

**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 Community Affairs Committee

BILL: SB 818

INTRODUCER: Senators Bennett and Gaetz

SUBJECT: Animal Shelters and Animal Control Agencies

DATE: December 21, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	CA	<b>Pre-meeting</b>
2.			AG	
3.				
4.				
5.				
6.				

**I. Summary:**

The bill requires animal control agencies or animal shelters that euthanize animals to maintain a registry of animal rescue groups willing to accept animals that are subject to euthanization. The bill provides definitions and specifics regarding who can be included in the registry and who can, if necessary, be removed from the registry. The bill specifies what contact information must be included in the registry. Entities that agree to be included in the registry must specify the type of animals they will accept and under what circumstances.

The animal control agency or animal shelter may not euthanize an animal until the animal control agency or animal shelter has notified, or attempted to notify, all rescue groups or persons on the euthanization registry, which have indicated a willingness to take an animal of that type. The notification must take place at least 24 hours before the animal is scheduled to be euthanized. The rescue group or person agreeing to take possession of the animal must do so within 2 business days after notifying the animal control agency. Further, the bill specifies under what circumstances an animal may be euthanized.

The bill requires an animal control agency or animal shelter to account for each animal through a monthly and annual reporting requirement. The reporting requirement specifies that the animal control agency or shelter must report how many animals were impounded, euthanized, lost or stolen, returned to their owners, adopted, transferred to other organizations or rescue groups, or had died, or remained in the custody of the agency or shelter.

The bill creates s. 828.067, of the Florida Statutes.

## II. Present Situation:

The Humane Society of the United States (HSUS) estimated 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 while there are more than 135 million dogs and cats in homes.<sup>1</sup>

According to the Senate Committee on Agriculture's *Interim Report 2009-101*, 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 current policy of most humane societies and tax supported animal control services that routinely euthanized stray and abandoned animals. In 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>

The interim report also stated that 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 was key to the success of any no kill/low kill program. For example, in San Francisco, a community of approximately 800,000 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.<sup>3</sup>

Rescue and foster care groups are another key element to a successful no kill/low kill program. An adoption or transfer of animals to a rescue group makes cage and kennel space available and reduces feeding and watering costs. These groups can take care of animals that are too sick, too young, or not socialized enough to be immediately adopted.

Cities and counties that administer animal control programs or shelters often develop relationships with foster care and rescue groups to find homes for the animals in their care. In many cases, programs have been developed around the resources available and the agencies'

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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 Dec. 20, 2011).

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

<sup>3</sup> *Id.*

familiarity with the community. Through trial and error, each program develops a system to determine which groups are reliable and can be used to help place animals. Few city and county animal control programs or shelters have enough programs in place to deal with the number of animals that are brought to the shelter and are diseased and need to be quarantined or euthanized or an unweaned animal without its mother.

### **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>4</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>5</sup> This professional association helps train and educate animal control officers in Florida. Their mission, according to their website, “is to improve the methods and standards of the animal control and protection profession throughout Florida.”<sup>6</sup>

Senate staff contacted FACA to find out if there was a mechanism to communicate with all of the animal control agencies and shelters in each of the 67 counties in an attempt to identify each agency that performs the “animal control” function in Florida. The association compiled a list that reflects 107 agencies in the 67 counties. “Some police agencies must perform this role in the absence of an actual animal control agency available in their jurisdictions; some law enforcement agencies employ one or two positions specifically for this function.”<sup>7</sup> The list that FACA has compiled seems comprehensive but there is no state mandated reporting system in Florida. Further, there is not a central reporting system that all of the animal control agencies or shelters utilize to track how many animals are brought to their shelters, the number adopted and the number euthanized.

The Senate Agriculture Committee, in September 2008, sent out 180 surveys to both municipal and private animal shelters around the state to gather how many animals are brought to their shelters, the number adopted and the number euthanized. A total of 30 were completed and returned. The municipal shelters that responded received 48,558 dogs and 59,562 cats in 2007. The privately funded shelters that responded received 17,955 dogs and 26,925 cats in the same time period. The survey results indicate that municipal shelters receive nearly three times more dogs and more than twice the number of cats than the privately funded shelters.<sup>8</sup>

The study references the no-kill movement in Florida but states that “it is a reality that non-rehabilitatable and non-adoptable animals must be euthanized.”<sup>9</sup> The data revealed that

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<sup>4</sup> Section. 828.27, (1) (b), F.S.

<sup>5</sup> Section. 828.27, F.S.

<sup>6</sup> Florida Animal Control Association, Mission Statement, <http://floridaanimalcontrol.org/> (last visited Jan. 5, 2012).

<sup>7</sup> Email from Capt. David Walesky, Operations Manager, Field Services, Palm Beach County Animal Care and Control, (dated Jan. 5, 2012) (on file with the Senate Committee on Community Affairs).

<sup>8</sup> The Florida Senate Committee on Agriculture, Animal Shelter Related Facilities, *Interim Report, 2009-101*.

<sup>9</sup> *Id.*

municipal shelters euthanized 31,536 dogs and 55,984 cats in the year 2007. The privately funded shelters euthanized 5,735 dogs and 14,348 cats in the same period. The survey results indicate that shelters euthanize more than five times as many dogs and nearly four times as many cats as the privately funded shelters.<sup>10</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 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>11</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. The Chief of Manatee County Animal Services Kristopher Weiskopf, explained that the No-Kill plan is being instituted in Manatee County without additional funds.<sup>12</sup> If an animal arrives at the shelter and is suffering the animal is euthanized. According to the Manatee County Shelter Chief, if a puppy arrives with parvo<sup>13</sup> the animal would be euthanized to avoid needless suffering for an animal, which may still perish, and to avoid the possibility of spreading disease. Manatee County Animal Services no-kill program has only been implemented since October, so it is too soon to measure success.

### **III. Effect of Proposed Changes:**

**Section 1** creates the "Animal Rescue Act."

**Section 2** creates s. 828.067, F.S., and provides definitions. The bill defines the following terms: animal control agency, animal rescue group or rescue group, and animal shelter. The bill requires that an animal control agency or animal shelter that euthanizes animals must maintain a registry of animal rescue groups that are willing to accept animals that are subject to euthanization. The euthanization registry must consist of any animal control agency, animal shelter, or animal rescue group that meets the qualifications of s. 501(c)(3) of the Internal Revenue Code and that has requested to be placed on the euthanization registry. An animal control agency or shelter may refuse to include a rescue group or person on the euthanization registry or may remove the

<sup>10</sup> The Florida Senate Committee on Agriculture, Animal Shelter Related Facilities, *Interim Report, 2009-101*.

<sup>11</sup> Manatee County Animal Services, Actionable Implementation Plan for Manatee County, October 2011.

<sup>12</sup> Conversation with Kristopher Weiskopf, Chief of Manatee County Animal Services, (January 13, 2012).

<sup>13</sup> Canine parvovirus (colloquially parvo) is a contagious virus mainly affecting dogs. The disease is highly contagious and is spread from dog to dog by direct or indirect contact with feces.-Wikipedia, (January 15, 2012), [http://en.wikipedia.org/wiki/Canine\\_parvovirus](http://en.wikipedia.org/wiki/Canine_parvovirus).

person from the euthanization registry if a current director, officer, staff member, or volunteer of the rescue group has been convicted of a crime consisting of cruelty to animals or neglect to animals, or if such charges are pending, or if the rescue group is constrained by a court order. The animal control agency or shelter may require the rescue group to disclose any convictions, charges, or legal impediments.

The registry must include:

- the name of the rescue group or person;
- the mailing address and telephone number;
- the website and email address, if any;
- the emergency contact information for the rescue group;
- the types of animals about which the rescue group wishes to be contacted, including the species type and breed; and
- a statement as to whether the rescue group is willing to care for unweaned animals, sick or injured animals, or animals with behavior problems.

The animal control agency or animal shelter may require that a rescue group provide for monthly public inspection information concerning the number of animals that:

- have been taken from the animal control agency or animal shelter and placed with the rescue group;
- have been adopted;
- have died or been euthanized; or
- remain in the care of the rescue group.

The registry information can be provided in an informal format, such as via electronic mail. An animal control agency or animal shelter may not demand additional information as a prerequisite for including a rescue group on the euthanization registry or for continuing to maintain the rescue group on the registry.

An animal control agency or animal shelter may not euthanize an animal until the animal control agency or animal shelter has notified, or made a reasonable attempt to notify, all rescue groups or persons on the euthanization registry that have indicated a willingness to take an animal of that type.

The notification must:

- take place at least 24 hours before the animal is scheduled to be euthanized;
- include a verifiable electronic communication.

An animal may not be euthanized if a rescue group or person on the registry indicates a willingness to take possession of the animal. The rescue group or person agreeing to take possession of the animal must do so within 2 business days after notifying the animal control agency or animal shelter that has possession of the animal. The animal control agency or animal shelter may assess a fee, not to exceed the standard adoption fee, for each animal released to a rescue group.

The animal control agency or animal shelter may euthanize an animal that is irremediably suffering or a dog that is designated as a dangerous dog under s. 767.13, F.S. If an unweaned animal is turned into the animal control agency or animal shelter without its mother and the agency cannot provide supplemental feeding or locate foster care, then an emergency appeal to a rescue group or person on the euthanization registry who has indicated a willingness to care for these types of animals must be notified. The animal control agency or animal shelter must give the rescue group or person a reasonable amount of time, but not less than 8 hours, to respond to the appeal.

An animal control agency or animal shelter shall provide for public inspection a monthly summary that includes the number of animals, by species type, during the previous month which:

- were impounded;
- were euthanized by the animal control agency or animal shelter;
- died, were lost, or were stolen while in the direct or constructive care of the animal control agency or animal shelter;
- were returned to their owners;
- were adopted;
- were transferred to other organizations or rescue groups; or
- remain in the custody of the agency or shelter.

