

26 | becoming lost or stray. The Legislature further finds that dog
27 | and cat owners statewide should be afforded the opportunity to
28 | quickly and reliably claim their lost pets. It is therefore
29 | declared to be the public policy of the state that animal
30 | control agencies and humane organizations shall adopt policies
31 | and procedures to help return lost cats or dogs to identified
32 | owners.

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

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

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

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

50 | 4. Reasonable efforts to notify identified owners of lost

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

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

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

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

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

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

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

86 Section 2. The amendment to s. 828.12, Florida Statutes,
 87 by this act may be cited as "Ponce's law."

88 Section 3. Section 828.12, Florida Statutes, is amended to
 89 read:

90 828.12 Cruelty to animals.—

91 (1) A person who unnecessarily overloads, overdrives,
 92 torments, deprives of necessary sustenance or shelter, or
 93 unnecessarily mutilates, or kills any animal, or causes the same
 94 to be done, or carries in or upon any vehicle, or otherwise, any
 95 animal in a cruel or inhumane manner, commits animal cruelty, a
 96 misdemeanor of the first degree, punishable as provided in s.
 97 775.082 or by a fine of not more than \$5,000, or both.

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

101 or excessive or repeated infliction of unnecessary pain or
102 suffering, or causes the same to be done, commits aggravated
103 animal cruelty, a felony of the third degree, punishable as
104 provided in s. 775.082 or by a fine of not more than \$10,000, or
105 both.

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

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

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

126 animal such cruelty was committed upon.

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

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

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

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

148 (c) For the purpose of administering veterinary care to
 149 the horse.

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

151 person who is convicted of a violation of this section may be
 152 prohibited by the court from owning, possessing, keeping,
 153 harboring, or having custody or control over any animal for a
 154 period of time determined by the court.

155 Section 4. Paragraphs (c) and (e) of subsection (3) of
 156 section 921.0022, Florida Statutes, are amended to read:

157 921.0022 Criminal Punishment Code; offense severity
 158 ranking chart.—

159 (3) OFFENSE SEVERITY RANKING CHART

160 (c) LEVEL 3

161

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

162

163

164

165

patrol vehicle with siren and
lights activated.

166

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

167

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

168

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

169

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

170

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

171

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

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172	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
173	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
174	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.
175	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.

176	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
177	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
178	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
179	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
180	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
181			

182	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
183	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
184	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
185	697.08	3rd	Equity skimming.
186	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
187	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
188	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

189	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
190	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
191	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
192	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
193	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
194	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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195	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
196	817.236	3rd	Filing a false motor vehicle insurance application.
197	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
198	817.413(2)	3rd	Sale of used goods as new.
199	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
200	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
201	831.29	2nd	Possession of instruments for

counterfeiting driver licenses
or identification cards.

202

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

203

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

204

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

205

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

206

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).

207

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.

208

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.

209

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

210

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

211

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

212

213	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
214	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
215	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
216	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.

217

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

218

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.

219

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

220

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

221

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

institution.

222

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

223

224 (e) LEVEL 5

225

Florida	Felony	
Statute	Degree	Description

226

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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227

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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228

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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229

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

230

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

231

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.

232

379.367 (4)

3rd

Willful molestation of a

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

233

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

234

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

235

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

236

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

237

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

238

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

more but less than \$100,000.

239

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

240

790.01 (2) 3rd Carrying a concealed firearm.

241

790.162 2nd Threat to throw or discharge destructive device.

242

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

243

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

244

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

245

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

246

247	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
248	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
249	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
250	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
251	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
252	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
	812.131 (2) (b)	3rd	Robbery by sudden snatching.

253	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
254	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
255	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
256	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.
257	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.

258

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

259

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

260

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

261

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

262

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

sexual conduct by a child.

263

828.12 (2)

3rd

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

264

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.

265

843.01

3rd

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

266

847.0135 (5) (b)

2nd

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

267

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

268

847.0138

3rd

Transmission of material

269	(2) & (3)		harmful to minors to a minor by electronic device or equipment.
270	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
271	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
272	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).
272	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.

273

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.

274

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.

275

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.

276

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

277

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

278

279 Section 5. This act shall take effect July 1, 2018.