

1 A bill to be entitled
 2 An act relating to fighting or baiting animals; amending
 3 s. 828.122, F.S.; correcting a cross-reference; providing
 4 a rebuttable presumption that an animal has been trained
 5 or used for fighting if certain facts are proven;
 6 providing that a county or agency is not liable for the
 7 cost of an animal seized and awarded custody to the county
 8 or agency pursuant to a court order under specified
 9 provisions; providing an effective date.

10

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

12

13 Section 1. Subsections (4) through (10) of section
 14 828.122, Florida Statutes, are renumbered as subsections (5)
 15 through (11), respectively, a new subsection (4) is added to
 16 that section, and present paragraph (f) of subsection (3) and
 17 subsection (7) of that section are amended, to read:

18 828.122 Fighting or baiting animals; offenses; penalties.—

19 (3) Any person who knowingly commits any of the following
 20 acts commits a felony of the third degree, punishable as
 21 provided in s. 775.082, s. 775.083, or s. 775.084:

22 (f) Removing or facilitating the removal of any animal
 23 impounded under this section from an agency where the animal is
 24 impounded or from a location designated by the court under
 25 subsection (5) ~~(4)~~, subsection (6) ~~(5)~~, or subsection (8) ~~(7)~~,
 26 without the prior authorization of the court;

27

28 Notwithstanding any provision of this subsection to the

29 | contrary, possession of the animal alone does not constitute a
 30 | violation of this section.

31 | (4) There is a rebuttable presumption that an animal has
 32 | been trained or used for fighting if:

33 | (a) The animal exhibits fresh wounds, scarring, or other
 34 | specific indications that the animal has been or will be used
 35 | for fighting; or

36 | (b) A person possesses training apparatus, paraphernalia,
 37 | or drugs known to be used to prepare animals to be fought or
 38 | known to be used during an actual fight. Training apparatus or
 39 | paraphernalia may include, but are not limited to, gaffs,
 40 | slashers, or any other sharp implement designed to be attached
 41 | in place of the natural spur of a gamecock or other fighting
 42 | bird, the possession of sparring muffs, or a fighting pit.

43 | (8)(7) If an animal can be housed in a humane manner, the
 44 | provisions of s. 828.073 ~~shall~~ apply. For the purpose of a
 45 | hearing provided pursuant to s. 828.073(2), any animal baited,
 46 | bred, trained, transported, sold, owned, possessed, or used for
 47 | the purpose of animal fighting or baiting shall be considered
 48 | mistreated. The county or agency is not liable for the cost of
 49 | an animal seized and awarded custody to the county or agency
 50 | pursuant to a court order under this section.

51 | Section 2. This act shall take effect October 1, 2011.