

By the Committees on Community Affairs; and Agriculture; and
Senators Steube and Perry

578-03175-18

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1 A bill to be entitled
2 An act relating to animal welfare; creating s.
3 823.151, F.S.; providing legislative findings;
4 requiring specified entities that take receivership of
5 lost or stray dogs or cats to adopt written policies
6 and procedures to ensure that every reasonable effort
7 is made to quickly and reliably return owned animals
8 to their owners; providing requirements for such
9 policies and procedures; requiring that specified
10 records be available to the public; amending s.
11 828.12, F.S.; authorizing a court to prohibit certain
12 offenders from owning or having custody or control
13 over animals; amending s. 921.0022, F.S.; revising the
14 ranking of offenses on the offense severity ranking
15 chart of the Criminal Punishment Code; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 823.151, Florida Statutes, is created to
21 read:

22 823.151 Lost or stray dogs and cats.—

23 (1) The Legislature finds that natural disasters, such as
24 hurricanes, may result in an increase in owned dogs and cats
25 becoming lost or stray. The Legislature further finds that dog
26 and cat owners statewide should be afforded the opportunity to
27 quickly and reliably claim their lost pets. It is therefore
28 declared to be the public policy of the state that animal
29 control agencies and humane organizations shall adopt policies

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30 and procedures to help return lost cats or dogs to identified
31 owners.

32 (2) (a) A public or private animal shelter, humane
33 organization, or animal control agency operated by a humane
34 organization or by a county, municipality, or other incorporated
35 political subdivision that takes receivership of any lost or
36 stray dogs or cats shall adopt written policies and procedures
37 to ensure that every reasonable effort is made to quickly and
38 reliably return owned animals to their owners. Such policies and
39 procedures shall include:

40 1. Upon intake, screening of lost or stray dogs and cats
41 for identification, including tags, licenses, implanted
42 microchips, and tattoos.

43 2. A process for matching received lost or stray dogs and
44 cats with any reports of lost pets received by the shelter from
45 owners.

46 3. Public notice of lost or stray dogs and cats received,
47 provided at the shelter or on the Internet, as appropriate,
48 within 48 hours of the animal's admission.

49 4. Reasonable efforts to notify identified owners of lost
50 or stray dogs and cats within 48 hours of identification. Such
51 reasonable efforts may include, but are not limited to, attempts
52 to contact identified owners by telephone, by electronic mail,
53 by United States mail, or by personal service at the owner's
54 last known phone number and address.

55 5. Notice to the public of the shelter's location, hours,
56 fees, and the return-to-owner process posted on the Internet,
57 with the shelter's business hours posted outside the shelter
58 facility and recorded on the shelter's telephone answering

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59 system message.

60 6. Access for owners to retrieve dogs and cats at least 1
61 weekend day per week and after 5:00 p.m. 1 weekday per week,
62 provided that complying with the requirements of this
63 subparagraph does not require an increase in total operating
64 hours.

65 7. Direct return-to-owner protocols that allow animal
66 control officers in the field to directly return lost or stray
67 dogs and cats to their owners when the owners have been
68 identified.

69 8. Procedural safeguards to minimize the euthanasia of
70 owned dogs and cats. Such safeguards shall include, but are not
71 limited to, record verification to ensure that each animal to be
72 euthanized is the correct animal designated for the procedure
73 and proper scanning for an implanted microchip using a universal
74 scanner immediately prior to the procedure.

75 9. Temporary extension of local minimum stray hold periods
76 after a disaster is declared by the President of the United
77 States or a state of emergency is declared by the Governor, if
78 deemed necessary by a local government in the area of the
79 declaration.

80 (b) Records related to this section and maintained by a
81 public or private animal shelter, humane organization, or animal
82 control agency operated by a humane society or by a county,
83 municipality, or other incorporated political subdivision must
84 be made available to the public pursuant to chapter 119.

