

ANIMAL HOARDING IN FLORIDA’S OLDER ADULTS: ANALYSIS OF CURRENT LAWS AND SUGGESTIONS FOR REFORM

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This paper discusses the under-recognized issue of animal hoarding in Florida and its significant consequences for both animal and human health with a particular focus on older adult animal hoarders. This article defines animal hoarding, outlines the current Florida statutes under which animal hoarding cases are prosecuted, and highlights the inconsistencies and ambiguities in their application. It addresses the health implications for both humans and animals, with a focus on the impacts of older adults who become animal hoarders and discusses the vulnerability of older adults to become animal hoarders. It also explores the distinct legal treatment of animal hoarding offenses, the high recidivism rates, and the judicial burdens of these cases. This article concludes with suggestions for reform, including updating statutes to specifically address animal hoarding, adopting local ordinances, and implementing case management practices including services of Adult Protective Services to reduce the overall incidence and recidivism of animal hoarding in Florida.

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I. Introduction

In Florida, animal hoarding is an under-recognized problem that has significant consequences for both animal and human health.² The Hoarding of Animals Research Consortium (HARC) – a group of mental health, social service, veterinary, and animal welfare experts – first coined the term “animal hoarding” in 1999 to differentiate from the hobby known as animal collecting.³ HARC defines animal hoarding as someone who has: (1) “accumulated a large number of animals, which has overwhelmed the person’s ability to provide even the minimal standards of nutrition, sanitation, and veterinary care” (2) “failed to acknowledge the deteriorating conditions of the animals (including disease, starvation, and even death) and the household environment (severe overcrowding, very unsanitary conditions) and” (3) “failed to recognize the negative effect of the collection on his or her own health and well-being, and on that of other household members.”⁴ The American Society for the Prevention of Cruelty to Animals (ASPCA) recognizes that animal hoarding often leads to over-breeding, starvation, illness and even death among the animals.⁵

² Gregg Riley Morton, *Animal Hoarding in Florida: Addressing the Ongoing Animal, Human, and Public Health Crisis*, F.L. BAR J. (April 2017), <https://www.floridabar.org/the-florida-bar-journal/animal-hoarding-in-florida-addressing-the-ongoing-animal-human-and-public-health-crisis/>.

³ Gary J. Patronek, *Animal hoarding: its roots and recognition*, DMV 360 (August 1, 2006), <https://www.dvm360.com/view/animal-hoarding-its-roots-and-recognition>.

⁴ Gary J. Patronek, *The Problem of Animal Hoarding*, 19 MUNICIPAL LAWYER, 6-9 (May/June 2001).

⁵ *Animal Hoarding*, ASPCA, <https://www.aspc.org/helping-people-pets/animal-hoarding> (last visited September 15, 2024).

Several surveys suggest that within a year, at least a quarter of a million animals are involved in a total of 3,000 reported cases of animal hoarding in the United States.⁶ A significant number of additional cases likely go unreported due to the secretive nature of animal hoarding.⁷

Currently, animal hoarding cases are prosecuted under various Florida criminal statutes leading to ambiguities and inconsistencies in their application. In Florida, animal hoarding cases are often prosecuted under FL Stat 828.12(1) or (2), or FL Stat 828.13. FL Stat 828.12(1) outlines committing animal cruelty as, “a person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty.”⁸ FL Stat. 828.12(2) defines the commission of aggravated animal cruelty as “[a] person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty.”⁹ Finally, FL Stat. 828.13 defines the withholding of sufficient food, water, or exercise, or the abandonment of animals as a first degree misdemeanor.¹⁰ These statutes do not specifically address animal hoarding crimes, leading to issues in their application against animal hoarders.

There is inconsistent handling of animal hoarding cases “regarding the length of time and way in which cases unfolded.”¹¹ There are also inconsistencies in the number of charges brought against perpetrators.¹² In one study analyzing cases of animal hoarding, 16 cases showed different perpetrators were charged with only one count of animal cruelty for the group of animals hoarded, rather than one count of animal cruelty per involved animal.¹³ Additionally, often hoarders are charged with one count of failure to license or provide rabies vaccination rather than for each animal in the home.¹⁴ These inconsistencies highlight the failure to properly handle the animal hoarding crisis.

This paper will address the health implications of both humans and animals involved in animal hoarding, focused on the older population’s vulnerability to become animal hoarders. Additionally, this paper will address the factors influencing the distinct treatment of animal hoarding crimes as well as suggestions for reform to reduce overall incidence of animal hoarding, including by reducing recidivism.

II. Implications of Animal Hoarding

a. Animal Welfare

Animal welfare is often the first thing that comes to mind when discussing the problems of animal hoarding. Cats and dogs are the most common animals to be hoarded.¹⁵ In one study of 56 cases, at least one dead animal was found in 19 of the cases. Filthy and severely crowded

⁶ Patronek, *supra* note 3.

