

1 A bill to be entitled
 2 An act relating to aggravated animal cruelty; amending
 3 s. 828.12, F.S.; prohibiting certain acts against an
 4 animal while engaged in specified offenses;
 5 prohibiting the unlawful killing of an animal
 6 belonging to a family member; providing criminal
 7 penalties; amending s. 921.0022, F.S.; conforming
 8 provisions to changes made by the act; providing an
 9 effective date.

10

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

12

13 Section 1. Subsections (2) through (6) of section 828.12,
 14 Florida Statutes, are renumbered as subsections (3) through (7),
 15 respectively, present subsection (2) is amended, and a new
 16 subsection (2) is added to that section, to read:

17 828.12 Cruelty to animals.—

18 (2) A person who intentionally and knowingly, without
 19 lawful cause or justification, causes great bodily harm;
 20 permanent disability; or death or uses a deadly weapon upon, any
 21 animal, or causes the same to be done, while engaged in the
 22 perpetration of, or in the attempt to perpetrate, any:

23 (a) Arson;

24 (b) Sexual battery;

25 (c) Robbery;

- 26 (d) Burglary;
- 27 (e) Kidnapping;
- 28 (f) Escape;
- 29 (g) Aggravated child abuse;
- 30 (h) Aggravated abuse of an elderly person or disabled
- 31 adult;
- 32 (i) Aircraft piracy;
- 33 (j) Unlawful throwing, placing, or discharging of a
- 34 destructive device or bomb;
- 35 (k) Carjacking;
- 36 (l) Home-invasion robbery;
- 37 (m) Aggravated stalking;
- 38 (n) Murder of a human being;
- 39 (o) Resisting an officer with violence to his or her
- 40 person;
- 41 (p) Aggravated fleeing or eluding with serious bodily
- 42 injury or death;
- 43 (q) Felony that is an act of terrorism or is in
- 44 furtherance of an act of terrorism, including a felony under s.
- 45 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35;
- 46 (r) Human trafficking;
- 47 (s) Treason;
- 48 (t) Manslaughter of a human being;
- 49 (u) Aggravated assault;
- 50 (v) Aggravated battery;

51 (w) Crime of domestic violence as defined in s. 741.28; or
 52 (x) Other felonies which involve the use or threat of
 53 physical force or violence against an individual,

54
 55 commits aggravated animal cruelty, a felony of the third degree,
 56 punishable as provided in s. 775.082 or by a fine of not more
 57 than \$10,000.

58 (3) (a) 1.a. ~~(2)~~ A person who intentionally commits an act to
 59 any animal;~~;~~ or ~~a person~~

60 b. Who owns or has the custody or control of any animal
 61 and fails to act,

62
 63 which results in the cruel death, or excessive or repeated
 64 infliction of unnecessary pain or suffering; or

65 2. Who unlawfully kills any animal that is in the care,
 66 possession, or control of a family or household member, as
 67 defined s. 741.28, regardless of the pain or suffering inflicted
 68 upon the animal or caused to be done, when perpetrated by an act
 69 imminently dangerous to any animal and evincing a depraved
 70 mind;~~;~~ or

71 3. Who causes the same to be done,

72
 73 commits aggravated animal cruelty, a felony of the third degree,
 74 punishable as provided in s. 775.082 or by a fine of not more
 75 than \$10,000, or both.

76 (b)~~(a)~~ A person convicted of a violation of this
 77 subsection, where the finder of fact determines that the
 78 violation includes the knowing and intentional torture or
 79 torment of an animal that injures, mutilates, or kills the
 80 animal, shall be ordered to pay a minimum mandatory fine of
 81 \$2,500 and undergo psychological counseling or complete an anger
 82 management treatment program.

83 (c)~~(b)~~ A person convicted of a second or subsequent
 84 violation of this subsection shall be required to pay a minimum
 85 mandatory fine of \$5,000 and serve a minimum mandatory period of
 86 incarceration of 6 months. In addition, the person shall be
 87 released only upon expiration of sentence, is not eligible for
 88 parole, control release, or any form of early release, and must
 89 serve 100 percent of the court-imposed sentence. Any plea of
 90 nolo contendere shall be considered a conviction for purposes of
 91 this subsection.

92 Section 2. Paragraph (e) of subsection (3) of section
 93 921.0022, Florida Statutes, is amended to read:

94 921.0022 Criminal Punishment Code; offense severity
 95 ranking chart.—

96 (3) OFFENSE SEVERITY RANKING CHART

97 (e) LEVEL 5

98

Florida	Felony	
Statute	Degree	Description

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99	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
100	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
101	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
102	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
103	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
104	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.

105	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
106	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
107	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
108	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.

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109	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
110	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
111	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
112	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
113	790.01 (2)	3rd	Carrying a concealed firearm.
114	790.162	2nd	Threat to throw or discharge destructive device.
115	790.163 (1)	2nd	False report of bomb,

			explosive, weapon of mass destruction, or use of firearms in violent manner.
116	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
117	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
118	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
119	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
120	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
121	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or

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property.

122

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

123

812.015 3rd Retail theft; property stolen (8)(a) & (c) - is valued at \$750 or more and (e) one or more specified acts.

124

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

125

812.081(3) 2nd Trafficking in trade secrets.

126

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

127

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

128

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

129

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

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\$100,000.

130

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.

131

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.

132

817.611(2) (a)

2nd

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

133

817.625(2) (b)

2nd

Second or subsequent fraudulent use of scanning device,

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skimming device, or reencoder.

134

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

135

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

136

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

137

828.12(3) 3rd Aggravated animal cruelty
~~828.12(2)~~ ~~Tortures any animal with intent~~
~~to inflict intense pain,~~
~~serious physical injury, or~~
~~death.~~

138

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.

139

843.01 3rd Resist officer with violence to person; resist arrest with violence.

140

847.0135(5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

141

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

142

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

143

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

144

145	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
146	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)5. drugs).
147	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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (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.
147	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) 5.
 drugs) within 1,000 feet of
 university.

148

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) 6.,
 (2) (c) 7., (2) (c) 8., (2) (c) 9.,
 (2) (c) 10., (3), or (4) within
 1,000 feet of property used for
 religious services or a
 specified business site.

149

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) 5.
 drugs) within 1,000 feet of
 public housing facility.

150

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

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substance.

151

893.1351(1)

3rd

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

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153

Section 3. This act shall take effect October 1, 2022.