

By Senator Steube

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1 A bill to be entitled
2 An act relating to animals; amending s. 823.15, F.S.;
3 revising legislative findings and intent; requiring
4 animal rescue organizations to prepare, maintain, and
5 make available for public inspection and dissemination
6 certain records for a specified period; extending an
7 existing monthly reporting requirement to animal
8 rescue organizations; providing for the sterilization
9 of all dogs and cats sold or released for adoption
10 from animal rescue organizations, subject to certain
11 requirements; providing an exception to the
12 requirement that a prospective adopter pay the costs
13 of sterilization; prohibiting animal shelters, animal
14 rescue organizations, humane organizations, and
15 certain animal control agencies from importing animals
16 into the state; prohibiting individuals from importing
17 animals into the state for transfer to such shelters,
18 organizations, and agencies; providing an exception
19 during declared emergencies and natural disasters;
20 providing criminal and noncriminal penalties for
21 specified violations and for subsequent violations;
22 requiring the Commissioner of Agriculture to report
23 certain suspected violations to the United States
24 Department of Agriculture under certain circumstances;
25 providing requirements for such a report; directing
26 the commissioner or his or her designee to bring an
27 action in a court of competent jurisdiction against an
28 entity or individual who violates specified
29 provisions; amending s. 828.29, F.S.; providing

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30 criminal penalties for specified violations by certain
31 individuals, shelters, organizations, or agencies;
32 conforming a provision to changes made by the act;
33 providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Section 823.15, Florida Statutes, is amended to
38 read:

39 823.15 Dogs and cats released from animal shelters, animal
40 rescue organizations, humane organizations, or animal control
41 agencies; sterilization requirement; animal importation
42 prohibition; penalties.—

43 (1) (a) The Legislature finds ~~has determined~~ that the
44 importation of dogs and cats into, and the uncontrolled breeding
45 of dogs and cats in, this state pose risks to the well-being of
46 dogs and cats, the health of humans and animals, and the
47 agricultural interests in this state. The importation of dogs
48 and cats from outside the state ~~United States~~ could result in
49 the transmission of infectious and parasitic diseases ~~result in~~
50 ~~the transmission of diseases that have been eradicated in the~~
51 ~~United States~~ to dogs, and cats, other animals, and humans
52 living in this state. Historically, uncontrolled breeding
53 resulted ~~results~~ in the birth of many more puppies and kittens
54 than were ~~are~~ needed to provide pet animals to new owners or to
55 replace pet animals that had ~~have~~ died or become lost. This led
56 to the overpopulation of ~~leads to many~~ dogs, cats, puppies, and
57 kittens, many of which were ~~being~~ unwanted and became, ~~becoming~~
58 strays and suffered ~~suffering~~ privation and death; constituted a

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59 public nuisance and public health hazard; and were, being
60 impounded and destroyed at great expense to the community, and
61 constituting a public nuisance and public health hazard. Florida
62 shelters, not-for-profit organizations, and governmental
63 agencies established to aid local dogs and cats in need within
64 their catchment areas have been so successful in promoting
65 responsible pet ownership and reducing the population of
66 unwanted and surplus shelter dogs and cats that Florida animal
67 shelters, animal rescue organizations, humane organizations, and
68 animal control agencies receive fewer local dogs and cats in
69 need each year. Many of these shelters, organizations, and
70 agencies were established years ago and expanded when surplus
71 shelter populations were at their highest. As a result, many
72 shelters, organizations, and agencies have experienced a
73 decrease in the number of local dogs and cats available for
74 adoption, while they still must maintain larger facilities. As
75 the local populations continued to decline, many of these
76 shelters, organizations, and agencies changed their mission
77 statements and operational models to stay in business and began
78 to import dogs and cats for local placement from outside their
79 local areas of operation, including jurisdictions outside this
80 state. Consequently, the number of dogs and cats imported from
81 outside the state has increased exponentially, sometimes leading
82 to inhumane transport and sheltering conditions, reduced
83 adoption opportunities for local dogs and cats, and needless
84 euthanasia of local dogs and cats.

85 (b) In light of the findings stated in paragraph (a), the
86 Legislature declares that:

87 1. It is therefore declared to be the public policy of the

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88 ~~state that~~ Every feasible means should be used to reduce the
89 incidence of birth of unneeded and unwanted puppies and kittens.
90 Determining which programs result in improved adoption rates and
91 in reduced euthanasia rates for animals in shelters and animal
92 control agencies is crucial to this effort.

93 2. The importation of animals from outside the state should
94 be prohibited to prevent inhumane conditions in the transport
95 and sheltering of animals; increase adoption opportunities for
96 local dogs and cats; reduce the transmission of intra-species
97 and zoonotic diseases; and prevent the needless euthanasia of
98 local dogs and cats.

