent escape by digging or erosion. Cages shall be constructed using metal clamps, ties or braces of equivalent strength as the material required for cage construction for the particular species. Cages or enclosures using the ground as flooring must meet the following requirements:

1. For enclosures housing wildlife species or individual animals which ~~that~~ exhibits a behavior of digging or burrowing:

Enclosures shall have a footer or bottom apron constructed of concrete, chainlink or equivalent strength material as specified in this rule for the housing of such wildlife. The footer must be a depth of 3 feet. In the instance of a bottom apron, the bottom apron must be securely attached to the bottom of the enclosure fencing or wall and extend inward into the enclosure a minimum of 3 feet. The bottom apron must be buried to prevent injury to the captive wildlife in the enclosure.

2. For enclosures affected by erosion:

Measures must be taken to stop the erosion. Such measures may include, but are not limited to, a footer or bottom apron as described above or other measures capable of ensuring the structural integrity of the enclosure and preventing the escape of the captive wildlife.

(5) It is unlawful for any unauthorized person to breach, remove, damage, or dismantle the structural safety barrier of any enclosure, wildlife exhibit, or ride.