

By Senator Rodriguez

40-00072A-25

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1                   A bill to be entitled  
2           An act relating to animal cruelty; reordering and  
3           amending s. 828.12, F.S.; prohibiting a person from  
4           confining an animal in an unattended motor vehicle  
5           under certain circumstances; providing criminal  
6           penalties; making technical changes; providing an  
7           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. Section 828.12, Florida Statutes, is reordered  
12           and amended to read:

13           828.12 Cruelty to animals.—

14           (1) ANIMAL CRUELTY.—A person who:

15           (a) Unnecessarily overloads, overdrives, torments, deprives  
16           of necessary sustenance or shelter, or unnecessarily mutilates,  
17           or kills any animal, or causes the same to be done, or carries  
18           in or upon any vehicle, ~~or otherwise,~~ any animal in a cruel or  
19           inhumane manner, commits animal cruelty, a misdemeanor of the  
20           first degree, punishable as provided in s. 775.082 or by a fine  
21           of not more than \$5,000, or both.

22           (b) Intentionally, knowingly, or recklessly confines an  
23           animal in an unattended motor vehicle under conditions that  
24           endanger the health or well-being of the animal due to the  
25           animal being exposed to temperatures so high or so low that a  
26           person could reasonably expect the animal to experience  
27           suffering, disability, or death, commits a felony of the third  
28           degree, punishable as provided in s. 775.082 or by a fine of not  
29           more than \$5,000, or both.

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30 (2) AGGRAVATED ANIMAL CRUELTY.—A person who intentionally  
31 commits an act to any animal, or a person who owns or has the  
32 custody or control of any animal and fails to act, which results  
33 in the cruel death, or excessive or repeated infliction of  
34 unnecessary pain or suffering, or causes the same to be done,  
35 commits aggravated animal cruelty, a felony of the third degree,  
36 punishable as provided in s. 775.082 or by a fine of not more  
37 than \$10,000, or both.

38 (a) A person convicted of a violation of this subsection,  
39 where the finder of fact determines that the violation includes  
40 the knowing and intentional torture or torment of an animal  
41 which that injures, mutilates, or kills the animal, must ~~shall~~  
42 ~~be ordered to~~ pay a minimum mandatory fine of \$2,500 and undergo  
43 psychological counseling or complete an anger management  
44 treatment program.

45 (b) A person convicted of a second or subsequent violation  
46 of this subsection must ~~shall be required to~~ pay a minimum  
47 mandatory fine of \$5,000 and serve a minimum mandatory period of  
48 incarceration of 6 months. In addition, the person may ~~shall~~ be  
49 released only upon expiration of sentence, is not eligible for  
50 parole, control release, or any form of early release, and must  
51 serve 100 percent of the court-imposed sentence. Any plea of  
52 nolo contendere is ~~shall be~~ considered a conviction for purposes  
53 of this subsection.

54 (5)(3) SEPARATE OFFENSES.—A person who commits multiple  
55 acts of animal cruelty or aggravated animal cruelty against an  
56 animal may be charged with a separate offense for each such act.  
57 A person who commits animal cruelty or aggravated animal cruelty  
58 against more than one animal may be charged with a separate

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59 offense for each animal such cruelty was committed upon.

60 (4) VETERINARIANS.—A veterinarian licensed to practice in  
61 the state shall be held harmless from either criminal or civil  
62 liability for any decisions made or services rendered under the  
63 provisions of this section. Such a veterinarian is, therefore,  
64 under this subsection, immune from a lawsuit for his or her part  
65 in an investigation of cruelty to animals.

66 (3) ~~(5)~~ AGGRAVATED ANIMAL CRUELTY OF A HORSE.—A person who  
67 intentionally trips, fells, ropes, or lassos the legs of a horse  
68 by any means for the purpose of entertainment or sport commits  
69 aggravated animal cruelty, a felony of the third degree,  
70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
71 As used in this subsection, the term “trip” means any act that  
72 consists of the use of any wire, pole, stick, rope, or other  
73 apparatus to cause a horse to fall or lose its balance, and the  
74 term “horse” means any animal of any registered breed of the  
75 genus *Equus*, or any recognized hybrid thereof. This subsection  
76 does not apply when tripping is used:

77 (a) To control a horse that is posing an immediate threat  
78 to other livestock or human beings;

79 (b) For the purpose of identifying ownership of the horse  
80 when its ownership is unknown; or

81 (c) For the purpose of administering veterinary care to the  
82 horse.

83 (6) ADDITIONAL PENALTIES.—In addition to other penalties  
84 prescribed by law, a person who is convicted of violating a  
85 ~~violation of~~ this section may be prohibited by the court from  
86 owning, possessing, keeping, harboring, or having custody or  
87 control over any animal for a period of time determined by the

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88 court.

89 Section 2. This act shall take effect October 1, 2025.