

1 A bill to be entitled
2 An act relating to animal shelters and animal control
3 agencies; creating the "Animal Rescue Act"; creating
4 s. 828.067, F.S.; defining the terms "animal control
5 agency," "animal rescue group" or "rescue group," and
6 "animal shelter"; requiring any animal control agency
7 or animal shelter that euthanizes animals to maintain
8 a registry of animal rescue groups that are willing to
9 accept animals that would otherwise be subject to
10 euthanization; providing eligibility criteria for
11 rescue groups and persons desiring to be on the
12 euthanization registry; providing criteria under which
13 an animal control agency or animal shelter may reject
14 an applicant for the euthanization registry or remove
15 a participant from the registry; requiring that
16 certain specified information concerning an animal
17 rescue group be included in the group's application
18 for inclusion on the euthanasia registry; authorizing
19 the animal control agency or animal shelter to require
20 a rescue group or person to provide certain specified
21 data to the animal control agency or animal shelter
22 each month; prohibiting an animal control agency or
23 animal shelter from euthanizing an animal until the
24 animal control agency or animal shelter has notified
25 the appropriate animal rescue group or person listed
26 on the euthanization registry; providing exceptions to
27 the requirement to notify certain rescue groups;
28 authorizing an animal control agency or animal shelter

29 to assess a fee, not to exceed the standard adoption
 30 fee, for each animal released to a rescue group;
 31 requiring that each animal control agency or animal
 32 shelter provide for public inspection certain
 33 information on a monthly and annual basis; providing
 34 an effective date.

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

38 Section 1. This act may be cited as the "Animal Rescue
 39 Act."

40 Section 2. Section 828.067, Florida Statutes, is created
 41 to read:

42 828.067 Animal shelters and animal control agencies;
 43 euthanization registry.-

44 (1) As used in this section, the term:

45 (a) "Animal control agency" means an organization operated
 46 by or under contract with the state or a political subdivision
 47 for the purpose of impounding or harboring seized, stray,
 48 homeless, abandoned, or unwanted animals.

49 (b) "Animal rescue group" or "rescue group" means a group
 50 of persons who hold themselves out as an animal rescue group and
 51 who accept or solicit dogs, cats, or other animals with the
 52 intent of finding permanent adoptive homes or providing lifelong
 53 care for such dogs, cats, or other animals and who use foster
 54 homes as the primary means of housing animals, or a group of
 55 persons formed for the prevention of cruelty to animals.

56 (c) "Animal shelter" means a facility that is used for

HB 597

2012

57 housing or containing dogs, cats, or other animals and that is
58 owned, operated, or maintained by a humane society, an animal
59 welfare society, a society for the prevention of cruelty to
60 animals, or another nonprofit organization devoted to the
61 welfare, protection, and humane treatment of dogs, cats, or
62 other animals.

63 (2) An animal control agency or animal shelter that
64 euthanizes animals shall maintain a registry of animal rescue
65 groups that are willing to accept animals that are subject to
66 euthanization.

67 (a) The euthanization registry must consist of any animal
68 control agency, animal shelter, or animal rescue group that is
69 designated as an agency meeting the qualifications of s.
70 501(c)(3) of the Internal Revenue Code and that has requested
71 that its name be placed on the euthanization registry. Such an
72 agency, shelter, or rescue group must be included on the
73 euthanization registry regardless of the geographical location
74 of the agency, shelter, or rescue group and regardless of any
75 other factor except as described in subsection (3).

76 (b) The euthanization registry may include, at the
77 discretion of the animal control agency or animal shelter, any
78 person or animal rescue group that has not met the
79 qualifications of s. 501(c)(3) of the Internal Revenue Code.

80 (3) An animal control agency or animal shelter may refuse
81 to include a rescue group or person on the euthanization
82 registry or may remove it or the person from the euthanization
83 registry if a current director, officer, staff member, or
84 volunteer of the rescue group has been convicted in a court of

85 competent jurisdiction of a crime consisting of cruelty to
 86 animals or neglect of animals, or if such charges are pending,
 87 or if the rescue group is constrained by a court order that
 88 prevents the rescue group from taking in or keeping animals. An
 89 animal control agency or animal shelter may require the rescue
 90 group to disclose any convictions, charges, or legal impediments
 91 described in this subsection.

