

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 997 Animal Shelters and Animal Control Agencies

**SPONSOR(S):** Cummings and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 674, HB 871

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee		Kaiser	Blalock
2) Local & Federal Affairs Committee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

According to the Humane Society of the United States (HSUS), animal shelters across the nation take in and care for approximately 6-8 million dogs and cats every year, of whom approximately half are euthanized due to health issues, behavioral issues, or a lack of space.

Current law provides that to control the over-population of dogs and cats in the state, any public or private animal shelter or animal control agency operated by a humane society or a county, city, or other incorporated political subdivision must sterilize dogs and cats that are sold or released for adoption. Animal shelters may either provide sterilization by a licensed veterinarian before relinquishing custody of the animal or enter into an agreement with the adopter or purchaser guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity.

The bill provides that each public or private animal shelter<sup>1</sup> must prepare and maintain records and make them available for public inspection and dissemination for the 3 preceding years. The records must contain:

- The total number of dogs and cats taken in by the animal shelter, divided into species, in the following categories: surrendered by owner, stray, impounded, confiscated, and imported into the state. Feral cats must be recorded as a separate category from other cats. Species other than domestic dogs and cats must be recorded as "other."
- The disposition of all animals taken in by the animal shelter divided into species. The data must include dispositions by adoption, reclamation by owner, death in kennel, destruction at the owner's request, transfer to another animal shelter, and euthanasia.
- An animal shelter 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.

The records of the animal shelter must be made available to the public for a cost that does not exceed \$1 per one-sided copy.

The bill does not appear to have a fiscal impact on state government and has only an insignificant fiscal impact on local government.

<sup>1</sup> "Animal shelter" means any public or private animal shelter or animal control agency operated by a humane society that accepts taxpayer dollars, or a county, city, or other incorporated political subdivision.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

According to the Humane Society of the United States (HSUS), animal shelters across the nation take in and care for approximately 6-8 million dogs and cats every year, of whom approximately half are euthanized due to health issues, behavioral issues or a lack of space. One cat and her offspring can produce up to 370,000 kittens in seven years and one dog and her offspring can produce up to 67,000 puppies in seven years. With the increase of stray, abandoned, and feral cats and dogs on the rise, many communities are implementing programs and services to reduce birthrates, increase adoptions, and keep animals with responsible caretakers.

Section 823.15, F.S., currently provides that to control the over-population of dogs and cats in the state, any public or private animal shelter or animal control agency<sup>2</sup> operated by a humane society or a county, city, or other incorporated political subdivision must sterilize dogs and cats that are sold or released for adoption. Animal shelters may either provide sterilization by a licensed veterinarian before relinquishing custody of the animal or enter into an agreement with the adopter or purchaser guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The animal shelter must require a sufficient deposit from the adopter or purchaser, which will be refunded when written evidence by the veterinarian performing the sterilization that the animal has been sterilized is provided to the animal shelter. The animal shelter may use recommended guidelines established by the Florida Federation of Humane Societies to set the amount of the deposit or donation. Failure by either party to comply with these provisions is a noncriminal violation, punishable by a fine not to exceed \$500, forfeiture, or other civil penalty. In addition, the fine or donation shall be forfeited to the animal shelter. Any legal fees or court costs incurred in enforcement of these provisions are the responsibility of the adopter. At the request of a licensed veterinarian, and for a valid reason, the animal shelter can extend the time limit within which the animal must be sterilized.

All costs of sterilization must be paid by the prospective adopter unless otherwise provided for by 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 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.

##### **Effect of Proposed Changes**

The bill amends s. 823.15, F.S., to provide a legislative intent that the importation of dogs and cats into, and the uncontrolled breeding of dogs and cats in, the state pose a risk to the well-being of dogs and cats, the health of humans and animals, and the agricultural interests in the state. The bill further states that importation of dogs and cats from outside the United States may result in transmitting diseases that have already been eradicated in the country to dogs, cats, other animals, and humans living in the state. The bill states that determining which programs result in improved adoption rates and in reduced euthanasia rates for animals in shelters and animal control agencies is crucial to reducing uncontrolled breeding.

The bill provides that each public or private animal shelter, humane organization, or animal control agency operated by a humane organization that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision, must prepare and maintain records and make them available for public inspection and dissemination for the 3 preceding years. The records must contain:

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<sup>2</sup> For ease of reading in this analysis, “animal shelter” means any public or private animal shelter or animal control agency operated by a humane society or a county, city, or other incorporated political subdivision.

- The total number of dogs and cats taken in by the animal shelter, humane organization, or animal control agency, divided into species, in the following categories: surrendered by owner, stray, impounded, confiscated, and imported into the state. Feral cats must be recorded as a separate category from other cats. Species other than domestic dogs and cats must be recorded as "other."
- The disposition of all animals taken in by a public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision, divided into species. The data must include dispositions by adoption, reclamation by owner, death in kennel, destruction at the owner's request, transfer to another public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars, or by a county, municipality, or other incorporated political subdivision, and euthanasia.
- A public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars, 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.

The records of a public or private animal shelter, humane organization, or animal control agency operated by a humane society that accepts taxpayer dollars must be made available to the public for a cost that does not exceed \$1 per one-sided copy.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 823.15, F.S.; providing legislative priorities relating to the importation and uncontrolled breeding of dogs and cats; requiring that each public or private animal shelter, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision prepare and maintain specified records; specifying the information that must be included in the records; and, providing a maximum fee for copies of such records.

Section 2: Provides an effective date of July 1, 2013.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

##### 2. Expenditures:

None

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

See Fiscal Comments section

##### 2. Expenditures:

See Fiscal Comments section

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private animal control facilities and shelters may have an increase in costs associated with complying with the reporting requirements of the bill if they are not already collecting that information.

**D. FISCAL COMMENTS:**

City and county animal shelters and animal control agencies may have an increase in costs associated with complying with the reporting requirements of the bill if they are not already collecting that information. The bill allows animal shelters and animal control agencies to charge the public a fee not to exceed \$1 per one-sided copy.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

The county/municipality mandates provision of article VII, section 18, of the Florida Constitution may apply because this bill requires municipalities or counties to expend funds to comply with the provisions of the bill; however, an exemption may apply because the bill has an insignificant fiscal impact.

**2. Other:**

None

**B. RULE-MAKING AUTHORITY:**

None

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None