

By the Committee on Criminal Justice; and Senators Brandes,
Gardiner, and Lee

591-02613-13

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1 A bill to be entitled

2 An act relating to animal cruelty; amending s. 828.12,
3 F.S.; specifying that a person who commits multiple
4 acts of animal cruelty against one animal or acts of
5 animal cruelty against multiple animals may be charged
6 with a separate offense for each such act of animal
7 cruelty; amending s. 895.02, F.S.; including illegal
8 animal fighting or baiting as an offense within the
9 definition of the term "racketeering activity" for
10 purposes of the Florida RICO (Racketeer Influenced and
11 Corrupt Organization) Act; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 828.12, Florida Statutes, is amended to
17 read:

18 828.12 Cruelty to animals.—

19 (1) A person who unnecessarily overloads, overdrives,
20 torments, deprives of necessary sustenance or shelter, or
21 unnecessarily mutilates, or kills any animal, or causes the same
22 to be done, or carries in or upon any vehicle, or otherwise, any
23 animal in a cruel or inhumane manner, commits animal cruelty, ~~is~~
24 ~~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, or
26 both.

27 (2) A person who intentionally commits an act to any animal
28 which results in the cruel death, or excessive or repeated
29 infliction of unnecessary pain or suffering, or causes the same

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30 to be done, commits aggravated animal cruelty, ~~is guilty of a~~
31 felony of the third degree, punishable as provided in s. 775.082
32 or by a fine of not 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 \$2,500 and undergo psychological
38 counseling or complete an anger management treatment program.

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

48 (3) A person who commits multiple acts of animal cruelty or
49 aggravated animal cruelty against an animal may be charged with
50 a separate offense for each such act. A person who commits
51 animal cruelty or aggravated animal cruelty against more than
52 one animal may be charged with a separate offense for each
53 animal such cruelty was committed upon.

54 (4) ~~(3)~~ A veterinarian licensed to practice in the state
55 shall be held harmless from either criminal or civil liability
56 for any decisions made or services rendered under the provisions
57 of this section. Such a veterinarian is, therefore, under this
58 subsection, immune from a lawsuit for his or her part in an

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59 investigation of cruelty to animals.

60 (5)~~(4)~~ A person who intentionally trips, fells, ropes, or
61 lassos the legs of a horse by any means for the purpose of
62 entertainment or sport shall be guilty of a third degree felony,
63 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
64 As used in this subsection, "trip" means any act that consists
65 of the use of any wire, pole, stick, rope, or other apparatus to
66 cause a horse to fall or lose its balance, and "horse" means any
67 animal of any registered breed of the genus *Equus*, or any
68 recognized hybrid thereof. The provisions of this subsection
69 shall not apply when tripping is used:

70 (a) To control a horse that is posing an immediate threat
71 to other livestock or human beings;

72 (b) For the purpose of identifying ownership of the horse
73 when its ownership is unknown; or

74 (c) For the purpose of administering veterinary care to the
75 horse.

76 Section 2. Paragraph (a) of subsection (1) of section
77 895.02, Florida Statutes, is amended to read:

78 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

79 (1) "Racketeering activity" means to commit, to attempt to
80 commit, to conspire to commit, or to solicit, coerce, or
81 intimidate another person to commit:

82 (a) Any crime that is chargeable by petition, indictment,
83 or information under the following provisions of the Florida
84 Statutes:

85 1. Section 210.18, relating to evasion of payment of
86 cigarette taxes.

87 2. Section 316.1935, relating to fleeing or attempting to

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88 elude a law enforcement officer and aggravated fleeing or
89 eluding.

90 3. Section 403.727(3)(b), relating to environmental
91 control.

92 4. Section 409.920 or s. 409.9201, relating to Medicaid
93 fraud.

94 5. Section 414.39, relating to public assistance fraud.

95 6. Section 440.105 or s. 440.106, relating to workers'
96 compensation.

97 7. Section 443.071(4), relating to creation of a fictitious
98 employer scheme to commit reemployment assistance fraud.

99 8. Section 465.0161, relating to distribution of medicinal
100 drugs without a permit as an Internet pharmacy.

