

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 752

INTRODUCER: Infrastructure and Security Committee, Senators Bean and Book

SUBJECT: Emergency Sheltering of Persons with Pets

DATE: January 28, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 752 requires:

- The Department of Education (DOE) and the Department of Agriculture and Consumer Services (DACS) to assist the Division of Emergency Management (DEM) in determining strategies for the emergency sheltering of persons with pets;
- A county which maintains any designated shelters, to also designate and operate at least one shelter that can accommodate persons with pets; and
- Shelters to be in compliance with any applicable disaster assistance policies and procedures of the Federal Emergency Management Agency (FEMA) and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.

The CS may contain a local mandate and require the approval of two-thirds of the membership in each house of the Legislature. See Section IV. Constitutional Issues for details.

The CS has an effective date of July 1, 2020.

II. Present Situation:

On October 6, 2006, the federal Pets Evacuation and Transportation Standards (PETS) Act was signed into law, amending Section 403 and 502 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (Stafford 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 FEMA. Section 403, as amended by the PETS Act, authorizes the 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 Disaster Assistance Policy (DAP) 9523.19 provides:

- Household pet to mean a domesticated animal, such as a dog, cat, bird, rabbit, rodent, or turtle that is traditionally kept in the home for pleasure rather than for commercial purposes, can travel in commercial carriers, and be housed in temporary facilities. Household pets do not include reptiles (except turtles), amphibians, fish, insects and arachnids, farm animals (including horses), and animals kept for racing purposes; and
- Service animal to mean any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.^{2 3}

In addition, FEMA DAP 9523.19 identifies the expenses related to state and local governments' emergency pet evacuation and sheltering activities that may be eligible for reimbursement to include:

- Household pet rescue (may include overtime for regular full-time employees, regular and overtime for contract labor, and use of owned or leased equipment); and
- Congregated household pet sheltering (may include facilities, supplies and commodities, labor, equipment, emergency veterinary services, transportation, shelter safety and security, cleaning and restoration, removal and disposal of animal carcasses, and cataloging and tracking system for pets).⁴

For state and local governments to qualify for federal disaster funding from FEMA's Public Assistance Grant Program, they must comply with the PETS Act requirements in their disaster preparedness plans.

The DEM, with the assistance of the DACS, is required to address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and must include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans.⁵

¹ 42 U.S.C 5170b, 42 U.S.C. 5192; the Pets Evacuation and Transportation Standards Act (PETS Act) of 2006, P.L. No. 109-308, § 4, 120 Stat. 1725 (2006); and 44 CFR §§ 206.223(a), 206.225(a).

² Department of Justice, Americans with Disabilities Act (ADA), 42 USC 1201 et seq, implementing regulations at 28 CFR § 36.104.

³ Federal Emergency Management Agency, *FEMA Disaster Assistance Policy*, available at <https://www.fema.gov/pdf/government/grant/pa/policy.pdf> (last visited January 23, 2020).

⁴ *Id.*

⁵ Section 252.3568, F.S.

During the 2018 Legislative Session, the need for a minimum number of pet shelters per-county was discussed by the House Select Committee on Hurricane Response and Preparedness, and their final report contained the following policy recommendation:

- Determine the adequacy of communications about and the availability of pet shelters, and consider means to improve communication and the merits of requiring a standard population-based minimum number of pet shelters or ratio of pet and non-pet shelters.⁶

The 2014 State of Florida Comprehensive Emergency Management Basic Plan addresses the sheltering of pets or service animals, and states:

“A person with who uses a service animal must be allowed to bring his or her service animal into a general population or special needs shelter and has the right to be accompanied by a service animal in all areas of a public accommodation (See sections 252.355(3) and 413.08, Florida Statutes). In developing these strategies, the state considers the following:

- Locating pet-friendly shelters within buildings with restrooms, running water, and proper lighting.
- Allowing pet owners to interact with their animals and care for them.
- Ensuring animals are properly cared for during the emergency.”⁷

III. Effect of Proposed Changes:

The CS requires:

- The DOE and the DACS to assist the DEM in determining strategies for the emergency sheltering of persons with pets;
- A county which maintains any designated shelters, to also designate and operate at least one shelter that can accommodate persons with pets; and
- Shelters that can accommodate persons with pets must be in compliance with any applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.

The CS has an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Under Article VII, s. 18(a), Florida Constitution, a mandate includes a general bill requiring counties or municipalities to spend funds. The CS would require counties to

⁶ Florida House of Representatives, Select Committee on Hurricane Response & Preparedness Final Report (January 16, 2018), at page 63, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2978&Session=2018&DocumentType=General%20Publications&FileName=SCHRP%20-%20Final%20Report%20online.pdf> (last visited January 23, 2020).

⁷ The Division of Emergency Management, *2014 State of Florida Comprehensive Emergency Management Basic Plan*, available at <https://www.floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited January 23, 2020).

take action that may require the expenditure of an indeterminate amount of funds due to the requirements in the CS that a county which maintains any designated shelters, must also designate and operate at least one shelter that can accommodate persons with pets that is in compliance with any applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans. As such, the CS may contain a mandate. If the CS does contain a mandate, it must be approved by a two-thirds vote of each house of the Legislature to be binding on counties and municipalities. However, the mandates requirements do not apply to laws having an insignificant impact,^{8,9} which is \$2.2 million or less for Fiscal Year 2020-2021.¹⁰

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The CS may have an indeterminate negative fiscal impact on a county which maintains a designated shelter, because the CS requires such a county to also designate and operate at least one shelter that can accommodate persons with pets that is in compliance with any

⁸ FLA. CONST. art. VII, s. 18(d).

⁹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited January 28, 2020).

¹⁰ Based on the Demographic Estimating Conference's population adopted on July 8, 2019. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited January 28, 2020).

applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.. The number of counties with shelters that accommodate pets and which meet the CS's requirements is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following sections of the Florida Statutes: 252.3568

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 27, 2020:

- Requires the DOE and the DACS to assist the DEM in determining strategies for the emergency sheltering of persons with pets;
- Requires a county which maintains any designated shelters, to also designate and operate at least one shelter that can accommodate persons with pets; and
- Requires shelters to be in compliance with any applicable disaster assistance policies and procedures of the FEMA and with safety procedures regarding the sheltering of pets established in the shelter component of the local and state comprehensive emergency management plans.

B. Amendments:

None.