

**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.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 674

INTRODUCER: Senator Montford

SUBJECT: Animal Shelters and Animal Control Agencies

DATE: March 5, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhvein</u>	<u>Halley</u>	<u>AG</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

SB 674 requires all public or private animal shelters and animal control agencies that accept public funds to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The bill authorizes a facility to charge a fee for requested records that does not exceed \$1 per one-sided copy.

This bill amends section 823.15 of the Florida Statutes.

**II. Present Situation:**

The Humane Society of the United States (HSUS) estimates that animal shelters care for 6-8 million dogs and cats every year in the United States, of whom approximately 3-4 million are euthanized. According to the HSUS, this is an estimate as there is no central data reporting agency for animal shelters. In the 1970s, American shelters euthanized 12-20 million dogs and cats, at a time when there were 67 million pets in homes. Today, shelters euthanize around 4 million animals where there are more than 135 million dogs and cats in homes.<sup>1</sup>

The history of no-kill sheltering began more than half a century ago when independent caregivers began rescuing and sheltering homeless animals with the intention of keeping them alive. This was in reaction to the standard operating procedure of most humane societies and tax-supported animal control services that routinely euthanized stray and abandoned animals. In

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<sup>1</sup> The Humane Society of the United States, *Common Questions About Animal Shelters*, [http://www.humanesociety.org/animal-community/resources/qa/common\\_questions\\_on\\_shelters.html](http://www.humanesociety.org/animal-community/resources/qa/common_questions_on_shelters.html) (Last visited February 25, 2013).

1994, the city and county of San Francisco became the first community in the nation to end the euthanization of healthy dogs and cats in its animal shelter system. An agreement between the city's Animal Care and Control Department and the private San Francisco Society for the Prevention of Cruelty to Animals (SPCA) ensured a home not only to each and every healthy dog and cat, but also to thousands who were sick or injured but treatable. In addition, a citywide preference for neutering/spaying over impounding and euthanizing reduced the death rate for feral cats by 73 percent and for underage kittens by 81 percent. In 1999, the Hayden Shelter Reform Law became effective. It changed California's state policy regarding shelter care for stray and abandoned animals. Most notably it (1) declares "It is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home," and (2) lengthens the time (generally from three days to six) that shelters must care for animals before euthanizing them.<sup>2</sup>

In the last decade and a half, many more shelters in numerous communities have comprehensively implemented a series of programs and services to reduce birthrates, increase placements, and keep animals with their responsible caretakers. Providing low cost spay/neuter options to the community at a high volume, recruiting large numbers of volunteers, and building a strong relationship with the community is key to the success of any no kill/low kill program. For example, in San Francisco, a community of approximately 813,000 people, there are volunteers that log over 110,000 hours at the shelter each year. Assuming the prevailing hourly wage, payroll taxes, and benefits, it would cost the San Francisco SPCA over \$1 million dollars annually to provide those services.

### **Animal Shelters in Florida**

Chapter 828.27, F.S., defines local "animal control officers" as any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations.<sup>3</sup> The statute also describes that the county-employed animal control officers must and municipally employed animal control officers may complete a 40-hour minimum standards training course. Such a course includes training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association (FACA).<sup>4</sup> This professional association helps train and educate animal control officers in Florida. According to their website, their mission is to "improve the methods and standards of the animal control and protection profession throughout Florida," among other items.<sup>5</sup>

### **Manatee County's No-Kill Program**

The Manatee County Animal Services implemented a no-kill program by including a cadre of goals and directives to save as many animals as possible with a goal of a 90 percent save rate. The Manatee County Animal Services Actionable Implementation Plan that went into effect October of 2011 addresses how to find homes for animals and stresses the importance of staff

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<sup>2</sup> The Florida Senate Committee on Agriculture, Animal Shelter Related Facilities, *Interim Report, 2009-101*.

<sup>3</sup> Section 828.27, (1)(b), F.S.

<sup>4</sup> Section 828.27, F.S.

<sup>5</sup> Florida Animal Control Association. Mission Statement, <http://floridaanimalcontrol.org/> (Last visited February 25, 2013).

commitment to the plan. The plan describes that saving animals will be accomplished in cooperation with other welfare organizations, animal shelters, the media and the public through owner retention, returns to owners, increased fostering and adoption, free and low cost spaying and neutering, and a feline Trap, Neuter, Return (TNR) program.<sup>6</sup>

All Manatee County's stray, nuisance, or abandoned animals are taken to the Manatee County Animal Services facility. The animal shelters, animal rescue groups, foster groups, and other animal volunteer groups are immediately notified of the animals that have arrived at Manatee County Animal Services. This policy was designed to allow as much time as possible to locate a home for the animal, if needed, while also adhering to local ordinances regarding how long unclaimed animals must be held.

Currently, many facilities keep limited data on the disposition of animals and do not make the information available to the public when requested. This makes it difficult for state and local governments to understand the current state of shelters and rescue animals as they craft ordinances and legislation, provide funding resources, and determine best practices for the facilities.

### III. Effect of Proposed Changes:

**Section 1** amends s. 823.15, F.S., to provide legislative intent that importing cats and dogs into the state and that uncontrolled breeding of dogs and cats in this state pose risks to the well-being of dogs and cats, the health of humans and animals, and Florida agriculture. The Legislature has determined that every feasible means should be used to reduce the births of unneeded and unwanted puppies and kittens. Therefore, determining which programs result in improved adoption rates and in reduced euthanasia rates for animals in shelters and animal control agencies is crucial to this effort.

The bill requires all public or private animal shelters and animal control agencies that accept public funds to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The following information must be made available for public inspection and dissemination for the three preceding years:

- The total number of dogs and cats accepted by a facility, categorized by how the animal came to be admitted to the facility;
- An account of feral cats, in a separate category from other cats;
- The condition under which the animals left the facility or were euthanized; and
- A written statement of a facility's policy on euthanizing dogs due to breed or size, if applicable. The number of dogs euthanized due to breed, temperament, or size must be recorded and included in the facility's calculations for determining its percentage of animals euthanized.

The bill requires the records described above to be made available to the public for a cost that does not exceed \$1 per one-sided copy.

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<sup>6</sup> Manatee County Animal Services, Actionable Implementation Plan for Manatee County, October 2011, Updated December 3, 2012.

**Section 2** provides that this act shall take effect July 1, 2013.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

SB 674 allows animal shelters and animal control agencies to charge a fee of up to \$1 per page for copies of records requested by the public.

B. Private Sector Impact:

Private animal control facilities and shelters may have an increase in costs to comply with the reporting requirements of the bill if they are not already collecting that information.

C. Government Sector Impact:

City and county animal shelters and animal control agencies may have an increase in costs to comply with the reporting requirements of the bill if they are not already collecting that information.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

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