

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

2

3 Section 1. Section 828.12, Florida Statutes, is
4 amended to read:

5 828.12 Cruelty to animals.--

6 (1) A person who unnecessarily overloads, overdrives,
7 torments, deprives of necessary sustenance, medical attention,
8 sanitation, or shelter, or unnecessarily mutilates, or kills
9 any animal, or causes the same to be done, or carries in or
10 upon any vehicle, or otherwise, any animal in a cruel or
11 inhumane manner, is guilty of a misdemeanor of the first
12 degree, punishable as provided in s. 775.082 or by a fine of
13 not more than \$5,000, or both.

14 (2) A person who intentionally commits an act to any
15 animal which results in the cruel death, or excessive or
16 repeated infliction of unnecessary pain or suffering, or
17 causes the same to be done, is guilty of a felony of the third
18 degree, punishable as provided in s. 775.082 or by a fine of
19 not more than \$10,000, or both. A person convicted of a
20 violation of this subsection, where the finder of fact
21 determines that the violation includes the knowing and
22 intentional torture or torment of an animal that injures,
23 mutilates, or kills the animal, shall, in addition to the
24 sentence imposed pursuant to this subsection, be ordered to
25 complete an anger management treatment program. Upon such a
26 determination, the court shall order an evaluation of the
27 person convicted to be conducted prior to sentencing to assist
28 the court in determining an appropriate sentence. The person
29 ordered to undergo the evaluation shall pay the cost of the
30 evaluation, unless the person has been determined by the court
31 to be indigent, in which case the cost shall be paid by the

1 county. If the evaluation results in a recommendation of
2 treatment, and if the court so finds, the person shall be
3 ordered to complete an anger management treatment program or
4 any other program that the court may deem appropriate. Any
5 person convicted on a second or subsequent violation of this
6 subsection shall be released only upon expiration of sentence,
7 shall not be eligible for parole, control release, or any form
8 of early release, and must serve 100 percent of the
9 court-imposed sentence. Any plea of nolo contendere shall be
10 considered a conviction for purposes of this subsection. In
11 addition to any other sentence imposed for a violation of this
12 subsection, any person convicted of any crime where the finder
13 of fact determines that the violation includes an intentional
14 act of cruelty to animals shall be required to pay a minimum
15 mandatory fine of \$2,500, serve a minimum mandatory period of
16 incarceration of 1 year, and complete an anger management
17 treatment program or any other treatment program deemed
18 appropriate by the court.

19 (3) A veterinarian licensed to practice in the state
20 shall be held harmless from either criminal or civil liability
21 for any decisions made or services rendered under the
22 provisions of this section. Such a veterinarian is, therefore,
23 under this subsection, immune from a lawsuit for his or her
24 part in an investigation of cruelty to animals.

25 (4) A person who intentionally trips, fells, ropes, or
26 lassos the legs of a horse by any means for the purpose of
27 entertainment or sport shall be guilty of a third degree
28 felony, punishable as provided in s. 775.082, s. 775.083, or
29 s. 775.084. As used in this subsection, "trip" means any act
30 that consists of the use of any wire, pole, stick, rope, or
31 other apparatus to cause a horse to fall or lose its balance,

1 and "horse" means any animal of any registered breed of the
2 genus Equus, or any recognized hybrid thereof. The provisions
3 of this subsection shall not apply when tripping is used:
4 (a) To control a horse that is posing an immediate
5 threat to other livestock or human beings;
6 (b) For the purpose of identifying ownership of the
7 horse when its ownership is unknown; or
8 (c) For the purpose of administering veterinary care
9 to the horse.
10 (5) The provisions of this section do not apply to:
11 (a) The treatment of livestock and other animals used
12 in the farm or ranch production of food, fiber, or other
13 agricultural products when such treatment is in accordance
14 with accepted agricultural animal husbandry.
15 (b) The treatment of animals involved in research if
16 such research facility is operating under rules set forth by
17 the state or by the Federal Government.
18 (c) The treatment of animals involved in rodeos.
19 (d) The treatment of dogs used for legal hunting
20 activities.
21 (e) Wildlife nuisance.
22 (f) Activities concerning wildlife and predator
23 control in the state, including trapping, regulated by local
24 or general law.
25 (6) Nothing in this section shall be construed to
26 amend or in any manner change the authority of the Fish and
27 Wildlife Conservation Commission.
28 Section 2. For the purpose of incorporating the
29 amendment to section 828.12, Florida Statutes, in references
30 thereto, the sections or subdivisions of Florida Statutes set
31 forth below are reenacted to read:

