Domestic Security Committee

Wednesday, April 5, 2006
2:00 P.M. – 2:30 P.M.
12 House Office Building

Rep. Sandy Adams
Chair

Allan G. Bense
Speaker

Sandra "Sandy" Adams
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Domestic Security Committee

Start Date and Time:	Wednesday, April 05, 2006 02:00 pm
End Date and Time:	Wednesday, April 05, 2006 02:30 pm
Location:	12 HOB
Duration:	0.50 hrs

Consideration of the following bill(s):

HB 545 Emergency Public Shelters by Detert

NOTICE FINALIZED on 04/03/2006 16:06 by LOVE.JOHN

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 545 Emergency Public Shelters
SPONSOR(S): Detert and others
TIED BILLS: **IDEN./SIM. BILLS:** SB1484

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Domestic Security Committee		Wiggins	Newton
2) Health Care General Committee			
3) Transportation & Economic Development Appropriations Committee			
4) State Administration Council			
5)			

SUMMARY ANALYSIS

HB 545 specifies that each county provide at least one emergency public shelter space that is equipped to accept evacuees with dogs and cats. The bill specifies the criteria for pets entering the shelter and the operation of emergency shelters for the pets.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government - The bill raises concerns that a state authority may be required to establish the standards for emergency pet shelters.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Designate Pet Shelters

Pets are not allowed in emergency shelters unless they are accompanying a person with a disability. Experiences from recent hurricane seasons have demonstrated that many individuals who own pets may not heed evacuation warnings if their local shelter can not accommodate their pet.[1] In response to this concern, some local entities and businesses provide accommodations for animals during an emergency, although, none are mandated.

Local programs range from using animal shelters, livestock or agricultural pavilions and arenas to sheltering pets in areas near or adjacent to public hurricane evacuation shelters. Currently, there are no statewide criteria or requirements for emergency pet shelters. Successful program practices are shared among local emergency management officials through a variety of methods including conferences, workshops, and work sessions and electronic information exchanges. Websites are offered by the Florida Emergency Preparedness Association and other allied associations of emergency management and animal humane societies on the subject.[2]

Many middle schools and high schools are presently used as emergency shelters and in smaller counties; schools are often the only shelter facilities available to the community. These facilities are a logical choice due to their size and the number of bathrooms and showers available.

Regulation of Kennels and Facilities that house dogs and cats

Most cities have local ordinances regarding the general regulation of businesses; however there seems to be no regulations on stand alone kennels. On a State level the Department of Business and Professional Regulation has a minimum standard for premises where Veterinary medicine is practiced as described in Florida Administrative Code 61G18-15.0002. The Department performs inspections of veterinary premises and veterinary offices that board pets but there is no regulatory agency tasked with regulating kennels. The Division of Pari-mutuel Wagering which is under in the Department of Business and Professional Regulation and regulates greyhound racing confirmed that there is no statute that provides standards for kennels.

[1] Division of Emergency Management
[2] Division of Emergency Management

Proposed situation

Designate Pet Shelters

The bill provides for the Division of Emergency Management to coordinate with the local school boards for the use of high school and middle school locker rooms as emergency pet evacuation facilities. The number of facilities that would need to be modified for these purposes is currently unknown. Additionally, an assessment of these facilities would need to be performed in order to understand what modifications would be required, if any, in order for those facilities to be able to accommodate pets.

Regulation of Kennels and Facilities that house dogs and cats

The bill may expand the Department of Business and Professional Regulation's role in inspections or a similar state authority may be needed to develop emergency pet shelter standards. Additionally, the Department of Business and Professional Regulation or a similar state authority would need to coordinate their efforts with the local school boards in each district; since the schools' locker rooms would be used as pet shelters. If any modifications are required to the facilities, then inspections would most likely need to be conducted to insure the safety of the facility in order for it to be used as an emergency animal shelter.

Requirements for dogs and cats to enter a designated pet shelter

Under the bill owners of dogs and cats would be required to bring with them the following information in order for their animals to be admitted into the shelter:

1. Proof that the owner resides within the evacuation area.
2. Pet's identification tag, pet's rabies vaccination tag that must be attached to the pet.
3. Current photograph of the pet.
4. A leash or harness.
5. Water and food bowls.
6. Pet carrier cage or container that has the name of the owner and the name of the pet legibly marked.
7. Adequate food, potable water, and medication for 7 days.
8. Any of the pet's medical records stored in a waterproof container.
9. A pet first aid kit.
10. Pet beds and toys if transportable.

In a rapidly deteriorating disaster situation, pet owners may not be able to produce all of the necessary items required for their pets to gain access to the facility. There is no provision in the bill should these situations arise. The bill also specifies that each pet have a cage or carrier but it does not specify how the waste will be disposed of while the pets are housed in the shelter.