⁷ *Id.*

⁸ FLA. STAT. § 828.12(1) (2024).

⁹ FLA. STAT. § 828.12(2) (2024).

¹⁰ FLA. STAT. § 828.13 (2024).

¹¹ Colin Berry et al., *Long-Term Outcomes in Animal Hoarding Cases*, 11 LEWIS & CLARK ANIMAL L. REV. 167, 183 (2005).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 175.

conditions can lead to easy transmission of parasites, infections, parvo, distemper and other diseases amongst the animals.¹⁶ Often, animals that are the victims of hoarding, are deprived of veterinary care including spaying and neutering which can lead to even more animals.¹⁷ When animals in hoarding situations are injured including by becoming injured in fights with other hoarded animals, their wounds turn into infection, due to lack of care.¹⁸ One study conducted by Dr. Patronek, a researcher in the field of animal hoarding, found that in 80% of animal hoarding cases, animals were found dead or suffering from “obvious disease or injury.”¹⁹

Dogs in hoarding situations often become aggressive or fearful due to being chained or kept in pens for years.²⁰ Cats in hoarding situations often produce feral offspring and can become skittish when deprived of human-contact.²¹ Any animals rescued from hoarding situations must be screened for disease and potential public health risks before considering adoptability.²² Dogs owned by hoarders also require re-socialization before adoption.²³ Potential adopters should also be given background information on the dog and acknowledge it may exhibit abnormal behavior,²⁴ which could lead they to become less likely to be adopted.

One less obvious issue affecting hoarded animals is the animals are often left in a “legal limbo” due to being treated as property under the law and as evidence rather than victims of a crime.²⁵ There is no legal mandate that animals involved in animal hoarding prosecutions have their interests considered.²⁶ In one study, most animals involved in animal hoarding cases were seized and taken to a shelter after veterinary evaluation, but some animals were held until the end of the trial.²⁷ In one particularly horrible case, the hoarded animals were held for over a year.²⁸ This long-term holding victimizes the animals a second time in addition to using shelter space and resources that could otherwise be used for other animals.²⁹

b. Human Welfare

Several aspects of human life are impaired and negatively affected by animal hoarding. In a study of 71 animal hoarding cases, one-half to three-quarters of cases were reported to have “very much impaired” activities of daily living such as the use of bath or shower, use of sink, preparing food, sleeping in bed, exiting home in case of danger, and more.³⁰ In the same study, essential utilities and major appliances were commonly reported as not functioning, especially the stove,

¹⁶ *Animal Hoarders: The Illness and The Crime*, PETA, <https://www.peta.org/issues/animal-companion-issues/animal-companion-factsheets/animal-hoarders-illness-crime/> (last visited Sept. 15, 2024).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Louise Bach Kmetiuk et al., “Dying alone and being eaten”: dog scavenging on the remains of an elderly animal hoarder—a case report, *FRONTIERS IN VETERINARY SCIENCE* (August 29, 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10495567/>.

²³ *Id.*

²⁴ *Id.*

²⁵ Randy O. Frost & Gary Patronek, *The Hoarding of Animals: An Update*, *PSYCHIATRIC TIMES* (April 30, 2015), <https://www.psychiatristimes.com/view/hoarding-animals-update#>.

²⁶ *Id.*

²⁷ Berry et al., *supra* note 11, at 180.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Arnold Arluke, *Health implications of animal hoarding: Hoarding of animals research consortium (HARC)*, *HEALTH AND SOCIAL WORK* 125, 128 (May 2002), available at https://www.researchgate.net/publication/288423991_Health_implications_of_animal_hoarding_Hoarding_of_animals_research_consor_tium_HARC.

kitchen sink, laundry facilities, and shower or bathtub.³¹ Household function, food preparation, and basic sanitation are impossible in animal hoarding situations.³² Children living in the home where animal hoarding is occurring also become victims.³³

Ammonia that is produced in animal urine is one dangerous part of having excess animals that are not properly cared for in the home. In one case of animal hoarding, the ammonia level in the home was 152ppm, after the fire department had ventilated the home.³⁴ The National Institute for Occupational Safety and Health states 300ppm as the concentration of ammonia immediately dangerous to human life, and 25ppm as the maximum average occupational exposure during the workday.³⁵ Exposure to ammonia at such high levels is obviously dangerous to human life.

