

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/SB 420

INTRODUCER: Community Affairs Committee and Senator Grimsley

SUBJECT: Animal Control

DATE: April 8, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<b>Fav/CS</b>
3.	<u>Blizzard</u>	<u>Kynoch</u>	<u>AP</u>	<b>Pre-meeting</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 420 provides a procedure for adopting or humanely disposing of impounded livestock (excluding cattle) as an alternative to sale or auction. Notice of the impounded livestock must be provided in specified methods by county sheriffs or animal control centers. The bill requires the sheriff or animal control center to establish fees and be responsible for damages caused while impounding the livestock. The bill provides cities with lawfully sanctioned animal control officers the same powers as counties for investigating animal cruelty cases. Finally, the bill provides additional, supplemental, and alternative laws for enforcing county or municipal codes or ordinances, but clarifies that it does not prohibit a county or municipality from enforcing its own codes or ordinances by any other means.

The bill has no fiscal impact on state revenues or expenditures.

The bill provides an effective date of July 1, 2015.

**II. Present Situation:**

***Florida Fence Law***

Before the enactment of fencing laws, Florida was an open-range state. In the 1949 Legislative Session, Governor Fuller Warren approved SB 34 which required owners of livestock to prevent their animals from “running at large or straying upon public roads.” The act encouraged ranchers

to build fences and contain wandering livestock. Sometimes known as “the fence law,” historians consider SB 34 the final measure in closing the open range.<sup>1</sup>

Under the provision of ch. 588, F.S., every owner who intentionally, willfully, carelessly, or negligently suffers or permits their livestock to run at large or stray upon Florida public roads is liable for any resulting injuries or property damage and may be guilty of a second degree misdemeanor.<sup>2</sup> Criminal penalties may include a term of imprisonment not exceeding 60 days and/or a fine of as much as \$500.<sup>3</sup>

### *Auctions*

Current law requires animal control agencies to auction impounded livestock regardless of the circumstances. Often this is not financially feasible, and it may prevent more timely solutions that would result in better conditions for the animals. The auction process does not allow the agency to control the quality of the animals’ placement. Known animal abusers have purchased animals at auction because current law does not prohibit that. If the animals are adopted, there are quality control mechanisms available.<sup>4</sup>

### *Municipal Issues*

Some authority is reserved under current animal control statutes for counties and judicially appointed animal control officers because those officers are required to receive training. City animal control officers are not given the same powers because they are not required to be trained. These powers are related to the authority to seize or petition for custody of animals in criminal animal cruelty cases.

### *Civil Citation Procedures*

Section 828.27, F.S., outlines the procedures for processing and collection of animal control citations. However, the statute may not provide the same flexibility that local governments have in other code enforcement situations. It is unclear whether the more flexible procedures authorized in ch. 162, F.S., apply to animal control.<sup>5</sup>

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 588.17, F.S., to authorize adoption and humane disposal as options for dealing with impounded livestock (excluding cattle), in addition to the currently authorized options of sale or auction. The bill also provides the county animal control center with notification requirements in an effort to identify the owner of the impounded livestock. The bill provides that impounded livestock may not be auctioned or disposed of until at least three days after impounding.

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<sup>1</sup> *Stray Livestock Liability Laws*, <http://www.floridamemory.com/blog/2012/06/07/stray-livestock-liability-laws/> (last visited on Feb. 20, 2015).

<sup>2</sup> Sections 588.15 and 588.24, F.S.

<sup>3</sup> Section 588.24, F.S., citing sections 775.082 and 775.083, F.S.

<sup>4</sup> Florida Animal Control Association interview February 9, 2015 conducted by the Agriculture Committee.

<sup>5</sup> *Id.*

**Section 2** amends s. 588.18, F.S., to require a county animal control center to establish fees and to be responsible for damages caused while impounding the livestock.

**Section 3** conforms s. 588.23, F.S., to changes made in the previous sections of the bill.

**Section 4** amends s. 828.073, F.S., to conform to changes made in previous sections of the bill. It also authorizes a municipality with certified animal control officers to issue an order to provide care for an animal found to be neglected or mistreated. The bill authorizes certified municipal animal control officers to take custody of an animal or to order an owner to provide certain care at the owner's expense.

**Section 5** amends s. 828.27, F.S., to require that any certified animal control officer must complete four hours of post-certification continuing education training every two years in order to maintain certification. The bill deletes obsolete provisions relating to the proceeds collected for civil penalties imposed for violation of an ordinance relating to animal control or cruelty. This section also provides additional, supplemental, and alternative means of enforcing county or municipal codes or ordinances. It does not prohibit a county or municipality from enforcing its codes or ordinances, including but not limited to, the procedures provided in ch. 162, F.S.

**Section 6** provides an effective date of July 1, 2015.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 420 may have an indeterminate negative fiscal impact on individuals who allow their livestock, excluding cattle, to stray or violate animal control and cruelty ordinances. The provisions in the bill will allow county animal control centers and municipalities to collect livestock impoundment fees and enforce ordinances.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 588.17, 588.18, 588.23, 828.073, and 828.27.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on March 17, 2015:**

- Authorizes the sheriff or animal control center to offer for adoption or humanely dispose of stray livestock, excluding cattle. Provides notice requirements.
- Authorizes the county animal control center to determine fees for impounding and caring for livestock at large.
- Authorizes certain municipalities to issue orders to provide care or to protect or to humanely dispose of abused or neglected animals.
- Authorizes certain municipalities to take custody of any animal found neglected or cruelly treated or order the owner to provide certain care to the animal.
- Removes the requirement that animals taken from unfit owners be put up for sale prior to being remanded to the custody of certain organizations.
- Provides that proceeds of a sale of an animal go to cover the care and provision costs of certain entities (after covering the cost of the sale).
- Provides training requirements for certified animal control officers.
- Provides that the powers granted by s. 828.27, F.S., are supplemental to county and municipal codes and the section does not prohibit local governments from enforcing such codes.

B. Amendments:

None.