



Agriculture and Natural Resources Policy Committee

Action Packet

**March 3, 2010
2:00 pm - 5:00 pm
102 Reed Hall**

**Larry Cretul
Speaker**

**Trudi Williams
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Agriculture & Natural Resources Policy Committee

Start Date and Time: Wednesday, March 03, 2010 02:00 pm

End Date and Time: Wednesday, March 03, 2010 05:00 pm

Location: Reed Hall (102 HOB)

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 301 Locksmith Services by Anderson

HB 569 Landfills by Poppell

HB 753 Monroe County by Saunders

HB 765 Unlawful Slaughter of Horses by Garcia, Abruzzo

Presentation by Caitlyn Prichard, State President, Florida FFA Association

NOTICE FINALIZED on 03/01/2010 16:16 by Cunningham.Reid

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/3/2010 2:00:00PM

Location: Reed Hall (102 HOB)

Summary:

Agriculture & Natural Resources Policy Committee

Wednesday March 03, 2010 02:00 pm

HB 301	Favorable With Committee Substitute	Yeas: 11	Nays: 1
HB 569	Favorable With Committee Substitute	Yeas: 12	Nays: 0
HB 753	Favorable	Yeas: 10	Nays: 0
HB 765	Favorable With Committee Substitute	Yeas: 10	Nays: 0

Committee meeting was reported out: **Wednesday, March 03, 2010 4:30:38PM**

COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/3/2010 2:00:00PM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Trudi Williams (Chair)	X		
Leonard Bemby	X		
Debbie Boyd	X		
Mary Brandenburg	X		
Dwight Bullard	X		
Rachel V. Burgin	X		
Steve Crisafulli	X		
Greg Evers	X		
Richard Glorioso	X		
Bill Heller	X		
Paige Kreegel	X		
Debbie Mayfield	X		
Jimmy Patronis			X
Totals:	12	0	1

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/3/2010 2:00:00PM

Location: Reed Hall (102 HOB)

HB 301 : Locksmith Services

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bembry	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers	X				
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel		X			
Debbie Mayfield	X				
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 11		Total Nays: 1			

Appearances:

HB 301

Ken Kuperman - Proponent

13908 N. Florida Ave

Tampa FL 33613

Phone: 813-232-7600

HB 301

Janet Mabey (Lobbyist) - Proponent

Florida Locksmith Association

2866 Bay Heather Circle

Gulf Breeze FL 32563

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/3/2010 2:00:00PM

Location: Reed Hall (102 HOB)

HB 569 : Landfills

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Debbie Boyd	X				
Mary Brandenburg	X				
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers	X				
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield	X				
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

HB 569

Keyna Cory (Lobbyist) - Proponent
 National Solid Wastes Management Assn-FL Chapter
 110 E. College Ave
 Tallahassee FL 32301
 Phone: 850-681-1065

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee
3/3/2010 2:00:00PM

Location: Reed Hall (102 HOB)

HB 753 : Monroe County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bemby	X				
Debbie Boyd	X				
Mary Brandenburg			X		
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers			X		
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield	X				
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 10		Total Nays: 0			

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/3/2010 2:00:00PM

Location: Reed Hall (102 HOB)

HB 765 : Unlawful Slaughter of Horses

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Leonard Bembry	X				
Debbie Boyd	X				
Mary Brandenburg			X		
Dwight Bullard	X				
Rachel V. Burgin	X				
Steve Crisafulli	X				
Greg Evers			X		
Richard Glorioso	X				
Bill Heller	X				
Paige Kreegel	X				
Debbie Mayfield	X				
Jimmy Patronis			X		
Trudi Williams (Chair)	X				
Total Yeas: 10 Total Nays: 0					

Appearances:

HB 765

Fausto Gomez (Lobbyist) - Proponent

2350 Coral Way, #301

Miami FL 33145

Phone: 305-860-0780

HB 765

Sam Ard (Lobbyist) - Proponent

PO Box 10406

Tallahassee FL 32302

Phone: 850-591-2731

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COMMITTEE MEETING REPORT
Agriculture & Natural Resources Policy Committee

