

LEGISLATIVE ACTION

Senate Comm: RCS 02/01/2018 House

The Committee on Agriculture (Steube) recommended the following: Senate Amendment (with title amendment) Between lines 79 and 80 insert: Section 2. The amendment to s. 828.12, Florida Statutes, by this act may be cited as "Ponce's law." Section 3. Section 828.12, Florida Statutes, is amended to read: 828.12 Cruelty to animals.-(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or

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12 unnecessarily mutilates, or kills any animal, or causes the same 13 to be done, or carries in or upon any vehicle, or otherwise, any 14 animal in a cruel or inhumane manner, commits animal cruelty, a 15 misdemeanor of the first degree, punishable as provided in s. 16 775.082 or by a fine of not more than \$5,000, or both.

17 (2) A person who intentionally commits an act to any 18 animal, or a person who owns or has the custody or control of 19 any animal and fails to act, which results in the cruel death, 20 or excessive or repeated infliction of unnecessary pain or 21 suffering, or causes the same to be done, commits aggravated 22 animal cruelty, a felony of the third degree, punishable as 23 provided in s. 775.082 or by a fine of not more than \$10,000, or 24 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 \$2,500 and undergo psychological counseling or complete an anger management treatment program.

(b) A person convicted of a second or subsequent violation 31 of this subsection shall be required to pay a minimum mandatory 32 33 fine of \$5,000 and serve a minimum mandatory period of 34 incarceration of 6 months. In addition, the person shall be 35 released only upon expiration of sentence, is not eligible for 36 parole, control release, or any form of early release, and must 37 serve 100 percent of the court-imposed sentence. Any plea of 38 nolo contendere shall be considered a conviction for purposes of 39 this subsection.

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(3) A person who commits multiple acts of animal cruelty or



41 aggravated animal cruelty against an animal may be charged with 42 a separate offense for each such act. A person who commits 43 animal cruelty or aggravated animal cruelty against more than 44 one animal may be charged with a separate offense for each 45 animal such cruelty was committed upon.

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

52 (5) A person who intentionally trips, fells, ropes, or 53 lassos the legs of a horse by any means for the purpose of 54 entertainment or sport commits a shall be guilty of a third 55 degree felony of the third degree, punishable as provided in s. 56 775.082, s. 775.083, or s. 775.084. As used in this subsection, 57 the term "trip" means any act that consists of the use of any 58 wire, pole, stick, rope, or other apparatus to cause a horse to 59 fall or lose its balance, and the term "horse" means any animal 60 of any registered breed of the genus Equus, or any recognized hybrid thereof. The provisions of This subsection does shall not 61 62 apply when tripping is used:

63 (a) To control a horse that is posing an immediate threat64 to other livestock or human beings;

(b) For the purpose of identifying ownership of the horsewhen its ownership is unknown; or

67 (c) For the purpose of administering veterinary care to the68 horse.

(6) In addition to other penalties prescribed by law, a

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70	person who is cc	nvicted of	a violation of this section may be			
71	prohibited by the court from owning, possessing, keeping,					
72	harboring, or having custody or control over any animal for a					
73	period of time d					
74			(c) and (e) of subsection (3) of			
75			Statutes, are amended to read:			
76			.shment Code; offense severity ranking			
77	chart		Simene code, offense severicy fanking			
78			ANKING CHART			
79	(C) LEVEL 3		ANNING CHARI			
80	(C) LEVEL S					
80	Florida	Folony	Description			
		Felony	Description			
0.1	Statute	Degree				
81	110 10 (0) (1)					
	119.10(2)(b)	3rd	Unlawful use of confidential			
			information from police			
			reports.			
82		- · ·				
	316.066	3rd	Unlawfully obtaining or using			
	(3) (b) – (d)		confidential crash reports.			
83						
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.			
84						
	316.1935(2)	3rd	Fleeing or attempting to elude			
			law enforcement officer in			
			patrol vehicle with siren and			
			lights activated.			
85						
	319.30(4)	3rd	Possession by junkyard of motor			
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vehicle with identification number plate removed.

