

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to cruelty to animals; amending s. 828.12,  
8 F.S.; increasing certain minimum mandatory fines and  
9 periods of incarceration for certain acts of cruelty to  
10 animals; amending s. 828.121, F.S.; providing a  
11 definition; providing that it is a third-degree felony for  
12 a person to intentionally drag or fell by the tail a  
13 bovine animal in an organized sports exhibition; providing  
14 an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsections (1) and (2) of section 828.12,  
19 Florida Statutes, are amended to read:

20 828.12 Cruelty to animals.--

21 (1) A person who unnecessarily overloads, overdrives,  
22 torments, deprives of necessary sustenance or shelter, or  
23 unnecessarily mutilates, or kills any animal, or causes the same

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24 | to be done, or carries in or upon any vehicle, or otherwise, any  
 25 | animal in a cruel or inhumane manner, commits ~~is guilty of~~ a  
 26 | misdemeanor of the first degree, punishable as provided in s.  
 27 | 775.082 or by a fine of not more than \$5,000, or both.

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

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

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

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52 Section 2. Section 828.121, Florida Statutes, is amended  
53 to read:

54 828.121 Conduct of simulated bullfighting exhibitions;  
55 bulltailing.--

56 (1) As used in this section, the term "bovine animal"  
57 means an animal of the subfamily bovine and includes, but is not  
58 limited to, a steer, calf, bull, ox, heifer, or cow.

59 (2) A ~~It shall be unlawful, and punishable as a~~  
60 ~~misdemeanor, for any person~~ may not ~~to~~ conduct or engage in a  
61 simulated or bloodless bullfighting exhibition.

62 (3) A person may not intentionally drag or fell by the  
63 tail a bovine animal in an organized sports exhibition.

64 (4)(a) A person who violates subsection (2) commits a  
65 misdemeanor of the second degree, punishable as provided in s.  
66 775.082 or s. 775.083.

67 (b) A person who violates subsection (3) commits a felony  
68 of the third degree, punishable as provided in s. 775.082, s.  
69 775.083, or s. 775.084.

70 Section 3. This act shall take effect upon becoming a law.