

Bill No. CS for CS for SB 2058

Amendment No. Barcode 364342

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Klein moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 18, between lines 2 and 3,

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16 insert:

17 Section 9. Section 828.122, Florida Statutes, is

18 amended to read:

19 828.122 Fighting or baiting animals; offenses;

20 penalties.--

21 (1) This act may be cited as "The Animal Fighting

22 Act."

23 (2) As used in this section:

24 (a) "Baiting" means to attack with violence, to

25 provoke, or to harass an animal with one or more animals for

26 the purpose of training an animal for, or to cause an animal

27 to engage in, fights with or among other animals. In

28 addition, "baiting" means the use of live animals in the

29 training of racing greyhounds.

30 (b) "Person" means every natural person, firm,

31 copartnership, association, or corporation.

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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, or using any animal for the purpose of
5 fighting or baiting any other animal.

6 (b) Knowingly owning, managing, or operating any
7 facility kept or used for the purpose of fighting or baiting
8 any animal.

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

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

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

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

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

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

31 (6) If an animal shelter or other location is

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

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

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

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

24 (9)(6) This section does ~~The provisions of subsection~~
 25 ~~(3) and paragraph (4)(b) shall not apply to:~~

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

30 (b) Any person using animals to pursue or take
 31 wildlife or to participate in any hunting regulated or subject

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1 to being regulated by the rules and regulations of the Fish
2 and Wildlife Conservation Commission.

3 (c) Any person using animals to work livestock for
4 agricultural purposes.

5 (d) Any person violating s. 828.121.

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

9 (10)(7) Nothing in this section shall be construed to
10 prohibit, impede, or otherwise interfere with recognized
11 animal husbandry and training techniques or practices not
12 otherwise specifically prohibited by law.

13
14 (Redesignate subsequent sections.)

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

18 And the title is amended as follows:

19 On page 2, line 4, after the semicolon,

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21 insert:

22 amending s. 828.122, F.S.; prohibiting
23 additional acts associated with animal fighting
24 or baiting; providing for the seizure,
25 impoundment, and euthanasia of animals under
26 certain conditions; providing penalties;

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