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2 An act relating to cruelty to animals; amending
3 s. 828.12, F.S.; providing that any person
4 convicted of specified acts which constitute
5 cruelty to an animal, where the finder of fact
6 determines that the violation includes the
7 knowing and intentional torture or torment of
8 an animal, shall be ordered to undergo
9 psychological counseling or anger management
10 treatment; providing a minimum mandatory fine;
11 providing penalties for second or subsequent
12 violations; reenacting ss. 550.2415(6)(d),
13 828.122(5) and (6)(a), 828.17, 828.24(3),
14 828.26(3), 828.29(14), 943.051(3)(b)11.,
15 985.212(1)(b)11., and 921.0022(3)(c), F.S., to
16 incorporate the amendment to s. 828.12, F.S.,
17 in references thereto; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 828.12, Florida Statutes, is
23 amended to read:

24 828.12 Cruelty to animals.--

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

1 (2) A person who intentionally commits an act to any
2 animal which results in the cruel death, or excessive or
3 repeated infliction of unnecessary pain or suffering, or
4 causes the same to be done, is guilty of a felony of the third
5 degree, punishable as provided in s. 775.082 or by a fine of
6 not more than \$10,000, or both.

7 (a) A person convicted of a violation of this
8 subsection, where the finder of fact determines that the
9 violation includes the knowing and intentional torture or
10 torment of an animal that injures, mutilates, or kills the
11 animal, shall be ordered to pay a minimum mandatory fine of
12 \$2,500 and undergo psychological counseling or complete an
13 anger management treatment program.

14 (b) Any person convicted of a second or subsequent
15 violation of this subsection shall be required to pay a
16 minimum mandatory fine of \$5,000 and serve a minimum mandatory
17 period of incarceration of 6 months. In addition, the person
18 shall be released only upon expiration of sentence, shall not
19 be eligible for parole, control release, or any form of early
20 release, and must serve 100 percent of the court-imposed
21 sentence. Any plea of nolo contendere shall be considered a
22 conviction for purposes of this subsection.

23 (3) A veterinarian licensed to practice in the state
24 shall be held harmless from either criminal or civil liability
25 for any decisions made or services rendered under the
26 provisions of this section. Such a veterinarian is, therefore,
27 under this subsection, immune from a lawsuit for his or her
28 part in an investigation of cruelty to animals.

29 (4) A person who intentionally trips, fells, ropes, or
30 lassos the legs of a horse by any means for the purpose of
31 entertainment or sport shall be guilty of a third degree

1 felony, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084. As used in this subsection, "trip" means any act
3 that consists of the use of any wire, pole, stick, rope, or
4 other apparatus to cause a horse to fall or lose its balance,
5 and "horse" means any animal of any registered breed of the
6 genus Equus, or any recognized hybrid thereof. The provisions
7 of this subsection shall not apply when tripping is used:

8 (a) To control a horse that is posing an immediate
9 threat to other livestock or human beings;

10 (b) For the purpose of identifying ownership of the
11 horse when its ownership is unknown; or

12 (c) For the purpose of administering veterinary care
13 to the horse.

14 Section 2. For the purpose of incorporating the
15 amendment to section 828.12, Florida Statutes, in references
16 thereto, the sections or subdivisions of Florida Statutes set
17 forth below are reenacted to read:

18 550.2415 Racing of animals under certain conditions
19 prohibited; penalties; exceptions.--

20 (6)

21 (d) A conviction of cruelty to animals pursuant to s.
22 828.12 involving a racing animal constitutes a violation of
23 this chapter.

24 828.122 Fighting or baiting animals; offenses;
25 penalties.--

26 (5) Whenever an indictment is returned or an
27 information is filed charging a violation of s. 828.12 or of
28 this section and, in the case of an information, a magistrate
29 finds probable cause that a violation has occurred, the court
30 shall order the animals seized and shall provide for
31 appropriate and humane care or disposition of the animals.

1 This provision shall not be construed as a limitation on the
2 power to seize animals as evidence at the time of arrest.

3 (6) The provisions of subsection (3) and paragraph
4 (4)(b) shall not apply to:

5 (a) Any person simulating a fight for the purpose of
6 using the simulated fight as part of a motion picture which
7 will be used on television or in a motion picture, provided s.
8 828.12 is not violated.

9 828.17 Officer to arrest without warrant.--Any sheriff
10 or any other peace officer of the state, or any police officer
11 of any city or town of the state, shall arrest without warrant
12 any person found violating any of the provisions of ss.
13 828.04, 828.08, 828.12, and 828.13-828.16, and the officer
14 making the arrest shall hold the offender until a warrant can
15 be procured, and he or she shall use proper diligence to
16 procure such warrant.

17 828.24 Prohibited acts; exemption.--

18 (3) Nothing in this section precludes the enforcement
19 of s. 828.12 relating to cruelty to animals.

20 828.26 Penalties.--

21 (3) Nothing in this section precludes the enforcement
22 of s. 828.12, relating to cruelty to animals.

23 828.29 Dogs and cats transported or offered for sale;
24 health requirements; consumer guarantee.--

25 (14) The state attorney may bring an action to enjoin
26 any violator of this section or s. 828.12 or s. 828.13 from
27 being a pet dealer.

