



February 5, 2024

State Attorney Katherine Fernandez Rundle
Miami-Dade County State Attorney

Emiliano Tamayo
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Dear State Attorney Rundle and Division Chief Tamayo,

On January 17th, 2024, veterinarian, Crystal Heath, toured the Miami Seaquarium located at 4400 Rickenbacker Causeway, Miami, Florida, 33149. Multiple photos and videos were taken that day, and on February 2, 2024, by a professional colleague document conditions that are in violation of Florida's animal cruelty laws, which cover all species of animals, including fish. The relevant statute states:

828.12 Cruelty to animals.

- (1) 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.
- (2) 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, punishable as provided in s. [775.082](#) or by a fine of not more than \$10,000, or both.
- (4) A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his or her part in an investigation of cruelty to animals.

1. Reef Tank

The health and welfare of aquatic animals depends on the quality of their aquatic environment, and stringent management of water parameters is critical. Shelter is defined as protection from bad weather or danger, while sustenance is defined as the means necessary to sustain life. The fish residing in Miami Seaquarium tanks are unable to escape from the [poor conditions of the aquatic environment](#)



they are confined to. Thus, poor water quality constitutes a deprivation of necessary shelter and sustenance. The fish in the reef aquarium and surrounding tanks are forced to endure turbid water conditions. [Turbidity](#) and suspended solids can interfere with respiration and reduce levels of dissolved oxygen, which is essential to sustain life.

Key water quality parameters include dissolved oxygen, total gas pressure, temperature, salinity, unionized ammonia, nitrite-nitrogen, pH, alkalinity/hardness, chlorine, and iodide concentrations. The water should be tested as soon as possible to correct any imbalances and prevent further suffering. The Association of Zoos & Aquarium (AZA) [standards state](#), "1.5.9. The institution must have a regular program of monitoring water quality for fish, marine mammals, and other aquatic animals. A written record must be maintained to document long-term water quality results and chemical additions."

A review of over [200 studies](#) shows fish have remarkable [sensory abilities](#), learning, and memory, as well as [emotional complexity](#). This means they have the capacity to suffer from fear, pain, and distress. Providing the opportunity to conceal themselves from visitors, conspecifics, novel stimuli, and perceived or real threats without having to compete for safe spaces is an essential provision to promote positive welfare. In the reef tank, however, there is high competition for the scarce hiding places, and they are constantly exposed to predator species they would normally seek to escape from.

In addition, the fish and other aquatic animals cannot escape the incessant ambient noise and vibration from equipment (including water pumps), members of the public, loud music, and the constant barrage of amplified public announcements. Thus, these animals are exposed to significant sources of chronic stress and distress as a result of their confinement at the Miami Seaquarium which constitutes ongoing deprivation and torment in violation of Florida's animal cruelty laws.

Several times a day, park visitors [enter the tank](#) for the reef encounter, creating constant, repeated disturbances to the aquatic animals in the tank. Aquatic animals are not domesticated, meaning forced close proximity to people can be a significant stressor. Each entry into the tank disrupts the harmony of the tank as visitors submerge, feed the inhabitants, and create a large number of bubbles. Debris and solvents, which may include perfumes, deodorants, and cosmetics contaminate the water and further compromise water quality for tank inhabitants. The cumulative effects of all these stressors constitute repeated torment and unnecessary suffering to the fish.

Two video clips ([1, 2](#)) show a grouper with cloudy eyes, dull color, and decreased movement that indicates disease, possibly due to poor water quality. A hogfish is shown to have cloudy eyes as well. [Photographs](#) taken on February 2, 2024 show a [grunt with a cloudy eye](#), a [Triggerfish](#) with a [cloudy and scarred eye](#), and a foxfish with a [cloudy](#) eye. Cloudy eyes are caused by scarring or increased water absorbed into the cornea as a result of disease and can impede their vision, making it more difficult to forage for food, escape harm, and can be painful as well as elicit a sense of vulnerability to predators.

