

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.

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

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 11 Section 1. Subsections (1) and (2) of section 828.12,
 12 Florida Statutes, are 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, unnecessarily ~~or~~ kills, any animal, or
 17 causes the same to be done, or carries in or upon any vehicle,
 18 or otherwise, any animal in a cruel or inhumane manner, commits
 19 animal cruelty, a misdemeanor of the first degree, punishable as
 20 provided in s. 775.082 or by a fine of not more than \$5,000, or
 21 both.

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

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

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

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

45 | Section 2. Subsections (1) and (2) of section 828.13,
 46 | Florida Statutes, are amended to read:

47 | 828.13 Confinement of animals without sufficient food,
 48 | water, or exercise; abandonment of animals.—

49 | (1) As used in this section:

50 | (a) "Abandon" means to forsake an animal entirely or to

51 neglect or refuse to provide or perform the legal obligations
52 for care and support of an animal by its owner.

53 (b) "Adequate shelter" means provision of and access to a
54 secure weather-resistant shelter that is suitable for the age,
55 height, size, breed, and type of each animal; provides adequate
56 air ventilation and adequate space for each animal to stand up,
57 lay down, stretch out, and turn around without being impeded by
58 the shelter; is safe and protects each animal from injury, rain,
59 hail, the adverse effects of heat or cold, physical suffering,
60 and impairment of health; is properly cleaned; enables each
61 animal to be clean and dry, except when detrimental to the
62 species; during hot weather, is properly shaded with a covering
63 and does not readily conduct heat; during cold weather, has a
64 windbreak at its entrance and provides a quantity of bedding
65 material consisting of straw, cedar shavings, or the equivalent
66 that is sufficient to protect the animal from cold and promote
67 the retention of body heat; and, for dogs and cats, provides a
68 solid surface, resting platform, pad, floor mat, or similar
69 device that is large enough for the animal to lie on in a normal
70 manner and can be maintained in a sanitary manner. A shelter
71 whose wire, grid, or slat floor permits an animal's feet to pass
72 through the openings; sags under the animal's weight; or
73 otherwise does not protect the animal's feet or toes from injury
74 is not adequate shelter for purposes of this section.

75 (c) ~~(b)~~ "Owner" includes any owner, custodian, or other

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76 | person in charge of an animal.

77 | (2) Whoever:

78 | (a) Impounds or confines an ~~any~~ animal in any place and
79 | fails to supply the animal during such confinement with a
80 | sufficient quantity of good and wholesome food and water;i~~r~~

81 | (b) Keeps an animal ~~any animals~~ in any enclosure without
82 | wholesome exercise and change of air;i~~r~~ ~~or~~

83 | (c) Abandons to die an ~~any~~ animal that is maimed, sick,
84 | infirm, or diseased; or

85 | (d) Fails to provide an animal adequate shelter~~r~~

86 |

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

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