

By Senator Sebesta

16-1691A-04

See HB

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

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

16 Section 1. Section 828.12, Florida Statutes, is
17 amended to read:

18 828.12 Cruelty to animals.--

19 (1) A person who unnecessarily overloads, overdrives,
20 torments, deprives of necessary sustenance or shelter, or
21 unnecessarily mutilates, or kills any animal, or causes the
22 same to be done, or carries in or upon any vehicle, or
23 otherwise, any animal in a cruel or inhumane manner, commits
24 ~~is guilty of a felony misdemeanor~~ of the third ~~first~~ degree,
25 punishable as provided in s. 775.082 or by a fine of not more
26 than \$5,000, or both.

27 (2) A person who intentionally commits an act to any
28 animal which results in the cruel death, or excessive or
29 repeated infliction of unnecessary pain or suffering, or
30 causes the same to be done, commits ~~is guilty of~~ a felony of
31

1 the second ~~third~~ degree, punishable as provided in s. 775.082
2 or by a fine of not more than \$10,000, or both.

3 (a) A person convicted of a violation of this
4 subsection, where the finder of fact determines that the
5 violation includes the knowing and intentional torture or
6 torment of an animal that injures, mutilates, or kills the
7 animal, shall be ordered to pay a minimum mandatory fine of
8 \$5,000, serve a minimum mandatory period of incarceration of 6
9 months, ~~\$2,500~~ and undergo psychological counseling or
10 complete an anger management treatment program.

11 (b) Any person convicted of a second or subsequent
12 violation of this subsection shall be required to pay a
13 minimum mandatory fine of \$5,000 and serve a minimum mandatory
14 period of incarceration of 10 ~~6~~ months. In addition, the
15 person shall be released only upon expiration of sentence,
16 shall not be eligible for parole, control release, or any form
17 of early release, and must serve 100 percent of the
18 court-imposed sentence. Any plea of nolo contendere shall be
19 considered a conviction for purposes of this subsection.

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

26 (4) A person who intentionally trips, fells, ropes, or
27 lassos the legs of a horse by any means for the purpose of
28 entertainment or sport shall be guilty of a third degree
29 felony, punishable as provided in s. 775.082, s. 775.083, or
30 s. 775.084. As used in this subsection, "trip" means any act
31 that consists of the use of any wire, pole, stick, rope, or

1 other apparatus to cause a horse to fall or lose its balance,
2 and "horse" means any animal of any registered breed of the
3 genus Equus, or any recognized hybrid thereof. The provisions
4 of this subsection shall not apply when tripping is used:

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

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

9 (c) For the purpose of administering veterinary care
10 to the horse.

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

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

17 Florida Statute	Felony Degree	Description
21		(c) LEVEL 3
22 119.10(3)	3rd	Unlawful use of confidential information from police reports.
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24 316.066(3)		
25 (d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
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27 316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
28 316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
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1	319.30(4)	3rd	Possession by junkyard of motor
2			vehicle with identification
3			number plate removed.
4	319.33(1)(a)	3rd	Alter or forge any certificate of
5			title to a motor vehicle or
6			mobile home.
7	319.33(1)(c)	3rd	Procure or pass title on stolen
8			vehicle.
9	319.33(4)	3rd	With intent to defraud, possess,
10			sell, etc., a blank, forged, or
11			unlawfully obtained title or
12			registration.
13	327.35(2)(b)	3rd	Felony BUI.
14	328.05(2)	3rd	Possess, sell, or counterfeit
15			fictitious, stolen, or fraudulent
16			titles or bills of sale of
17			vessels.
18	328.07(4)	3rd	Manufacture, exchange, or possess
19			vessel with counterfeit or wrong
20			ID number.
21	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
22			destroying, causing to be
23			destroyed, transferring, selling,
24			offering to sell, molesting, or
25			harassing marine turtles, marine
26			turtle eggs, or marine turtle
27			nests in violation of the Marine
28			Turtle Protection Act.
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1	370.12(1)(e)6.	3rd	Soliciting to commit or
2			conspiring to commit a violation
3			of the Marine Turtle Protection
4			Act.
5	376.302(5)	3rd	Fraud related to reimbursement
6			for cleanup expenses under the
7			Inland Protection Trust Fund.
8	400.903(3)	3rd	Operating a clinic without a
9			license or filing false license
10			application or other required
11			information.
12	440.105(3)(b)	3rd	Receipt of fee or consideration
13			without approval by judge of
14			compensation claims.
15	440.1051(3)	3rd	False report of workers'
16			compensation fraud or retaliation
17			for making such a report.
18	501.001(2)(b)	2nd	Tampers with a consumer product
19			or the container using materially
20			false/misleading information.
21	624.401(4)(a)	3rd	Transacting insurance without a
22			certificate of authority.
23	624.401(4)(b)1.	3rd	Transacting insurance without a
24			certificate of authority; premium
25			collected less than \$20,000.
26	626.902(1)		
27	(a) & (b)	3rd	Representing an unauthorized
28			insurer.
29	697.08	3rd	Equity skimming.
30	790.15(3)	3rd	Person directs another to
31			discharge firearm from a vehicle.

