

# Get A Grip on Proposed Legislation!

By Fred Smith  
Florida Regional Director

It's that time of year again! The holidays, "January Thaw" and just about any other reason for our local and state legislators to "take a break" are over. It's time for them to get back to their offices and start working on their "agenda," whatever that might be. The political thing to do to get re-elected as a politician is to have your name on a legislative bill as the author and/or sponsor and see that it is enacted into law! This is a sure way to let those in your district know that you deserve to be re-elected. So we let them do their thing in office and we go about our duties of caring for our birds. As we are all aware, it takes a lot of time to care for our "feathered friends" and we just don't have the time to attend those long public meetings downtown at the city building or travel clear across the county to the courthouse. After all, we have many more things that we need to be doing, right? While we are assuming that our elected legislators are doing what we elected them to do, we find ourselves drifting down the river of time, and all the while we are being rocked to sleep as to what our officials are really up to.

The past 3 years as AFA Florida Regional Director has been a real eye opener for me as far as legislation goes. I was one of those people who thought that legislative issues were for other people who knew more about "all that stuff" than I did. After all, I rationalized, I was too busy to go sit and listen to all the mumbo-jumbo language that just makes a person want to catch up on lost sleep!

Back in the spring of 2003, word got out that there was going to be a public meeting at the county's agriculture building. The word was that the county officials were going to "rewrite" all the animal laws for Polk County. A neighbor asked me if I wanted to go with him since I had cattle, a few goats and some birds. I agreed, and when the time came we gathered up a few other neighbors and off to Bartow, Florida we went. We weren't expecting much to take place; maybe they would tell us that they had changed

the name of our cows to "grazing machines" or something.

The meeting was called to order by one of the County Commissioners leaning into the microphone and welcoming us all to the meeting. He then proceeded to tell us that under their new "proposed changes" we could only have 1 cow per acre and that we had to keep our cows at least 25 feet away from our property lines, etc., etc., etc.

After a few minutes of this nonsense, those in attendance started lining up to use the microphone themselves! It only took about 15 minutes before the meeting was clearly out of control. One person screamed into the microphone that, "none of the animal laws on the books needed [to be] changed!" Another shouted "leave our animals alone," and yet another stated that, "this meeting is a waste of my time!"

After the Commissioner finally re-established some semblance of order, he stated that the State of Florida had mandated that each County "revisit" their animal laws. When it was clear to all in attendance that the proposals were not going to be accepted by the attendees, it was decided that a committee would work on a new ordinance for the county, at which time it would be brought back to the county residents for their input. In total, there were 19 individuals in the group, including a veterinarian, a feed shop owner, a person representing the cattle ranchers, a few others representing other aspects of the animal community, and me, representing the exotic animal and bird owners.

Our duty was to read through all of the county's animal laws to determine if there was anything that needed to be updated. The county officials had given us a list of proposed changes that they wanted to make. Most of the changes were so ridiculous that the committee decided to make our own list of changes (if we felt that any were needed). As we searched the county's documents, we found many unbelievable laws that were already on the books!

One case involved a lady who was given a mandatory fine of \$250.00 because the cage for her daughters' pet rabbit was outside and "not in an air conditioned facility". Another case I found stated that a resident, "...must own an acre of land for each caged bird inside the owner's home..." In other words, if you owned a canary and two finches, you must own three acres! It became obvious that practically every line of the current animal ordinance would have to be rewritten. Each time the committee met, another

member would lose interest and drop out, leaving the remaining members to work out the proposed ordinances. At the final meeting, there were only two of us who were still working on the proposal!

After spending nearly 600 hours in meetings covering over a year, we finally had a proposed animal ordinance that we could bring to the public and then to the Board of County Commissioners for approval. The proposed animal ordinance passed unanimously by the Board of Commissioners just as we had written it. This shows that if we aviculturists would only get involved in the initial planning of any proposed changes to the animal laws, we can make it work to our good and to the good of our feathered friends.

### **Nuisance Laws!**

You may follow the law in every aspect as it pertains to your birds, but if two property owners claim that your birds are a nuisance, you could be sued by the county's Animal Services Department. This is exactly what happened to a couple in Hillsborough County, Florida (Tampa area) in just the past few months. A lady was told that she could no longer keep her chickens, roosters, Amazon Parrots, Jenday Conures and Patagonian Conures because she was in a "deed restricted" community. This didn't sit well with her, as her neighbor behind her (which was not in the restricted community) had 23 lovebirds and some finches in a block building

and was able to keep her birds.