Animal hoarding can also impact the broader community. Clutter in an animal hoarder's home can create fire hazards.³⁶ Insect and rodent infestations and odors can impact the surrounding areas and create a nuisance.³⁷ Additional problems can include flooding, backed-up sewage, and becoming an eyesore to the surrounding area.³⁸ These problems can also decrease the value of the home where the animal hoarding is occurring as well as the value of homes in the entire neighborhood.³⁹

c. Older Adults Vulnerability with Animal Hoarding

The impact of hoarding is worsened by age and older adults are three times more likely to exhibit hoarding behavior.⁴⁰ Several studies confirm that animal hoarders tend to be older. In one of the largest reports prepared by animal control agencies and humane societies, nearly half of the 54 hoarders were 60 years or older.⁴¹ An animal hoarder case report detailing 71 cases, prepared by HARC, showed the average age of the hoarder as mid-50s.⁴² A Spanish study found similar results amongst the age of animal hoarders.⁴³

Older adults are particularly vulnerable to becoming animal hoarders and can have more gravely negative impacts when they do. There are several factors that influence this behavior in older adults. Memory loss, physical frailness, and transportation limitations, are signs of self-care challenges that can be a sign of animal neglect.⁴⁴ Animals in hoarding situations with an older adult can be in particular danger due to being over or underfed.⁴⁵ Often times, older adults become

³¹ *Id.*

³² Patronek, *supra* note 4.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Griswold Law, *How Hoarding Affects Property and Communities*, GRISWOLD LAW (Dec. 21, 2020), <https://blog.griswoldlawca.com/how-hoarding-affects-property-and-communities>.

³⁹ *Id.*

⁴⁰ Kmetiuk et al., *supra* note 22.

⁴¹ Frost, *supra* note 25.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Phil Arkow et al., *Animal Abuse, Animal Hoarding, and Elder Abuse: Challenges and Strategies for Adult Protective Services*, NAPSA, 12 (April 12, 2020), <https://www.napsa-now.org/wp-content/uploads/2020/05/Link-for-APS-NAPSA-webinar-2020.pdf>.

⁴⁵ *Id.* at 28.

isolated, leading them to accumulate a large number of animals.⁴⁶ Having an intense emotional connection to the animals also perpetuates the accumulation of animals.⁴⁷

In animal hoarding situations, urine and feces may cover the walls or floors which poses a serious health risk due to the ammonia.⁴⁸ Repeated exposure to ammonia can cause chronic irritation of the respiratory tract.⁴⁹ This can be particularly dangerous for older adults who have conditions like chronic obstructive pulmonary disease (COPD), where the mean age of someone with COPD is 73 years old.⁵⁰ In addition to the aforementioned health risks, animal hoarding creates conditions for tripping, falling, and even fatal outcomes in severe situations.⁵¹

There are some particularly disturbing cases that have occurred in situations of older adult animal hoarders. Media reports can be found reporting post-mortem scavenging by dogs of lone animal hoarders.⁵² Two examples include an old man in Ohio being eaten by his 50 dogs, and an old woman in Arkansas, who succumbed to Hepatitis C, and was partially eaten by her 46 dogs.⁵³ A Brazil case report approved by the Ethics Committee in Human Health of the Brazilian Ministry of Health, examined the death of a reclusive elderly animal hoarder who was almost entirely consumed by his dogs.⁵⁴ In this case, the man in his 80s had a total of 13 dogs, three of which were found dead, and the remaining ten that had to be euthanized due to public health risk and aggressive behavior.⁵⁵ Cases like these are extremely disturbing realities that older animal hoarders face.

III. Considerations Influencing the Distinct Legal Treatment of Animal Hoarding Offenses

a. Animal Hoarding as a Mental Illness

Animal hoarding is described in the DSM-5 as a condition associated with hoarding disorder and is defined by “the accumulation of a large number of animals and a failure to provide minimal standards of nutrition, sanitation, and veterinary care and to act on the deteriorating condition of the animals (eg. disease, starvation, death) and the environment (eg. severe overcrowding, extremely unsanitary conditions).”⁵⁶ The association with hoarding disorder presents the issue of potentially criminalizing behavior related to a mental illness.⁵⁷ Researchers have suggested three ways to classify animal hoarders: overwhelmed caregivers, rescuers, and exploiters.⁵⁸

An animal hoarder classified as an “overwhelmed caregiver” typically owns a large number of animals that were reasonably well-cared for until a change impaired the ability to care for the large number of animals.⁵⁹ This “change” is often health related, loss of a job, death of a spouse, or loss of resources, and leaves the individual attempting to give care to the animals but ultimately leaves

⁴⁶ *Id.* at 32.

⁴⁷ *Id.* at 29.

⁴⁸ Frost, *supra* note 25.

⁴⁹ National Center for Environmental Health, *Ammonia: Exposure, Decontamination, Treatment*, CDC <https://www.cdc.gov/chemicalemergencies/factsheets/ammonia.html> (last updated Feb. 6, 2023).

⁵⁰ Deigo Morena, et al., *The Clinical Profile of Patients with COPD Is Conditioned by Age*, JOURNAL OF CLINICAL MEDICINE, (Dec. 9, 2023) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10743861/>.

⁵¹ Kmetiuk et al., *supra* note 22.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Frost, *supra* note 25.