99 (2) (a) Each public or private animal shelter, animal rescue
100 organization, humane organization, or animal control agency
101 operated by a humane organization or by a county, municipality,
102 or other incorporated political subdivision, shall prepare and
103 maintain the following records and make them available for
104 public inspection and dissemination for the 3 preceding years.
105 The following data must ~~will~~ be available on a monthly basis
106 ~~commencing July 31, 2013:~~

107 1. The total number of dogs and cats taken in by the animal
108 shelter, animal rescue organization, humane organization, or
109 animal control agency, divided into species, in the following
110 categories:

- 111 a. Surrendered by owner;
- 112 b. Stray;
- 113 c. Impounded;
- 114 d. Confiscated;
- 115 e. Transferred from within Florida;
- 116 f. Transferred into or imported from out of the state; and

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117 g. Born in shelter.

118
119 Species other than domestic cats and domestic dogs should be
120 recorded as "other."

121 2. The disposition of all animals taken in by a public or
122 private animal shelter, animal rescue organization, humane
123 organization, or animal control agency operated by a humane
124 society or by a county, municipality, or other incorporated
125 political subdivision, divided into species. These data must
126 include dispositions by:

127 a. Adoption;

128 b. Reclamation by owner;

129 c. Death in kennel;

130 d. Euthanasia at the owner's request;

131 e. Transfer to another public or private animal shelter,
132 animal rescue organization, humane organization, or animal
133 control agency operated by a humane society or by a county,
134 municipality, or other incorporated political subdivision;

135 f. Euthanasia;

136 g. Released in field/Trapped, Neutered, Released (TNR);

137 h. Lost in care/missing animals or records; and

138 i. Ending inventory/shelter count at end of the last day of
139 the month.

140 3. A public or private animal shelter, animal rescue
141 organization, humane organization, or animal control agency
142 operated by a humane society, or by a county, municipality, or
143 other incorporated political subdivision, which routinely
144 euthanizes dogs based on size or breed alone must provide a
145 written statement of such policy. Dogs euthanized due to breed,

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146 temperament, or size must be recorded and included in the
147 calculation of the total euthanasia percentage.

148 (b) Records of a public animal shelter, humane
149 organization, or animal control agency operated by a humane
150 society must be made available to the public pursuant to
151 ~~provisions in~~ chapter 119.

152 (3) ~~In furtherance of this policy, provision shall be made~~
153 ~~for the sterilization of~~ All dogs and cats sold or released for
154 adoption from any public or private animal shelter, animal
155 rescue organization, or animal control agency operated by a
156 humane society or by a county, municipality ~~city~~, or other
157 incorporated political subdivision, must be sterilized as
158 provided in paragraph (a) or paragraph (b) by either:

159 (a) ~~Providing~~ Sterilization shall be performed by a
160 licensed veterinarian before ~~relinquishing~~ custody of the animal
161 is relinquished by the shelter, organization, or agency. ~~;~~ ~~or~~

162 (b) The shelter, organization, or agency shall enter
163 ~~Entering~~ into a written agreement with the adopter or purchaser
164 guaranteeing that sterilization will be performed within 30 days
165 or before ~~prior to~~ sexual maturity and collect. ~~The shelter or~~
166 ~~animal control agency shall require~~ a sufficient deposit from
167 the adopter or purchaser, which is ~~deposit shall be~~ refundable
168 upon presentation to the shelter, organization, or ~~animal~~
169 ~~control~~ agency of written evidence by the veterinarian
170 performing the sterilization that the animal has been
171 sterilized. The deposit ~~or donation~~ may be based upon
172 recommended guidelines established by the Florida Federation of
173 Humane Societies. Failure by either party to comply with ~~the~~
174 ~~provisions of this paragraph~~ is ~~shall be~~ a noncriminal violation

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175 as defined in s. 775.08(3), punishable by a fine, forfeiture, or
176 other civil penalty, ~~and, in addition thereto, the deposit or~~
177 ~~donation shall be forfeited to the shelter or animal control~~
178 ~~agency.~~ In addition, an adopter or purchaser who fails to
179 demonstrate compliance with an agreement entered into under this
180 paragraph forfeits his or her deposit. The adopter or purchaser
181 shall pay any legal fees or court costs associated with used for
182 the enforcement of this paragraph are the responsibility of the
183 adopter. The time limit within which the animal must be
184 sterilized shall be extended upon the request of a licensed
185 veterinarian or for any other reason deemed valid by, ~~and for a~~
186 ~~valid reason,~~ the shelter, organization, or animal control
187 agency shall extend the time limit within which the animal must
188 be sterilized.

189 (4) All costs of sterilization performed pursuant to this
190 section shall be paid by the prospective adopter unless
191 otherwise provided for by any of the following:

192 (a) Ordinance of the local governing body, with respect to
193 animal control agencies or shelters operated or subsidized by a
194 unit of local government. ~~, or provided for by~~

195 (b) The humane society governing body, with respect to an
196 animal control agency or shelter operated solely by the humane
197 society and not subsidized by public funds.

