

By the Committees on Criminal Justice; Agriculture; and
 Senators Sebesta, Aronberg and Campbell

307-2659-04

1 A bill to be entitled

2 An act relating to cruelty to animals; amending

3 s. 828.12, F.S.; increasing certain minimum

4 mandatory fines and periods of incarceration

5 for certain acts of cruelty to animals;

6 amending s. 828.121, F.S.; providing a

7 definition; providing that it is a first-degree

8 misdemeanor for a person to intentionally drag

9 or fell by the tail a bovine animal in an

10 organized sports exhibition; providing

11 clarification regarding techniques or practices

12 that are not prohibited; providing an effective

13 date.

14

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

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17 Section 1. Subsections (1) and (2) of section 828.12,

18 Florida Statutes, are amended to read:

19 828.12 Cruelty to animals.--

20 (1) A person who unnecessarily overloads, overdrives,

21 torments, deprives of necessary sustenance or shelter, or

22 unnecessarily mutilates, or kills any animal, or causes the

23 same to be done, or carries in or upon any vehicle, or

24 otherwise, any animal in a cruel or inhumane manner, commits

25 ~~is guilty of~~ a misdemeanor of the first degree, punishable as

26 provided in s. 775.082 or by a fine of not more than \$5,000,

27 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

31 causes the same to be done, commits ~~is guilty of~~ a felony of

1 the third degree, punishable as provided in s. 775.082 or by a
2 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, shall be sentenced to a minimum mandatory term of
9 incarceration of 6 months, \$2,500 and shall undergo
10 psychological counseling or complete an anger management
11 treatment program.

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

22 Section 2. Section 828.121, Florida Statutes, is
23 amended to read:

24 828.121 Conduct of simulated bullfighting exhibitions;
25 bulltailing.--

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

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

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

3 (4)(a) A person who violates subsection (2) commits a
4 misdemeanor of the second degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 (b) A person who violates subsection (3) commits a
7 misdemeanor of the first degree, punishable as provided in s.
8 775.082 or s. 775.083.

9 (5) This section does not prohibit or otherwise
10 restrict recognized rodeo or animal husbandry and training
11 techniques or practices that are not otherwise prohibited by
12 general law.

13 Section 3. This act shall take effect July 1, 2004.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 2796 and CS/SB 1418

18 Combines SB 2796 with CS/SB 1418 with the following
19 modifications:

- 20 - The provision in SB 2796 that changed first degree
21 misdemeanor animal cruelty violations to third degree
22 felonies is not in the CS.
- 23 - The provision in SB 2796 that elevated third degree
24 felony animal cruelty violations to second degree
25 felonies is not in the CS.
- 26 - Language in current law (s. 828.12(2)(b), F.S.) that was
27 not deleted in SB 2796 is deleted in the CS. The language
28 is consistently applied throughout the statutes as they
29 relate to mandatory state prison sentences. The sentences
30 designated in current law and the CS are of the length
31 that would normally result in county jail time, not state
prison time.
- The Criminal Punishment Code Offense Severity Ranking
Chart is not modified by the CS. SB 2796 had elevated
felony violations of s. 828.12, F.S., from a Level 3 to a
Level 4.
- CS/SB 1418 is combined with SB 2796, and the felony
created by the bill is reduced to a first degree
misdemeanor.