

1 A bill to be entitled

2 An act relating to animal cruelty; amending s. 828.12,
3 F.S.; specifying that a person who commits multiple
4 acts of animal cruelty against one animal or acts of
5 animal cruelty against multiple animals may be charged
6 with a separate offense for each such act of animal
7 cruelty; specifying that a person who owns or has
8 custody or control of any animal and fails to act
9 commits aggravated animal cruelty if certain injuries
10 or death result; creating s. 828.1615, F.S.;
11 prohibiting specific acts relating to dyeing or
12 artificially coloring certain animals; prohibiting
13 persons from selling, offering for sale, or giving
14 away as merchandising premiums specified fowl or
15 rabbits to be used as pets, toys, or retail premiums;
16 providing exceptions; providing criminal penalties;
17 amending s. 895.02, F.S.; including illegal animal
18 fighting or baiting as an offense within the
19 definition of the term "racketeering activity" for
20 purposes of the Florida RICO (Racketeer Influenced and
21 Corrupt Organization) Act; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 828.12, Florida Statutes, is amended to
27 read:

28 828.12 Cruelty to animals.—

29 | (1) A person who unnecessarily overloads, overdrives,
 30 | torments, deprives of necessary sustenance or shelter, or
 31 | unnecessarily mutilates, or kills any animal, or causes the same
 32 | to be done, or carries in or upon any vehicle, or otherwise, any
 33 | animal in a cruel or inhumane manner, commits animal cruelty, ~~is~~
 34 | ~~guilty of~~ a misdemeanor of the first degree, punishable as
 35 | provided in s. 775.082 or by a fine of not more than \$5,000, or
 36 | both.

37 | (2) A person who intentionally commits an act to any
 38 | animal, or a person who owns or has the custody or control of
 39 | any animal and fails to act, which results in the cruel death,
 40 | or excessive or repeated infliction of unnecessary pain or
 41 | suffering, or causes the same to be done, commits aggravated
 42 | animal cruelty, ~~is guilty of~~ a felony of the third degree,
 43 | punishable as provided in s. 775.082 or by a fine of not more
 44 | than \$10,000, or both.

45 | (a) A person convicted of a violation of this subsection,
 46 | where the finder of fact determines that the violation includes
 47 | the knowing and intentional torture or torment of an animal that
 48 | injures, mutilates, or kills the animal, shall be ordered to pay
 49 | a minimum mandatory fine of \$2,500 and undergo psychological
 50 | counseling or complete an anger management treatment program.

51 | (b) A ~~Any~~ person convicted of a second or subsequent
 52 | violation of this subsection shall be required to pay a minimum
 53 | mandatory fine of \$5,000 and serve a minimum mandatory period of
 54 | incarceration of 6 months. In addition, the person shall be
 55 | released only upon expiration of sentence, is ~~shall not be~~
 56 | eligible for parole, control release, or any form of early

57 | release, and must serve 100 percent of the court-imposed
58 | sentence. Any plea of nolo contendere shall be considered a
59 | conviction for purposes of this subsection.

60 | (3) A person who commits multiple acts of animal cruelty
61 | or aggravated animal cruelty against an animal may be charged
62 | with a separate offense for each such act. A person who commits
63 | animal cruelty or aggravated animal cruelty against more than
64 | one animal may be charged with a separate offense for each
65 | animal such cruelty was committed upon.

66 | (4)~~(3)~~ A veterinarian licensed to practice in the state
67 | shall be held harmless from either criminal or civil liability
68 | for any decisions made or services rendered under the provisions
69 | of this section. Such a veterinarian is, therefore, under this
70 | subsection, immune from a lawsuit for his or her part in an
71 | investigation of cruelty to animals.

72 | (5)~~(4)~~ A person who intentionally trips, fells, ropes, or
73 | lassos the legs of a horse by any means for the purpose of
74 | entertainment or sport shall be guilty of a third degree felony,
75 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
76 | As used in this subsection, "trip" means any act that consists
77 | of the use of any wire, pole, stick, rope, or other apparatus to
78 | cause a horse to fall or lose its balance, and "horse" means any
79 | animal of any registered breed of the genus Equus, or any
80 | recognized hybrid thereof. The provisions of this subsection
81 | shall not apply when tripping is used:

82 | (a) To control a horse that is posing an immediate threat
83 | to other livestock or human beings;

84 | (b) For the purpose of identifying ownership of the horse

85 when its ownership is unknown; or

86 (c) For the purpose of administering veterinary care to
87 the horse.

88 Section 2. Section 828.1615, Florida Statutes, is created
89 to read:

90 828.1615 Prohibiting artificial coloring and sale of
91 certain animals.-

92 (1) It is unlawful for a person to:

93 (a) Dye or artificially color an animal that is under 12
94 weeks of age, or a fowl or rabbit of any age;

95 (b) Bring a dyed or artificially colored animal that is
96 under 12 weeks of age, or a fowl or rabbit of any age, into this
97 state; or

98 (c) Sell, offer for sale, or give away as merchandising
99 premiums, baby chickens, ducklings, or other fowl under 4 weeks
100 of age or rabbits under 2 months of age to be used as pets,
101 toys, or retail premiums.

102 (2) The prohibitions in paragraphs (1)(a) and (1)(b) do
103 not apply to animals that are temporarily dyed by agricultural
104 entities for protective health purposes.

105 (3) This section does not apply to an animal that is under
106 12 weeks of age, or a fowl or rabbit of any age, that is used or
107 raised for agricultural purposes by a person with proper
108 facilities to care for it or for the purpose of poultry or
109 livestock exhibitions.

