

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Agriculture Committee

BILL: SB558

SPONSOR: Senator Rich and others

SUBJECT: Cruelty to Animals

DATE: March 8, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mayfield	Poole	AG	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill amends the minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals. It also defines the term “bovine animal” and makes the sport known as “bulltailing” a misdemeanor of the first degree. This bill also specifies that simulated or bloodless bullfighting would be a misdemeanor of the second degree.

This bill does not prohibit or restrict recognized rodeo and animal husbandry practices that are not otherwise prohibited by law.

This bill amends sections 828.12 and 828.121 of the Florida Statutes.

II. Present Situation:

It has been reported that a sport known as “bulltailing” is being conducted in Florida. From information gathered, the activity consists of two horse mounted contestants chasing a bull up and down an oblong arena, competing to flip the animal over by using its tail.

Presently it is a misdemeanor without specification of degree to engage in a simulated or bloodless bullfight.

The current minimum mandatory fine for certain acts of cruelty to animals is \$2,500. A person convicted must also undergo psychological counseling or complete an anger management treatment program. A person convicted of a second offense is presently required to pay \$5,000 and serve a term of six months.

III. Effect of Proposed Changes:

Section 1. Increases the minimum mandatory fine for certain acts of cruelty to animals to \$5,000 and establishes a minimum mandatory term of incarceration of six months.

Increases the minimum mandatory term of incarceration for the second offense of certain acts of cruelty to animals to 10 months.

Section 2. Defines the term “bovine animal” to mean an animal of the subfamily bovine and includes but is not limited to, a steer, calf, bull, ox, heifer, or cow.

The bill bans a person from intentionally dragging or felling by the tail a bovine animal in an organized sports exhibition and makes a violation a misdemeanor of the first degree.

Clarifies that a violation of the prohibition against simulated or bloodless bullfighting exhibitions a misdemeanor of the second degree.

This section specifically excludes rodeo and animal husbandry practices that are not otherwise prohibited by law.

Section 3. Provides that this act shall take effect July 1, 2005.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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