

HB 1637

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1 A bill to be entitled
 2 An act relating to cruelty to animals; amending s. 828.12,
 3 F.S.; increasing criminal penalties for certain acts of
 4 cruelty to animals; increasing certain minimum mandatory
 5 fines and periods of incarceration; amending s. 921.0022,
 6 F.S.; redesignating the offense related to the intentional
 7 torture of animals in the offense severity ranking chart
 8 for purposes of specifying criminal penalties under the
 9 Criminal Punishment Code; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 828.12, Florida Statutes, are amended to read:

828.12 Cruelty to animals.--

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance 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, commits ~~is guilty of a felony misdemeanor~~ of the third ~~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, commits ~~is guilty of a felony of the second~~ ~~third~~ degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

CODING: Words **stricken** are deletions; words **underlined** are additions.

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30 (a) A person convicted of a violation of this subsection,
 31 where the finder of fact determines that the violation includes
 32 the knowing and intentional torture or torment of an animal that
 33 injures, mutilates, or kills the animal, shall be ordered to pay
 34 a minimum mandatory fine of \$5,000, serve a minimum mandatory
 35 period of incarceration of 6 months, ~~\$2,500~~ and undergo
 36 psychological counseling or complete an anger management
 37 treatment program.

38 (b) Any person convicted of a second or subsequent
 39 violation of this subsection shall be required to pay a minimum
 40 mandatory fine of \$5,000 and serve a minimum mandatory period of
 41 incarceration of 10 ~~6~~ months. In addition, the person shall be
 42 released only upon expiration of sentence, shall not be eligible
 43 for parole, control release, or any form of early release, and
 44 must serve 100 percent of the court-imposed sentence. Any plea
 45 of nolo contendere shall be considered a conviction for purposes
 46 of this subsection.

47 Section 2. Paragraphs (c) and (d) of subsection (3) of
 48 section 921.0022, Florida Statutes, are amended to read:

49 921.0022 Criminal Punishment Code; offense severity
 50 ranking chart.--

51 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

52 (c) LEVEL 3

119.10(3)	3rd	Unlawful use of confidential information from police reports.
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55	316.066(3)(d)- (f)	3rd	Unlawfully obtaining or using confidential crash reports.
56	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
57	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
58	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
59	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
60	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
61	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
62	327.35(2)(b)	3rd	Felony BUI.
63	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID

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number.

64

370.12(1)(e)5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

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370.12(1)(e)6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

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400.903(3) 3rd Operating a clinic without a license or filing false license application or other required information.

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440.105(3)(b) 3rd Receipt of fee or consideration without approval by judge of compensation claims.

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440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

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501.001(2)(b) 2nd Tamperers with a consumer product or the

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			container using materially false/misleading information.
71	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
72	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
73	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
74	697.08	3rd	Equity skimming.
75	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
76	796.05(1)	3rd	Live on earnings of a prostitute.
77	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
78	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
79	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
80	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less

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than \$10,000.

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812.0145(2)(c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

82

815.04(4)(b) 2nd Computer offense devised to defraud or obtain property.

83

817.034(4)(a)3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

84

817.233 3rd Burning to defraud insurer.

85

817.234(8)(b)-(c) 3rd Unlawful solicitation of persons involved in motor vehicle accidents.

86

817.234(11)(a) 3rd Insurance fraud; property value less than \$20,000.

87

817.236 3rd Filing a false motor vehicle insurance application.

88

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

89

817.413(2) 3rd Sale of used goods as new.

90

817.505(4) 3rd Patient brokering.

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92	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
93	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
94	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
95	843.19	3rd	Injure, disable, or kill police dog or horse.
96	860.15(3)	3rd	Overcharging for repairs and parts.
97	870.01(2)	3rd	Riot; inciting or encouraging.
98	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
99	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,

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(2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.

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893.13(1)(f)2. 2nd

Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.

101

893.13(6)(a) 3rd

Possession of any controlled substance other than felony possession of cannabis.

102

893.13(7)(a)8. 3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

103

893.13(7)(a)9. 3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

104

893.13(7)(a)10. 3rd

Affix false or forged label to package of controlled substance.

105

893.13(7)(a)11. 3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

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893.13(8)(a)1. 3rd

Knowingly assist a patient, other

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person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

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893.13(8)(a)2. 3rd

Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

108

893.13(8)(a)3. 3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

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893.13(8)(a)4. 3rd

Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

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918.13(1)(a) 3rd

Alter, destroy, or conceal investigation evidence.

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944.47(1)(a)1.- 3rd
2.

Introduce contraband to correctional facility.

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944.47(1)(c) 2nd

Possess contraband while upon the grounds of a correctional institution.

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985.3141 3rd Escapes from a juvenile facility
(secure detention or residential
commitment facility).

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(d) LEVEL 4

316.1935(3) 2nd Driving at high speed or with wanton
disregard for safety while fleeing or
attempting to elude law enforcement
officer who is in a marked patrol
vehicle with siren and lights
activated.

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499.0051(1) 3rd Failure to maintain or deliver pedigree
papers.

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499.0051(2) 3rd Failure to authenticate pedigree
papers.

118

499.0051(6) 2nd Sale or delivery, or possession with
intent to sell, contraband legend
drugs.

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784.07(2)(b) 3rd Battery of law enforcement officer,
firefighter, intake officer, etc.

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784.074(1)(c) 3rd Battery of sexually violent predators
facility staff.

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784.075 3rd Battery on detention or commitment
facility staff.

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123	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
124	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
125	784.081(3)	3rd	Battery on specified official or employee.
126	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
127	784.083(3)	3rd	Battery on code inspector.
128	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
129	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
130	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
131	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
	790.115(1)	3rd	Exhibiting firearm or weapon within

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1,000 feet of a school.

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790.115(2)(b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

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790.115(2)(c) 3rd Possessing firearm on school property.

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800.04(7)(d) 3rd Lewd or lascivious exhibition; offender less than 18 years.

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810.02(4)(a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

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810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

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810.06 3rd Burglary; possession of tools.

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810.08(2)(c) 3rd Trespass on property, armed with firearm or dangerous weapon.

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812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

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812.014(2)(c)4. 3rd Grand theft, 3rd degree, a will, -10. firearm, motor vehicle, livestock, etc.

141

812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or

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more.

142

817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

143

817.568(2)(a) 3rd Fraudulent use of personal identification information.

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817.625(2)(a) 3rd Fraudulent use of scanning device or reencoder.

145

828.12(2) 2nd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

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828.125(1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

147

837.02(1) 3rd Perjury in official proceedings.

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837.021(1) 3rd Make contradictory statements in official proceedings.

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838.022 3rd Official misconduct.

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839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.

151

839.13(2)(c) 3rd Falsifying records of the Department of Children and Family Services.

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152	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
153	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
154	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
155	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
156	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
157	914.14(2)	3rd	Witnesses accepting bribes.
158	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
159	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
160	918.12	3rd	Tampering with jurors.
161	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
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Section 3. This act shall take effect upon becoming a law.