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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2009	.	
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	.	
	.	

The Committee on Community Affairs (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

823.15 Dogs and cats released from animal shelters, ~~or~~
animal control agencies, or animal adoption organizations;
sterilization requirement.—

(1) The Legislature has determined that uncontrolled
breeding of dogs and cats in the state results in the production



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12 of many more puppies and kittens than are needed to replace pet
13 animals that ~~which~~ have died or become lost or to provide pet
14 animals for new owners. This leads to many dogs, cats, puppies,
15 and kittens being unwanted, becoming strays and suffering
16 privation and death, being impounded and destroyed at great
17 expense to the community, and constituting a public nuisance and
18 public health hazard. It is therefore declared to be the public
19 policy of the state that every feasible means of reducing the
20 production of unneeded and unwanted puppies and kittens be
21 encouraged.

22 (2) In furtherance of this policy, provision shall be made
23 for the sterilization of all dogs and cats sold or released for
24 adoption from any public or private animal shelter or animal
25 control agency operated by a humane society, by an animal
26 adoption organization, or by a county, municipality ~~city,~~ or
27 other incorporated political subdivision, unless a veterinarian
28 licensed to practice in this state certifies in writing that the
29 dog or cat has a medical condition that would be substantially
30 aggravated by such procedure or the procedure would likely cause
31 the death of the dog or cat, by either:

32 (a) Providing sterilization by a licensed veterinarian
33 before relinquishing custody of the animal; or

34 (b) Entering into a written agreement with the adoptor or
35 purchaser guaranteeing that sterilization will be performed
36 within 60 ~~30~~ days, ~~or~~ prior to sexual maturity, or as soon as
37 considered medically safe by a veterinarian licensed to practice
38 in this state. The shelter, ~~or~~ animal control agency, or animal
39 adoption organization shall require a ~~sufficient~~ deposit from
40 the adoptor or purchaser, not to exceed the equivalent of the



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41 prevailing cost of a sterilization procedure in the community,
42 which deposit shall be refundable upon presentation to the
43 shelter, ~~or~~ animal control agency, or animal adoption
44 organization of written evidence by the veterinarian performing
45 the sterilization that the animal has been sterilized. ~~The~~
46 ~~deposit or donation may be based upon recommended guidelines~~
47 ~~established by the Florida Federation of Humane Societies.~~
48 Failure by either party to comply with ~~the provisions of this~~
49 paragraph is shall be a noncriminal violation as defined in s.
50 775.08(3), punishable by a fine, forfeiture, or other civil
51 penalty, and, in addition thereto, the deposit or donation shall
52 be forfeited to the shelter, ~~or~~ animal control agency, or animal
53 adoption organization. Any legal fees or court costs used for
54 the enforcement of this paragraph are the responsibility of the
55 adoptor. ~~Upon the request of a licensed veterinarian, and for a~~
56 ~~valid reason, the shelter or animal control agency shall extend~~
57 ~~the time limit within which the animal must be sterilized.~~

58 (3) All costs of sterilization pursuant to this section
59 shall be paid by the prospective adoptor unless otherwise
60 provided for by ordinance of the local governing body, with
61 respect to animal control agencies or shelters operated or
62 subsidized by a unit of local government; ~~or~~ provided for by
63 the humane society governing body, with respect to an animal
64 control agency or shelter operated solely by the humane society
65 and not subsidized by public funds; or provided for by the
66 governing body of an animal adoption organization, with respect
67 to an animal adoption organization operated solely by the animal
68 adoption organization and not subsidized by public funds.

69 (4) As used in this section, the term "animal adoption



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70 organization" means an organization whose members, with or
71 without salary or compensation, rescue, house, and care for
72 seemingly unowned or unwanted animals, or other animals found
73 loose or stray, in the home of a member of the organization or
74 another, with the intent of placing the animal in responsible,
75 more permanent homes as soon as possible. An animal adoption
76 organization must be registered with the Department of State and
77 the Department of Agriculture and Consumer Services and be
78 organized as a charitable organization under s. 501(c)(3) of the
79 Internal Revenue Code.

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

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84
85 Delete everything before the enacting clause
86 and insert:

87 A bill to be entitled
88 An act relating to the sterilization of dogs and cats;
89 amending s. 823.15, F.S.; allowing the release of a dog or cat
90 from an animal shelter operated by an animal control agency,
91 humane society, or animal adoption organization without
92 compliance with the requirement for sterilization if a licensed
93 veterinarian certifies that the dog or cat has a medical
94 condition that would be substantially aggravated by such
95 procedure or the procedure would likely cause the death of the
96 dog or cat; revising requirements for the release of a cat or
97 dog upon written agreement for sterilization; defining the term
98 "animal adoption organization"; providing an effective date.