

**PROPOSED BAN  
ON THE USE OF ELEPHANTS AND OTHER WILD AND EXOTIC  
ANIMALS IN TRAVELING ACTS**

**SYNOPSIS;** prohibits use of elephants and other wild or exotic animals in traveling animal acts.

**BE IT ENACTED** *by the County of Indian River Florida:*

Notwithstanding any other law, or any rule or regulation adopted pursuant thereto, to the contrary, no person shall use an elephant or other wild or exotic animal in a traveling animal act.

**STATEMENT:** This ordinance, designated as “Circus Ban” prohibits the use of elephants and other wild or exotic animals in a traveling animal act.

**DEFINITIONS:**

The term “**traveling animal act**” is defined as any performance which requires an animal to be transported to or from the location of the performance in a mobile or traveling housing facility including but not limited to; carnivals, circuses, displays, exhibitions, expositions, fairs, parades, petting zoos, presentations, public showings, races, rides, trade shows, or similar undertakings in which animals perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience.

The term “**mobile or traveling housing facility**” is defined by as a vehicle—including any truck, trailer, or railway car—used to transport or house an animal used for performance.

The following are exempt from the provisions:

- a) The involvement of animals in animal-related Educational Activities.
- b) The involvement of animals in activities or enterprises endorsed or accredited by The Association of Zoos and Aquariums and the Global Federation of Animal Sanctuaries.
- c) The diagnosis or treatment of animals by veterinarians in the course of a veterinarian's practice of veterinary medicine.
- d) The otherwise lawful use of animals {or therapeutic purposes by persons who are physically or mentally disabled.

The term “**wild and exotic animal**” is defined as the following orders and families of animals (excluding, companion animals): (i) nonhuman primates (e.g., chimpanzees) and prosimians (e.g., lemurs), (ii) felidae (e.g., lions and tigers) and all hybrids (excluding domestic and feral cats), (iii) canidae (excluding domestic dogs), (iv) ursidae (e.g., bears), (v) crocodylia (e.g., alligators) and certain other reptiles and (vi) Proboscidea (elephants).

The term “**companion animal**” is defined by “any dog or cat, and shall also mean any other domesticated animal traditionally maintained in or near the household of the owner or person who cares for such other domesticated animal.

**PENALTIES:** Any person who violates this ordinance shall be subject to the penalties provided by Chapter **828.12 s. 775.082**. (*Cruelty to animals - A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty, a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or by a fine of not more than \$5,000, or both.*) Each animal displayed, performing, ridden or exhibited in any manner shall count as a separate violation. Each occurrence shall count as a separate violation.

**SEVERABILITY:** If any section, subsection, sentence, clause, phrase, or word of this Ordinance or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Ordinance.

**EFFECTIVE DATE:** This act shall take effect immediately.

**JUSTIFICATION:**

As explained below, the Ordinance is necessary to protect wild animals—many of which are endangered or threatened species used in circuses because (a) the tricks that such wild animals are forced to perform often involve physical coercion and abuse, (b) extensive travel and prolonged confinement of animals in circuses can be detrimental to their physical and psychological health and welfare, (c) the public safety and the safety of workers may be put at risk by exhibiting wild animals in circuses, (d) circuses teach children inhumane and distorted lessons about wildlife, and (e) current law—including the federal Animal Welfare Act (AWA) does not adequately protect circus animals from abuse and mistreatment.

**a. The Tricks that Wild Animals Are Forced to Perform in Circuses Often Involve Physical Coercion and Abusive Tactics.**

The tricks that animals are forced to perform in circuses, such as headstands and jumping through rings of fire, often involve physical coercion and abusive tactics. In particular, these are not behaviors animals would perform in nature and, in order to make animals perform them, some exhibitors use training methods that result in trauma, physical injury and, in extreme circumstances, death. Moreover, performances in front of an audience and the attendant loud noise and bright lights cause wild animals stress.

Undercover investigators and employee whistleblowers have reported, photographed and videotaped abuse of wild animals that would be protected by the Ordinance including lions, tigers, monkeys, and bears, as well as other animals used in circuses in the United States and abroad. In 2018, an investigation showed, among other things, that a circus trained bears “primarily using aversive techniques, meaning that an uncomfortable or painful stimulus is applied in order to force the animal to move or act how the handler wants it to.” In 2017, the Humane Society of the United States published an investigative report that documented a circus trainer’s abuse of tigers; for example, the investigator observed the trainer whipping a tiger 31 times in two minutes during a training session. One former circus employee reported that he observed circus employees regularly hitting tigers on the head, jabbing tigers with sticks in the genitals and under the head, and intentionally shutting cage doors on their tails. Occasionally, circuses even kill animals that they are unable to control. For example, in 1992, in Palm Bay, Florida an elephant went rogue at a circus with a mother and her children on its back. This resulted in the elephant being shot multiple times by a local police officer and ultimately killed while the public watched in horror.