- 319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home. 87
 - 319.33(1)(c) 3rd Procure or pass title on stolen vehicle.
- 319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

327.35(2)(b) 3rd Felony BUI.

- 328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
- 328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

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376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

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93	270 0421	Q 1	
	379.2431	3rd	Taking, disturbing, mutilating,
	(1)(e)5.		destroying, causing to be
			destroyed, transferring,
			selling, offering to sell,
			molesting, or harassing marine
			turtles, marine turtle eggs, or
			marine turtle nests in
			violation of the Marine Turtle
			Protection Act.
94			
	379.2431	3rd	Possessing any marine turtle
	(1)(e)6.		species or hatchling, or parts
			thereof, or the nest of any
			marine turtle species described
			in the Marine Turtle Protection
			Act.
95			
	379.2431	3rd	Soliciting to commit or
	(1)(e)7.		conspiring to commit a
			violation of the Marine Turtle
			Protection Act.
96			
	400.9935(4)(a)	3rd	Operating a clinic, or offering
	or (b)		services requiring licensure,
			without a license.
97			
	400.9935(4)(e)	3rd	Filing a false license
			application or other required
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98			information or failing to report information.
99	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
100	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
101	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
101	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
102	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
103	697.08	3rd	Equity skimming.
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.

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105			
	806.10(1)	3rd	Maliciously injure, destroy, or
			interfere with vehicles or equipment used in firefighting.
106			equipment abea in fiferighting.
	806.10(2)	3rd	Interferes with or assaults
			firefighter in performance of duty.
107			auty.
	810.09(2)(c)	3rd	Trespass on property other than
			structure or conveyance armed with firearm or dangerous
			weapon.
108			
	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
109			1655 Chan \$10,000.
	812.0145(2)(c)	3rd	Theft from person 65 years of
			age or older; \$300 or more but less than \$10,000.
110			1855 Chan \$10,000.
	815.04(5)(b)	2nd	Computer offense devised to
111			defraud or obtain property.
	817.034(4)(a)3.	3rd	Engages in scheme to defraud
			(Florida Communications Fraud
			Act), property valued at less
112			than \$20,000.
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113	817.233	3rd	Burning to defraud insurer.
	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
114	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle insurance application.
116	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
117	817.413(2)	3rd	Sale of used goods as new.
118	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
119	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
120			



1 0 1	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
121	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
122	843.19	3rd	Injure, disable, or kill police dog or horse.
124	860.15(3)	3rd	Overcharging for repairs and parts.
125	870.01(2)	3rd	Riot; inciting or encouraging.
126	893.13(1)(a)2.	3rd	<pre>Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).</pre>
ΤζΩ	893.13(1)(d)2.	2nd	<pre>Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.</pre>

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127			
128	893.13(1)(f)2.	2nd	<pre>Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.</pre>
120	893.13(4)(c)	3rd	Use or hire of minor; deliver
		010	to minor other controlled substances.
129			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
130			
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
131	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
132	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled
			Page 11 of 23



substance.

133			
134	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or
135			fraudulent representations in or related to the practitioner's practice.
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
136 137	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a Page 12 of 23

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			patient, other person, or an
			animal if the sole purpose of
			writing the prescription is a
			monetary benefit for the
			practitioner.
138			-
200	918.13(1)(a)	3rd	Alter, destroy, or conceal
	510.10(1)(d)	SIG	investigation evidence.
139			investigation evidence.
139	044 47	2 -	
	944.47	3rd	Introduce contraband to
	(1)(a)1. & 2.		correctional facility.
140			
	944.47(1)(c)	2nd	Possess contraband while upon
			the grounds of a correctional
			institution.
141			
	985.721	3rd	Escapes from a juvenile
			facility (secure detention or
			residential commitment
			facility).
142			
143			
144	(e) LEVEL 5		
145			
	Florida	Felony	Description
	Statute	Degree	
146		Degree	
TIO	316 027 (2) (2)	3rd	Accidents involving personal
	316.027(2)(a)	SIU	
			injuries other than serious
		I	Page 13 of 23
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			bodily injury, failure to stop; leaving scene.
147	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
148	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
149	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious
150			bodily injury.
151	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged,