3/3/2010 2:00:00PM

Location: Reed Hall (102 HOB)

Other Business Appearance:

Florida FFA/Agriscience Education
Caitlyn Prichard - Information Only
Florida FFA State President
1330 Orange Hill Road
Chipley FL 32348
Phone: 850-326-0180

Committee meeting was reported out: Wednesday, March 03, 2010 4:30:38PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 301

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Agriculture and Natural
 2 Resources Policy Committee
 3 Representative(s) Bemby offered the following:

Amendment. (with directory and title amendments)

Remove line(s) 621-674 and renumber appropriately

T I T L E A M E N D M E N T

Remove line(s) 44-45 and insert: specifying certain
prohibited acts

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 569 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Agriculture & Natural Resources
2 Policy Committee
3 Representative Poppell offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (12) of section
8 403.708, Florida Statutes, is amended to read:

9 403.708 Prohibition; penalty.-

10 (12) A person who knows or should know of the nature of
11 the following types of solid waste may not dispose of such solid
12 waste in landfills:

13 (c) Yard trash in lined landfills classified by department
14 rule as Class I landfills, unless the Class I landfill uses an
15 active gas-collection system to collect landfill gas generated
16 at the disposal facility and provides or arranges for a
17 beneficial use of the gas. A qualifying permitted Class I
18 landfill shall obtain a minor permit modification to its
19 operating permit which describes the beneficial use being made

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 569 (2010)

Amendment No.

20 of the landfill gas and modifies the facility's operation plan
21 before receiving yard trash as authorized by this paragraph. The
22 permittee must certify that gas collection and beneficial use
23 will continue after closure of the disposal facility that is
24 accepting yard trash. Yard trash that is source separated from
25 solid waste may be accepted at a solid waste disposal area where
26 separate yard trash composting facilities are provided and
27 maintained. The department recognizes that incidental amounts of
28 yard trash may be disposed of in Class I landfills. In any
29 enforcement action taken pursuant to this paragraph, the
30 department shall consider the difficulty of removing incidental
31 amounts of yard trash from a mixed solid waste stream.

32 Section 2. This act shall take effect July 1, 2010.
33
34
35

36 -----
37 **T I T L E A M E N D M E N T**

38 Remove the entire title and insert:

39 An act relating to landfills; amending s. 403.708, F.S.;
40 authorizing the disposal of yard trash at specified Class I
41 landfills; requiring such landfills to obtain a modified
42 operating permit; requiring permittees to certify certain
43 collection and beneficial use of landfill gas; providing an
44 effective date.

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Bill No. HB 765 (2010)

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COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Agriculture & Natural Resources
2 Policy Committee
3 Representative Garcia offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 474.203, Florida Statutes, is amended
8 to read:

9 474.203 Exemptions.—This chapter does ~~shall~~ not apply to:

10 (1) Any faculty member practicing only in conjunction with
11 teaching duties at a school or college of veterinary medicine
12 located in this state and accredited by the American Veterinary
13 Medical Association Council on Education. However, this
14 exemption applies ~~shall~~ only ~~apply~~ to such a faculty member who
15 does not hold a valid license issued under this chapter, but who
16 is a graduate of a school or college of veterinary medicine
17 accredited by the American Veterinary Medical Association
18 Council on Education or a school or college recognized by the
19 American Veterinary Medical Association Commission for Foreign

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20 Veterinary Graduates. The faculty member exemption ~~shall~~
21 automatically expires ~~expire~~ when such school or college
22 terminates the faculty member from such teaching duties. On
23 December 31 of each year, such school or college shall provide
24 the board with a written list of all faculty who are exempt from
25 this chapter. Such school or college shall also notify the board
26 in writing of any additions or deletions to such list.

27 (2) A person practicing as an intern or resident
28 veterinarian who does not hold a valid license issued under this
29 chapter and who is a graduate in training at a school or college
30 of veterinary medicine located in this state and accredited by
31 the American Veterinary Medical Association Council on Education
32 or a school or college recognized by the American Veterinary
33 Medical Association Commission for Foreign Veterinary Graduates.
34 Such intern or resident must be a graduate of a school or
35 college of veterinary medicine accredited by the American
36 Veterinary Medical Association Council on Education. This
37 exemption expires when such intern or resident completes or is
38 terminated from such training. Each school or college at which
39 such intern or resident is in training shall, on July 1 of each
40 year, provide the board with a written list of all such interns
41 or residents designated for this exemption, and the school or
42 college shall also notify the board of any additions or
43 deletions to the list.