85 Section 2. Section 828.12, Florida Statutes, is amended to
86 read:

87 828.12 Cruelty to animals.-

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88 (1) A person who unnecessarily overloads, overdrives,
89 torments, deprives of necessary sustenance or shelter, or
90 unnecessarily mutilates, or kills any animal, or causes the same
91 to be done, or carries in or upon any vehicle, or otherwise, any
92 animal in a cruel or inhumane manner, commits animal cruelty, a
93 misdemeanor of the first degree, punishable as provided in s.
94 775.082 or by a fine of not more than \$5,000, or both.

95 (2) A person who intentionally commits an act to any
96 animal, or a person who owns or has the custody or control of
97 any animal and fails to act, which results in the cruel death,
98 or excessive or repeated infliction of unnecessary pain or
99 suffering, or causes the same to be done, commits aggravated
100 animal cruelty, a felony of the third degree, punishable as
101 provided in s. 775.082 or by a fine of not more than \$10,000, or
102 both.

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

109 (b) A person convicted of a second or subsequent violation
110 of this subsection shall be required to pay a minimum mandatory
111 fine of \$5,000 and serve a minimum mandatory period of
112 incarceration of 6 months. In addition, the person shall be
113 released only upon expiration of sentence, is not eligible for
114 parole, control release, or any form of early release, and must
115 serve 100 percent of the court-imposed sentence. Any plea of
116 nolo contendere shall be considered a conviction for purposes of

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117 this subsection.

118 (3) A person who commits multiple acts of animal cruelty or
119 aggravated animal cruelty against an animal may be charged with
120 a separate offense for each such act. A person who commits
121 animal cruelty or aggravated animal cruelty against more than
122 one animal may be charged with a separate offense for each
123 animal such cruelty was committed upon.

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

130 (5) A person who intentionally trips, fells, ropes, or
131 lassos the legs of a horse by any means for the purpose of
132 entertainment or sport commits a ~~shall be guilty of a third~~
133 ~~degree~~ felony of the third degree, punishable as provided in s.
134 775.082, s. 775.083, or s. 775.084. As used in this subsection,
135 the term "trip" means any act that consists of the use of any
136 wire, pole, stick, rope, or other apparatus to cause a horse to
137 fall or lose its balance, and the term "horse" means any animal
138 of any registered breed of the genus *Equus*, or any recognized
139 hybrid thereof. ~~The provisions of~~ This subsection does ~~shall~~ not
140 apply when tripping is used:

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

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

145 (c) For the purpose of administering veterinary care to the

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146 horse.

147 (6) In addition to other penalties prescribed by law, a
 148 person who is convicted of a violation of this section may be
 149 prohibited by the court from owning, possessing, keeping,
 150 harboring, or having custody or control over any animal for a
 151 period of time determined by the court.

152 Section 3. Paragraphs (c) and (e) of subsection (3) of
 153 section 921.0022, Florida Statutes, are amended to read:

154 921.0022 Criminal Punishment Code; offense severity ranking
 155 chart.-

156 (3) OFFENSE SEVERITY RANKING CHART

157 (c) LEVEL 3

158

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

159

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163

319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

164

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

165

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

166

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

167

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

168

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

169

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

170

376.302(5) 3rd Fraud related to reimbursement

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for cleanup expenses under the
Inland Protection Trust Fund.

171

379.2431
(1) (e) 5.

3rd

Taking, disturbing, mutilating,
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.

172

379.2431
(1) (e) 6.

3rd

Possessing any marine turtle
species or hatchling, or parts
thereof, or the nest of any
marine turtle species described
in the Marine Turtle Protection
Act.

173

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine Turtle
Protection Act.

174

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or offering
services requiring licensure,
without a license.

175

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176

400.9935 (4) (e) 3rd Filing a false license application or other required information or failing to report information.

177

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

178

501.001 (2) (b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

179

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

180

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

181

626.902 (1) (a) & (b) 3rd Representing an unauthorized insurer.

182

697.08 3rd Equity skimming.

790.15 (3) 3rd Person directs another to

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discharge firearm from a
vehicle.