⁵⁷ Arkow, *supra* note 44, at 40.

⁵⁸ Frost, *supra* note 25.

⁵⁹ *Id.*

them overwhelmed and conditions deteriorate.⁶⁰ Acquisition of animals in this situation tend to be passive, by breeding that occurs among animals the overwhelmed caregivers already have.⁶¹ Overwhelmed caregivers tend to have fewer problems complying with intervention as compared to rescuers and exploiters.⁶² Additionally, isolation in these situations may be a reason these individuals are reluctant to seek help, even though they exhibit some awareness of their need for help.⁶³

Mission and rescue from presumed threat is the main motivation for those animal hoarders considered rescuers.⁶⁴ These animal hoarders are strongly against euthanasia and are fearful of the deaths of their own animals, although they fail to realize the lack of care they are providing for their animals.⁶⁵ This type of hoarder believes they are the only person who can care for their animals, and continue to collect new animals despite being overwhelmed.⁶⁶ Acquisition of animals by a rescuer is more active by seeking out new animals that they think need rescuing.⁶⁷ Rescuers can go to great lengths to avoid authorities.⁶⁸ They often present themselves as representatives from a legitimate shelter or sanctuary equipped to care for hundreds of animals – when in reality that is not the case.⁶⁹

Animal hoarders classified as exploiters are the most serious and hard to resolve.⁷⁰ They deny any form of help and reject legitimate concerns.⁷¹ They believe their knowledge is superior to anyone else's in the situation.⁷² These individuals acquire animals to serve their own needs, having little to no attachment to them.⁷³ Exploiter type animal hoarders also have sociopathic characteristics.⁷⁴ They lack empathy to both humans and their animals, appearing indifferent to their animals' suffering.⁷⁵ Exploiters also exhibit characteristics of antisocial personality disorder such as superficial charm; they lack guilt and remorse and are manipulative, cunning, and narcissistic.⁷⁶ It is important to note that this type of animal hoarder may not fit the criteria in the DSM-5 due to their lack of emotional connection to the animals.⁷⁷

Little research has been completed looking into the number of cases classified in this manner. One study, in 2009, reviewed a small number of animal hoarding cases and found 40% were overwhelmed caregivers, 20% were rescuers and 40% were exploiters.⁷⁸ Another larger study in Australia which used additional descriptions of types of animal hoarders found, 24% were overwhelmed caregivers, 22% rescuers, and 10% exploiters.⁷⁹

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ R. Elliott et al., *Characteristics of animal hoarding referred to RSPCA in South Wales Australia*, PUBMED, <https://pubmed.ncbi.nlm.nih.gov/31025326/> (last visited Sept. 16, 2024).

Animal hoarding is a self-perpetuating cycle.⁸⁰ Specifically in older people, isolation can be a cause of animal accumulation, and animal accumulation can be a cause of isolation.⁸¹ This may make intervention more difficult as with isolation amongst older people, it is unlikely visitors will see and learn of the animal hoarding problem. Additionally, due to transportation issues amongst the elderly, veterinarians who may ordinarily report animal hoarding situations, will not have the opportunity to do so.

b. Recidivism

Many studies report that recidivism rates of animal hoarding is between 60% and 100%.⁸² Recidivism of animal hoarding refers to the person requiring multiple animals after having previous animals legally removed from their care.⁸³ Recidivism of animal hoarding differs from relapse which refers to the return of symptoms after successful treatment of a disorder.⁸⁴ Although animal hoarding may be considered a form of hoarding disorder, there is a lack of appropriate treatment given to animal hoarders.⁸⁵

Animal hoarders are in the unique position to be treated both as a criminal and victim. Specifically, older animal hoarders are a group that can elicit sympathy. Older people find themselves with animals as their sole companions later in life, leading them to collect more animals.⁸⁶ Animals can provide older people with acceptance, conflict-free relationships, and a sense of self-worth, leading to hoarding tendencies.⁸⁷ Older people can become a victim of their own crime of animal hoarding. As discussed in the above sections, the health implications that coincide with animal hoarding can be life threatening. Animal hoarding and animal cruelty are crimes that must be taken seriously.

c. Judicial Burdens of Animal Hoarding Cases

Animal hoarding cases are burdensome on the judicial system. These cases are procedurally cumbersome, costly, and time consuming.⁸⁸ They can fall between the cracks of multiple governmental agencies concerning mental health, public health, zoning, animal control, aging, sanitation, building safety, fish and wildlife, and child welfare.⁸⁹ Intervention and resolution are also complicated by issues of personal freedom, lifestyle choices, mental competency, and property rights.⁹⁰

One famous case that highlights the difficult judicial process that animal hoarding cases undergo is the Kittles case. Kittles is representative of an animal hoarder classified as an exploiter.⁹¹ In this case, a woman was living in a school bus with 115 dogs all of which had been

⁸⁰ Arkow, *supra* note 44, at 32.

