

By Senator Hukill

8-00171-16

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1                   A bill to be entitled  
2           An act relating to animals confined in unattended  
3           motor vehicles; providing a short title; creating s.  
4           828.075, F.S.; defining terms; prohibiting a person  
5           from confining an animal in an unattended motor  
6           vehicle under certain circumstances; providing a  
7           criminal penalty; providing that authorized  
8           individuals may use reasonable force to remove animals  
9           under certain circumstances; providing an exemption  
10          from liability for authorized individuals; providing  
11          an exception for the transportation of agricultural  
12          animals; providing that the act does not preclude  
13          prosecution under any other law; providing an  
14          effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. This act may be cited as the "Protecting Animal  
19 Welfare and Safety Act" or "P.A.W.S. Act".

20           Section 2. Section 828.075, Florida Statutes, is created to  
21 read:

22           828.075 Animals in unattended motor vehicles.—

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

24           (a) "Authorized individual" means a law enforcement  
25 officer, an animal control officer, a firefighter, or a first  
26 responder or any individual who has contacted the local law  
27 enforcement agency, fire department, or 911 operator and has  
28 been instructed by such entity to use reasonable force to remove  
29 an animal from a motor vehicle pursuant to this section.

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30 (b) "Motor vehicle" has the same meaning as provided in s.  
31 316.003.

32 (2) A person who intentionally, knowingly, or recklessly  
33 confines an animal in an unattended motor vehicle under  
34 conditions that endanger the health or well-being of the animal  
35 due to heat, cold, lack of adequate ventilation, lack of food or  
36 water, or other circumstances that could reasonably be expected  
37 to cause suffering, disability, or death of the animal commits a  
38 misdemeanor of the first degree, punishable as provided in s.  
39 775.082 or s. 775.083.

40 (3) After a reasonable effort to locate the person  
41 responsible for the animal, an authorized individual may use  
42 whatever means are reasonably necessary, including, but not  
43 limited to, breaking into the motor vehicle, to remove the  
44 animal if the animal appears to be in immediate danger from  
45 heat, cold, lack of adequate ventilation, lack of food or water,  
46 or other circumstances that could reasonably be expected to  
47 cause suffering, disability, or death of the animal.

48 (4) An authorized individual who removes an animal from a  
49 motor vehicle pursuant to this section:

50 (a) Must leave a written notice in a secure and conspicuous  
51 location on or within the motor vehicle bearing his or her name  
52 and office, and the address of the location where the animal can  
53 be claimed;

54 (b) Shall take the animal to an animal shelter or other  
55 place of safekeeping or, if deemed necessary, to a veterinary  
56 hospital for treatment; and

57 (c) May not be held criminally or civilly liable for  
58 actions taken while carrying out the provisions of this section.

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59       (5) This section does not prohibit the transportation of  
60 horses, cattle, pigs, sheep, poultry, or other agricultural  
61 animals in motor vehicles designed to transport such animals for  
62 agricultural purposes.

63       (6) This section does not preclude prosecution for a  
64 criminal act under any other law, including, but not limited to,  
65 prosecution under s. 828.12.

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