By Senator Steube

A bill to be entitled
An act relating to animals; amending s. 823.15, F.S.;
revising legislative findings and intent; requiring
animal rescue organizations to prepare, maintain, and
make available for public inspection and dissemination
certain records for a specified period; extending an
existing monthly reporting requirement to animal
rescue organizations; providing for the sterilization
of all dogs and cats sold or released for adoption
from animal rescue organizations, subject to certain
requirements; providing an exception to the
requirement that a prospective adopter pay the costs
of sterilization; prohibiting animal shelters, animal
rescue organizations, humane organizations, and
certain animal control agencies from importing animals
into the state; prohibiting individuals from importing
animals into the state for transfer to such shelters,
organizations, and agencies; providing an exception
during declared emergencies and natural disasters;
providing criminal and noncriminal penalties for
specified violations and for subsequent violations;
requiring the Commissioner of Agriculture to report
certain suspected violations to the United States
Department of Agriculture under certain circumstances;
providing requirements for such a report; directing
the commissioner or his or her designee to bring an
action in a court of competent jurisdiction against an
entity or individual who violates specified
provisions; amending s. 828.29, F.S.; providing
criminal penalties for specified violations by certain
individuals, shelters, organizations, or agencies;
conforming a provision to changes made by the act;
providing an effective date.

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

Section 1. Section 823.15, Florida Statutes, is amended to read:

823.15 Dogs and cats released from animal shelters, animal
rescue organizations, humane organizations, or animal control
agencies; sterilization requirement; animal importation
prohibition; penalties.—

(1)(a) The Legislature finds has determined that the
importation of dogs and cats into, and the uncontrolled breeding
of dogs and cats in, this state pose risks to the well-being of
dogs and cats, the health of humans and animals, and the
agricultural interests in this state. The importation of dogs
and cats from outside the state United States could result in
the transmission of infectious and parasitic diseases result in
the transmission of diseases that have been eradicated in the
United States to dogs, and cats, other animals, and humans
living in this state. Historically, uncontrolled breeding
resulted results in the birth of many more puppies and kittens
than were are needed to provide pet animals to new owners or to
replace pet animals that had have died or become lost. This led
to the overpopulation of leads to many dogs, cats, puppies, and
kittens, many of which were being unwanted and became, becoming
strays and suffered suffering privation and death; constituted a

CODING: Words struck are deletions; words underlined are additions.
public nuisance and public health hazard; and were, being
impounded and destroyed at great expense to the community, and
constituting a public nuisance and public health hazard. Florida
shelters, not-for-profit organizations, and governmental
agencies established to aid local dogs and cats in need within
their catchment areas have been so successful in promoting
responsible pet ownership and reducing the population of
unwanted and surplus shelter dogs and cats that Florida animal
shelters, animal rescue organizations, humane organizations, and
animal control agencies receive fewer local dogs and cats in
need each year. Many of these shelters, organizations, and
agencies were established years ago and expanded when surplus
shelter populations were at their highest. As a result, many
shelters, organizations, and agencies have experienced a
decrease in the number of local dogs and cats available for
adoption, while they still must maintain larger facilities. As
the local populations continued to decline, many of these
shelters, organizations, and agencies changed their mission
statements and operational models to stay in business and began
to import dogs and cats for local placement from outside their
local areas of operation, including jurisdictions outside this
state. Consequently, the number of dogs and cats imported from
outside the state has increased exponentially, sometimes leading
to inhumane transport and sheltering conditions, reduced
adoption opportunities for local dogs and cats, and needless
euthanasia of local dogs and cats.

(b) In light of the findings stated in paragraph (a), the
Legislature declares that:

1. It is therefore declared to be the public policy of the
Every feasible means should be used to reduce the incidence of birth of unneeded and unwanted puppies and kittens. Determining which programs result in improved adoption rates and in reduced euthanasia rates for animals in shelters and animal control agencies is crucial to this effort.

2. The importation of animals from outside the state should be prohibited to prevent inhumane conditions in the transport and sheltering of animals; increase adoption opportunities for local dogs and cats; reduce the transmission of intra-species and zoonotic diseases; and prevent the needless euthanasia of local dogs and cats.

(2)(a) Each public or private animal shelter, animal rescue organization, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision shall prepare and maintain the following records and make them available for public inspection and dissemination for the 3 preceding years. The following data must be available on a monthly basis commencing July 31, 2013:

1. The total number of dogs and cats taken in by the animal shelter, animal rescue organization, humane organization, or animal control agency, divided into species, in the following categories:
   a. Surrendered by owner;
   b. Stray;
   c. Impounded;
   d. Confiscated;
   e. Transferred from within Florida;
   f. Transferred into or imported from out of the state; and
g. Born in shelter.

Species other than domestic cats and domestic dogs should be recorded as “other.”

2. The disposition of all animals taken in by a public or private animal shelter, animal rescue organization, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision, divided into species. These data must include dispositions by:
   a. Adoption;
   b. Reclamation by owner;
   c. Death in kennel;
   d. Euthanasia at the owner’s request;
   e. Transfer to another public or private animal shelter, animal rescue organization, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision;
   f. Euthanasia;
   g. Released in field/Trapped, Neutered, Released (TNR);
   h. Lost in care/missing animals or records; and
   i. Ending inventory/shelter count at end of the last day of the month.

3. A public or private animal shelter, animal rescue organization, 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.

