

Regulating the Possession and Commercialization of Wildlife in Florida

Barry L. Cook,¹ *Florida Game and Fresh Water Fish Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600*

Abstract: In order to ensure compliance with the state laws governing the exhibition, importation, exportation, possession and sale of wildlife, the Division of Law Enforcement of the Florida Game and Fresh Water Fish Commission has established the Wildlife Inspections Section. This paper will review implementation of Florida's 2 basic laws as they relate to regulation of these activities through law enforcement specialization.

Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 41:466-473

Wildlife is big business in Florida. Because of Florida's geographical location, Florida is the nation's hub for importing exotic animals from all over the world. Hundreds of importers supply wildlife to zoos, circuses and to the commercial pet trade throughout the United States. In Florida, there are over 2,500 permitted wildlife exhibitors and dealers, and hundreds of private individuals who possess wildlife as personal pets. We estimate that Florida's wildlife businesses generate several hundred million dollars of revenue annually.

The Florida Game and Fresh Water Fish Commission is a constitutional agency which exercises regulatory control over all wildlife and freshwater fish in Florida whether it is native to the state or not. It is extremely important, in our opinion, to adequately regulate and control exotic wildlife importation and possession, as well as to properly manage our own native game and nongame species.

Florida is very vulnerable to the colonization of exotic species that may escape or be released into the wild. Our subtropical climate and suitable waters provide the ideal environment for the culturing of nonnative wildlife and fish. Therefore, comprehensive regulations have been passed by our Commission to ensure that all captive wildlife be maintained in a safe and humane manner. This manuscript provides

¹Present address: Wildlife Research Laboratory, 4005 South Main Street, Gainesville, Florida 32601

an update of Florida's legislation and wildlife inspection program, much of which was originally compiled by Hill (1977).

Sale and Exhibition of Wildlife

Concern for the establishment of a law enforcement section to deal with wildlife exhibition and importation first began in this agency in 1968. At that time it became evident that the Division of Law Enforcement was rapidly losing ground in efforts to meet the expanding responsibilities of our agency in regard to the regulation of nonhunting and nonrecreational activities. Florida Statute Section 372.921 was enacted in 1970. This landmark legislation charged the Game and Fresh Water Fish Commission with regulating wildlife exhibits and that established guidelines for the humane confinement of wild animals. Included in the Statute's provisions were directives to establish a Wildlife Exhibitors Criteria Committee. This Committee consisted of the executive director of the Florida Game and Fresh Water Fish Commission, the state health officer, the president of the Florida Attraction Association or representatives designated by the Association, and a recognized zookeeper employed in the state of Florida. This committee was selected to develop and approve standards for the care and treatment of captive wildlife. The Committee contacted zookeepers around the world requesting assistance in formulating pen specifications.

Finally, after much diligent hard work and ingenuity, the Committee decided to consider the environment in which the animals live rather than considering each individual animal's requirements separately—the idea being that several different animals live in the same environment; therefore, they can live in the same type of cage. By grouping animals according to sizes, movement patterns, behavioral characteristics, and special adaptations, the committee was successful in designing enclosures that met the captive animal's physical and psychological needs. Although enclosures that provide unlimited space and natural surroundings are highly desirable and make very attractive environments for captive wildlife, the recommended pen specifications were based only on the minimum space requirements.

The Florida Game and Fresh Water Fish Commission sitting in official session in Tallahassee, Florida on 17 December 1971, adopted this set of minimum requirements for humane housing of animals. These standards became effective 1 July 1972, thus giving wildlife exhibitors a 6-month period in which to comply. This made the State of Florida the first governmental agency in the world to enact humane caging standards for the possession of wildlife.

Personal Possession of Wildlife

Until the past few years, the possession of wildlife in homes as personal pets caused very few problems. In most instances the species involved were not considered potentially dangerous, and the residents of the neighborhood were not overly

concerned about the safety of their families. The vastly expanding pet trade and the subsequent availability of almost any type of wild animal has, however, complicated this issue. Where once only a very few had a desire to possess small, relatively harmless wildlife pets, the number of prospective pet owners has accelerated at a phenomenal pace and the species involved now include those that are capable of inflicting serious injury to the owner or to other residents. Public concern over the possession of certain forms of wildlife as personal pets has likewise grown in the past few years due, in part, to the availability of almost any type of wild animal through the pet trade. Homeowners that are not particularly concerned with a neighbor keeping a young raccoon are understandably noticeably excited when a neighbor acquires a cougar or a lion cub. Most people have definite misgivings about the potential dangers associated with maintaining such animals in neighborhoods.