[Clip of 2 sharks resting on bottom, announcements on speaker, turbid water](#)

[Clip of shark resting, loud music, particulates in water](#)

[Shark resting, music, fish interactions](#)

[People entering tank, bubbles, variety of fish](#)

[Shark with mass, people in tank, lots of bubbles](#)

[People in tank, bubbles, agitated fish](#)



Another [video clip](#) shows the unmoving tail of a fish residing in a smaller window tank. The fish might be caught on tank furnishings or equipment, suffering from an illness, or deceased. Another clip shows a [small lone fish](#) in a tank and another tank with [turbid water](#). It is possible this fish is being medicated or separated due to aggression.

There are [signs](#) on empty tanks that say “New Exhibit Coming Soon.” However, no fish should be added unless The Dolphin Company upgrades its life support systems, corrects current deficits in care, and hires the necessary and appropriately trained staff to care for these animals.

2. Bamboo Sharks

Bamboo sharks are nocturnal benthic predators, meaning they rest during the day and feed on fish near the sea bottom at night. They normally live in coral reefs and at depths of up to 279ft or 85 meters, shielded from direct sunlight. However, the bamboo sharks on exhibit at the Seaquarium are confined in a shallow touch pool with high sun exposure where park visitors can touch them. To attempt to escape the unwanted light exposure and touch, the [footage](#) shows them huddled together and attempting to shield themselves, [crowded together under a small covering](#) where they are unable to completely remove themselves from light exposure or the hands of park visitors. This environment causes them ongoing stress and suffering, and exposure to bacteria and contamination from the public reaching into their pool. Sharks have delicate fins, eyes, and tails that can be easily damaged by members of the public. When given the chance, sharks [tend to avoid](#) human contact and will swim away from human hands. Confinement in shallow tanks without opportunities to escape and retreat from their [conspicifics](#), sunlight, and threats, such as human hands, is a significant source of stress and distress and compromises their welfare.

A [photograph](#) taken on February 2, 2024, shows skin lesions on a bamboo shark that could be due to water contamination, predator attacks, solar damage, or other issues. Another [photograph](#) taken on the same day again shows the sharks crowded and huddled together to avoid the sun.

3. Stingrays

Stingrays are a bottom-dwelling species usually residing in the sandy or muddy bottoms of calm waters, often burying themselves in sediment to go unnoticed. They can be found near shores and depths up to 600 ft. At the Miami Seaquarium, [Stingrays \(photo\)](#) are confined to the [shallow](#) canal of [Discovery Bay](#) with a lack of shade, where they are repeatedly harassed and unable to dive deep enough to escape a [pelican](#) who frequents the area. There have been several reports that the pelican attacks the stingrays.

Stingrays are also [confined](#) to a [touch pool](#). Previous research indicates that, “Many ray species spend a significant amount of their time resting on or burying themselves in the sand, which indicates that this is an important behavior for captive rays.” In a [study](#) that looked at how visitors impacted rays, they found “a significant increase in activity and a significant decrease in inactivity when visitor numbers were greater” even though their study did not involve visitors touching the rays. Another [study](#) found that a fiddler ray “increased its resting behaviors in response to alterations to its habitat that decreased visitor viewability, which is in line with that species’ natural history.” A [photograph](#) taken on February 2,



2024, shows a heron sitting at the edge of the touch pool. Further monitoring is needed to ensure these birds do not harass the stingrays who are unable to escape.

A [2023 review article](#) of fish welfare by Smith states:

The very nature of the public intimately interacting with captive aquatic organisms presents problems with conflicts of moral and ethical issues, in addition to failures in biosecurity, injuries, and potential exposure to toxins and pathogens, and, therefore, problems with fish welfare. Fish can sometimes be exposed to unintentional or intentional inappropriate handling, substances on the hands of the public (e.g., sunscreen, lotions, soap, and other materials), and foreign objects entering the habitat.

4. Flamingos

Clips ([1,2,3](#)) show flamingos confined to a pen at the entry of the Seaquarium where they are unable to avoid a loudspeaker that blasts music unceasingly into their pen. Park attendees can walk all around the flamingo pen, meaning a 360-degree potential threat with only a small, 3-sided overhang for the birds to go to for relief from the constant movement and sound of hundreds of people a day.

