

By Senator Brodeur

9-01011B-21

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1 A bill to be entitled
2 An act relating to animal cruelty; amending s. 828.12,
3 F.S.; revising the elements of certain animal cruelty
4 offenses; amending s. 828.13, F.S.; defining the term
5 "adequate shelter"; prohibiting the failure to provide
6 an animal adequate shelter; providing criminal
7 penalties; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (1) of section 828.12, Florida
12 Statutes, is amended to read:

13 828.12 Cruelty to animals.—

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

22 Section 2. Subsections (1) and (2) of section 828.13,
23 Florida Statutes, are amended to read:

24 828.13 Confinement of animals without sufficient food,
25 water, or exercise; abandonment of animals.—

26 (1) As used in this section:

27 (a) "Abandon" means to forsake an animal entirely or to
28 neglect or refuse to provide or perform the legal obligations
29 for care and support of an animal by its owner.

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30 (b) "Adequate shelter" means provision of and access to a
31 secure weather-resistant shelter that is suitable for the age,
32 height, size, breed, and type of each animal; provides adequate
33 air ventilation and adequate space for each animal to stand up,
34 lay down, stretch out, and turn around without being impeded by
35 the shelter; is safe and protects each animal from injury, rain,
36 hail, the adverse effects of heat or cold, physical suffering,
37 and impairment of health; is properly cleaned; enables each
38 animal to be clean and dry, except when detrimental to the
39 species; during hot weather, is properly shaded with a covering
40 and does not readily conduct heat; during cold weather, has a
41 windbreak at its entrance and provides a quantity of bedding
42 material consisting of straw, cedar shavings, or the equivalent
43 that is sufficient to protect the animal from cold and promote
44 the retention of body heat; and, for dogs and cats, provides a
45 solid surface, resting platform, pad, floor mat, or similar
46 device that is large enough for the animal to lie on in a normal
47 manner and can be maintained in a sanitary manner. A shelter
48 whose wire, grid, or slat floor permits an animal's feet to pass
49 through the openings; sags under the animal's weight; or
50 otherwise does not protect the animal's feet or toes from injury
51 is not adequate shelter for purposes of this section.

52 (c) ~~(b)~~ "Owner" includes any owner, custodian, or other
53 person in charge of an animal.

54 (2) Whoever:

55 (a) Impounds or confines an ~~any~~ animal in any place and
56 fails to supply the animal during such confinement with a
57 sufficient quantity of good and wholesome food and water;;~~r~~

58 (b) Keeps an animal ~~any animals~~ in any enclosure without

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59 wholesome exercise and change of air; ~~or~~

60 (c) Abandons to die an ~~any~~ animal that is maimed, sick,
61 infirm, or diseased; or

62 (d) Fails to provide an animal adequate shelter;

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64 commits ~~is guilty of~~ a misdemeanor of the first degree,
65 punishable as provided in s. 775.082 or by a fine of not more
66 than \$5,000, or by both imprisonment and a fine.

67 Section 3. This act shall take effect October 1, 2021.