

HB 1337

2009

1 A bill to be entitled
 2 An act relating to sterilization of dogs and cats;
 3 amending s. 823.15, F.S.; allowing release of a dog or cat
 4 from an animal shelter, animal control agency, or animal
 5 adoption group without compliance with sterilization
 6 requirements if a licensed veterinarian certifies that the
 7 dog or cat has a medical condition that would be
 8 substantially aggravated by such procedure, the procedure
 9 would likely cause the death of the dog or cat, or the
 10 procedure would never be safe for the dog or cat;
 11 providing for a written agreement under certain
 12 circumstances; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsections (1) and (2) of section 823.15,
 17 Florida Statutes, are amended to read:

18 823.15 Dogs and cats released from animal shelters, or
 19 animal control agencies, or animal adoption groups;
 20 sterilization requirement.--

21 (1) The Legislature has determined that uncontrolled
 22 breeding of dogs and cats in the state results in the production
 23 of many more puppies and kittens than are needed to replace pet
 24 animals that ~~which~~ have died or become lost or to provide pet
 25 animals for new owners. This leads to many dogs, cats, puppies,
 26 and kittens being unwanted, becoming strays and suffering
 27 privation and death, being impounded and destroyed at great
 28 expense to the community, and constituting a public nuisance and

HB 1337

2009

29 public health hazard. It is therefore declared to be the public
30 policy of the state that every feasible means of reducing the
31 production of unneeded and unwanted puppies and kittens be
32 encouraged.

33 (2) In furtherance of this policy, provision shall be made
34 for the sterilization by a licensed veterinarian of all dogs and
35 cats sold or released for adoption from any public or private
36 animal shelter or animal control agency operated by a humane
37 society, by an animal adoption group, or by a county, city, or
38 other incorporated political subdivision, unless a veterinarian
39 licensed to practice in this state certifies in writing that the
40 dog or cat has a medical condition that would be substantially
41 aggravated by such procedure or the procedure would likely cause
42 the death of the dog or cat, in which case the shelter or agency
43 shall release the dog or cat unsterilized and enter into a
44 written agreement with the adopter or purchaser to sterilize the
45 dog or cat as soon as deemed safe by a veterinarian licensed to
46 practice in this state. However, if a veterinarian licensed to
47 practice in this state deems that the procedure will never be
48 safe for the dog or cat, the shelter or agency shall release the
49 dog or cat unsterilized., ~~by either:~~

50 ~~(a) Providing sterilization by a licensed veterinarian~~
51 ~~before relinquishing custody of the animal; or~~

52 ~~(b) Entering into a written agreement with the adopter or~~
53 ~~purchaser guaranteeing that sterilization will be performed~~
54 ~~within 30 days or prior to sexual maturity. The shelter or~~
55 ~~animal control agency shall require a sufficient deposit from~~
56 ~~the adopter or purchaser, which deposit shall be refundable upon~~

HB 1337

2009

57 ~~presentation to the shelter or animal control agency of written~~
58 ~~evidence by the veterinarian performing the sterilization that~~
59 ~~the animal has been sterilized. The deposit or donation may be~~
60 ~~based upon recommended guidelines established by the Florida~~
61 ~~Federation of Humane Societies. Failure by either party to~~
62 ~~comply with the provisions of this paragraph shall be a~~
63 ~~noncriminal violation as defined in s. 775.08(3), punishable by~~
64 ~~a fine, forfeiture, or other civil penalty, and, in addition~~
65 ~~thereto, the deposit or donation shall be forfeited to the~~
66 ~~shelter or animal control agency. Any legal fees or court costs~~
67 ~~used for the enforcement of this paragraph are the~~
68 ~~responsibility of the adoptor. Upon the request of a licensed~~
69 ~~veterinarian, and for a valid reason, the shelter or animal~~
70 ~~control agency shall extend the time limit within which the~~
71 ~~animal must be sterilized.~~

72 Section 2. This act shall take effect July 1, 2009.