1 550.2415 Racing of animals under certain conditions
2 prohibited; penalties; exceptions.--

3 (6)

4 (d) A conviction of cruelty to animals pursuant to s.
5 828.12 involving a racing animal constitutes a violation of
6 this chapter.

7 828.122 Fighting or baiting animals; offenses;
8 penalties.--

9 (5) Whenever an indictment is returned or an
10 information is filed charging a violation of s. 828.12 or of
11 this section and, in the case of an information, a magistrate
12 finds probable cause that a violation has occurred, the court
13 shall order the animals seized and shall provide for
14 appropriate and humane care or disposition of the animals.
15 This provision shall not be construed as a limitation on the
16 power to seize animals as evidence at the time of arrest.

17 (6) The provisions of subsection (3) and paragraph
18 (4)(b) shall not apply to:

19 (a) Any person simulating a fight for the purpose of
20 using the simulated fight as part of a motion picture which
21 will be used on television or in a motion picture, provided s.
22 828.12 is not violated.

23 828.17 Officer to arrest without warrant.--Any sheriff
24 or any other peace officer of the state, or any police officer
25 of any city or town of the state, shall arrest without warrant
26 any person found violating any of the provisions of ss.
27 828.04, 828.08, 828.12, and 828.13-828.16, and the officer
28 making the arrest shall hold the offender until a warrant can
29 be procured, and he or she shall use proper diligence to
30 procure such warrant.

31

1 828.29 Dogs and cats transported or offered for sale;
2 health requirements; consumer guarantee.--

3 (14) The state attorney may bring an action to enjoin
4 any violator of this section or s. 828.12 or s. 828.13 from
5 being a pet dealer.

6 943.051 Criminal justice information; collection and
7 storage; fingerprinting.--

8 (3)

9 (b) A minor who is charged with or found to have
10 committed the following offenses shall be fingerprinted and
11 the fingerprints shall be submitted to the department:

12 11. Cruelty to animals, as defined in s. 828.12(1).

13 985.212 Fingerprinting and photographing.--

14 (1)

15 (b) A child who is charged with or found to have
16 committed one of the following offenses shall be
17 fingerprinted, and the fingerprints shall be submitted to the
18 Department of Law Enforcement as provided in s. 943.051(3)(b):

19 11. Cruelty to animals, as defined in s. 828.12(1).

20

21 A law enforcement agency may fingerprint and photograph a
22 child taken into custody upon probable cause that such child
23 has committed any other violation of law, as the agency deems
24 appropriate. Such fingerprint records and photographs shall be
25 retained by the law enforcement agency in a separate file, and
26 these records and all copies thereof must be marked "Juvenile
27 Confidential." These records are not available for public
28 disclosure and inspection under s. 119.07(1) except as
29 provided in ss. 943.053 and 985.04(5), but shall be available
30 to other law enforcement agencies, criminal justice agencies,
31 state attorneys, the courts, the child, the parents or legal

1 custodians of the child, their attorneys, and any other person
2 authorized by the court to have access to such records. In
3 addition, such records may be submitted to the Department of
4 Law Enforcement for inclusion in the state criminal history
5 records and used by criminal justice agencies for criminal
6 justice purposes. These records may, in the discretion of the
7 court, be open to inspection by anyone upon a showing of
8 cause. The fingerprint and photograph records shall be
9 produced in the court whenever directed by the court. Any
10 photograph taken pursuant to this section may be shown by a
11 law enforcement officer to any victim or witness of a crime
12 for the purpose of identifying the person who committed such
13 crime.

