

1                   A bill to be entitled  
2           An act relating to animals; amending s. 823.15, F.S.;  
3           revising legislative findings and intent; requiring  
4           animal rescue organizations to prepare, maintain, and  
5           make available for public inspection and dissemination  
6           certain records for a specified period; extending an  
7           existing monthly reporting requirement to animal  
8           rescue organizations; providing for the sterilization  
9           of all dogs and cats sold or released for adoption  
10          from animal rescue organizations, subject to certain  
11          requirements; providing an exception to the  
12          requirement that a prospective adopter pay the costs  
13          of sterilization; prohibiting animal shelters, animal  
14          rescue organizations, humane organizations, and  
15          certain animal control agencies from importing animals  
16          into the state; prohibiting individuals from importing  
17          animals into the state for transfer to such shelters,  
18          organizations, and agencies; providing an exception  
19          during declared emergencies and natural disasters;  
20          providing criminal and noncriminal penalties for  
21          specified violations and for subsequent violations;  
22          requiring the Commissioner of Agriculture to report  
23          certain suspected violations to the United States  
24          Department of Agriculture under certain circumstances;  
25          providing requirements for such a report; directing

26 | the commissioner or his or her designee to bring an  
 27 | action in a court of competent jurisdiction against an  
 28 | entity or individual who violates specified  
 29 | provisions; amending s. 828.29, F.S.; providing  
 30 | criminal penalties for specified violations by certain  
 31 | individuals, shelters, organizations, or agencies;  
 32 | conforming a provision to changes made by the act;  
 33 | providing an effective date.

34 |

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

36 |

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

39 | 823.15 Dogs and cats released from animal shelters, animal  
 40 | rescue organizations, humane organizations, or animal control  
 41 | agencies; sterilization requirement; animal importation  
 42 | prohibition; penalties.—

43 | (1) (a) The Legislature finds ~~has determined~~ that the  
 44 | importation of dogs and cats into, and the uncontrolled breeding  
 45 | of dogs and cats in, this state pose risks to the well-being of  
 46 | dogs and cats, the health of humans and animals, and the  
 47 | agricultural interests in this state. The importation of dogs  
 48 | and cats from outside the state ~~United States~~ could result in  
 49 | the transmission of infectious and parasitic diseases ~~result in~~  
 50 | ~~the transmission of diseases that have been eradicated in the~~

51 ~~United States~~ to dogs, ~~and~~ cats, other animals, and humans  
52 living in this state. Historically, uncontrolled breeding  
53 resulted ~~results~~ in the birth of many more puppies and kittens  
54 than were ~~are~~ needed to provide pet animals to new owners or to  
55 replace pet animals that had ~~have~~ died or become lost. This led  
56 to the overpopulation of ~~leads to many~~ dogs, cats, puppies, and  
57 kittens, many of which were ~~being~~ unwanted and became, ~~becoming~~  
58 strays and suffered ~~suffering~~ privation and death; constituted a  
59 public nuisance and public health hazard; and were, ~~being~~  
60 impounded and destroyed at great expense to the community, ~~and~~  
61 ~~constituting a public nuisance and public health hazard.~~ Florida  
62 shelters, not-for-profit organizations, and governmental  
63 agencies established to aid local dogs and cats in need within  
64 their catchment areas have been so successful in promoting  
65 responsible pet ownership and reducing the population of  
66 unwanted and surplus shelter dogs and cats that Florida animal  
67 shelters, animal rescue organizations, humane organizations, and  
68 animal control agencies receive fewer local dogs and cats in  
69 need each year. Many of these shelters, organizations, and  
70 agencies were established years ago and expanded when surplus  
71 shelter populations were at their highest. As a result, many  
72 shelters, organizations, and agencies have experienced a  
73 decrease in the number of local dogs and cats available for  
74 adoption, while they still must maintain larger facilities. As  
75 the local populations continued to decline, many of these

76 shelters, organizations, and agencies changed their mission  
77 statements and operational models to stay in business and began  
78 to import dogs and cats for local placement from outside their  
79 local areas of operation, including jurisdictions outside this  
80 state. Consequently, the number of dogs and cats imported from  
81 outside the state has increased exponentially, sometimes leading  
82 to inhumane transport and sheltering conditions, reduced  
83 adoption opportunities for local dogs and cats, and needless  
84 euthanasia of local dogs and cats.

