

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/HB 205</a> <b>TITLE:</b> Abandoning Restrained Dogs During Natural Disasters <b>SPONSOR(S):</b> Griffiths	<b>COMPANION BILL:</b> <a href="#">CS/SB 150</a> (Gaetz) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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**FINAL HOUSE FLOOR ACTION:** 109 Y's 0 N's **GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill creates a new offense of animal abandonment for abandoning a restrained dog outside during a natural disaster. The offense is a third degree felony, punishable by up to five years in prison, or by a fine of not more than \$10,000, or both.

#### Fiscal or Economic Impact:

The bill may have an insignificant positive impact on the prison bed population.

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## ANALYSIS

### EFFECT OF THE BILL:

CS/HB 205 passed as [CS/SB 150](#).

The bill, which names the act "Trooper's Law," creates a new offense of [animal abandonment](#) if a person restrains a dog outside during a natural disaster, and thereafter abandons the dog. The offense is a third degree felony, punishable by up to five years in prison, or by a fine of not more than \$10,000, or both. (Sections [1](#) and [2](#))

The bill defines the following terms:

- "Restrain" means to attach a dog to a stationary object or trolley system by way of a chain, rope, tether, leash, cable, or other device.
- "Natural disaster" means a situation in which a hurricane, tropical storm, or tornado warning has been issued for a municipality or a county by the National Weather Service, or the municipality or county is under a mandatory or voluntary evacuation order. (Section [2](#))

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2025. (Section [3](#))

### FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant positive impact on the prison bed population.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Animal Abandonment

Under [s. 828.13, F.S.](#), a person commits a first degree misdemeanor, punishable by up to one year in county jail, a fine of not more than \$5,000, or both, if he or she:

- Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or

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- Abandons any animal to die that is maimed, sick, infirm, or diseased.<sup>1</sup>

A person also commits a first degree misdemeanor, punishable by up to one year in county jail, a fine of not more than \$5,000, or both, if he or she:

- Is the owner or possessor, or has charge or custody, of any animal; and
- Abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal.<sup>2</sup>

Under [s. 828.13, F.S.](#), to abandon an animal means for its owner to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of the animal.

### **Animal Cruelty**

Under [s. 828.12, F.S.](#), a person commits animal cruelty, a first degree misdemeanor, punishable by up to one year in county jail, a fine of not more than \$5,000, or both, if he or she:

- Unnecessarily overloads, overdrives, torments,<sup>3</sup> mutilates, or kills an animal;
- Deprives an animal of necessary sustenance or shelter;
- Causes any of the above to be done to an animal; or
- Carries an animal in or upon a vehicle, or otherwise, in a cruel or inhumane manner.<sup>4</sup>

A person commits aggravated animal cruelty, a third degree felony, punishable by up to five years in prison, a fine of not more than \$10,000, or both, by intentionally committing an act on an animal – or failing to act if the person owns and has custody and control of the animal – and such action or omission:

- Results in the cruel death of the animal; or the excessive or repeated infliction of unnecessary pain or suffering on the animal; or
- Causes the same to be done to the animal.<sup>5</sup>

If a person is convicted of aggravated animal cruelty and the violation is found to include the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, he or she must pay a minimum fine of \$2,500 and complete psychological counseling or anger management for a first conviction.<sup>6</sup> If a person is convicted of any offense of aggravated animal cruelty a second or subsequent time, he or she must pay a minimum fine of \$5,000, must be sentenced to at least six months of incarceration, and is ineligible for any form of early release, including gain time.<sup>7</sup>

Additionally, a person who is convicted of animal cruelty or aggravated animal cruelty may be prohibited from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.<sup>8</sup>

### **Disaster Preparedness and Emergency Powers**

Section [252.36, F.S.](#), specifies that in the event of an emergency beyond local control, the Governor may assume direct operational control over all or any part of the emergency management functions within this state and is authorized to delegate such powers as she or he may deem prudent. The Governor has declared a state of emergency for various weather related conditions, including numerous hurricanes.<sup>9</sup>

<sup>1</sup> [S. 828.13\(2\), F.S.](#)

<sup>2</sup> [S. 828.13\(3\), F.S.](#)

<sup>3</sup> The terms “cruelty,” “torture,” “torment” and a “cruel manner” include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief. [S. 828.02, F.S.](#) See also Fla. Std. Jury Instr. (Crim.) 29.13.

<sup>4</sup> [S. 828.12\(1\), F.S.](#)

<sup>5</sup> [S. 828.12\(2\), F.S.](#)

<sup>6</sup> [S. 828.12\(2\)\(a\), F.S.](#)

<sup>7</sup> [S. 828.12\(2\)\(b\), F.S.](#)

<sup>8</sup> [S. 828.12\(6\), F.S.](#)

<sup>9</sup> See Fla. Exec. Order No. 24-215 (Oct. 5, 2024), <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-24-215-1.pdf> (Last visited Mar. 13, 2025)

Section [252.3568, F.S.](#), provides, in accordance with [s. 252.35, F.S.](#),<sup>10</sup> that the Division of Emergency Management within the Executive Office of the Governor (Division) must address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and must include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services and the Department of Education must assist the division in determining strategies regarding this activity.

If a county maintains designated shelters, it must also designate a shelter that can accommodate persons with pets. The shelter must be in compliance with applicable FEMA Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

#### **OTHER RESOURCES:**

[Owner of Dog, 'Trooper,' Rescued Amid Hurricane Milton, Faces Felony | Tallahassee Democrat](#)

[Trooper, Abandoned Amid Hurricane Milton, Finds 'Fur-ever' Home | Tallahassee Democrat](#)

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<sup>10</sup> Section [252.35, F.S.](#), relates to Emergency management powers and the Division of Emergency Management.