

STORAGE NAME: h0941z.ag
DATE: May 4, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
FINAL ANALYSIS**

BILL #: HB 941
RELATING TO: Fighting and Baiting Animals
SPONSOR(S): Representative Sobel
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE
 - (2) CRIME & PUNISHMENT
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

HB 941 provides a third degree felony charge for any person who keeps an animal for the purpose of fighting or baiting. The charge applies to anyone who owns, possesses, keeps, trains, promotes, transports, purchases, or sells the animal for the purpose of fighting or baiting.

Current animal fighting statutes prohibit using animals for fighting, as well as owning or operating a facility used for animal fights or promoting a fight between animals. However, it doesn't prohibit the possession of the animals. According to the Humane Society of the United States (HSUS), this loophole in the statutes makes enforcement and prosecution of these cases difficult.

This legislation has no fiscal impact to the state. The effective date of this legislation is upon becoming law.

HB 489 was not considered and, therefore, died in the Agriculture Committee.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government: This bill will add further regulations regarding the fighting and baiting of animals.

B. PRESENT SITUATION:

Section 828.122(3), F.S., currently provides criminal penalties for:

- baiting, or using any animal for the purpose of fighting or baiting any other animal;
- knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal; or
- promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

According to the Humane Society of the United States (HSUS), the current animal fighting statute contains a loophole because Florida prohibits cockfighting but allows possession of an animal used for fighting. Unless they are actually caught in the act, people accused of cockfighting in Florida simply respond by saying they fight the birds in Louisiana, Oklahoma, or New Mexico, where cockfighting is still legal.

C. EFFECT OF PROPOSED CHANGES:

Section 1: Provides criminal penalties for any person owning, possessing, keeping, training, promoting, transporting, purchasing, or selling any animal for the purpose of fighting or baiting.

Section 2: Provides an effective date of upon becoming law.

D. SECTION-BY-SECTION ANALYSIS:

Please see Section C. (Effect of Proposed Changes).

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:

Prepared by:

Debbi Kaiser

Staff Director:

Susan D. Reese

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON AGRICULTURE:

Prepared by:

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Staff Director:

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