

By the Committees on Appropriations; and Criminal Justice; and  
Senators Brandes, Gardiner, Lee, and Sachs

576-04639-13

2013504c2

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; amending s. 828.27, F.S.; providing for  
8 additional uses by certain counties of proceeds of  
9 surcharges on animal control or cruelty violations;  
10 providing for expiration; amending s. 895.02, F.S.;  
11 including illegal animal fighting or baiting as an  
12 offense within the definition of the term  
13 "racketeering activity" for purposes of the Florida  
14 RICO (Racketeer Influenced and Corrupt Organization)  
15 Act; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 828.12, Florida Statutes, is amended to  
20 read:

21 828.12 Cruelty to animals.—

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

576-04639-13

2013504c2

30 (2) A person who intentionally commits an act to any animal  
31 which results in the cruel death, or excessive or repeated  
32 infliction of unnecessary pain or suffering, or causes the same  
33 to be done, commits aggravated animal cruelty, ~~is guilty of a~~  
34 felony of the third degree, punishable as provided in s. 775.082  
35 or by a fine of not more than \$10,000, or both.

36 (a) A person convicted of a violation of this subsection,  
37 where the finder of fact determines that the violation includes  
38 the knowing and intentional torture or torment of an animal that  
39 injures, mutilates, or kills the animal, shall be ordered to pay  
40 a minimum mandatory fine of \$2,500 and undergo psychological  
41 counseling or complete an anger management treatment program.

42 (b) A ~~Any~~ person convicted of a second or subsequent  
43 violation of this subsection shall be required to pay a minimum  
44 mandatory fine of \$5,000 and serve a minimum mandatory period of  
45 incarceration of 6 months. In addition, the person shall be  
46 released only upon expiration of sentence, is ~~shall not be~~  
47 eligible for parole, control release, or any form of early  
48 release, and must serve 100 percent of the court-imposed  
49 sentence. Any plea of nolo contendere shall be considered a  
50 conviction for purposes of this subsection.

51 (3) A person who commits multiple acts of animal cruelty or  
52 aggravated animal cruelty against an animal may be charged with  
53 a separate offense for each such act. A person who commits  
54 animal cruelty or aggravated animal cruelty against more than  
55 one animal may be charged with a separate offense for each  
56 animal such cruelty was committed upon.

57 (4) ~~(3)~~ A veterinarian licensed to practice in the state  
58 shall be held harmless from either criminal or civil liability

576-04639-13

2013504c2

59 for any decisions made or services rendered under the provisions  
60 of this section. Such a veterinarian is, therefore, under this  
61 subsection, immune from a lawsuit for his or her part in an  
62 investigation of cruelty to animals.

63 (5)~~(4)~~ A person who intentionally trips, fells, ropes, or  
64 lassos the legs of a horse by any means for the purpose of  
65 entertainment or sport shall be guilty of a third degree felony,  
66 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
67 As used in this subsection, "trip" means any act that consists  
68 of the use of any wire, pole, stick, rope, or other apparatus to  
69 cause a horse to fall or lose its balance, and "horse" means any  
70 animal of any registered breed of the genus *Equus*, or any  
71 recognized hybrid thereof. The provisions of this subsection  
72 shall not apply when tripping is used:

73 (a) To control a horse that is posing an immediate threat  
74 to other livestock or human beings;

75 (b) For the purpose of identifying ownership of the horse  
76 when its ownership is unknown; or

77 (c) For the purpose of administering veterinary care to the  
78 horse.

79 Section 2. Paragraph (b) of subsection (4) of section  
80 828.27, Florida Statutes, is amended to read:

81 828.27 Local animal control or cruelty ordinances;  
82 penalty.-

83 (4)

84 (b)1. The governing body of a county or municipality may  
85 impose and collect a surcharge of up to \$5 upon each civil  
86 penalty imposed for violation of an ordinance relating to animal  
87 control or cruelty. The proceeds from such surcharges shall be

576-04639-13

2013504c2

88 used to pay the costs of training for animal control officers.

89 2. In addition to the uses set forth in subparagraph 1., a  
90 county, as defined in s. 125.011, may use the proceeds specified  
91 in that subparagraph and any carryover or fund balance from such  
92 proceeds for animal shelter operating expenses. This  
93 subparagraph expires July 1, 2014.

