

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 705 Emergency Sheltering of Persons with Pets

SPONSOR(S): Oversight, Transparency & Public Management Subcommittee, Killebrew, Toledo and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 752

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|------------------|---------|--|
| 1) Oversight, Transparency & Public Management Subcommittee | 14 Y, 0 N, As CS | Villa | Smith |
| 2) Health & Human Services Committee | 17 Y, 0 N | Guzzo | Calamas |
| 3) State Affairs Committee | 21 Y, 0 N | Villa | Williamson |

SUMMARY ANALYSIS

The federal Pets Evacuation and Transportation Standards (PETS) Act of 2006 requires state and local emergency preparedness authorities to plan for how they will accommodate the needs of persons with pets and service animals prior to, during, and following a major disaster or emergency. The PETS Act also authorizes the Federal Emergency Management Agency (FEMA) to provide rescue, care, shelter, and essential needs to persons with pets and service animals following a major disaster or emergency. Accordingly, FEMA authorizes state and local governments to seek reimbursement for pet rescue, shelter, and evacuation-support costs.

The Division of Emergency Management (division) within the Executive Office of the Governor addresses the sheltering of service animals and persons with pets in the State Comprehensive Emergency Management Basic Plan and the Statewide Emergency Shelter Plan (Plans). The Plans include information on the availability of shelters that accept pets and provides that a person who uses a service animal must be allowed to be accompanied by the service animal in all areas of the shelter.

The bill requires counties that maintain designated shelters to designate a shelter that can accommodate persons with pets. The shelter must be in compliance with applicable FEMA Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

The bill also requires the Department of Education to assist the division in determining strategies for the evacuation of persons with pets for the shelter component of the state comprehensive emergency management plan.

The bill may have an indeterminate fiscal impact on local governments and does not appear to have a fiscal impact on the state. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Pets Evacuation and Transportation Standards Act

On October 6, 2006, the federal Pets Evacuation and Transportation Standards (PETS) Act was signed into law amending the Robert T. Stafford Disaster Relief and Emergency Assistance Act.¹ The PETS Act requires state and local emergency preparedness authorities to plan for how they will accommodate the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency when presenting their plans to the Federal Emergency Management Agency (FEMA). The PETS Act also authorizes FEMA to provide rescue, care, shelter, and essential needs for individuals with household pets and service animals, and to the household pets and animals themselves, following a major disaster or emergency.

FEMA's Disaster Assistance Policy

FEMA's Disaster Assistance Policy (DAP) authorizes state and local governments that receive evacuees from areas declared a major disaster or emergency to seek reimbursement for pet rescue, sheltering, and evacuation-support costs. Contractors and nonprofit organizations may be indirectly reimbursed through a state or local government for verified operations and expenses.²

DAP identifies reimbursable expenses related to state and local governments' emergency pet evacuation and sheltering activities. For household pet rescue, reimbursable expenses include overtime for regular full-time employees, regular and overtime for contract labor, and the use of owned or leased equipment. For congregated household pet sheltering, reimbursable expenses include facilities, supplies and commodities, labor, equipment, emergency veterinary services, shelter safety and security, and cleaning and restoration services.³

Division of Emergency Management

The Division of Emergency Management (division) within the Executive Office of the Governor is responsible for all professional, technical, and administrative support functions necessary to carry out the State's Emergency Management Act.^{4,5} The division, with the assistance of the Department of Agriculture and Consumer Services, is required to address strategies for the evacuation of persons with pets and must include similar strategies in its standards and requirements for local comprehensive emergency management plans.⁶

The State Comprehensive Emergency Management Basic Plan and the Statewide Emergency Shelter Plan (the Plans) address the sheltering of service animals and persons with pets.⁷ Specifically, the Plans include information on the availability of shelters that accept pets, and states that a person who uses a service animal must be allowed to bring the service animal into a shelter and be accompanied by the service animal in all areas of public accommodation. Additionally, the Plans provide that the following be taken into consideration when developing strategies for the sheltering of persons with pets:

- Locating pet-friendly shelters within buildings with restrooms, running water, and proper lighting;

¹ 42 U.S.C. 5170b, 42 U.S.C. 5196; the Pets Evacuation and Transportation Standards Act of 2006, P.L. No. 109-308, § 4, 120 Stat. 1725 (2006); and 44 CFR §§ 206.223(a), 206.225(a).

² Federal Emergency Management Agency, *FEMA Disaster Assistance Policy 9523.19*, <https://www.fema.gov/pdf/government/grant/pa/policy.pdf> (last visited February 10, 2020).

³ *Id.*

⁴ Section 14.2016(1), F.S.

⁵ Sections 252.31 – 252.63, F.S., are cited as the State Emergency Management Act. Section 252.31, F.S.

⁶ Section 252.3568, F.S.

⁷ Division of Emergency Management, *2018 Statewide Emergency Shelter Plan*, https://www.floridadisaster.org/globalassets/dem/response/sesp/2018/2018-sesp-a1-main-plan-text_final_1-30-18.pdf (last visited February 10, 2020); Division of Emergency Management, *2014 State of Florida Comprehensive Emergency Management Basic Plan*, <https://www.floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited February 10, 2020).

- Allowing pet owners to interact with their animals and care for them; and
- Ensuring animals are properly cared for during the emergency.

Emergency Sheltering Facilities

Counties may initiate their own protective measures, such as ordering evacuations and activating public shelters, including pet-friendly shelters.⁸ Public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, which are suitable for use as public evacuation centers must be made available at the request of the local emergency management agencies.⁹ Agencies must coordinate with these entities to ensure that designated facilities are ready to activate prior to an emergency or disaster.¹⁰ Hospitals, hospice care facilities, assisted living facilities, and nursing homes may not be designated as emergency sheltering facilities.¹¹

Effect of the Bill

The bill requires counties that maintain designated shelters to designate a shelter that can accommodate persons with pets. The shelter must be in compliance with DAP and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

The bill requires the Department of Education (DOE) to assist the division in determining strategies for the evacuation of persons with pets for the shelter component of the state comprehensive emergency management plan.

B. SECTION DIRECTORY:

Section 1 amends s. 252.3568, F.S., relating to emergency sheltering of persons with pets.

Section 2 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

⁸ Division of Emergency Management, *2014 State of Florida Comprehensive Emergency Management Basic Plan*, *supra* note 8.

⁹ Section 252.385(4)(a), F.S.

¹⁰ *Id.*

¹¹ *Id.*

The bill requires a county that maintains designated shelters to designate at least one shelter that can accommodate persons with pets. As such, the bill may have an indeterminate negative fiscal impact on counties that do not have a shelter designated to accommodate persons with pets. The bill provides that such shelters must be in compliance with applicable DAP and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans. The costs associated with designating appropriate facilities is indeterminate as each county would be responsible for determining its own standards.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18, of the Florida Constitution may apply because this bill may require counties to expend funds in order to designate shelters that can accommodate persons with pets. However, an exemption may apply because the costs associated with designating a shelter that can accommodate pets is likely insignificant.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires DOE to assist the division with determining strategies regarding the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan. The bill does not include a grant of rulemaking as the division has sufficient rulemaking authority to adopt the plan.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2020, the Oversight, Transparency & Public Management Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment required counties that maintain designated shelters to designate a shelter that can accommodate persons with pets. The shelters must be in compliance with DAP and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans. The strike-all amendment also required DOE to assist the division in determining strategies for the evacuation of persons with pets.

This analysis is drafted to the committee substitute as approved by the Oversight, Transparency & Public Management Subcommittee.