

By Senator Leek

7-00492A-25

2025502__

1 A bill to be entitled
2 An act relating to animal cruelty offenses; amending
3 s. 828.02, F.S.; revising definitions; defining the
4 term "domestic animal"; amending s. 921.0024, F.S.;
5 providing criminal punishment scoring; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Section 828.02, Florida Statutes, is amended to
11 read:

12 828.02 Definitions.—In this chapter, and in every law of
13 the state relating to or in any way affecting animals, the word:

14 (1) "Animal" means ~~shall be held to include~~ every living
15 dumb creature.†

16 (2) "Cruelty," ~~The words "torture," or "torment,"~~ means and
17 ~~"cruelty"~~ shall be held to include every act, omission, or
18 neglect whereby unnecessary or unjustifiable pain or suffering
19 is caused, except when done in the interest of medical science,
20 permitted, or allowed to continue when there is reasonable
21 remedy or relief.†

22 (3) "Domestic animal" means any animal that lives and
23 breeds in a tame condition, including, but not limited to, dogs,
24 cats, birds, hamsters, rabbits, pigs, turtles, fish, and other
25 animals kept as pets. However, the term does not include any
26 animal used for agricultural purposes or any animal permitted as
27 captive wildlife.

28 (4) and ~~The words "Owner" or and "person" includes~~ shall be
29 ~~held to include~~ corporations, and the knowledge and acts of

7-00492A-25

2025502__

30 agents and employees of corporations in regard to animals
31 transported, owned, employed by, or in the custody of a
32 corporation, shall be held to be the knowledge and acts ~~aet~~ of
33 such corporation.

34 Section 2. Subsection (1) of section 921.0024, Florida
35 Statutes, is amended to read:

36 921.0024 Criminal Punishment Code; worksheet computations;
37 scoresheets.-

38 (1) (a) The Criminal Punishment Code worksheet is used to
39 compute the subtotal and total sentence points as follows:

40 FLORIDA CRIMINAL PUNISHMENT CODE

41 WORKSHEET

42 OFFENSE SCORE

43
44 Primary Offense

Level	Sentence Points	Total
10	116 =	.....
9	92 =	.....
8	74 =	.....
7	56 =	.....
6	36 =	.....

7-00492A-25

2025502__

51			
52	5	28 =	.....
53	4	22 =	.....
54	3	16 =	.....
55	2	10 =	.....
56	1	4 =	.....

Total

Additional Offenses

61	Level	Sentence Points	Counts	Total
62	10		58 x	=
63	9		46 x	=
64	8		37 x	=
65	7		28 x	=

7-00492A-25

2025502__

66

6 18 x =

67

5 5.4 x =

68

4 3.6 x =

69

3 2.4 x =

70

2 1.2 x =

71

1 0.7 x =

72

M 0.2 x =

73

74

Total

75

76

77

Victim Injury

78

Level	Sentence Points	Number	Total
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79

2nd degree murder- death	240	x =	
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7-00492A-25

2025502__

80
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Death	120	x	=
Severe	40	x	=
Moderate	18	x	=
Slight	4	x	=
Sexual penetration	80	x	=
Sexual contact	40	x	=

Total

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence	Number	Total
	Points		

7-00492A-25

2025502__

96	10	29	x	.....	=	.....
97	9	23	x	.....	=	.....
98	8	19	x	.....	=	.....
99	7	14	x	.....	=	.....
100	6	9	x	.....	=	.....
101	5	3.6	x	.....	=	.....
102	4	2.4	x	.....	=	.....
103	3	1.6	x	.....	=	.....
104	2	0.8	x	.....	=	.....
105	1	0.5	x	.....	=	.....
106	M	0.2	x	.....	=	.....

Total

108
109 TOTAL OFFENSE SCORE
110 TOTAL PRIOR RECORD SCORE
111 LEGAL STATUS

7-00492A-25

2025502__

112 COMMUNITY SANCTION VIOLATION
 113 PRIOR SERIOUS FELONY
 114 PRIOR CAPITAL FELONY
 115 FIREARM OR SEMIAUTOMATIC WEAPON
 116 SUBTOTAL.....
 117 PRISON RELEASEE REOFFENDER (no) (yes)
 118 VIOLENT CAREER CRIMINAL (no) (yes)
 119 HABITUAL VIOLENT OFFENDER (no) (yes)
 120 HABITUAL OFFENDER (no) (yes)
 121 ANIMAL CRUELTY TOWARDS A DOMESTIC ANIMAL (no) (yes) (x
 122 multiplier)
 123 DRUG TRAFFICKER (no) (yes) (x multiplier)
 124 LAW ENF. PROTECT. (no) (yes) (x multiplier)
 125 MOTOR VEHICLE THEFT (no) (yes) (x multiplier)
 126 CRIMINAL GANG OFFENSE (no) (yes) (x multiplier)
 127 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
 128 (x multiplier)
 129 ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier)
 130
 131 TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a

7-00492A-25

2025502__

141 community sanction violation is before the court for sentencing.
142 Six (6) sentence points are assessed for each community sanction
143 violation and each successive community sanction violation,
144 unless any of the following apply:

145 1. If the community sanction violation includes a new
146 felony conviction before the sentencing court, twelve (12)
147 community sanction violation points are assessed for the
148 violation, and for each successive community sanction violation
149 involving a new felony conviction.

150 2. If the community sanction violation is committed by a
151 violent felony offender of special concern as defined in s.
152 948.06:

153 a. Twelve (12) community sanction violation points are
154 assessed for the violation and for each successive violation of
155 felony probation or community control where:

156 I. The violation does not include a new felony conviction;
157 and

158 II. The community sanction violation is not based solely on
159 the probationer or offender's failure to pay costs or fines or
160 make restitution payments.

