

By the Committee on Community Affairs; and Senators Bennett and Gaetz

578-02166-12

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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 an animal control agency or animal shelter to require
20 a rescue group or person to provide specified data to
21 the animal control agency or animal shelter each
22 month; prohibiting an animal control agency or animal
23 shelter from euthanizing an animal until the animal
24 control agency or animal shelter has notified the
25 appropriate animal rescue group or person listed on
26 the euthanization registry; requiring that a rescue
27 group or person agreeing to take possession of the
28 animal do so within a specified time; providing for a
29 required minimum holding period for a healthy animal;

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30 providing exceptions to the requirement to notify a
31 rescue group and to abide by the minimum holding
32 period; authorizing an animal control agency or animal
33 shelter to assess a fee, not to exceed the standard
34 adoption fee, for each animal released to a rescue
35 group; requiring that each animal control agency or
36 animal shelter provide for public inspection certain
37 information on a monthly and annual basis; providing
38 an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

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

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

46 828.067 Animal shelters and animal control agencies;
47 ethanization registry.-

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

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

53 (b) "Animal rescue group" or "rescue group" means a group
54 of persons who hold themselves out as an animal rescue group and
55 who accept or solicit dogs, cats, or other animals with the
56 intent of finding permanent adoptive homes or providing lifelong
57 care for such dogs, cats, or other animals and who use foster
58 homes as the primary means of housing animals, or a group of

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59 persons formed for the prevention of cruelty to animals.

60 (c) "Animal shelter" means a facility that is used for
61 housing or containing dogs, cats, or other animals and that is
62 owned, operated, or maintained by a humane society, an animal
63 welfare society, a society for the prevention of cruelty to
64 animals, or another nonprofit organization devoted to the
65 welfare, protection, and humane treatment of dogs, cats, or
66 other animals.

67 (2) An animal control agency or animal shelter that
68 euthanizes animals shall maintain a registry of animal rescue
69 groups that are willing to accept animals that are subject to
70 euthanization.

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

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

84 (3) An animal control agency or animal shelter may refuse
85 to include a rescue group or person on the euthanization
86 registry or may remove it or the person from the euthanization
87 registry if a current director, officer, staff member, or

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

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

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

99 (b) The mailing address and telephone number.

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

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

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

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

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

110 (a) Have been taken from an animal control agency or animal
111 shelter and placed with the rescue group;

112 (b) Have been adopted;

113 (c) Have died or have been euthanized; or

114 (d) Remain in the care of the rescue group.

115
116 This information may be provided in an informal format, such as

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117 via electronic mail. An animal control agency or animal shelter
118 may require additional information other than that described in
119 this subsection as a prerequisite for including a rescue group
120 on the euthanization registry or for continuing to maintain the
121 rescue group on the registry.

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

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

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

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

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

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

145 (f) The animal control agency or animal shelter may assess

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146 a fee, not to exceed the standard adoption fee, for each animal
147 released to a rescue group.

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

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

152 (b) A dangerous dog may be euthanized without delay under
153 s. 767.13.

154 (c) Upon the impoundment of an unweaned animal without its
155 mother, an animal control agency or animal shelter that has not
156 placed the animal into foster care or is not able to provide
157 supplemental feeding shall immediately make an emergency appeal
158 to a rescue group or person on the euthanization registry who
159 has indicated a willingness to care for unweaned animals, and
160 shall give the rescue group or person a reasonable amount of
161 time, but not less than 8 hours, to respond to the appeal.

162 (8) An animal control agency or animal shelter shall
163 provide for public inspection a monthly and annual summary that
164 includes the number of animals, by species type, during the
165 previous month which were taken in by the animal control agency
166 or animal shelter and which were:

167 (a) Surrendered by the owner;

168 (b) Picked up as a stray;

169 (c) Confiscated by the animal control agency or animal
170 shelter; or

171 (d) Imported into the state.

172 (9) An animal control agency or animal shelter shall
173 provide for public inspection a monthly summary that includes
174 the number of animals, by species type, during the previous

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175 month which:

176 (a) Were impounded;

177 (b) Were euthanized by the animal control agency or animal
178 shelter;

179 (c) Died, were lost, or were stolen while in the direct or
180 constructive care of the animal control agency or animal
181 shelter;

182 (d) Were returned to their owners;

183 (e) Were adopted;

184 (f) Were transferred to other organizations or rescue
185 groups; or

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

187 (10) Each animal control agency or animal shelter shall
188 provide for public inspection an annual summary that includes
189 the number of animals, by species type, during the previous
190 calendar year which:

191 (a) Were impounded;

192 (b) Were euthanized by the animal control agency or animal
193 shelter;

194 (c) Died, were lost, or were stolen while in the direct or
195 constructive care of the animal control agency or animal
196 shelter;

197 (d) Were returned to their owners;

198 (e) Were adopted;

199 (f) Were transferred to other organizations or rescue
200 groups; or

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

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