

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
 21 to 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.

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
 51 conspicuous location on or within the motor vehicle bearing his
 52 or her name and office, and the address of the location where

HB 329

2016

53 the animal can 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.

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.