44 (3) A student in a school or college of veterinary
45 medicine while in the performance of duties assigned by her or
46 his instructor or when working as a preceptor under the
47 immediate supervision of a licensee, if ~~provided that~~ such

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48 preceptorship is required for graduation from an accredited
49 school or college of veterinary medicine. The licensed
50 veterinarian is ~~shall~~ be responsible for all acts performed by a
51 preceptor under her or his supervision.

52 (4) Any doctor of veterinary medicine in the employ of a
53 state agency or the United States Government while actually
54 engaged in the performance of her or his official duties;
55 however, this exemption does ~~shall~~ not apply to such person when
56 the person is not engaged in carrying out her or his official
57 duties or is not working at the installations for which her or
58 his services were engaged.

59 (5) (a) Any person, or the person's regular employee,
60 administering to the ills or injuries of her or his own animals,
61 including, but not limited to, castration, spaying, and
62 dehorning of herd animals, unless title has been transferred or
63 employment provided for the purpose of circumventing this law.
64 This exemption does ~~shall~~ not apply to out-of-state
65 veterinarians practicing temporarily in the state. However, only
66 a veterinarian may immunize or treat an animal for diseases that
67 ~~which~~ are communicable to humans and that ~~which~~ are of public
68 health significance.

69 (b) A person hired on a part-time or temporary basis, or
70 as an independent contractor, by an owner to assist with herd
71 management and animal husbandry tasks for herd and flock
72 animals, including castration, dehorning, parasite control, and
73 debeaking, or a person hired on a part-time or temporary basis,
74 or as an independent contractor, by an owner to provide farriery
75 and manual hand floating of teeth on equines. This exemption

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76 does not apply to any person who has been convicted of a
77 violation of chapter 828 that relates to animal cruelty or a
78 similar offense in another jurisdiction.

79 (6) State agencies, accredited schools, institutions,
80 foundations, business corporations or associations, physicians
81 licensed to practice medicine and surgery in all its branches,
82 graduate doctors of veterinary medicine, or persons under the
83 direct supervision thereof, which or who conduct experiments and
84 scientific research on animals in the development of
85 pharmaceuticals, biologicals, serums, or methods of treatment,
86 or techniques for the diagnosis or treatment of human ailments,
87 or when engaged in the study and development of methods and
88 techniques directly or indirectly applicable to the problems of
89 the practice of veterinary medicine.

90 (7) Any veterinary aide, nurse, laboratory technician,
91 preceptor, or other employee of a licensed veterinarian who
92 administers medication or who renders auxiliary or supporting
93 assistance under the responsible supervision of a licensed
94 veterinarian, including those tasks identified by rule of the
95 board requiring immediate supervision. However, the licensed
96 veterinarian is shall be responsible for all such acts performed
97 under this subsection by persons under her or his supervision.
98 This exemption does not apply to any person whose license to
99 practice veterinary medicine is revoked, suspended, inactive, or
100 delinquent, whether in this state, another state, the District
101 of Columbia, any possession or territory of the United States,
102 or any foreign jurisdiction.

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103 (8) A veterinarian, licensed by and actively practicing
104 veterinary medicine in another state, who is board certified in
105 a specialty recognized by the board and who responds to a
106 request of a veterinarian licensed in this state to assist with
107 the treatment on a specific case of a specific animal or with
108 the treatment on a specific case of the animals of a single
109 owner, as long as the veterinarian licensed in this state
110 requests the other veterinarian's presence. A veterinarian who
111 practices under this subsection is not eligible to apply for a
112 premises permit under s. 474.215.

113
114 For the purposes of chapters 465 and 893, persons exempt
115 pursuant to subsection (1), subsection (2), or subsection (4)
116 are deemed to be duly licensed practitioners authorized by the
117 laws of this state to prescribe drugs or medicinal supplies.

