

Memorandum

City Attorney's Office

No. 08-0084

To: Mayor Jim Naugle
Vice-Mayor Carlton B. Moore
Commissioner Christine Teel
Commissioner Charlotte E. Rodstrom
Commissioner Cindi Hutchinson

From: Harry A. Stewart, City Attorney

Date: January 29, 2008

Re: Animal Ordinance

This memorandum is in response to Commissioner Cindi Hutchinson's request whether the term "guardian" could be added to all references of animal "owner" in the City of Fort Lauderdale's Code of Ordinances. After researching this issue, this office is of the opinion that there is no legal implication in adding the term "guardian" to the term animal "owner," having both terms used interchangeably.

Recently, over 40 municipalities and counties in 8 different states have approved the term "guardian" to be used for a person having the same rights and responsibilities of an animal "owner." While most of them have used the terms interchangeably, only a few have gone as far as to replace all references to pet "owner" with "guardian." This is due to concern as to the legal implications and liability issue that may arise as a result of this change. Florida law defines "owners" and "guardians" in a manner which may render these two entities' rights and responsibilities legally incompatible. Due to this incompatibility, the replacement of the term "owner" with "guardian" in regard to animals may create confusion among animal owners, regulatory agencies and service providers regarding their respective rights and duties. Additionally, it could subject these entities to challenges and pressure arising from the performance of their normal duties and/or activities.

Direction from the City Commission is requested.

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