

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/CS/SB 674

INTRODUCER: Community Affairs Committee; Agriculture Committee; and Senator Montford and others

SUBJECT: Animal Shelters and Animal Control Agencies

DATE: April 2, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Halley</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Toman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 674 requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The bill authorizes a facility to charge a fee for requested records pursuant to the provisions in chapter 119, Florida Statutes.

This bill amends section 823.15 of the Florida Statutes.

II. Present Situation:

The Humane Society of the United States (HSUS) estimates that animal shelters care for 6-8 million dogs and cats every year in the United States, of whom approximately 3-4 million are euthanized. According to the HSUS, this is an estimate as there is no central data reporting agency for animal shelters. In the 1970s, American shelters euthanized 12-20 million dogs and

cats, at a time when there were 67 million pets in homes. Today, shelters euthanize around 4 million animals and there are currently more than 135 million dogs and cats in homes.¹

The history of no-kill sheltering began more than half a century ago when independent caregivers began rescuing and sheltering homeless animals with the intention of keeping them alive. This was in reaction to the standard operating procedure of most humane societies and tax-supported animal control services that routinely euthanized stray and abandoned animals. In 1994, the city and county of San Francisco became the first community in the nation to end the euthanization of healthy dogs and cats in its animal shelter system. An agreement between the city's Animal Care and Control Department and the private San Francisco Society for the Prevention of Cruelty to Animals (SPCA) ensured a home not only to each and every healthy dog and cat but also to thousands who were sick or injured but treatable. In addition, a citywide preference for neutering/spaying over impounding and euthanizing reduced the death rate for feral cats by 73 percent and for underage kittens by 81 percent. In 1999, the Hayden Shelter Reform Law became effective. It changed California's state policy regarding shelter care for stray and abandoned animals. Most notably it (1) declares "It is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home," and (2) lengthens the time (generally from three days to six) that shelters must care for animals before euthanizing them.²

In the last decade and a half, many more shelters in numerous communities have comprehensively implemented a series of programs and services to reduce birthrates, increase placements, and keep animals with their responsible caretakers. Providing low cost spay/neuter options to the community at a high volume, recruiting large numbers of volunteers, and building a strong relationship with the community is key to the success of any no kill/low kill program. For example, in San Francisco, a community of approximately 813,000 people, there are volunteers that log over 110,000 hours at shelters each year. Assuming the prevailing hourly wage, payroll taxes, and benefits, it would cost the San Francisco SPCA over \$1 million dollars annually to provide those services.

Animal Shelters in Florida

Chapter 828.27, F.S., defines local "animal control officers" as any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations.³ The statute also describes that the county-employed animal control officers must and municipally employed animal control officers may complete a 40-hour minimum standards training course. Such a course includes training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association (FACA).⁴ This professional association helps train and educate animal control officers in Florida. According to their website, their mission is to "improve the

¹ The Humane Society of the United States, *Common Questions About Animal Shelters*, http://www.humanesociety.org/animal-community/resources/qa/common_questions_on_shelters.html (last visited February 25, 2013).

² The Florida Senate Committee on Agriculture, Animal Shelter Related Facilities, *Interim Report, 2009-101*.

³ Section 828.27, (1)(b), F.S.

⁴ Section 828.27, F.S.

methods and standards of the animal control and protection profession throughout Florida,” among other items.⁵

Manatee County’s No-Kill Program

The Manatee County Animal Services implemented a no-kill program by including a cadre of goals and directives to save as many animals as possible with a goal of a 90 percent save rate. The Manatee County Animal Services Actionable Implementation Plan that went into effect October of 2011 addresses how to find homes for animals and stresses the importance of staff commitment to the plan. The plan describes that saving animals will be accomplished in cooperation with other welfare organizations, animals shelters, the media and the public through owner retention, returns to owners, increased fostering and adoption, free and low cost spaying and neutering, and a feline Trap, Neuter, Return (TNR) program.⁶

All Manatee County’s stray, nuisance, or abandoned animals are taken to the Manatee County Animal Services facility. The animal shelters, animal rescue groups, foster groups, and other animal volunteer groups are immediately notified of the animals that have arrived at Manatee County Animal Services. This policy was designed to allow as much time as possible to locate a home for the animal, if needed, while also adhering to local ordinances regarding how long unclaimed animals must be held.