Each animal control agency or animal shelter shall provide for public inspection an annual summary that includes the number of animals, by species type, during the previous calendar year which:

- were impounded;
- were euthanized;
- died, were lost, or were stolen while in the direct or constructive care of the animal control agency or animal shelter;
- were returned to their owners;
- were adopted;
- were transferred to other organization or rescue groups; or
- remain in the custody of the agency or shelter.

**Section 3** provides an effective date of July 1, 2012.

#### **IV. Constitutional Issues**

##### **A. Municipality/County Mandates Restrictions:**

Article VII, Section 18(a) of the Florida Constitution states that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and it meets one of these exceptions:

- The Legislature appropriates funds or provides a funding source not available for such county or municipality on February 1, 1989;

- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and counties or municipalities; or
- The law is required to comply with a federal requirement.

Subsection (d) provides an additional applicable exemption. Laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 (\$1.88 million for FY 2010-2011), are exempt.

The facilities are required to collect and report specific data on a monthly and annual basis. Facilities that are not already collecting that information will need to develop a plan to do so which could increase their costs. If a registry is already in place and only requires an animal shelter staff person to send a mass email then the increased costs to the facilities should be minimal. Each facility will have to decide what plan works best for them regarding notifying shelter and rescue groups in compliance with local owner notification and animal holding ordinances.

The city and county animal control facilities and shelters that euthanize animals have indicated that in order to comply with the provisions of the bill they will have to house animals for longer periods of time. Facilities that do not have programs in place to accommodate unweaned animals or animals with contagious diseases will have to develop a plan to do so. Their plan may include the need for more space and more personnel, which could increase their costs. Their plan may include relying on animal rescue groups, shelter volunteers, or foster groups to feed the unweaned animals that arrive at the animal control facilities and shelters. Animal control agencies have reported that they are struggling with a pet overpopulation and relying on animal rescue groups and shelter volunteers, or foster groups is not a feasible option. The No-Kill facility in Manatee County does not project the need for additional costs to comply with the provisions of the bill. If the programmatic costs incurred by counties or municipalities are greater than \$1.88 million, the law may be unenforceable unless passed by two-thirds in each house of the Legislature.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Private rescue groups, foster groups, volunteers, and animal agencies may be asked to care for more animals by animal control agencies who are unable to accommodate unweaned animals, animals with contagious diseases, or animals that exhibit aggressive behavior but have not been designated as a dangerous dog.

Private animal control facilities and shelters may have an increase in costs to comply with the reporting requirements if they are not already collecting that information. Private animal control facilities that euthanize animals may have an increase in costs in order to house, feed, and water the animals, if they hold the animals for longer periods.

**C. Government Sector Impact:**

City and county animal control facilities and shelters may have an increase in costs to comply with the reporting requirements if they are not already collecting that information. The facilities that euthanize animals will have an increase in costs in order to house, feed, and water the animals for longer periods. The actual fiscal impact is difficult to determine but animal control agencies and shelters have indicated that the fiscal impact would be significant and that they could not afford to comply with this requirement.

The No-Kill facility in Manatee County does not project the need for additional costs to comply with the provisions of the bill.

City and county facilities have indicated that they do not have enough space in their facilities to quarantine an animal that has a disease that is highly contagious but is treatable. In this instance, the diseased animal could expose or infect the shelter population to this disease. A disease that is considered treatable may not be considered irremediable, and must be treated. There could be financial costs to treat the animal as well as a significant reduction in the animal's quality of life. City and county facilities have indicated that they will not be able to comply with this requirement due to the risk of spreading the diseases to the rest of the shelter population. According to the Manatee County Shelter, if a puppy arrives with parvo<sup>14</sup> the animal would be euthanized to avoid needless suffering for an animal, which may still perish, and to avoid the possibility of spreading disease

Dogs that the shelter may have deemed as aggressive or have been known to bite do not fall under the dangerous dog definition outlined in s. 767.13, F.S. This scenario could be problematic for the agency when trying to find the animal a home. The animal could also be a liability concern especially if someone adopted the animal and was bitten. Further, rescue groups that are registered as a 501(c)(3) of the Internal Revenue Code, may want to adopt an aggressive animal with the intention of saving it from being euthanized but

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<sup>14</sup> Canine parvovirus (colloquially parvo) is a contagious virus mainly affecting dogs. The disease is highly contagious and is spread from dog to dog by direct or indirect contact with feces.-Wikipedia, (January 15, 2012), [http://en.wikipedia.org/wiki/Canine\\_parvovirus](http://en.wikipedia.org/wiki/Canine_parvovirus).



are not equipped to care for the animal. This could potentially become a safety concern for the community.

Animal control agencies and shelters have indicated that caring for an unweaned animal after normal business hours is beyond their current budget limitations. City and county facilities with limited resources may not be able to comply with this requirement due to the added staff cost. Animal control agencies have reported that they are struggling with pet overpopulation and relying on animal rescue groups and shelter volunteers, or foster groups is not a feasible option.

**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.