

By Senator Torres

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1 A bill to be entitled
2 An act relating to emergency evacuation of domestic
3 companion and service animals; creating s. 828.131,
4 F.S.; providing definitions; prohibiting certain
5 persons from leaving a domestic companion animal or
6 service animal outdoors and unattended when an area is
7 under an evacuation order; specifying alternatives if
8 such an animal cannot be evacuated with the owner;
9 providing penalties; providing construction; providing
10 an effective date.

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

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14 Section 1. Section 828.131, Florida Statutes, is created to
15 read:

16 828.131 Emergency evacuation of domestic animals.—

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

18 (a) "Domestic companion animal" means any animal commonly
19 referred to as a household pet that was bought, adopted, bred,
20 raised, or otherwise acquired, in accordance with local
21 ordinances and state and federal law, for the primary purpose of
22 providing companionship, rather than for business or
23 agricultural purposes. The term does not include animals of an
24 "animal enterprise" as defined in s. 828.41 or "livestock" as
25 defined in s. 585.01.

26 (b) "Service animal" has the same meaning as provided in s.
27 413.08.

28 (2) It is unlawful for a person who is the owner or
29 possessor of, or has charge or custody of, a domestic companion

15-01576-18

20181376__

30 animal or service animal to knowingly and intentionally leave
31 the animal outdoors and unattended when an evacuation of the
32 area has been ordered by state or local authorities due to
33 weather or other emergency conditions. If possible, such
34 domestic companion animal or service animal shall be evacuated
35 with the animal's owner or other person who has possession,
36 custody, or charge of the animal. If evacuation with such a
37 person is not an option, the domestic companion animal or
38 service animal shall be:

39 (a) Delivered to a licensed kennel, shelter, or pound,
40 temporary animal shelter established for the purposes of the
41 emergency, or other suitable animal care facility established by
42 law enforcement, animal control, or an animal welfare
43 organization; or

44 (b) Secured in an indoor area that is as protective of the
45 animal as possible under the circumstances and provides proper
46 shelter according to state and local laws.

47 (3) A person who violates this section commits a
48 noncriminal violation, punishable as provided in s. 775.083.

49 (4) This section does not revoke a person's lawful
50 ownership, possession, charge, or custody of a domestic
51 companion animal or service animal, nor does this section affect
52 the authority of any law enforcement officer, any animal control
53 officer certified pursuant to s. 828.27, or any agent of any
54 county or of any society or association for the prevention of
55 cruelty to animals appointed under s. 828.03 to aid or take
56 custody of any animal found in distress, as provided in s.
57 828.073.

58 Section 2. This act shall take effect July 1, 2018.