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A bill to be entitled
 An act relating to animal fighting or baiting; amending s.
 828.122, F.S.; defining the term "animal fighting";
 revising the elements of the crime of animal fighting or
 baiting; prohibiting certain acts associated with animal
 fighting or baiting; providing for the seizure,
 impoundment, and euthanasia of animals under certain
 conditions; providing penalties; amending ss. 933.02 and
 933.18, F.S.; revising provisions relating to the issuance
 of search warrants and grounds therefor when laws in
 relation to cruelty to animals have been or are being
 violated; providing an effective date.

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

Section 1. Section 828.122, Florida Statutes, is amended
 to read:

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

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

(2) As used in this section, the term:

(a) "Animal fighting" means fighting between roosters or
 other birds or between dogs, bears, or other animals.

(b)~~(a)~~ "Baiting" means to attack with violence, to
 provoke, or to harass an animal with one or more animals for the
 purpose of training an animal for, or to cause an animal to
 engage in, fights with or among other animals. In addition,
 "baiting" means the use of live animals in the training of
 racing greyhounds.



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30 (c)(b) "Person" means every natural person, firm,
 31 copartnership, association, or corporation.

32 (3) Any person who knowingly commits any of the following
 33 acts commits ~~is guilty of~~ a felony of the third degree,
 34 punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

35 (a) Baiting, breeding, training, transporting, selling,
 36 owning, possessing, or using any wild or domestic animal for the
 37 purpose of animal fighting or baiting;

38 (b) Owning, possessing, or selling equipment for use in
 39 any activity described in paragraph (a); ~~any other animal.~~

40 ~~(c)(b)~~ Knowingly ~~Owning,~~ leasing, managing, ~~or~~ operating,
 41 or having control of any property facility kept or used for any
 42 activity described in paragraph (a) or paragraph (b); ~~the~~
 43 ~~purpose of fighting or baiting any animal.~~

44 ~~(d)(e)~~ Promoting, staging, advertising, or charging any
 45 admission fee to a fight or baiting between two or more
 46 animals;

47 (e) Performing any service or act to facilitate animal
 48 fighting or baiting, including, but not limited to, providing
 49 security, refereeing, or handling or transporting animals or
 50 being a stakeholder of any money wagered on animal fighting or
 51 baiting;

52 (f) Removing or facilitating the removal of any animal
 53 impounded under this section from an agency where the animal is
 54 impounded or from a location designated by the court under
 55 subsection (4), subsection (5), or subsection (7), without the
 56 prior authorization of the court;

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



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60 (g)(a) Betting or wagering any money or other valuable
61 consideration on the fighting or baiting of animals; or

62 (h)(b) Attending the fighting or baiting of animals.

63 (4)(5) If a court finds probable cause to believe that a
64 violation of this section or s. 828.12 has occurred, the court
65 shall order the seizure of any animals and equipment used in
66 committing the violation ~~Whenever an indictment is returned or~~
67 ~~an information is filed charging a violation of s. 828.12 or of~~
68 ~~this section and, in the case of an information, a magistrate~~
69 ~~finds probable cause that a violation has occurred, the court~~
70 ~~shall order the animals seized and shall provide for appropriate~~
71 ~~and humane care or disposition of the animals. This subsection~~
72 is not ~~provision shall not be construed as a limitation on the~~
73 power to seize animals as evidence at the time of arrest.

74 (5) If an animal shelter or other location is unavailable,
75 a court may order the animal to be impounded on the property of
76 its owner or possessor and shall order such person to provide
77 all necessary care for the animal and to allow regular
78 inspections of the animal by a person designated by the court.

79 (6) If a veterinarian finds that an animal kept or used in
80 violation of this section is suffering from an injury or a
81 disease severe enough that it is not possible to humanely house
82 and care for the animal pending completion of a hearing held
83 under s. 828.073(2), final disposition of the criminal charges,
84 or court-ordered forfeiture, the veterinarian may euthanize the
85 animal as specified in s. 828.058. A veterinarian licensed to
86 practice in this state shall be held harmless from criminal or
87 civil liability for any decisions made or services rendered
88 under this subsection.



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89 (7) If an animal can be housed in a humane manner, the
 90 provisions of s. 828.073 shall apply. For the purpose of a
 91 hearing provided pursuant to s. 828.073(2), any animal baited,
 92 bred, trained, transported, sold, owned, possessed, or used for
 93 the purpose of animal fighting or baiting shall be considered
 94 mistreated.

95 (8) In addition to other penalties prescribed by law, the
 96 court may issue an order prohibiting a person who is convicted
 97 of a violation of this section from owning, possessing, keeping,
 98 harboring, or having custody or control over any animals for a
 99 period of time determined by the court.

100 (9)(6) This section ~~The provisions of subsection (3) and~~
 101 ~~paragraph (4)(b) shall not apply to:~~

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

106 (b) Any person using animals to pursue or take wildlife or
 107 to participate in any hunting regulated or subject to being
 108 regulated by the rules and regulations of the Fish and Wildlife
 109 Conservation Commission.

110 (c) Any person using animals to work livestock for
 111 agricultural purposes.

112 (d) Any person violating s. 828.121.