161 b. Twenty-four (24) community sanction violation points are
162 assessed for the violation and for each successive violation of
163 felony probation or community control where the violation
164 includes a new felony conviction.

165

166 Multiple counts of community sanction violations before the
167 sentencing court shall not be a basis for multiplying the
168 assessment of community sanction violation points.

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7-00492A-25

2025502__

170 Prior serious felony points: If the offender has a primary
171 offense or any additional offense ranked in level 8, level 9, or
172 level 10, and one or more prior serious felonies, a single
173 assessment of thirty (30) points shall be added. For purposes of
174 this section, a prior serious felony is an offense in the
175 offender's prior record that is ranked in level 8, level 9, or
176 level 10 under s. 921.0022 or s. 921.0023 and for which the
177 offender is serving a sentence of confinement, supervision, or
178 other sanction or for which the offender's date of release from
179 confinement, supervision, or other sanction, whichever is later,
180 is within 3 years before the date the primary offense or any
181 additional offense was committed.

182
183 Prior capital felony points: If the offender has one or more
184 prior capital felonies in the offender's criminal record, points
185 shall be added to the subtotal sentence points of the offender
186 equal to twice the number of points the offender receives for
187 the primary offense and any additional offense. A prior capital
188 felony in the offender's criminal record is a previous capital
189 felony offense for which the offender has entered a plea of nolo
190 contendere or guilty or has been found guilty; or a felony in
191 another jurisdiction which is a capital felony in that
192 jurisdiction, or would be a capital felony if the offense were
193 committed in this state.

194
195 Possession of a firearm, semiautomatic firearm, or machine gun:
196 If the offender is convicted of committing or attempting to
197 commit any felony other than those enumerated in s. 775.087(2)
198 while having in his or her possession: a firearm as defined in

7-00492A-25

2025502__

199 s. 790.001, an additional eighteen (18) sentence points are
200 assessed; or if the offender is convicted of committing or
201 attempting to commit any felony other than those enumerated in
202 s. 775.087(3) while having in his or her possession a
203 semiautomatic firearm as defined in s. 775.087(3) or a machine
204 gun as defined in s. 790.001, an additional twenty-five (25)
205 sentence points are assessed.

206

207 Sentencing multipliers:

208

209 Animal cruelty toward a domestic animal: If the offender is
210 convicted of the primary offense and the primary offense is a
211 crime of animal cruelty under s. 828.12 toward a domestic animal
212 as defined in s. 828.02, the subtotal sentence points are
213 multiplied by 1.25. Pursuant to s. 828.12, this section does not
214 apply to any animal used for agricultural purposes or any animal
215 permitted as captive wildlife.

216

217 Drug trafficking: If the primary offense is drug trafficking
218 under s. 893.135, the subtotal sentence points are multiplied,
219 at the discretion of the court, for a level 7 or level 8
220 offense, by 1.5. The state attorney may move the sentencing
221 court to reduce or suspend the sentence of a person convicted of
222 a level 7 or level 8 offense, if the offender provides
223 substantial assistance as described in s. 893.135(4).

224

225 Violent offenses committed against specified justice system
226 personnel: If the primary offense is a violation of s.
227 775.0823(2), (3), or (4), the subtotal sentence points are

7-00492A-25

2025502__

228 multiplied by 2.5. If the primary offense is a violation of s.
229 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
230 are multiplied by 2.0. If the primary offense is a violation of
231 s. 784.07(3) or s. 775.0875(1), or s. 775.0823(10) or (11), the
232 subtotal sentence points are multiplied by 1.5.

233
234 Grand theft of a motor vehicle: If the primary offense is grand
235 theft of the third degree involving a motor vehicle and in the
236 offender's prior record, there are three or more grand thefts of
237 the third degree involving a motor vehicle, the subtotal
238 sentence points are multiplied by 1.5.

239
240 Offense related to a criminal gang: If the offender is convicted
241 of the primary offense and committed that offense for the
242 purpose of benefiting, promoting, or furthering the interests of
243 a criminal gang as defined in s. 874.03, the subtotal sentence
244 points are multiplied by 1.5. If applying the multiplier results
245 in the lowest permissible sentence exceeding the statutory
246 maximum sentence for the primary offense under chapter 775, the
247 court may not apply the multiplier and must sentence the
248 defendant to the statutory maximum sentence.

249
250 Domestic violence in the presence of a child: If the offender is
251 convicted of the primary offense and the primary offense is a
252 crime of domestic violence, as defined in s. 741.28, which was
253 committed in the presence of a child under 16 years of age who
254 is a family or household member as defined in s. 741.28(3) with
255 the victim or perpetrator, the subtotal sentence points are
256 multiplied by 1.5.

7-00492A-25

2025502__

257

258 Adult-on-minor sex offense: If the offender was 18 years of age
259 or older and the victim was younger than 18 years of age at the
260 time the offender committed the primary offense, and if the
261 primary offense was an offense committed on or after October 1,
262 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
263 violation involved a victim who was a minor and, in the course
264 of committing that violation, the defendant committed a sexual
265 battery under chapter 794 or a lewd act under s. 800.04 or s.
266 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
267 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
268 800.04; or s. 847.0135(5), the subtotal sentence points are
269 multiplied by 2.0. If applying the multiplier results in the
270 lowest permissible sentence exceeding the statutory maximum
271 sentence for the primary offense under chapter 775, the court
272 may not apply the multiplier and must sentence the defendant to
273 the statutory maximum sentence.

274

Section 3. This act shall take effect upon becoming a law.