1	796.05(1)	3rd	Live on earnings of a prostitute.
2	806.10(1)	3rd	Maliciously injure, destroy, or
3			interfere with vehicles or
4			equipment used in firefighting.
5	806.10(2)	3rd	Interferes with or assaults
6			firefighter in performance of
7			duty.
8	810.09(2)(c)	3rd	Trespass on property other than
9			structure or conveyance armed
10			with firearm or dangerous weapon.
11	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
12			less than \$10,000.
13	812.0145(2)(c)	3rd	Theft from person 65 years of age
14			or older; \$300 or more but less
15			than \$10,000.
16	815.04(4)(b)	2nd	Computer offense devised to
17			defraud or obtain property.
18	817.034(4)(a)3.	3rd	Engages in scheme to defraud
19			(Florida Communications Fraud
20			Act), property valued at less
21			than \$20,000.
22	817.233	3rd	Burning to defraud insurer.
23	817.234(8)		
24	(b)-(c)	3rd	Unlawful solicitation of persons
25			involved in motor vehicle
26			accidents.
27	817.234(11)(a)	3rd	Insurance fraud; property value
28			less than \$20,000.
29	817.236	3rd	Filing a false motor vehicle
30			insurance application.
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1	817.2361	3rd	Creating, marketing, or
2			presenting a false or fraudulent
3			motor vehicle insurance card.
4	817.413(2)	3rd	Sale of used goods as new.
5	817.505(4)	3rd	Patient brokering.
6	828.12(2)	3rd	Tortures any animal with intent
7			to inflict intense pain, serious
8			physical injury, or death.
9	831.28(2)(a)	3rd	Counterfeiting a payment
10			instrument with intent to defraud
11			or possessing a counterfeit
12			payment instrument.
13	831.29	2nd	Possession of instruments for
14			counterfeiting drivers' licenses
15			or identification cards.
16	838.021(3)(b)	3rd	Threatens unlawful harm to public
17			servant.
18	843.19	3rd	Injure, disable, or kill police
19			dog or horse.
20	860.15(3)	3rd	Overcharging for repairs and
21			parts.
22	870.01(2)	3rd	Riot; inciting or encouraging.
23	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
24			cannabis (or other s.
25			893.03(1)(c), (2)(c)1., (2)(c)2.,
26			(2)(c)3., (2)(c)5., (2)(c)6.,
27			(2)(c)7., (2)(c)8., (2)(c)9.,
28			(3), or (4) drugs).
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1	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 1,000
6			feet of university.
7	893.13(1)(f)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 1,000
12			feet of public housing facility.
13	893.13(6)(a)	3rd	Possession of any controlled
14			substance other than felony
15			possession of cannabis.
16	893.13(7)(a)8.	3rd	Withhold information from
17			practitioner regarding previous
18			receipt of or prescription for a
19			controlled substance.
20	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
21			controlled substance by fraud,
22			forgery, misrepresentation, etc.
23	893.13(7)(a)10.	3rd	Affix false or forged label to
24			package of controlled substance.
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.
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1	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
2			person, or owner of an animal in
3			obtaining a controlled substance
4			through deceptive, untrue, or
5			fraudulent representations in or
6			related to the practitioner's
7			practice.
8	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
9			practitioner's practice to assist
10			a patient, other person, or owner
11			of an animal in obtaining a
12			controlled substance.
13	893.13(8)(a)3.	3rd	Knowingly write a prescription
14			for a controlled substance for a
15			fictitious person.
16	893.13(8)(a)4.	3rd	Write a prescription for a
17			controlled substance for a
18			patient, other person, or an
19			animal if the sole purpose of
20			writing the prescription is a
21			monetary benefit for the
22			practitioner.
23	918.13(1)(a)	3rd	Alter, destroy, or conceal
24			investigation evidence.
25	944.47		
26	(1)(a)1.-2.	3rd	Introduce contraband to
27			correctional facility.
28	944.47(1)(c)	2nd	Possess contraband while upon the
29			grounds of a correctional
30			institution.
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1	985.3141	3rd	Escapes from a juvenile facility
2			(secure detention or residential
3			commitment facility).
4			(d) LEVEL 4
5	316.1935(3)	2nd	Driving at high speed or with
6			wanton disregard for safety while
7			fleeing or attempting to elude
8			law enforcement officer who is in
9			a marked patrol vehicle with
10			siren and lights activated.
11	499.0051(1)	3rd	Failure to maintain or deliver
12			pedigree papers.
13	499.0051(2)	3rd	Failure to authenticate pedigree
14			papers.
15	499.0051(6)	2nd	Sale or delivery, or possession
16			with intent to sell, contraband
17			legend drugs.
18	784.07(2)(b)	3rd	Battery of law enforcement
19			officer, firefighter, intake
20			officer, etc.
21	784.074(1)(c)	3rd	Battery of sexually violent
22			predators facility staff.
23	784.075	3rd	Battery on detention or
24			commitment facility staff.
25	784.078	3rd	Battery of facility employee by
26			throwing, tossing, or expelling
27			certain fluids or materials.
28	784.08(2)(c)	3rd	Battery on a person 65 years of
29			age or older.
30	784.081(3)	3rd	Battery on specified official or
31			employee.