Shower facilities in shelters

The bill requires that one shelter in each county designate a middle or high school locker room as an emergency shelter for pets. In smaller counties, this can limit the use of shower facilities for the people being housed at the shelter. In a prolonged emergency situation, limited access to shower facilities may compromise the hygienic conditions of the facility and may increase the spread of disease and illness.

Liability limitations for Shelters

The bill amends F.S. 252.21 to include animals in the liability clause.

C. SECTION DIRECTORY:

Section 1. Directs that the Division of Emergency Management designate at least one shelter space in each county to be equipped to accept evacuees with pets and include such provisions in the State Comprehensive Emergency Management Plan.

Section 2. Creates F.S. specifically s. 252.3568 which outlines the requirements and criteria for emergency pet shelters.

Section 3. Amends section 252.51 F.S. to include animals in the public shelter liability provisions of the state.

Section 4. Provides that the act takes effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   Not applicable

2. Expenditures:

   Not applicable

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   Not applicable

2. Expenditures:

   The number of high and middle schools already approved as meeting the Department of Emergency Managements' shelter standards would require counties to currently have at least one shelter available for this purpose to not incur any additional local costs. The Division of Emergency Management must coordinate with the local school boards for the possible use of high school and middle school locker rooms to be used as pet evacuation facilities. The cost to modify these middle and high school locker rooms is unknown. An assessment of these facilities would be required to establish a cost associated with accommodating pets during an emergency.

   The local emergency management agency would need to designate an agency or business that would be responsible for staffing the shelter. Additionally, the agency would need to cover the cost for cleaning and disinfecting the shelter once the pets vacate. The cost to the county and local government is indeterminate based on the inability to estimate the cost to modify the locker room, and the number of pets that would be housed during an emergency. The cost of restoring a locker room for human use is also indeterminate due to the unknown modifications and damage that might occur from the housing of pets.

The cost to retrofit the four pet friendly shelters in Sarasota County was minimal and when an emergency is declared the county is able to receive reimbursement from federal entities such as the Federal Emergency Management Agency (FEMA).[3]

In Sarasota County, where there are four pet friendly shelters, the cost to the district was approximately $1,000 a day per facility. The costs included the following:

a. Boarding locker room windows from flying debris.
b. Contracting with a local agency to check in the animals to insure all of the required documents, identification, immunizations, and pet necessities accompany each pet.
c. Sterilizing and cleaning the facility after the emergency

As a comparison, the average cost to board a dog or cat is approximately $16.00 a day.[4] This average cost can be multiplied exponentially to determine the cost for boarding animals.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If a county chooses to not operate the pet shelter then private entities may contract with the school board to operate the pet shelters in the school locker rooms for a profit.

D. FISCAL COMMENTS:

The specific impact of the bill cannot be determined at this time due the number of unknown factors; however, not every county has a current program that would meet the standards outlined in the bill so the local fiscal impact could be significant. [5]

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill is requiring that counties designate a middle school or high school locker room as a shelter for pets in an emergency.

2. Other:

Not applicable

B. RULE-MAKING AUTHORITY:

If the state mandates that middle and high school locker rooms be used as shelters in an emergency for dogs and cats, then the Department of Business and Professional Regulation's monitoring and rule making role may possibly be expanded or a similar state authority may be required to develop emergency pet shelter standards.

The bill is requesting the state comprehensive emergency plan include sheltered space to accept evacuees with pets; however, it does not provide guidelines regarding the utilization or requirements of the locker room facilities.

C. DRAFTING ISSUES OR OTHER COMMENTS:

---

[3] Sarasota County Emergency Management Services
[4] Survey of dog and cat boarding facilities in Florida
[5] Division of Emergency Management

Comments from the Division of Emergency Management:

Though well intended, the bill would be costly and difficult to administer as proposed. Section 1 directs the Division to include a strategy for pet shelter options in the State Comprehensive Emergency Management Plan while Section 2 mandates very specific requirements for pet shelters. It appears that the bill adopts one local pet shelter process and extends it statewide. State and local emergency officials recognize that pets may be a barrier to individuals' compliance with evacuation orders and seek local options for these individuals' compliance with evacuation orders and seek local options for these individuals' however, each local government may successfully address this issue in a different manner. Many local communities may not have the resources to implement the program requirements as proposed.[6]

Other health concerns:[7]

(1) Varying levels of obedience among dogs and their propensity for confrontation both with other dogs (which could result in widespread contamination) and other evacuees (which could result in dog bites).

(2) Oversight of this initiative by officials trained in public health who is accustomed to ensuring that plans, locations, and processes have effective barriers against microbiological and environmental contaminants.

(3) Required intervention, such as vaccination, to prevent the possible spread for rabies and other zootomic diseases.

