



195728

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Dean) recommended the following:

1 **Senate Substitute for Amendment (560196) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (4) is added to section 588.17,
7 Florida Statutes, to read:

8 588.17 Disposition of impounded livestock.—

9 (4) Notwithstanding the requirements of subsections (1)-
10 (3), the sheriff or the county animal control center may offer



195728

11 for adoption or humanely dispose of stray livestock, excluding
12 cattle. If the livestock is to be offered for adoption or
13 humanely disposed of, the sheriff or the county animal control
14 center shall:

15 (a) Provide written notice to the owner, if known, advising
16 the owner of the location where the livestock is impounded and
17 of the amount due by reason of the impounding, and that unless
18 the livestock is redeemed within a timeframe to be established
19 by the sheriff or the county animal control center, which shall
20 be a period of at least 3 business days, the livestock will be
21 offered for adoption or humanely disposed of; or

22 (b) If the owner is unknown or cannot be located, obtain
23 service upon the owner by publishing a notice on the sheriff's
24 or the county animal control center's website. If the livestock
25 is not redeemed within a timeframe to be established by the
26 authorized agency, which shall be a period of at least 3
27 business days, the livestock will be offered for adoption or
28 humanely disposed of.

29 Section 2. Section 588.18, Florida Statutes, is amended to
30 read:

31 588.18 Livestock at large; fees.—The fees allowed for
32 impounding, serving notice, care and feeding, advertising, and
33 disposing of impounded animals shall be determined by the
34 sheriff or the county animal control center of each county.
35 Damages done by the sheriff or the county animal control center,
36 ~~sheriff's designees, or any other law enforcement officer~~ in
37 pursuit, or in the capture, handling, or care of the livestock
38 are the sole responsibility of the sheriff or the county animal
39 control center ~~other law enforcement agency.~~



195728

40 Section 3. Section 588.23, Florida Statutes, is amended to
41 read:

42 588.23 Right of owner.—The owner of any impounded livestock
43 has ~~shall have~~ the right at any time before the disposition sale
44 thereof to redeem the livestock same by paying to the sheriff or
45 the county animal control center all impounding expenses,
46 including fees, keeping charges, advertising, or other costs
47 incurred therewith which sum shall be deposited by the sheriff
48 or the county animal control center with the clerk of the
49 circuit court who shall pay all fees and costs as allowed in s.
50 588.18. If ~~In the event~~ there is a dispute as to the amount of
51 such costs and expenses, the owner may give bond with sufficient
52 sureties to be approved by the sheriff or the county animal
53 control center, in an amount to be determined by the sheriff or
54 the county animal control center, but not exceeding the fair
55 cash value of such livestock, conditioned to pay such costs and
56 damages; thereafter, within 10 days, the owner shall institute
57 suit in equity to have the damage adjudicated by a court of
58 equity or referred to a jury if requested by either party to
59 such suit.

60 Section 4. Paragraph (b) of subsection (1), subsections (2)
61 and (3), paragraphs (a) and (c) of subsection (4), and
62 subsections (5) and (7) of section 828.073, Florida Statutes,
63 are amended to read:

64 828.073 Animals found in distress; when agent may take
65 charge; hearing; disposition; sale.—

66 (1) The purpose of this section is to provide a means by
67 which a neglected or mistreated animal can be:

68 (b) Made the subject of an order to provide care, issued to



69 its owner by the county court, any law enforcement officer, ~~or~~
70 ~~any agent of the county,~~ a municipality with animal control
71 officers certified pursuant to s. 828.27, or ~~a~~ ~~of any society or~~
72 association for the prevention of cruelty to animals appointed
73 under s. 828.03,

74
75 and given protection and an appropriate and humane disposition
76 made.

