

RESOLUTION NO. 2017-67

A RESOLUTION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT SB86 OR SIMILAR LEGISLATION THAT WOULD CREATE CRIMINAL PENALTIES FOR ANIMAL HOARDING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, animal hoarding inflicts pain, injury and disease on the animals involved; and

WHEREAS, animal hoarding poses serious risks to the health, safety and welfare of both animals and humans; and,

WHEREAS, animal hoarding creates adverse environmental and sanitation issues; and

WHEREAS, the Village of Biscayne Park has previously passed legislation aimed at addressing issues of animal open feeding and over-population;

WHEREAS, Florida Statutes § 828.02 defines animal cruelty as “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;” and

WHEREAS, Florida Statutes § 828.12 currently creates criminal penalties for acts of animal cruelty and describes various types of behaviors that constitute animal cruelty; and

WHEREAS, animal hoarding causes unnecessary and unjustifiable pain or suffering to animals; and

WHEREAS, animal hoarding is a form of animal cruelty; and

WHEREAS, animal hoarding is not defined as animal cruelty in Florida Statutes; and

WHEREAS, Senator Dorothy L. Hukill (R-Port Orange) has filed Senate Bill 86 for consideration during the Florida Legislature’s 2018 session; and

WHEREAS, SB 86 makes it unlawful to engage in animal hoarding and seeks to amend Florida Statutes §828.12 to include animal hoarding within the definition of animal cruelty and to create criminal penalties for animal hoarding; and

WHEREAS, SB 86 seeks to amend Florida Statutes § 828.02, to define "animal hoarding" as the act of (a) keeping a large number of companion animals in overcrowded conditions, (b) failing to provide such animals with minimal standards of nutrition,

sanitation, shelter and medical care, and (c) displaying an inability to recognize or understand, demonstrating a reckless disregard for, or refusing to acknowledge the conditions under which the animals are being kept and the impact of such conditions on the well-being of the animals, the person engaged in the act, or other persons; and

WHEREAS, SB 86 seeks to amend Florida Statute § 828.12 to make animal hoarding a felony of the third degree, punishable as provided in § 775.082, or by a fine of not more than \$10,000, or both; and

WHEREAS, SB 86 further seeks to amend Florida Statute § 828.12 to:

- allow a court to order a person, upon a finding of probable cause that such person has committed animal hoarding, to undergo a psychological evaluation;
- require a court to order the seizure of any animal whose health and welfare are in imminent danger if that court finds probable cause to believe that animal hoarding has occurred; and
- require that a court order a person, upon being convicted of animal hoarding, to undergo a psychological evaluation; and

WHEREAS, by adding a prohibition of animal hoarding to Florida Statute § 828.12, individuals engaged in animal hoarding could be prosecuted and face criminal penalties for this behavior; and

WHEREAS, this Village Commission hopes that the imposition of criminal penalties against those engaged in animal hoarding would serve as a deterrent or reduce the incidence of animal hoarding behavior and would better protect the welfare of animals in Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. The above “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Village of Biscayne Park urges all members of the Florida Legislature to support SB 86 or similar legislation that would create criminal penalties for animal hoarding.

Section 3. The Village Administration is directed work with the Village legislative consultant to advocate in support of the passage of the legislation as set forth herein, and to transmit a certified copy of this Resolution to the Governor, Senate President, house Speaker, Senator Dorothy L. Hukill, the Chair and members of the Miami-Dade State Legislative Delegation, Florida League of Cities, Miami Dade County League of Cities, and any other interested parties.

Section 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA THIS 7th day of November, 2017.

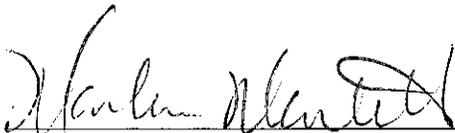
The foregoing resolution upon being put to a vote, the vote was as follows:



Tracy Truppman, Mayor

Mayor Truppman: Yes
Vice Mayor Ross: Yes
Commissioner Bilt: Yes
Commissioner Johnson-Sardella: Yes
Commissioner Tudor: Yes

Attest:



Marlen D. Martell, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney