

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 Agriculture

BILL: CS/SB 872

INTRODUCER: Agriculture Committee; and Senator Abruzzo and others

SUBJECT: Animal Shelters or Animal Control Agencies

DATE: March 18, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Halley	AG	Fav/CS
2.	_____	_____	CA	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 872 creates the “Transparency in Animal Shelter Act.” It requires animal shelters and animal control agencies (facility), which euthanize dogs and cats, to prepare and maintain monthly and annual statistical records that make public: 1) the total number of dogs and cats taken in by the facility, by category, and 2) the disposition of the dogs and cats that leave the facility, by category. These reports must be made available to the public no later than five business days after the end of each calendar month.

The bill requires each facility to post the required statistics online on the animal shelter, county, municipality, or other governmental website that controls the animal shelter within five business days after the first day of each month. The director of the facility must sign each report indicating that the report is true and accurate to the best of his or her knowledge.

This bill creates section 823.17 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 where there are 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 the shelter 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

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.

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 educates animal control officers in Florida. Their mission, according to their website, “is to improve the methods and standards of the animal control and protection profession throughout Florida.”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, animal 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 provides that this act may be cited as the “Transparency in Animal Shelter Act.”

Section 2 creates s. 823.17, F.S., to create uniform reporting requirements for animal shelters and animal control agencies (facility). It provides legislative intent that additional efforts must be made to find homes for homeless and unwanted animals in an effort to reduce or eliminate the euthanasia of adoptable dogs and cats. To that end, the Legislature finds that defining the problem and assessing programs both require statistical measurement.

The bill requires facilities that euthanize dogs and cats to prepare and maintain monthly and annual records. The reports must be available for public inspection and dissemination no later

⁴ Section 828.27, F.S.

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.

than five business days after the end of each calendar month. The report must provide the total number of dogs and cats taken in by the facility, divided by dogs and cats, or others in the following categories:

- Starting inventory/shelter count on the first day of the month;
- Stray/At-large;
- Confiscated/Involuntarily taken;
- Relinquished by the owner;
- Born in shelter;
- Owner requested euthanasia;
- Transferred in or imported from within the state; and
- Transferred in or imported from out of the state.

The report must also provide the disposition of all animals taken into the facility, divided by dogs and cats in the following categories:

- Adopted;
- Returned to owner;
- Transferred out or exported within the state;
- Transferred out or exported to another state;
- Released in field/TNR (Trap-Neuter-Return);
- Shelter euthanasia;
- Owner requested euthanasia;
- Died in care/other deaths not shown as shelter or owner requested euthanasia;
- Lost in care/Missing animals or records; and
- Ending inventory/shelter count at the end of the last day of the month.

The bill requires each facility to post the above statistics online on the animal shelter, county, municipality, or other governmental website that controls the animal shelter and that is accessible to the general public within five business days after the first day of each month. The director of the facility must sign each report indicating that the report is true and accurate to the best of his or her knowledge.

Section 3 provides that this act shall take effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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:

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 by Agriculture on March 18, 2013:

Creates the Transparency in Animal Shelter Act;

- Provides legislative intent that additional efforts must be made to find homes for homeless and unwanted animals in an effort to reduce or eliminate the euthanasia of adoptable dogs and cats. To that end, the Legislature finds that defining the problem and assessing programs both require statistical measurement;
- Requires animal shelters and animal control agencies (facility) that euthanize dogs and cats to prepare and maintain monthly and annual records of the total number of dogs and cats taken in by the facility and the disposition of the dogs and cats that leave the facility. These reports must be made available for public inspection and dissemination no later than five business days after the end of each calendar month;
- Requires each facility to post the above statistics online on the animal shelter, county, municipality, or other governmental website that controls the animal shelter and that is accessible to the general public within five business days after the first day of each month; and

- Requires the director of the facility to sign each report indicating the report is true and accurate to the best of his or her knowledge.

B. Amendments:

None.

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