

By the Committees on Crime & Punishment, Agriculture and  
Representatives Jacobs, Frankel, Rayson, Silver, Futch, Brown,  
Heyman, Lippman, Effman, Posey and Wasserman Schultz

1                                   A bill to be entitled  
2           An act relating to cruelty to animals; amending  
3           s. 828.12, F.S.; making certain types of animal  
4           exhibitions a crime; amending s. 828.27, F.S.;  
5           revising a definition; authorizing counties and  
6           municipalities to enact ordinances the  
7           violation of which constitutes a misdemeanor of  
8           the second degree; providing that commission of  
9           a misdemeanor of the second degree must be  
10          proven beyond a reasonable doubt; providing an  
11          effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Present subsections (2) and (3) of section  
16 828.12, Florida Statutes, are redesignated as subsections (3)  
17 and (4), respectively, and a new subsection (2) is added to  
18 that section to read:

19           828.12 Cruelty to animals.--

20           (2) A person who conducts, finances, manages, or  
21 participates in a commercial animal exhibition in which equine  
22 or other farm animals without human riders are encouraged or  
23 required to fall or jump downward a distance of 10 feet or  
24 more is guilty of a misdemeanor of the first degree,  
25 punishable as provided in s. 775.082 or by a fine of not more  
26 than \$5,000, or both.

27           Section 2. Paragraph (g) of subsection (1), paragraph  
28 (a) of subsection (2), and subsection (3) of section 828.27,  
29 Florida Statutes, are amended to read:

30           828.27 Local animal control or cruelty ordinances;  
31 penalty.--

- 1           (1) As used in this section, the term:
- 2           (g) "Ordinance" means any ordinance relating to the  
3 control of or cruelty to animals enacted by the governing body  
4 of a county or municipality the violation of which is a civil  
5 infraction or a misdemeanor of the second degree, punishable  
6 as provided in s. 775.082 or s. 775.083.
- 7           (2) The governing body of a county or municipality is  
8 authorized to enact ordinances relating to animal control or  
9 cruelty, which ordinances must provide:
- 10          (a) That a violation of such an ordinance is a civil  
11 infraction or a misdemeanor of the second degree, punishable  
12 as provided in s. 775.082 or s. 775.083.
- 13          (b) A maximum civil penalty not to exceed \$500.
- 14          (c) A civil penalty of less than the maximum civil  
15 penalty if the person who has committed the civil infraction  
16 does not contest the citation.
- 17          (d) For the issuance of a citation by an officer who  
18 has probable cause to believe that a person has committed an  
19 act in violation of an ordinance.
- 20          (e) For the contesting of a citation in the county  
21 court.
- 22          (f) That, if a person fails to pay the civil penalty,  
23 fails to appear in court to contest the citation, or fails to  
24 appear in court as required by subsection~~(6)~~~~(5)~~, the court  
25 may issue an order to show cause upon the request of the  
26 governing body of the county or municipality. This order  
27 shall require such persons to appear before the court to  
28 explain why action on the citation has not been taken. If any  
29 person who is issued such order fails to appear in response to  
30 the court's directive, that person may be held in contempt of  
31 court.

1           (g) Such procedures and provisions as are necessary to  
2 implement any ordinances enacted under the authority of this  
3 section.

4           (3) The commission of a charged infraction at a  
5 hearing authorized pursuant to this chapter must be proven by  
6 a preponderance of the evidence. The commission of a  
7 misdemeanor of the second degree must be proven beyond a  
8 reasonable doubt.

9           Section 3. This act shall take effect October 1 of the  
10 year in which enacted.

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