

**EXPANSION OF THE FLORIDA ANIMAL ANTI-CRUELTY STATUTE TO BETTER SERVE ANIMALS
USED IN CIRCUSES, CARNIVALS, AND OTHER TRAVELING SHOWS**

LAURA WESOLOWSKI

I. INTRODUCTION

Imagine you are watching the television after a long day of work, and a commercial catches your eye. The circus is coming to town! There is something youthful and nostalgic about that announcement. You watch the screen as acrobats soar high above audience members' heads, tightrope walkers balance nimbly on impossibly thin ropes, and clowns in silly costumes crack jokes in between acts. You are taken back to a bygone era. But, then you are abruptly made aware that the circus does not just feel old fashioned, it is. In fact, it is a charade of fun and smiles, masking abuse. You watch in disbelief as Asian elephants, one of the largest animal species on earth, are forced to contort their bodies and balance on platforms that are a fraction of their size. Full-grown adults stand on the backs of camels as they race in tight, confined spaces. Dogs cautiously scale tall ladders and leap from the very top, risking injury. Among the music, the crowds, and the sound effects, the noise is defining. Across America, animals are subjected to abusive, archaic practices like this for profit in circuses, carnivals, and other traveling shows.

Because of the shortcomings in enforcement and coverage of the Animal Welfare Act, and because of the limited, criminal justice approach of Florida Statute 828, Florida Statute 828 should be expanded to better serve animals used in circuses, carnivals, and other traveling shows. The statute should be expanded to (1) require the establishment of a statewide Courtroom Animal Advocate Program; (2) require law enforcement officers, animal control officers, and state prosecutors to establish relationships with animal welfare professionals; (3) require law enforcement officers, animal control officers, and state prosecutors to attend biannual animal welfare trainings that cover topics from investigative methods and evidence collection to animal-

friendly criminal sentences; (4) strongly encourage law enforcement officers and state prosecutors to routinely consult animal welfare professionals for their cases; (5) strongly encourage law enforcement agencies and offices of state prosecutors to establish designated, specialized animal abuse positions when resources allow; and (6) allow for civil injunctive relief for animal activists on behalf of animals victimized under the statute.

II. THE PROBLEM WITH AN UNNATURAL, TRAVELING PERFORMANCE LIFE

Animal use in entertainment is a broad category, encompassing a vast number of stationary and transient operations. This paper will focus on animal use in transient, traveling exhibitions that do not have educational components. By nature, circuses, carnivals, and other traveling shows require the animals that are property to travel regularly and to perform for the public regularly. Researchers have found that this lifestyle is problematic for animals, in general, due to the living and traveling conditions that animals are subjected to as well as the pressures of performance of unnatural acts in unnatural environments.¹

Whether a show is touring the country or touring the world, travel schedules for animals in exhibitions can be grueling. Research has shown that the average length of a stay in one tour location is about 6.9 days, from arrival to departure.² Further, despite the length of the stay, long or short, the research has found that there is on average no difference in the number of rest days in between tour locations.³ This is concerning because shorter stays in each location means more time on the road and less time getting “off-duty” exercise, space to stretch, or movement-free relaxation. The University of Bristol found that 45% of the 153 European and North American traveling circus trips that they analyzed involved no resting days at all in between stops on a

¹ G. Iossa, C.D. Soulsbury & S. Harris, *Are wild animals suited to a travelling circus life?*, 18 U. Fed. For Animal Welfare 129 (2009), <https://www.federalcircusbill.org/wp-content/uploads/2014/04/Iossa2009.pdf>.

² *Id.* at 133.

³ *Id.*

tour.⁴ Traveling exhibitions have been known to use a variety of different animal species in their shows, from elephants, to tigers, to dogs, to monkeys, to horses, to camels, and more, all of which have different basic needs, and needs for recuperation specifically. One would not expect an Asian elephant to have the same level of energy as a poodle. Nor would one expect all of these animals to have the same natural sleep or activity schedule. However, all species are expected to comply with the demands of a tour in the same fashion.

When animals are on tour, they experience different forms of confinement. Confinement includes traveling cages and tour-stop enclosures. Traveling cages are containers that are usually small enough to be carried on a long trailer.⁵ Tour-stop enclosures are “exercise” pens that are larger cages, typically connected to the travel cages.⁶ The term “exercise” is used loosely. When compared to other forms of traditional wildlife confinement, like accredited zoos, that have outdoor and indoor spaces for animals, research has found that circus tour-stop enclosures provide about 26% less space than recommended per species. Further, traveling cages provide about 27% less space than recommended per species.⁷ Frequent movement, noise, handling by staff, confinement, and changes in climate have been shown to create stress for many species of animals.⁸ Horses, which are common in circus shows, have been found to develop problems such as fatigue, weight loss, disrupted feeding patterns, and joint or muscular problems when they are forced to travel frequently.⁹ When animals are at a tour location, they may spend a mere 1-9% of their day in training or performing in a show, and they may spend the remaining 90% of their

⁴ *Id.*

⁵ *Id.* at 130.

⁶ *Id.*

⁷ *Id.* at 131.

⁸ J. Hartung, *Effects of transport on health of farm animals*, 27 *Veterinary Rsch. Commc'n* 525, 525-27 (2003).

⁹ Natalie Waran & Derek Cuddeford, *Effects of loading and transport on the heart rate and behaviour of horses*, 43 *Applied Animal Behav. Sci.* 71 (1995).

day in the undersized, barren travel cages or tour-stop enclosures.¹⁰ Exhibitors may try to justify confinement as their answer to concerns for public safety in locations where traveling shows stop. However, it is not a justification for the method of confinement, subjecting animals to such extremely unnatural lifestyles with little mental, social, or physical enrichment.

Despite the relatively small amount of time that animals are performing at tour locations, the experience of performing leaves a significant impact on the animals. Performances are loud, crowded, bright, and high energy. Research has shown that all of these elements can and do create anxiety and frustration in captive wildlife, leading up to a performance and during a performance.¹¹ Though domesticated animals may be more accustomed to humans, in general, strangers, sudden loud noises, and other frenzied elements of a performance can still cause them stress. Dogs' sound sensitivity is about twice the sound sensitivity of humans,¹² making dogs twice as vulnerable to the effects of the performance atmosphere.

