By Senator Rich

34-576-05

A bill to be entitled 2 An act relating to cruelty to animals; amending s. 828.12, F.S.; increasing certain minimum 3 mandatory fines and periods of incarceration 4 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 or fell by the tail a bovine animal in an 9 10 organized sports exhibition; providing clarification regarding techniques or practices 11 12 that are not prohibited; providing an effective 13 date. 14 Be It Enacted by the Legislature of the State of Florida: 15 16 17 Section 1. Subsections (1) and (2) of section 828.12, 18 Florida Statutes, are amended to read: 828.12 Cruelty to animals.--19 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 otherwise, any animal in a cruel or inhumane manner, commits 2.4 is guilty of a misdemeanor of the first degree, punishable as 25 provided in s. 775.082 or by a fine of not more than \$5,000, 26 27 or both. 28 (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 30 causes the same to be done, commits is guilty of a felony of

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

- (a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of \$5,000, shall be sentenced to a minimum mandatory term of incarceration of 6 months, \$2,500 and shall undergo psychological counseling or complete an anger management treatment program.
- (b) Any person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of \$5,000 and shall be sentenced to a minimum mandatory term of incarceration of 10 months and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, shall not be eligible for parole, control release, or any form of early release, and must serve 100 percent of the court imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

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

828.121 Conduct of simulated bullfighting exhibitions <u>i</u>

- (1) As used in this section, the term "bovine animal" means an animal of the subfamily bovine and includes, but is not limited to, a steer, calf, bull, ox, heifer, or cow.
- (2) A It shall be unlawful, and punishable as a misdemeanor, for any person may not to conduct or engage in a 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, 2005.
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16	SENATE SUMMARY
17	Increases the minimum mandatory fines and periods of incarceration for acts of cruelty to animals. Provides
18	that it is a second-degree misdemeanor for a person to conduct a simulated bullfighting exhibition. Provides
19	that it is a first-degree misdemeanor for a person to intentionally drag or fell by the tail a bovine animal in
20	an organized sports exhibition. Provides clarification regarding techniques or practices that are not
21	prohibited.
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