77 (2) A Any law enforcement officer, a ~~or any agent of any~~
78 county, a municipality with animal control officers certified
79 pursuant to s. 828.27, or ~~of~~ any society or association for the
80 prevention of cruelty to animals appointed under the provisions
81 of s. 828.03 may:

82 (a) Lawfully take custody of any animal found neglected or
83 cruelly treated by removing the animal from its present
84 location, or

85 (b) Order the owner of any animal found neglected or
86 cruelly treated to provide certain care to the animal at the
87 owner's expense without removal of the animal from its present
88 location,

89
90 and shall file a petition seeking relief under this section in
91 the county court of the county in which the animal is found
92 within 10 days after the animal is seized or an order to provide
93 care is issued. The court shall schedule and commence a hearing
94 on the petition within 30 days after the petition is filed to
95 determine whether the owner, if known, is able to provide
96 adequately for the animal and is fit to have custody of the
97 animal. The hearing shall be concluded and the court order



195728

98 entered thereon within 60 days after the date the hearing is
99 commenced. The timeframes set forth in this subsection are not
100 jurisdictional. However, if a failure to meet such timeframes is
101 attributable to the officer or agent, the owner is not required
102 to pay the officer or agent for care of the animal during any
103 period of delay caused by the officer or agent. A fee may not be
104 charged for filing the petition. This subsection does not
105 require court action for the taking into custody and making
106 proper disposition of stray or abandoned animals as lawfully
107 performed by animal control agents.

108 (3) Any ~~The officer or agent of any county, any~~
109 municipality with animal control officers certified pursuant to
110 s. 828.27, or ~~of~~ any society or association for the prevention
111 of cruelty to animals taking charge of any animal pursuant to
112 the provisions of this section shall have written notice served,
113 at least 3 days before the hearing scheduled under subsection
114 (2), upon the owner of the animal, if he or she is known and is
115 residing in the county where the animal was taken, in
116 conformance with the provisions of chapter 48 relating to
117 service of process. The sheriff of the county may ~~shall~~ not
118 charge a fee for service of such notice.

119 (4) (a) Any ~~The officer or agent of any county, any~~
120 municipality with animal control officers certified pursuant to
121 s. 828.27, or ~~of~~ any society or association for the prevention
122 of cruelty to animals taking charge of an animal as provided for
123 in this section shall provide for the animal until either:

124 1. The owner is adjudged by the court to be able to provide
125 adequately for, and have custody of, the animal, in which case
126 the animal shall be returned to the owner upon payment by the



195728

127 owner for the care and provision for the animal while in the
128 agent's or officer's custody; or

129 2. The animal is turned over to the officer or agent as
130 provided in paragraph (c) and a humane disposition of the animal
131 is made.

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

134 1. The court may:

135 a. Order that the current owner have no further custody of
136 the animal and that the animal be sold by the sheriff at public
137 auction or, that the current owner have no further custody of
138 the animal, and that any animal not bid upon be remanded to the
139 custody of the Society for the Prevention of Cruelty to Animals,
140 the Humane Society, the county, the municipality with animal
141 control officers certified pursuant to s. 828.27, or any agency
142 or person the judge deems appropriate, to be disposed of as the
143 agency or person sees fit; or

144 b. Order that the animal be destroyed or remanded directly
145 to the custody of the Society for the Prevention of Cruelty to
146 Animals, the Humane Society, the county, the municipality with
147 animal control officers certified pursuant to s. 828.27, or any
148 agency or person the judge deems appropriate, to be disposed of
149 as the agency or person sees fit.

150 2. The court, upon proof of costs incurred by the officer
151 or agent, may require that the owner pay for the care of the
152 animal while in the custody of the officer or agent. A separate
153 hearing may be held.

154 3. The court may order that other animals that are in the
155 custody of the owner and that were not seized by the officer or



195728

156 agent be turned over to the officer or agent, if the court
157 determines that the owner is unable or unfit to adequately
158 provide for the animals. The court may enjoin the owner's
159 further possession or custody of other animals.

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

163 (a) Testimony from the agent or officer who seized the
164 animal and other witnesses as to the condition of the animal
165 when seized and as to the conditions under which the animal was
166 kept.

167 (b) Testimony and evidence as to the veterinary care
168 provided to the animal.

