

By Senator Margolis

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1 A bill to be entitled
2 An act relating to companion animals; providing a
3 short title; creating s. 828.066, F.S.; providing
4 definitions; directing animal shelters to take certain
5 measures relating to the holding, care, treatment, and
6 euthanasia of animals; providing exceptions; providing
7 for injunctive relief actions; providing an effective
8 date.

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

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12 Section 1. This act may be cited as the "Companion Animal
13 Protection Act."

14 Section 2. Section 828.066, Florida Statutes, is created to
15 read:

16 828.066 Animal shelters; stray and impounded animals.-

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

18 (a) "Animal shelter" means a public or private facility
19 that:

20 1. Has a physical structure that provides temporary or
21 permanent shelter for stray, abandoned, abused, or owner-
22 surrendered animals.

23 2. Is operated, owned, or maintained by a society for the
24 prevention of cruelty to animals, humane society, pound, animal
25 control officer, governmental entity, or contractor for a
26 governmental entity.

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

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

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33 (d) "Rescue organization" means an animal rescue
34 organization, animal adoption organization, or organization
35 formed for the prevention of cruelty to animals which is
36 described in s. 501(c)(3) of the Internal Revenue Code and
37 exempt from taxation under s. 501(a) of the Internal Revenue
38 Code.

39 (2) (a) An animal shelter shall:

40 1. Take appropriate action to ensure that all animals are
41 checked as soon as possible after impoundment for all currently
42 available methods of identification, including microchips,
43 identification tags, and licenses.

44 2. Maintain continuously updated lists of animals reported
45 lost and found and regularly check animals in the shelter for
46 matches to these lists.

47 3. Post a photograph of and information regarding each
48 stray animal impounded by the shelter on the Internet with
49 sufficient detail to allow the animal to be recognized and
50 claimed by its owner.

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

57 (3) (a) The required holding period for a stray animal
58 impounded by an animal shelter shall be 5 business days, not
59 including the day of impoundment. An animal shall be held for
60 owner redemption during the first 2 days of the holding period
61 and shall be available for owner redemption, transfer, or

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62 adoption for the remainder of the holding period, except that if
63 an animal is impounded with identification or the shelter knows
64 the identity of the owner, the animal shall be held for 5 days
65 for owner redemption.

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

71 (c) This subsection does not apply to:

72 1. A cat impounded for purposes of sterilization and then
73 released.

74 2. An animal suspected of carrying and exhibiting signs of
75 rabies, as determined by a licensed veterinarian.

76 3. A dog that, after physically attacking a person, has
77 been determined by a court of competent jurisdiction to be
78 dangerous pursuant to state law.

79 4. An animal experiencing irremediable physical suffering.

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

87 (4) (a) During the entirety of its stay at an animal
88 shelter, an animal must be provided:

89 1. Fresh food and fresh water.

90 2. Environmental enrichment to promote psychological well-

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91 being, such as socialization, toys, and treats, and exercise as
92 needed but at least once daily, except that a dog exhibiting
93 vicious behavior toward people or determined to be dangerous by
94 a court of competent jurisdiction is not required to be
95 exercised during the holding period.

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

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

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

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120 deviation.

121 (5) (a) At least 2 business days before the euthanasia of an
122 animal, the animal shelter having care or custody of the animal
123 must:

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

128 2. Offer each rescue organization notified under
129 subparagraph 1. the opportunity to take possession of the animal
130 to avoid the animal's death.

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

133 (6) (a) An animal shelter may not:

134 1. Ban, bar, limit, or otherwise obstruct the adoption or
135 transfer of an animal based on breed, breed mix, species, age,
136 color, appearance, or size.

137 2. Euthanize an animal solely because the animal's holding
138 period has expired.

139 (b) Before an animal is euthanized, all of the following
140 conditions must be met:

141 1. There are no empty cages, kennels, or other living
142 environments in the animal shelter.

143 2. The animal cannot share a cage or kennel with another
144 animal.

145 3. A foster home for the animal is not available.

146 4. A rescue organization or group is not willing to accept
147 the animal.

148 5. The animal cannot be transferred to another shelter with

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149 room to house the animal.

150 6. The animal is not a cat subject to sterilization and
151 release.

152 7. All mandates, programs, and services of this section
153 have been met.

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

156 (c) The determination that all conditions of paragraph (b)
157 have been met must be made in writing, signed by the director of
158 the animal shelter, and made available for free public
159 inspection for not fewer than 3 years.

160 (7) (a) An animal impounded by an animal shelter may be
161 euthanized only when necessary and consistent with the
162 requirements of s. 828.058.

163 (b) An animal may not be allowed to witness any other
164 animal being euthanized or being tranquilized or sedated for the
165 purpose of being euthanized, or to see the bodies of animals
166 that have already been euthanized.

167 (8) The state attorney, or persons aggrieved by violations
168 of this section, may bring action to enjoin violations of this
169 section. In any successful action to enforce this section, the
170 court shall award the prevailing party, other than the state,
171 reasonable costs and attorney fees.

172 Section 3. This act shall take effect July 1, 2016.