

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Local Government Affairs  
 2 Subcommittee

3 Representative Sullivan offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 146-299 and insert:

7 828.073 Animals found in distress; ~~when agent may take~~  
 8 ~~charge; hearing; disposition; sale.~~-

9 (1) The purpose of this section is to provide a means by  
 10 which a neglected or mistreated animal may ~~can~~ be:

11 (a) Removed from its present custody, or

12 (b) Made the subject of an order to provide care, issued  
 13 to its owner by the county court, any law enforcement officer,  
 14 any animal control officer certified pursuant to s. 828.27, or  
 15 any agent of the county or of any society or association for the  
 16 prevention of cruelty to animals appointed under s. 828.03,

17

Amendment No. 1

18 and protected ~~given protection~~ and disposed of appropriately and  
19 humanely ~~an appropriate and humane disposition made.~~

20 (2) Any law enforcement officer, any animal control  
21 officer certified pursuant to s. 828.27, or any agent of any  
22 county or of any society or association for the prevention of  
23 cruelty to animals appointed under ~~the provisions of~~ s. 828.03  
24 may:

25 (a) Lawfully take custody of any animal found neglected or  
26 cruelly treated by removing the animal from its present  
27 location, or

28 (b) Order the owner of any animal found neglected or  
29 cruelly treated to provide certain care to the animal at the  
30 owner's expense without removal of the animal from its present  
31 location,

32  
33 and shall file a petition seeking relief under this section in  
34 the county court of the county in which the animal is found  
35 within 10 days after the animal is seized or an order to provide  
36 care is issued. The court shall schedule and commence a hearing  
37 on the petition within 30 days after the petition is filed to  
38 determine whether the owner, if known, is able to adequately  
39 provide ~~adequately~~ for the animal and is fit to have custody of  
40 the animal. The hearing shall be concluded and the court order  
41 entered thereon within 60 days after the date the hearing is  
42 commenced. The timeframes set forth in this subsection are not  
43 jurisdictional. However, if a failure to meet such timeframes is

Amendment No. 1

44 attributable to the officer or agent, the owner is not required  
45 to pay the officer or agent for care of the animal during any  
46 period of delay caused by the officer or agent. A fee may not be  
47 charged for filing the petition. This subsection does not  
48 require court action for ~~the taking into~~ custody and properly  
49 disposing ~~making proper disposition~~ of stray or abandoned  
50 animals as lawfully performed by animal control agents.

51 (3) The law enforcement officer, the animal control  
52 officer certified pursuant to s. 828.27, or the agent of any  
53 county or of any society or association for the prevention of  
54 cruelty to animals taking custody charge of an ~~any~~ animal  
55 pursuant to ~~the provisions of~~ this section shall have written  
56 notice served, at least 3 days before the hearing scheduled  
57 under subsection (2), upon the owner of the animal, if he or she  
58 is known and is residing in the county where the animal was  
59 taken, in accordance ~~conformance~~ with ~~the provisions of~~ chapter  
60 48 relating to service of process. The sheriff of the county may  
61 ~~shall~~ not charge a fee for service of such notice.

62 (4) (a) The law enforcement officer, the animal control  
63 officer certified pursuant to s. 828.27, or the agent of any  
64 county or of any society or association for the prevention of  
65 cruelty to animals taking custody charge of an animal pursuant  
66 to ~~as provided for in~~ this section shall provide for the animal  
67 until either:

68 1. The owner is adjudged by the court to be able to  
69 adequately provide ~~adequately~~ for, and have custody of, the

## Amendment No. 1

70 animal, in which case the animal shall be returned to the owner  
71 upon payment by the owner for the care and provision for the  
72 animal while in the agent's or officer's custody; or

73 2. The animal is turned over to the officer or agent  
74 pursuant to as provided in paragraph (c) and humanely disposed  
75 of a humane disposition of the animal is made.