⁸¹ *Id.*

⁸² Frost, *supra* note 25.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Arkow, *supra* note 44, at 28.

⁸⁷ *Id.* at 31.

⁸⁸ Patronek, *supra* note 4.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Case Study: Animal Hoarding – Vikki Kittles*, ALDF <https://aldf.org/case/animal-hoarding-case-study-vikki-kittles/> (last visited Sept. 16, 2024).

kept on the bus for at least three weeks without going outside.⁹² When animal control officers in Oregon became aware of the situation, they had to use gas masks to enter the bus, due to the odor.⁹³ It became apparent that Kittles had been doing this all over the United States – in Florida, Mississippi, Washington, and Colorado.⁹⁴ There, law enforcement or the district attorney had given her a tank of gas and told her to leave town, with not one state prosecuting her.⁹⁵ Kittles was arrested in Oregon in April of 1993 but did not go to trial until February of 1995 where she represented herself after eight court-appointed attorneys and six judges.⁹⁶ During this process, it was determined that 16 of the dogs had heartworm, a parasitic infection.⁹⁷ Initially, the court would not allow treatment of the dogs because they were being used as evidence and treating the dogs would be considered altering evidence.⁹⁸ The prosecutor in the Kittles case described the process as “the world's longest root canal with no anesthetic.”⁹⁹ Kittles was charged under “Animal Neglect in the First Degree and Animal Neglect in the Second Degree,” which in means an individual failed to provide adequate medical care and food for the animals.¹⁰⁰ Kittles was charged with only 42 counts of animal neglect rather than 115 counts, equal to the amount of dogs she hoarded.¹⁰¹ Kittles’s defense was it was not the state’s business if she chose to live amongst animal feces.¹⁰² The prosecutor rebutted, and ultimately succeeded, by arguing that while it was her lifestyle choice, it was not the animals’ choice and she condemned her dogs to an awful life.¹⁰³ Fortunately, nearly all the dogs were saved and adopted throughout the state of Oregon.¹⁰⁴

The Kittles case cost the county \$150,000 even with the Animal Legal Defense Fund providing extensive legal research for the prosecution.¹⁰⁵ Ultimately, Kittles was sentenced to four months in jail, an additional 71 days for contempt of court, five years of unsupervised probation, a psychiatric exam, and to avoid contact with animals and any person who helped her obtain her animals.¹⁰⁶ After her release, she refused to go to court-ordered counseling instead choosing to serve an additional two months in jail.¹⁰⁷ After her second release, she was not required to stay in-state and her probation was unsupervised, therefore appropriate officials had no way to monitor her.¹⁰⁸ In less than a year, she had moved to Wyoming and adopted over 70 dogs.¹⁰⁹ Authorities took no action and ultimately Kittles was evicted along with 80 dogs and 40 cats – even though she was still under orders to not possess animals, from her Oregon conviction.¹¹⁰ Kittles continued to collect animal cruelty cases related to her hoarding along with other criminal violations not related to animals.¹¹¹

⁹² Joshua Marquis, *The Kittles Case and Its Aftermath*, 2 ANIMAL L. REV. 197, 197 (1996).

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.* at 197-198.

⁹⁸ *Id.* at 198.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Animal Legal Defense Fund, *supra* note 91.

¹⁰² Marquis, *supra* note 92, at 198.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ Animal Legal Defense Fund, *supra* note 91.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

In the aftermath of the Kittles case, the Animal Legal Defense Fund was determined to strengthen animal protection laws in Oregon.¹¹² Pamela Frascch, an attorney with the Animal Legal Defense Fund, drafted the “Kittles Bill” which changed aggravated animal abuse from a misdemeanor to a felony and allowed shelters to provide veterinary care to impounded animals and allowed them to be moved from shelters to foster homes.¹¹³ The Kittles Bill was passed and signed into law in September 1995.¹¹⁴ Another Oregon bill that passed in the same session concerning animal abuse cases allowed courts to order forfeiture of abused animals prior to the disposition of a criminal case.¹¹⁵ Also in Oregon in 1997, the City Council revised an animal control ordinance: requiring licensing of cats and dogs, requiring a kennel permit to house more than four cats or four dogs, regulating the number of animals that can be adopted from the city shelter, defining animal cruelty and nuisance, and giving city officials authority to control potential public health threats.¹¹⁶

IV. Current Ambiguities in Florida Law

Most animal hoarding in Florida is prosecuted under the above-mentioned statutes, Fla. Stat. § 828.12(1) and (1), and Fla. Stat. § 828.13 2024. These statutes involve animal cruelty or confinement of animals without sufficient food and water.¹¹⁷ These statutes address only the symptoms of animal hoarding and do not even mention the term “hoarding”.¹¹⁸ In this sense, Florida’s statutory language fails to encompass the severity animal hoarding crimes.

