

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 4175 Palm Beach County

SPONSOR(S): Rooney, Jr.

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N	Tait	Hoagland
2) Economic Affairs Committee	18 Y, 0 N	Tait	Tinker

SUMMARY ANALYSIS

Florida law requires all dogs, cats, and ferrets 4 months of age or older to be vaccinated against rabies by a licensed veterinarian using a United States Government approved vaccine. Section 828.30, F.S., also requires revaccination, provides exemptions for medical conditions, and provides civil penalties for violating the requirements. Municipalities and counties are not prohibited or limited from establishing requirements similar to or more stringent than general statutes provisions for the implementation and enforcement of rabies-control ordinances; however, they are prohibited from mandating the revaccination of currently vaccinated animals, except in instances involving post-exposure treatment for rabies.

The bill repeals a 1969 Palm Beach County Special Act relating to rabies vaccination and licensing and regulation of animals. Repeal of this Special Act will allow Palm Beach County to regulate rabies vaccination and handle licensing and regulation of animals through provisions found in general law and in the 1998 Palm Beach County Animal Care and Control Ordinance.

The bill provides an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

General Law

Current law¹ requires all dogs, cats, and ferrets 4 months of age or older to be vaccinated against rabies by a licensed veterinarian using a vaccine licensed by the United States Department of Agriculture. After an initial vaccination, all dogs, cats, and ferrets are required to be revaccinated 12 months after that initial vaccination. Thereafter, the vaccinations shall conform to the vaccine manufacturer's directions, whether it requires revaccination annually or every 3 years. Ferrets vaccinated according to s. 828.30, F.S., shall be quarantined, when necessary, according to the rules of the Department of Health.

An animal is exempt from the vaccination if a licensed veterinarian examines the animal and certifies in writing that vaccinating the animal at that time would endanger the animal's health due to its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

Once the animal is vaccinated, the veterinarian is to provide the animal's owner and the animal control authority with a rabies vaccination certificate.² The animal owner's name, street address, and phone number, and the animal tag number are exempt from s. 119.07(1), F.S., and s. 24(a), Art. 1 of the State Constitution; however, exceptions are provided for various public health and safety reasons.³

A violation of this section shall be treated as a civil infraction, punishable as provided in s. 828.27(2), F.S.

Municipalities and counties are not prohibited or limited from establishing requirements similar to or more stringent than general statutes provisions for the implementation and enforcement of rabies-control ordinances; however, they are prohibited from mandating the revaccination of currently vaccinated animals, except in instances involving post-exposure treatment for rabies.

Palm Beach County

Specific requirements regarding rabies vaccination and licensing and regulation of animals in Palm Beach County are found in ch. 69-1432, L.O.F. (Special Act). The Special Act contains provisions relating to rabies vaccinations for dogs, cats, and other animals; requirements for tags and license; impounding of animals; reporting and investigating of animal bites; enforcement provisions; exceptions for greyhounds within the county for the purpose of racing at a licensed greyhound racing track; penalties for violating the Special Act, not to exceed \$500 or imprisonment for 60 days or both fine and imprisonment; prohibitions against municipalities enacting regulations or ordinances inconsistent with the Special Act and adopted rules and regulations; and severability. The Special Act may only be changed through action of the Legislature.

¹ S. 828.30, F.S.

² Either the National Association of State Public Health Veterinarians', "Rabies Vaccination Certificate," or an equivalent form approved by the local government containing all the information required by the National Association of State Public Health Veterinarians' form.

³ S. 828.30(5), F.S., states the confidential and exempt information contained in the rabies vaccination certificate may be released to: the physician of, or, any person who has been bitten, scratched, or exposed to a zoonotic disease; a veterinarian who is treating an animal that has been bitten, scratched, or exposed to a zoonotic disease; the owner of an animal that has been bitten, scratched, or exposed to a zoonotic disease; any person who provides the animal tag number; federal, state, and local law enforcement and prosecutorial agencies; other animal control authorities; and emergency and medical response, disease control, or other governmental agencies.

Since the Special Act was passed in 1969, there have been changes at the state and county level that have rendered the Special Act obsolete. The Legislature prescribed statewide requirements for rabies control, which may be found in s. 828.30, F.S. Palm Beach County adopted the Palm Beach County Animal Care and Control Ordinance (Ordinance) in 1998, which addresses general regulatory provisions found in the special act. In addition, the Special Act now contains provisions that conflict with the Ordinance. For example, the Special Act requires that the Tax Collector issue tags⁴, which are to be renewed on or before May 1 each year⁵; whereas the Ordinance specifies that the Palm Beach County Division of Animal Care and Control issues rabies tags on a rolling basis.⁶

Effect of Proposed Changes

HB 4075 repeals ch. 69-1432, L.O.F. Repeal of this Special Act will allow Palm Beach County to regulate rabies vaccination and handle licensing and regulation of animals through provisions found in general law and in the 1998 Palm Beach County Animal Care and Control Ordinance.

The bill provides an effective date of upon becoming law.

B. SECTION DIRECTORY:

Section 1: Repeals chapter 69-1432, L.O.F, relating to rabies vaccination and licensing and regulation of animals in Palm Beach County.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 27, 2011

WHERE? *The Palm Beach Post*, a daily and Sunday paper of general circulation published in West Palm Beach, Palm Beach County, Florida and distributed in Palm Beach County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

⁴ S. 3(4), ch.59-1432, L.O.F.

⁵ S. 3(3), ch.59-1432, L.O.F.

⁶ Section 4-11, Palm Beach County Animal Care and Control Ordinance 98-22

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES