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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2012	.	
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The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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

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

(a) "Animal control agency" means an organization operated



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13 by or under contract with the state or a political subdivision
14 for the purpose of impounding or harboring seized, stray,
15 homeless, abandoned, or unwanted animals.

16 (b) "Animal rescue group" or "rescue group" means a group
17 of persons who hold themselves out as an animal rescue group and
18 who accept or solicit dogs, cats, or other animals with the
19 intent of finding permanent adoptive homes or providing lifelong
20 care for such dogs, cats, or other animals and who use foster
21 homes as the primary means of housing animals, or a group of
22 persons formed for the prevention of cruelty to animals.

23 (c) "Animal shelter" means a facility that is used for
24 housing or containing dogs, cats, or other animals and that is
25 owned, operated, or maintained by a humane society, an animal
26 welfare society, a society for the prevention of cruelty to
27 animals, or another nonprofit organization devoted to the
28 welfare, protection, and humane treatment of dogs, cats, or
29 other animals.

30 (2) An animal control agency or animal shelter that
31 euthanizes animals shall maintain a registry of animal rescue
32 groups that are willing to accept animals that are subject to
33 euthanization.

34 (a) The euthanization registry must consist of any animal
35 control agency, animal shelter, or animal rescue group that is
36 designated as an agency meeting the qualifications of s.
37 501(c)(3) of the Internal Revenue Code and that has requested
38 that its name be placed on the euthanization registry. Such an
39 agency, shelter, or rescue group must be included on the
40 euthanization registry regardless of the geographical location
41 of the agency, shelter, or rescue group and regardless of any



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42 other factor except as described in subsection (3).

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

47 (3) An animal control agency or animal shelter may refuse
48 to include a rescue group or person on the euthanization
49 registry or may remove it or the person from the euthanization
50 registry if a current director, officer, staff member, or
51 volunteer of the rescue group has been convicted in a court of
52 competent jurisdiction of a crime consisting of cruelty to
53 animals or neglect of animals, or if such charges are pending,
54 or if the rescue group is constrained by a court order that
55 prevents the rescue group from taking in or keeping animals. An
56 animal control agency or animal shelter may require the rescue
57 group to disclose any convictions, charges, or legal impediments
58 described in this subsection.

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

61 (a) The name of the rescue group or person.

62 (b) The mailing address and telephone number.

63 (c) The website and e-mail address, if any.

64 (d) The emergency contact information for the rescue group.

65 (e) The types of animals about whom the rescue group wishes
66 to be contacted, including species type and breed.

67 (f) A statement as to whether the rescue group is willing
68 and able to care for unweaned animals, sick or injured animals,
69 or animals that have behavior problems.

70 (5) An animal control agency or animal shelter may require



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71 that a rescue group provide monthly for public inspection
72 information concerning the number of animals that:

- 73 (a) Have been taken from an animal control agency or animal
74 shelter and placed with the rescue group;
75 (b) Have been adopted;
76 (c) Have died or have been euthanized; or
77 (d) Remain in the care of the rescue group.

78
79 This information may be provided in an informal format, such as
80 via electronic mail. An animal control agency or animal shelter
81 may require additional information other than that described in
82 this subsection as a prerequisite for including a rescue group
83 on the euthanization registry or for continuing to maintain the
84 rescue group on the registry.

85 (6) An animal control agency or animal shelter may not
86 euthanize an animal until the animal control agency or animal
87 shelter has notified, or made a reasonable attempt to notify,
88 all rescue groups or persons on the euthanization registry who
89 have indicated a willingness to take an animal of that type.

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

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

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

98 (d) The rescue group or person agreeing to take possession
99 of the animal must do so within 2 business days after notifying



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100 the animal control agency or animal shelter that has possession
101 of the animal.

102 (e) The holding periods described in paragraphs (a) and (d)
103 must run concurrently with any holding period required by a
104 local ordinance or other provision of state law and are not in
105 addition to those mandated holding periods. A holding period for
106 a healthy animal may not, however, be less than a total of 3
107 days as described in paragraphs (a) and (d).