Over the course of the next several months, the upset lady repeatedly had the Board of Health, as well as numerous other government agencies, investigate her neighbors' birds. In total, the neighbor was visited unannounced 17 times by a number of state and county agencies, including Florida Fish and Wildlife, the Hillsborough County Health Inspector, the Hillsborough County Code Compliance Investigator, and the Hillsborough County Animal Services Department. The Community Improvement Department Inspectional Services were sent to the house to take decibel readings of noise levels. On each visit, she was found to be in compliance and in violation of no law or ordinance. The Hillsborough County Animal Services Department later sued her, claiming that the bird noises were "a nuisance," and the case went to court. The two violations which the lady was charged with were: 1. The birds emitted an odor and the bird building was dirty, and 2. The birds made a noise continually for several months.

On count 1, the court judge found that, after hearing several expert witnesses who had seen the property, there were no violations and that quite the contrary, the place was very clean and with no odor. On count 2, the court found that the birds had made a continual noise 24 hours a day for the past several months, and the lady was fined \$75.00 plus court costs.

This ruling left more questions than were answered. Could the lady keep her lovebirds? Could the neighbor sue her again? The lady has decided to appeal the ruling.

The Animal Services Director has stated at a county animal committee meeting that, "we have a case in court right now where we are trying to see how far we can push our nuisance law."

### **Get a grip on it!**

We can't say, "That law will never pass" or "Someone will show up at the hearing to stop it." I have attended several county and state animal meetings in the



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past few months, and at some, there have been others in attendance to help support our rights to have our birds, and then there have been other animal meetings where I was the only person in the audience! I know that not everyone can take off work, or leave their birds to attend all meetings, but we must do more than we are presently doing if we are to keep some of these ordinances from becoming law! We are slowly losing our rights to keep our birds, and the amount of proposed legislation is not diminishing! If you have the time, offer to work on the local animal committee. At least you will be aware when any proposals are mentioned and you will have an opportunity to draft the proposal that would be the best for our birds and for aviculture.

Read any proposed legislation carefully. If it says animals, or exotic, or exotic animals, it probably includes BIRDS! When public comment is requested, be sure and make your voice heard. Many times, just a few people in attendance speaking out against an ordinance can stop it in its tracks! But don't think that just because you have stopped a proposed ordinance from passing that your work is finished. Animal rights activists will not stop until they have their way. We must be as persistent as they are to see that any proposal that would restrict or eliminate your freedom to own birds is defeated.

### **Know who is on the committee**

Do your research and know who is on the committee writing and proposing the bill. You may be surprised to learn who are on some of the committees writing many of the animal laws.

At the first meeting of the Hillsborough County Animal Services committee, it seemed on the surface to me that all of the committee members were very polite and "everyday people". Boy was I wrong! After the meeting, I began to do my research and found that two of them were potentially our worst enemies, to put it mildly. One person stated that he "wanted Hillsborough County to have the strictest animal laws of any county in the country!"

Another person had already "redlined the State Animal ordinances" (meaning she had marked the present ordinances with changes that she wanted to make) and gave her proposed changes to each member of the Florida Fish and Wildlife Commission committee. This committee is working on changes to the present laws for state wildlife license holders. This person doesn't even have any birds, yet she wants to regulate the bird industry! She even went so far as to obtain a list of all Florida Bird License holders and post them on her Animal Rights website!

Names, addresses, phone numbers, and license classifications were all listed. So much for trying to keep our information away from would-be thieves and those determined to destroy our aviaries! Searching further, I found that one member of this committee has stated that she is adamantly against breeding of any animal including birds!

As I mentioned earlier, the Florida Fish and Wildlife Commission has a committee that is working on some changes to the current state law. I attended the first meeting of this committee, and as they went around the room identifying themselves, I found that there is a representative from the Humane Society of the United States (HSUS) as well as the Hillsborough County Animal Services Chairman! My first thoughts were, "there's that guy again." The same guy that has caused all the problems in the lawsuit with the lovebirds! One consolation was to see that Dr. Susan Clubb, DVM from south Florida and a bird breeder herself, was on the committee. At least we have someone on the committee with our interests in mind!

At one of the meetings, it was mentioned that even though he wasn't able to attend that day, the gentleman from Hillsborough had left a message that he wants the committee to make it mandatory for all animals to be microchipped and recorded with the state! He also wants to make it mandatory for signs to be posted around all licensed properties listing all species located on the property! In my opinion, this guy has to be the best friend that a thief could have! This is why we must attend as many of these meetings as possible. You never know what some of the committee members have on their agenda.

### **Internet Lists**

If you can't attend your local animal meetings, another way that you can get involved is to join some of the Internet lists. Many of these lists work hard to see that its members know what is being proposed and how you can help. One of these lists is the Pet Law list for Florida residents: <http://groups.yahoo.com/group/FloridaPetLaw/>. Check for similar groups in your state, join, and make a difference. If we don't fight to protect the future of the birds, who will?

Be sure to check the AFA website at [www.afabirds.org](http://www.afabirds.org) and click on Legislation to see what is being proposed in your area. Let's all work together and "Get A Grip" on proposed legislation! Our birds are depending on us! ■

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