During a brief observation period, there was a minor squabble and some quarreling behavior around the flamingos' food tub. Flamingos do quarrel in the wild, but one [paper](#) suggests, "Limiting pressure around feeding stations may provide birds with the opportunity to feed undisturbed. Enforced squabbles in enclosures, where there is limited opportunity for birds to move away from a confrontation, may be avoidable and could probably be mitigated by alterations to food placement, as well as space available to the birds, within the enclosure." Providing more feeding areas and visual barriers could limit this stress.

5. Pinnipeds

Just like our own and other species, pinnipeds (seals, sea lions, and walrus), have individual [personalities](#) that should inform the construction of individual habitats and housing decisions. [One video clip](#) shows sea lions confined to a small pool area devoid of enrichment. Other clips ([clip 1](#), [clip 2](#)) show a seal swimming in a repetitive loop in a [pool devoid of enrichment](#) which is consistent with abnormal repetitive behaviors, a common manifestation of chronic behavioral frustration and chronic stress from inadequate conspecific social interaction, limited space, insufficient enrichment, and lack of control over their environment and interactions with conspecifics.

Pinniped eyes are [adapted](#) to low-light vision. Another clip shows a [cataract](#) in the seal's eye which could be from the constant reflection of sunlight off the unshaded water of the light-colored artificial pool. A [photograph](#) taken on February 2, 2024, shows one harbor seal exhibiting blepharospasm. European Association of Zoos and Aquaria (EAZA) [standards](#) recommend:

...to paint or have the pool in a dark colour as light coloured pools in combination with bright sunlight (though generally giving a good view for the public) tend to cause excessive reflection, which is a major cause for blepharospasm [blinking in response to brightness] in these animals... The colours utilized to paint the different parts of the exhibits, pools and holdings should be dark and as natural as possible, by using paints that avoid light reflection (ie: difference nuances of grey, green, brown and dark blue with more natural sandy or muddy colour at the bottom). (p. 31)



[Photographs \(2nd photo\)](#) taken on February 2, 2024, show a harbor seal with hair loss and skin lesions on their back. Harbor seals are adapted to very cold climates and prefer water temperatures around 55 degrees Fahrenheit. The water they reside in at the Miami Seaquarium only gets as cold as 69 degrees Fahrenheit, which affects their seasonal molts. It was recommended that the water be chilled to improve their skin, but the Seaquarium management has not invested in those needed upgrades.

6. Penguins

[Penguins](#) at the Seaquarium are housed in a small, poorly ventilated facility with visible [black mold and bubbling](#) paint, as described in United States Department of Agriculture (USDA) reports. [Photo of penguins](#).

7. Bottlenose Dolphins

Bottlenose dolphins are a highly intelligent species that swim up to 40 miles per day in their natural habitats. Video footage taken from a Seaquarium exhibit called the Flipper Show shows a barren pool with a bottlenose dolphin swimming in repetitive loops with only a ball for enrichment while the [Flipper TV Show theme song](#) plays loudly on repeat for several hours every day.

At [Dolphin Harbor](#), another Seaquarium exhibit, numerous bottlenose dolphins are confined to [small, barren, shallow pools](#) with only a few toys for enrichment. Normally, bottlenose dolphins explore a diverse array of surroundings and interact with a variety of species while navigating their complex and dynamic ocean environments. Bottlenose dolphins are a highly social species, and expressions of diverse behaviors are viewed as an indicator of [positive welfare](#). One [study](#) found, "Dolphins' play/exploratory behavioural diversity was significantly higher when sensorial, structural, cognitive or mixed enrichment were provided than when no enrichment was present. Enrichment provision aims to increase the display and the variety of play and exploratory behaviours," as well as providing choice and agency, fundamental aspects to providing positive welfare to captive animals." Confining a dolphin to a small barren pool is similar to confining a human being to a small empty room with one or two static objects to interact with and no way out.

8. Employee Concerns

Additionally, the disrepair of the Miami Seaquarium facilities creates an overall environment in which various fixtures can become loose, such as screws and pieces of the tank, which become a novel and interesting object to interact with in an otherwise barren environment. Such pieces can be ingested, and a shortage of trained staff and equipment to remedy the ingestion of such foreign bodies creates a life-threatening situation for the dolphins, or any animal at the Seaquarium.