76 (b) If the court determines that the owner is able to  
77 provide adequately for, and have custody of, the animal, the  
78 order shall provide that the animal in the possession of the  
79 officer or agent be claimed and removed by the owner within 7  
80 days after the date of the order.

81 (c) Upon the court's judgment that the owner of the animal  
82 is unable or unfit to adequately provide for the animal:

83 1. The court may:

84 a. Order that the current owner have no further custody of  
85 the animal and that the animal be sold by the sheriff at public  
86 auction or, that the current owner have no further custody of  
87 the animal, and that any animal not bid upon be remanded to the  
88 custody of the Society for the Prevention of Cruelty to Animals,  
89 the Humane Society, the county, the municipality with animal  
90 control officers certified pursuant to s. 828.27, or any agency  
91 or person the judge deems appropriate, to be disposed of as the  
92 agency or person sees fit; or

93 b. Order that the animal be destroyed or remanded directly  
94 to the custody of the Society for the Prevention of Cruelty to  
95 Animals, the Humane Society, the county, the municipality with

## Amendment No. 1

96 animal control officers certified pursuant to s. 828.27, or any  
97 agency or person the judge deems appropriate, to be disposed of  
98 as the agency or person sees fit.

99       2. The court, upon proof of costs incurred by the officer  
100 or agent, may require that the owner pay for the care of the  
101 animal while in the custody of the officer or agent. A separate  
102 hearing may be held.

103       3. The court may order that other animals that are in the  
104 custody of the owner and that were not seized by the officer or  
105 agent be turned over to the officer or agent, if the court  
106 determines that the owner is unable or unfit to adequately  
107 provide for the animals. The court may enjoin the owner's  
108 further possession or custody of other animals.

109       (5) In determining the person's fitness to have custody of  
110 an animal ~~under the provisions of this act,~~ the court may  
111 consider, among other matters:

112       (a) Testimony from the agent or officer who seized the  
113 animal and other witnesses as to the condition of the animal  
114 when seized and as to the conditions under which the animal was  
115 kept.

116       (b) Testimony and evidence as to the veterinary care  
117 provided to the animal.

118       (c) Testimony and evidence as to the type and amount of  
119 care provided to the animal.

120       (d) Expert testimony as to the community standards for  
121 proper and reasonable care of the same type of animal.

Amendment No. 1

122 (e) Testimony from any witnesses as to prior treatment or  
123 condition of this or other animals in the same custody.

124 (f) The owner's past record of judgments pursuant to ~~under~~  
125 ~~the provisions of~~ this chapter.

126 (g) Convictions pursuant to applicable ~~under the~~ statutes  
127 prohibiting cruelty to animals.

128 (h) ~~Any~~ Other evidence the court considers to be material  
129 or relevant.

130 (6) If the evidence indicates a lack of proper and  
131 reasonable care of the animal, the burden is on the owner to  
132 demonstrate by clear and convincing evidence that he or she is  
133 able and fit to have custody of and adequately provide  
134 ~~adequately~~ for the animal.

135 (7) In any case in which an animal is offered for auction  
136 ~~under the provisions of~~ this section, the proceeds shall be:

137 (a) Applied, first, to the cost of the sale.

138 (b) Applied, secondly, to the care of and provision for  
139 the animal by the law enforcement officer, the animal control  
140 officer certified pursuant to s. 828.27, or the agent of any  
141 county or of any society or association for the prevention of  
142 cruelty to animals taking custody ~~charge~~.

143  
144 -----

**T I T L E A M E N D M E N T**

145  
146 Remove lines 12-20 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 627 (2015)

Amendment No. 1

147 municipal animal control officers to take custody of  
148 an animal found neglected or cruelly treated or to  
149 order the owner of such an animal to provide certain  
150 care at the owner's expense; authorizing county courts  
151 to remand animals to the custody of certain  
152 municipalities; authorizing the allocation of auction  
153 proceeds to certain animal control officers; amending  
154 s. 828.27, F.S.;