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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 588.17, Florida Statutes, is amended to
read:

588.17 Disposition of impounded livestock.—

(1) Upon the impounding of any livestock by the sheriff or
his or her deputies or designees, or any other law enforcement
officers of the county, the county animal control center, or



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11 state highway patrol officers, the sheriff shall ~~forthwith~~ serve
12 written notice upon the owner, ~~advising~~ the ~~such~~ owner of the
13 location or place where the livestock is being held and
14 impounded, of the amount due by reason of the ~~such~~ impounding,
15 and that unless the ~~such~~ livestock is ~~be~~ redeemed within 3 days
16 after the date of the notice, ~~from date thereof that~~ the
17 livestock will ~~same shall~~ be offered for sale.

18 (2) ~~If In the event~~ the owner of the ~~such~~ livestock is
19 unknown or cannot be found, service upon the owner shall be
20 obtained by ~~once~~ publishing a notice once in a newspaper of
21 general circulation in the county where the livestock is
22 impounded, excluding ~~(Sundays and holidays excluded)~~. If there
23 is ~~be~~ no such newspaper, ~~then by posting of~~ the notice shall be
24 posted at the courthouse door and at two other conspicuous
25 places in the ~~within said~~ county.

26 Such notice shall be in substantially the following form:

27
28 "To Whom It May Concern:

29 You are hereby notified that the following described
30 livestock ...(giving full and accurate description of same,
31 including marks and brands)... is now impounded at ...(giving
32 location where livestock is impounded)... and the amount due by
33 reason of such impounding is dollars. The above described
34 livestock will, unless redeemed within 3 days after the date of
35 this notice ~~from date hereof~~, be offered for sale at public
36 auction to the highest and best bidder for cash.

37 ...(Date)...

...(Sheriff)...

of County, Florida"

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40 (3) Unless the ~~impounded~~ livestock is redeemed within 3
41 days after the ~~from date of~~ notice, the sheriff shall ~~forthwith~~
42 give notice of sale, thereof which shall be held at least ~~not~~
43 ~~less than~~ 5 days but not ~~nor~~ more than 10 days, ~~(excluding~~
44 Sundays and holidays, after) ~~from~~ the first publication of the
45 notice of sale. The ~~Said~~ notice of sale shall be published in a
46 newspaper of general circulation in the ~~said~~ county, ~~(excluding~~
47 Sundays and holidays,) and ~~by posting~~ a copy of the ~~such~~ notice
48 shall be posted at the courthouse door. If there is ~~be~~ no such
49 newspaper, the notice of sale shall be posted ~~then by posting~~
50 ~~such copy~~ at the courthouse door and at two other conspicuous
51 places in the ~~said~~ county.

52 Such notice of sale shall be in substantially the following
53 form:

54
55 "... (Name of owner, if known, otherwise 'To Whom It May
56 Concern') ... you are hereby notified that I will offer for sale
57 and sell at public sale to the highest and best bidder for cash
58 the following described livestock ... (giving full and accurate
59 description of each head of livestock) ... at o'clock,
60 m. (the hour of sale will ~~to~~ be between 11 a.m. and 2 p.m.
61 Eastern Standard Time) on the day of at the following
62 place (which place shall be where the livestock is
63 impounded or at the place provided by the county commissioners
64 for the taking up and keeping of such livestock) to satisfy a
65 claim in the sum of for fees, expenses for feeding and
66 care, and other related costs ~~hereof~~.

