

By the Committee on Community Affairs; and Senator Rich

578-02630-09

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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 adoption organization without compliance with the
7 requirement for sterilization if a licensed
8 veterinarian certifies that the dog or cat has a
9 medical condition that would be substantially
10 aggravated by such procedure or the procedure would
11 likely cause the death of the dog or cat; revising
12 requirements for the release of a cat or dog upon
13 written agreement for sterilization; defining the term
14 "animal adoption organization"; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 823.15, Florida Statutes, is amended to
20 read:

21 823.15 Dogs and cats released from animal shelters, ~~or~~
22 animal control agencies, or animal adoption organizations;
23 sterilization requirement.—

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

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30 privation and death, being impounded and destroyed at great
31 expense to the community, and constituting a public nuisance and
32 public health hazard. It is therefore declared to be the public
33 policy of the state that every feasible means of reducing the
34 production of unneeded and unwanted puppies and kittens be
35 encouraged.

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

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

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

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

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

83 (4) As used in this section, the term "animal adoption
84 organization" means an organization whose members, with or
85 without salary or compensation, rescue, house, and care for
86 seemingly unowned or unwanted animals, or other animals found
87 loose or stray, in the home of a member of the organization or

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88 another, with the intent of placing the animal in responsible,
89 more permanent homes as soon as possible. An animal adoption
90 organization must be registered with the Department of State and
91 the Department of Agriculture and Consumer Services and be
92 organized as a charitable organization under s. 501(c)(3) of the
93 Internal Revenue Code.

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