

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1310

SPONSOR: Agriculture and Consumer Services Committee, Senator Klein and Others

SUBJECT: Animal Fighting or Baiting

DATE: April 16, 2001

REVISED: 4/18/01

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable/CS</u>
2.	<u>Pingree</u>	<u>Beck</u>	<u>APJ</u>	<u>Fav/1 amendment</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>Withdrawn: Fav/1 am.</u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## I. Summary:

As amended by the Appropriations Subcommittee on Public Safety and Judiciary, CS/SB 1310 increases the penalty for betting on or attending animal fighting or baiting from a first degree misdemeanor to a third degree felony. Additionally, the bill provides that refereeing or advertising animal fighting or baiting, or serving as security for, or a stakeholder of, any money wagered on animal fighting or baiting is a third degree felony. The bill establishes procedures for the seizure and disposition of an animal and transfers authority to do this from a magistrate to a circuit judge. It clarifies that the Act does not apply to simulated fights in connection with television or movie production or to the use of dogs to hunt hogs pursuant to customary hunting or agricultural practices.

This bill substantially amends section 828.122 of the Florida Statutes.

## II. Present Situation:

Dog fighting is a brutal high-stakes sport in which dogs are bred and trained to kill. It is reported that every week at least one dogfight takes place in central Florida. Likewise, cockfighting involves two roosters attacking each other after having had their natural spurs shaved off and replaced with blades of various sizes. The fight lasts until one or both animals no longer can move and often die from the injuries.

Florida is one of 11 states that have no law against owning, training, or promoting dogfights, even though dog fighting or baiting dogs to fight is a felony. Only Louisiana, Oklahoma, and New Mexico allow cockfighting but roosters can be trained in Florida for the purpose of cockfighting. There are no provisions in the Florida law prohibiting certain acts associated with animal fighting or baiting, such as refereeing, advertising, or serving as security or a

stakeholder. This is one of the factors that make it difficult for authorities to enforce and prosecute cases under the existing law.

### **III. Effect of Proposed Changes:**

**Section 1.** Amends s. 828.122, F.S., as follows:

- Makes the following acts a third degree felony:
  - Performing any service or act to facilitate animal baiting or fighting, including refereeing, advertising animal baiting or fighting, or serving as security for, or a stakeholder of, any money wagered on animal fighting or baiting.
  - Attending, betting or wagering on the fighting or baiting of animals (penalty increased from a first degree misdemeanor to a third degree felony).
- Establishes the following procedures for seizure and disposition of an animal:
  - Authorizes a circuit judge, who has ordered the seizure of an animal, to require that the animal be impounded at the county animal shelter at the cost of the owner or possessor of the animal.
  - If an animal shelter is unavailable, the court may order it impounded on the property of the owner or possessor subject to inspections by court designated persons. The person so ordered must provide necessary care and cannot dispose of the animal without court authorization.
  - Final disposition shall be determined by the court pursuant to s. 828.073, F.S., which covers animals found in distress.
- Deletes provision that a magistrate is authorized to order seizure and care of an animal under certain conditions.
- Clarifies that Animal Fighting Act does not apply to simulated fights as part of a television show or motion picture or to the use of dogs to hunt hogs pursuant to customary hunting or agricultural practices.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Individuals who perform any act to facilitate animal baiting or fighting, such as refereeing or advertising animal fighting or baiting, or serving as a security or stakeholder of any money wagered on animal fighting or baiting, would be prohibited from doing those acts in the state of Florida.

**C. Government Sector Impact:**

CS/SB 1310 creates a third degree felony offense and reclassifies two existing first degree misdemeanor offenses to third degree felonies – all of which are ranked in Level 1 of the Criminal Punishment Code’s offense severity ranking chart (see s. 921.0022(3)(a), F.S.). To the extent that people are arrested for, charged with, and convicted of the criminal offenses modified and created in this bill, there may be a fiscal impact to state and local governments, including law enforcement agencies, state attorney and public defender offices, and the trial courts. Any impact is expected to be minimal. The Criminal Justice Estimating Conference will review this bill to determine its impact on the Department of Corrections, but it is anticipated that CS/SB 1310 will have an insignificant impact on the state’s prison population.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Appropriations Subcommittee on Public Safety and Judiciary – deletes “performing any service or act to facilitate animal baiting or fighting” from the language creating a new felony offense.