14 921.0022 Criminal Punishment Code; offense severity
15 ranking chart.--

16 (3) OFFENSE SEVERITY RANKING CHART

18 Florida	Felony	
19 Statute	Degree	Description
		(c) LEVEL 3
22 316.1935(2)	3rd	Fleeing or attempting to elude 23 law enforcement officer in marked 24 patrol vehicle with siren and 25 lights activated.
26 319.30(4)	3rd	Possession by junkyard of motor 27 vehicle with identification 28 number plate removed.
29 319.33(1)(a)	3rd	Alter or forge any certificate of 30 title to a motor vehicle or 31 mobile home.

1	319.33(1)(c)	3rd	Procure or pass title on stolen
2			vehicle.
3	319.33(4)	3rd	With intent to defraud, possess,
4			sell, etc., a blank, forged, or
5			unlawfully obtained title or
6			registration.
7	328.05(2)	3rd	Possess, sell, or counterfeit
8			fictitious, stolen, or fraudulent
9			titles or bills of sale of
10			vessels.
11	328.07(4)	3rd	Manufacture, exchange, or possess
12			vessel with counterfeit or wrong
13			ID number.
14	376.302(5)	3rd	Fraud related to reimbursement
15			for cleanup expenses under the
16			Inland Protection Trust Fund.
17	501.001(2)(b)	2nd	Tampers with a consumer product
18			or the container using materially
19			false/misleading information.
20	697.08	3rd	Equity skimming.
21	790.15(3)	3rd	Person directs another to
22			discharge firearm from a vehicle.
23	796.05(1)	3rd	Live on earnings of a prostitute.
24	806.10(1)	3rd	Maliciously injure, destroy, or
25			interfere with vehicles or
26			equipment used in firefighting.
27	806.10(2)	3rd	Interferes with or assaults
28			firefighter in performance of
29			duty.
30			
31			

1	810.09(2)(c)	3rd	Trespass on property other than
2			structure or conveyance armed
3			with firearm or dangerous weapon.
4	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
5			less than \$10,000.
6	815.04(4)(b)	2nd	Computer offense devised to
7			defraud or obtain property.
8	817.034(4)(a)3.	3rd	Engages in scheme to defraud
9			(Florida Communications Fraud
10			Act), property valued at less
11			than \$20,000.
12	817.233	3rd	Burning to defraud insurer.
13	828.12(2)	3rd	Tortures any animal with intent
14			to inflict intense pain, serious
15			physical injury, or death.
16	831.29	2nd	Possession of instruments for
17			counterfeiting drivers' licenses
18			or identification cards.
19	838.021(3)(b)	3rd	Threatens unlawful harm to public
20			servant.
21	843.19	3rd	Injure, disable, or kill police
22			dog or horse.
23	870.01(2)	3rd	Riot; inciting or encouraging.
24	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
25			cannabis (or other s.
26			893.03(1)(c), (2)(c)1., (2)(c)2.,
27			(2)(c)3., (2)(c)5., (2)(c)6.,
28			(2)(c)7., (2)(c)8., (2)(c)9.,
29			(3), or (4) drugs).
30			
31			

1	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 200 feet
6			of university or public park.
7	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 200 feet
12			of public housing facility.
13	893.13(6)(a)	3rd	Possession of any controlled
14			substance other than felony
15			possession of cannabis.
16	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
17			controlled substance by fraud,
18			forgery, misrepresentation, etc.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	918.13(1)(a)	3rd	Alter, destroy, or conceal
24			investigation evidence.
25	944.47		
26	(1)(a)1.-2.	3rd	Introduce contraband to
27			correctional facility.
28	944.47(1)(c)	2nd	Possess contraband while upon the
29			grounds of a correctional
30			institution.
31			