67 ... (Date) (Sheriff) ...
68 of County, Florida"



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69 (4) Notwithstanding the requirements in subsections (1)
70 through (3), the sheriff or county animal control center may
71 offer for adoption or humanely dispose of stray livestock,
72 excluding cattle. If the livestock is to be offered for adoption
73 or humanely disposed of, the sheriff or county animal control
74 center shall:

75 (a) Provide written notice to the owner, if known, advising
76 the owner of the location where the livestock is impounded, of
77 the amount due by reason of the impounding, and that unless the
78 livestock is redeemed within a timeframe to be established by
79 the sheriff or county animal control center, which shall be a
80 period of at least 3 business days, the livestock will be
81 offered for adoption or disposed of humanely; or

82 (b) If the owner is unknown or cannot be located, obtain
83 service upon the owner by publishing a notice on the sheriff's
84 or county animal control center's website. If the livestock is
85 not redeemed within a timeframe to be established by the
86 authorized agency, which shall be a period of at least 3
87 business days, the livestock will be offered for adoption or
88 disposed of humanely.

89 Section 2. Section 588.18, Florida Statutes, is amended to
90 read:

91 588.18 Livestock at large; fees.—The fees allowed for
92 impounding, serving notice, care and feeding, advertising, and
93 disposing of impounded animals shall be determined by the
94 sheriff or the county animal control center of each county.
95 Damages caused ~~done~~ by the sheriff or the county animal control
96 center, sheriff's designees, or any other law enforcement
97 officer in pursuit, or in the capture, handling, or care of the



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98 livestock are the sole responsibility of the sheriff or the
99 county animal control center ~~other law enforcement agency~~.

100 Section 3. Section 588.23, Florida Statutes, is amended to
101 read:

102 588.23 Right of owner.—The owner of any impounded livestock
103 has ~~shall have~~ the right at any time before the disposition sale
104 thereof to redeem the livestock ~~same~~ by paying to the sheriff or
105 the county animal control center all impounding expenses,
106 including fees, keeping charges, advertising, or other costs
107 incurred therewith, which sum shall be deposited by the sheriff
108 or the county animal control center with the clerk of the
109 circuit court who shall pay all fees and costs as allowed in s.
110 588.18. ~~If In the event~~ there is a dispute as to the amount of
111 such costs and expenses, the owner may give bond with sufficient
112 sureties to be approved by the sheriff or the county animal
113 control center, in an amount to be determined by the sheriff or
114 the county animal control center, but not exceeding the fair
115 cash value of such livestock, conditioned to pay such costs and
116 damages; thereafter, within 10 days, the owner shall institute
117 suit in equity to have the damage adjudicated by a court of
118 equity or referred to a jury if requested by either party to
119 such suit.

120 Section 4. Section 828.073, Florida Statutes, is amended to
121 read:

122 828.073 Animals found in distress; when entities ~~agent~~ may
123 take custody ~~charge~~; hearing; disposition; sale.—

124 (1) The purpose of this section is to provide a means by
125 which a neglected or mistreated animal may ~~can~~ be:

126 (a) Removed from its present custody, or



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127 (b) Made the subject of an order to provide care, issued to
128 its owner by a the county court, a any law enforcement officer,
129 or a any agent of the county, a municipality with animal control
130 officers certified pursuant to s. 828.27, a or of any society or
131 association for the prevention of cruelty to animals, or an
132 agency appointed under s. 828.03,

133
134 and protected given protection and disposed of appropriately and
135 humanely an appropriate and humane disposition made.

136 (2) A Any law enforcement officer, a or any agent of any
137 county, a municipality with animal control officers certified
138 pursuant to s. 828.27, a or of any society or an association for
139 the prevention of cruelty to animals, or an agent appointed
140 under the provisions of s. 828.03 may:

141 (a) Lawfully take custody of any animal found neglected or
142 cruelly treated by removing the animal from its present
143 location, or

144 (b) Order the owner of any animal found neglected or
145 cruelly treated to provide certain care to the animal at the
146 owner's expense without removal of the animal from its present
147 location,

148
149 and shall file a petition seeking relief under this section in
150 the county court of the county in which the animal is found
151 within 10 days after the animal is seized or an order to provide
152 care is issued. The court shall schedule and commence a hearing
153 on the petition within 30 days after the petition is filed to
154 determine whether the owner, if known, is able to adequately
155 provide ~~adequately~~ for the animal and is fit to have custody of



