

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to public records; amending s. 823.15,
3 F.S.; providing an exemption from public records
4 requirements for records containing certain
5 information pertaining to persons with legal custody
6 of an animal from an animal shelter or animal control
7 agency operated by a local government; providing for
8 future legislative review and repeal of the exemption;
9 providing a statement of public necessity; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 823.15, Florida Statutes, is amended to
15 read:

16 823.15 Public or private animal agencies; sterilization
17 required for dogs and cats released; recordkeeping requirements;
18 microchipping; public records exemption.—

19 (1) The Legislature has determined that the importation of
20 dogs and cats into, and the uncontrolled breeding of dogs and
21 cats in, this state pose risks to the well-being of dogs and
22 cats, the health of humans and animals, and the agricultural
23 interests in this state. Importation of dogs and cats from
24 outside the United States could result in the transmission of
25 diseases that have been eradicated in the United States to dogs
26 and cats, other animals, and humans living in this state.
27 Uncontrolled breeding results in the birth of many more puppies
28 and kittens than are needed to provide pet animals to new owners
29 or to replace pet animals that have died or become lost. This

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30 leads to many dogs, cats, puppies, and kittens being unwanted,
31 becoming strays and suffering privation and death, being
32 impounded and destroyed at great expense to the community, and
33 constituting a public nuisance and public health hazard. It is
34 therefore declared to be the public policy of the state that
35 every feasible means be used to reduce the incidence of birth of
36 unneeded and unwanted puppies and kittens. Determining which
37 programs result in improved adoption rates and in reduced
38 euthanasia rates for animals in shelters and animal control
39 agencies is crucial to this effort.

40 (2) (a) Each public or private animal shelter, humane
41 organization, or animal control agency operated by a humane
42 organization or by a county, municipality, or other incorporated
43 political subdivision, shall prepare and maintain the following
44 records and make them available for public inspection and
45 dissemination for the 3 preceding years. The following data must
46 ~~will~~ be available on a monthly basis, commencing July 31, 2013:

47 1. The total number of dogs and cats taken in by the animal
48 shelter, humane organization, or animal control agency, divided
49 into species, in the following categories:

- 50 a. Surrendered by owner;
- 51 b. Stray;
- 52 c. Impounded;
- 53 d. Confiscated;
- 54 e. Transferred from within Florida;
- 55 f. Transferred into or imported from out of the state; and
- 56 g. Born in shelter.

57
58 Species other than domestic cats and domestic dogs should be

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59 recorded as "other."

60 2. The disposition of all animals taken in by a public or
61 private animal shelter, humane organization, or animal control
62 agency operated by a humane society or by a county,
63 municipality, or other incorporated political subdivision,
64 divided into species. These data must include dispositions by:

65 a. Adoption;

66 b. Reclamation by owner;

67 c. Death in kennel;

68 d. Euthanasia at the owner's request;

69 e. Transfer to another public or private animal shelter,
70 humane organization, or animal control agency operated by a
71 humane society or by a county, municipality, or other
72 incorporated political subdivision;

73 f. Euthanasia;

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

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

76 i. Ending inventory/shelter count at end of the last day of
77 the month.

78 3. A public or private animal shelter, humane organization,
79 or animal control agency operated by a humane society, or by a
80 county, municipality, or other incorporated political
81 subdivision which routinely euthanizes dogs based on size or
82 breed alone must provide a written statement of such policy.
83 Dogs euthanized due to breed, temperament, or size must be
84 recorded and included in the calculation of the total euthanasia
85 percentage.

86 (b) Records of a public animal shelter, humane
87 organization, or animal control agency operated by a humane

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88 society must be made available to the public pursuant to
89 provisions in chapter 119.

90 (3) In furtherance of this policy, provision must ~~shall~~ be
91 made for the sterilization of all dogs and cats sold or released
92 for adoption from any public or private animal shelter or animal
93 control agency operated by a humane society or by a county,
94 city, or other incorporated political subdivision, by either:

95 (a) Providing sterilization by a licensed veterinarian
96 before relinquishing custody of the animal; or

