

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 997 Animal Shelters and Animal Control Agencies

**SPONSOR(S):** Local & Federal Affairs Committee; Agriculture & Natural Resources Subcommittee; Cummings and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 674, HB 871

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	9 Y, 0 N, As CS	Kaiser	Blalock
2) Local & Federal Affairs Committee	14 Y, 0 N, As CS	Nelson	Rojas
3) State Affairs Committee			

### SUMMARY ANALYSIS

According to the Humane Society of the United States, animal shelters across the nation take in and care for approximately six to eight million dogs and cats every year, of which approximately half are euthanized due to health issues, behavioral issues, or a lack of space.

Current law provides that to control the over-population of dogs and cats in the state, any public or private animal shelter or animal control agency operated by a humane society or a county, city, or other incorporated political subdivision must sterilize dogs and cats that are sold or released for adoption. Animal shelters may either provide sterilization by a licensed veterinarian before relinquishing custody of the animal or enter into an agreement with the adopter or purchaser guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity.

CS/CS/HB 997 provides that each animal shelter must prepare and maintain the following records for the preceding three years and make them available for public inspection and dissemination. Beginning July 31, 2013, such records must be prepared, maintained, and made available for public inspection and dissemination on a monthly basis:

- The total number of dogs and cats taken in by the animal shelter, divided into species, in the following categories: surrendered by owner, stray, impounded, confiscated, transferred from within the state, transferred or imported into the state, and born in shelter. Species other than domestic dogs and cats must be recorded as "other."
- The disposition of all animals taken in by the animal shelter divided into species, in the following categories: adopted, reclaimed by owner, died in kennel, euthanized at the owner's request, transferred to another animal shelter, euthanized, released as part of a "trap, neuter and release" program, lost in care/missing animals or records, and ending inventory at the end of the last day of the month.
- An animal shelter that routinely euthanizes dogs based on size or breed alone must provide a written statement of such policy. Dogs euthanized due to breed, temperament, or size must be recorded and included in the calculation of the total euthanasia percentage.

The records of the animal shelter must be made available to the public for a fee of up to 15 cents per one-sided copy and no more than five additional cents for each two sided copy.

The bill does not appear to have a fiscal impact on state government, and has only an insignificant fiscal impact on local government.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

According to the Humane Society of the United States, animal shelters across the nation take in and care for approximately six to eight million dogs and cats every year, of which approximately half are euthanized due to health issues, behavioral issues or a lack of space. One cat and her offspring can produce up to 370,000 kittens in seven years, and one dog and her offspring can produce up to 67,000 puppies in seven years. With the increase of stray, abandoned, and feral cats and dogs on the rise, many communities are implementing programs and services to reduce birthrates, increase adoptions, and keep animals with responsible caretakers.

Section 823.15, F.S., currently provides that to control the over-population of dogs and cats in the state, any animal shelter<sup>1</sup> must sterilize dogs and cats that are sold or released for adoption. Animal shelters may either provide sterilization by a licensed veterinarian before relinquishing custody of the animal or enter into an agreement with the adopter or purchaser guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The animal shelter must require a sufficient deposit from the adopter or purchaser, which will be refunded when written evidence by the veterinarian performing the sterilization that the animal has been sterilized is provided to the animal shelter. The animal shelter may use recommended guidelines established by the Florida Federation of Humane Societies to set the amount of the deposit or donation. Failure by either party to comply with these provisions is a noncriminal violation, punishable by a fine not to exceed \$500, forfeiture, or other civil penalty. In addition, the fine or donation is forfeited to the animal shelter. Any legal fees or court costs incurred in enforcement of these provisions are the responsibility of the adopter. At the request of a licensed veterinarian, and for a valid reason, the animal shelter can extend the time limit within which the animal must be sterilized.

All costs of sterilization must be paid by the prospective adopter unless otherwise provided for by ordinance of the local governing body, with respect to animal control agencies or shelters operated or subsidized by a unit of local government, or provided for by the humane society governing body, with respect to an animal control agency or shelter operated solely by the humane society and not subsidized by public funds.