According to USDA guidelines, confining a dolphin to an enclosure that measures no more than 30 by 30 feet, 6 feet deep is allowed; however, this level of confinement is grossly inadequate to provide a bottlenose dolphin with a sufficient quality of life. When such confinement persists with no intervention to provide adequate enrichment to meet their complex cognitive, physical, social, and behavioral needs, this constitutes ongoing and unnecessary physical pain, emotional distress, behavioural frustration, and suffering, in violation of Florida's animal cruelty laws.

It should be noted that the USDA has no jurisdiction over fish, so USDA inspectors may not have encountered the fish-related Florida animal cruelty law violations present at the facility.



The deprivation of necessary sustenance and shelter and the unnecessary pain and suffering the animals experience are not due to neglect by the animal care staff. The veterinary and animal care staff are not to be faulted for these violations but applauded for attempting to do their best to help the animals, despite the psychologically distressing and exhausting conditions over which they have no control. Numerous reports of animal cruelty violations at the Miami Seaquarium have gone unaddressed by law enforcement, creating an environment of moral distress and lack of hope by current and past animal care staff that any animal cruelty reports would ever be addressed by law enforcement. The failure of law enforcement to act on these violations not only harms animals but creates a psychologically harmful environment for the animal care staff.

Despite USDA standards being extremely low, the Miami Seaquarium has come under much scrutiny by USDA officials who have documented [numerous violations \(October 2022, November 2023\)](#) over the [years](#), even stating "continuous violations and poor quality of animal care." Most recently the USDA even issued a notice of their intent to [confiscate animals](#) due to numerous problems, including underfeeding, understaffing, facilities in disrepair, high bacteria counts in the water, black mold growth, and other violations.

It is concerning how suddenly the USDA then reported that these severe violations were fixed so quickly, and the company was now [in compliance](#). Despite passing a USDA inspection, violations of Florida's animal cruelty laws are still occurring and ongoing, as evidenced in this statement. A [USDA report](#) dated September 27, 2023, states, "The termination of employment of an associate veterinarian on March 27, 2023, resulted in a single veterinarian being tasked with the care of 46 marine mammals and hundreds of birds, fish, sharks and rays housed at the facility." By June 17, 2023, all three veterinary technicians resigned leaving the veterinarian with no full-time support staff. Low staffing levels is [listed](#) as a "major concern" according to the Association of Zoos and Aquariums (AZA). Though this facility is not an AZA-accredited facility, multiple current and former staff members were told upon hire that the facility would be seeking AZA accreditation.

Conversations with employees of the Dolphin Company who were often afraid to speak publicly due to the non-disclosure agreements they signed, reveal that many staff had left due to lack of support from upper management, lack of funds to care for the animals, unnecessary time spent following up on unpaid laboratory diagnostics requested, frustration with the lack of equipment and no laboratory, frustrations with having to work in an environment in disrepair such as a tarp over the damaged roof of the veterinary hospital to keep out the rain, and frustration with realizing there was no intention by the company to invest in the facilities or veterinary staff.

The executives at The Dolphin Company must be held accountable for these animal cruelty violations. They foster an environment of fear, coercion, and false hope while failing to pay their debts or update their antiquated, crumbling facilities. The Dolphin Company has a history of threatening and retaliating against staff who voice concerns about the lack of care for the animals and dilapidated facilities. The environment of coercive control and fear of retaliation, as well as instilling hope in staff that improvements would be made, likely led to the animal care staff remaining silent so they could at least care for the animals they loved, treat conditions as they presented, and hope that change was just around the corner. The environment of fear and coercion led the staff to believe the only way they could help the animals they loved so much was to do everything they could to remain employed, which meant not speaking out publicly.



[name redacted due to fear of retaliation] worked as a veterinary assistant for Miami Seaquarium from [duration redacted to prevent identification] to 2023 and says:

When I worked for Miami Seaquarium, I felt concerned there was no way to report problems within the company. Upon hiring, the staff are told to sign a non-disclosure agreement and that any whistleblowers can put concerns in an anonymous box in the office. However, I was informed by other employees of people being fired for bringing up concerns and felt I could not safely bring this up to the upper management because of a lack of protection for people who brought them up before, the NDA, and the previous responses I had gotten to requests from upper management to better provide for the animals in my position.

