A bill to be entitled
An act relating to companion animals; providing a short title; providing definitions; directing animal shelters to take certain measures relating to the holding, care, treatment, and euthanasia of animals; providing exceptions; providing for declaratory or injunctive relief actions; providing an effective date.

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

Section 1. (1) This act may be cited as the "Companion Animal Protection Act."

(2) As used in this section, the term:
(a) "Animal shelter" means a public or private facility that:
1. Has a physical structure that provides temporary or permanent shelter for stray, abandoned, abused, or owner-surrendered animals.
2. Is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, pound, animal control officer, government entity, or contractor for a government entity.
(b) "Irremediable physical suffering" means a poor or grave prognosis for being able to live without severe, unremitting pain, even with comprehensive, prompt, and necessary
veterinary care, as certified in writing by a licensed veterinarian.

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

(d) "Rescue organization" means an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals that is described in s. 501(c)(3) of the Internal Revenue Code and exempt from taxation under s. 501(a) of the Internal Revenue Code.

(3)(a) An animal shelter shall:
1. Take appropriate action to ensure that all animals are checked as soon as possible after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses.
2. Maintain continuously updated lists of animals reported lost and found and regularly check animals in the shelter for matches to these lists.
3. Post a photograph of and information regarding each stray animal impounded by the shelter on the Internet with sufficient detail to allow the animal to be recognized and claimed by its owner.

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

(4)(a) The required holding period for a stray animal impounded by an animal shelter shall be 5 business days, not including the day of impoundment. An animal shall be held for owner redemption during the first 2 days of the holding period and shall be available for owner redemption, transfer, or adoption for the remainder of the holding period, except that if an animal is impounded with identification or the shelter knows the identity of the owner, the animal shall be held for 5 days for owner redemption.

(b) The required holding period for an owner-relinquished animal impounded by an animal shelter shall be the same as that for a stray animal, except that an owner-relinquished animal shall be available for owner redemption, transfer, or adoption for the entirety of the holding period.

(c) This subsection does not apply to:

1. A cat impounded for purposes of sterilization and then released.

2. An animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian.

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

4. An animal experiencing irremediable physical suffering.

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

(5)(a) During the entirety of its stay at an animal
shelter, an animal shall be provided:
1. Fresh food and fresh water.
2. Environmental enrichment to promote psychological well-
being, such as socialization, toys, and treats, and exercise as
needed but at least once daily, except that a dog exhibiting
vicious behavior toward people or determined to be dangerous by
a court of competent jurisdiction is not required to be
exercised during the holding period.

3. Prompt and necessary cleaning of its cage, kennel, or
other living environment at least two times per day to prevent
disease and to ensure an environment that is welcoming to the
public and hygienic for both the public and the animal. The
cleaning shall be conducted in accordance with a protocol
developed in coordination with a licensed veterinarian and shall
require that the animal be temporarily removed from its cage,
kennel, or other living environment during the process of
cleaning to prevent the animal from being exposed to water from
hoses or sprays, cleaning solutions, detergents, solvents, or
chemicals.
prompt and necessary veterinary care, including, but not limited to, preventative vaccinations, cage rest, fluid therapy, and pain management or antibiotics sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow the animal to leave the shelter in reasonable condition.

(b) An animal shelter shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened animals, geriatric animals, or animals needing therapeutic exercise. This care protocol shall specify any deviation from the standard requirements of paragraph (a) and the reasons for the deviation.

(6)(a) At least 2 business days before the euthanasia of an animal, the animal shelter having care or custody of the animal shall:

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

2. Offer each rescue organization notified under subparagraph 1. the opportunity to take possession of the animal to avoid the animal's death.

(b) An animal shelter may not euthanize an animal without making the notification required under this subsection.
(7)(a) An animal shelter may not:

1. Ban, bar, limit, or otherwise obstruct the adoption or transfer of an animal based on breed, breed mix, species, age, color, appearance, or size.

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

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

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

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

3. A foster home for the animal is not available.

4. A rescue organization or group is not willing to accept the animal.

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

6. The animal is not a cat subject to sterilization and release.

7. All mandates, programs, and services of this section have been met.

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

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

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

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

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

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

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

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

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

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

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

(f) An animal may not be left unattended between the time procedures to euthanize the animal are commenced and the time death occurs.

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

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

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

(b) Lack of respiration, verified by observation.

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

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

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

(11) A person may compel an animal shelter to comply with this section through an action for declaratory or injunctive relief or any other appropriate remedy of law that will compel...
compliance.

Section 2. This act shall take effect July 1, 2016.