

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Subcommittee
 3 Representative Sullivan offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2) and (3) of section 588.17,
 8 Florida Statutes, are renumbered as subsections (3) and (4),
 9 respectively, and subsection (2) is added to that section, to
 10 read:

11 588.17 Disposition of impounded livestock.—

12 (2) Notwithstanding the requirements of subsection (1),
 13 the sheriff or county animal control center may offer for
 14 adoption or humanely dispose of stray livestock, excluding
 15 cattle. If the livestock is to be offered for adoption or
 16 humanely disposed of, the sheriff or county animal control
 17 center shall:

Amendment No. 1

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

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

31 Section 2. Section 588.18, Florida Statutes, is amended to
32 read:

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

42 Section 3. Section 588.23, Florida Statutes, is amended to
43 read:

Amendment No. 1

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

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

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

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

Amendment No. 1

69 (b) Made the subject of an order to provide care, issued
70 to its owner by the county court, any law enforcement officer,
71 ~~or any agent of the county,~~ a municipality with animal control
72 officers certified pursuant to s. 828.27, or ~~a~~ ~~of any~~ society or
73 association for the prevention of cruelty to animals appointed
74 under s. 828.03, and given protection and an appropriate and
75 humane disposition made.

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

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

84 (b) Order the owner of any animal found neglected or
85 cruelly treated to provide certain care to the animal at the
86 owner's expense without removal of the animal from its present
87 location, and shall file a petition seeking relief under this
88 section in the county court of the county in which the animal is
89 found within 10 days after the animal is seized or an order to
90 provide care is issued. The court shall schedule and commence a
91 hearing on the petition within 30 days after the petition is
92 filed to determine whether the owner, if known, is able to
93 provide adequately for the animal and is fit to have custody of
94 the animal. The hearing shall be concluded and the court order

Amendment No. 1

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

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

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

Amendment No. 1

121 1. The owner is adjudged by the court to be able to
122 provide adequately for, and have custody of, the animal, in
123 which case the animal shall be returned to the owner upon
124 payment by the owner for the care and provision for the animal
125 while in the agent's or officer's custody; or

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

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

131 1. The court may:

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

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

Amendment No. 1

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

151 3. The court may order that other animals that are in the
152 custody of the owner and that were not seized by the officer or
153 agent be turned over to the officer or agent, if the court
154 determines that the owner is unable or unfit to adequately
155 provide for the animals. The court may enjoin the owner's
156 further possession or custody of other animals.

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

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

164 (b) Testimony and evidence as to the veterinary care
165 provided to the animal.

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

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

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

Amendment No. 1

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

174 (g) Convictions pursuant to ~~under~~ the statutes prohibiting
175 cruelty to animals.

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

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

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

181 (b) Applied, secondly, to the care and provision for the
182 animal by ~~the officer or agent of~~ any county, any municipality
183 with animal control officers certified pursuant to s. 828.27, or
184 ~~of~~ any society or association for the prevention of cruelty to
185 animals taking charge.

186 (c) Applied, thirdly, to the payment of the owner for the
187 sale of the animal.

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

189 Section 5. Subsection (4) of section 828.27, Florida
190 Statutes, is amended, and subsection (8) is added to that
191 section, to read:

192 828.27 Local animal control or cruelty ordinances;
193 penalty.-

194 (4)(a)1. County-employed animal control officers must
195 ~~shall~~, and municipally employed animal control officers may,
196 successfully complete a 40-hour minimum standards training
197 course. Such course must ~~shall~~ include, but is not limited to,

Amendment No. 1

198 training for: animal cruelty investigations, search and seizure,
199 animal handling, courtroom demeanor, and civil citations. The
200 course curriculum must be approved by the Florida Animal Control
201 Association. An animal control officer who successfully
202 completes such course shall be issued a certificate indicating
203 that he or she has received a passing grade.

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

208 3. In order to maintain valid certification, every 2 years
209 each certified ~~county-employed~~ animal control officer must ~~shall~~
210 complete 4 hours of postcertification continuing education
211 training. Such training may include, but is not limited to,
212 training for: animal cruelty investigations, search and seizure,
213 animal handling, courtroom demeanor, and civil citations.

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

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

Amendment No. 1

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

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

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

234 Remove everything before the enacting clause and insert:
235 An act relating to animal control; amending s. 588.17, F.S.;
236 providing a procedure for adopting or humanely disposing of
237 impounded livestock, except cattle, as an alternative to sale or
238 auction; amending s. 588.18, F.S.; requiring a sheriff or county
239 animal control center to establish fees and to be responsible
240 for damages caused while impounding livestock; amending s.
241 588.20, F.S.; clarifying that the requirements for reporting a
242 sale or disposition apply only if the impounded livestock is
243 offered for sale; amending s. 588.23, F.S.; conforming
244 provisions to changes made by this act; amending s. 828.073,
245 F.S.; conforming provisions to changes made by the act;
246 authorizing certain municipalities to take custody of an animal
247 found neglected or cruelly treated or to order the owner of such
248 an animal to provide certain care at the owner's expense;
249 authorizing county courts to remand animals to the custody of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 627 (2015)

Amendment No. 1

250 certain municipalities; authorizing the allocation of auction
251 proceeds to certain municipalities; amending s. 828.27, F.S.;
252 deleting obsolete provisions; clarifying that certain provisions
253 relating to local animal control are not the exclusive means of
254 enforcing animal control laws; providing an effective date.
255