##### **Effect of Proposed Changes**

The bill amends s. 823.15, F.S., to provide a legislative intent that the importation of dogs and cats into, and the uncontrolled breeding of dogs and cats in, the state pose a risk to the well-being of dogs and cats, the health of humans and animals, and the agricultural interests in the state. The bill further states that importation of dogs and cats from outside the United States may result in transmitting diseases that have already been eradicated in the country to dogs, cats, other animals, and humans living in the state. The bill states that determining which programs result in improved adoption rates and in reduced euthanasia rates for animals in shelters and animal control agencies is crucial to reducing uncontrolled breeding.

The bill also requires that each animal shelter prepare and maintain the following records for the preceding three years and make them available for public inspection and dissemination. Beginning July 31, 2013, such records must be prepared, maintained, and made available for public inspection and dissemination on a monthly basis:

- The total number of dogs and cats taken in by the animal shelter, humane organization, or animal control agency, divided into species, in the following categories: surrendered by owner,

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<sup>1</sup> “Animal shelter” means any public or private animal shelter, humane organization, or animal control agency operated by a humane organization that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision.

stray, impounded, confiscated, transferred from within the state, transferred or imported into the state, and born in the shelter. Species other than domestic dogs and cats must be recorded as "other."

- The disposition of all animals taken in by a public or private animal shelter, humane organization, or animal control agency operated by a humane society, or by a county, municipality, or other incorporated political subdivision, divided into species, in the following categories: adopted, reclaimed by owner, died in kennel, euthanized at the owner's request, transferred to another animal shelter, euthanized, released as part of a "trap, neuter and release" program, lost in care/missing animals or records, and ending inventory at the end of the last day of the month.
- A public or private animal shelter, humane organization, or animal control agency operated by a humane society, or by a county, municipality, or other incorporated political subdivision which routinely euthanizes dogs based on size or breed alone must provide a written statement of such policy. Dogs euthanized due to breed, temperament, or size must be recorded and included in the calculation of the total euthanasia percentage.

The records of a public or private animal shelter, humane organization, or animal control agency operated by a humane society must be made available to the public pursuant to ch. 119, F.S. Section 119.07, F.S., provides that the following fees are authorized: up to 15 cents per one-sided copy, no more than an additional five cents for each two-sided copy, and the actual cost of duplication of the public records for all other copies.

The bill provides an effective date of July 1, 2013.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 823.15, F.S.; relating to dogs and cats released from animal shelters or animal control agencies; sterilization requirement.

Section 2: Provides an effective date.

## 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:

See, the FISCAL COMMENTS section, below.

##### 2. Expenditures:

See, the FISCAL COMMENTS section, below.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private animal control facilities and shelters may have an increase in costs associated with complying with the reporting requirements of the bill if not currently collecting that information.

#### D. FISCAL COMMENTS:

City and county animal shelters and animal control agencies may have an increase in costs associated with complying with the reporting requirements of the bill if not currently collecting that information. The bill allows animal shelters and animal control agencies to charge the public a fee not to exceed 15 cents per one-sided copy, no more than an additional five cents for each two-sided copy, and the actual cost of duplication of the public records for all other copies.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The mandates provision appears to apply because this bill requires municipalities or counties to expend funds to comply with the provisions of the bill; however, an exemption may apply because the bill has an insignificant fiscal impact.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 27, 2013, the Agriculture & Natural Resources Subcommittee adopted a strike-all amendment to HB 997. The differences between the bill and strike-all amendment are:

- The amendment requires animal shelters and agencies to commence keeping monthly records on July 31, 2013.
- In addition to the criteria included in the bill, the amendment requires animal shelters and agencies to keep track of:
  - the inventory on the first business day of the month;
  - animals transferred from within the state; and
  - animals born in the shelter.
- The amendment removes the separate reporting requirement for feral cats.
- In addition to the criteria included in the bill for the disposition of animals, the amendment requires animal shelters and agencies to keep track of:
  - animals that die in the care of the shelter/agency other than euthanasia;
  - animals that are released as part of a trap, neuter and release program;
  - animals lost in care or missing animals or records; and
  - the ending inventory on the last day of the month.
- The amendment allows shelters and agencies to download records to their websites as well as providing hard copies.
- The amendment requires the records to be maintained onsite for not less than three years.

On April 4, 2013, the Local & Federal Affairs Committee adopted a strike-all amendment to the bill, which:

- extends the provisions of the bill to all animal control agencies operated by a humane society, not just those accepting taxpayer dollars;
- removes a permissive provision referring to online posting of records; and
- makes technical changes.

This analysis is drafted to reflect the strike-all amendment.