The Florida Game and Fresh Water Fish Commission is charged with the responsibility of ensuring that appropriate fish and wildlife policies are administered. With respect to wildlife as pets, we have always assumed the posture that we do not recommend wildlife as pets to the inexperienced; however, we do recognize the benefits of such wildlife/people interactions under the proper guidelines. This is a philosophy to which we are committed and that we have attempted to incorporate into the drafting of regulations affecting the possession of certain wildlife as personal pets.

Growing public concern over the frequency of serious injuries that were inflicted by some pets led inevitably to legislative review of the problem. Such review was undertaken during the 1973–74 legislative session and Section 372.922, Florida Statutes, (the personal pet law) was passed. This Statute established regulatory guidelines controlling the possession of certain forms of wildlife pets and required corresponding safety restrictions. This Statute charged the Game and Fresh Water Fish Commission with issuing permits to all persons who possessed wildlife as pets.

The Statute established 2 classes of wildlife pets. Class I was designated as wildlife which, because of its nature or habits, could not be possessed as a personal pet. Class II was designated as wildlife considered to present a real or potential threat to human safety and subject to an animal permit fee of \$100. The law further instructed the Game and Fresh Water Fish Commission to establish lists defining Class I and Class II wildlife and to promulgate adequate safety restrictions and humane treatment guidelines.

An attempt to classify all potentially dangerous wildlife in the world within 2 classes obviously required the establishment of certain basic criteria. Although the large cats and most primates were readily identifiable candidates, many other species had to be considered. Although it is obvious that almost every wild animal is capable of biting or scratching and thus inflicting injury, the following criteria were chosen to aid in the selection process: (1) The size and strength potential of the mature animal; (2) the habits and reputation of the animal under captive conditions; and (3) the suitability of the animal to captivity as a personal pet.

Numerous gray areas are obviously encountered when attempting to apply the definitions of Class I and Class II wildlife to the entire animal kingdom. A “Wildlife

Pet Council” similar to the Wildlife Exhibitors Committee was selected to help with the final classification efforts. This Council included members of the Long Island Ocelot Club and the Simian Society of Florida.

Sincere effort was made to develop regulations that would carry out the legislative intent by providing adequate public safety and ensuring that only qualified applicants possess certain potentially dangerous wildlife. An equal effort was also made to afford a degree of protection to an individual’s right to possess personal pets. For the purpose of this law, diseases and possible ecological repercussions of introduced foreign wildlife were not taken into consideration since they are generally regulated or controlled by other laws or regulations. A retroactive clause was applicable to Class I wildlife legally held prior to the effective date of the law. The purpose of this section was to allow those individuals already possessing certain species of wildlife to temporarily continue such possession as long as the prescribed guidelines were adhered to.

Originally, in 1974, the permit fee of \$100 was established to discourage acquisition of potentially dangerous wildlife as personal pets. One of the problems was that a growing number of applicants were claiming to be exhibiting their wildlife to the public at no charge in an effort to be classified as a wildlife exhibitor/dealer under Section 372.921, Florida Statutes, which has established permit fees of either \$5 or \$25 depending upon the number of specimens exhibited and sold. In order to address the legislative intent of the statutes, administrative criteria was drafted to help determine whether an applicant was to be permitted as an exhibitor/dealer of wildlife or as a personal wildlife owner. This criteria basically excluded the incidental or infrequent sale or exhibition of wildlife as a justification for issuance of exhibitor/dealer permits which were designated for commercial establishments.

When a person applies for a permit to keep a wild animal as a pet, a wildlife inspector visits the home to interview the applicant and to ensure that certain safety measures have been taken. The inspector’s responsibility is to ensure that the applicant is knowledgeable about the habits and proper care of the species and that the animal will be maintained under tight security in an “appropriate neighborhood.” This approach is designed to provide a reasonable degree of protection while still keeping individual rights in proper perspective. The inspections are designed to document any irregularities or safety hazards. A brief narrative report is submitted to the central office from which a decision is made regarding the permit application.

