

1 A bill to be entitled
 2 An act relating to cruelty to animals; providing a
 3 short title; amending s. 828.12, F.S.; authorizing a
 4 court to prohibit certain offenders from owning or
 5 having contact with animals; amending s. 921.0022,
 6 F.S.; revising the ranking of offenses on the offense
 7 severity ranking chart of the Criminal Punishment
 8 Code; providing an effective date.

9

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

11

12 Section 1. This act may be cited as "Ponce's law."

13 Section 2. Section 828.12, Florida Statutes, is amended to
 14 read:

15 828.12 Cruelty to animals.—

16 (1) A person who unnecessarily overloads, overdrives,
 17 torments, deprives of necessary sustenance or shelter, or
 18 unnecessarily mutilates, or kills any animal, or causes the same
 19 to be done, or carries in or upon any vehicle, or otherwise, any
 20 animal in a cruel or inhumane manner, commits animal cruelty, a
 21 misdemeanor of the first degree, punishable as provided in s.
 22 775.082 or by a fine of not more than \$5,000, or both.

23 (2) A person who intentionally commits an act to any
 24 animal, or a person who owns or has the custody or control of
 25 any animal and fails to act, which results in the cruel death,

26 | or excessive or repeated infliction of unnecessary pain or
27 | suffering, or causes the same to be done, commits aggravated
28 | animal cruelty, a felony of the third degree, punishable as
29 | provided in s. 775.082 or by a fine of not more than \$10,000, or
30 | both.

31 | (a) A person convicted of a violation of this subsection,
32 | where the finder of fact determines that the violation includes
33 | the knowing and intentional torture or torment of an animal that
34 | injures, mutilates, or kills the animal, shall be ordered to pay
35 | a minimum mandatory fine of \$2,500 and undergo psychological
36 | counseling or complete an anger management treatment program.

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

46 | (3) A person who commits multiple acts of animal cruelty
47 | or aggravated animal cruelty against an animal may be charged
48 | with a separate offense for each such act. A person who commits
49 | animal cruelty or aggravated animal cruelty against more than
50 | one animal may be charged with a separate offense for each

51 animal such cruelty was committed upon.

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

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

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

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

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

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

76 person who is convicted of a violation of this section may be
 77 prohibited by the court from owning, possessing, keeping,
 78 harboring, having contact with, or having custody or control
 79 over any animal for a period of time determined by the court.

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

82 921.0022 Criminal Punishment Code; offense severity
 83 ranking chart.—

84 (3) OFFENSE SEVERITY RANKING CHART

85 (c) LEVEL 3

86

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

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			patrol vehicle with siren and lights activated.
91	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
92	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
93	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
94	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
95	327.35 (2) (b)	3rd	Felony BUI.
96	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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97 | 328.07 (4) | 3rd | Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

98 | 376.302 (5) | 3rd | Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

99 | 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.

100 | 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.

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101	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
102	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
103	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
104	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
105	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
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107	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
108	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
109	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
110	697.08	3rd	Equity skimming.
111	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
112	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
113	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

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114	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
115	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
116	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
117	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
118	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
119	817.233	3rd	Burning to defraud insurer.
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

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120	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
121	817.236	3rd	Filing a false motor vehicle insurance application.
122	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
123	817.413(2)	3rd	Sale of used goods as new.
124	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
125	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
126	831.29	2nd	Possession of instruments for

counterfeiting driver licenses
or identification cards.

127

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

128

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

129

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

130

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

131

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).

132

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 within 1,000 feet of university.

133

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.

134

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

135

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

136

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

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138	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
139	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
140	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
141	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.
	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.

142

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

143

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.

144

918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

145

944.47
(1)(a)1. & 2. 3rd Introduce contraband to
correctional facility.

146

944.47(1)(c) 2nd Possess contraband while upon
the grounds of a correctional

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institution.

147

985.721 3rd Escapes from a juvenile
 facility (secure detention or
 residential commitment
 facility).

148

149 (e) LEVEL 5

150

Florida	Felony	
Statute	Degree	Description

151

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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152

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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153

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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154

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

155

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

156

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

157

379.367 (4)

3rd

Willful molestation of a

commercial harvester's spiny
lobster trap, line, or buoy.

158

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

159

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

160

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

161

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

162

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

163

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

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more but less than \$100,000.

164

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

165

790.01 (2) 3rd Carrying a concealed firearm.

166

790.162 2nd Threat to throw or discharge destructive device.

167

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

168

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

169

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

170

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

171

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172	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
173	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
174	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
175	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
176	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
177	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
	812.131 (2) (b)	3rd	Robbery by sudden snatching.

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178	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
179	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
180	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
181	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.
182	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.

183

817.611 (2) (a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

184

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

185

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

186

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

187

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

sexual conduct by a child.

188

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

189

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.

190

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

191

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

192

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

193

847.0138

3rd

Transmission of material

194	(2) & (3)		harmful to minors to a minor by electronic device or equipment.
195	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
196	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
197	893.13 (1) (a) 1.	2nd	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).
198	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.

198

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.

199

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
religious services or a
specified business site.

200

893.13(1)(f)1. 1st Sell, manufacture, or deliver

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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.

201

893.13(4)(b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

202

893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

203

204 Section 4. This act shall take effect July 1, 2018.