(4) The recognition of the male dog's propensity for territorial marking through urination.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

[6] Division of Emergency Management
[7] Department of Health

1 A bill to be entitled
2 An act relating to emergency public shelters; amending s.
3 252.35, F.S.; providing that the shelter component of the
4 state comprehensive emergency management plan must contain
5 strategies to ensure specified availability of shelter
6 space that is designated and equipped to accept evacuees
7 with pets and provide for coordination with local school
8 boards for the use of high school and middle school locker
9 rooms as pet evacuation facilities; providing that
10 staffing plans for such shelters must provide for local
11 canine search and rescue teams; requiring the component to
12 set forth policy guidance for sheltering people with pets;
13 creating s. 252.3568, F.S.; requiring the Division of
14 Emergency Management to prescribe rules governing the
15 emergency sheltering of persons with pets; prescribing
16 requirements for admittance to such a shelter; amending s.
17 252.51, F.S.; revising provisions relating to liability
18 with respect to the designation or use of real estate or
19 premises for use as a shelter during an actual, impending,
20 mock, or practice emergency, to conform; providing an
21 effective date.
22
23 Be It Enacted by the Legislature of the State of Florida:
24
25 Section 1. Paragraph (a) of subsection (2) of section
26 252.35, Florida Statutes, is amended to read:
27 252.35 Emergency management powers; Division of Emergency
28 Management.--

29 (2) The division is responsible for carrying out the
30 provisions of ss. 252.31-252.90. In performing its duties under
31 ss. 252.31-252.90, the division shall:
32 (a) Prepare a state comprehensive emergency management
33 plan, which shall be integrated into and coordinated with the
34 emergency management plans and programs of the Federal
35 Government. The division must adopt the plan as a rule in
36 accordance with chapter 120. The plan shall be implemented by a
37 continuous, integrated comprehensive emergency management
38 program. The plan must contain provisions to ensure that the
39 state is prepared for emergencies and minor, major, and
40 catastrophic disasters, and the division shall work closely with
41 local governments and agencies and organizations with emergency
42 management responsibilities in preparing and maintaining the
43 plan. The state comprehensive emergency management plan shall be
44 operations oriented and:
45 1. Include an evacuation component that includes specific
46 regional and interregional planning provisions and promotes
47 intergovernmental coordination of evacuation activities. This
48 component must, at a minimum: contain guidelines for lifting
49 tolls on state highways; ensure coordination pertaining to
50 evacuees crossing county lines; set forth procedures for
51 directing people caught on evacuation routes to safe shelter;
52 establish strategies for ensuring sufficient, reasonably priced
53 fueling locations along evacuation routes; and establish
54 policies and strategies for emergency medical evacuations.
55 2. Include a shelter component that includes specific
56 regional and interregional planning provisions and promotes

57 coordination of shelter activities between the public, private,
58 and nonprofit sectors. This component must, at a minimum:
59 contain strategies to ensure the availability of adequate public
60 shelter space in each region of the state, including at least
61 one shelter space in each county that is designated and equipped
62 to accept evacuees with pets; provide for coordination with
63 local school boards for the use of high school and middle school
64 locker rooms as pet evacuation facilities; establish strategies
65 for refuge-of-last-resort programs; provide strategies to assist
66 local emergency management efforts to ensure that adequate
67 staffing plans exist for all shelters, including medical and
68 security personnel and, for those shelters designated to accept
69 evacuees with pets, local canine search and rescue teams;
70 provide for a postdisaster communications system for public
71 shelters; establish model shelter guidelines for operations,
72 registration, inventory, power generation capability,
73 information management, and staffing; and set forth policy
74 guidance for sheltering people with special needs and people
75 with pets.
76 3. Include a postdisaster response and recovery component
77 that includes specific regional and interregional planning
78 provisions and promotes intergovernmental coordination of
79 postdisaster response and recovery activities. This component
80 must provide for postdisaster response and recovery strategies
81 according to whether a disaster is minor, major, or
82 catastrophic. The postdisaster response and recovery component
83 must, at a minimum: establish the structure of the state's
84 postdisaster response and recovery organization; establish

85 procedures for activating the state's plan; set forth policies
86 used to guide postdisaster response and recovery activities;
87 describe the chain of command during the postdisaster response
88 and recovery period; describe initial and continuous
89 postdisaster response and recovery actions; identify the roles
90 and responsibilities of each involved agency and organization;
91 provide for a comprehensive communications plan; establish
92 procedures for monitoring mutual aid agreements; provide for
93 rapid impact assessment teams; ensure the availability of an
94 effective statewide urban search and rescue program coordinated
95 with the fire services; ensure the existence of a comprehensive
96 statewide medical care and relief plan administered by the
97 Department of Health; and establish systems for coordinating
98 volunteers and accepting and distributing donated funds and
99 goods.
100 4. Include additional provisions addressing aspects of
101 preparedness, response, recovery, and mitigation as determined
102 necessary by the division.
103 5. Address the need for coordinated and expeditious
104 deployment of state resources, including the Florida National
105 Guard. In the case of an imminent major disaster, procedures
106 should address predeployment of the Florida National Guard, and,
107 in the case of an imminent catastrophic disaster, procedures
108 should address predeployment of the Florida National Guard and
109 the United States Armed Forces.
110 6. Establish a system of communications and warning to
111 ensure that the state's population and emergency management

