

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 992

INTRODUCER: Community Affairs Committee and Senator Rich

SUBJECT: Dogs and Cats/ Sterilization

DATE: March 10, 2009                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Murphy	Yeatman	CA	Fav/CS
2.			JU	
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill allows for the release of a dog or cat from an animal shelter operated by an animal control agency, humane society, or animal adoption organization without compliance with the requirement for sterilization if a licensed veterinarian certifies that the dog or cat has a medical condition that would be substantially aggravated by such procedure or the procedure would likely cause the death of the dog or cat.

This bill substantially amends section 823.15 of the Florida Statutes.

**II. Present Situation:**

Section 823.15(1), F.S., states that uncontrolled breeding of dogs and cats in the state results in the production of many more puppies and kittens than are needed to replace pet animals which have died or become lost or to provide pet animals for new owners. This leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays and suffering privation and death, being impounded and destroyed at great expense to the community, and constituting a public nuisance and public health hazard. It is therefore declared to be the public policy of the state that

every feasible means of reducing the production of unneeded and unwanted puppies and kittens be encouraged.

Section 823.15, F.S., requires dogs and cats adopted or sold from animal shelters, including those run by local governments or humane societies, to be spayed or neutered before the animal is released. As an alternative, an animal may be released without spaying or neutering if the adopter/purchaser enters into a written agreement that the animal will be sterilized within 30 days. The shelter must charge a deposit, which it may keep if the adopter/purchaser does not provide proof of sterilization.

### **III. Effect of Proposed Changes:**

Section 1 amends s. 823.15, F.S, to:

- Include “animal adoption organizations,” which offer animals for adoption, but do not necessarily have a physical, bricks-and-mortar shelter, to the list of entities which must spay or neuter a dog or cat before it is released.
- Provide an exemption from the sterilization requirement for animals that a licensed Florida veterinarian certifies as having a medical condition that would be substantially aggravated by sterilization, or if the animal would likely die from the procedure.
- Extend the time frame during which the animal must be sterilized from 30 days to 60 days prior to sexual maturity, or as soon as considered medically safe by a Florida-licensed veterinarian.
- Change the guidelines for the deposit charged by the shelter, if the animal is released without being sterilized, from guidelines set by the Florida Federation of Humane Societies, an organization which no longer exists, to a deposit “not to exceed the prevailing cost of sterilization in the community.”
- Provide for a definition of “animal adoption organizations.”

Section 2 provides an effective date of July 1, 2009.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

D. Other Constitutional Issues:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on March 10, 2009:**

The committee substitute changes language in the bill from animal rescue groups to animal adoption organizations. The committee substitute also adds subsection (4) to s. 823.15, F.S., providing for a definition of animal adoption organizations.

B. Amendments:

None.