

Background Information
Captive Wildlife Draft Rules
68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife
Item 6 C 1 h
August 7, 2008

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth in Rule 68A-6.004, F.A.C., 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. Such cages or enclosures using the ground as flooring and housing wildlife that exhibit a behavior of digging or burrowing, or such enclosures that may suffer from erosion, shall have footers made of concrete, or strength equivalent material; or as an alternative a bottom apron of chain link, wire, or strength equivalent material, as specified in Rule 68A-6.003, F.A.C., securely attached to the inside perimeter of the cage or enclosure and buried to prevent escape by digging, burrowing or as a result of 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.

(2) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a "facility" means the site at which Class I or Class II wildlife are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures are not prohibited by county ordinance and, if within a municipality, municipal ordinance.

(a) Notification of escapes: Any person authorized to possess any Class I wildlife as listed pursuant to Rule 68A-6.002, F.A.C., must report any escapes from the primary caging or enclosures or the approved facility location; or other enclosure, cage, leash or other constraint when wildlife is away from such approved facility location, to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement. Such reporting shall occur immediately upon discovery of the escape. Any person authorized to possess Class I wildlife shall maintain a list of the current contiguous land owners or neighbors in Part B of the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 (~~02-06~~ insert new date), as required in subsection 68A-6.0022 (7), F.A.C. Such list shall include the name, address and contact phone number for contiguous land owners or neighbors. For the purposes of this section a "contiguous land owner or neighbor" shall mean the current resident for all properties sharing a common boundary with the facility location. The entire width of a dedicated roadway shall be considered sharing a common boundary in instances of a dedicated roadway between neighboring properties.

(b) Notwithstanding other requirements of this rule, facilities licensed pursuant to this section may be transferred through will, trust or probate proceedings to a lawful heir and such facilities may remain in the same location. Said heir must be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued.

(c) Facility requirements:

1. Property ownership/lease:

a. The facility shall be constructed on property owned or leased by the applicant. If leased the lease shall be for a term of not less than one (1) year from date of application. Such lease shall be subject to initial and annual review and approval by the commission as a condition of said lease.

b. If the property is leased, the lessee must have exclusive rights to occupy, possess and use the property with no restrictions that could prevent the lessee from adhering to the eligibility requirements for licensure with no other in holdings or easements.

c. The existence of any such lease restrictions or termination of the lease shall result in the denial or revocation of the license or permit.

2. Land area:

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- a. Class I wildlife: The facility shall not be constructed on less than five (5) acres.
- b. Class II wildlife: The facility shall not be constructed on less than two and one-half (2 1/2) acres.
- c. The total facility shall not be comprised of more than two (2) parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary.

3. Buffer zones:

The facility shall contain a "buffer zone" of not less than thirty-five (35) feet between the caged wildlife and the facility property line.

4. Perimeter fencing:

- a. Class I wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high.
- b. Class II wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high, or as an alternative, a fence of not less than six (6) feet high, with a 2-foot, 45 degree, inward angle overhang.
- c. All vertical fencing and inward angle overhang fencing of the perimeter fence shall be constructed of 11 1/2 gauge chain link or equivalent.

5. Zoning:

Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.

- a. Primates (all listed species)
- b. Cats (all listed species)
- c. Bears (family *Ursidae*)
- d. Elephants (family *Elephantidae*)
- e. Rhinoceros (family *Rhinocerotidae*)
- f. Hippopotamuses (family *Hippopotamidae*)
- g. Cape Buffalo (~~*Synceerus caffer caffer*~~) and Gaur (family *Bovidae*)
- h. Hyanas and Aardwolf (family *Hyaenidae*)

(d) Exemptions:

The following Class I and Class II wildlife are exempt from the facility requirements of paragraph (2)(c)1.-4., as listed above:

1. Permits authorizing possession of infants only including:
 - a. Class I or Class II carnivores until they reach 25 pounds or six (6) months of age, whichever ever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.
 - b. Class I and II primates until they reach the age of twelve (12) months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.
2. Crocodylians four (4) feet in length or less.
3. Cats: Ocelots (*Leopardus pardalis*), Servals (*Leptailurus serval*), Caracals (*Caracal caracal*), Bobcats (*Lynx rufus*), African golden cats (*Profelis aurata*), Temminck's golden cats (*Profelis temmincki*), and Fishing cats (*Prionailurus viverrina*).
4. Non-human primates: Uakaris (*genus Cacajao*), ~~Bearded sakis~~ (*genus Chiropotes and Pithecea*), and Guenons (*genus Cercopithecus*) not including Patas monkeys (*genus Erythrocebus*), De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.

