

Bill No. CS for CS for SB 2104

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Diaz-Balart moved the following amendment:

Senate Amendment (with title amendment)

On page 8, between lines 16 and 17,

insert:

Section 5. Paragraph (g) of subsection (1) and subsections (2) and (3) of section 828.27, Florida Statutes, are amended to read:

828.27 Local animal control or cruelty ordinances; penalty.--

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

(g) "Ordinance" means any ordinance relating to the control of or cruelty to animals enacted by the governing body of a county or municipality the violation of which is a civil infraction or a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The governing body of a county or municipality is authorized to enact ordinances relating to animal control or cruelty, which ordinances must provide:

(a) That a violation of such an ordinance is a civil

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1 infraction or a misdemeanor of the second degree, punishable
2 as provided in s. 775.082 or s. 775.083.

3 (b) A maximum civil penalty not to exceed \$500.

4 (c) A civil penalty of less than the maximum civil
5 penalty if the person who has committed the civil infraction
6 does not contest the citation.

7 (d) For the issuance of a citation by an officer who
8 has probable cause to believe that a person has committed an
9 act in violation of an ordinance.

10 (e) For the contesting of a citation in the county
11 court.

12 (f) That, if a person fails to pay the civil penalty,
13 fails to appear in court to contest the citation, or fails to
14 appear in court as required by subsection (5), the court may
15 issue an order to show cause upon the request of the governing
16 body of the county or municipality. This order shall require
17 such persons to appear before the court to explain why action
18 on the citation has not been taken. If any person who is
19 issued such order fails to appear in response to the court's
20 directive, that person may be held in contempt of court.

21 (g) Such procedures and provisions as are necessary to
22 implement any ordinances enacted under the authority of this
23 section.

24 (3) The commission of a charged infraction at a
25 hearing authorized pursuant to this chapter must be proven by
26 a preponderance of the evidence. The commission of a
27 misdemeanor of the second degree must be proven beyond a
28 reasonable doubt.

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30 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 25, after the semicolon,

4

5 insert:

6 amending s. 828.27, F.S.; redefining the term
7 "ordinance" to include a misdemeanor of the
8 second degree for purposes of animal control or
9 cruelty ordinances; authorizing counties and
10 municipalities to enact ordinances the
11 violation of which constitutes a misdemeanor of
12 the second degree; providing that the burden of
13 proof for conviction of an ordinance that
14 constitutes a misdemeanor of the second degree
15 must be beyond a reasonable doubt;

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