(b) Records of a public animal shelter, humane organization, or animal control agency operated by a humane society must be made available to the public pursuant to provisions in chapter 119.

(3) In furtherance of this policy, provision shall be made for the sterilization of all dogs and cats sold or released for adoption from any public or private animal shelter, animal rescue organization, or animal control agency operated by a humane society or by a county, municipality or city, or other incorporated political subdivision, must be sterilized as provided in paragraph (a) or paragraph (b) by either:

(a) Providing sterilization shall be performed by a licensed veterinarian before relinquishing custody of the animal is relinquished by the shelter, organization, or agency. or

(b) The shelter, organization, or agency shall enter into a written agreement with the adopter or purchaser guaranteeing that sterilization will be performed within 30 days or before prior to sexual maturity and collect. The shelter or animal control agency shall require a sufficient deposit from the adopter or purchaser, which deposit shall be refundable upon presentation to the shelter, organization, or animal control agency of written evidence by the veterinarian performing the sterilization that the animal has been sterilized. The deposit or donation may be based upon recommended guidelines established by the Florida Federation of Humane Societies. Failure by either party to comply with the provisions of this paragraph shall be a noncriminal violation.
as defined in s. 775.08(3), punishable by a fine, forfeiture, or
other civil penalty, and, in addition thereto, the deposit or
donation shall be forfeited to the shelter or animal control
agency. In addition, an adopter or purchaser who fails to
demonstrate compliance with an agreement entered into under this
paragraph forfeits his or her deposit. The adopter or purchaser
shall pay any legal fees or court costs associated with the enforcement of this paragraph are the responsibility of the
adopter. The time limit within which the animal must be
sterilized shall be extended upon the request of a licensed
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arian or for any other reason deemed valid by, and for a
valid reason, the shelter, organization, or animal control
agency shall extend the time limit within which the animal must
be sterilized.

(4) All costs of sterilization performed pursuant to this
section shall be paid by the prospective adopter unless
otherwise provided for by any of the following:

(a) 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

(b) 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.

(c) The animal rescue organization governing body, with
respect to animals for which the organization is not subsidized
by public funds.

(5)(a) A public or private animal shelter, animal rescue
organization, humane organization, or animal control agency
operated by a humane organization or by a county, municipality,
or other incorporated political subdivision may not import an animal into this state from another state, a possession or territory of the United States, or a foreign country.

(b) An individual may not import an animal into this state from another state, a possession or territory of the United States, or a foreign country for transfer to a public or private animal shelter, animal rescue organization, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision.

(c) This subsection does not apply to a public animal shelter or animal control agency operated by a humane organization, or by a county, municipality, or other incorporated political subdivision, which imports animals during an emergency or a natural disaster declared by the Governor or the President of the United States.

(6) (a) An entity convicted of a violation of paragraph (2)(a) or paragraph (5)(a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition, for a period of 2 years, the convicted entity is:

1. Deemed a pet dealer and required to meet all of the requirements for a pet dealer under state law; and

2. Required to qualify as a pet store under the applicable laws regulating pet stores in the jurisdiction of operation of the entity, if a transfer of an animal is made directly to the public.

(b) An entity convicted of a subsequent violation of paragraph (2)(a) or paragraph (5)(a) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s.
775.083, and:

1. The Division of Corporations of the Department of State shall revoke the not-for-profit status of the convicted entity in this state;
2. The convicted entity is deemed a pet dealer and required to meet all the requirements for a pet dealer under state law, for a period of 5 years; and
3. The convicted entity is required to qualify as a pet store under the applicable laws regulating pet stores in the jurisdiction of operation of the entity for a period of 5 years, if a transfer of an animal is made directly to the public.

(c) An individual convicted of a violation of paragraph (5)(b) commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.
(d) An individual convicted of a subsequent violation of paragraph (5)(b) commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The Commissioner of Agriculture shall report a suspected violation of paragraph (2)(a) or subsection (5) to the United States Department of Agriculture if:

(a) The activity conducted is performed in commerce for compensation without a valid license or registration issued by the Regional Animal Care Office of the United States Department of Agriculture, Animal and Plant Health Inspection Service; and
(b) The animal is either:

1. Transferred by an entity or individual to another party for resale or adoption. The report must specify the findings of the transfer and must state that the entity or individual appears to be acting as a dealer under the Animal Welfare Act, 7...
U.S.C. ss. 2131 et seq., and the regulations under 9 C.F.R. ss. 1.1 et seq.; or

2. Transported by an entity or individual that is not the owner of the animal. The report must specify the findings of the transport and must state that the entity or individual appears to be transporting animals without registering under the Animal Welfare Act, 7 U.S.C. ss. 2131 et seq., and the regulations under 9 C.F.R. ss. 1.1 et seq.

(8) The Commissioner of Agriculture or his or her designee shall bring an action in a court of competent jurisdiction against an entity or individual that violates this section.

Section 2. Subsection (17) of section 828.29, Florida Statutes, is amended to read:

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee.—

(17) (a) Notwithstanding subsection (15), any of the following entities or individuals who violates subsection (1), subsection (2), subsection (3), or subsection (4) commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083:

1. A public or private animal shelter.
2. An animal rescue organization.
3. A humane organization.
4. An animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision.
5. An individual transferring an animal to such shelter, organization, or agency.

(b) Except as provided in paragraph (a) and as otherwise
provided in this chapter, a person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. This act shall take effect October 1, 2018.