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A bill to be entitled
 An act relating to cruelty to animals; amending s. 828.12,
 F.S.; increasing certain minimum mandatory fines and
 periods of incarceration for certain acts of cruelty to
 animals; amending s. 828.121, F.S.; providing a
 definition; providing that it is a first-degree
 misdemeanor for a person to intentionally drag or fell by
 the tail a bovine animal in an organized sports
 exhibition; providing clarification regarding techniques
 or practices that are not prohibited; reenacting s.
 828.122(9)(d), F.S., relating to fighting or baiting
 animals, to incorporate the amendment to s. 828.121, F.S.,
 in a reference thereto; providing an effective date.

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
 misdemeanor of the 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

29 | repeated infliction of unnecessary pain or suffering, or causes
 30 | the same to be done, commits ~~is guilty of~~ a felony of the third
 31 | degree, punishable as provided in s. 775.082 or by a fine of not
 32 | more than \$10,000, or both.

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

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

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

53 | 828.121 Conduct of simulated bullfighting exhibitions;
 54 | bulltailing.--

55 | (1) As used in this section, the term "bovine animal"
 56 | means an animal of the subfamily bovine and includes, but is not

57 limited to, a steer, calf, bull, ox, heifer, or cow.

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

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

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

66 (b) A person who violates subsection (3) commits a
 67 misdemeanor of the first degree, punishable as provided in s.
 68 775.082 or s. 775.083.

69 (5) This section does not prohibit or otherwise restrict
 70 recognized rodeo or animal husbandry and training techniques or
 71 practices that are not otherwise prohibited by general law.

72 Section 3. For the purpose of incorporating the amendment
 73 to section 828.121, Florida Statutes, in a reference thereto,
 74 paragraph (d) of subsection (9) of section 828.122, Florida
 75 Statutes, is reenacted to read:

76 828.122 Fighting or baiting animals; offenses;
 77 penalties.--

78 (9) This section shall not apply to:

79 (d) Any person violating s. 828.121.

80 Section 4. This act shall take effect July 1, 2005.