

By Senator Rader

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20171162__

1 A bill to be entitled
 2 An act relating to the Companion Animal Protection
 3 Act; providing definitions; directing animal shelters
 4 to take certain measures relating to the holding,
 5 care, treatment, and euthanasia of animals; providing
 6 exceptions; providing for declaratory or injunctive
 7 relief actions; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Companion Animal Protection Act.—

12 (1) As used in this section, the term:

13 (a) "Animal shelter" means a public or private facility
 14 that:

15 1. Has a physical structure that provides temporary or
 16 permanent shelter for stray, abandoned, abused, or owner-
 17 surrendered animals.

18 2. Is operated, owned, or maintained by a society for the
 19 prevention of cruelty to animals, humane society, pound, animal
 20 control officer, government entity, or contractor for a
 21 government entity.

22 (b) "Irremediable physical suffering" means a poor or grave
 23 prognosis for being able to live without severe, unremitting
 24 pain, even with comprehensive, prompt, and necessary veterinary
 25 care, as certified in writing by a licensed veterinarian.

26 (c) "Licensed veterinarian" means a person licensed to
 27 practice veterinary medicine in this state.

28 (d) "Rescue organization" means an animal rescue
 29 organization, animal adoption organization, or organization

29-00922-17

20171162__

30 formed for the prevention of cruelty to animals that is
31 described in s. 501(c)(3) of the Internal Revenue Code and
32 exempt from taxation under s. 501(a) of the Internal Revenue
33 Code.

34 (2) (a) An animal shelter shall:

35 1. Ensure that all animals are checked as soon as possible
36 after impoundment, but no later than 1 business day, for all
37 currently available methods of identification, including
38 microchips, identification tags, and licenses.

39 2. Maintain continuously updated lists of animals reported
40 lost and found and check animals in the shelter for matches to
41 these lists at least once daily.

42 3. Post a photograph of and information regarding each
43 stray animal impounded by the shelter on the Internet with
44 sufficient detail to allow the animal to be recognized and
45 claimed by its owner.

46 (b) If a possible owner is identified, the animal shelter
47 shall undertake due diligence to notify the owner or caretaker
48 of the whereabouts of the animal and any procedures available
49 for the lawful recovery of the animal. These efforts shall
50 include, but are not limited to, notifying the possible owner by
51 telephone, mail, and personal service to the last known address.

52 (3) (a) An animal may not be euthanized at an animal shelter
53 sooner than 5 business days after the date of impoundment.

54 (b) An animal impounded as a stray with identification or
55 whose owner has been identified shall be held and made available
56 for owner reclamation for 4 business days after the date of
57 impoundment.

58 (c) An animal impounded as a stray without identification

29-00922-17

20171162__

59 and whose owner has not been identified shall be made available
60 for owner reclamation for 3 business days after the date of
61 impoundment.

62 (d) At any time, an animal impounded as a stray may be
63 placed in foster care or transferred to an animal rescue
64 organization or other shelter, subject to the following:

65 1. An animal transferred under this subsection remains
66 subject to reclamation by its owner pursuant to paragraphs (b)
67 and (c).

68 2. Documentation of an animal transferred under this
69 paragraph, including a photograph of the animal and relevant
70 information pertaining to impoundment and transfer of the
71 animal, shall be maintained in physical or electronic form for
72 public review at the animal shelter that originally impounded
73 the animal or on the shelter's website for the duration of
74 impoundment under paragraphs (b) and (c).

75 3. An owner that satisfies an animal shelter's requirements
76 for reclamation is entitled to reclaim the animal even if the
77 animal has been transferred and is no longer physically in the
78 animal shelter's custody. At the owner's discretion, the owner
79 has the right to physically redeem the animal at the animal
80 shelter that originally impounded the animal.

81 (e) An animal that is impounded or surrendered by its owner
82 may be reclaimed upon his or her change of heart for 2 business
83 days after the date of impoundment if the animal has not been
84 adopted or transferred.

85 (f) This subsection does not apply to:

86 1. An animal impounded for purposes of sterilization.

87 2. An animal suspected of carrying and exhibiting signs of

29-00922-17

20171162__

88 rabies, as determined by a licensed veterinarian.

89 3. A dog that, after physically attacking a person, has
90 been determined by a court of competent jurisdiction to be
91 dangerous pursuant to state law.

92 4. An animal experiencing irremediable physical suffering.

93 (g) At any time after impoundment, an animal shelter may
94 transfer an animal, except an animal arriving with
95 identification or an animal with a known owner, to a nonprofit
96 rescue organization or group, a private shelter, or an
97 organization formed for the prevention of cruelty to animals if
98 potential owners are given the same rights of reclamation given
99 to owners of animals held at the animal shelter.

100 (4) (a) During the entirety of its stay at an animal
101 shelter, an animal shall be provided:

102 1. Fresh food and fresh water.

103 2. Environmental enrichment to promote psychological well-
104 being, including, but not limited to, socialization, toys, and
105 treats, and exercise as needed but at least once daily, except
106 that a dog exhibiting vicious behavior towards people or has
107 been determined to be dangerous by a court of competent
108 jurisdiction is not required to be exercised during the holding
109 period.

110 3. Prompt and necessary cleaning of its cage, kennel, or
111 other living environment at least two times per day to prevent
112 disease and to ensure an environment that is welcoming to the
113 public and hygienic for both the public and the animal. The
114 cleaning shall be conducted in accordance with a protocol
115 developed in coordination with a licensed veterinarian and shall
116 require that the animal not be exposed to water from hoses or

29-00922-17

20171162__

117 sprays, cleaning solutions, detergents, solvents, or chemicals.