112 agencies are warned of developing emergency situations and can
113 communicate emergency response decisions.
114 7. Establish guidelines and schedules for annual exercises
115 that evaluate the ability of the state and its political
116 subdivisions to respond to minor, major, and catastrophic
117 disasters and support local emergency management agencies. Such
118 exercises shall be coordinated with local governments and, to
119 the extent possible, the Federal Government.
120 8. Assign lead and support responsibilities to state
121 agencies and personnel for emergency support functions and other
122 support activities.
123
124 The complete state comprehensive emergency management plan shall
125 be submitted to the President of the Senate, the Speaker of the
126 House of Representatives, and the Governor on February 1 of
127 every even-numbered year.
128 Section 2. Section 252.3568, Florida Statutes, is created
129 to read:
130 252.3568 Emergency sheltering of persons with pets;
131 registration; requirements for admittance.--
132 (1) GENERAL PROVISIONS.--In accordance with the provisions
133 of s. 252.35, the division shall provide within the shelter
134 component of the state comprehensive emergency management plan
135 for at least one shelter space in each county to be designated
136 and equipped to accept evacuees with pets. The division shall
137 prescribe rules that:
138 (a) Restrict the types of pets that may be accepted at
139 such shelters to cats and dogs.

140 (b) Provide for postevacuation cleaning, disinfecting, and
141 maintenance of the shelter by the local emergency management
142 agency.
143 (2) REQUIREMENTS FOR ADMITTANCE.--Upon arrival at an
144 emergency evacuation shelter that accepts pets, the owner of the
145 pet must present the following:
146 (a) Proof of address verifying that the owner resides
147 within the evacuation area.
148 (b) The pet's identification tag.
149 (c) The pet's rabies vaccination tag, which should be
150 attached to the pet.
151 (d) A current photograph of the pet.
152 (e) A sturdy leash or harness.
153 (f) Water and food bowls.
154 (g) A pet carrier, cage, or other container that is
155 clearly, legibly, and permanently marked with the name of the
156 owner and the name of the pet.
157 (h) Adequate food for 7 days.
158 (i) A 7-day supply of potable water.
159 (j) Any medications the pet might require.
160 (k) Any of the pet's medical records, which must be stored
161 in a waterproof container.
162 (l) A pet first-aid kit.
163 (m) Pet beds and toys, if easily transportable.
164 Section 3. Section 252.51, Florida Statutes, is amended to
165 read:
166 252.51 Liability.--Any person or organization, public or
167 private, owning or controlling real estate or other premises who

168 voluntarily and without compensation, other than payment or
169 reimbursement of costs and expenses, grants a license or
170 privilege or otherwise permits the designation by the local
171 emergency management agency or use of the whole or any part of
172 such real estate or premises for the purpose of sheltering
173 persons or animals during an actual, impending, mock, or
174 practice emergency, together with her or his successor in
175 interest, if any, shall not be liable for the death of, or
176 injury to, any person or animal on or about such real estate or
177 premises during the actual, impending, mock, or practice
178 emergency, or for loss of, or damage to, the property of such
179 person, solely by reason or as a result of such license,
180 privilege, designation, or use, unless the gross negligence or
181 the willful and wanton misconduct of such person owning or
182 controlling such real estate or premises or her or his successor
183 in interest is the proximate cause of such death, injury, loss,
184 or damage occurring during such sheltering period. Any such
185 person or organization who provides such shelter space for
186 compensation shall be deemed to be an instrumentality of the
187 state or its applicable agency or subdivision for the purposes
188 of s. 768.28.
189 Section 4. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 545**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

---

1 Council/Committee hearing bill: Domestic Security
2 Representative(s) Detert offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6 Section 1. Section 252.3568, Florida Statutes, is created
7 to read:
8 252.3568 Emergency sheltering of persons with pets.--In
9 accordance with the provisions of s. 252.35, the division shall
10 address the evacuation of persons with pets in the shelter
11 component of the state comprehensive emergency management plan.
12 The Department of Agriculture and Consumer Services shall assist
13 the division in determining strategies regarding this activity.
14 Section 2. This act shall take effect January 1, 2007.
15
16
17 ========== T I T L E A M E N D M E N T ==========
18 Remove the entire title and insert:
19 Creating s. 252.3568, F.S.; requiring the Division of Emergency
20 Management to address evacuation of persons with pets in the
21 shelter component of the state comprehensive emergency
22 management plan; providing an effective date.