

By Senator Bennett

21-00410F-12

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1                                   A bill to be entitled  
2           An act relating to animal shelters and animal control  
3           agencies; creating the "Animal Rescue Act"; creating  
4           s. 828.067, F.S.; defining the terms "animal control  
5           agency," "animal rescue group" or "rescue group," and  
6           "animal shelter"; requiring any animal control agency  
7           or animal shelter that euthanizes animals to maintain  
8           a registry of animal rescue groups that are willing to  
9           accept animals that would otherwise be subject to  
10          euthanization; providing eligibility criteria for  
11          rescue groups and persons desiring to be on the  
12          euthanization registry; providing criteria under which  
13          an animal control agency or animal shelter may reject  
14          an applicant for the euthanization registry or remove  
15          a participant from the registry; requiring that  
16          certain specified information concerning an animal  
17          rescue group be included in the group's application  
18          for inclusion on the euthanasia registry; authorizing  
19          the animal control agency or animal shelter to require  
20          a rescue group or person to provide certain specified  
21          data to the animal control agency or animal shelter  
22          each month; prohibiting an animal control agency or  
23          animal shelter from euthanizing an animal until the  
24          animal control agency or animal shelter has notified  
25          the appropriate animal rescue group or person listed  
26          on the euthanization registry; providing exceptions to  
27          the requirement to notify certain rescue groups;  
28          authorizing an animal control agency or animal shelter  
29          to assess a fee, not to exceed the standard adoption

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30 fee, for each animal released to a rescue group;  
31 requiring that each animal control agency or animal  
32 shelter provide for public inspection certain  
33 information on a monthly and annual basis; providing  
34 an effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. This act may be cited as the "Animal Rescue  
39 Act."

40 Section 2. Section 828.067, Florida Statutes, is created to  
41 read:

42 828.067 Animal shelters and animal control agencies;  
43  euthanization registry.-

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

45 (a) "Animal control agency" means an organization operated  
46 by or under contract with the state or a political subdivision  
47 for the purpose of impounding or harboring seized, stray,  
48 homeless, abandoned, or unwanted animals.

49 (b) "Animal rescue group" or "rescue group" means a group  
50 of persons who hold themselves out as an animal rescue group and  
51 who accept or solicit dogs, cats, or other animals with the  
52 intent of finding permanent adoptive homes or providing lifelong  
53 care for such dogs, cats, or other animals and who use foster  
54 homes as the primary means of housing animals, or a group of  
55 persons formed for the prevention of cruelty to animals.

56 (c) "Animal shelter" means a facility that is used for  
57 housing or containing dogs, cats, or other animals and that is  
58 owned, operated, or maintained by a humane society, an animal

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59 welfare society, a society for the prevention of cruelty to  
60 animals, or another nonprofit organization devoted to the  
61 welfare, protection, and humane treatment of dogs, cats, or  
62 other animals.

63 (2) An animal control agency or animal shelter that  
64  euthanizes animals shall maintain a registry of animal rescue  
65  groups that are willing to accept animals that are subject to  
66  euthanization.

67 (a) The euthanization registry must consist of any animal  
68  control agency, animal shelter, or animal rescue group that is  
69  designated as an agency meeting the qualifications of s.  
70  501(c) (3) of the Internal Revenue Code and that has requested  
71  that its name be placed on the euthanization registry. Such an  
72  agency, shelter, or rescue group must be included on the  
73  euthanization registry regardless of the geographical location  
74  of the agency, shelter, or rescue group and regardless of any  
75  other factor except as described in subsection (3).

76 (b) The euthanization registry may include, at the  
77  discretion of the animal control agency or animal shelter, any  
78  person or animal rescue group that has not met the  
79  qualifications of s. 501(c) (3) of the Internal Revenue Code.

