

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 150

INTRODUCER: Senator Gaetz

SUBJECT: Animal Cruelty During a Declared State of Emergency

DATE: February 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Pre-meeting
2.			AG	
3.			RC	

I. Summary:

SB 150 amends s. 828.12(1), F.S., to create a new offense for animal cruelty. The bill increases the penalty for individuals who commit acts of animal cruelty, in the affected area during a declared state of emergency. Specifically, it increases the penalty for offenses committed in the designated area during such emergencies from a first degree misdemeanor to a third degree felony.

The bill has a positive indeterminate impact. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

Dog Rescued by Florida Highway Patrol Trooper Tied Up During Hurricane Milton

Hurricane Milton struck the state in early October 2024. During the storm, a Florida Highway Patrol trooper discovered a dog tied to a fence off I-75 surrounded by rising water. The trooper returned sometime later and rescued the dog. The dog, named Trooper, was taken to the Tallahassee Humane Society and was subsequently adopted. This bill addresses that situation.¹

¹ Tallahassee Democrat, *Trooper, abandoned amid Hurricane Milton and sent to Leon County, finds 'fur-ever' home*, December 2, 2024, Kyla A. Sanford, available at <https://www.tallahassee.com/story/news/local/2024/12/02/trooper-dog-abandoned-amid-hurricane-milton-finds-fur-ever-home-leon-county-humane-society/76709656007/> (last visited February 6, 2025).

Animal Cruelty

Section 828.12(1), F.S., provides first degree misdemeanor penalties² for certain cases involving cruelty to animals. A person commits the crime of animal cruelty if he or she:

- Unnecessarily overloads;
- Overdrives;
- Torments;
- Deprives of necessary sustenance or shelter;
- Unnecessarily mutilates, or kills any animal, or causes such to be done; or
- Carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

A person who is convicted of a violation of this statute may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.³

Emergency Powers, Disaster Preparedness

Section 252.36, F.S., specifies that in the event of an emergency beyond local control, the Governor may assume direct operational control over all or any part of the emergency management functions within this state and is authorized to delegate such powers as she or he may deem prudent. The Governor has declared a state of emergency for various weather related conditions, including numerous hurricanes.⁴

Section 252.3568, F.S., provides, in accordance with s. 252.35, F.S.,⁵ the Division of Emergency Management within the Executive Office of the Governor (Division) must address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and must include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services and the Department of Education must assist the division in determining strategies regarding this activity.

If a county maintains designated shelters, it must also designate a shelter that can accommodate persons with pets. The shelter must be in compliance with applicable FEMA Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

² A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$5,000 fine or both. ss. 775.082 and 775.083, F.S.

³ Section 828.12(6), F.S.

⁴ See Fla. Exec. Order No. 24-215 (October 5, 2024), available at, <https://www.flgov.com/eog/sites/default/files/executive-orders/2024/EO-24-215-1.pdf> (Last visited February 7, 2025).

⁵ Section 252.35, F.S., relates to Emergency management powers and the Division of Emergency Management.

III. Effect of Proposed Changes:

The bill provides that a person who commits an animal cruelty offense during a state of emergency declared pursuant to s. 252.36, F.S., in an area included in the state of emergency commits a third degree felony.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has a positive indeterminate impact due to the increased penalties provided in the bill. It is unknown how many offenses of animal cruelty have taken place during a declared emergency, and therefore the prison bed impact cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 828.12

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
