

STORAGE NAME: h1593a.ag.doc
DATE: April 11, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE & CONSUMER AFFAIRS
ANALYSIS**

BILL #: HB 1593
RELATING TO: Animal fighting and baiting
SPONSOR(S): Representative(s) Negrón and Lerner
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE & CONSUMER AFFAIRS (CCC) YEAS 6 NAYS 2
 - (2) CRIME PREVENTION, CORRECTIONS & SAFETY (HCC)
 - (3) COUNCIL FOR COMPETITIVE COMMERCE
 - (4)
 - (5)
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I. SUMMARY:

HB 1593 provides a felony of the third degree for any person who breeds, trains, transports, or possesses any wild or domestic animal for the purpose of fighting and baiting. The penalty also applies to possessing or selling equipment used in animal fighting and baiting, as well as for performing any service or act to facilitate animal fighting and baiting, such as refereeing, advertising, or serving as security for a stakeholder of money wagered on animal fighting and baiting.

The bill provides a definition of "equipment" used in baiting and fighting. 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.

In addition, the bill clarifies that simulated fights in connection with television or movie production or the use of dogs to hunt hogs pursuant to customary hunting or agricultural practices do not fall under "the Animal Fighting Act."

HB 1593 has no fiscal impact to state or local governments and shall take effect July 1, 2001.

The House Committee on Agriculture and Consumer Affairs, on April 11, 2001, adopted an amended amendment which is traveling with the bill. Please see section VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government: The bill will add further regulations regarding the fighting and baiting of animals.

B. PRESENT SITUATION:

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

Florida is one of 11 states that have no law against owning or training fighting dogs, or promoting dogfights, even though dog fighting or baiting dogs to fight is a felony. While only Louisiana, Oklahoma, and New Mexico allow cockfighting, roosters can be trained in Florida for the purpose of cockfighting. This loophole in Florida law permits persons to own or possess, train, transport, purchase or sell an animal for the purpose of fighting or baiting making it difficult for authorities to enforce and prosecute cases under the existing law.

C. EFFECT OF PROPOSED CHANGES:

Section 1: Amending s. 828.122, F.S.; provides a definition of equipment to include sparring muffs, gaffs, harnesses, treadmills, catmills, breaking sticks, and pits; provides a penalty of a third-degree felony for:

- Breeding, training, transporting, or possessing any wild or domestic animal for the purpose of fighting or baiting any other animal;
- Possessing or selling equipment used in animal fighting or baiting or owning a facility used or involved with animal fighting or baiting;
- Performing any service or act to facilitate animal baiting or fighting; or
- Attending, betting or wagering on the fighting or baiting of animals (this had previously been a misdemeanor of the first degree).

In addition, this section establishes procedures for the seizure and disposition of an animal; deletes a provision authorizing magistrate to order seizure and care of an animal; and clarifies that the 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.

Section 2: Providing an effective date of July 1, 2001.

D. SECTION-BY-SECTION ANALYSIS:

Please see Section C. (Effect of Proposed Changes).

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals who own, possess, train, sell, or otherwise deal in animals for the purpose of fighting or baiting would be prohibited from doing business in the state.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 11, 2001, the Committee on Agriculture and Consumer Affairs adopted an amended amendment. The amendment clarified the target of the legislation to be persons facilitating animal baiting and fighting. The amendment to the amendment narrowed the focus of persons involved to those caught refereeing or serving as security for wagering on animal fighting and baiting.

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE & CONSUMER AFFAIRS:

Prepared by:

Staff Director:

Debbi Kaiser

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