80 (3) An animal control agency or animal shelter may refuse  
81  to include a rescue group or person on the euthanization  
82  registry or may remove it or the person from the euthanization  
83  registry if a current director, officer, staff member, or  
84  volunteer of the rescue group has been convicted in a court of  
85  competent jurisdiction of a crime consisting of cruelty to  
86  animals or neglect of animals, or if such charges are pending,  
87  or if the rescue group is constrained by a court order that

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88 prevents the rescue group from taking in or keeping animals. An  
89 animal control agency or animal shelter may require the rescue  
90 group to disclose any convictions, charges, or legal impediments  
91 described in this subsection.

92 (4) The euthanization registry must include the following  
93 information provided by the rescue group:

94 (a) The name of the rescue group or person.

95 (b) The mailing address and telephone number.

96 (c) The website and e-mail address, if any.

97 (d) The emergency contact information for the rescue group.

98 (e) The types of animals about whom the rescue group wishes  
99 to be contacted, including species type and breed.

100 (f) A statement as to whether the rescue group is willing  
101 and able to care for unweaned animals, sick or injured animals,  
102 or animals with behavior problems.

103 (5) An animal control agency or animal shelter may require  
104 that a rescue group provide monthly for public inspection  
105 information concerning the number of animals that:

106 (a) Have been taken from an animal control agency or animal  
107 shelter and placed with the rescue group;

108 (b) Have been adopted;

109 (c) Have died or have been euthanized; or

110 (d) Remain in the care of the rescue group.

111  
112 This information may be provided in an informal format, such as  
113 via electronic mail. An animal control agency or animal shelter  
114 may not demand additional information other than that described  
115 in this subsection as a prerequisite for including a rescue  
116 group on the euthanization registry or for continuing to

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117 maintain the rescue group on the registry.

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

123 (a) The notification must take place at least 24 hours  
124  before the animal is scheduled to be euthanized.

125 (b) At a minimum, the notification must include a  
126  verifiable electronic communication. Notification to each rescue  
127  group is considered complete when this has been accomplished.

128 (c) An animal may not be euthanized if a rescue group or  
129  person on the euthanization registry indicates a willingness to  
130  take possession of the animal.

131 (d) The rescue group or person agreeing to take possession  
132  of the animal must do so within 2 business days after notifying  
133  the animal control agency or animal shelter that has possession  
134  of the animal.

135 (e) The animal control agency or animal shelter may assess  
136  a fee, not to exceed the standard adoption fee, for each animal  
137  released to a rescue group.

138 (7) The requirements of subsection (6) do not apply in the  
139  following cases:

140 (a) An irremediably suffering animal may be euthanized  
141  without delay under s. 828.05.

142 (b) A dangerous dog may be euthanized without delay under  
143  s. 767.13.

144 (c) Upon the impoundment of an unweaned animal without its  
145  mother, an animal control agency or animal shelter that has not

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146 placed the animal into foster care or is not able to provide  
147 supplemental feeding shall immediately make an emergency appeal  
148 to a rescue group or person on the euthanization registry who  
149 has indicated a willingness to care for unweaned animals, and  
150 shall give the rescue group or person a reasonable amount of  
151 time, but not less than 8 hours, to respond to the appeal.

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

156 (a) Were impounded;

157 (b) Were euthanized by the animal control agency or animal  
158 shelter;

159 (c) Died, were lost, or were stolen while in the direct or  
160 constructive care of the animal control agency or animal  
161 shelter;

162 (d) Were returned to their owners;

163 (e) Were adopted;

164 (f) Were transferred to other organizations or rescue  
165 groups; or

166 (g) Remain in the custody of the agency or shelter.

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

171 (a) Were impounded;

172 (b) Were euthanized by the animal control agency or animal  
173 shelter;

174 (c) Died, were lost, or were stolen while in the direct or

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175 constructive care of the animal control agency or animal  
176 shelter;

177 (d) Were returned to their owners;

178 (e) Were adopted;

179 (f) Were transferred to other organizations or rescue  
180 groups; or

181 (g) Remain in the custody of the agency or shelter.

182 Section 3. This act shall take effect July 1, 2012.