

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 Committee on Agriculture

BILL: SB 1738

INTRODUCER: Senator Gruters

SUBJECT: Restraint of Dogs

DATE: March 15, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1738 prohibits a person to leave a restrained dog outside and unattended during a manmade disaster or a natural disaster. Such person would be guilty of animal cruelty, a misdemeanor of the first degree.

II. Present Situation:

As a dangerous storm approaches, many residents flee to safer areas, and some leave their pets behind. The Palm Beach County Animal Care and Control director reported that many pets are left chained to trees and parked cars, as their owner left them behind to “ride out the storm” on their own. During Hurricane Irma, 49 dogs and two cats were rescued by animal control officers. In Palm Beach County, it is illegal for anyone to leave a dog tied up without the owner being present, but it is considered animal cruelty and a felony when done during a storm.¹ Collier, Fernandina Beach, Hernando, Hillsborough, Lake, Lee, Miami, Martin, Miami-Dade, Mount Dora, Okaloosa, Palm Beach, Pembroke Park, Pinellas, Sarasota, and St. Lucie Counties also prohibit animals from being tethered in extreme weather, including but not limited to hurricanes, tropical storms, or tornadoes.

III. Effect of Proposed Changes:

Section 1 amends s. 828.12, F.S., to prohibit a person to leave a restrained dog outside and unattended during a manmade disaster or a natural disaster. Such person would be guilty of animal cruelty, a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

¹ See “Pets Abandoned, Chained on Leashes, as Owners Flee Hurricane Irma,” accessed at <https://dmlnews.com/pets-abandoned-chained-leashes-owners-flee-hurricane-irma/> (Last visited March 14, 2019).

The bill defines the following terms:

- *Manmade disaster* as a situation in which a person has received notice from a local or governmental authority that an event attributed in part or entirely to human intent, error, or negligence, or involving the failure of a manmade system, which results in significant damage has occurred, is occurring, or may soon occur in the person's vicinity.
- *Natural disaster* as a situation in which a hurricane, tropical storm, or tornado warning has been issued for a municipality or a county by the National Weather Service, or the municipality or county is under a mandatory or voluntary evacuation order.
- *Restraint* as a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Section 2 provides that this act shall take effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who are found guilty of the provisions of this act would be punished as provided in s. 775.082, F.S., or be charged a fine of not more than \$5,000, or both.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 828.12 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.