

By Senator Evers

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1 A bill to be entitled
2 An act relating to animal shelters and animal control
3 agencies; amending s. 823.15, F.S.; clarifying
4 legislative intent and public policy; revising
5 provisions requiring that all dogs and cats be
6 sterilized by a licensed veterinarian before a shelter
7 or animal control agency relinquishes custody of the
8 animal or that the person adopting or purchasing the
9 pet enter into a written agreement guaranteeing that
10 the pet will be sterilized within 30 days after the
11 adoption or purchase of the pet or prior to sexual
12 maturity; revising provisions requiring the shelter or
13 animal control agency to collect a deposit from the
14 person adopting or purchasing the pet; clarifying that
15 the deposit is refunded if the person presents written
16 evidence to the shelter or animal control agency from
17 a veterinarian that the animal has been sterilized;
18 requiring each shelter or animal control agency within
19 a county to annually report to the designated animal
20 control agency for that county specified information;
21 prohibiting a shelter or animal control agency from
22 adopting animals to the public, transferring animals
23 to another adopting agency, or euthanizing animals for
24 any reason if the shelter or agency fails to file the
25 annual report within a specified time; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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2-00674-11

20111852

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

32 823.15 Dogs and cats released from animal shelters or
33 animal control agencies; sterilization requirement.-

34 (1) The Legislature has determined that uncontrolled
35 breeding of dogs and cats in this ~~the~~ state results in the birth
36 ~~production~~ of many more puppies and kittens than are needed to
37 replace pet animals that ~~which~~ have died or become lost or to
38 provide pet animals for new owners. This excessive birth rate
39 leads to many dogs, cats, puppies, and kittens being unwanted,
40 becoming strays, and suffering privation and death, and being
41 impounded and destroyed at great expense to the community, thus
42 ~~and~~ constituting a public nuisance and public health hazard. It
43 is therefore declared to be the public policy of the state that
44 every feasible means be used to reduce ~~of reducing~~ the birth
45 ~~production~~ of unneeded and unwanted puppies and kittens ~~be~~
46 encouraged.

47 (2) In furtherance of this policy, provision shall be made
48 to sterilize ~~for the sterilization of~~ all dogs and cats sold or
49 released for adoption from any public or private animal shelter
50 or animal control agency operated by a humane society or by a
51 county, municipality ~~city~~, or other ~~incorporated~~ political
52 subdivision of this state, by ~~either~~:

53 (a) Providing for the sterilization of all dogs and cats by
54 a licensed veterinarian before relinquishing custody of the
55 animal; or

56 (b) Entering into a written agreement with the person
57 adopting or purchasing the pet which guarantees ~~adopter or~~
58 ~~purchaser guaranteeing~~ that sterilization will be performed

2-00674-11

20111852

59 within 30 days after the adoption or purchase of the pet or
60 prior to the animal's sexual maturity.

61 (3) The animal shelter or animal control agency shall
62 require a sufficient deposit from the person adopting or
63 purchasing the pet adopter or purchaser, which deposit shall be
64 refunded after the person presents written evidence refundable
65 upon presentation to the shelter or animal control agency from a
66 of written evidence by the veterinarian performing the
67 sterilization that the animal has been sterilized. The amount of
68 the deposit or donation may be based upon recommended guidelines
69 established by the Florida Federation of Humane Societies.
70 Failure by either party to comply with ~~the provisions of this~~
71 ~~section is paragraph~~ shall be a noncriminal violation as defined
72 in s. 775.08(3), punishable by a fine, forfeiture, or other
73 civil penalty, and shall result in forfeiture of, in addition
74 ~~thereto~~, the deposit or donation ~~shall be forfeited~~ to the
75 shelter or animal control agency. Any legal fees or court costs
76 incurred in enforcing this section used for the enforcement of
77 ~~this paragraph~~ are the responsibility of the person adopting the
78 pet adopter. Upon the request of a licensed veterinarian, and
79 for good cause shown a valid reason, the animal shelter or
80 animal control agency ~~may~~ shall extend the time limit within
81 which the animal must be sterilized.

82 (4) Each public or private animal shelter or animal control
83 agency shall annually report to the designated animal control
84 agency for the county the following information:

85 (a) The total number of animals taken in, by species, in
86 the following categories:

87 1. Surrendered by owner;

2-00674-11

20111852

- 88 2. Stray;
89 3. Impounded;
90 4. Confiscated; and
91 5. Imported into the state.

92
93 Feral cats and community cats shall be recorded separately from
94 other cats. Species other than domestic cats and domestic dogs
95 should be recorded as "other."

96 (b) The disposition of all animals taken in, by species, in
97 the following categories:

- 98 1. Adopted;
99 2. Reclaimed by owner;
100 3. Died in kennel;
101 4. Destroyed at the owner's request;
102 5. Transferred to another releasing agency; and
103 6. Euthanized.

104
105 All euthanized animals shall be listed, with feral cats recorded
106 separately from other cats.

107 (c) If the animal shelter or animal control agency
108 routinely euthanizes dogs based on size or breed alone, a
109 statement of its euthanasia policy. The number of dogs
110 euthanized due to breed, temperament, or size must be included
111 in the number of euthanized animals listed under paragraph (b).

112 (5) Any animal shelter or animal control agency that fails
113 to report the information required pursuant to subsection (4)
114 within 30 days after the annual reporting date may not adopt
115 animals to the public, transfer animals to another adopting
116 agency, or euthanize animals for any reason until the report is

2-00674-11

20111852__

117 filed with the designated county animal control agency. Each
118 county is authorized to enforce this subsection.

119 (6) ~~(3)~~ All costs of sterilization conducted pursuant to
120 this section by an animal shelter or animal control agency
121 operated or subsidized by a unit of local government or by an
122 organization that is subsidized by public funds shall be paid by
123 the prospective adopter unless otherwise provided for by
124 ordinance of the local governing body, ~~with respect to animal~~
125 ~~control agencies or shelters operated or subsidized by a unit of~~
126 ~~local government, or provided for by the humane society~~
127 ~~governing body, with respect to an animal control agency or~~
128 ~~shelter operated solely by the humane society and not subsidized~~
129 ~~by public funds.~~

130 (7) All sterilizations performed pursuant to this section
131 shall be performed by a licensed veterinarian.

132 Section 2. This act shall take effect July 1, 2011.