118 4. Prompt and necessary veterinary care, including, but not
119 limited to, preventive vaccinations, cage rest, fluid therapy,
120 and pain management or antibiotics sufficient to alleviate any
121 pain caused by disease or injury, to prevent a condition from
122 worsening, and to allow the animal to leave the shelter in
123 reasonable condition.

124 (b) An animal shelter shall work with a licensed
125 veterinarian to develop and follow a care protocol for animals
126 with special needs including, but not limited to, nursing
127 mothers, unweaned animals, sick or injured animals, extremely
128 frightened animals, geriatric animals, or animals needing
129 therapeutic exercise. The care protocol shall specify any
130 deviation from the standard requirements of paragraph (a) and
131 the reasons for the deviation.

132 (5) (a) At least 2 business days before euthanizing an
133 animal, the animal shelter having care or custody of the animal
134 shall:

135 1. Notify or make a reasonable attempt to notify by
136 verifiable written or electronic communication any rescue
137 organization that has previously requested to be notified before
138 animals at the shelter are euthanized.

139 2. Unless there is evidence of neglect or animal cruelty as
140 certified in writing by a licensed veterinarian, notify or make
141 a reasonable attempt to notify by telephone or verifiable
142 written or electronic communication the owner who surrendered
143 the animal and inform that person that the animal is scheduled
144 to be euthanized.

145 3. Notify or make a reasonable attempt to notify by

29-00922-17

20171162__

146 telephone or verifiable written or electronic communication the
147 finder who surrendered the stray animal and inform that person
148 that the animal is scheduled to be euthanized.

149 4. Offer those notified under this paragraph possession of
150 the animal if requested.

151 (b) An animal shelter may not euthanize an animal without
152 making the notification required under this subsection.

153 (6) (a) An animal shelter may not:

154 1. Prohibit or obstruct the adoption or transfer of an
155 animal based on breed, breed mix, species, age, color,
156 appearance, or size.

157 2. Euthanize an animal solely because the animal's holding
158 period has expired.

159 (b) Before an animal is euthanized, all of the following
160 conditions must be met:

161 1. There are no empty cages, kennels, or other living
162 environments in the animal shelter.

163 2. The animal cannot share a cage or kennel with another
164 animal.

165 3. A plea has been made to foster homes, and one is not
166 available.

167 4. The owner, finder, and a rescue organization or group
168 have been notified and are not willing to accept the animal.

169 5. The animal cannot be transferred to another shelter with
170 room to house the animal.

171 6. There are no additional rooms at the animal shelter to
172 set up temporary cages, kennels, or living environments in the
173 shelter.

174 7. The animal is not a cat subject to sterilization and

29-00922-17

20171162__

175 release.

176 8. All mandates, programs, and services of this section
177 have been met.

178 9. The director of the animal shelter certifies that he or
179 she has no other alternative.

180 (c) The determination that all conditions of paragraph (b)
181 have been met shall be made in writing, signed by the director
182 of the animal shelter, and made available for free public
183 inspection for not fewer than 3 years.

184 (7) (a) An animal impounded by an animal shelter shall be
185 euthanized only when necessary and consistent with the
186 requirements of this section by lethal intravenous injection of
187 sodium pentobarbital, except as follows:

188 1. Intraperitoneal injection may be used only under the
189 direction of a licensed veterinarian and only when intravenous
190 injection is not possible for an infant animal, for a companion
191 animal other than a cat or dog, or for a comatose animal with
192 depressed vascular function.

193 2. Intracardiac injection may be used only when intravenous
194 injection is not possible for an animal that is completely
195 unconscious or comatose, and then only by a licensed
196 veterinarian.

197 (b) The room in which an animal is euthanized must:

198 1. Be cleaned and regularly disinfected as necessary, but
199 at least once per day on days the room is used, except that the
200 specific area in the room where the procedure is performed shall
201 be cleaned and disinfected between each procedure.

202 2. Have adequate ventilation that prevents the accumulation
203 of odors.

29-00922-17

20171162__

204 (c) An animal may not be allowed to witness any other
205 animal being euthanized or being tranquilized or sedated for the
206 purpose of being euthanized or allowed to see the bodies of
207 animals that have already been euthanized.

208 (d) An animal must be sedated or tranquilized before being
209 euthanized as necessary to minimize stress or discomfort or, in
210 the case of a vicious animal, to ensure staff safety, except
211 that neuromuscular blocking agents may not be used.

212 (e) Following euthanization, an animal must be lowered to
213 the surface on which it is being held and may not be allowed to
214 drop or otherwise collapse without support.

215 (f) An animal may not be left unattended until death
216 occurs.

217 (g) The body of an animal may not be disposed of until
218 death is verified.

219 (8) Verification of death shall be confirmed for each
220 animal when all of the following conditions exist:

221 (a) Lack of heartbeat, verified by a stethoscope.

222 (b) Lack of respiration, verified by observation.

223 (c) Pale, bluish gums and tongue, verified by observation.

224 (d) Lack of eye response, verified by the eyelid not
225 blinking when the eye is touched and by the pupil remaining
226 dilated when a light is shined on it.

227 (9) A person other than a licensed veterinarian or a
228 euthanasia technician certified by the state euthanasia
229 certification program may not perform the procedures referenced
230 in subsections (7) and (8).

231 (10) A person may compel an animal shelter to comply with
232 this section through an action for declaratory or injunctive

29-00922-17

20171162__

233 relief or any other appropriate remedy of law that will compel
234 compliance.

235 Section 2. This act shall take effect July 1, 2017.