

HB 1121

2013

1 A bill to be entitled
2 An act relating to community cats; amending s. 828.27,
3 F.S.; providing definitions; providing that release of
4 a community cat by a community cat program is not
5 abandonment or unlawful release of the cat under
6 specified provisions; providing that counties and
7 municipalities may enact ordinances relating to
8 community cat programs to curtail community cat
9 population growth; providing immunity for such
10 ordinances; providing that a veterinarian or community
11 cat caregiver who provides services or care for cats
12 in a community cat program is immune from criminal and
13 civil liability; providing an exception; providing an
14 effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraphs (c) through (g) of subsection (1) of
19 section 828.27, Florida Statutes, are redesignated as paragraphs
20 (f) through (j), respectively, new paragraphs (c), (d), and (e)
21 are added to that subsection, a new subsection (7) is added to
22 that section, and present subsection (7) of that section is
23 amended, to read:

24 828.27 Local animal control or cruelty ordinances;
25 penalty.—

26 (1) As used in this section, the term:

27 (c) "Community cat" means an outdoor, free-roaming cat
28 that lacks visible owner identification.

29 (d) "Community cat caregiver" means any person other than
 30 an owner or custodian who provides food, water, or shelter to
 31 one or more community cats as part of a community cat program.

32 (e) "Community cat program" means a program in which an
 33 eligible cat is examined by a licensed veterinarian, sterilized,
 34 vaccinated for rabies and any other diseases deemed appropriate
 35 by the veterinarian, ear-tipped, then returned to the area where
 36 it was originally captured.

37 (7) (a) Community cats are considered a domestic species
 38 under s. 585.01 and release of a community cat by a community
 39 cat program is not abandonment or unlawful release of the cat
 40 under this chapter.

41 (b) This subsection does not prevent any county or
 42 municipality from enacting any ordinance related to community
 43 cat programs designed to humanely curtail community cat
 44 population growth. A county or municipality that adopts an
 45 ordinance related to such community cat programs is immune from
 46 all criminal and civil liability for its adoption of such an
 47 ordinance.

48 (c) A veterinarian or community cat caregiver who provides
 49 services or care for a cat in a community cat program is immune
 50 from criminal and civil liability for any decisions made or
 51 services rendered under this subsection, except for willful and
 52 wanton misconduct.

53 (8) (7) ~~Nothing contained in~~ This section does not shall
 54 prevent any county or municipality from enacting any ordinance
 55 relating to animal control or cruelty which is identical to ~~the~~
 56 ~~provisions of~~ this chapter or any other state law, except as to

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57 | penalty. However, no county or municipal ordinance relating to
58 | animal control or cruelty may ~~shall~~ conflict with ~~the provisions~~
59 | ~~of~~ this chapter or any other state law. Notwithstanding ~~the~~
60 | ~~provisions of~~ this subsection, the governing body of any county
61 | or municipality may ~~is authorized to~~ enact ordinances
62 | prohibiting or regulating noise from any domesticated animal,
63 | violation of which shall be punishable upon conviction by a fine
64 | not to exceed \$500 or by imprisonment in the county jail for a
65 | period not to exceed 60 days, or by both such fine and
66 | imprisonment, for each violation of such ordinance. This
67 | subsection does ~~shall~~ not apply to animals on land zoned for
68 | agricultural purposes.

69 | Section 2. This act shall take effect upon becoming a law.