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A bill to be entitled  
An act relating to companion animals; providing a short title; providing definitions; directing animal shelters to take certain measures relating to the holding, care, treatment, and euthanasia of animals; providing exceptions; providing for declaratory or injunctive relief actions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) This act may be cited as the "Companion Animal Protection Act."

(2) As used in this section, the term:

(a) "Animal shelter" means a public or private facility that:

1. Has a physical structure that provides temporary or permanent shelter for stray, abandoned, abused, or owner-surrendered animals.

2. Is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, pound, animal control officer, government entity, or contractor for a government entity.

(b) "Irremediable physical suffering" means a poor or grave prognosis for being able to live without severe, unremitting pain, even with comprehensive, prompt, and necessary

27 veterinary care, as certified in writing by a licensed  
28 veterinarian.

29 (c) "Licensed veterinarian" means a person licensed to  
30 practice veterinary medicine in this state.

31 (d) "Rescue organization" means an animal rescue  
32 organization, animal adoption organization, or organization  
33 formed for the prevention of cruelty to animals that is  
34 described in s. 501(c)(3) of the Internal Revenue Code and  
35 exempt from taxation under s. 501(a) of the Internal Revenue  
36 Code.

37 (3)(a) An animal shelter shall:

38 1. Take appropriate action to ensure that all animals are  
39 checked as soon as possible after impoundment for all currently  
40 available methods of identification, including microchips,  
41 identification tags, and licenses.

42 2. Maintain continuously updated lists of animals reported  
43 lost and found and regularly check animals in the shelter for  
44 matches to these lists.

45 3. Post a photograph of and information regarding each  
46 stray animal impounded by the shelter on the Internet with  
47 sufficient detail to allow the animal to be recognized and  
48 claimed by its owner.

49 (b) If a possible owner is identified, the animal shelter  
50 shall undertake due diligence to notify the owner or caretaker  
51 of the whereabouts of the animal and any procedures available  
52 for the lawful recovery of the animal. These efforts shall

53 include, but are not limited to, notifying the possible owner by  
54 telephone, mail, and personal service to the last known address.

55 (4) (a) The required holding period for a stray animal  
56 impounded by an animal shelter shall be 5 business days, not  
57 including the day of impoundment. An animal shall be held for  
58 owner redemption during the first 2 days of the holding period  
59 and shall be available for owner redemption, transfer, or  
60 adoption for the remainder of the holding period, except that if  
61 an animal is impounded with identification or the shelter knows  
62 the identity of the owner, the animal shall be held for 5 days  
63 for owner redemption.

64 (b) The required holding period for an owner-relinquished  
65 animal impounded by an animal shelter shall be the same as that  
66 for a stray animal, except that an owner-relinquished animal  
67 shall be available for owner redemption, transfer, or adoption  
68 for the entirety of the holding period.

69 (c) This subsection does not apply to:

70 1. A cat impounded for purposes of sterilization and then  
71 released.

72 2. An animal suspected to carry and exhibiting signs of  
73 rabies, as determined by a licensed veterinarian.

74 3. A dog that, after physically attacking a person, has  
75 been determined by a court of competent jurisdiction to be  
76 dangerous pursuant to state law.

77 4. An animal experiencing irremediable physical suffering.

78 (d) At any time after impound, an animal shelter may

79 transfer an animal, except an animal arriving with  
80 identification or an animal with a known owner, to a nonprofit  
81 rescue organization or group, a private shelter, or an  
82 organization formed for the prevention of cruelty to animals if  
83 potential owners are given the same rights of reclamation given  
84 to owners of animals held at the animal shelter.

85 (5) (a) During the entirety of its stay at an animal  
86 shelter, an animal shall be provided:

87 1. Fresh food and fresh water.

88 2. Environmental enrichment to promote psychological well-  
89 being, such as socialization, toys, and treats, and exercise as  
90 needed but not less than once daily, except that a dog  
91 exhibiting vicious behavior toward people or adjudged to be  
92 dangerous by a court of competent jurisdiction is not required  
93 to be exercised during the holding period.

94 3. Prompt and necessary cleaning of its cage, kennel, or  
95 other living environment at least two times per day to prevent  
96 disease and to ensure an environment that is welcoming to the  
97 public and hygienic for both the public and the animal. The  
98 cleaning shall be conducted in accordance with a protocol  
99 developed in coordination with a licensed veterinarian and shall  
100 require that the animal be temporarily removed from its cage,  
101 kennel, or other living environment during the process of  
102 cleaning to prevent the animal from being exposed to water from  
103 hoses or sprays, cleaning solutions, detergents, solvents, or  
104 chemicals.

105 4. Prompt and necessary veterinary care, including, but  
106 not limited to, preventative vaccinations, cage rest, fluid  
107 therapy, and pain management or antibiotics sufficient to  
108 alleviate any pain caused by disease or injury, to prevent a  
109 condition from worsening, and to allow the animal to leave the  
110 shelter in reasonable condition.