Evidence suggests that Florida courts struggle with applying the statutory language in current animal cruelty statutes.¹¹⁹ In *Hynes v. State*, a worker at an apartment complex discovered a dog that had jumped the defendant’s second story window.¹²⁰ The worker entered the defendant’s apartment and located one dead dog, two dead turtles, one dead lizard and one dead bird, as well as a barely living bird, snake, and dog.¹²¹ The living dog, Pepsi, was surrounded by urine and feces and was so weak, he had to be carried from the apartment.¹²² No water or food was found in the apartment.¹²³ This defendant was convicted of two animal cruelty felonies.¹²⁴ The trial court in the this case expressed several concerns over these convictions such as “reservations about whether veterinary testimony that Pepsi was malnourished, dehydrated, too weak to stand, and without muscle mass was sufficient proof because there was no testimony that he suffered pain due to the withholding of food.”¹²⁵ Ultimately, the trial judge reduced the felonies convictions to misdemeanors because the language in the statute was unclear.¹²⁶ On appeal, the district court said that it “lacked jurisdiction to review the trial court’s decision to reject the jury’s verdict and to reduce the defendant’s conviction.”¹²⁷ Judge Jacqueline Griffin wrote a concurring opinion on the

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Morton, *supra* note 2.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.* describing *Hynes v. State* 1 So. 3d 328, 329 (Fla. 5th DCA 2009).

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

case calling it “a felony to starve a dog to death, or deprive it of sustenance to the point where, like Pepsi, it has no muscle mass and is too weak even to stand” and characterizing the trial court’s decision as “dangerously wrong.”¹²⁸

In *State v. Wilson*, Wilson was arrested for not providing food, water, and sufficient air to approximately 77 poodles in cages in the back of a van.¹²⁹ The trial court initially dismissed the charges because the statutory language was unconstitutionally vague because “[A] person of common intelligence would have to guess at what conduct constituted a failure to supply an animal with a sufficient quantity of good and wholesome food and water, as well as what were the requirements regarding how frequently an animal must be exercised or when the air in the area of confinement must be changed.”¹³⁰ The appellate court reversed this decision, allowing prosecution to occur.¹³¹

In 2002, there was litigation concerning the constitutionality of Fla. Stat. 828.12(2) that went all the way to the Florida Supreme Court.¹³² The defendant, Ronald Reynolds, was convicted of animal cruelty as a felony under Fla. Stat. 828.12(2) and appealed arguing the statute should be construed to require specific intent or alternatively is unconstitutional because it does include a specific intent element.¹³³ The First District Court of Appeal disagreed with Reynolds stating the language of the statute only required general intent, not require specific intent, and further explained specific intent was not constitutionally required.¹³⁴ The Florida Supreme Court found the First District’s findings were correct and the statute was not unconstitutional due to lack of requiring specific intent.¹³⁵

V. Suggestions for Reform

There are several things that should be done to reform the current state of affairs relating to Florida’s animal hoarders. The statutes should be altered to include and define the term “animal hoarding” as well as suggest penalty options. Local ordinances should be updated to effectuate opportunities to intervene and track at a local level. Animal hoarding case management practices should be updated. Practices specifically targeting the older population of animal hoarders should also be implemented. Enacting several changes across these platforms will help lower the overall incidence of animal hoarding in Florida and help to reduce recidivism.

a. Statute & Local Ordinance Reform

Florida’s current animal cruelty statutes should be updated to specifically address animal hoarding.¹³⁶ Further, updated statutes should address other sentencing options for defendants as well as order mental health counseling for offenders.¹³⁷ Florida should adopt a statute similar to

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² See *Reynolds v. State*, 842 So. 2d 46 (Fla. 2002).

¹³³ *Id.* at 47.

¹³⁴ *Id.*

¹³⁵ *Id.* at 51.

¹³⁶ Morton, *supra* note 2.

¹³⁷ *Id.*

Oregon's "Kittles Bill" which changed aggravated animal abuse to a felony as well as orders mental health evaluations for offenders convicted of animal hoarding.¹³⁸

Florida nearly made the step to amend its statute 828.12 in 2017 when Senator Steube introduced legislation that would define the term "animal hoarding," prohibit animal hoarding, and provide penalties and remedies for animal hoarding.¹³⁹ This Bill would have amended two sections of Chapter 828 of the Florida Statutes. The first being, Florida Statute 828.02 "Definitions" to include "as used in this chapter, the term "animal hoarding" means 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."¹⁴⁰ Further, the Bill would have added a subsection 6 to Florida Statute § 828.12 to include "a person who engages in animal hoarding as defined in § 828.02 commits animal cruelty, a felony of the third degree, punishable as provided in § 775.082, or by a fine of not more than \$10,000, or both. (a) If a court finds probable cause to believe that a violation of this subsection has occurred, the court shall order the seizure of any animals whose health and welfare are in imminent danger and provide for appropriate and humane care or disposition of the animals. (b) A court may order a person, upon a finding of probable cause that such person has violated this subsection, to undergo a psychological evaluation. (c) The court shall order a person convicted of a violation of this subsection to undergo psychological counseling."¹⁴¹ Senate Bill 212 would have been a monumental step toward the legislature taking action against animal hoarding in Florida. Unfortunately, Senate Bill 212 ultimately died in committee; it was indefinitely postponed and withdrawn from further consideration.¹⁴² The Florida legislature should strongly consider proposing and passing a similar bill in the near future.