97 (b) Entering into a written agreement with the adopter or
98 purchaser guaranteeing that sterilization will be performed
99 within 30 days or prior to sexual maturity. The shelter or
100 animal control agency shall require a sufficient deposit from
101 the adopter or purchaser, which deposit must ~~shall~~ be refundable
102 upon presentation to the shelter or animal control agency of
103 written evidence by the veterinarian performing the
104 sterilization that the animal has been sterilized. The deposit
105 or donation may be based upon recommended guidelines established
106 by the Florida Federation of Humane Societies. Failure by either
107 party to comply with the provisions of this paragraph is ~~shall~~
108 ~~be~~ a noncriminal violation as defined in s. 775.08(3),
109 punishable by a fine, forfeiture, or other civil penalty, and,
110 in addition thereto, the deposit or donation shall be forfeited
111 to the shelter or animal control agency. Any legal fees or court
112 costs used for the enforcement of this paragraph are the
113 responsibility of the adopter. Upon the request of a licensed
114 veterinarian, and for a valid reason, the shelter or animal
115 control agency must ~~shall~~ extend the time limit within which the
116 animal must be sterilized.

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117 (4) All costs of sterilization pursuant to this section
118 must ~~shall~~ be paid by the prospective adopter unless otherwise
119 provided for by ordinance of the local governing body, with
120 respect to animal control agencies or shelters operated or
121 subsidized by a unit of local government, or provided for by the
122 humane society governing body, with respect to an animal control
123 agency or shelter operated solely by the humane society and not
124 subsidized by public funds.

125 (5) Employees, agents, or contractors of a public or
126 private animal shelter, a humane organization, or an animal
127 control agency operated by a humane organization or by a county,
128 municipality, or other incorporated political subdivision may
129 implant dogs and cats with radio frequency identification
130 microchips as part of their work with such public or private
131 animal shelter, humane organization, or animal control agency.

132 (6) Notwithstanding s. 474.2165, employees, agents, or
133 contractors of a public or private animal shelter, a humane
134 organization, or an animal control agency operated by a humane
135 organization or by a county, municipality, or other incorporated
136 political subdivision may contact the owner of record listed on
137 a radio frequency identification microchip to verify pet
138 ownership.

139 (7) The names and e-mail addresses, as well as the home
140 addresses and telephone numbers as those terms are defined in s.
141 119.071(4)(d), of persons who foster, adopt, or otherwise
142 receive legal custody of an animal from an animal shelter or
143 animal control agency operated by a county, municipality, or
144 other incorporated political subdivision in any record relating
145 to such animal and held by the shelter or agency are exempt from

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146 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
147 This subsection is subject to the Open Government Sunset Review
148 Act in accordance with s. 119.15 and shall stand repealed on
149 October 2, 2028, unless reviewed and saved from repeal through
150 reenactment by the Legislature.

151 Section 2. The Legislature finds that, as reflected in s.
152 823.15(1), Florida Statutes, it is an important public policy of
153 the state to encourage the fostering, adoption, and transfer of
154 animals and to reduce euthanasia rates for animals in animal
155 shelters and animal control agencies. Although such shelters and
156 agencies are motivated to find new homes or placements for
157 animals in their custody, potential fosterers, adopters, and
158 other persons considering receiving legal custody of animals may
159 become discouraged from fostering, adopting, or receiving legal
160 custody of the animals if the prior owners who lost or
161 surrendered legal custody of the animals, or who did not reclaim
162 the animals within the applicable time periods, can obtain the
163 personal identifying information of fosterers, adopters, and
164 other persons receiving legal custody of animals and attempt to
165 regain legal custody of the animals from such persons. The
166 Legislature finds that the stalking, harassment, and
167 intimidation of animal fosterers, adopters, and other persons
168 receiving legal custody of animals by prior animal owners, as
169 well as prior animal owners' theft of animals from such persons,
170 are threats to public safety and welfare and to the sanctity of
171 private property, the family, and the home. The Legislature
172 therefore finds that it is a public necessity that the names,
173 home addresses, e-mail addresses, and telephone numbers of
174 persons who foster, adopt, or otherwise receive legal custody of

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175 an animal from an animal shelter or animal control agency
176 operated by a county, municipality, or other incorporated
177 political subdivision in any record relating to such animal and
178 held by such shelter or agency be made exempt from s. 119.07(1),
179 Florida Statutes, and s. 24(a), Article I of the State
180 Constitution. The Legislature further finds that the need to
181 protect the names, home addresses, e-mail addresses, and
182 telephone numbers of animal fosterers, adopters, and other
183 persons receiving legal custody of animals is sufficiently
184 compelling to override the state's public policy of open
185 government and that the protection of such information cannot be
186 accomplished without this exemption.

187 Section 3. This act shall take effect July 1, 2023.