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156 the animal. The hearing shall be concluded and the court order
157 entered thereon within 60 days after the date the hearing is
158 commenced. The timeframes set forth in this subsection are not
159 jurisdictional. However, if a failure to meet such timeframes is
160 attributable to the officer, county, municipality, society or
161 association, or agent, the owner is not required to pay the
162 officer, county, municipality, society or association, or agent
163 for care of the animal during any period of delay caused by the
164 officer, county, municipality, society or association, or agent.
165 A fee may not be charged for filing the petition. This
166 subsection does not require court action for the taking into
167 custody and properly disposing ~~making proper disposition~~ of
168 stray or abandoned animals as lawfully performed by animal
169 control agents.

170 (3) A law enforcement officer ~~The officer, a or agent of~~
171 ~~any county, a municipality with animal control officers~~
172 certified pursuant to s. 828.27, a or of any society or an
173 association for the prevention of cruelty to animals, or an
174 agent appointed under s. 828.03 taking custody charge of an any
175 animal pursuant to the provisions of this section shall have
176 written notice served, at least 3 days before the hearing
177 scheduled under subsection (2), upon the owner of the animal, if
178 he or she is known and is residing in the county where the
179 animal was taken, in accordance conformance with the provisions
180 of chapter 48 relating to service of process. The sheriff of the
181 county may shall not charge a fee for service of such notice.

182 (4) (a) A law enforcement ~~The officer, a or agent of any~~
183 county, a municipality with animal control officers certified
184 pursuant to s. 828.27, a or of any society or an association for



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185 the prevention of cruelty to animals, or an agent appointed
186 under s. 828.03 taking custody charge of an animal pursuant to
187 ~~as provided for in~~ this section shall provide for the animal
188 until either:

189 1. The owner is adjudged by the court to be able to
190 adequately provide adequately for, and have custody of, the
191 animal, in which case the animal shall be returned to the owner
192 upon payment by the owner for the care and provision for the
193 animal while in ~~the agent's or officer's~~ custody of the officer,
194 county, municipality, society or association, or agent; or

195 2. The animal is turned over to the officer, county,
196 municipality, society or association, or agent pursuant to ~~as~~
197 ~~provided in~~ paragraph (c) and disposed of humanely ~~a humane~~
198 ~~disposition of the animal is made.~~

199 (b) If the court determines that the owner is able to
200 provide adequately for, and have custody of, the animal, the
201 order shall provide that the animal in the possession of the
202 officer, county, municipality, society or association, or agent
203 be claimed and removed by the owner within 7 days after the date
204 of the order.

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

207 1. The court may:

208 a. Order that the current owner have no further custody of
209 the animal and that the animal be sold by the sheriff at public
210 auction ~~or, that the current owner have no further custody of~~
211 ~~the animal, and that any animal not bid upon~~ be remanded to the
212 custody of the Society for the Prevention of Cruelty to Animals,
213 the Humane Society, the county, the municipality with animal



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214 control officers certified pursuant to s. 828.27, the agent
215 appointed under s. 828.03 or any agency or person the judge
216 deems appropriate, to be disposed of as the agency or person
217 sees fit; or

218 b. Order that the animal be destroyed or remanded directly
219 to the custody of the Society for the Prevention of Cruelty to
220 Animals, the Humane Society, the county, the municipality with
221 animal control officers certified pursuant to s. 828.27, the
222 agent appointed under s. 828.03, or any agency or person the
223 judge deems appropriate, to be disposed of as the agency or
224 person sees fit.

225 2. The court, upon proof of costs incurred by the officer,
226 county, municipality, society or association, or agent, may
227 require that the owner pay for the care of the animal while in
228 the custody of the officer, county, municipality, society or
229 association, or agent. A separate hearing may be held.