101 9. Section 499.0051, relating to crimes involving
102 contraband and adulterated drugs.

103 10. Part IV of chapter 501, relating to telemarketing.

104 11. Chapter 517, relating to sale of securities and
105 investor protection.

106 12. Section 550.235 or s. 550.3551, relating to dogracing
107 and horseracing.

108 13. Chapter 550, relating to jai alai frontons.

109 14. Section 551.109, relating to slot machine gaming.

110 15. Chapter 552, relating to the manufacture, distribution,
111 and use of explosives.

112 16. Chapter 560, relating to money transmitters, if the
113 violation is punishable as a felony.

114 17. Chapter 562, relating to beverage law enforcement.

115 18. Section 624.401, relating to transacting insurance
116 without a certificate of authority, s. 624.437(4)(c)1., relating

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117 to operating an unauthorized multiple-employer welfare
118 arrangement, or s. 626.902(1)(b), relating to representing or
119 aiding an unauthorized insurer.

120 19. Section 655.50, relating to reports of currency
121 transactions, when such violation is punishable as a felony.

122 20. Chapter 687, relating to interest and usurious
123 practices.

124 21. Section 721.08, s. 721.09, or s. 721.13, relating to
125 real estate timeshare plans.

126 22. Section 775.13(5)(b), relating to registration of
127 persons found to have committed any offense for the purpose of
128 benefiting, promoting, or furthering the interests of a criminal
129 gang.

130 23. Section 777.03, relating to commission of crimes by
131 accessories after the fact.

132 24. Chapter 782, relating to homicide.

133 25. Chapter 784, relating to assault and battery.

134 26. Chapter 787, relating to kidnapping or human
135 trafficking.

136 27. Chapter 790, relating to weapons and firearms.

137 28. Chapter 794, relating to sexual battery, but only if
138 such crime was committed with the intent to benefit, promote, or
139 further the interests of a criminal gang, or for the purpose of
140 increasing a criminal gang member's own standing or position
141 within a criminal gang.

142 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or s.
143 796.07, relating to prostitution and sex trafficking.

144 30. Chapter 806, relating to arson and criminal mischief.

145 31. Chapter 810, relating to burglary and trespass.

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- 146 32. Chapter 812, relating to theft, robbery, and related
147 crimes.
- 148 33. Chapter 815, relating to computer-related crimes.
- 149 34. Chapter 817, relating to fraudulent practices, false
150 pretenses, fraud generally, and credit card crimes.
- 151 35. Chapter 825, relating to abuse, neglect, or
152 exploitation of an elderly person or disabled adult.
- 153 36. Section 827.071, relating to commercial sexual
154 exploitation of children.
- 155 37. Section 828.122, relating to fighting or baiting
156 animals.
- 157 ~~38.37.~~ Chapter 831, relating to forgery and counterfeiting.
- 158 ~~39.38.~~ Chapter 832, relating to issuance of worthless
159 checks and drafts.
- 160 ~~40.39.~~ Section 836.05, relating to extortion.
- 161 ~~41.40.~~ Chapter 837, relating to perjury.
- 162 ~~42.41.~~ Chapter 838, relating to bribery and misuse of
163 public office.
- 164 ~~43.42.~~ Chapter 843, relating to obstruction of justice.
- 165 ~~44.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
166 or s. 847.07, relating to obscene literature and profanity.
- 167 ~~45.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
168 s. 849.25, relating to gambling.
- 169 ~~46.45.~~ Chapter 874, relating to criminal gangs.
- 170 ~~47.46.~~ Chapter 893, relating to drug abuse prevention and
171 control.
- 172 ~~48.47.~~ Chapter 896, relating to offenses related to
173 financial transactions.
- 174 ~~49.48.~~ Sections 914.22 and 914.23, relating to tampering

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175 with or harassing a witness, victim, or informant, and
176 retaliation against a witness, victim, or informant.

177 50.49. Sections 918.12 and 918.13, relating to tampering
178 with jurors and evidence.

179 Section 3. This act shall take effect July 1, 2013.