

1989

Session Law 89-194

Florida Senate & House of Representatives

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H 581 GENERAL BILL/CS/1ST ENG by Criminal Justice; Lippman; Grindle and others (Identical CS/S 912, Compare H 1089, S 924)
Cruelty to Animals; expands custody provision & authorizes issuance of orders to provide care to animals; provides enhanced penalty for torturing animal with intent to inflict intense pain, serious physical injury, or death. Amends 828.073, 12. Effective Date: 10/01/89.

03/08/89 HOUSE Prefiled
03/10/89 HOUSE Referred to Criminal Justice; Appropriations
03/15/89 HOUSE Subreferred to Subcommittee on Prosecution and Punishment
04/04/89 HOUSE Introduced, referred to Criminal Justice; Appropriations -HJ 59; Subreferred to Subcommittee on Prosecution and Punishment; On subcommittee agenda—Criminal Justice, 04/06/89, 8:00 am, 16-HOB—If not heard on 04/06, will be heard on 04/07
04/07/89 HOUSE Subcommittee Recommendation: Favorable as a proposed CS
04/11/89 HOUSE On Committee agenda—Criminal Justice, 04/13/89, 8:00 am, 21-HOB
04/13/89 HOUSE Preliminary Committee Action by Criminal Justice: Favorable as a CS
04/24/89 HOUSE Comm. Report: CS by Criminal Justice -HJ 258; CS read first time -HJ 253; Now in Appropriations -HJ 258
05/09/89 HOUSE Withdrawn from Appropriations -HJ 432; Placed on Calendar
05/11/89 HOUSE Placed on Special Order Calendar; Read second time; Amendments adopted -HJ 471
05/18/89 HOUSE Read third time; CS passed as amended; YEAS 107 NAYS 7 -HJ 526
05/19/89 SENATE In Messages
05/25/89 SENATE Received, referred to Agriculture; Judiciary-Criminal -SJ 459
05/26/89 SENATE Extension of time granted Committee Agriculture
06/01/89 SENATE Withdrawn from Agriculture; Judiciary-Criminal; Substituted for CS/SB 912; CS passed; YEAS 32 NAYS 0 -SJ 699
06/01/89 Ordered enrolled
06/13/89 Signed by Officers and presented to Governor
06/28/89 Approved by Governor; Chapter No. 89-194

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h0581c.cj
DATE: June 13, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 581

RELATING TO: Cruelty to Animals

SPONSOR(S): Criminal Justice, Representatives Lippman, Grindle and others

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: June 28, 1989

CHAPTER #: 89-194, Laws of Florida

COMPANION BILL(S): Similar SB 912; Compare HB 1089

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Section 828.12 F. S., provides that it is a misdemeanor of the first degree to overload, overdrive, torture, torment, deprive of necessary sustenance or shelter, unnecessarily or cruelly beat, mutilate, or kill any animal, as well as carry any animal in or upon a vehicle in a cruel or inhumane manner.

Section 828.073, F. S., provides a means by which a neglected or mistreated animal can be removed from its present custody and given protection and an appropriate humane disposition made. Section 828.073, F. S., also authorizes any law enforcement officer or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under the provisions of s. 838.03, F. S., to lawfully take custody of any animal found neglected or cruelly treated and petition the county court judge for a hearing to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal.

B. EFFECT OF PROPOSED CHANGES:

This bill provides that it is a felony of the third degree to torture an animal with intent to inflict intense pain, serious physical injury or death upon an animal. This bill also amends s. 828.073, F.S., expanding custody provision and authorizing the issuance of orders to provide care to animals.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 828.073, F. S., providing a means by which a neglected or mistreated animal can be made the subject of an order to provide care issued to its owner by the county court, any law enforcement officer, or any agent of the county or of any society or association for the prevention of cruelty to animals appointed under s. 828.03, F. S. This bill also authorizes the above mentioned agents to lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or order the owner of any neglected or cruelly treated animal to provide certain care to the animal at the owner's expense without removal of the animal from its present location.

Section 2 provides that it is a third degree felony to torture an animal with intent to inflict intense pain, serious physical injury or death.

Section 3 provides an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

4. Appropriations Consequences:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate

2. Direct Private Sector Benefits:

Indeterminate

3. Effects on Competition, Private Enterprise, and Employment Markets:

Indeterminate

D. FISCAL COMMENTS:

This bill would be unlikely to produce a noticeable impact on the offender population of the Department if enacted as proposed, according to the Department of Corrections.

III. LONG RANGE CONSEQUENCES:

This bill is consistent with s. 187.201(7), F. S., the State Comprehensive Plan by punishing criminal behavior.

IV. COMMENTS:

This bill is consistent with the committee mission statement in that it enables the criminal justice system to operate effectively and responsibly.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by: *John McAuliffe*
John McAuliffe

Staff Director: *Robin S. Hassler*
Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Merritt	Poole	1. AG	Favorable
2. Angley	Liepshutz <i>ML</i>	2. JCR	FAV/CS
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Cruelty to Animals

BILL NO. AND SPONSOR:

CS/SB 912 by Committee on
Judiciary-Criminal
and Senator Weinstein

I. SUMMARY:

A. Present Situation:

Section 828.12, Florida Statutes, provides for imprisonment for up to 1 year, or a fine of up to \$5,000 or both, for anyone who unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal, as well as carries the animal in or upon any vehicle in a cruel or inhumane manner.

B. Effect of Proposed Changes:

The committee substitute amends section 828.073, F.S., which sets forth the available options and procedures relating to distressed animals. The amended provision provides that a neglected or mistreated animal may, as an alternative to removal from its present custody, be the subject of an order to furnish care. Such an order may be issued by the county court or other specified individuals, societies or associations appointed under s. 823.03, F.S., which authorizes prosecution of violators.

A law enforcement officer or any of the specified agents may lawfully take custody of a neglected or cruelly treated animal or allow the animal to remain at its location and order the owner to provide certain care at the owner's expense. The bill would also amend the hearing procedure to require that hearings conducted under this section be set within 30 days after the date of seizure or issuance of the order to provide care.

A new subsection (2) is added to s. 828.12 to provide a third degree felony penalty for any person who tortures any animal with the intent to inflict intense pain, serious physical injury, or death upon an animal. A violation of this subsection is punishable by a term of imprisonment for up to 1 year or a fine of up to \$10,000, or both.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Indeterminate at this time.

B. Government:

None.

III. COMMENTS:

None.

REVISED: _____

BILL NO. CS/SB 912

DATE: May 8, 1989

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IV. AMENDMENTS:

None.