113 (e) Any person using dogs ~~animals~~ to hunt wild hogs or to
 114 retrieve domestic hogs pursuant to customary hunting or
 115 agricultural practices.

116 (10)(7) Nothing in This section shall not be construed to
 117 prohibit, impede, or otherwise interfere with recognized animal



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118 husbandry and training techniques or practices not otherwise
 119 specifically prohibited by law.

120 Section 2. Section 933.02, Florida Statutes, is amended to
 121 read:

122 933.02 Grounds for issuance of search warrant.--Upon
 123 proper affidavits being made, a search warrant may be issued
 124 under the provisions of this chapter upon any of the following
 125 grounds:

126 (1) When the property shall have been stolen or embezzled
 127 in violation of law;

128 (2) When any property shall have been used:

129 (a) As a means to commit any crime,

130 (b) In connection with gambling, gambling implements and
 131 appliances, or

132 (c) In violation of s. 847.011 or other laws in reference
 133 to obscene prints and literature;

134 (3) When any property constitutes evidence relevant to
 135 proving that a felony has been committed;

136 (4) When any property is being held or possessed:

137 (a) In violation of any of the laws prohibiting the
 138 manufacture, sale, and transportation of intoxicating liquors,
 139 or

140 (b) In violation of the fish and game laws, or

141 (c) In violation of the laws relative to food and drug, or

142 (d) In violation of a quarantine for citrus canker
 143 pursuant to s. 581.184, or

144 (e) Which may be inspected, treated, seized, or destroyed
 145 pursuant to s. 581.184; or

146 (5) When the laws in relation to cruelty to animals, as
 147 provided in chapter 828, have been or are violated in any



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148 ~~particular building or place, but no search shall be made in~~
 149 ~~such building or place after sunset, unless specially authorized~~
 150 ~~by the officer issuing the warrant upon satisfactory cause~~
 151 ~~shown; in which case such property may be taken on the warrant~~
 152 ~~so issued from any house or place in which it is concealed, or~~
 153 ~~from any vehicle, aircraft, or watercraft in which it may be~~
 154 ~~found, or from the possession of any person by whom it shall~~
 155 ~~have been used in the commission of any offense or from any~~
 156 ~~person in whose possession it may be.~~

157
 158 ~~The provisions of~~ This section shall apply also applies to any
 159 papers or documents used as a means of or in aid of the
 160 commission of any offense against the laws of the state.

161 Section 3. Section 933.18, Florida Statutes, is amended to
 162 read:

163 933.18 When warrant may be issued for search of private
 164 dwelling.--No search warrant shall issue under this chapter or
 165 under any other law of this state to search any private dwelling
 166 occupied as such unless:

- 167 (1) It is being used for the unlawful sale, possession, or
 168 manufacture of intoxicating liquor;
- 169 (2) Stolen or embezzled property is contained therein;
- 170 (3) It is being used to carry on gambling;
- 171 (4) It is being used to perpetrate frauds and swindles;
- 172 (5) The law relating to narcotics or drug abuse is being
 173 violated therein;
- 174 (6) A weapon, instrumentality, or means by which a felony
 175 has been committed, or evidence relevant to proving said felony
 176 has been committed, is contained therein;



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177 (7) One or more of the following misdemeanor child abuse
178 offenses is being committed there:

179 (a) Interference with custody, in violation of s. 787.03.

180 (b) Commission of an unnatural and lascivious act with a
181 child, in violation of s. 800.02.

182 (c) Exposure of sexual organs to a child, in violation of
183 s. 800.03.

184 (8) It is in part used for some business purpose such as a
185 store, shop, saloon, restaurant, hotel, ~~or~~ boardinghouse, or
186 lodginghouse;

187 (9) It is being used for the unlawful sale, possession, or
188 purchase of wildlife, saltwater products, or freshwater fish
189 being unlawfully kept therein; or

190 (10) The laws in relation to cruelty to animals, as
191 provided in chapter 828, have been or are being violated
192 ~~therein, except that no search pursuant to such a warrant shall~~
193 ~~be made in any private dwelling after sunset and before sunrise~~
194 ~~unless specially authorized by the judge issuing the warrant,~~
195 ~~upon a showing of probable cause. Property relating to the~~
196 ~~violation of such laws may be taken on a warrant so issued from~~
197 ~~any private dwelling in which it is concealed or from the~~
198 ~~possession of any person therein by whom it shall have been used~~
199 ~~in the commission of such offense or from any person therein in~~
200 ~~whose possession it may be.~~

201
202 If, during a search pursuant to a warrant issued under this
203 section, a child is discovered and appears to be in imminent
204 danger, the law enforcement officer conducting such search may
205 remove the child from the private dwelling and take the child
206 into protective custody pursuant to chapter 39. The term



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207 "private dwelling" shall be construed to include the room or
208 rooms used and occupied, not transiently but solely as a
209 residence, in an apartment house, hotel, boardinghouse, or
210 lodginghouse. No warrant shall be issued for the search of any
211 private dwelling under any of the conditions hereinabove
212 mentioned except on sworn proof by affidavit of some creditable
213 witness that he or she has reason to believe that one of said
214 conditions exists, which affidavit shall set forth the facts on
215 which such reason for belief is based.

216 Section 4. This act shall take effect upon becoming a law.