

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: SB 752

INTRODUCER: Senators Bean and Book

SUBJECT: Emergency Sheltering of Persons with Pets

DATE: January 24, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Pre-meeting
2.			CA	
3.			RC	

I. Summary:

SB 752 provides that each county must designate at least one shelter that can accommodate persons with pets. The pets must be contained in secure enclosures in an area of the facility separate from the sheltering public. The shelter must be in compliance with safety procedures regarding the sheltering of pets established in the shelter component of the state comprehensive emergency management plan.

The bill 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 bill 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 Federal Emergency Management Agency (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.

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).

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 Division of Emergency Management (DEM), with the assistance of the Department of Agriculture and Consumer Services, 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

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

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.

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&Se>

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 bill provides that each county must designate at least one shelter that can accommodate persons with pets. The pets must be contained in secure enclosures in an area of the facility separate from the sheltering public. The shelter must be in compliance with safety procedures⁸ regarding the sheltering of pets established in the shelter component of the state comprehensive emergency management plan.

The bill 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 bill would require counties to take action that may require the expenditure of an indeterminate amount of funds due to the requirements in the bill to designate at least one shelter in each county that can accommodate persons with pets, and ensure that pets be contained in secure enclosures in an area of the facility separate from the sheltering public, and the bill further requires the shelter to be in compliance with safety procedures regarding the sheltering of pets established in the shelter component of the state comprehensive emergency management plan. As such, the bill may contain a mandate. If the bill 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.

[sion=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).

⁸ *Id.*, 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; and ensuring animals are properly cared for during the emergency.

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 bill may have an indeterminate negative fiscal impact on counties to designate at least one shelter that can accommodate persons with pets. The bill requires that pets must be contained in secure enclosures in an area of the facility separate from the sheltering public, and the shelter must be in compliance with safety procedures regarding the sheltering of pets established in the shelter component of the state comprehensive emergency management plan. The number of counties with shelters that accommodate pets and which meet the bill's requirements is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill 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.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
