

1 A bill to be entitled
 2 An act relating to the Companion Animal Protection
 3 Act; providing definitions; directing animal shelters
 4 to take certain measures relating to the holding,
 5 care, treatment, and euthanasia of animals; providing
 6 exceptions; providing for declaratory or injunctive
 7 relief actions; providing an effective date.

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

10
 11 Section 1. Companion Animal Protection Act.—

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

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

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

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

22 (b) "Irremediable physical suffering" means a poor or
 23 grave prognosis for being able to live without severe,
 24 unremitting pain, even with comprehensive, prompt, and necessary
 25 veterinary care, as certified in writing by a licensed

26 veterinarian.

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

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

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

36 1. Ensure that all animals are checked as soon as possible
37 after impoundment, but no later than one business day, for all
38 currently available methods of identification, including
39 microchips, identification tags, and licenses.

40 2. Maintain continuously updated lists of animals reported
41 lost and found and check animals in the shelter for matches to
42 these lists at least once daily.

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

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

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

53 (3) (a) An animal may not be euthanized at an animal
54 shelter sooner than 5 business days after the date of
55 impoundment.

56 (b) An animal impounded as a stray with identification or
57 whose owner has been identified shall be held and made available
58 for owner reclamation for 4 business days after the date of
59 impoundment.

60 (c) An animal impounded as a stray without identification
61 and whose owner has not been identified shall be made available
62 for owner reclamation for 3 business days after the date of
63 impoundment.

64 (d) At any time, an animal impounded as a stray may be
65 placed in foster care or transferred to an animal rescue
66 organization or other shelter, subject to the following:

67 1. An animal transferred under this subsection remains
68 subject to reclamation by its owner pursuant to paragraphs (b)
69 and (c).

70 2. Documentation of an animal transferred under this
71 paragraph, including a photograph of the animal and relevant
72 information pertaining to impoundment and transfer of the
73 animal, shall be maintained in physical or electronic form for
74 public review at the animal shelter that originally impounded
75 the animal or on the shelter's website for the duration of

76 impoundment under paragraphs (b) and (c).

77 3. An owner that satisfies an animal shelter's
78 requirements for reclamation is entitled to reclaim the animal
79 even if the animal has been transferred and is no longer
80 physically in the animal shelter's custody. At the owner's
81 discretion, the owner has the right to physically redeem the
82 animal at the animal shelter that originally impounded the
83 animal.

84 (e) An animal that is impounded a surrendered by its owner
85 may be reclaimed upon his or her change of heart for 2 business
86 days after the date of impoundment if the animal has not been
87 adopted or transferred.

88 (f) This subsection does not apply to:

89 1. An animal impounded for purposes of sterilization.

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

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

95 4. An animal experiencing irremediable physical suffering.

96 (g) At any time after impoundment, an animal shelter may
97 transfer an animal, except an animal arriving with
98 identification or an animal with a known owner, to a nonprofit
99 rescue organization or group, a private shelter, or an
100 organization formed for the prevention of cruelty to animals if

101 potential owners are given the same rights of reclamation given
102 to owners of animals held at the animal shelter.

103 (4) (a) During the entirety of its stay at an animal
104 shelter, an animal shall be provided:

105 1. Fresh food and fresh water.

106 2. Environmental enrichment to promote psychological well-
107 being, including, but not limited to, socialization, toys, and
108 treats, and exercise as needed but at least once daily, except
109 that a dog exhibiting vicious behavior towards people or has
110 been determined to be dangerous by a court of competent
111 jurisdiction is not required to be exercised during the holding
112 period.

113 3. Prompt and necessary cleaning of its cage, kennel, or
114 other living environment at least two times per day to prevent
115 disease and to ensure an environment that is welcoming to the
116 public and hygienic for both the public and the animal. The
117 cleaning shall be conducted in accordance with a protocol
118 developed in coordination with a licensed veterinarian and shall
119 require that the animal not be exposed to water from hoses or
120 sprays, cleaning solutions, detergents, solvents, or chemicals.

121 4. Prompt and necessary veterinary care, including, but
122 not limited to, preventative vaccinations, cage rest, fluid
123 therapy, and pain management or antibiotics sufficient to
124 alleviate any pain caused by disease or injury, to prevent a
125 condition from worsening, and to allow the animal to leave the

126 shelter in reasonable condition.