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			counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is
152			suspended or revoked.
	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
153	379.407(5)(b)3.	3rd	Possession of 100 or more
154			undersized spiny lobsters.
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
155	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
156	440 105 (5)	Quad	
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
157	440.381(2)	2nd	Submission of false,
			misleading, or incomplete information with the purpose of
			avoiding or reducing workers' compensation premiums.
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159	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
160	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
161	790.01(2)	3rd	Carrying a concealed firearm.
	790.162	2nd	Threat to throw or discharge destructive device.
162	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
105	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
164	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
165	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
166	800.04(6)(c)	3rd	Lewd or lascivious conduct;

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167			offender less than 18 years of age.
	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
168	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
169	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
-	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
171	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
173	812.131(2)(b)	3rd	Robbery by sudden snatching.
174	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1/4	817.034(4)(a)2.	2nd	Communications fraud, value Page 17 of 23

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\$20,000 to \$50,000.

175	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
176	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
178	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
170	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, Page 18 of 23

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skimming device, or reencoder.

180			-
	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
181	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
182	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
183	828.12(2)	<u>3rd</u>	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
185	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

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186	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
187	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
188	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
189	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
190 191	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
+ <i>></i> +	893.13(1)(a)1.	2nd	<pre>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).</pre>

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192			
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
			cannabis (or other s.
			893.03(1)(c), (2)(c)1.,
			(2)(c)2., (2)(c)3., (2)(c)5.,
			(2)(c)6., (2)(c)7., (2)(c)8.,
			(2)(c)9., (3), or (4) drugs)
			within 1,000 feet of a child
			care facility, school, or
			state, county, or municipal
			park or publicly owned
			recreational facility or
			community center.
193			
	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
			cocaine (or other s.
			893.03(1)(a), (1)(b), (1)(d),
			(2)(a), (2)(b), or (2)(c)4.
			drugs) within 1,000 feet of
			university.
194			
	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
			cannabis or other drug
			prohibited under s.
			893.03(1)(c), (2)(c)1.,
			(2)(c)2., (2)(c)3., (2)(c)5.,
			(2)(c)6., (2)(c)7., (2)(c)8.,
			(2)(c)9., (3), or (4) within
			1,000 feet of property used for

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religious services or a specified business site.

195			
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
			cocaine (or other s.
			893.03(1)(a), (1)(b), (1)(d),
			or (2)(a), (2)(b), or (2)(c)4.
			drugs) within 1,000 feet of
			public housing facility.
196			
	893.13(4)(b)	2nd	Use or hire of minor; deliver
			to minor other controlled
			substance.
197			
	893.1351(1)	3rd	Ownership, lease, or rental for
			trafficking in or manufacturing
			of controlled substance.
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201			
202	========== T I T L E A M E N D M E N T =================================		
203	And the title is amended as follows:		
204	Delete lines 2 - 11		
205	and insert:		
206	An act relating to animal welfare; creating s.		
207	823.151, F.S.; providing legislative findings;		
208	requiring specified entities that take receivership of		
209	lost or stray o	dogs or	cats to adopt written policies

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COMMITTEE AMENDMENT

Florida Senate - 2018 Bill No. SB 1576



210 and procedures to ensure that every reasonable effort 211 is made to quickly and reliably return owned animals 212 to their owners; providing requirements for such 213 policies and procedures; requiring that specified 214 records be available to the public; providing a short 215 title; amending s. 828.12, F.S.; authorizing a court 216 to prohibit certain offenders from owning or having 217 custody or control over animals; amending s. 921.0022, F.S.; revising the ranking of offenses on the offense 218 219 severity ranking chart of the Criminal Punishment 220 Code; providing an effective date.