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A bill to be entitled
An act relating to companion animals; providing a short title; providing definitions; directing animal shelters to take certain measures relating to the holding, care, treatment, and euthanasia of animals; providing exceptions; providing for declaratory or injunctive relief actions; providing an effective date.

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

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

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

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

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

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

(b) "Irremediable physical suffering" means a poor or grave prognosis for being able to live without severe, unremitting pain, even with comprehensive, prompt, and necessary

27 veterinary care, as certified in writing by a licensed
28 veterinarian.

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

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

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

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

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

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

49 (b) If a possible owner is identified, the animal shelter
50 shall undertake due diligence to notify the owner or caretaker
51 of the whereabouts of the animal and any procedures available
52 for the lawful recovery of the animal. These efforts shall

53 include, but are not limited to, notifying the possible owner by
54 telephone, mail, and personal service to the last known address.

55 (4) (a) The required holding period for a stray animal
56 impounded by an animal shelter shall be 5 business days, not
57 including the day of impoundment. An animal shall be held for
58 owner redemption during the first 2 days of the holding period
59 and shall be available for owner redemption, transfer, or
60 adoption for the remainder of the holding period, except that if
61 an animal is impounded with identification or the shelter knows
62 the identity of the owner, the animal shall be held for 5 days
63 for owner redemption.

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

69 (c) This subsection does not apply to:

70 1. A cat impounded for purposes of sterilization and then
71 released.

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

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

77 4. An animal experiencing irremediable physical suffering.

78 (d) At any time after impound, an animal shelter may

79 transfer an animal, except an animal arriving with
80 identification or an animal with a known owner, to a nonprofit
81 rescue organization or group, a private shelter, or an
82 organization formed for the prevention of cruelty to animals if
83 potential owners are given the same rights of reclamation given
84 to owners of animals held at the animal shelter.

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

87 1. Fresh food and fresh water.

88 2. Environmental enrichment to promote psychological well-
89 being, such as socialization, toys, and treats, and exercise as
90 needed but at least once daily, except that a dog exhibiting
91 vicious behavior toward people or determined to be dangerous by
92 a court of competent jurisdiction is not required to be
93 exercised during the holding period.

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

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

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

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

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

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

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

- 131 (7) (a) An animal shelter may not:
- 132 1. Ban, bar, limit, or otherwise obstruct the adoption or
- 133 transfer of an animal based on breed, breed mix, species, age,
- 134 color, appearance, or size.
- 135 2. Euthanize an animal solely because the animal's holding
- 136 period has expired.
- 137 (b) Before an animal is euthanized, all of the following
- 138 conditions must be met:
- 139 1. There are no empty cages, kennels, or other living
- 140 environments in the animal shelter.
- 141 2. The animal cannot share a cage or kennel with another
- 142 animal.
- 143 3. A foster home for the animal is not available.
- 144 4. A rescue organization or group is not willing to accept
- 145 the animal.
- 146 5. The animal cannot be transferred to another shelter
- 147 with room to house the animal.
- 148 6. The animal is not a cat subject to sterilization and
- 149 release.
- 150 7. All mandates, programs, and services of this section
- 151 have been met.
- 152 8. The director of the animal shelter certifies that he or
- 153 she has no other alternative.
- 154 (c) The determination that all conditions of paragraph (b)
- 155 have been met shall be made in writing, signed by the director
- 156 of the animal shelter, and made available for free public

157 inspection for not fewer than 3 years.

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

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

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

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

172 1. Be cleaned and regularly disinfected as necessary, but
173 at least once per day on days the room is used, except that the
174 specific area in the room where the procedure is performed shall
175 be cleaned and disinfected between each procedure.

176 2. Have adequate ventilation that prevents the
177 accumulation of odors.

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

182 (d) An animal must be sedated or tranquilized before being

183 euthanized as necessary to minimize its stress or discomfort or,
184 in the case of a vicious animal, to ensure staff safety, except
185 that neuromuscular blocking agents may not be used.

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

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

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

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

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

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

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

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

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

206 (11) A person may compel an animal shelter to comply with
207 this section through an action for declaratory or injunctive
208 relief or any other appropriate remedy of law that will compel

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209 | compliance.

210 | Section 2. This act shall take effect July 1, 2016.