111 (b) An animal shelter shall work with a licensed  
112 veterinarian to develop and follow a care protocol for animals  
113 with special needs such as, but not limited to, nursing mothers,  
114 unweaned animals, sick or injured animals, extremely frightened  
115 animals, geriatric animals, or animals needing therapeutic  
116 exercise. This care protocol shall specify any deviation from  
117 the standard requirements of paragraph (a) and the reasons for  
118 the deviation.

119 (6) (a) Not less than 2 business days before the euthanasia  
120 of an animal, the animal shelter having care or custody of the  
121 animal shall:

122 1. Notify or make a reasonable attempt to notify by  
123 verifiable written or electronic communication any rescue  
124 organization that has previously requested to be notified before  
125 animals at the shelter are euthanized.

126 2. Offer each rescue organization notified under  
127 subparagraph 1. the opportunity to take possession of the animal  
128 to avoid the animal's death.

129 (b) An animal shelter may not euthanize an animal without  
130 making the notification required under this subsection.

- 131       (7) (a) An animal shelter may not:
- 132       1. Ban, bar, limit, or otherwise obstruct the adoption or  
133 transfer of an animal based on breed, breed mix, species, age,  
134 color, appearance, or size.
- 135       2. Euthanize an animal solely because the animal's holding  
136 period has expired.
- 137       (b) Before an animal is euthanized, all of the following  
138 conditions must be met:
- 139       1. There are no empty cages, kennels, or other living  
140 environments in the animal shelter.
- 141       2. The animal cannot share a cage or kennel with another  
142 animal.
- 143       3. A foster home for the animal is not available.
- 144       4. A rescue organization or group is not willing to accept  
145 the animal.
- 146       5. The animal cannot be transferred to another shelter  
147 with room to house the animal.
- 148       6. The animal is not a cat subject to sterilization and  
149 release.
- 150       7. All mandates, programs, and services of this section  
151 have been met.
- 152       8. The director of the animal shelter certifies that he or  
153 she has no other alternative.
- 154       (c) The determination that all conditions of paragraph (b)  
155 have been met shall be made in writing, signed by the director  
156 of the animal shelter, and made available for free public

157 inspection for not less than 3 years.

158 (8) (a) An animal impounded by an animal shelter shall be  
159  euthanized only when necessary and consistent with the  
160  requirements of this section by lethal intravenous injection of  
161  sodium pentobarbital, except as follows:

162 1. Intraperitoneal injection may be used only under the  
163  direction of a licensed veterinarian and only when intravenous  
164  injection is not possible for an infant animal, for a companion  
165  animal other than a cat or dog, or for a comatose animal with  
166  depressed vascular function.

167 2. Intracardiac injection may be used only when  
168  intravenous injection is not possible for an animal that is  
169  completely unconscious or comatose, and then only by a licensed  
170  veterinarian.

171 (b) The room in which an animal is euthanized must:

172 1. Be cleaned and regularly disinfected as necessary, but  
173  not less than once per day on days the room is used, except that  
174  the specific area in the room where the procedure is performed  
175  shall be cleaned and disinfected between each procedure.

176 2. Have adequate ventilation that prevents the  
177  accumulation of odors.

178 (c) An animal may not be allowed to witness any other  
179  animal being euthanized or being tranquilized or sedated for the  
180  purpose of being euthanized or to see the bodies of animals that  
181  have already been euthanized.

182 (d) An animal must be sedated or tranquilized before being

183  euthanized as necessary to minimize its stress or discomfort or,  
184  in the case of a vicious animal, to ensure staff safety, except  
185  that neuromuscular blocking agents may not be used.

186  (e) Following its lethal injection, an animal must be  
187  lowered to the surface on which it is being held and may not be  
188  allowed to drop or otherwise collapse without support.

189  (f) An animal may not be left unattended between the time  
190  procedures to euthanize the animal are commenced and the time  
191  death occurs.

192  (g) The body of an animal may not be disposed of until  
193  death is verified.

194  (9) Verification of death shall be confirmed for each  
195  animal when all of the following conditions exist:

196  (a) Lack of heartbeat, verified by a stethoscope.

197  (b) Lack of respiration, verified by observation.

198  (c) Pale, bluish gums and tongue, verified by observation.

199  (d) Lack of eye response, verified by the eyelid not  
200  blinking when the eye is touched and by the pupil remaining  
201  dilated when a light is shined on it.

202  (10) A person other than a licensed veterinarian or a  
203  euthanasia technician certified by the state euthanasia  
204  certification program may not perform the procedures referenced  
205  in subsections (8) and (9).

206  (11) A person may compel an animal shelter to follow the  
207  requirements of this section through an action for declaratory  
208  or injunctive relief or any other appropriate remedy of law that



HB 497

2015

209 | will compel compliance.

210 | Section 2. This act shall take effect July 1, 2015.