

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1221

Animal Control or Cruelty Ordinances

SPONSOR(S): Randolph

TIED BILLS:

IDEN./SIM. BILLS: SB 2372

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture & Natural Resources Policy Committee	11 Y, 0 N	Thompson	Reese
2) Military & Local Affairs Policy Committee			
3) Finance & Tax Council			
4) General Government Policy Council			
5)			

SUMMARY ANALYSIS

Section 828.27, F.S., authorizes county and municipal governments to enact animal control and cruelty ordinances. A violation of this section is a civil infraction punishable by a maximum \$500 fine plus applicable administrative fees and court costs. To pay the costs of training for animal control officers, the governing body of a county or municipality is authorized to impose a surcharge of up to \$5 for each violation of animal control and cruelty ordinances and to use the proceeds accordingly.

The bill revises the provisions allowing local governments to impose a surcharge for violations of animal control and cruelty ordinances. Specifically, the bill requires the governing body of a county or municipality to collect a \$15 surcharge for each civil penalty for said violations. The bill allocates the proceeds from the surcharge in the following manner:

- Authorizes \$1 to be retained by the clerk of the court,
- Preserves the current \$5 allocation used for the costs of training for animal control officers, and
- Requires the remaining \$9, if the clerk of the court retains the \$1 or \$10 if they do not, to be used to subsidize the costs of spaying or neutering dogs and cats whose owners voluntarily submit their animals for sterilization.

The bill provides that owners of dogs and cats who voluntarily submit their animals for sterilization may not be charged more for the spaying or neutering than the cost of sterilization less the subsidy paid from the surcharge. The bill specifies that it does not require the enactment of animal control and cruelty ordinances.

The mandates provision appears to apply; however, an exception applies because Article VII, Section 18(a) of the Florida Constitution, provides an exception for expenditures in which sufficient funds have been appropriated to cover the mandate requirement. The fiscal impact to local government is indeterminate.

The bill has an effective date of July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Pet overpopulation has become an increasing threat to public health and safety within certain areas in the United States. Unsterilized animals result in high numbers of unwanted pets, overcrowding at animal care centers and high rates of euthanasia.

In six years, according to The Humane Society of the United States, one female dog and her offspring can give birth to hundreds of puppies, and, in seven years, one cat and her young can produce hundreds of kittens. High reproduction rates lead to millions of such animals being euthanized in shelters nationwide each year.<sup>1</sup>

Some studies show that dogs and cats that are spayed or neutered tend to have fewer health problems and are less likely to roam far from home seeking a mate. Additionally, sterilized dogs have been known to be less aggressive. Statistically, unaltered dogs are two times more likely to bite than sterilized animals and unsterilized dogs account for 95 percent of all fatal maulings.<sup>2</sup> On the other hand, studies have shown that dogs that undergo spaying or neutering procedures – surgical or hormonal – are at increased risks for certain cancers, thyroid disorder, incontinence and some of the same behavior issues, such as aggression, that sterilization is said to prevent.<sup>3</sup>

In 1980, the Legislature enacted section 823.15, F.S., stating that it is the policy of the state to encourage every feasible means of reducing the number of unneeded and unwanted puppies and kittens in the state.

Section 828.27, F.S., authorizes county and municipal governments to enact animal control and cruelty ordinances. A violation of this section is a civil infraction punishable by a maximum \$500 fine plus applicable administrative fees and court costs. To pay the costs of training for animal control officers, the governing body of a county or municipality is authorized to impose a surcharge of up to \$5 for each violation of animal control and cruelty ordinances and to use the proceeds accordingly.

---

<sup>1</sup> The Humane Society of the United States ; [humanesociety.org](http://humanesociety.org)

<sup>2</sup> *Id.*

<sup>3</sup> The American College of Theriogenologists and The Society for Theriogenology; Basis for Position on Mandatory Spay-Neuter in the Canine and Feline.

## Proposed Changes

The bill requires local governments to impose a \$15 surcharge for each civil penalty for each violation of animal control and cruelty ordinances. The bill allocates the proceeds from said surcharge in the following manner:

- Authorizes \$1 to be retained by the clerk of the court,
- Preserves the current \$5 allocation used for the costs of training for animal control officers, and
- Requires the remaining \$9, if the clerk of the court retains the \$1 or \$10 if they do not, to be used to subsidize the costs of spaying or neutering dogs and cats whose owners voluntarily submit their animals for sterilization.

The bill prohibits the owners of dogs and cats who voluntarily submit their animals for sterilization from being charged more for the spaying or neutering than the cost of sterilization less the subsidy paid from the surcharge. The bill specifies that it does not require the enactment of animal control and cruelty ordinances.

### B. SECTION DIRECTORY:

Section 1. Amends s. 828.27, F.S.; requiring a \$15 surcharge for violations of county or municipal animal control and cruelty ordinances; allocating the proceeds; subsidizing the cost to owners who voluntarily submit their animals for sterilization; clarifying the intent.

Section 2. Provides an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None

#### 2. Expenditures:

None

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill requires a county or municipality to impose and collect a \$15 surcharge for each violation of an animal control or cruelty ordinance and authorizes \$1 to be retained by the clerk of the court. Depending on how many animal control or cruelty violations may occur, this requirement may increase revenues for local governments. Sufficient local records quantifying violations of current animal control or cruelty ordinances do not exist. The related fiscal impact to local government is indeterminate.

#### 2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires the subsidization for spaying or neutering of dogs and cats whose owners voluntarily submit their animals for sterilization. This may encourage additional owners to voluntarily sterilize their animals, which may improve the health of these animals in Florida, associated medical and insurance costs to the private sector may be decreased.

D. FISCAL COMMENTS:

None

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision appears to apply because the bill requires local governments to subsidize the costs of spaying or neutering dogs and cats whose owners voluntarily submit their animals for sterilization. This would require the local government to spend funds; however, an exception applies because Article VII, Section 18(a) of the Florida Constitution, provides an exception for expenditures in which sufficient funds have been appropriated to cover the mandate requirement. The surcharge should provide for sufficient funds to cover this requirement.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**