

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) Refereeing or advertising animal baiting or  
8 fighting, or serving as security for or a stakeholder of any  
9 money wagered on animal fighting or baiting.

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

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

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

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

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

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

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

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

18           (9)(6) This section does ~~The provisions of subsection~~  
19 ~~(3) and paragraph (4)(b) shall not apply to:~~

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

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

28           (c) Any person using animals to work livestock for  
29 agricultural purposes.

30           (d) Any person violating s. 828.121.

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

4           ~~(10)(7)~~ Nothing in this section shall be construed to  
5 prohibit, impede, or otherwise interfere with recognized  
6 animal husbandry and training techniques or practices not  
7 otherwise specifically prohibited by law.

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

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