I felt pressured to withhold information from USDA investigations being done. While I provided any information requested of me and answered all questions as required by law, management was following closely with the investigators and tried to answer questions for me even though they may not have known the answer as someone not working in my department.

In my time, I felt the staff truly did care for the animals and their well-being, but were out in a position by the company and management where optimal care could not be achieved, and concerns were unable to be expressed without the threat of termination or lawsuit.

While I was there, [many fish died](#) in a mass die-off event, and many others died for unknown reasons. Because tanks were connected, a die-off event in one tank would lead to die-offs in others or fish and invertebrates becoming critically ill. At one point [three large Cobia \(photo dated 9/28/23\)](#) died in one evening for unknown reasons, though all three appeared to be in decent health prior.

Another example was Judd, a Smallmouth bass was noted [\(photo\)](#) on September 7, 2023 to have sunken, cloudy eyes, likely due to an infection or dehydration. Judd died a week after the photo was taken, and samples were sent to a laboratory for review, though the outcome of those results is unknown.

When I brought up concerns about fish welfare, my supervisor was great about ensuring the aquarists were aware. The problem was nothing was actually being done about it once they were aware. The aquarist team was not appropriately collaborating with the veterinary staff to keep their fish healthy. While some water parameters were checked, protocols did not meet AZA standards, which created fatal water quality problems.

I also witnessed other high rates of fish mortality during my time. While it is expected that fish will pass often at an aquarium, the numbers were unprecedented. Regularly, aquarists put fish in the freezer for cremation without notifying vet staff because of the frequency, so not all fish were receiving autopsies to understand the cause of death. At one point, an aquarist mentioned while we were talking that the fish had their diets drastically cut, and it was leading to them behaving more aggressively when fed to try and get food from keepers or guests. When I brought concerns of a clearly ill fish to the attention of the veterinary staff, I learned that the fish was known to be sick by aquarists but had not informed the overseeing veterinarian and were treating them on their own at the behest of a veterinarian working as the head aquarist who would threaten the other aquarists if they brought issues to the lead veterinarian.



When problems were noted and brought to the veterinarian's attention, they would immediately take notice, but minimal equipment and available funds prevented the ability of the team to purchase the needed medications and supplies. The staff wanted to help, but there was no ability to do so because of the management's budgetary restrictions on the veterinary department. This put the staff in a position where needed blood tests/biopsies/samples could not be ordered, supplements necessary for animals on a frozen fish diet could not be ordered, and new medications had to be ordered by only suppliers that the company had not already burned bridges with, which made some medications not accessible.

Diagnostics for animals needed to be postponed, which compromised the health of those animals until equipment could be borrowed or the animal brought somewhere with the equipment. In cases where staff brought up concerns that a dolphin may have swallowed a metal screw, no working endoscope was available at Miami Seaquarium, so there was no way to determine if that was the case or remove it if he had.

When The Dolphin Company purchased Miami Seaquarium, like you, we had high hopes that things were going to change, but they have not.

Because of these violations of Florida law, we urge you to use your power not only to revoke the Dolphin Company's lease but also to encourage law enforcement to pursue the legal action needed to protect the animals. We are concerned The Dolphin Company may try to remove animals from the Miami Seaquarium and transport them to another facility that is under less scrutiny. Instead, the animals should be safely transferred to an independent, AZA-accredited facility where their medical conditions can be immediately and adequately addressed and their physical and psychological needs can be adequately accommodated.

Additionally, our recommendation is that the fish in the Reef tank who were originally taken from Biscayne Bay be immediately returned to their natural habitat, allowing for proper acclimation back to their native environment under the guidance of qualified aquatic animal veterinarians. We recognize that this may not be permitted under the law, but hope an exception will be made. This reintroduction of animals to native habitats is the core principle of the practice of conservation, which should be the goal of facilities such as the Miami Seaquarium.

Our Honor has many veterinarians and animal care staff who would be happy to provide professional guidance and facilitate the transport of any of the animals to safety.

All photos and videos are available at <http://seaquariumdocs.ourhonor.org>

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