The Wildlife Inspections Unit

In order to monitor the continual increase in the wildlife trade, the Division of Law Enforcement began the implementation of a special program in 1972 to handle the new responsibilities. In 1973, 6 wildlife inspectors were employed to handle the task of inspecting Florida’s wildlife exhibits and animal dealers. Wildlife inspectors are zoologists specifically trained in the identification, biology, handling, capturing, and care of native and exotic wildlife. They are also trained wildlife officers and

can handle any violation situation. They periodically inspect all wildlife exhibits, private pet owners, pet shops, falconers, game farms, alligator farms, venomous reptile possessors, hunting preserves, exotic bird dealers, traveling zoos, circuses, and a myriad of other wildlife users. They enforce state laws and Commission regulations and explain any deficiencies regarding general sanitation, health conditions, safety, and cage requirements to the wildlife owners and solicit their cooperation in improving and correcting any problem areas. They also provide a wide variety of technical expertise to the clientele they regulate.

The Wildlife Inspections Section operates a "statewide" enforcement project administered by a wildlife inspections supervisor. The central office receives and issues all permits and licenses for wildlife and serves as an operational base for the inspectors. The wildlife inspections supervisor reports directly to the Bureau Chief of Uniform Patrol Operations, Aviation and Inspections. The inspections supervisor is charged with reviewing and evaluating all permit related requests and complaints and directing wildlife inspectors by telephone, letter, and personal contact to investigate these matters. The inspections supervisor also coordinates the general activities of the inspectors and disseminates information concerning illegal wildlife commercialization for their investigation.

Wildlife inspectors operate in a highly independent manner, planning their own priorities, activities, working hours, and travel schedules. Since each wildlife inspector is stationed at a strategic area of the state, and due to the fact that the entire section presently consists of only 8 individuals, each officer may have as many as 16 counties to cover. Due to this large coverage area, overnight travel is a necessity and it is incumbent on each inspector to plan his/her schedule in the most productive manner. The law enforcement division achieves greater effectiveness through this statewide system rather than a county-by-county approach because:

(1) The Division's Tallahassee office serves as a "central clearinghouse" for receiving pertinent complaints and disseminating critical information directly to wildlife inspectors.

(2) Wildlife inspectors can be immediately dispatched to any trouble spot in the state requiring their special skills.

(3) A more consistent level of technical decision making governing Inspections' philosophy, permitting policies, procedures, and activities is possible through centralization.

Field inspections generate the necessity of paperwork; however, each inspector uses his home as headquarters and none are presently assigned space in local offices.

Selection of Inspections Personnel

Although until 1973, all Commission revenue was obtained through the sale of hunting and fishing licenses, the Florida Legislature appropriated special funds in the amount of \$120,000 to establish the inspections program for 1 year. The qualifications for wildlife inspector positions are set necessarily high; namely, 60 semester hours in a biological science plus 1 year's experience in the administration of fish- and/or wildlife-related projects. These strict requirements are necessary

to ensure that only qualified applicants already possessing substantial biological knowledge are selected for training as wildlife enforcement officers. After training, they are capable of performing tasks that once required a biologist and a wildlife officer.

To aid in the selection of personnel, a specialized written examination is administered by the Florida Department of Administration. This examination shows an applicant's aptitude in general zoology, his skill at native and exotic wildlife and fish identification, and his knowledge of scientific names, zookeeping principles, zoogeography, and other wildlife subjects. In addition, the standard wildlife officer examination is administered and oral interviews are given to all applicants.

This careful screening is designed to eliminate both "academicians" and individuals with limited zoological knowledge from consideration. Wildlife inspectors must be adaptable enough to perform any function of a wildlife officer, as well as their own specialized duties.

Pay grades for the wildlife inspectors are established at the lieutenant level in order to attract and maintain qualified personnel. This designation as supervisor is also due to the great amount of responsibility inherent in this unique position.

Inspections' Responsibilities

The Inspection Unit's original purpose was primarily aimed at regulating wildlife exhibits, controlling and monitoring the importation of animals, and enforcing laws relating to the exportation and exploitation of unique native wildlife. It became apparent in 1974, with passage of a state law relating to the possession of potentially dangerous wildlife as personal pets, that the wildlife inspectors would now have even more specialized duties added to their increasing workload. Their present responsibilities include:

- (1) Inspection of all wildlife exhibit attractions, including traveling zoos and circuses, to ensure that state requirements relating to the humane treatment of wildlife and regulations regarding public safety are adhered to.

- (2) Inspection of all wildlife pets held in captivity by private individuals to assure public safety and humane treatment, as well as adherence to permit regulations.