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

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

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

99 (2) (a) Each public or private animal shelter, animal  
100 rescue organization, humane organization, or animal control

101 agency operated by a humane organization or by a county,  
 102 municipality, or other incorporated political subdivision, shall  
 103 prepare and maintain the following records and make them  
 104 available for public inspection and dissemination for the 3  
 105 preceding years. The following data must ~~will~~ be available on a  
 106 monthly basis ~~commencing July 31, 2013:~~

107 1. The total number of dogs and cats taken in by the  
 108 animal shelter, animal rescue organization, humane organization,  
 109 or animal control agency, divided into species, in the following  
 110 categories:

- 111 a. Surrendered by owner;
- 112 b. Stray;
- 113 c. Impounded;
- 114 d. Confiscated;
- 115 e. Transferred from within Florida;
- 116 f. Transferred into or imported from out of the state; and
- 117 g. Born in shelter.

118  
 119 Species other than domestic cats and domestic dogs should be  
 120 recorded as "other."

121 2. The disposition of all animals taken in by a public or  
 122 private animal shelter, animal rescue organization, humane  
 123 organization, or animal control agency operated by a humane  
 124 society or by a county, municipality, or other incorporated  
 125 political subdivision, divided into species. These data must

126 | include dispositions by:

127 |       a. Adoption;

128 |       b. Reclamation by owner;

129 |       c. Death in kennel;

130 |       d. Euthanasia at the owner's request;

131 |       e. Transfer to another public or private animal shelter,

132 | animal rescue organization, humane organization, or animal

133 | control agency operated by a humane society or by a county,

134 | municipality, or other incorporated political subdivision;

135 |       f. Euthanasia;

136 |       g. Released in field/Trapped, Neutered, Released (TNR);

137 |       h. Lost in care/missing animals or records; and

138 |       i. Ending inventory/shelter count at end of the last day

139 | of the month.

140 |       3. A public or private animal shelter, animal rescue

141 | organization, humane organization, or animal control agency

142 | operated by a humane society, or by a county, municipality, or

143 | other incorporated political subdivision, which routinely

144 | euthanizes dogs based on size or breed alone must provide a

145 | written statement of such policy. Dogs euthanized due to breed,

146 | temperament, or size must be recorded and included in the

147 | calculation of the total euthanasia percentage.

148 |       (b) Records of a public animal shelter, humane

149 | organization, or animal control agency operated by a humane

150 | society must be made available to the public pursuant to

151 ~~provisions in~~ chapter 119.

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

159 (a) ~~Providing~~ Sterilization shall be performed by a  
 160 licensed veterinarian before ~~relinquishing~~ custody of the animal  
 161 is relinquished by the shelter, organization, or agency. ~~† or~~

162 (b) The shelter, organization, or agency shall enter  
 163 ~~Entering~~ into a written agreement with the adopter or purchaser  
 164 guaranteeing that sterilization will be performed within 30 days  
 165 or before ~~prior to~~ sexual maturity and collect. ~~The shelter or~~  
 166 ~~animal control agency shall require~~ a sufficient deposit from  
 167 the adopter or purchaser, which is ~~deposit shall be~~ refundable  
 168 upon presentation to the shelter, organization, or ~~animal~~  
 169 ~~control~~ agency of written evidence by the veterinarian  
 170 performing the sterilization that the animal has been  
 171 sterilized. The deposit ~~or donation~~ may be based upon  
 172 recommended guidelines established by the Florida Federation of  
 173 Humane Societies. Failure by either party to comply with ~~the~~  
 174 ~~provisions of~~ this paragraph is ~~shall be~~ a noncriminal violation  
 175 as defined in s. 775.08(3), punishable by a fine, forfeiture, or