1	784.082(3)	3rd	Battery by detained person on
2			visitor or other detainee.
3	784.083(3)	3rd	Battery on code inspector.
4	784.085	3rd	Battery of child by throwing,
5			tossing, projecting, or expelling
6			certain fluids or materials.
7	787.03(1)	3rd	Interference with custody;
8			wrongly takes child from
9			appointed guardian.
10	787.04(2)	3rd	Take, entice, or remove child
11			beyond state limits with criminal
12			intent pending custody
13			proceedings.
14	787.04(3)	3rd	Carrying child beyond state lines
15			with criminal intent to avoid
16			producing child at custody
17			hearing or delivering to
18			designated person.
19	790.115(1)	3rd	Exhibiting firearm or weapon
20			within 1,000 feet of a school.
21	790.115(2)(b)	3rd	Possessing electric weapon or
22			device, destructive device, or
23			other weapon on school property.
24	790.115(2)(c)	3rd	Possessing firearm on school
25			property.
26	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
27			offender less than 18 years.
28	810.02(4)(a)	3rd	Burglary, or attempted burglary,
29			of an unoccupied structure;
30			unarmed; no assault or battery.
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1	810.02(4)(b)	3rd	Burglary, or attempted burglary,
2			of an unoccupied conveyance;
3			unarmed; no assault or battery.
4	810.06	3rd	Burglary; possession of tools.
5	810.08(2)(c)	3rd	Trespass on property, armed with
6			firearm or dangerous weapon.
7	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
8			or more but less than \$20,000.
9	812.014		
10	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
11			firearm, motor vehicle,
12			livestock, etc.
13	812.0195(2)	3rd	Dealing in stolen property by use
14			of the Internet; property stolen
15			\$300 or more.
16	817.563(1)	3rd	Sell or deliver substance other
17			than controlled substance agreed
18			upon, excluding s. 893.03(5)
19			drugs.
20	817.568(2)(a)	3rd	Fraudulent use of personal
21			identification information.
22	817.625(2)(a)	3rd	Fraudulent use of scanning device
23			or reencoder.
24	<u>828.12(2)</u>	<u>2nd</u>	<u>Tortures any animal with intent</u>
25			<u>to inflict intense pain, serious</u>
26			<u>physical injury, or death.</u>
27	828.125(1)	2nd	Kill, maim, or cause great bodily
28			harm or permanent breeding
29			disability to any registered
30			horse or cattle.
31	837.02(1)	3rd	Perjury in official proceedings.

1	837.021(1)	3rd	Make contradictory statements in
2			official proceedings.
3	838.022	3rd	Official misconduct.
4	839.13(2)(a)	3rd	Falsifying records of an
5			individual in the care and
6			custody of a state agency.
7	839.13(2)(c)	3rd	Falsifying records of the
8			Department of Children and Family
9			Services.
10	843.021	3rd	Possession of a concealed
11			handcuff key by a person in
12			custody.
13	843.025	3rd	Deprive law enforcement,
14			correctional, or correctional
15			probation officer of means of
16			protection or communication.
17	843.15(1)(a)	3rd	Failure to appear while on bail
18			for felony (bond estreature or
19			bond jumping).
20	874.05(1)	3rd	Encouraging or recruiting another
21			to join a criminal street gang.
22	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
23			893.03(1)(a), (b), or (d),
24			(2)(a), (2)(b), or (2)(c)4.
25			drugs).
26	914.14(2)	3rd	Witnesses accepting bribes.
27	914.22(1)	3rd	Force, threaten, etc., witness,
28			victim, or informant.
29	914.23(2)	3rd	Retaliation against a witness,
30			victim, or informant, no bodily
31			injury.

1 918.12 3rd Tampering with jurors.
2 934.215 3rd Use of two-way communications
3 device to facilitate commission
4 of a crime.
5 Section 3. This act shall take effect upon becoming a
6 law.
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