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

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

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

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

177 (g) Convictions pursuant to ~~under~~ the statutes prohibiting
178 cruelty to animals.

179 (h) Other ~~Any other~~ evidence the court considers to be
180 material or relevant.

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

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

184 (b) Applied, secondly, to the care of and provision for the



195728

185 animal by ~~the officer or agent of~~ any county, any municipality
186 with animal control officers certified pursuant to s. 828.27, or
187 ~~of~~ any society or association for the prevention of cruelty to
188 animals taking charge.

189 (c) Applied, thirdly, to the payment of the owner for the
190 sale of the animal.

191 (d) Paid over to the court if the owner is not known.

192 Section 5. Subsection (4) of section 828.27, Florida
193 Statutes, is amended, and subsection (8) is added to that
194 section, to read:

195 828.27 Local animal control or cruelty ordinances;
196 penalty.—

197 (4) (a) 1. County-employed animal control officers must
198 ~~shall~~, and municipally employed animal control officers may,
199 successfully complete a 40-hour minimum standards training
200 course. Such course must ~~shall~~ include, but is not limited to,
201 training for: animal cruelty investigations, search and seizure,
202 animal handling, courtroom demeanor, and civil citations. The
203 course curriculum must be approved by the Florida Animal Control
204 Association. An animal control officer who successfully
205 completes such course shall be issued a certificate indicating
206 that he or she has received a passing grade.

207 2. Any animal control officer who is authorized before
208 ~~prior to~~ January 1, 1990, by a county or municipality to issue
209 citations is not required to complete the minimum standards
210 training course.

211 3. In order to maintain valid certification, every 2 years
212 each certified ~~county-employed~~ animal control officer must ~~shall~~
213 complete 4 hours of postcertification continuing education



195728

214 training. Such training may include, but is not limited to,
215 training for: animal cruelty investigations, search and seizure,
216 animal handling, courtroom demeanor, and civil citations.

217 (b)~~1~~. The governing body of a county or municipality may
218 impose and collect a surcharge of up to \$5 upon each civil
219 penalty imposed for violation of an ordinance relating to animal
220 control or cruelty. The proceeds from such surcharges shall be
221 used to pay the costs of training for animal control officers.

222 ~~2. In addition to the uses set forth in subparagraph 1., a~~
223 ~~county, as defined in s. 125.011, may use the proceeds specified~~
224 ~~in that subparagraph and any carryover or fund balance from such~~
225 ~~proceeds for animal shelter operating expenses. This~~
226 ~~subparagraph expires July 1, 2014.~~

227 (8) This section is an additional, supplemental, and
228 alternative means of enforcing county or municipal codes or
229 ordinances. This section does not prohibit a county or
230 municipality from enforcing its codes or ordinances by any other
231 means, including, but not limited to, the procedures provided in
232 chapter 162.

233 Section 6. This act shall take effect July 1, 2015.

234
235 ===== T I T L E A M E N D M E N T =====

236 And the title is amended as follows:

237 Delete everything before the enacting clause
238 and insert:

239 A bill to be entitled
240 An act relating to animal control; amending s. 588.17,
241 F.S.; providing a procedure for adopting or humanely
242 disposing of impounded stray livestock, except cattle,



195728

243 as an alternative to sale or auction; amending s.
244 588.18, F.S.; requiring a county animal control center
245 to establish fees and be responsible for damages
246 caused while impounding livestock; amending s. 588.23,
247 F.S.; conforming provisions to changes made by the
248 act; amending s. 828.073, F.S.; authorizing certain
249 municipalities to take custody of an animal found
250 neglected or cruelly treated or to order the owner of
251 such an animal to provide certain care at the owner's
252 expense; authorizing county courts to remand animals
253 to the custody of certain municipalities; authorizing
254 the allocation of auction proceeds to certain
255 municipalities; conforming provisions to changes made
256 by the act; amending s. 828.27, F.S.; deleting
257 obsolete provisions; clarifying that certain
258 provisions relating to local animal control are not
259 the exclusive means of enforcing animal control laws;
260 providing an effective date.