

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 851 — Animal Cruelty

by Criminal Justice Subcommittee and Rep. Moskowitz and others (CS/CS/SB 504 by Appropriations Committee; Criminal Justice Committee; and Senators Brandes, Gardiner, Lee, and Sachs)

The bill clarifies that aggravated animal cruelty can occur when a person who owns or has custody or control of an animal fails to act, and such failure results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done.

The bill specifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. The bill also provides that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal that such cruelty was committed upon.

The bill amends the definition of racketeering activity to include violations of animal fighting and baiting. There are over 50 crimes currently listed in the racketeering law ranging from evasion of payment of cigarette taxes to homicide. Violations of the RICO Act may be investigated and prosecuted by the Office of Statewide Prosecution.

The bill makes it a second degree misdemeanor for a person to:

- Dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age;
- Bring dyed or artificially colored animals under 12 weeks of age, or fowl or rabbits of any age, into the state; or
- Sell, offer for sale, or give away as merchandising premiums baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys, or retail premiums.

The first two prohibitions listed above do not apply to animals that are temporarily dyed by agricultural entities for protective health purposes. The bill prohibits the statute from being construed to apply to any animal that is under 12 weeks of age, or any fowl or rabbit of any age that are used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.

The bill allows a county, as defined in s. 125.011, F.S., to use carryover proceeds or fund balances obtained from civil penalties from violations of ordinances relating to animal control or cruelty for animal shelter operating expenses. Currently counties are limited to using those funds for officer training. This provision expires July 1, 2014.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 35-0; House 118-0