94 Section 3. Paragraph (a) of subsection (1) of section  
95 895.02, Florida Statutes, is amended to read:

96 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

97 (1) "Racketeering activity" means to commit, to attempt to  
98 commit, to conspire to commit, or to solicit, coerce, or  
99 intimidate another person to commit:

100 (a) Any crime that is chargeable by petition, indictment,  
101 or information under the following provisions of the Florida  
102 Statutes:

103 1. Section 210.18, relating to evasion of payment of  
104 cigarette taxes.

105 2. Section 316.1935, relating to fleeing or attempting to  
106 elude a law enforcement officer and aggravated fleeing or  
107 eluding.

108 3. Section 403.727(3)(b), relating to environmental  
109 control.

110 4. Section 409.920 or s. 409.9201, relating to Medicaid  
111 fraud.

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

113 6. Section 440.105 or s. 440.106, relating to workers'  
114 compensation.

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

576-04639-13

2013504c2

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

119 9. Section 499.0051, relating to crimes involving  
120 contraband and adulterated drugs.

121 10. Part IV of chapter 501, relating to telemarketing.

122 11. Chapter 517, relating to sale of securities and  
123 investor protection.

124 12. Section 550.235 or s. 550.3551, relating to dogracing  
125 and horseracing.

126 13. Chapter 550, relating to jai alai frontons.

127 14. Section 551.109, relating to slot machine gaming.

128 15. Chapter 552, relating to the manufacture, distribution,  
129 and use of explosives.

130 16. Chapter 560, relating to money transmitters, if the  
131 violation is punishable as a felony.

132 17. Chapter 562, relating to beverage law enforcement.

133 18. Section 624.401, relating to transacting insurance  
134 without a certificate of authority, s. 624.437(4)(c)1., relating  
135 to operating an unauthorized multiple-employer welfare  
136 arrangement, or s. 626.902(1)(b), relating to representing or  
137 aiding an unauthorized insurer.

138 19. Section 655.50, relating to reports of currency  
139 transactions, when such violation is punishable as a felony.

140 20. Chapter 687, relating to interest and usurious  
141 practices.

142 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
143 real estate timeshare plans.

144 22. Section 775.13(5)(b), relating to registration of  
145 persons found to have committed any offense for the purpose of

576-04639-13

2013504c2

146 benefiting, promoting, or furthering the interests of a criminal  
147 gang.

148 23. Section 777.03, relating to commission of crimes by  
149 accessories after the fact.

150 24. Chapter 782, relating to homicide.

151 25. Chapter 784, relating to assault and battery.

152 26. Chapter 787, relating to kidnapping or human  
153 trafficking.

154 27. Chapter 790, relating to weapons and firearms.

155 28. Chapter 794, relating to sexual battery, but only if  
156 such crime was committed with the intent to benefit, promote, or  
157 further the interests of a criminal gang, or for the purpose of  
158 increasing a criminal gang member's own standing or position  
159 within a criminal gang.

160 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s.  
161 796.07, relating to prostitution and sex trafficking.

162 30. Chapter 806, relating to arson and criminal mischief.

163 31. Chapter 810, relating to burglary and trespass.

164 32. Chapter 812, relating to theft, robbery, and related  
165 crimes.

166 33. Chapter 815, relating to computer-related crimes.

167 34. Chapter 817, relating to fraudulent practices, false  
168 pretenses, fraud generally, and credit card crimes.

169 35. Chapter 825, relating to abuse, neglect, or  
170 exploitation of an elderly person or disabled adult.

171 36. Section 827.071, relating to commercial sexual  
172 exploitation of children.

173 37. Section 828.122, relating to fighting or baiting  
174 animals.

576-04639-13

2013504c2

175        38.37. Chapter 831, relating to forgery and counterfeiting.

176        39.38. Chapter 832, relating to issuance of worthless  
177 checks and drafts.

178        40.39. Section 836.05, relating to extortion.

179        41.40. Chapter 837, relating to perjury.

180        42.41. Chapter 838, relating to bribery and misuse of  
181 public office.

182        43.42. Chapter 843, relating to obstruction of justice.

183        44.43. Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
184 or s. 847.07, relating to obscene literature and profanity.

185        45.44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
186 s. 849.25, relating to gambling.

187        46.45. Chapter 874, relating to criminal gangs.

188        47.46. Chapter 893, relating to drug abuse prevention and  
189 control.

190        48.47. Chapter 896, relating to offenses related to  
191 financial transactions.

192        49.48. Sections 914.22 and 914.23, relating to tampering  
193 with or harassing a witness, victim, or informant, and  
194 retaliation against a witness, victim, or informant.

195        50.49. Sections 918.12 and 918.13, relating to tampering  
196 with jurors and evidence.

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