Local ordinances should also be adopted to provide additional authorization and tools to intervene and prevent animal hoarding situations.¹⁴³ Similar to Oregon, Florida cities should aim to adopt ordinances requiring licensing of cats and dogs, requiring a kennel permit to house more than four cats or four dogs, regulating the number of animals that can be adopted from the city shelter, defining animal cruelty and nuisance, and giving city officials authority to control potential public health threats.

b. Case Management Practices

HARC released a set of preliminary case management techniques to consider when addressing animal hoarding cases. HARC advises interveners be aware of their own emotional responses, despite the likelihood of not feeling sympathy for the animal hoarder.¹⁴⁴ Animal hoarders may need to be referred to medical attention which may require social services to help find medical care due to an animal hoarder's financial trouble.¹⁴⁵ It is also advised that, if possible, a slow

¹³⁸ Animal Legal Defense Fund, *supra* note 91.

¹³⁹ S.B. 212, 2017 (Fla. 2017).

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² The Florida Senate, *SB 212: Animal Hoarding*, Florida Senate, <https://www.flsenate.gov/Session/Bill/2017/212/?Tab=BillHistory> (last visited Sept. 21, 2024).

¹⁴³ Morton, *supra* note 2.

¹⁴⁴ Patronek, *supra* note 4.

¹⁴⁵ *Id.*

reduction in the number of animals may make the animal hoarder more receptive to intervention as discussions of relinquishing all animals at once will likely be met with strong apprehension and may block future communication.¹⁴⁶ There are also several advisable things an intervener can do to build trust with the animal hoarder, increasing the chances of a successful discussion. Depending on the type of animal hoarder, it may be helpful to acknowledge the hoarder's attempts to provide care and their special connection to the animals.¹⁴⁷ Animal hoarders are often suspicious of the motives of a person trying to help, due to their view that the world is hostile to animals and people.¹⁴⁸ Interveners should consider inviting a friend, neighbor, or veterinary in as part of the discussion with the animal hoarder to act as a more comforting third party to facilitate the conversation.¹⁴⁹ Instead of entering the discussion with a hostile tone, analyze how the household functions while animal hoarding is occurring.¹⁵⁰ For example, if the hoarder has trouble accessing kitchen appliances or their own bed, working on these issues will allow the intervener to address the animal hoarding indirectly.¹⁵¹ The intervener should expect denial and should not argue the point; animal hoarders often fail to recognize the significant suffering they are causing the animals they attempt care for.¹⁵² Interveners working with animals hoarders should also expect the process to be lengthy and require frequent monitoring.¹⁵³ Finally, HARC suggests avoiding an over-standardized approach and instead treating each animal hoarding case as unique.¹⁵⁴ Implementing these practices when intervening in an animal hoarding situation will greatly increase the chances of successfully addressing the issues and will ideally alleviate some level of stress from both the intervener and the animal hoarder.

c. Managing Older Animal Hoarders

In animal hoarding cases perpetrated by older adults, Adult Protective Services (APS) should be involved. APS is a program "responsible for preventing further harm to vulnerable adults who are victims of abuse, neglect, exploitation, or self-neglect."¹⁵⁵ APS case workers should, upon investigation, ask questions about the older person's financial and physical ability to care for pets at home.¹⁵⁶ APS case workers should also visit the home to assess the amount of pets, adequacy of food, water and shelter for the animals, as well the risk of the older person falling due to the number of animals.¹⁵⁷ APS case workers should also be prepared to make counseling or other social service referrals.¹⁵⁸ Frequent check-ins should be done with older adult animal hoarders to ensure a case management plan is being followed properly.¹⁵⁹ In all cases, there should be a multi-

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Adult Protective Services*, Florida Department of Children and Families, <https://www.myflfamilies.com/services/abuse/adult-protective-services> (last visited Sept. 21, 2024).

¹⁵⁶ Arkow, *supra* note 44, at 46.

¹⁵⁷ *Id.* at 47.

¹⁵⁸ *Id.* at 41.