Due to the transient, demanding, confining, and chaotic nature of traveling shows, and due to the traditional methods of transporting, housing, and using the animals, the welfare needs of performance animals are not being met. Further, it is not possible for performance, traveling lifestyles to provide enrichment to animals that is comparable to other forms of stable, conscious wildlife captivity, like accredited zoos.

III. FEDERAL REGULATION OF ANIMALS IN TRAVELING EXHIBITIONS

Animals in circuses, carnivals, and other traveling shows are governed by federal, state, and local laws. On the federal level, certain types of animal species are governed by the Animal

¹⁰ J. Schmid, *Keeping circus elephants temporarily in paddocks: the effects on their behaviour*, 4 *Animal Welfare* 87, 89 (1995).

¹¹ G. Iossa, C.D. Soulsbury & S. Harris, *supra* note 1, at 132.

¹² LSU, *How Well Do Dogs and Other Animals Hear?*, <https://www.lsu.edu/deafness/HearingRange.html>, (last visited Dec. 2, 2023).

Welfare Act, certain species are governed by the Endangered Species Act, and commercial and academic enterprises that use animals are protected from radical animal activism by the Animal Enterprise Terrorism Act. Both the Animal Welfare Act and the Endangered Species Act have been used by activists to try to get animals out of traveling exhibitions and into more enriching, captive environments like accredited zoos and sanctuaries. For example, People for the Ethical Treatment of Animals (PETA) and the American Society for the Prevention of Cruelty to Animals have filed numerous lawsuits under the Endangered Species Act's "takings" provision to pressure Ringling Bros. into removing Asian elephants from their shows.¹³

Under the Endangered Species Act, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered wildlife, or to attempt to engage in any such conduct.¹⁴ The Endangered Species Act establishes a framework to conserve and protect endangered and threatened species and prohibits the transportation of protected species in the course of a commercial activity.¹⁵ In 2011, the American Society for the Prevention of Cruelty to Animals sued Feld Entertainment, Inc. on behalf of a past Ringling Bros. employee, under the Endangered Species Act's "takings" provision, on the grounds that he could not attend the circus or work for the circus without injury because the elephants, owned by Ringling Bros., were being harmed.¹⁶

Another federal law that affects animals in circuses and traveling shows is the Animal Enterprise Terrorism Act of 2006. The law is designed to protect for-profit enterprises and to deter radical animal activists from interfering in their operations. Under the Animal Enterprise

¹³ Elahe Izadi, *The long battle to remove elephants from the Ringling Bros. circus*, Washington Post, <https://www.washingtonpost.com/news/morning-mix/wp/2015/03/05/the-long-battle-to-remove-elephants-from-the-ringling-bros-circus/> (last visited Dec. 2, 2023).

¹⁴ 16 U.S.C.A. § 1532 (West).

¹⁵ *Id.* § 1538.

¹⁶ *American Soc'y. for the Prevention of Cruelty to Animals v. Feld Ent., Inc.*, 677 F. Supp. 2d 55, 66–67 (D.D.C. 2009), *aff'd*, 659 F.3d 13 (D.C. Cir. 2011).

Terrorism Act, protected entities include commercial or academic enterprises that use or sell animals or animal products for profit; zoos, circuses, rodeos, or other lawful competitive animal events; or any fairs or similar events intended to advance agricultural arts and sciences.¹⁷ The law penalizes individuals for damaging or interfering with the operations of an animal enterprise, resulting in loss of real or personal property or intentionally placing a person in reasonable fear of death or serious bodily injury.¹⁸ Penalties include both misdemeanor and felony-level sentences for offenders, ranging from a fine and/or less than one year of imprisonment to a fine and/or twenty years of imprisonment.¹⁹ Over the years since its enactment, for-profit enterprises have tested the limits of the law. For example, in Tampa, Florida, two residents sued Hillsborough County for taking possession of 138 dogs from their premises.²⁰ The individuals claimed to be breeders who were victims of damage to their animal enterprise by Hillsborough County Animal Services.²¹ The dogs were found in cages that were stacked on top of each other, living in their own feces and covered in urine, with little to no ventilation.²² In this case, the court confirmed that the Animal Enterprise Terrorism Act is a penal statute and that only federal or state prosecutors can file animal enterprise terrorism criminal charges against a person or entity.²³ Therefore, the complaint was dismissed for failure to state a claim upon which relief could be granted.²⁴

The most controlling statute for circuses, carnivals, and other traveling shows, however, is the Animal Welfare Act (AWA). The AWA signifies federal recognition of human duties to

¹⁷ 18 U.S.C.A. § 43 (West).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Otto v. Hillsborough Cnty., Fla.*, No. 8:12-CV-1515-T-33TGW, 2013 WL 2456095, at *1 (M.D. Fla. June 6, 2013).

²¹ *Id.*

²² *Id.*

²³ *Id.* at 4.

²⁴ *Id.*

animals. It establishes United States Department of Agriculture (USDA) authority to set minimal standards for handling, care, treatment, and transportation of animals by exhibitors. Minimum standards of care govern housing, handling, nutrition, water, transportation, sanitation, general husbandry, veterinary care, shelter from extreme weather, exercise for certain species, and psychological enrichment for certain species.²⁵ Exhibitors are defined as any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, to the public for compensation, and such term includes carnivals, circuses, and zoos exhibiting such animals.²⁶ The term excludes all persons participating in state and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences.²⁷

Under the AWA, the USDA is responsible for issuing licenses for traveling exhibitors, conducting inspections for license applications and renewals, and enforcement of compliance with departmental guidelines for animal care. Violations of minimum standards of care may result in temporary license suspension or revocation, civil penalties including fees and injunctions, or criminal penalties and prosecution by attorneys of the UDSA.²⁸ The AWA creates a cause of action for trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.²⁹

Though the AWA was a significant step forward for the animal welfare movement at the time of its establishment in 1966, animal activists have identified limitations in the language and coverage of the law itself as well as limitations in enforcement of the AWA. For example, the

²⁵ 7 U.S.C.A. § 2143.

²⁶ *Id.* § 2132.