127 (b) An animal shelter shall work with a licensed
128 veterinarian to develop and follow a care protocol for animals
129 with special needs including, but not limited to, nursing
130 mothers, unweaned animals, sick or injured animals, extremely
131 frightened animals, geriatric animals, or animals needing
132 therapeutic exercise. The care protocol shall specify any
133 deviation from the standard requirements of paragraph (a) and
134 the reasons for the deviation.

135 (5)(a) At least 2 business days before euthanizing an
136 animal, the animal shelter having care or custody of the animal
137 shall:

138 1. Notify or make a reasonable attempt to notify by
139 verifiable written or electronic communication any rescue
140 organization that has previously requested to be notified before
141 animals at the shelter are euthanized.

142 2. Unless there is evidence of neglect or animal cruelty
143 as certified in writing by a licensed veterinarian, notify or
144 make a reasonable attempt to notify by telephone or verifiable
145 written or electronic communication the owner who surrendered
146 the animal and inform that person that the animal is scheduled
147 to be euthanized.

148 3. Notify or make a reasonable attempt to notify by
149 telephone or verifiable written or electronic communication the
150 finder who surrendered the stray animal and inform that person

151 that the animal is scheduled to be euthanized.

152 4. Offer those notified under this paragraph possession of
153 the animal if requested.

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

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

157 1. Prohibit or obstruct the adoption or transfer of an
158 animal based on breed, breed mix, species, age, color,
159 appearance, or size.

160 2. Euthanize an animal solely because the animal's holding
161 period has expired.

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

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

166 2. The animal cannot share a cage or kennel with another
167 animal.

168 3. A plea has been made to foster homes and one is not
169 available.

170 4. The owner, finder, and a rescue organization or group
171 have been notified and are not willing to accept the animal.

172 5. The animal cannot be transferred to another shelter
173 with room to house the animal.

174 6. There are no additional rooms at the animal shelter to
175 set up temporary cages, kennels, or living environments in the

176 shelter;

177 7. The animal is not a cat subject to sterilization and
178 release.

179 8. All mandates, programs, and services of this section
180 have been met.

181 9. The director of the animal shelter certifies that he or
182 she has no other alternative.

183 (c) The determination that all conditions of paragraph (b)
184 have been met shall be made in writing, signed by the director
185 of the animal shelter, and made available for free public
186 inspection for not fewer than 3 years.

187 (7) (a) An animal impounded by an animal shelter shall be
188 euthanized only when necessary and consistent with the
189 requirements of this section by lethal intravenous injection of
190 sodium pentobarbital, except as follows:

191 1. Intraperitoneal injection may be used only under the
192 direction of a licensed veterinarian and only when intravenous
193 injection is not possible for an infant animal, for a companion
194 animal other than a cat or dog, or for a comatose animal with
195 depressed vascular function.

196 2. Intracardiac injection may be used only when
197 intravenous injection is not possible for an animal that is
198 completely unconscious or comatose, and then only by a licensed
199 veterinarian.

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

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

205 2. Have adequate ventilation that prevents the
206 accumulation of odors.

207 (c) An animal may not be allowed to witness any other
208 animal being euthanized or being tranquilized or sedated for the
209 purpose of being euthanized or allowed to see the bodies of
210 animals that have already been euthanized.

211 (d) An animal must be sedated or tranquilized before being
212 euthanized as necessary to minimize stress or discomfort or, in
213 the case of a vicious animal, to ensure staff safety, except
214 that neuromuscular blocking agents may not be used.

215 (e) Following euthanization, an animal must be lowered to
216 the surface on which it is being held and may not be allowed to
217 drop or otherwise collapse without support.

218 (f) An animal may not be left unattended have begun until
219 the time of death occurs.

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

222 (8) Verification of death shall be confirmed for each
223 animal when all of the following conditions exist:

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

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

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

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

230 (9) A person other than a licensed veterinarian or a
 231 euthanasia technician certified by the state euthanasia
 232 certification program may not perform the procedures referenced
 233 in subsections (8) and (9).

234 (10) A person may compel an animal shelter to comply with
 235 this section through an action for declaratory or injunctive
 236 relief or any other appropriate remedy of law that will compel
 237 compliance.

238 Section 2. This act shall take effect July 1, 2017.