Currently, many facilities keep limited data on the disposition of animals and do not make the information available to the public when requested. This makes it difficult for state and local governments to understand the current state of shelters and rescue animals as they craft ordinances and legislation, provide funding resources, and determine best practices for the facilities.

III. Effect of Proposed Changes:

Section 1 amends s. 823.15, F.S., to provide legislative intent that importing cats and dogs into the state and that uncontrolled breeding of dogs and cats in this state pose risks to the well-being of dogs and cats, the health of humans and animals, and Florida agriculture. The Legislature has determined that every feasible means should be used to reduce the births of unneeded and unwanted puppies and kittens. Therefore, determining which programs result in improved adoption rates and in reduced euthanasia rates for animals in shelters and animal control agencies is crucial to this effort.

The bill requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The following data must be made available to the public for the three preceding years, on a monthly basis commencing July 31, 2013:

- The total number of dogs and cats accepted by a facility, categorized by how the animal came to be admitted to the facility as well as by species;

⁵ Florida Animal Control Association. Mission Statement, <http://floridaanimalcontrol.org/> (last visited February 25, 2013).

⁶ Manatee County Animal Services, Actionable Implementation Plan for Manatee County, October 2011, Updated December 3, 2012.

- Species other than domestic cats and domestic dogs should be recorded as “other;”
- The condition under which the animals left the facility or were euthanized; and
- A written statement of a facility’s policy on euthanizing dogs due to breed or size, if applicable. The number of dogs euthanized due to breed, temperament, or size must be recorded and included in the facility’s calculations for determining its percentage of animals euthanized.

The bill requires the records described above to be made available to the public pursuant to the provisions in ch. 119, F.S.

Section 2 provides that this act shall take effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18 of the Florida Constitution, prohibits laws requiring counties or municipalities to spend funds or that limit their ability to raise revenues. Subsection 18(d) provides an applicable exemption for laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 or \$1.9 million for FY 2012-13.⁷

The extent of this bill’s fiscal impact related to the reporting required of city and county animal shelters and animal control agencies has not been determined; however, if the costs incurred by counties are greater than \$1.9 million, the law may be unenforceable unless passed by two-thirds in each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The reporting records of CS/SB 674 are available to the public pursuant to the provisions in ch. 119, F.S., which would allow animal shelters and animal control agencies to charge the public a fee of up to 15 cents per one-sided copy; no more than an additional 5 cents for each two-sided copy; and for all other copies, the actual cost of duplication of the public record.

⁷ Based on the Demographic Estimating Conference’s final population estimate for April 1, 2012, which was adopted on November 7, 2012. The Executive Summary can be found at: <http://edr.state.fl.us/Content/conferences/population/demographicsummary.pdf>.

B. Private Sector Impact:

The Revenue Estimating Conference has not reviewed CS/SB 674. Private animal control facilities and shelters may have an increase in costs to comply with the reporting requirements of the bill if they are not already collecting that information.

C. Government Sector Impact:

The Revenue Estimating Conference has not reviewed CS/SB 674. City and county animal shelters and animal control agencies may have an increase in costs to comply with the reporting requirements of the bill if they are not already collecting that information.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on April 2, 2013:

- Removes qualification that reporting requirements required from humane society shelters or agencies only apply to such groups which receive taxpayer dollars.

CS by Agriculture on March 11, 2013:

- Requires specific data concerning the dogs and cats the facility takes in and the disposition of those animals to be made available to the public for the three preceding years, on a monthly basis commencing July 31, 2013.
- Requires a facility to compile data on the number of animals transferred from within Florida and those born in the shelter.
- Requires species other than domestic cats and domestic dogs to be recorded as “other.”
- Replaces “destruction” with the more desirable term “euthanasia.”
- Expands the data concerning the disposition of the animals taken in by a facility to include:
 - Released in field/Trapped, Neutered, Released (cats are trapped in a cage, marked with a clipped ear, sterilized, and then returned to a feral cat colony);
 - Lost in care/missing animals or records; and
 - Ending inventory/shelter count at the end of the last day of the month.
- Deletes the authority for animal shelters and animal control agencies to charge a fee of up to \$1 per page for copies of records requested by the public. The CS requires the records to be made available to the public pursuant to provisions in ch. 119, F.S.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