²⁷ *Id.*

²⁸ *Id.* § 2149.

²⁹ 9 C.F.R. § 2.131.

AWA does not cover horses, ponies, or donkeys not used for research; amphibians and reptiles; or invertebrates.³⁰ Unfortunately, horses and ponies are commonly used in circuses, carnival, and other traveling shows. Therefore, they are not protected under the law. Further, as a federal law, the AWA is restricted to animals associated with interstate commerce; meaning that local, intrastate operations, with animals purchased intrastate, would not receive protection under the AWA. In addition to concerns about the low bar for animal care set by the AWA and the exclusion of certain animal species, animal activists have well-founded concerns and frustrations about the lack of and lenient enforcement of the AWA.

There are only two AWA inspectors per state, and there are about 15,000 dealers, exhibitors, research facilities, carriers, and intermediate handlers with active licenses or registrations under the AWA.³¹ In Florida alone, there are 1,569 regulated licensees and registrants.³² Though the USDA claims that Animal Care inspectors conduct routine, unannounced inspections of all entities licensed or registered under the AWA, this has shown to be, unsurprisingly, not fruitful.³³ Inspectors may conduct three types of inspections: pre-licensing inspections; unannounced compliance inspections; and focused inspections based on public complaints and allegations of violations.³⁴

Activists argue that when inspections do occur, the USDA has a documented history of issuing numerous warnings to violators, instead of taking action.³⁵ Further, when fines are issued

³⁰ USDA Animal Care, *Animal Welfare Act*, https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_awa (last visited Dec. 2, 2023).

³¹ USDA, *Animal Care Public Search Tool*, <https://aphis.my.site.com/PublicSearchTool/s/> (last visited Dec. 2, 2023).

³² *Id.*

³³ USDA, *AWA Inspection and Annual Reports*, <https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/awa/AWA-Inspection-and-Annual-Reports> (last visited Dec. 2, 2023).

³⁴ *Id.*

³⁵ Delcianna Winders & Varu Chilakamarri, *Animal Welfare Act: Enforcement*, 25 *Animal L.* 249, 255 (2019).

for violations, the USDA has a history of reducing fines or issuing fines for amounts that are so small that they have a serious unlikelihood of deterring future misconduct.³⁶ The AWA allows for penalties of up to \$10,000 per day, per violation, per animal.³⁷ These penalties, however, can be and are often discounted based on the size of a business, the gravity of a violation, the owner's good faith, and the presence of or lack of a history of previous violations.³⁸ As of 2019, the inspector general found that the USDA was discounting violation penalties by 86% on average, including cases involving animal deaths.³⁹ For example, a roadside zoo in Michigan, Anderson & Girls Orchards, had received over forty-five violations from the USDA between 2014-2022 for failing to provide adequate veterinary care, failing to clean enclosures, and failing to provide adequate food and water to their animals.⁴⁰ The roadside zoo was still able to operate as a business and profit off their animals during that period.⁴¹ As for penalties, in 2021, Anderson & Girls Orchards was inspected at least twice and was cited five times for significant veterinary and sanitation violations, like feces build-up of over three feet and untreated eye infections for multiple animals, and was only fined \$3,875.⁴²

Despite the fact that there are 15,000 regulated dealers, exhibitors, research facilities, carriers, and intermediate handlers under the AWA, the USDA reported that it initiated a mere 262 cases for alleged violations of the AWA, issued 204 warnings, and suspended or revoked just seven licenses in 2022.⁴³ Of the 15,000 regulated licensees and registrants, the USDA settled

³⁶ *Id.* at 254.

³⁷ *Id.* at 251.

³⁸ *Id.* at 254.

³⁹ *Id.* at 255.

⁴⁰ PETA, *USDA: Revoke the License of Vile Anderson & Girls Orchards NOW!*, <https://www.peta.org/blog/anderson-and-girls-cited/> (last visited Dec. 2, 2023).

⁴¹ *Id.*

⁴² USDA, *Citation and Notification of Penalty: Anderson & Girls Orchards, LLC*, <https://www.aphis.usda.gov/enforcement/anderson.pdf> (last visited Dec. 2, 2023).

⁴³ USDA, *Enforcement Summaries*, https://www.aphis.usda.gov/aphis/ourfocus/business-services/ies/ies_performance_metrics/ies-panels/enforcement-summaries (last visited Oct. 30, 2023).

violation disputes in 2022 resulting in just \$176,245.⁴⁴ As of October 2023, there are just 28 cases that the UDSA has submitted to the Office of the General Counsel for formal administrative action under the AWA.⁴⁵ Though the USDA recently made changes to its licensing program, limiting licenses to three-year fixed terms and requiring inspections for renewal applications at the end of the three-year term, it is not guaranteed that these inspections will have the impact that animal activists are hoping for. Because the federal regulations leave room for abuse of animals, states, counties, and cities have created laws and ordinances to supplement them with varied results.

IV. FLORIDA STATE REGULATION OF ANIMAL CRUELTY

In Florida, animals that are associate with circuses, carnivals, and other traveling shows are considered tangible property of the exhibitor.⁴⁶ On the state level, these animals are overseen by Florida Statute 828 Animals: Cruelty; Sales; and Animal Enterprise Protection.⁴⁷ The AWA sets minimum standards for certain species and states like Florida have chosen to broaden the standards, coverage, and penalties for violations, excluding AWA exceptions. The cruelty section of this statute takes a criminal justice approach to animal welfare on the state level and a civil approach on the local level. The statute establishes criminal penalties for animal cruelty and general requirements for animal quality of life, including “sufficient” exercise, food and water, and change of air.⁴⁸ Under this statute, the Florida Department of Agriculture and Consumer Services and the Florida Fish and Wildlife Conservation Commission regulate the movement of animals within the state and licenses for the exhibition of animals. For example, movement of

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Mikos v. Ringling Bros. Barnum & Bailey Combined Shows*, 475 So. 2d 292, 293 (Fla. Dist. Ct. App. 1985).

⁴⁷ Fla. Stat. Ann. § 828 (West).