(e) Any Class I or Class II wildlife exempt from meeting the facility requirements of paragraph (2)(c)1.-4., of this rule must meet the following:

1. Class I wildlife shall not be possessed in any multi-unit dwellings or on any premises consisting of less than one quarter acre of land area.
2. Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit and yard area.

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3. A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(f) The above requirements shall be effective January 1, 2008, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After January 1, 2008, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements here in. Requests to upgrade wildlife classification authorizations shall be considered new applications for license purposes.

(3) Additional requirements for specific species shall be as follows:

(a) Group I – Chimpanzees (over 50 pounds), gorillas, orangutans.

1. Outdoor facilities – Cage construction materials shall consist of steel bars, two-inch galvanized pipe, masonry block or their strength equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with steel bars, two-inch galvanized pipe or equivalent in rooms where the wildlife is maintained.

(b) Group II – Chimpanzees (up to 50 pounds), drills, mandrills, baboons, snow leopards, jaguars, tigers, lions, bears.

1. Outdoor facilities – Cage construction materials shall consist of not less than nine-gauge chain link or equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with wire or grating of not less than nine-gauge or equivalent.

(c) Group III – Rhinoceros, elephants, hippopotamus, cape buffalos.

Indoor and outdoor facilities – Construction materials shall consist of steel bars, masonry block or equivalent.

(d) Group IV – Crocodiles, gavials, alligators, caimans, komodo dragons.

Outdoor facilities – Bounded by a fence at least five feet in height of not less than 11 1/2 gauge chain link or equivalent.

(e) Group V – Gibbons, siamangs, patas monkeys, howler monkeys, uakaris, mangabeys, guenons, bearded sakis, guereza monkeys, celebes black apes, indris, macaques, langurs, proboscis monkeys, spider monkeys, woolly monkeys, and capuchin monkeys, leopards, cougars, clouded leopards, cheetahs, ocelots, servals, lynx, bobcats, caracals, African golden cats, Temminck's golden cats, fishing cats, wolves, coyotes, Asiatic jackals, Indian dholes, African hunting dogs, binturongs, and Old World badgers.

1. Outdoor facilities – Construction material shall consist of not less than 11 1/2 gauge chain link or equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with wire or grating not less than 11 1/2 gauge or equivalent.

(f) Group VI – Wolverines, honey badgers, American badgers, and hyenas.

1. Outdoor facilities – Cage construction materials shall consist of not less than 9 gauge chain link or equivalent.

2. Indoor facilities – Potential escape routes shall be equipped with wire or grating of not less than 9 gauge chain link or equivalent.

(g) Group VII – Ostrich, cassowary.

Outdoor facilities – Bounded by a fence of at least six feet in height of not less than 11 1/2 gauge chain link or equivalent.

(h) Group VIII – Class III mammals (except spider, woolly, and capuchin monkeys) and Varanidae (except Komodo dragon)

1. Outdoor facilities – Cage construction materials shall consist of not less than 14-gauge wire or strength equivalent material.

2. Indoor facilities – Rooms may serve as enclosures provided that:

a. Construction materials equal or exceed the strength equivalent for outside caging.

b. Potential escape routes are secured, or the animal is supervised to ensure against escape.

c. The size of the room(s) equals or exceeds that required for cages and enclosures in Rule 68A-6.004, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., ~~372.921~~ 379.3761, ~~372.922~~ 379.303 FS. History–New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08, 1-8-08.