

HB 317

2007

1 A bill to be entitled
 2 An act relating to animal cruelty; amending s. 828.12,
 3 F.S.; requiring a minimum fine and community service for
 4 conviction of a specified animal cruelty offense;
 5 providing an effective date.

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

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 9 Section 1. Subsection (2) of section 828.12, Florida
 10 Statutes, is amended to read:

11 828.12 Cruelty to animals.--

12 (2) A person who intentionally commits an act to any
 13 animal that ~~which~~ results in the cruel death, or excessive or
 14 repeated infliction of unnecessary pain or suffering, or causes
 15 the same to be done, commits ~~is guilty of~~ a felony of the third
 16 degree, punishable as provided in s. 775.082 or by a fine of not
 17 more than \$10,000, or both.

18 (a) A person convicted of a violation of this subsection,
 19 where the finder of fact determines that the violation includes
 20 the knowing and intentional torture or torment of an animal that
 21 injures, mutilates, or kills the animal, shall be ordered to pay
 22 a minimum mandatory fine of \$2,500 and undergo psychological
 23 counseling or complete an anger management treatment program.

24 (b) A person convicted of a first violation of this
 25 subsection shall be required to pay a minimum mandatory fine of
 26 \$500, shall serve a minimum mandatory period of incarceration of
 27 30 consecutive days, and shall perform a minimum of 100 hours of
 28 community service.

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29 (c) ~~(b)~~ A ~~Any~~ person convicted of a second or subsequent
30 violation of this subsection shall be required to pay a minimum
31 mandatory fine of \$5,000 and serve a minimum mandatory period of
32 incarceration of 6 months. In addition, the person shall be
33 released only upon expiration of sentence, shall not be eligible
34 for parole, control release, or any form of early release, and
35 must serve 100 percent of the court-imposed sentence.

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37 Any plea of nolo contendere shall be considered a conviction for
38 purposes of this subsection.

39 Section 2. This act shall take effect October 1, 2007.