⁴⁸ *Id.* § 828.13.

animals requires veterinary care and temporary exhibitions have minimum public safety requirements for the use of wild animals.⁴⁹

A benefit of Statute 828 is that it, generally, applies to “every living dumb creature.”⁵⁰ On its face, this definition of “animal” is more inclusive in its coverage of different species than the AWA and the Endangered Species Act. The statute defines “torture,” “torment,” and “cruelty” as every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused.⁵¹ Of course, however, there are exceptions, including when an act is done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief.⁵² For example, accepted husbandry practices in agriculture would be “permitted” acts under the statute.⁵³

The statute does not, however, define “unnecessary,” “unjustifiable,” animal “pain,” or animal “suffering.” By not defining these terms, the statute creates room for interpretation and discretion by law enforcement officers, animal control officers, prosecutors, defense attorneys, and judges, which may not work in favor of the animals that the statute was written to protect.

As mentioned previously, the statute takes a criminal justice approach to animal welfare. The statute establishes misdemeanor and felony-level penalties for violations. Under 828.12, any 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.⁵⁴ These first degree misdemeanors are punishable by

⁴⁹ Fla. Admin. Code, Rule 5C-3.002; Rule 68A-6.007.

⁵⁰ Fla. Stat. Ann. § 828.02 (West).

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* § 828.122.

⁵⁴ *Id.* § 828.12.

imprisonment not exceeding one year or by a fine of not more than \$5,000, or both.⁵⁵ Also under 828.12, a person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree.⁵⁶ These third degree felonies are punishable by imprisonment not exceeding five years or by a fine of not more than \$10,000, or both.⁵⁷

Statute 828 also incorporates language and regulations from the federal Animal Enterprise Terrorism Act.⁵⁸ The sections 828.41-43 deal with the physical disruption to the property, personnel, or operations of an animal enterprise by intentionally stealing, damaging, or causing the loss of any property, including animals or records, used by the animal enterprise, and thereby causing economic damage.⁵⁹ Similar to the federal law, Florida's supplement is a penal statute.⁶⁰ Also like the federal law, circuses, rodeos, other lawful competitive animal events, and fairs intended to advance agricultural arts and sciences fall under the definition of "animal enterprises."⁶¹ Violations of the Florida Animal Enterprise Act are punishable by a felony of the third degree or second degree.⁶² Injunctive relief is available to animal enterprises that are subjected to ongoing physical disruption.⁶³

Though taking a criminal justice approach to animal welfare may create an appearance that the state is taking a strong stance on animal cruelty, there are drawbacks to solely relying on

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.* § 828.42.

⁵⁹ *Id.*

⁶⁰ *Otto*, 2013 WL 2456095, at *4.

⁶¹ Fla. Stat. Ann. § 828.41 (West).

⁶² *Id.* § 828.42.

⁶³ *Id.* § 828.43.

the criminal justice system to address this issue. Some major drawbacks to a criminal justice approach to animal welfare are that the criminal justice system requires a higher burden of proof for allegations of misconduct; it is a lengthy process; it involves more parties with discretion from complaint to resolution; it does not allow for much flexibility in sentencing or plea agreements; and it does not require the involvement of or consultation of animal welfare experts. By requiring a higher burden of proof for allegations of misconduct, which is “beyond all reasonable doubt,” the statute will, inevitably, be unenforceable for less obvious instances of animal abuse. This burden of proof is higher than in civil actions, in which the burden of proof is “by a preponderance of the evidence.” Establishing proof beyond all reasonable doubt is a burden on the prosecution and the investigators and an obstacle for the individuals and organizations that report alleged abuse to law enforcement. This is in addition to the difficulties of having vague, undefined terms in the statute, like “unnecessary,” “unjustifiable,” animal “pain,” or animal “suffering,” which leave room for interpretation and leave room for abusers to avoid punishment.

The criminal justice system is not known for being efficient or timely. In highly populated states like Florida, misdemeanors can take months from first appearance to trial, depending on the complexity of the case. Felonies can even take years. This duration is all in addition to the time it takes from the occurrence of an alleged crime to the initiation of a law enforcement investigation, to the conclusion of an investigation, and to the filing of a case by a state prosecutor. All along the way, law enforcement and state prosecutors will be evaluating the complaint to ensure that there is probable cause to move forward at all, not just a mere speculation of animal abuse. If an alleged offender is not in custody, which is typical for misdemeanors, animals may still be in danger while a case waits to move forward.

From the occurrence of a crime to the judicial resolution of a case, the criminal justice system involves many different parties who have discretion and can affect the outcome of a case. Beyond that, even more parties are involved in the implementation and oversight of criminal sentences and probations for misdemeanors and felonies. Under the current law, members of the public are encouraged to take note of potential abuse that they see and report it to the “proper” agency for handling. That “proper” agency is either animal control or a local police departments. Often animal control is only authorized to handle cases related to dogs and cats, as is the case in Broward County.⁶⁴ All other animal cases are to be handled by law enforcement.⁶⁵ The responding officer will initiate an investigation and has significant discretion in the way in which the investigation is done.

Though law enforcement officers are uniquely qualified to handle conflict situations, they are not, however, uniquely qualified to assess animal welfare. Even more so, law enforcement officers are not uniquely qualified to assess the welfare of tens of thousands of species of animals, or “every living dumb creature.” Even when the scope is limited to just dogs and cats, the qualifications of animal control officers is low. County and municipality animal control officers are only required to complete a forty-hour standards training course approved by the Florida Animal Control Association.⁶⁶ These trainings attempt to cover a wide array of essential topics for successful enforcement of animal welfare regulations, including animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations.⁶⁷ Forty hours, just one work week, is not a suitable amount of time to cover the breath of those

⁶⁴ Broward.org, *Reporting Animal Issues*, <https://www.broward.org/Animal/ProgramsServices/Pages/ReportingAnimalIssues.aspx> (last visited Dec. 2, 2023).

⁶⁵ *Id.*

⁶⁶ Fla. Stat. Ann. § 828.27 (West).

⁶⁷ *Id.*

topics. Examples of individuals who are uniquely qualified to assess animal welfare would include representatives of state, county, or local humane societies and licensed veterinarians.