28 943.051 Criminal justice information; collection and
29 storage; fingerprinting.--

30 (3)

31

1 (b) A minor who is charged with or found to have
2 committed the following offenses shall be fingerprinted and
3 the fingerprints shall be submitted to the department:

- 4 11. Cruelty to animals, as defined in s. 828.12(1).
5 985.212 Fingerprinting and photographing.--

6 (1)

7 (b) A child who is charged with or found to have
8 committed one of the following offenses shall be
9 fingerprinted, and the fingerprints shall be submitted to the
10 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 11 11. Cruelty to animals, as defined in s. 828.12(1).
12

13 A law enforcement agency may fingerprint and photograph a
14 child taken into custody upon probable cause that such child
15 has committed any other violation of law, as the agency deems
16 appropriate. Such fingerprint records and photographs shall be
17 retained by the law enforcement agency in a separate file, and
18 these records and all copies thereof must be marked "Juvenile
19 Confidential." These records are not available for public
20 disclosure and inspection under s. 119.07(1) except as
21 provided in ss. 943.053 and 985.04(5), but shall be available
22 to other law enforcement agencies, criminal justice agencies,
23 state attorneys, the courts, the child, the parents or legal
24 custodians of the child, their attorneys, and any other person
25 authorized by the court to have access to such records. In
26 addition, such records may be submitted to the Department of
27 Law Enforcement for inclusion in the state criminal history
28 records and used by criminal justice agencies for criminal
29 justice purposes. These records may, in the discretion of the
30 court, be open to inspection by anyone upon a showing of
31 cause. The fingerprint and photograph records shall be

1 produced in the court whenever directed by the court. Any
 2 photograph taken pursuant to this section may be shown by a
 3 law enforcement officer to any victim or witness of a crime
 4 for the purpose of identifying the person who committed such
 5 crime.

6 921.0022 Criminal Punishment Code; offense severity
 7 ranking chart.--

8 (3) OFFENSE SEVERITY RANKING CHART

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10 Florida Statute	11 Felony Degree	12 Description
		13 (c) LEVEL 3
14 316.1935(2)	3rd	15 Fleeing or attempting to elude 16 law enforcement officer in marked 17 patrol vehicle with siren and lights activated.
18 319.30(4)	3rd	19 Possession by junkyard of motor 20 vehicle with identification number plate removed.
21 319.33(1)(a)	3rd	22 Alter or forge any certificate of 23 title to a motor vehicle or mobile home.
24 319.33(1)(c)	3rd	25 Procure or pass title on stolen vehicle.
26 319.33(4)	3rd	27 With intent to defraud, possess, 28 sell, etc., a blank, forged, or 29 unlawfully obtained title or 30 registration. 31

ENROLLED

2002 Legislature

CS for SB 1002, 1st Engrossed

1	328.05(2)	3rd	Possess, sell, or counterfeit
2			fictitious, stolen, or fraudulent
3			titles or bills of sale of
4			vessels.
5	328.07(4)	3rd	Manufacture, exchange, or possess
6			vessel with counterfeit or wrong
7			ID number.
8	376.302(5)	3rd	Fraud related to reimbursement
9			for cleanup expenses under the
10			Inland Protection Trust Fund.
11	501.001(2)(b)	2nd	Tampers with a consumer product
12			or the container using materially
13			false/misleading information.
14	697.08	3rd	Equity skimming.
15	790.15(3)	3rd	Person directs another to
16			discharge firearm from a vehicle.
17	796.05(1)	3rd	Live on earnings of a prostitute.
18	806.10(1)	3rd	Maliciously injure, destroy, or
19			interfere with vehicles or
20			equipment used in firefighting.
21	806.10(2)	3rd	Interferes with or assaults
22			firefighter in performance of
23			duty.
24	810.09(2)(c)	3rd	Trespass on property other than
25			structure or conveyance armed
26			with firearm or dangerous weapon.
27	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
28			less than \$10,000.
29	815.04(4)(b)	2nd	Computer offense devised to
30			defraud or obtain property.
31			

1	817.034(4)(a)3.	3rd	Engages in scheme to defraud
2			(Florida Communications Fraud
3			Act), property valued at less
4			than \$20,000.
5	817.233	3rd	Burning to defraud insurer.
6	817.234(8)&(9)	3rd	Unlawful solicitation of persons
7			involved in motor vehicle
8			accidents.
9	817.234(11)(a)	3rd	Insurance fraud; property value
10			less than \$20,000.
11	817.505(4)	3rd	Patient brokering.
12	828.12(2)	3rd	Tortures any animal with intent
13			to inflict intense pain, serious
14			physical injury, or death.
15	831.28(2)(a)	3rd	Counterfeiting a payment
16			instrument with intent to defraud
17			or possessing a counterfeit
18			payment instrument.
19	831.29	2nd	Possession of instruments for
20			counterfeiting drivers' licenses
21			or identification cards.
22	838.021(3)(b)	3rd	Threatens unlawful harm to public
23			servant.
24	843.19	3rd	Injure, disable, or kill police
25			dog or horse.
26	870.01(2)	3rd	Riot; inciting or encouraging.
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1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs).
7	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 200 feet
12			of university or public park.
13	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs within 200 feet
18			of public housing facility.
19	893.13(6)(a)	3rd	Possession of any controlled
20			substance other than felony
21			possession of cannabis.
22	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
23			controlled substance by fraud,
24			forgery, misrepresentation, etc.
25	893.13(7)(a)11.	3rd	Furnish false or fraudulent
26			material information on any
27			document or record required by
28			chapter 893.
29	918.13(1)(a)	3rd	Alter, destroy, or conceal
30			investigation evidence.
31			

1 944.47
2 (1)(a)1.-2. 3rd Introduce contraband to
3 correctional facility.
4 944.47(1)(c) 2nd Possess contraband while upon the
5 grounds of a correctional
6 institution.
7 985.3141 3rd Escapes from a juvenile facility
8 (secure detention or residential
9 commitment facility).
10 Section 3. This act shall take effect upon becoming a
11 law.
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