

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 545 CS                      Emergency Public Shelters  
**SPONSOR(S):** Detert and others  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB1484

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Domestic Security Committee	8 Y, 0 N, w/CS	Wiggins	Newton
2) Health Care General Committee			
3) Transportation & Economic Development Appropriations Committee			
4) State Administration Council			
5) _____			

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### SUMMARY ANALYSIS

HB 545 specifies that each county provide at least one emergency public shelter space that is equipped to accept evacuees with dogs and cats. The bill specifies the criteria for pets entering the shelter and the operation of emergency shelters for the pets.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government - The bill raises concerns that a state authority may be required to establish the standards for emergency pet shelters.

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### *Designate Pet Shelters*

Pets are not allowed in emergency shelters unless they are accompanying a person with a disability. Experiences from recent hurricane seasons have demonstrated that many individuals who own pets may not heed evacuation warnings if their local shelter can not accommodate their pet.<sup>1</sup> In response to this concern, some local entities and businesses provide accommodations for animals during an emergency, although, none are mandated.

Local programs range from using animal shelters, livestock or agricultural pavilions and arenas to sheltering pets in areas near or adjacent to public hurricane evacuation shelters. Currently, there are no statewide criteria or requirements for emergency pet shelters. Successful program practices are shared among local emergency management officials through a variety of methods including conferences, workshops, and work sessions and electronic information exchanges. Websites are offered by the Florida Emergency Preparedness Association and other allied associations of emergency management and animal humane societies on the subject.<sup>2</sup>

Many middle schools and high schools are presently used as emergency shelters and in smaller counties; schools are often the only shelter facilities available to the community. These facilities are a logical choice due to their size and the number of bathrooms and showers available.

##### *Regulation of Kennels and Facilities that house dogs and cats*

Most cities have local ordinances regarding the general regulation of businesses; however there seems to be no regulations on stand alone kennels. On a state level the Department of Business and Professional Regulation's, Board of Veterinary Medicine is authorized to set minimum standards for premises where veterinary medicine is practiced,<sup>3</sup> as has accomplished this by adopting the standards in rule 61G18-15.002 of the Florida Administrative Code. The Department performs inspections of veterinary premises and veterinary offices that board pets but there is no regulatory agency tasked with regulating kennels. The Department of Business and Professional Regulation's Division of Pari-mutuel Wagering regulates greyhound racing and confirmed that there is no statute that provides standards for kennels.

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<sup>1</sup> Division of Emergency Management

<sup>2</sup> Division of Emergency Management

<sup>3</sup> s. 474.206 F.S.

## Proposed situation

### *Designate Pet Shelters*

The bill provides for the Division of Emergency Management to coordinate with the local school boards for the use of high school and middle school locker rooms as emergency pet evacuation facilities. The number of facilities that would need to be modified for these purposes is currently unknown. Additionally, an assessment of these facilities would need to be performed in order to understand what modifications would be required, if any, in order for those facilities to be able to accommodate pets.

### *Regulation of Kennels and Facilities that house dogs and cats*

The bill is requiring the state comprehensive emergency plan to include sheltered space to accept evacuees with pets; however, it does not provide guidelines regarding the utilization or requirements of the locker room facilities.

The Department of Business and Professional Regulation's Board of Veterinary Medicine establishes the minimum standards for premises where veterinary medicine is practiced and animals are also housed. It does not regulate stand alone kennels. The Division of Emergency Management may need to use the guidelines set forth in the Florida Administrative Code 61G18-15.002 or the authority of the Board of Veterinary Medicine<sup>4</sup> to establish pet shelter guidelines. The Division of Emergency Management may need to coordinate their efforts with the local school boards in each district; since the schools' locker rooms would be used as pet shelters. If any modifications are required to the facilities, then inspections would most likely need to be conducted to insure the safety of the facility in order for it to be used as an emergency animal shelter.

### *Requirements for dogs and cats to enter a designated pet shelter*

Under the bill owners of dogs and cats would be required to bring with them the following information in order for their animals to be admitted into the shelter:

1. Proof that the owner resides within the evacuation area.
2. Pet's identification tag, pet's rabies vaccination tag that must be attached to the pet.
3. Current photograph of the pet.
4. A leash or harness.
5. Water and food bowls.
6. Pet carrier cage or container that has the name of the owner and the name of the pet legibly marked.
7. Adequate food, potable water, and medication for 7 days.
8. Any of the pet's medical records stored in a waterproof container.
9. A pet first aid kit.
10. Pet beds and toys if transportable.

In a rapidly deteriorating disaster situation, pet owners may not be able to produce all of the necessary items required for their pets to gain access to the facility. There is no provision in the bill should these situations arise. The bill also specifies that each pet have a cage or carrier but it does not specify how the waste will be disposed of while the pets are housed in the shelter.

### *Shower facilities in shelters*

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<sup>4</sup> s. 474.206 F. S.