**b. Extensive Travel and Prolonged Confinement Can Be Detrimental to Circus Animals’ Physical and Psychological Health.**

Wild animals are particularly harmed by being forced to travel for long periods of time, living in inadequate housing, and experiencing harsh conditions on the road as they are transported to different venues. For example, in 2010, an inspection report indicated that a popular circus confined 12 tigers to cages and gave them no opportunities to exercise aside from their circus performances in Chicago. In 2010, a Marin County (California) Humane Society inspection report observed that a circus did not appear to be adequately exercising its tigers (and implied that it was possible that the only exercise they received was during their 12-minute circus acts), that there were periods when tigers had no access to water, and that the floors of the tigers’ transport cages had large splinters and could be a potential safety hazard. Occasionally, circus animals’ traveling conditions may be so extreme that they result in death. For example, in 2004, a lion died while traveling in a boxcar. One animal welfare group estimates that many circus animals spend eleven months a year traveling.

In addition to requiring long periods of travel, circuses have been cited numerous times by the USDA and in some cases have been found guilty of failing to provide adequate veterinary care, causing these animals discomfort, failing to provide appropriate enclosures, and failing to remove excrement from enclosures to prevent animals from contamination.

**c. The Public Safety and The Safety of Workers Are Put at Risk by Exhibiting Wild and Exotic Animals in Traveling Circuses.**

In addition to protecting animals, the Ordinance would also protect people, because public safety and the safety of workers are put at risk by exhibiting wild and exotic animals in traveling circuses. In 2017, for instance, a Bengal tiger escaped during transport from Florida to Tennessee; the tiger attacked a pet dog in a residential neighborhood; and police officers subsequently shot and killed the tiger. In New York City, a 450-pound tiger escaped from the New Cole Bros. Circus while being transferred from one cage to another near the Forest Park bandshell in Queens, injuring drivers who had encountered the animal. In 2017, a tiger got spooked during a circus in Florida and a fearful audience “started stampeding.” In 2013, a tiger escaped during a performance and an audience member encountered the tiger in the venue’s public restroom. In 2020, a tiger attacked a worker at Big Cat Rescue in Tampa, resulting in a worker almost severing her arm.

**d. Current Law Does Not Adequately Protect Circus Animals from Abuse and Mistreatment.**

More generally, the Ordinance is necessary because current law does not adequately protect wild animals from abuse and mistreatment in circuses. For instance, state law bars a person from beating an animal or denying an animal food or water and offers other protections. But because the actual training of circus animals usually occurs in jurisdictions outside of Florida, it is not possible for state and local law enforcement to protect animals from abusive training techniques before they arrive in State. Further, local law enforcement often lacks the training and expertise necessary to determine whether a wild animal's welfare is compromised in the circus

At the federal level, APHIS (Animal and Plant Health Inspection Service)—the section of the USDA charged with enforcing the AWA—is likewise limited in its enforcement efforts. According to a USDA Inspector General report:

*“40 traveling exhibitors we reviewed, Animal Care inspectors could not perform timely re-inspections to ensure that serious noncompliant items that were identified in previous inspections had been resolved. For example, one exhibitor continued to show its elephants on the road even though an animal care inspector had previously cited the exhibitor for the animals being too thin for travelling exhibition. ... Without reinspection, APHIS Animal Care inspectors cannot determine if the serious safety violations cited have been corrected. Notably, at least one federal court has characterized the USDA's review of applications for license renewals as “an automatic, ‘rubberstamping’ type transaction.”*

**OPPOSITION**

In response to similar legislation designed to protect wild animals, some animal exhibitors have argued, among other things, that circus workers will lose jobs if animals may no longer perform; that the public will lose an opportunity to view entertainment; and that other businesses will decline due to the lack of circuses. Banning wild animals from circuses does not mean the end to all circus entertainment in Florida nor must it lead to the loss of hundreds of jobs. Rather, circuses will have to focus on acts that do not use wild animals. Cirque du Soleil, for instance, is popular despite the fact that it does not use animals in its circus shows. Other circuses, like the Bindlestiff Family Cirkus and the Russian American Kids Circus, likewise do not use animals. The roughly two dozen animal-free circuses in the United States are a testament to the public's desire to see circuses that do not exploit wild and exotic animals.