176 other civil penalty, ~~and, in addition thereto, the deposit or~~  
177 ~~donation shall be forfeited to the shelter or animal control~~  
178 ~~agency.~~ In addition, an adopter or purchaser who fails to  
179 demonstrate compliance with an agreement entered into under this  
180 paragraph forfeits his or her deposit. The adopter or purchaser  
181 shall pay any legal fees or court costs associated with ~~used for~~  
182 ~~the enforcement of this paragraph are the responsibility of the~~  
183 ~~adopter.~~ The time limit within which the animal must be  
184 sterilized shall be extended upon the request of a licensed  
185 veterinarian or for any other reason deemed valid by, ~~and for a~~  
186 ~~valid reason,~~ the shelter, organization, or animal control  
187 agency ~~shall extend the time limit within which the animal must~~  
188 ~~be sterilized.~~

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

192 (a) Ordinance of the local governing body, with respect to  
193 animal control agencies or shelters operated or subsidized by a  
194 unit of local government. ~~, or provided for by~~

195 (b) The humane society governing body, with respect to an  
196 animal control agency or shelter operated solely by the humane  
197 society and not subsidized by public funds.

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



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

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

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

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

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

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

230 (b) An entity convicted of a subsequent violation of  
231 paragraph (2) (a) or paragraph (5) (a) commits a misdemeanor of  
232 the first degree, punishable as provided in s. 775.082 or s.  
233 775.083, and:

234 1. The Division of Corporations of the Department of State  
235 shall revoke the not-for-profit status of the convicted entity  
236 in this state;

237 2. The convicted entity is deemed a pet dealer and  
238 required to meet all the requirements for a pet dealer under  
239 state law, for a period of 5 years; and

240 3. The convicted entity is required to qualify as a pet  
241 store under the applicable laws regulating pet stores in the  
242 jurisdiction of operation of the entity for a period of 5 years,  
243 if a transfer of an animal is made directly to the public.

244 (c) An individual convicted of a violation of paragraph  
245 (5) (b) commits a felony of the third degree, punishable as  
246 provided in s. 775.082, s. 775.083, or s. 775.084.

247 (d) An individual convicted of a subsequent violation of  
248 paragraph (5) (b) commits a felony of the second degree,  
249 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

250 (7) The Commissioner of Agriculture shall report a

251 suspected violation of paragraph (2)(a) or subsection (5) to the  
252 United States Department of Agriculture if:

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

257 (b) The animal is either:

258 1. Transferred by an entity or individual to another party  
259 for resale or adoption. The report must specify the findings of  
260 the transfer and must state that the entity or individual  
261 appears to be acting as a dealer under the Animal Welfare Act, 7  
262 U.S.C. ss. 2131 et seq., and the regulations under 9 C.F.R. ss.  
263 1.1 et seq.; or

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

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

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

275 828.29 Dogs and cats transported or offered for sale;

276 health requirements; consumer guarantee.—

277 (17)(a) Notwithstanding subsection (15), any of the  
 278 following entities or individuals who violates subsection (1),  
 279 subsection (2), subsection (3), or subsection (4) commits a  
 280 felony of the third degree, punishable as provided in s.  
 281 775.082, s. 775.083, or s. 775.084:

- 282 1. A public or private animal shelter.
- 283 2. An animal rescue organization.
- 284 3. A humane organization.
- 285 4. An animal control agency operated by a humane  
 286 organization or by a county, municipality, or other incorporated  
 287 political subdivision.
- 288 5. An individual transferring an animal to such shelter,  
 289 organization, or agency.

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

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