Section 828.073, covering animals found in distress, gives animal control officers, law enforcement officers, agents of counties, and even specified non-profit organizations, the authority to lawfully take custody of any animal found “neglected” or “cruelly treated.”⁶⁸ They are also given the authority to order the owner to provide “certain care” to the animals at the owner’s expense, without removal.⁶⁹ Non-profits with authority are limited to societies organized under Florida law for the prevention of cruelty to animals and appointed by city mayors or county court judges.⁷⁰ The ability for certain approved individuals or organizations to take more immediate action is positive. However, figures of authority under this statute are left, once again, with very few definitions to guide their enforcement. The term “neglect” is used in the definitions of “torture,” “torment,” and “cruelty,” as an act that may cause “unnecessary or unjustifiable pain or suffering.”⁷¹ However, the term “neglect,” itself, is not defined. Moreover, the terms “unnecessary,” “unjustifiable,” “pain,” and “suffering” are not defined. Further, “certain care” is not defined.

In criminal law, when a criminal statute does not define a term, the plain meaning of the term may be the accepted interpretation.⁷² This is because defendants are entitled to due process and should only be condemned if they have warning of a law’s requirements and disobey it anyways.⁷³ Black’s Law Dictionary defines “neglect” as the failure to give proper attention to a person or thing, whether inadvertent, negligent, or willful; the act of treating someone or

⁶⁸ *Id.* § 828.073.

⁶⁹ *Id.*

⁷⁰ *Id.* § 828.03.

⁷¹ *Id.* § 828.02.

⁷² Jens D. Ohlin, *Criminal Law: Doctrine, Application, and Practice* 95 (Wolters Kluwer, 3rd ed. 2021).

⁷³ *Id.* at 93.

something heedlessly or inattentively.⁷⁴ This is a broad definition when applied to animal ownership. When interpreters pair such a broad definition with other broad terms like “unnecessary,” “unjustifiable,” “pain,” and “suffering,” figures with authority to enforce the statute have broad power to prosecute and, arguably, too much room for interpretation. It is possible for a statute to be so broad, or so vague, that enforcement does not occur.

Decisionmakers can be crippled by the amount of discretion that they have.

In spite of the ambiguities in the language of the penal statute, if an animal control officer or law enforcement officer decides to use their discretion to investigate a report of animal abuse, and the officer determines that probable cause for a crime exists, the case may be transferred to a state attorney for criminal prosecution. “May” is used because law enforcement and animal control officers have the discretion to choose whether to move forward on cases or not.

Similarly, state prosecutors have the discretion to choose whether to move forward on cases or not. Once a case makes it to a state prosecutor’s office, there are different units where a case can land. There are, typically, a general Misdemeanor Trial Unit, a general Felony Trial Unit, and specialized felony units. This also depends on the resources available to the county. Specialized units may include economic crimes, sex crimes, homicide, elder abuse, domestic violence, public corruption, and career criminal. However, animal welfare and animal abuse units are not common. For example, the State Attorney’s Office of the 17th judicial circuit in Broward County does not have a specialized unit for animal abuse cases.⁷⁵

A general lack of expertise in animal welfare and abuse throughout the criminal justice system is a detriment to the animals that Statute 828 is trying to protect. This lack of expertise is

⁷⁴ NEGLECT, Black’s Law Dictionary (11th ed. 2019).

⁷⁵ Harold F. Pryor Broward County State Attorney, *Contact Directory*, <https://browardsao.com/contact-directory/> (last visited Dec. 2, 2023).

also paired with a fairly rigid and rudimentary system of retributive and deterrence mechanisms. Regularly, state prosecutors and judges are limited in their discretion to make more creative and customized plea agreements and orders. For example, involuntary hospitalization of offenders who are a threat to themselves and others, including animals, due to incompetence is not a permissible sentence for misdemeanors in the state.⁷⁶ Abuse is a complex topic that deserves a more nuanced approach to resolution.

As mentioned previously, Statute 828, which reflects the federal Animal Enterprise Terrorism Act, only provides injunctive relief for animal enterprises against physical disruptors. By not allowing for civil injunctive relief for animal activists against animal abusers, the statute falls short. From the time a complaint is filed with local law enforcement to the time an investigation of the complaint is concluded, animals may be in harm's way. As mentioned before, only specific individuals or organizations have authority to remove animals from owners. This significantly shrinks the number of people who can take action on behalf of animals and attain more expedited relief for animals. When it comes to circuses, carnivals, and traveling shows, animal activists are concerned with stopping instances of animal abuse as soon as possible and restricting an abuser's ability to harm animals again in the future.

By nature, traveling shows are only in operation in a city for a relatively short amount of time. This makes investigating complaints of animal cruelty challenging for local law enforcement and frustrating for animal activists. For example, at the 2021 Broward County Fair, animal activists notified the City of Margate about an exhibitor committing animal cruelty. The exhibitor's ponies were tethered to a wooden carousel-type contraption all day and forced to

⁷⁶ Fla. Stat. Ann. § 916.13 (West).

walk in circles without any freedom of movement.⁷⁷ The ponies reportedly had visible saddle sores and looked “catatonic” and “exhausted.”⁷⁸ The exhibit was owned and operated by a long-time circus owner who had previously violated the AWA for beating an elephant with bullhooks and forcing it to give rides.⁷⁹ In this case, the exhibitor closed the exhibit and left the premises before animal control could conduct a full investigation. News articles make no mention of the City of Margate choosing to move forward on an investigation after the exhibitor had left.⁸⁰ Though the abusive exhibition at the Broward County Fair ended, the exhibitor himself never lost possession of the ponies nor was he legally obligated to stop exhibiting all together. If the animal advocates had the opportunity to seek injunctive relief, they could have intervened and made a more significant, and potentially lasting, impact on the ponies’ circumstances.