198 (c) The animal rescue organization governing body, with
199 respect to animals for which the organization is not subsidized
200 by public funds.

201 (5) (a) A public or private animal shelter, animal rescue
202 organization, humane organization, or animal control agency
203 operated by a humane organization or by a county, municipality,

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204 or other incorporated political subdivision may not import an
205 animal into this state from another state, a possession or
206 territory of the United States, or a foreign country.

207 (b) An individual may not import an animal into this state
208 from another state, a possession or territory of the United
209 States, or a foreign country for transfer to a public or private
210 animal shelter, animal rescue organization, humane organization,
211 or animal control agency operated by a humane organization or by
212 a county, municipality, or other incorporated political
213 subdivision.

214 (c) This subsection does not apply to a public animal
215 shelter or animal control agency operated by a humane
216 organization, or by a county, municipality, or other
217 incorporated political subdivision, which imports animals during
218 an emergency or a natural disaster declared by the Governor or
219 the President of the United States.

220 (6) (a) An entity convicted of a violation of paragraph
221 (2) (a) or paragraph (5) (a) commits a misdemeanor of the second
222 degree, punishable as provided in s. 775.082 or s. 775.083. In
223 addition, for a period of 2 years, the convicted entity is:

224 1. Deemed a pet dealer and required to meet all of the
225 requirements for a pet dealer under state law; and

226 2. Required to qualify as a pet store under the applicable
227 laws regulating pet stores in the jurisdiction of operation of
228 the entity, if a transfer of an animal is made directly to the
229 public.

230 (b) An entity convicted of a subsequent violation of
231 paragraph (2) (a) or paragraph (5) (a) commits a misdemeanor of
232 the first degree, punishable as provided in s. 775.082 or s.

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233 775.083, and:

234 1. The Division of Corporations of the Department of State
235 shall revoke the not-for-profit status of the convicted entity
236 in this state;

237 2. The convicted entity is deemed a pet dealer and required
238 to meet all the requirements for a pet dealer under state law,
239 for a period of 5 years; and

240 3. The convicted entity is required to qualify as a pet
241 store under the applicable laws regulating pet stores in the
242 jurisdiction of operation of the entity for a period of 5 years,
243 if a transfer of an animal is made directly to the public.

244 (c) An individual convicted of a violation of paragraph
245 (5)(b) commits a felony of the third degree, punishable as
246 provided in s. 775.082 or s. 775.083.

247 (d) An individual convicted of a subsequent violation of
248 paragraph (5)(b) commits a felony of the second degree,
249 punishable as provided in s. 775.082 or s. 775.083.

250 (7) The Commissioner of Agriculture shall report a
251 suspected violation of paragraph (2)(a) or subsection (5) to the
252 United States Department of Agriculture if:

253 (a) The activity conducted is performed in commerce for
254 compensation without a valid license or registration issued by
255 the Regional Animal Care Office of the United States Department
256 of Agriculture, Animal and Plant Health Inspection Service; and

257 (b) The animal is either:

258 1. Transferred by an entity or individual to another party
259 for resale or adoption. The report must specify the findings of
260 the transfer and must state that the entity or individual
261 appears to be acting as a dealer under the Animal Welfare Act, 7

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262 U.S.C. ss. 2131 et seq., and the regulations under 9 C.F.R. ss.
263 1.1 et seq.; or

264 2. Transported by an entity or individual that is not the
265 owner of the animal. The report must specify the findings of the
266 transport and must state that the entity or individual appears
267 to be transporting animals without registering under the Animal
268 Welfare Act, 7 U.S.C. ss. 2131 et seq., and the regulations
269 under 9 C.F.R. ss. 1.1 et seq.

270 (8) The Commissioner of Agriculture or his or her designee
271 shall bring an action in a court of competent jurisdiction
272 against an entity or individual that violates this section.

273 Section 2. Subsection (17) of section 828.29, Florida
274 Statutes, is amended to read:

275 828.29 Dogs and cats transported or offered for sale;
276 health requirements; consumer guarantee.—

277 (17) (a) Notwithstanding subsection (15), any of the
278 following entities or individuals who violates subsection (1),
279 subsection (2), subsection (3), or subsection (4) commits a
280 felony of the third degree, punishable as provided in s. 775.082
281 or s. 775.083:

282 1. A public or private animal shelter.

283 2. An animal rescue organization.

284 3. A humane organization.

285 4. An animal control agency operated by a humane
286 organization or by a county, municipality, or other incorporated
287 political subdivision.

288 5. An individual transferring an animal to such shelter,
289 organization, or agency.

290 (b) Except as provided in paragraph (a) and as otherwise

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291 provided in this chapter, a person who violates ~~any provision of~~
292 this section commits a misdemeanor of the first degree,
293 punishable as provided in s. 775.082 or s. 775.083.

294 Section 3. This act shall take effect October 1, 2018.