The bill requires that one shelter in each county designate a middle or high school locker room as an emergency shelter for pets. In smaller counties, this can limit the use of shower facilities for the people being housed at the shelter. In a prolonged emergency situation, limited access to shower facilities may compromise the hygienic conditions of the facility and may increase the spread of disease and illness.

#### *Liability limitations for Shelters*

The bill amends F.S. 252.21 to include animals in the liability clause.

### C. SECTION DIRECTORY:

**Section 1.** Directs that the Division of Emergency Management designate at least one shelter space in each county to be equipped to accept evacuees with pets and include such provisions in the State Comprehensive Emergency Management Plan.

**Section 2.** Creates F.S. specifically s. 252.3568 which outlines the requirements and criteria for emergency pet shelters.

**Section 3.** Amends section 252.51 F.S. to include animals in the public shelter liability provisions of the state.

**Section 4.** Provides that the act takes effect July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
Not applicable
2. Expenditures:  
Not applicable

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
Not applicable
2. Expenditures:

The number of high and middle schools already approved as meeting the Department of Emergency Managements' shelter standards would require counties to currently have at least one shelter available for this purpose to not incur any additional local costs. The Division of Emergency Management must coordinate with the local school boards for the possible use of high school and middle school locker rooms to be used as pet evacuation facilities. The cost to modify these middle and high school locker rooms is unknown. An assessment of these facilities would be required to establish a cost associated with accommodating pets during an emergency.

The local emergency management agency would need to designate an agency or business that would be responsible for staffing the shelter. Additionally, the agency would need to cover the cost for cleaning and disinfecting the shelter once the pets vacate. The cost to the county and local government is indeterminate based on the inability to estimate the cost to modify the locker room, and the number of pets that would be housed during an emergency. The cost of restoring a locker room for human use is also indeterminate due to the unknown modifications and damage that might occur from the housing of pets.

The cost to retrofit the four pet friendly shelters in Sarasota County was minimal and when an emergency is declared the county is able to receive reimbursement from federal entities such as the Federal Emergency Management Agency (FEMA).<sup>5</sup>

In Sarasota County, where there are four pet friendly shelters, the cost to the district was approximately \$1,000 a day per facility. The costs included the following:

- a. Boarding locker room windows from flying debris.
- b. Contracting with a local agency to check in the animals to insure all of the required documents, identification, immunizations, and pet necessities accompany each pet.
- c. Sterilizing and cleaning the facility after the emergency

As a comparison, the average cost to board a dog or cat is approximately \$16.00 a day.<sup>6</sup> This average cost can be multiplied exponentially to determine the cost for boarding animals.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If a county chooses to not operate the pet shelter then private entities may contract with the school board to operate the pet shelters in the school locker rooms for a profit.

#### D. FISCAL COMMENTS:

The specific impact of the bill cannot be determined at this time due to the number of unknown factors; however, not every county has a current program that would meet the standards outlined in the bill so the local fiscal impact could be significant.<sup>7</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The bill is requiring that counties designate a middle school or high school locker room as a shelter for pets in an emergency.

##### 2. Other:

Not applicable

#### B. RULE-MAKING AUTHORITY:

The Department of Community Affairs' Division of Emergency Management will be required to exercise rule making authority to revise its emergency management plan in order to incorporate the sheltering of

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<sup>5</sup> Sarasota County Emergency Management Services

<sup>6</sup> Survey of dog and cat boarding facilities in Florida

<sup>7</sup> Division of Emergency Management

animals. The division will also be required to establish rules governing admittance requirements for pets.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

Comments from the Division of Emergency Management:

Though well intended, the bill would be costly and difficult to administer as proposed. Section 1 directs the Division to include a strategy for pet shelter options in the State Comprehensive Emergency Management Plan while Section 2 mandates very specific requirements for pet shelters. It appears that the bill adopts one local pet shelter process and extends it statewide. State and local emergency officials recognize that pets may be a barrier to individuals' compliance with evacuation orders and seek local options for these individuals; however, each local government may successfully address this issue in a different manner. Many local communities may not have the resources to implement the program requirements as proposed.<sup>8</sup>

Other health concerns:<sup>9</sup>

- (1) Varying levels of obedience among dogs and their propensity for confrontation both with other dogs (which could result in widespread contamination) and other evacuees (which could result in dog bites).
- (2) Oversight of this initiative by officials trained in public health who is accustomed to ensuring that plans, locations, and processes have effective barriers against microbiological and environmental contaminants.
- (3) Required intervention, such as vaccination, to prevent the possible spread for rabies and other zootomic diseases.
- (4) The recognition of the male dog's propensity for territorial marking through urination.

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 5, 2006 the Domestic Security Committee adopted a strike-all amendment that directs the Division of Emergency Management to address the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan. The Department of Agriculture and Consumer Services shall assist the Division of Emergency Management in determining strategies to shelter evacuees with pets. The bill was reported favorably with committee substitute.

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<sup>8</sup> Division of Emergency Management

<sup>9</sup> Department of Health