

By the Committee on Agriculture and Consumer Services; and
Senators Klein, Posey and Wasserman Schultz

303-1585-01

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

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

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

14 828.122 Fighting or baiting animals; offenses;
15 penalties.--

16 (1) This act may be cited as "The Animal Fighting
17 Act."

18 (2) As used in this section:

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

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

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

30 (a) Baiting, or using any animal for the purpose of
31 fighting or baiting any other animal.

1 (b) Knowingly owning, managing, or operating any
2 facility kept or used for the purpose of fighting or baiting
3 any animal.

4 (c) Promoting, staging, advertising, or charging any
5 admission fee to a fight or baiting between two or more
6 animals.

7 (d) Performing any service or act to facilitate animal
8 baiting or fighting, including refereeing, advertising animal
9 baiting or fighting, or serving as security for or a
10 stakeholder of any money wagered on animal fighting or
11 baiting.

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

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

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

18 (5) A circuit judge who orders the seizure of an
19 animal may require that it be impounded at an animal shelter
20 or other undisclosed location where it can be humanely housed
21 until its final disposition is determined. The law enforcement
22 agency that seizes the animal shall remand the animal to the
23 county animal shelter. The county animal shelter is entitled
24 to receive reimbursement of its costs from the owner or
25 possessor of the animal.

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

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

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

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

20 (9)(6) This section does ~~The provisions of subsection~~
21 ~~(3) and paragraph (4)(b) shall not apply to:~~

22 (a) Any person simulating a fight for the purpose of
23 using the simulated fight as part of a motion picture which
24 will be used on television or in a motion picture, provided s.
25 828.12 is not violated.

26 (b) Any person using animals to pursue or take
27 wildlife or to participate in any hunting regulated or subject
28 to being regulated by the rules and regulations of the Fish
29 and Wildlife Conservation Commission.

30 (c) Any person using animals to work livestock for
31 agricultural purposes.

1 (d) Any person violating s. 828.121.

2 (e) Any person using dogs ~~animals~~ to hunt wild hogs or
3 to retrieve domestic hogs pursuant to customary hunting or
4 agricultural practices.

5 (10)(7) Nothing in this section shall be construed to
6 prohibit, impede, or otherwise interfere with recognized
7 animal husbandry and training techniques or practices not
8 otherwise specifically prohibited by law.

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1310

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14 Committee Substitute for Senate Bill 1310 is different from
15 Senate Bill 1310 in that it:

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16 Deletes the term "equipment," the definition of
17 "equipment," and references to "equipment," all of which
18 were in the initial bill.

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18 Deletes terms that made "breeding, training,
19 transporting, possessing" any "wild or domestic" animal
20 a violation of the act.

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20 Deletes "handling or transporting animals" from the
21 provisions making it a violation of the act to perform
22 any service or act associated with animal baiting or
23 fighting, such as refereeing, advertising, or serving as
24 a security or stakeholder.

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23 Specifies that animals seized pursuant to the act are to
24 be remanded to the county animal shelter.

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