92 (4) The euthanization registry must include the following
 93 information provided by the rescue group:

- 94 (a) The name of the rescue group or person.
- 95 (b) The mailing address and telephone number.
- 96 (c) The website and e-mail address, if any.
- 97 (d) The emergency contact information for the rescue
 98 group.
- 99 (e) The types of animals about whom the rescue group
 100 wishes to be contacted, including species type and breed.
- 101 (f) A statement as to whether the rescue group is willing
 102 and able to care for unweaned animals, sick or injured animals,
 103 or animals with behavior problems.

104 (5) An animal control agency or animal shelter may require
 105 that a rescue group provide monthly for public inspection
 106 information concerning the number of animals that:

- 107 (a) Have been taken from an animal control agency or
 108 animal shelter and placed with the rescue group;
- 109 (b) Have been adopted;
- 110 (c) Have died or have been euthanized; or
- 111 (d) Remain in the care of the rescue group.

113 This information may be provided in an informal format, such as
114 via electronic mail. An animal control agency or animal shelter
115 may not demand additional information other than that described
116 in this subsection as a prerequisite for including a rescue
117 group on the euthanization registry or for continuing to
118 maintain the rescue group on the registry.

119 (6) An animal control agency or animal shelter may not
120 euthanize an animal until the animal control agency or animal
121 shelter has notified, or made a reasonable attempt to notify,
122 all rescue groups or persons on the euthanization registry which
123 have indicated a willingness to take an animal of that type.

124 (a) The notification must take place at least 24 hours
125 before the animal is scheduled to be euthanized.

126 (b) At a minimum, the notification must include a
127 verifiable electronic communication. Notification to each rescue
128 group is considered complete when this has been accomplished.

129 (c) An animal may not be euthanized if a rescue group or
130 person on the euthanization registry indicates a willingness to
131 take possession of the animal.

132 (d) The rescue group or person agreeing to take possession
133 of the animal must do so within 2 business days after notifying
134 the animal control agency or animal shelter that has possession
135 of the animal.

136 (e) The animal control agency or animal shelter may assess
137 a fee, not to exceed the standard adoption fee, for each animal
138 released to a rescue group.

139 (7) The requirements of subsection (6) do not apply in the
140 following cases:

141 (a) An irremediably suffering animal may be euthanized
 142 without delay under s. 828.05.

143 (b) A dangerous dog may be euthanized without delay under
 144 s. 767.13.

145 (c) Upon the impoundment of an unweaned animal without its
 146 mother, an animal control agency or animal shelter that has not
 147 placed the animal into foster care or is not able to provide
 148 supplemental feeding shall immediately make an emergency appeal
 149 to a rescue group or person on the euthanization registry who
 150 has indicated a willingness to care for unweaned animals, and
 151 shall give the rescue group or person a reasonable amount of
 152 time, but not less than 8 hours, to respond to the appeal.

153 (8) An animal control agency or animal shelter shall
 154 provide for public inspection a monthly summary that includes
 155 the number of animals, by species type, during the previous
 156 month which:

157 (a) Were impounded;

158 (b) Were euthanized by the animal control agency or animal
 159 shelter;

160 (c) Died, were lost, or were stolen while in the direct or
 161 constructive care of the animal control agency or animal
 162 shelter;

163 (d) Were returned to their owners;

164 (e) Were adopted;

165 (f) Were transferred to other organizations or rescue
 166 groups; or

167 (g) Remain in the custody of the agency or shelter.

168 (9) Each animal control agency or animal shelter shall

169 provide for public inspection an annual summary that includes
 170 the number of animals, by species type, during the previous
 171 calendar year which:
 172 (a) Were impounded;
 173 (b) Were euthanized by the animal control agency or animal
 174 shelter;
 175 (c) Died, were lost, or were stolen while in the direct or
 176 constructive care of the animal control agency or animal
 177 shelter;
 178 (d) Were returned to their owners;
 179 (e) Were adopted;
 180 (f) Were transferred to other organizations or rescue
 181 groups; or
 182 (g) Remain in the custody of the agency or shelter.
 183 Section 3. This act shall take effect July 1, 2012.