

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [CS/HB 255](#)

**TITLE:** Aggravated Animal Cruelty

**SPONSOR(S):** Chaney

**COMPANION BILL:** [SB 502](#) (Leek)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS



[Judiciary](#)

22 Y, 0 N

## SUMMARY

### **Effect of the Bill:**

The bill creates a sentencing multiplier for aggravated animal cruelty offenses which included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal. For the purpose of determining applicability of the sentencing multiplier, the bill specifies that the term “animal” does not include an animal used for agricultural purposes or permitted as captive wildlife.

### **Fiscal or Economic Impact:**

The bill may have an indeterminate positive impact on the jail and prison bed population by increasing the minimum permissible sentence that a court may sentence an offender to in some cases of aggravated animal cruelty.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### **EFFECT OF THE BILL:**

The bill creates a [sentencing multiplier](#) under the [Criminal Punishment Code](#) for specified aggravated [animal cruelty](#) offenses. Under the bill, a convicted defendant’s subtotal sentencing points must be multiplied by 1.25 if the primary offense for which the defendant is convicted is aggravated animal cruelty under [s. 828.12\(2\), F.S.](#), and the offense included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal. The bill specifies that, for the purpose of determining applicability of the sentencing multiplier, the term “animal” does not include an animal used for agricultural purposes or permitted as [captive wildlife](#) as authorized under [s. 379.303, F.S.](#) (Section [2](#))

The act may be cited as “Dexter’s Law.” (Section [1](#))

The effective date of the bill is July 1, 2025. (Section [3](#))

### **FISCAL OR ECONOMIC IMPACT:**

#### STATE GOVERNMENT:

The bill may have an indeterminate positive impact on the prison bed population by increasing the minimum permissible sentence that a court may sentence an offender to in some cases of aggravated animal cruelty.

#### LOCAL GOVERNMENT:

The bill may have an indeterminate positive impact on the jail bed population by increasing the minimum permissible sentence that a court may sentence an offender to in some cases of aggravated animal cruelty.

**STORAGE NAME:** h0255b.JDC

**DATE:** 3/26/2025

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Animal Cruelty](#)

Under [s. 828.12, F.S.](#), a person commits animal cruelty, a first degree misdemeanor, punishable by up to one year in county jail, a fine of not more than \$5,000, or both, if he or she:

- Unnecessarily overloads, overdrives, torments,<sup>1</sup> mutilates, or kills an animal;
- Deprives an animal of necessary sustenance or shelter;
- Causes any of the above to be done to an animal; or
- Carries an animal in or upon a vehicle, or otherwise, in a cruel or inhumane manner.<sup>2</sup>

A person commits aggravated animal cruelty, a third degree felony, punishable by up to five years in prison, a fine of not more than \$10,000, or both, by intentionally committing an act on an animal – or failing to act if the person owns and has custody and control of the animal – and such action or omission:

- Results in the cruel death of the animal; or the excessive or repeated infliction of unnecessary pain or suffering on the animal; or
- Causes the same to be done to the animal.<sup>3</sup>

If a person is convicted of aggravated animal cruelty and the violation is found to include the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal,<sup>4</sup> he or she must pay a minimum fine of \$2,500 and complete psychological counseling or anger management for a first conviction.<sup>5</sup> If a person is convicted of any offense of aggravated animal cruelty a second or subsequent time, he or she must pay a minimum fine of \$5,000, must be sentenced to at least six months of incarceration, and is ineligible for any form of early release, including gain time.<sup>6</sup>

Additionally, a person who is convicted of animal cruelty or aggravated animal cruelty may be prohibited from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.<sup>7</sup>

#### [The Criminal Punishment Code](#)

##### [Offense Severity Ranking Chart](#)

All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code.<sup>8</sup> Felony offenses which are subject to the Criminal Punishment Code are listed in a single Offense Severity Ranking Chart (OSRC),<sup>9</sup> which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.<sup>10,11</sup> A person's primary offense, any other current offenses, and prior convictions are scored using the points designated

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<sup>1</sup> The terms "cruelty," "torture," "torment" and a "cruel manner" include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief. [S. 828.02, F.S.](#)

<sup>2</sup> [S. 828.12\(1\), F.S.](#)

<sup>3</sup> [S. 828.12\(2\), F.S.](#)

<sup>4</sup> Fla. Std. Jury Instr. (Crim.) 29.13.

<sup>5</sup> [S. 828.12\(2\)\(a\), F.S.](#)

<sup>6</sup> [S. 828.12\(2\)\(b\), F.S.](#)

<sup>7</sup> [S. 828.12\(6\), F.S.](#)

<sup>8</sup> [S. 921.002, F.S.](#)

<sup>9</sup> [S. 921.0022, F.S.](#)

<sup>10</sup> [S. 921.0022\(2\), F.S.](#)

<sup>11</sup> Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. [S. 921.0023, F.S.](#)

for the offense severity level of each offense.<sup>12,13</sup> The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.<sup>14</sup>

Aggravated animal cruelty under [s. 828.12\(2\), F.S.](#), is ranked as a Level 5 offense on the OSRC.

**Sentencing Multiplier**

Section [921.0024\(1\)\(b\), F.S.](#), provides a worksheet key for a court to use when sentencing a convicted defendant. Specified crimes are subject to sentencing multipliers that apply to a person’s subtotal sentence points, the application of which results in an increased number of total sentencing points, which may result in enhanced punishment in some cases.

**Captive Wildlife**

Under [s. 379.303, F.S.](#), the Florida Fish and Wildlife Conservation Commission (Commission) promulgates rules defining Class I, Class II, and Class III types of wildlife.<sup>15</sup> The Commission also establishes rules and requirements necessary to ensure that:

- Permits are granted only to persons qualified to possess and care properly for wildlife; and
- Permitted wildlife possessed as personal pets are maintained in sanitary surroundings and appropriate neighborhoods.

The Commission may seize or take custody of captive wildlife if the owner or possessor violates a relevant rule, requirement, or law. Such individual must pay all expenses associated with the captive wildlife’s capture, transport, boarding, or veterinary care upon any conviction or finding of guilt of a criminal or noncriminal violation of any provision of chapter 379, F.S., chapter 828, F.S., or rule of the Commission, regardless of adjudication or plea entered.<sup>16</sup>

**OTHER RESOURCES:**

[St. Petersburg Man Found Guilty of Animal Cruelty Against Dog, "Dexter" | Tampa Bay Times](#)

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	16 Y, 0 N, As CS	3/12/2025	Hall	Butcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Made the sentencing multiplier applicable when the primary offense is aggravated animal cruelty under s. 828.12(2), which included the knowing and intentional torture or torment of an animal that injured, mutilated, or killed the animal.</li> <li>• Removed the definition of “domestic animal.”</li> <li>• Made other technical changes.</li> </ul>			
<a href="#">Judiciary Committee</a>	22 Y, 0 N	3/26/2025	Kramer	Butcher

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

<sup>12</sup> [Ss. 921.0022, F.S.](#) and [921.0024, F.S.](#)

<sup>13</sup> A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. [S. 921.0024\(1\), F.S.](#)

<sup>14</sup> If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. [S. 921.0024\(2\), F.S.](#)

<sup>15</sup> Florida Fish and Wildlife Conservation Commission, [Captive Wildlife Licenses and Permits](#) (last visited Mar. 26, 2025).

<sup>16</sup> [S. 379.303\(2\), F.S.](#) Failure to pay such expenses may be grounds for the revocation or denial of a captive wildlife permit.

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