

By Senator Klein

28-696-01

1 A bill to be entitled
2 An act relating to animal fighting or baiting;
3 amending s. 828.122, F.S.; defining the term
4 "equipment"; revising the elements of the crime
5 of animal baiting or fighting; prohibiting
6 additional acts associated with animal fighting
7 or baiting; providing for the seizure,
8 impoundment, and euthanasia of animals under
9 certain conditions; providing penalties;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 828.122, Florida Statutes, is
15 amended to read:

16 828.122 Fighting or baiting animals; offenses;
17 penalties.--

18 (1) This act may be cited as "The Animal Fighting
19 Act."

20 (2) As used in this section:

21 (a) "Baiting" means to attack with violence, to
22 provoke, or to harass an animal with one or more animals for
23 the purpose of training an animal for, or to cause an animal
24 to engage in, fights with or among other animals. In
25 addition, "baiting" means the use of live animals in the
26 training of racing greyhounds.

27 (b) "Person" means every natural person, firm,
28 copartnership, association, or corporation.

29 (c) "Equipment" includes sparring muffs, gaffs,
30 harnesses, treadmills, catmills, breaking sticks, and pits.

31

1 (3) Any person who commits any of the following acts
2 is guilty of a felony of the third degree, punishable as
3 provided in s. 775.082, s. 775.083, or s. 775.084:

4 (a) Baiting, breeding, training, transporting,
5 possessing, or using any wild or domestic animal for the
6 purpose of fighting or baiting any other animal.

7 (b) Knowingly owning, possessing, or selling equipment
8 used in animal fighting or baiting or owning, managing, or
9 operating any facility kept or used for or involved with
10 animal ~~the purpose of fighting or baiting any animal.~~

11 (c) Promoting, staging, advertising, or charging any
12 admission fee to a fight or baiting between two or more
13 animals.

14 (d) Performing any service or act to facilitate animal
15 baiting or fighting, including refereeing, handling or
16 transporting animals, advertising animal baiting or fighting,
17 or serving as security for or a stakeholder of any money
18 wagered on animal fighting or baiting.

19 ~~(4) Any person who willfully commits any of the~~
20 ~~following acts is guilty of a misdemeanor of the first degree,~~
21 ~~punishable as provided in s. 775.082 or s. 775.083:~~

22 ~~(e)(a)~~ Betting or wagering any money or other valuable
23 consideration on the fighting or baiting of animals; or

24 ~~(f)(b)~~ Attending the fighting or baiting of animals.

25 (5) A circuit judge who orders the seizure of an
26 animal may require that it be impounded at an animal shelter
27 or other undisclosed location where it can be humanely housed
28 until its final disposition is determined. The law enforcement
29 agency that seizes the animal is responsible for the cost of
30 impoundment and is entitled to receive reimbursement of its
31 costs from the owner, or possessor of the animal.

1 (6) If an animal shelter or other location is
2 unavailable, a court may order the animal impounded on the
3 property of its owner or possessor and shall order such person
4 to provide all necessary care for the animal and allow regular
5 inspections of the animal by any persons designated by the
6 court. Any person so ordered may not dispose of the animal
7 without court authorization.

8 (7) The final disposition of an animal seized under
9 this section shall be determined by a county court pursuant to
10 s. 828.073.

11 (8) If an animal kept or used in violation of this
12 section is found by a circuit court to be unable to humanely
13 survive until a custody hearing, until the final disposition
14 of the charges, or until a court orders forfeiture, or if
15 other circumstances warrant, the court may order the animal
16 euthanized.

17 ~~(5) Whenever an indictment is returned or an~~
18 ~~information is filed charging a violation of s. 828.12 or of~~
19 ~~this section and, in the case of an information, a magistrate~~
20 ~~finds probable cause that a violation has occurred, the court~~
21 ~~shall order the animals seized and shall provide for~~
22 ~~appropriate and humane care or disposition of the animals.~~
23 ~~This provision shall not be construed as a limitation on the~~
24 ~~power to seize animals as evidence at the time of arrest.~~

25 (9)(6) This section does ~~The provisions of subsection~~
26 ~~(3) and paragraph (4)(b) shall not apply to:~~

27 (a) Any person simulating a fight for the purpose of
28 using the simulated fight as part of a motion picture which
29 will be used on television or in a motion picture, provided s.
30 828.12 is not violated.

31

1 (b) Any person using animals to pursue or take
2 wildlife or to participate in any hunting regulated or subject
3 to being regulated by the rules and regulations of the Fish
4 and Wildlife Conservation Commission.

5 (c) Any person using animals to work livestock for
6 agricultural purposes.

7 (d) Any person violating s. 828.121.

8 (e) Any person using dogs ~~animals~~ to hunt wild hogs or
9 to retrieve domestic hogs pursuant to customary hunting or
10 agricultural practices.

11 (10)~~(7)~~ Nothing in this section shall be construed to
12 prohibit, impede, or otherwise interfere with recognized
13 animal husbandry and training techniques or practices not
14 otherwise specifically prohibited by law.

15 Section 2. This act shall take effect July 1, 2001.

16 *****

17
18 SENATE SUMMARY

19 Revises provisions relating to animal baiting or
20 fighting. Defines the term "equipment" as used in animal
21 fighting or baiting. Revises the elements of the crime of animal
22 fighting or baiting. Prohibits additional acts associated
23 with animal fighting or baiting. Provides for the
24 seizure, impoundment, and destruction of animals under
25 certain conditions and prescribes penalties for
26 violations. (See bill for details.)
27
28
29
30
31