

By Senator Steube

23-01107-18

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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

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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 or  
47 aggravated animal cruelty against an animal may be charged with  
48 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

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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 the  
 74 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 of 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 ranking  
 83 chart.—

84 (3) OFFENSE SEVERITY RANKING CHART

85 (c) LEVEL 3

86  
 87

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	Florida Statute	Felony Degree	Description
88	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
89	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
90	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
91	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
92	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
93	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
94	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
95	319.33(4)	3rd	With intent to defraud,

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possess, sell, etc., a blank,  
 forged, or unlawfully obtained  
 title or registration.

96

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

97

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

98

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

99

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

100

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.

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102	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.
103	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
104	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
105	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
106	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
106	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading

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information.

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) & 3rd Representing an unauthorized (b) 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.

114

810.09 (2) (c) 3rd Trespass on property other than structure or conveyance armed

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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.

120

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

121

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

122

817.236                   3rd   Filing a false motor vehicle  
insurance application.



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- 817.2361                      3rd      Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
- 817.413 (2)                    3rd      Sale of used goods as new.
- ~~828.12 (2)~~                    3rd      ~~Tortures any animal with intent to inflict intense pain, serious physical injury, or death.~~
- 831.28 (2) (a)                 3rd      Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
- 831.29                         2nd      Possession of instruments for counterfeiting driver licenses or identification cards.
- 838.021 (3) (b)               3rd      Threatens unlawful harm to public servant.
- 843.19                         3rd      Injure, disable, or kill police dog or horse.
- 860.15 (3)                     3rd      Overcharging for repairs and

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parts.

131

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

132

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).

133

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.

134

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.

135

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

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substances.

136

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

137

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

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

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

142

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.

143

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

144

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.

145

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

146

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

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147

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

148

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

149

(e) LEVEL 5

150

151

152

Florida	Felony	Description
Statute	Degree	

153

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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154

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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155

316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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156

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

157

327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

158

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.

159

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

160

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

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undersized spiny lobsters.

161

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

162

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

163

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

164

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

165

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

166

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

167

790.01(2) 3rd Carrying a concealed firearm.

168

790.162 2nd Threat to throw or discharge

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destructive device.

169

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

170

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

171

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

172

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

173

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

174

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

175

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



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176

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

177

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

178

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

179

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

180

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

181

817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

182

817.234(11)(b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

183

817.2341(1), 3rd Filing false financial  
(2)(a) & (3)(a) statements, making false entries of material fact or false statements regarding property values relating to the

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solvency of an insuring entity.

184

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.

185

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

186

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

187

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

188

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

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195

827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
<u>828.12 (2)</u>	<u>3rd</u>	<u>Tortures any animal with intent to inflict intense pain, serious physical injury, or death.</u>
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.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.

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847.0138 3rd Transmission of material  
(2) & (3) harmful to minors to a minor by  
electronic device or equipment.

196

874.05(1)(b) 2nd Encouraging or recruiting  
another to join a criminal  
gang; second or subsequent  
offense.

197

874.05(2)(a) 2nd Encouraging or recruiting  
person under 13 years of age to  
join a criminal gang.

198

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).

199

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

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recreational facility or  
community center.

200

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.

201

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.

202

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.

203

893.13(4)(b)                2nd    Use or hire of minor; deliver

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to minor other controlled  
substance.

204

893.1351(1)

3rd

Ownership, lease, or rental for  
trafficking in or manufacturing  
of controlled substance.

205

206

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