108 (f) The animal control agency or animal shelter may assess
109 a fee, not to exceed the standard adoption fee, for each animal
110 released to a rescue group.

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

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

115 (b) A dangerous dog may be euthanized without delay under
116 s. 767.13.

117 (c) Upon the impoundment of an unweaned animal without its
118 mother, an animal control agency or animal shelter that has not
119 placed the animal into foster care or is not able to provide
120 supplemental feeding shall immediately make an emergency appeal
121 to a rescue group or person on the euthanization registry who
122 has indicated a willingness to care for unweaned animals, and
123 shall give the rescue group or person a reasonable amount of
124 time, but not less than 8 hours, to respond to the appeal.

125 (8) An animal control agency or animal shelter shall
126 provide for public inspection a monthly and annual summary that
127 includes the number of animals, by species type, during the
128 previous month which were taken in by the animal control agency



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129 or animal shelter and which were:
130 (a) Surrendered by the owner;
131 (b) Picked up as a stray;
132 (c) Confiscated by the animal control agency or animal
133 shelter; or
134 (d) Imported into the state.
135 (9) An animal control agency or animal shelter shall
136 provide for public inspection a monthly summary that includes
137 the number of animals, by species type, during the previous
138 month which:
139 (a) Were impounded;
140 (b) Were euthanized by the animal control agency or animal
141 shelter;
142 (c) Died, were lost, or were stolen while in the direct or
143 constructive care of the animal control agency or animal
144 shelter;
145 (d) Were returned to their owners;
146 (e) Were adopted;
147 (f) Were transferred to other organizations or rescue
148 groups; or
149 (g) Remain in the custody of the agency or shelter.
150 (10) Each animal control agency or animal shelter shall
151 provide for public inspection an annual summary that includes
152 the number of animals, by species type, during the previous
153 calendar year which:
154 (a) Were impounded;
155 (b) Were euthanized by the animal control agency or animal
156 shelter;
157 (c) Died, were lost, or were stolen while in the direct or



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- 158 constructive care of the animal control agency or animal
- 159 shelter;
- 160 (d) Were returned to their owners;
- 161 (e) Were adopted;
- 162 (f) Were transferred to other organizations or rescue
- 163 groups; or
- 164 (g) Remain in the custody of the agency or shelter.

165 Section 3. This act shall take effect July 1, 2012.

167 ===== T I T L E A M E N D M E N T =====

168 And the title is amended as follows:

169 Delete everything before the enacting clause
170 and insert:

171 A bill to be entitled
172 An act relating to animal shelters and animal control
173 agencies; creating the "Animal Rescue Act"; creating
174 s. 828.067, F.S.; defining the terms "animal control
175 agency," "animal rescue group" or "rescue group," and
176 "animal shelter"; requiring any animal control agency
177 or animal shelter that euthanizes animals to maintain
178 a registry of animal rescue groups that are willing to
179 accept animals that would otherwise be subject to
180 euthanization; providing eligibility criteria for
181 rescue groups and persons desiring to be on the
182 euthanization registry; providing criteria under which
183 an animal control agency or animal shelter may reject
184 an applicant for the euthanization registry or remove
185 a participant from the registry; requiring that
186 certain specified information concerning an animal



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187 rescue group be included in the group's application
188 for inclusion on the euthanasia registry; authorizing
189 an animal control agency or animal shelter to require
190 a rescue group or person to provide specified data to
191 the animal control agency or animal shelter each
192 month; prohibiting an animal control agency or animal
193 shelter from euthanizing an animal until the animal
194 control agency or animal shelter has notified the
195 appropriate animal rescue group or person listed on
196 the euthanization registry; requiring that a rescue
197 group or person agreeing to take possession of the
198 animal do so within a specified time; providing for a
199 required minimum holding period for a healthy animal;
200 providing exceptions to the requirement to notify a
201 rescue group and to abide by the minimum holding
202 period; authorizing an animal control agency or animal
203 shelter to assess a fee, not to exceed the standard
204 adoption fee, for each animal released to a rescue
205 group; requiring that each animal control agency or
206 animal shelter provide for public inspection certain
207 information on a monthly and annual basis; providing
208 an effective date.