V. LOCAL REGULATION OF ANIMAL CRUELTY AND ANIMAL EXHIBITORS

Under Florida Statute 828, Florida counties and municipalities have the authority to enact ordinances that govern animal cruelty and animal control.⁸¹ This gives local governments the opportunity to supplement the state statute in a manner that reflects the interests and characteristics of their unique communities. However, counties and municipalities are restricted to civil monetary penalties for infractions that cannot exceed \$500.⁸² For example, Broward County, the second largest county in the state of Florida, enacted Broward County Animal Care Ordinance Section 4-17 Cruelty to Animals, which applies to all animals.⁸³ Under the ordinance, a person commits cruelty to animals if they cruelly ill-treat, torment, overload, overwork, fail to

⁷⁷ Susannah Bryan, *Pony ride kicked out of Broward County Fair after outcry from activists*, SunSentinel, Dec. 3, 2021, <https://www.sun-sentinel.com/2021/12/03/pony-ride-kicked-out-of-broward-county-fair-after-outcry-from-activists/> (last visited Dec. 2, 2023).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Fla. Stat. Ann. § 828.27 (West).

⁸² *Id.*

⁸³ Broward County, Fla., Animal Care Ordinance § 4-17.

provide sanitary living conditions, starve, or fail to provide reasonable medical care for illness or injury.⁸⁴ Further, a person commits cruelty to animals if they tether a dog in violation of the specified tether lengths and location guidelines, hoard animals, use animals for fighting or baiting, or intentionally cause an animal to be mutilated or inhumanely killed.⁸⁵ However, despite the severity of the abusive conduct that the ordinance is referring to, the maximum civil penalty for violations is just \$500.⁸⁶

In Broward County, local law enforcement and animal control divide jurisdiction of animal complaints by species. Broward County Animal Care animal control can only respond to issues regarding dogs and cats and law enforcement is responsible for complaints involving all other animals.⁸⁷ Once again, there are innate problems with delegating responsibilities to officers who have insufficient expertise. In addition to this, there are issues with reporting abuse. In Broward County, animal control enforcement of dog and cat anti-cruelty provisions is triggered by citizen complaints reported to their office. Those complaints are public record and by law cannot be anonymous.⁸⁸ News outlets have reported that this is a significant detriment to reporting because of fear of retaliation and actual retaliation.⁸⁹ This is relevant because dogs are commonly used in circuses, carnivals, and traveling shows. When barriers to reporting exist, animals are at a disadvantage.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.* § 4-28.

⁸⁷ Broward.org, *Reporting Animal Issues*,

<https://www.broward.org/Animal/ProgramsServices/Pages/ReportingAnimalIssues.aspx> (last visited Dec. 2, 2023).

⁸⁸ *Id.*

⁸⁹ Susannah Bryan, *Animal abuse complaint turns ugly after county outs caller. Broward blames state law for stripping away confidentiality*, SunSentinel, <https://www.sun-sentinel.com/2022/07/24/animal-abuse-complaint-turns-ugly-after-county-outs-caller-broward-blames-state-law-for-stripping-away-confidentiality/> (last visited Dec. 2, 2023).

Just two years ago, the Broward County Fair hosted an exhibitor that was operating a Monkey Jockey show. For ten days, Capuchin monkeys were forced to ride on the backs of dogs in races.⁹⁰ Viewers reported that they saw the monkeys hitting and biting the dogs during the races, pushing the dogs to reach high speeds.⁹¹ The Monkey Jockey show reportedly travels “5,000 miles a summer,” all the way to Arizona and New York.⁹² Activists who attended the fair called on the Margate City Commission to investigate.⁹³ In this case, animal activists were not deterred by the lack of anonymity, but other whistleblowers may be. Undoubtedly, fear of retaliation is a barrier to reporting. The Monkey Jockey show also reinforces the earlier critique that Statute 828 takes power out of the hands of activists and places it in the hands of officials who have discretion to determine whether abuse is occurring or not and whether action should be taken or not. When the Monkey Jockey show was investigated, it was determined by a that forcing monkeys to ride dogs and wear costumes and forcing dogs to race and sustain hits and bites for entertainment was not cruelty to animals.⁹⁴ The “investigation” was performed by a City Commissioner who is a licensed General Contractor and has a background in building and development, not animal welfare.⁹⁵

VI. GROWING PUBLIC SUPPORT FOR ANIMAL WELFARE IN ENTERTAINMENT IN FLORIDA

Circuses have a rich history in the state of Florida, dating back to the 1920s. In 1927, John Ringling of Ringling Bros. and Barnum and Bailey Circus moved the “off-season” winter

⁹⁰ Susannah Bryan, *Cruel or cute? Monkey jockey show at county fair sparks outcry from animal activists*, SunSentinel, <https://www.sun-sentinel.com/2021/11/24/cruel-or-cute-monkey-jockey-show-at-county-fair-sparks-outcry-from-animal-activists/> (last visited Dec. 2, 2023).

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ City of Margate, *Staff Directory*, <https://www.margatefl.com/directory.aspx?EID=32> (last visited Dec. 2, 2023).

quarters of the circus to the southwest coast of Florida in Sarasota.⁹⁶ When it was too cold to tour the country, lion tamers, trapeze artists, clowns, and circus animals would head to Florida to develop new acts and train.⁹⁷ In 1967, Ringling Bros. even opened a clown college in Sarasota, instructing over 1,300 clowns.⁹⁸ The history of circuses in the state extends up to north Florida as well, where Florida State University has had a Flying High Circus since 1947.⁹⁹ As evidenced by the longevity of these operations, there is an appreciation for circus arts throughout the state of Florida. However, there is also growing public support for more animal welfare in entertainment.

Despite animal activist groups, like the Animal Legal Defense Fund, categorizing Florida as a “top tier” state for animal protection laws, there is still abuse.¹⁰⁰ Until 2018, greyhound racing and betting on greyhound racing was legal and had a significant foothold in south Florida. However, displaying a change in public opinion, Florida voters approved a constitutional amendment to phase out the racing of and wagering on greyhounds or other dogs by 2020.¹⁰¹ Similarly, Ringling Bros. has felt the change in their pockets and in the press in Florida and around the country. After years of pressure from animal activists and dwindling ticket sales, Ringling Bros. shut down its show in 2017.¹⁰² A spokesperson for Feld Entertainment, Inc., the parent company of Ringling Bros., was reported saying that the company “detected a shift in mood from some of our customers that didn’t necessarily feel comfortable with elephants

⁹⁶ Visit Sarasota, *Sarasota County and the American Clown: A 100-Year Relationship*, <https://www.visitsarasota.com/article/sarasota-county-and-american-clown-100-year-relationship> (last visited Dec. 2, 2023).

