

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.; providing definitions; prohibiting a
 5 person 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 an effective date.

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

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

18 Section 2. Section 828.075, Florida Statutes, is created
 19 to read:

20 828.075 Animals confined in unattended motor vehicles.—

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

22 (a) "Authorized individual" means a first responder as
 23 defined in s. 125.01045, an animal control officer as defined in
 24 s. 828.27, or any individual who has contacted the local law
 25 enforcement agency, fire department, or 911 operator and has
 26 been instructed by such entity to use reasonable force to remove

27 an animal from a motor vehicle pursuant to this section.

28 (b) "Motor vehicle" has the same meaning as provided in s.
 29 316.003.

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

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

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

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

52 (b) Shall take the animal to an animal shelter or other

53 place of safekeeping or, if deemed necessary, to a veterinary
54 hospital for treatment; and

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

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

61 Section 3. This act shall take effect October 1, 2016.