

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 4175

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Rooney

115 Y's 0 N's

COMPANION N/A
BILLS:

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 4175 passed the House on February 29, 2012, and subsequently passed the Senate on March 5, 2012. 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 Economic Impact Statement indicates there is no fiscal impact.

The bill was approved by the Governor on April 27, 2012, ch. 2012-267, Laws of Florida. The bill is effective upon becoming a law.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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 law 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 by 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 Changes

HB 4175 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 is effective upon becoming 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 No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

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