¹⁵⁹ *Id.*

disciplinary response from APS, animal shelters, law enforcement, public health officials, code enforcement, fire department, mental health professionals and veterinarians.¹⁶⁰

d. Balancing Prosecution versus Rehabilitation

Officials should also focus on reducing recidivism by balancing prosecution and rehabilitation in animal hoarding cases. Currently, there are no management plans in place to create a check-in system with adults found to be animal hoarding. The following case studies are examples of potential successful outcomes to animal hoarding cases when agency's develop relationships with the animal hoarders.¹⁶¹ In one case, a couple who were suspected animal hoarders greeted the officer with hostility and claimed they only had "a few dozen dogs."¹⁶² Over several months, the officer worked to gain the husband's trust and the husband agreed to surrender 18-20 dogs as long as he could walk them to the vehicle himself.¹⁶³ Eventually, the officer recovered 120 dogs from the couple's home.¹⁶⁴ When the officer and other officials decided what charges to bring, the officer knew the couple would not be able to afford the \$150,000 fine they would face with 120 counts of animal cruelty.¹⁶⁵ The husband accepted a plea deal "to plead guilty to eighty-eight counts of unlicensed dogs and accept a fine of \$4,000."¹⁶⁶ Additionally, the arrangement allowed the couple to keep five dogs, given they were spayed/neutered with four days, and after those dogs died, the couple were to never own animals again.¹⁶⁷ The officer in the case would also continue to make surprise visits and ultimately reported the couple had become responsible pet owners, partially because of the handling of their case.¹⁶⁸

In another case, a couple had 82 dogs and 14 cats.¹⁶⁹ The local humane society made weekly home visits even throughout the court case and sentencing hearing, to build a relationship with the couple ensure they would not revert to their animal hoarding behaviors.¹⁷⁰ At the time this study was reported in 2002, the couple had not begun to hoard animals again and continued to cooperate with humane society officers.¹⁷¹ These cases showcase the reduction in recidivism that is possible by creating and maintaining relationships with animal hoarders to ensure their behaviors do not continue and cause the suffering of animals.

Several types of agencies must not only work together to investigate and address animal hoarding situations, but they must also work together to ensure the animal hoarding behavior does not reoccur, through monitoring and follow-up processes.¹⁷² APS can provide a plan for a plethora of services including counseling, home-care, nutrition, transportation and money management.¹⁷³ However, APS typically only assesses quarterly with a goal of short-term involvement, which

¹⁶⁰ *Id.* at 30.

¹⁶¹ Berry et al., *supra* note 11, at 186.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.* at 187.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² GARY PATRONEK ET AL., *ANIMAL HOARDING: STRUCTURING INTERDISCIPLINARY RESPONSES TO HELP PEOPLE, ANIMALS AND COMMUNITIES AT RISK*, at 28 (HARC 2006).

¹⁷³ *Id.* at 27.

means an animal welfare agency that is willing to monitor for years will help shift this burden.¹⁷⁴ Volunteers may be useful in these situations because they are far more likely to be involved much longer than human service agencies.¹⁷⁵ In some severe cases a guardianship may be needed. This need may become obvious during the investigation of an animal hoarding case when control over the hoarder's actions is needed to protect their own interest.¹⁷⁶ Guardianship of the person would allow the guardian to make decisions about keeping or turning over animals in the animal hoarder's possession.¹⁷⁷ By several agencies working together on animal hoarding cases, it is possible to reduce recidivism and keep both the animal hoarder and animals safe.

VI. Conclusion

Animal hoarding is a serious problem that Florida needs to address. Animal hoarding carries significant costs and brings suffering to the animals being hoarded as well as the humans perpetrating the hoarding. Several case studies examined above, show the inconsistencies among the law, and the shortcomings of agencies – all failing to address the severity of this type of crime. Florida should aim to take several steps to address these failures. By revising the animal cruelty statutes to define and prohibit animal hoarding, similar to Senate Bill 212, Florida would take a monumental first step to decreasing animal hoarding. Secondly, Florida should encourage its local governments to adopt ordinances that will provide tools and delegate proper authority to local officials to help prevent animal hoarding and intervene early. Case management teams in Florida should also follow HARC's suggested approach to dealing with animal hoarding cases.

Florida's older population is specifically vulnerable to becoming animal hoarders. APS should be involved at the earliest point possible to address potential animal hoarding and help seniors avoid the negative outcomes of animal hoarding. APS should work with other state and local agencies to address animal hoarding situations and ensure the safety of both the animals and the older adults.

Florida should aim to strike a balance between prosecuting and rehabilitating animal hoarders to reduce recidivism. Prosecutors should focus on comprehensive plea-bargains that outline all aspects of animal care and ownership and provide for mandatory supervision with unannounced home visits for a period of years following the original offense.¹⁷⁸ Enacting these reforms and strategies in Florida will hopefully result in a decrease of overall incidence of animal hoarding as well as decreasing recidivism rates.

¹⁷⁴ *Id.* at 29.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.* at 30.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*