

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judicial Oversight offered the following:

Amendment (with title amendment)

On page 5, between lines 2 and 3 of the bill

insert:

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

828.12 Cruelty to animals.--

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

(2) A person who intentionally commits an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, is guilty of a felony of the third

Amendment No. 01 (for drafter's use only)

1 degree, punishable as provided in s. 775.082 or by a fine of
2 not more than \$10,000, or both. Where the court determines
3 that the violation includes the knowing and intentional
4 torture or torment of an animal that results in the injury,
5 mutilation, or death of the animal, the court shall:

6 (a) Order that a psychological evaluation of the
7 defendant be conducted prior to sentencing to assist the court
8 in determining an appropriate sentence. The defendant shall
9 bear the cost of the evaluation unless he or she has been
10 found indigent by the court. If the evaluation results in a
11 recommendation of treatment, and if the court so orders, the
12 defendant shall be ordered to complete an anger management
13 treatment program, or any other treatment program specified by
14 the court, in addition to any sentence imposed pursuant to
15 this subsection.

16 (b) Impose a minimum fine of \$500.

17 (c) Impose a minimum mandatory sentence of
18 incarceration for 3 months.

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,

Amendment No. 01 (for drafter's use only)

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, including the transportation,
14 relocation, or hauling from one place to another, when such
15 treatment is in accordance with accepted agricultural animal
16 husbandry.
17 (b) The treatment of animals involved in research if
18 such research facility is operating under rules or research
19 protocols set forth by the state or by the Federal Government.
20 (c) The treatment of animals involved in rodeos.
21 (d) The treatment of dogs used for legal hunting
22 activities.
23 (e) Nuisance wildlife.
24 (f) Activities concerning wildlife and predator
25 control in the state, including trapping, regulated by local
26 or general law.
27 (g) Activities related to hunting and fishing.
28 (6) Nothing in this section shall be construed to
29 amend or in any manner change the authority of the Fish and
30 Wildlife Conservation Commission.
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Amendment No. 01 (for drafter's use only)

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 7 after the word and semicolon
4 "neglect;"

5

6

7 insert:

8 amending s. 828.12, F.S.; providing additional
9 acts which constitute cruelty to an animal;
10 provides that any person convicted of such a
11 violation, where the court determines that the
12 violation includes the knowing and intentional
13 torture or torment of an animal that injures,
14 mutilates, or kills the animal, shall, in
15 addition to any other sentence imposed, be
16 ordered to complete an anger management
17 treatment program; providing a minimum
18 mandatory fine and minimum mandatory period of
19 incarceration for conviction of any crime where
20 the court determines that the violation
21 includes an intentional act of cruelty to
22 animals; providing for nonapplicability of the
23 act;

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