- (3) Inspection of major seaports, airports, and common carriers to detect violations of state and federal laws relating to the importation, transportation, and exportation of wildlife.

- (4) Inspection of individuals selling, possessing, and exhibiting venomous reptiles to ensure compliance with safety and permit regulations.

- (5) Inspection of all commercial wildlife establishments, including fish farms, game farms, hunting preserves, fish dealers, alligator farms, pet shops, taxidermists, wildlife importers, and fur and hide dealers to detect violations of state and federal laws.

- (6) To investigate and make recommendations concerning permit requests for the sale, exhibition, importation, exportation, transportation, propagation, and possession of wildlife.

(7) Conduct investigations of illegal wildlife commercialization or exploitation of "endangered" and "threatened" wildlife.

(8) Seize illegally possessed or imported wildlife, serve search warrants, arrest warrants, issue citations, apprehend violators, and testify in court.

(9) Prepare inspection reports on importers, zoos, falconers, wildlife rehabilitation centers, wildlife pet owners, and other specialized reports which may become necessary.

This description is by no means complete but it gives an idea of the versatility of this unit.

Training and Equipment

The knowledge of the animal kingdom is necessary for personnel to perform this array of complex functions and it cannot be overemphasized. An inspector must be familiar with the identification and behavior characteristics of wildlife from all over the world; he/she must be acquainted with the basic principles of zookeeping and animal exhibition and must be able to handle a wide range of enforcement situations. In actuality, the training and education of a wildlife inspector never stops—but is of necessity an ongoing and continuing process.

Inservice training is necessary and essential in order to keep abreast of the skills and knowledge required to enforce new state and federal laws and regulations and to maintain consistency of operations.

Adequate equipment plays an important part in the success of any law enforcement endeavor. Inspectors are provided with a reference library on a wide variety of subjects. Each inspector is also provided with numerous reference wildlife identification keys and materials.

Inspectors are equipped with tranquilizer guns and necessary ancillary equipment to control most types of wildlife—from monkeys to lions. Although inspectors are not routinely in the business of tranquilizing wildlife, it often becomes necessary in emergency situations, such as escapes or wildlife seizures, when it is required to safeguard the public.

Other equipment includes small reptile and animal cages, snake hooks, Pills-trom tongs (used to safely handle venomous reptiles), animal catch sticks, and snake bags to handle confiscated wildlife of all types. Thick leather gloves are also provided for wildlife capture.

Cameras are a necessity for documenting violation situations as well as for providing a means to gain reference slides for wildlife identification. Inspectors currently use 35mm cameras with strobe attachments.

Results

The nature of the wildlife inspector's involvement with laws affording humane treatment to captive animals has, by association, brought this program into close contact with the entire "humane movement." As such, inspectors have become valuable liaisons between our agency and humane groups, as well as other special

interest groups, such as the Audubon Society. Wildlife inspectors are looked upon as “professionals” by these groups and are often called upon to speak at special meetings of herpetologists, ornithologists, and other wildlife gatherings.

The overriding philosophy of inspections is to cooperate with those commercial wildlife operations that are willing to modify their facilities and comply with state standards. Therefore, wildlife inspectors strive to initiate a rapport with commercial wildlife by administering fair, firm, and consistent treatment. Many commercial wildlife establishments spent thousands of dollars replacing as much as 50% of their cages, yet others chose instead to go out of business. Conditions at Florida’s wildlife exhibits have improved dramatically since the implementation of this Inspections program.

Discussion

It is important to recognize that every state essentially faces the same dilemmas with regard to the enforcement of specialized wildlife regulations to some degree. It should also be evident that these problems will likely become more acute in the future as interstate movement of wildlife continues to increase and “endangered” and “threatened” species enforcement becomes of greater concern to all conservation agencies.

We believe states should progressively expand their involvement and control of programs affecting wildlife and initiate specialized projects in order to properly preserve, protect, and manage our wildlife resources for present and future generations.

The state wildlife agencies are encouraged to seek consistency in regulations regarding the possession, exhibition, and sale of wildlife. This will result in regulatory measures that channel detrimental and undesirable types of wildlife away from the general public.

Literature Cited

Hill, K. 1977. Florida’s wildlife inspections unit: a specialized solution to expanding law enforcement responsibilities. *Proc. Annu. Conf. Southeast. Fish and Wildf. Agencies* 31:664–668.