183

806.10(1) 3rd Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

184

806.10(2) 3rd Interferes with or assaults
firefighter in performance of
duty.

185

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

186

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but
less than \$10,000.

187

812.0145(2)(c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

188

815.04(5)(b) 2nd Computer offense devised to
defraud or obtain property.

189

817.034(4)(a)3. 3rd Engages in scheme to defraud
(Florida Communications Fraud
Act), property valued at less

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than \$20,000.

190

817.233 3rd Burning to defraud insurer.

191

817.234 3rd Unlawful solicitation of
(8) (b) & (c) persons involved in motor
vehicle accidents.

192

817.234 (11) (a) 3rd Insurance fraud; property value
less than \$20,000.

193

817.236 3rd Filing a false motor vehicle
insurance application.

194

817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

195

817.413 (2) 3rd Sale of used goods as new.

196

~~828.12 (2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.~~

197

831.28 (2) (a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a

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counterfeit payment instrument.

198

831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

199

838.021 (3) (b) 3rd Threatens unlawful harm to
public servant.

200

843.19 3rd Injure, disable, or kill police
dog or horse.

201

860.15 (3) 3rd Overcharging for repairs and
parts.

202

870.01 (2) 3rd Riot; inciting or encouraging.

203

893.13 (1) (a) 2. 3rd 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).

204

893.13 (1) (d) 2. 2nd 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

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within 1,000 feet of
university.

205

893.13(1)(f)2. 2nd 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.

206

893.13(4)(c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

207

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

208

893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

209

893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

210

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211

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.

212

893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

213

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
fraudulent representations in
or related to the
practitioner's practice.

214

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.

215

893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

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216
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224

893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
(e) LEVEL 5		

Florida Statute	Felony Degree	Description
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225

316.027(2)(a) 3rd Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

226

316.1935(4)(a) 2nd Aggravated fleeing or eluding.

227

316.80(2) 2nd Unlawful conveyance of fuel; obtaining fuel fraudulently.

228

322.34(6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

229

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

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reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

230

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

231

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

232

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

233

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

234

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

235

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers'

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compensation premiums.

236

624.401 (4) (b) 2. 2nd Transacting insurance without a
 certificate or authority;
 premium collected \$20,000 or
 more but less than \$100,000.

237

626.902 (1) (c) 2nd Representing an unauthorized
 insurer; repeat offender.

238

790.01 (2) 3rd Carrying a concealed firearm.

239

790.162 2nd Threat to throw or discharge
 destructive device.

240

790.163 (1) 2nd False report of bomb,
 explosive, weapon of mass
 destruction, or use of firearms
 in violent manner.

241

790.221 (1) 2nd Possession of short-barreled
 shotgun or machine gun.

242

790.23 2nd Felons in possession of
 firearms, ammunition, or
 electronic weapons or devices.

243

796.05 (1) 2nd Live on earnings of a
 prostitute; 1st offense.

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244

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

245

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or
older.

246

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent
to damage any structure or
property.

247

812.0145 (2) (b) 2nd Theft from person 65 years of
age or older; \$10,000 or more
but less than \$50,000.

248

812.015 (8) 3rd Retail theft; property stolen
is valued at \$300 or more and
one or more specified acts.

249

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

250

812.131 (2) (b) 3rd Robbery by sudden snatching.

251

812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

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817.625 (2) (b) 2nd Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

258

825.1025 (4) 3rd Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

259

827.071 (4) 2nd Possess with intent to promote
any photographic material,
motion picture, etc., which
includes sexual conduct by a
child.

260

827.071 (5) 3rd Possess, control, or
intentionally view any
photographic material, motion
picture, etc., which includes
sexual conduct by a child.

261

828.12 (2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

262

839.13 (2) (b) 2nd Falsifying records of an
individual in the care and
custody of a state agency
involving great bodily harm or

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(2) (a), (2) (b), or (2) (c) 4.
drugs).

270

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.

271

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.

272

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.,