230 3. The court may order that other animals that are in the
231 custody of the owner and that were not seized by the officer,
232 county, municipality, society or association, or agent be turned
233 over to the officer, county, municipality, society or
234 association, or agent, if the court determines that the owner is
235 unable or unfit to adequately provide for the animals. The court
236 may enjoin the owner's further possession or custody of other
237 animals.

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

241 (a) Testimony from the law enforcement officer, the county,
242 the municipality with animal control officers certified pursuant



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243 to s. 828.27, the society or association for the prevention of
244 cruelty to animals, or the agent appointed under s. 828.03 ~~or~~
245 ~~officer~~ who seized the animal and other witnesses as to the
246 condition of the animal when seized and as to the conditions
247 under which the animal was kept.

248 (b) Testimony and evidence as to the veterinary care
249 provided to the animal.

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

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

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

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

258 (g) Convictions pursuant to applicable ~~under the~~ statutes
259 prohibiting cruelty to animals.

260 (h) ~~Any~~ Other evidence the court considers to be material
261 or relevant.

262 (6) If the evidence indicates a lack of proper and
263 reasonable care of the animal, the burden is on the owner to
264 demonstrate by clear and convincing evidence that he or she is
265 able and fit to have custody of and adequately provide
266 ~~adequately~~ for the animal.

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

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

270 (b) Applied, secondly, to the care and provision for the
271 animal by the ~~officer or agent of any~~ county, the municipality



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272 with animal control officers certified pursuant to s. 828.27,
273 the ~~or of any~~ society or association for the prevention of
274 cruelty to animals, or the agent appointed under s. 828.03
275 taking charge.

276 (c) Applied, thirdly, to the payment of the owner for the
277 sale of the animal.

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

279 Section 5. Subsection (4) of section 828.27, Florida
280 Statutes, is amended, and subsection (8) is added to that
281 section, to read:

282 828.27 Local animal control or cruelty ordinances;
283 penalty.-

284 (4) (a) 1. County-employed animal control officers must
285 ~~shall~~, and municipally employed animal control officers may,
286 successfully complete a 40-hour minimum standards training
287 course. Such course must ~~shall~~ include, but is not limited to,
288 training for: animal cruelty investigations, search and seizure,
289 animal handling, courtroom demeanor, and civil citations. The
290 course curriculum must be approved by the Florida Animal Control
291 Association. An animal control officer who successfully
292 completes such course shall be issued a certificate indicating
293 that he or she has received a passing grade.

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

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



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

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

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

314 (8) This section is an additional, supplemental, and
315 alternative means of enforcing county or municipal codes or
316 ordinances. This section does not prohibit a county or
317 municipality from enforcing its codes or ordinances by any other
318 means, including, but not limited to, the procedures provided in
319 chapter 162.

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

321
322 ===== T I T L E A M E N D M E N T =====

323 And the title is amended as follows:

324 Delete everything before the enacting clause
325 and insert:

326 A bill to be entitled
327 An act relating to animal control; amending s. 588.17,
328 F.S.; providing a procedure for adopting or humanely
329 disposing of impounded stray livestock, excluding



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330 cattle, as an alternative to sale or auction; amending
331 s. 588.18, F.S.; requiring a sheriff or county animal
332 control center to establish fees and be responsible
333 for damages caused while impounding livestock;
334 amending s. 588.23, F.S.; conforming provisions to
335 changes made by the act; amending s. 828.073, F.S.;
336 conforming provisions; authorizing certain
337 municipalities to take custody of an animal found
338 neglected or cruelly treated or to order the owner of
339 such animal to provide certain care at the owner's
340 expense; authorizing county courts to remand animals
341 to the custody of certain municipalities; authorizing
342 courts to require the owner of an animal to pay for
343 the care of the animal while in certain custody;
344 authorizing the allocation of auction proceeds to
345 certain municipalities; amending s. 828.27, F.S.;
346 deleting obsolete provisions; clarifying that certain
347 provisions relating to local animal control are not
348 the exclusive means of enforcing animal control laws;
349 providing an effective date.