118 Section 2. Effective October 1, 2010, section 500.451,
119 Florida Statutes, is amended to read:

120 500.451 Horse meat; offenses ~~sale for human consumption.~~

121 (1) It is unlawful for any person to:

122 (a) Sell in the markets of this state horse meat for human
123 consumption unless the horse meat is clearly stamped, marked,
124 and described as horse meat for human consumption.

125 (b) Knowingly transport, distribute, sell, purchase, or
126 possess horsemeat for human consumption that is not clearly
127 stamped, marked, and described as horsemeat for human
128 consumption or horsemeat that is not acquired from a licensed
129 slaughterhouse.

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130 (2) A person that violates this section commits is guilty
131 of a felony misdemeanor of the third second degree, punishable
132 as provided in s. 775.082, or s. 775.083, or s. 775.084, except
133 that any person who commits a violation of this section shall be
134 sentenced to a minimum mandatory fine of \$3,500 and a minimum
135 mandatory period of incarceration of 1 year.

136 (3) In addition to any penalties provided in subsection
137 (2), any license of any restaurant, store, or other business may
138 be suspended as provided in the applicable licensing law upon
139 conviction of an owner or employee of that business for a
140 violation of this section in connection with that business.

141 Section 3. Subsections (2) and (3) and paragraph (c) of
142 subsection (4) of section 828.073, Florida Statutes, are amended
143 to read:

144 828.073 Animals found in distress; when agent may take
145 charge; hearing; disposition; sale.-

146 (2) Any law enforcement officer or any agent of any county
147 or of any society or association for the prevention of cruelty
148 to animals appointed under the provisions of s. 828.03 may:

149 (a) Lawfully take custody of any animal found neglected or
150 cruelly treated by removing the animal from its present
151 location, or

152 (b) Order the owner of any animal found neglected or
153 cruelly treated to provide certain care to the animal at the
154 owner's expense without removal of the animal from its present
155 location,
156

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157 and shall file a ~~forthwith~~ petition seeking relief under this
158 section in the county court judge of the county in which ~~wherein~~
159 the animal is found within 10 days after the animal is seized or
160 an order to provide care is issued. The court shall schedule and
161 commence ~~for~~ a hearing on the petition, ~~to be set~~ within 30 days
162 after the petition is filed ~~date of seizure of the animal or~~
163 ~~issuance of the order to provide care and held not more than 15~~
164 ~~days after the setting of such date,~~ to determine whether the
165 owner, if known, is able to provide adequately for the animal
166 and is fit to have custody of the animal. The hearing shall be
167 concluded and the court order entered thereon within 60 days
168 after the date the hearing is commenced. The county court shall
169 establish procedures to expedite the commencement of hearings on
170 petitions filed under this subsection. The timeframes set forth
171 in this subsection are not jurisdictional. However, if a failure
172 to meet such timeframes is attributable to the officer or agent,
173 the owner is not required to pay the officer or agent for care
174 of the animal during any period of delay caused by the officer
175 or agent. A No fee may not shall be charged for the filing of
176 the petition. This subsection does not ~~Nothing herein is~~
177 ~~intended to~~ require court action for the taking into custody and
178 making proper disposition of stray or abandoned animals as
179 lawfully performed by animal control agents.

180 (3) The officer or agent of any county or of any society
181 or association for the prevention of cruelty to animals taking
182 charge of any animal pursuant to the provisions of this section
183 shall have written notice served, at least 3 5 days before ~~prior~~
184 ~~to~~ the hearing scheduled under ~~set forth in~~ subsection (2), upon

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185 the owner of the animal, if he or she is known and is residing
186 in the county where the animal was taken, in conformance with
187 the provisions of chapter 48 relating to service of process. The
188 sheriff of the county shall not charge a fee for service of such
189 notice. ~~If the owner of the animal is known but is residing~~
190 ~~outside of the county wherein the animal was taken, notice of~~
191 ~~the hearing shall be by publication in conformance with the~~
192 ~~provisions of chapter 49.~~

193 (4)

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

196 1. The court may: ~~shall~~

197 a. Order that the animal ~~to~~ be sold by the sheriff at
198 public auction, ~~and shall provide in its order~~ that the current
199 owner ~~shall~~ have no further custody of the animal, and that any
200 animal not bid upon ~~shall~~ be remanded to the custody of the
201 Society for the Prevention of Cruelty to Animals, the Humane
202 Society, the county, or any agency or person the judge deems
203 appropriate, to be disposed of as the agency or person sees fit;
204 or

205 b.2. ~~The court may~~ Order that the animal be destroyed or
206 remanded directly to the custody of the Society for the
207 Prevention of Cruelty to Animals, the Humane Society, the
208 county, or any agency or person the judge deems appropriate, to
209 be disposed of as the agency or person sees fit, ~~upon the~~
210 ~~testimony of the agent who took custody of the animal, or upon~~
211 ~~the testimony of other qualified witnesses, that the animal~~

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212 ~~requires destruction or other disposition for humanitarian~~
213 ~~reasons or is of no commercial value.~~

214 2.3. The court, upon proof of costs incurred by the
215 officer or agent ~~or officer, the court~~ may require that the
216 owner pay for the care of the animal while in the custody of the
217 officer or agent ~~or officer~~. A separate hearing may be held.

218 3.4. The court may order that other animals that are in
219 the custody of the owner and that were not seized by the officer
220 or agent be turned over to the officer or agent, if the court
221 determines that the owner is unable or unfit to adequately
222 provide for the animals. The court may enjoin the owner's
223 further possession or custody of other animals.

224 Section 4. Effective October 1, 2010, section (1) of
225 section 828.125, Florida Statutes, is amended to read:

226 828.125 Killing or aggravated abuse of ~~registered breed~~
227 horses or cattle; offenses; penalties.—Any other provisions of
228 this chapter to the contrary notwithstanding:

229 (1) Any person who willfully and unlawfully, by any means
230 whatsoever, kills, maims, mutilates, or causes great bodily harm
231 or permanent breeding disability to any animal of the genus
232 Equus (horse) or any animal of any registered breed or
233 recognized registered hybrid of the genus ~~Equus (horse) or genus~~
234 ~~Bos (cattle) commits, or any recognized registered hybrid of the~~
235 ~~specified genera, shall be guilty of a felony of the second~~
236 degree, punishable as provided by s. 775.082, s. 775.083, or s.
237 775.084, except that any person who commits a violation of this
238 subsection shall be sentenced to a minimum mandatory fine of

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239 \$3,500 and a minimum mandatory period of incarceration of 1
240 year.

241 Section 5. Except as otherwise expressly provided in this
242 act, act shall take effect July 1, 2010.

243

244

T I T L E A M E N D M E N T

245

Remove the entire title and insert:

247

A bill to be entitled

248

An act relating to animal protection; amending s. 474.203,

249

F.S.; providing circumstances that render inapplicable

250

certain veterinary licensure exemptions pertaining to

251

part-time and independent contractors; providing

252

circumstances that render inapplicable an exemption for

253

certain employees under supervision; amending s. 500.451,

254

F.S.; prohibiting specified acts relating to horsemeat for

255

human consumption; providing penalties; increasing the

256

classification of offenses related to horsemeat for human

257

consumption; providing for suspension of licenses of

258

certain businesses for offenses related to horsemeat;

259

providing mandatory minimum penalties; amending s.

260

828.073, F.S.; revising procedures for law enforcement

261

officers and certain animal cruelty prevention agents to

262

file petitions in custody proceedings involving neglected

263

animals; directing county courts to expedite the

264

commencement of such proceedings; exempting animal owners

265

from payment of the care provided for their animals during

266

such proceedings under certain circumstances; revising the

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267 period within which written notice of such proceedings
268 must be served; deleting a provision requiring publication
269 of notices of such proceedings under certain
270 circumstances; revising provisions relating to remand of
271 neglected animals directly to the seizing officer or agent
272 for disposition; amending s. 828.125, F.S.; revising
273 provisions prohibiting certain acts relating to horses to
274 apply to all horses regardless of breed; providing
275 mandatory minimum penalties for violations involving
276 horses or certain cattle; providing effective dates.