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ FSU, *The FSU Flying High Circus About Us*, <https://circus.fsu.edu/about-us> (last visited Dec. 2, 2023).

¹⁰⁰ Animal Legal Def. Fund, *2022 U.S. State Animal Protection Laws Rankings*, <https://aldf.org/project/us-state-rankings/> (last visited Dec. 2, 2023).

¹⁰¹ Fla. Const. art. X, § 32.

¹⁰² Bill Chappell, *The Ringling Bros. circus is coming back, with human acts in the center ring*, NPR, <https://www.npr.org/2022/05/18/1099807177/ringling-bros-circus-coming-back-human-acts-center> (last visited Dec. 2, 2023).

traveling city to city.”¹⁰³ As of September 2023, Ringling Bros. has launched a brand new show that is completely animal-free, and has received praise from animal activist groups, like PETA, showing that audiences are still interested in being entertained minus the unnecessary harm to animals.¹⁰⁴

Fundamentally, forcing animals to perform for human entertainment is a violation of their dignity to live “biologically normal lives;” causes suffering from overwork and dangerous conditions; and deprives them of quality of life.¹⁰⁵ Despite the fact that animals are legally treated as “property,” federal laws like the AWA acknowledge that animals are entitled to a certain quality of life. It is not uncommon to see animals in circuses, carnivals, and other traveling shows performing tricks and stunts that are far from their normal, natural behavior. For example, animals climbing tall ladders and jumping off, balancing and posing on small surfaces, riding scooters, running at fast speeds in confined spaces, and so on. Animals must work against their natural instincts to comply with and submit to the demands of their owners who are motivated by profit.¹⁰⁶ According to a study conducted by the University of Bristol, although some animals in traveling exhibits may be bred in captivity, it does not mean that their biological, social, and cognitive needs are completely different from free animals.¹⁰⁷ Leaning into the growing public support for animal welfare in entertainment, Florida Statute 828 should be amended to better serve animals in circuses, carnivals, and other traveling shows.

¹⁰³ Elahe Izadi, *supra* note 13.

¹⁰⁴ Associated Press, *Reborn Ringling Bros. circus is coming back to South Florida — minus the animals*, SunSentinel, <https://www.sun-sentinel.com/2023/03/22/reborn-ringling-bros-circus-is-coming-back-to-south-florida-minus-the-animals/> (last visited Dec. 2, 2023).

¹⁰⁵ Reed Elizabeth Loder, *Animal Dignity*, 23 *Animal L.* 1, 42 (2016).

¹⁰⁶ *Id.*

¹⁰⁷ G. Iossa, C.D. Soulsbury & S. Harris, *supra* note 1, at 136.

VII. RECOMMENDATIONS

Because of the noted shortcomings in enforcement and coverage of the AWA, Florida Statute 828 is a welcomed supplement, which broadens the number of protected species of animals and increases animal cruelty enforcement mechanisms. However, to better investigate and stop abuse of animals in circuses, carnivals, and other traveling shows, Statute 828 should be expanded.

Under the existing penal structure, the statute should be expanded to:

1. Require the establishment of a statewide Courtroom Animal Advocate Program;
2. Require law enforcement officers, animal control officers, and state prosecutors to establish relationships with animal welfare professionals;
3. Require law enforcement officers, animal control officers, and state prosecutors to attend biannual animal welfare trainings that cover topics from investigative methods and evidence collection to animal-friendly criminal sentences;
4. Strongly encourage law enforcement officers and state prosecutors to routinely consult animal welfare professionals for their cases; and
5. Strongly encourage law enforcement agencies and offices of state prosecutors to establish designated, specialized animal abuse positions when resources allow.

In addition to the existing penal structure, the statute should be expanded to:

1. Allow for civil injunctive relief for animal activists on behalf of animals victimized under the statute.

A Courtroom Animal Advocate program would allow for a third-party advocate to assist in animal cruelty court proceedings, arising under Statute 828. This third-party advocate would be responsible for providing animal law and/or animal welfare expertise to the presiding judge or

finders of fact so that animals who are victimized under the statute would receive the justice that they are owed. Courtroom animal advocates may include licensed attorneys, certified legal interns, licensed veterinarians, zoologists, and not-for-profit animal society representatives. Because Statute 828 applies to “every living dumb creature,” there is a need for a diverse knowledge-base and the statute should reflect that.

Loosely similar to the concept of the guardian ad litem program, the courtroom animal advocates would be added to the litigation process to look after the interests of beings that are unable to speak for themselves or protect their own interests. The role of the courtroom animal advocate would be multifaceted. They would be responsible for monitoring their assigned cases; attending court hearings and trials; assisting the judge or finders of fact with reviewing and understanding the evidence presented as well as the relevant case law; assisting the judge or finders of fact with understanding the welfare needs of the animals at issue and how they are or are not being met; and assisting the judge or finders of fact with determining outcomes that are beneficial for the animals at issue as well as the community. Similar to the critiques made about law enforcement officers, animal control officers, and state prosecutors, who traditionally do not have expertise in animal welfare, judges, magistrates, and jury members traditionally do not have expertise in animal welfare, and they would benefit from this program.

As of October 30, 2023, a Florida House bill and a Florida Senate bill have been introduced that propose the establishment of a Courtroom Animal Advocate Program in the state.¹⁰⁸ However, the proposed bills limit the use of the program to only cases involving dog or cat harm arising under Statutes 828, 413, and 843. Further, the bills limit the courtroom animal advocates to Florida bar licensed attorneys and certified legal interns.

¹⁰⁸ Animal Legal Def. Fund, *Courtroom Animal Advocate Program (Florida)*, <https://aldf.org/project/courtroom-animal-advocate-program-florida> (last visited Dec. 2, 2023).

State attorneys' offices in populous states, like Florida, are overrun with demand and have struggled with recruitment and retention. With the rising cost of living in Florida, state attorneys' offices have struggled to compete with private firms that can offer \$20,000 to \$30,000 more in starting salaries.¹⁰⁹ Budgets are controlled by the state legislature. Similarly, Florida law enforcement agencies have struggled with recruitment and retention, even resorting to marketing out of state.¹¹⁰ According to the Florida Department of Law Enforcement, as of 2022, there are just 2.42 law enforcement officers per 1,000 people in the state.¹¹¹

Considering the current workforce and funding landscape for these public sector positions, it may be difficult to require that agencies have designated, specialized personnel established to handle animal abuse cases. However, when resources allow, the statute should strongly encourage agencies to establish these positions. Because resources may not allow for this, the statute should require agencies to establish consultative relationships with animal welfare professionals. It may not be realistic to require that agencies consult with animal welfare professionals, like humane society representatives, for each and every case related to animal abuse. As mentioned before, the criminal justice system is already inefficient and creating additional steps would, inevitably, slow down that process even more. However, the establishment of these relationships is key to building an expectation of more routine consultations with the animal welfare professionals.

¹⁰⁹ The Fla. Bar News, *State Attorneys and PDs Seek Legislative Assistance to Stem Turnover Issues*, <https://www.floridabar.org/the-florida-bar-news/state-attorneys-and-pds-seek-legislative-assistance-to-stem-turnover-issues/> (last visited Dec. 2, 2023).

¹¹⁰ WPTV, *Florida law enforcement agencies work creatively to battle shortages in the state*, <https://www.wptv.com/news/state/florida-law-enforcement-agencies-work-creatively-to-battle-shortages-in-the-state#:~:text=WEST%20PALM%20BEACH%2C%20Fla.,and%20can%20impact%20your%20safety> (last visited Dec. 2, 2023).

¹¹¹ FDLE, *Criminal Justice Agency Profile Report Statewide Ratios*, <https://www.fdle.state.fl.us/CJSTC/Publications/CJAP/Statewide-Ratios> (last visited Dec. 2, 2023).

As a part of this relationship building, officers and state prosecutors should be required to attend biannual trainings led by animal welfare professionals. These trainings should cover animal welfare fundamentals; refreshers on Statute 828 and local animal cruelty ordinances; relevant case law; abuse indicators; abuse investigation methods; evidence collection; the impoundment of animals; best practices for pre-trial conditions; best practices for probation; and best practices for other terms of plea agreements and sentences. By requiring officers and state prosecutors to receive similar trainings, the agencies would be a much more equipped and unified force in the protection of animals.

By relying on a purely criminal justice approach to the addressing animal cruelty in the state, the penal statute limits “animal advocates” to law enforcement officers, animal control officers, and prosecutors. Though members of the public may alert officers to animal abuse, they are powerless to make a more substantial impact on the animals’ conditions. The problem with limiting “animal advocates” to officers and state prosecutors is that they can and do choose not to move forward on cases, based on their inadequate expertise in animal welfare. Currently, Statute 828 only provides injunctive relief for animal enterprises against physical disruptors, reflecting the federal Animal Enterprise Terrorism Act.

In addition to the changes listed above, Statute 828 should be amended to allow for civil injunctive relief for animal activists on behalf of animals victimized under the statute. Animal activists could be anyone. Injunctive relief should be either temporary or permanent, depending on the needs of the case. Further, injunctions should include restraining an owner from possessing an animal that is found to be abused and/or restraining an owner from operating a for-profit activity that is causing animal abuse. Emergency injunctions, made without notice to defendants, should also be available and considered in cases where there is irreparable harm to

animals occurring or imminent. By nature, circuses, carnivals, and traveling shows are relatively fast moving targets, and exhibitors can be unpredictable, like the Broward County Fair pony ride exhibitor who packed up and left the fair before a criminal investigation could be done.¹¹² If the animal activists, who filed the complaint with the City of Margate, had the opportunity to bring a case forward on their own, they could have made a more significant impact on the ponies' circumstances. When it comes to circuses, carnivals, and traveling shows, animal activists are concerned with stopping instances of animal abuse as soon as possible and restricting an abuser's ability to harm animals again in the future.

The burden of proof for these activities would be a preponderance of the evidence, which would allow for more opportunities for enforcement of the statute. Meeting this burden would be on the plaintiff animal activist. Further, if an owner is enjoined from possessing their animal under this amendment, the plaintiff would bear the burden of establishing alternative accommodations for the animal. Alternative accommodations must be at least in compliance with the welfare requirements of Statute 828 as well as applicable local ordinances. Alternative accommodations should be identified using welfare guidance provided by animal cruelty not-for-profit organizations. Lastly, the civil expansion of the statute should not be construed to replace action taken under the criminal provisions. The civil expansion is designed to provide more opportunities for animals' needs to be met as well as, potentially, faster action to be taken. Criminal prosecution of defendants who violate the statute should occur simultaneously.

An example of this type of dual, criminal and civil, statutory approach is the North Carolina statute 19A. The statute provides a civil remedy for the protections and humane treatment of animals in addition to any criminal remedies that are available.¹¹³ The statute allows

¹¹² Susannah Bryan, *supra* note 75.

¹¹³ N.C. Gen. Stat. § 19A-2 (2022).

for plaintiffs to provide suitable care for the animals at issue, including housing and medical care.¹¹⁴ Moreover, in the event that a permanent injunction is granted, the defendant may be responsible for paying for food, water, shelter, and care costs.¹¹⁵

VIII. CONCLUSION

Florida Statute 828 should be expanded to better serve animals used in circuses, carnivals, and other traveling shows. The statute should be expanded to (1) require the establishment of a statewide Courtroom Animal Advocate Program; (2) require law enforcement officers, animal control officers, and state prosecutors to establish relationships with animal welfare professionals; (3) require law enforcement officers, animal control officers, and state prosecutors to attend biannual animal welfare trainings that cover topics from investigative methods and evidence collection to animal-friendly criminal sentences; (4) strongly encourage law enforcement officers and state prosecutors to routinely consult animal welfare professionals for their cases; (5) strongly encourage law enforcement agencies and offices of state prosecutors to establish designated, specialized animal abuse positions when resources allow; and (6) allow for civil injunctive relief for animal activists on behalf of animals victimized under the statute.

¹¹⁴ *Id.* § 19A-3.

¹¹⁵ *Id.* § 19A-4.