

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Villalobos offered the following:

Amendment

On page 2, between lines 21 and 22 of the bill

insert:

Section 3. Subsections (1), (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 infraction or a misdemeanor of the second degree, punishable

1 as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

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

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 On page 1, line 6, after "propensities;"
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3 insert:
4 amending s. 812.27; redefining "ordinance" to
5 include a misdemeanor of the second degree;
6 authorizing counties and municipalities to pass
7 ordinances the violation of which constitute
8 misdemeanors of the second degree; providing
9 the burden of proof for conviction of
10 ordinances which constitute misdemeanors of the
11 second degree shall be beyond a reasonable
12 doubt;

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