

By Senator Abruzzo

25-00436A-15

20151234\_\_

1                                   A bill to be entitled  
 2           An act relating to companion animals; providing a  
 3           short title; defining terms; directing animal shelters  
 4           to take certain measures relating to the holding,  
 5           care, treatment, and euthanasia of animals; providing  
 6           exceptions; authorizing actions for declaratory or  
 7           injunctive relief; providing an effective date.

8  
 9 Be It Enacted by the Legislature of the State of Florida:

10  
 11           Section 1. (1) This act may be cited as the "Companion  
 12 Animal Protection Act."

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

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

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

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

23           (b) "Irremediable physical suffering" means a poor or grave  
 24 prognosis for being able to live without severe, unremitting  
 25 pain, even with comprehensive, prompt, and necessary veterinary  
 26 care, as certified in writing by a licensed veterinarian.

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

29           (d) "Rescue organization" means an animal rescue

25-00436A-15

20151234\_\_

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

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

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

40 2. Maintain continuously updated lists of animals reported  
41 lost and found and regularly check animals in the shelter for  
42 matches to such lists; and

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

47 (b) If a possible owner is identified, the animal shelter  
48 shall undertake due diligence to notify the owner or caretaker  
49 of the whereabouts of the animal and any procedures available  
50 for the lawful recovery of the animal. These efforts must  
51 include, but are not limited to, notifying the possible owner by  
52 telephone, mail, and personal service to his or her last known  
53 address.

54 (4) (a) The required holding period for a stray animal  
55 impounded by an animal shelter is 5 business days, not including  
56 the day of impoundment. An animal must be held for owner  
57 redemption during the first 2 days of the holding period and be  
58 available for owner redemption, transfer, or adoption for the

25-00436A-15

20151234\_\_

59 remainder of the holding period, except that if an animal is  
60 impounded with identification or the shelter knows the identity  
61 of the owner, the animal must be held for 5 days for owner  
62 redemption.

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

68 (c) This subsection does not apply to:

69 1. A cat impounded for purposes of sterilization and  
70 release;

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

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

76 4. An animal experiencing irremediable physical suffering.

77 (d) At any time after impound, an animal shelter may  
78 transfer an animal, except an animal arriving with  
79 identification or an animal with a known owner, to a nonprofit  
80 rescue organization or group, a private shelter, or an  
81 organization formed for the prevention of cruelty to animals if  
82 potential owners are given the same rights of reclamation given  
83 to owners of animals held at the animal shelter.

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

86 1. Fresh food and fresh water;

87 2. Environmental enrichment to promote psychological well-

25-00436A-15

20151234\_\_

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

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

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

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

25-00436A-15

20151234\_\_

117 deviation.

118 (6) (a) At least 2 business days before the euthanasia of an  
119 animal, the animal shelter having care or custody of the animal  
120 shall:

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

125 2. Offer each rescue organization notified the opportunity  
126 to take possession of the animal to avoid the animal's death.

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

129 (7) (a) An animal shelter may not:

130 1. Ban, bar, limit, or otherwise obstruct the adoption or  
131 transfer of an animal based on breed, breed mix, species, age,  
132 color, appearance, or size; or

133 2. Euthanize an animal solely because the animal's holding  
134 period has expired.

135 (b) Before an animal is euthanized, the following  
136 conditions must be met:

137 1. There are no empty cages, kennels, or other living  
138 environments in the animal shelter;

139 2. The animal cannot share a cage or kennel with another  
140 animal;

141 3. A foster home for the animal is not available;

142 4. A rescue organization or group is not willing to accept  
143 the animal;

144 5. The animal cannot be transferred to another shelter with  
145 room to house the animal;

25-00436A-15

20151234\_\_

146 6. The animal is not a cat subject to sterilization and  
147 release;

148 7. All mandates, programs, and services of this section  
149 have been met; and

150 8. The director of the animal shelter certifies that he or  
151 she has no other alternative.

152 (c) The determination that all conditions of paragraph (b)  
153 have been met shall be made in writing, signed by the director  
154 of the animal shelter, and made available for free public  
155 inspection for at least 3 years.

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

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

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

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

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

174 2. Have adequate ventilation that prevents the accumulation

25-00436A-15

20151234\_\_

175 of odors.

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

180 (d) An animal must be sedated or tranquilized before being  
181 euthanized as necessary to minimize its stress or discomfort or,  
182 in the case of a vicious animal, to ensure staff safety, except  
183 that neuromuscular blocking agents may not be used.

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

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

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

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

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

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

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

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

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

25-00436A-15

20151234\_\_

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

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