110 (4) A person who violates this section commits a
111 misdemeanor of the second degree, punishable as provided in s.
112 775.082 or s. 775.083.

113 Section 3. Paragraph (a) of subsection (1) of section
 114 895.02, Florida Statutes, is amended to read:

115 895.02 Definitions.—As used in ss. 895.01–895.08, the
 116 term:

117 (1) "Racketeering activity" means to commit, to attempt to
 118 commit, to conspire to commit, or to solicit, coerce, or
 119 intimidate another person to commit:

120 (a) Any crime that is chargeable by petition, indictment,
 121 or information under the following provisions of the Florida
 122 Statutes:

123 1. Section 210.18, relating to evasion of payment of
 124 cigarette taxes.

125 2. Section 316.1935, relating to fleeing or attempting to
 126 elude a law enforcement officer and aggravated fleeing or
 127 eluding.

128 3. Section 403.727(3)(b), relating to environmental
 129 control.

130 4. Section 409.920 or s. 409.9201, relating to Medicaid
 131 fraud.

132 5. Section 414.39, relating to public assistance fraud.

133 6. Section 440.105 or s. 440.106, relating to workers'
 134 compensation.

135 7. Section 443.071(4), relating to creation of a
 136 fictitious employer scheme to commit reemployment assistance
 137 fraud.

138 8. Section 465.0161, relating to distribution of medicinal
 139 drugs without a permit as an Internet pharmacy.

140 9. Section 499.0051, relating to crimes involving

- 141 | contraband and adulterated drugs.
- 142 | 10. Part IV of chapter 501, relating to telemarketing.
- 143 | 11. Chapter 517, relating to sale of securities and
- 144 | investor protection.
- 145 | 12. Section 550.235 or s. 550.3551, relating to dogracing
- 146 | and horseracing.
- 147 | 13. Chapter 550, relating to jai alai frontons.
- 148 | 14. Section 551.109, relating to slot machine gaming.
- 149 | 15. Chapter 552, relating to the manufacture,
- 150 | distribution, and use of explosives.
- 151 | 16. Chapter 560, relating to money transmitters, if the
- 152 | violation is punishable as a felony.
- 153 | 17. Chapter 562, relating to beverage law enforcement.
- 154 | 18. Section 624.401, relating to transacting insurance
- 155 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 156 | to operating an unauthorized multiple-employer welfare
- 157 | arrangement, or s. 626.902(1)(b), relating to representing or
- 158 | aiding an unauthorized insurer.
- 159 | 19. Section 655.50, relating to reports of currency
- 160 | transactions, when such violation is punishable as a felony.
- 161 | 20. Chapter 687, relating to interest and usurious
- 162 | practices.
- 163 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 164 | real estate timeshare plans.
- 165 | 22. Section 775.13(5)(b), relating to registration of
- 166 | persons found to have committed any offense for the purpose of
- 167 | benefiting, promoting, or furthering the interests of a criminal
- 168 | gang.

- 169 23. Section 777.03, relating to commission of crimes by
- 170 accessories after the fact.
- 171 24. Chapter 782, relating to homicide.
- 172 25. Chapter 784, relating to assault and battery.
- 173 26. Chapter 787, relating to kidnapping or human
- 174 trafficking.
- 175 27. Chapter 790, relating to weapons and firearms.
- 176 28. Chapter 794, relating to sexual battery, but only if
- 177 such crime was committed with the intent to benefit, promote, or
- 178 further the interests of a criminal gang, or for the purpose of
- 179 increasing a criminal gang member's own standing or position
- 180 within a criminal gang.
- 181 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or
- 182 s. 796.07, relating to prostitution and sex trafficking.
- 183 30. Chapter 806, relating to arson and criminal mischief.
- 184 31. Chapter 810, relating to burglary and trespass.
- 185 32. Chapter 812, relating to theft, robbery, and related
- 186 crimes.
- 187 33. Chapter 815, relating to computer-related crimes.
- 188 34. Chapter 817, relating to fraudulent practices, false
- 189 pretenses, fraud generally, and credit card crimes.
- 190 35. Chapter 825, relating to abuse, neglect, or
- 191 exploitation of an elderly person or disabled adult.
- 192 36. Section 827.071, relating to commercial sexual
- 193 exploitation of children.
- 194 37. Section 828.122, relating to fighting or baiting
- 195 animals.
- 196 ~~38.37.~~ Chapter 831, relating to forgery and

197 counterfeiting.

198 ~~39.38.~~ Chapter 832, relating to issuance of worthless

199 checks and drafts.

200 ~~40.39.~~ Section 836.05, relating to extortion.

201 ~~41.40.~~ Chapter 837, relating to perjury.

202 ~~42.41.~~ Chapter 838, relating to bribery and misuse of

203 public office.

204 ~~43.42.~~ Chapter 843, relating to obstruction of justice.

205 ~~44.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,

206 or s. 847.07, relating to obscene literature and profanity.

207 ~~45.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or

208 s. 849.25, relating to gambling.

209 ~~46.45.~~ Chapter 874, relating to criminal gangs.

210 ~~47.46.~~ Chapter 893, relating to drug abuse prevention and

211 control.

212 ~~48.47.~~ Chapter 896, relating to offenses related to

213 financial transactions.

214 ~~49.48.~~ Sections 914.22 and 914.23, relating to tampering

215 with or harassing a witness, victim, or informant, and

216 retaliation against a witness, victim, or informant.

217 ~~50.49.~~ Sections 918.12 and 918.13, relating to tampering

218 with jurors and evidence.

219 Section 4. This act shall take effect July 1, 2013.