A bill to be entitled
An act relating to the Florida Orca Protection Act;
creating s. 379.3763, F.S.; providing definitions;
prohibiting orcas from being held in captivity;
prohibiting certain breeding, impregnation, or
insemination-related activities and certain export,
transport, movement, or sale activities; allowing an
orca currently in captivity for entertainment purposes
to remain in captivity under certain conditions;
specifying penalties for violations; providing an
exception, subject to conditions, for orcas that are
rescued, undergoing rehabilitation, or being used in
research by certain institutions or for educational
presentations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 379.3763, Florida Statutes, is created
to read:

379.3763 Florida Orca Protection Act.—
(1) As used in this section, the term:
(a) "Bona fide educational or scientific institution"
means an institution that is:
1. Described in s. 501 (a) of the Internal Revenue Code of
1986, as amended, or that receives tax exemptions from the
26 institution's national or state taxing authority; and
27
2. Accredited as an educational or scientific institution
28 from a qualified national, regional, state, or local authority
29 for the institution's location.
30
(b) "Educational presentation" means a live, scheduled
31 orca display in the presence of spectators that includes natural
32 behaviors, enrichment, exercise activities, and live narration
33 and video content, a significant portion of which features orcas
34 in the wild, that provides science-based education to the public
35 about orcas.
36
(c) "Orca" means a killer whale (Orcinus orca).
37
(2) Effective July 1, 2018, except as provided in
38 subsection (3), a person may not:
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(a) Hold in captivity an orca, whether wild-caught or
40 captive-bred, for any purpose, including, but not limited to,
41 display, performance, or entertainment purposes.
42
(b) Breed or impregnate an orca held in captivity in this
43 state.
44
(c) Export, collect, or import the semen, other gametes,
45 or embryos of an orca held in captivity for the purpose of
46 artificial insemination.
47
(d) Export, transport, move, or sell an orca located in
48 the state to another state or country unless authorized by
49 federal law or if the transfer is to another facility in North
50 America that meets standards equivalent to or more stringent
than those provided under the United States Animal Welfare Act, 7 U.S.C. ss. 2131 et. seq.

(3) An orca located in the state on July 1, 2018, may continue to be held in captivity for entertainment purposes until December 31, 2019, and may be used thereafter for educational presentations only.

(4) A person that intentionally or negligently violates subsection (2) shall be liable for a civil penalty of up to $100,000 per violation, per day, assessed by the commission. Each day of continuing violation constitutes an additional, separate, and distinct violation.

(5) This section does not apply to an orca that is held by a bona fide educational or scientific institution for rehabilitation after a rescue or stranding or for research purposes pursuant to federal authority. However, the commission shall be notified immediately upon the rescue or acquisition of any orca, and an orca that is held for rehabilitation or research purposes must be returned to the wild whenever possible. If return to the wild is not possible, the orca may be used for educational presentations, but may not be used for breeding, performance, or entertainment purposes.

Section 2. This act shall take effect July 1, 2018.