

By Senator Rich

34-00420A-09

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1 A bill to be entitled
2 An act relating to the sterilization of dogs and cats;
3 amending s. 823.15, F.S.; allowing the release of a
4 dog or cat from an animal shelter operated by an
5 animal control agency, humane society, or animal
6 rescue group without compliance with the requirement
7 for sterilization if a licensed veterinarian certifies
8 that the dog or cat has a medical condition that would
9 be substantially aggravated by such procedure or the
10 procedure would likely cause the death of the dog or
11 cat; revising requirements for the release of a cat or
12 dog upon written agreement for sterilization;
13 providing an effective date.

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

16
17 Section 1. Section 823.15, Florida Statutes, is amended to
18 read:

19 823.15 Dogs and cats released from animal shelters, ~~or~~
20 animal control agencies, or animal rescue groups; sterilization
21 requirement.—

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

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

34 (2) In furtherance of this policy, provision shall be made
35 for the sterilization of all dogs and cats sold or released for
36 adoption from any public or private animal shelter or animal
37 control agency operated by a humane society, by an animal rescue
38 group, or by a county, city, or other incorporated political
39 subdivision, unless a veterinarian licensed to practice in this
40 state certifies in writing that the dog or cat has a medical
41 condition that would be substantially aggravated by such
42 procedure or the procedure would likely cause the death of the
43 dog or cat, by either:

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

46 (b) Entering into a written agreement with the adoptor or
47 purchaser guaranteeing that sterilization will be performed
48 within 60 ~~30~~ days, ~~or~~ prior to sexual maturity, or as soon as
49 considered medically safe by a veterinarian licensed to practice
50 in this state. The shelter, ~~or~~ animal control agency, or animal
51 rescue group shall require a ~~sufficient~~ deposit from the adoptor
52 or purchaser, not to exceed the equivalent of the prevailing
53 cost of a sterilization procedure in the community, which
54 deposit shall be refundable upon presentation to the shelter, ~~or~~
55 animal control agency, or animal rescue group of written
56 evidence by the veterinarian performing the sterilization that
57 the animal has been sterilized. ~~The deposit or donation may be~~
58 ~~based upon recommended guidelines established by the Florida~~

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59 ~~Federation of Humane Societies.~~ Failure by either party to
60 comply with ~~the provisions of~~ this paragraph is ~~shall be~~ a
61 noncriminal violation as defined in s. 775.08(3), punishable by
62 a fine, forfeiture, or other civil penalty, and, in addition
63 thereto, the deposit or donation shall be forfeited to the
64 shelter, ~~or~~ animal control agency, or animal rescue group. Any
65 legal fees or court costs used for the enforcement of this
66 paragraph are the responsibility of the adoptor. ~~Upon the~~
67 ~~request of a licensed veterinarian, and for a valid reason, the~~
68 ~~shelter or animal control agency shall extend the time limit~~
69 ~~within which the animal must be sterilized.~~

70 (3) All costs of sterilization pursuant to this section
71 shall be paid by the prospective adoptor unless otherwise
72 provided for by ordinance of the local governing body, with
73 respect to animal control agencies or shelters operated or
74 subsidized by a unit of local government; ~~or~~ provided for by
75 the humane society governing body, with respect to an animal
76 control agency or shelter operated solely by the humane society
77 and not subsidized by public funds; or provided for by the
78 governing body of an animal rescue group, with respect to an
79 animal rescue agency operated solely by the animal rescue group
80 and not subsidized by public funds.

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