



HB 851

2013

29 animal in a cruel or inhumane manner, commits animal cruelty, ~~is~~  
30 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
31 provided in s. 775.082 or by a fine of not more than \$5,000, or  
32 both.

33 (2) A person who intentionally commits an act to any  
34 animal which results in the cruel death, or excessive or  
35 repeated infliction of unnecessary pain or suffering, or causes  
36 the same to be done, commits aggravated animal cruelty, ~~is~~  
37 ~~guilty of~~ a felony of the third degree, punishable as provided  
38 in s. 775.082 or by a fine of not more than \$10,000, or both.

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

45 (b) A ~~Any~~ person convicted of a second or subsequent  
46 violation of this subsection 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 shall be  
49 released only upon expiration of sentence, is ~~shall~~ not be  
50 eligible for parole, control release, or any form of early  
51 release, and must serve 100 percent of the court-imposed  
52 sentence. Any plea of nolo contendere shall be considered a  
53 conviction for purposes of this subsection.

54 (3) A person who commits multiple acts of animal cruelty  
55 or aggravated animal cruelty against an animal may be charged  
56 with a separate offense for each such act. A person who commits

HB 851

2013

57 | animal cruelty or aggravated animal cruelty against more than  
58 | one animal may be charged with a separate offense for each  
59 | animal such cruelty was committed upon.

60 | (4)~~(3)~~ A veterinarian licensed to practice in the state  
61 | shall be held harmless from either criminal or civil liability  
62 | for any decisions made or services rendered under the provisions  
63 | of this section. Such a veterinarian is, therefore, under this  
64 | subsection, immune from a lawsuit for his or her part in an  
65 | investigation of cruelty to animals.

66 | (5)~~(4)~~ A person who intentionally trips, fells, ropes, or  
67 | lassos the legs of a horse by any means for the purpose of  
68 | entertainment or sport shall be guilty of a third degree felony,  
69 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
70 | As used in this subsection, "trip" means any act that consists  
71 | of the use of any wire, pole, stick, rope, or other apparatus to  
72 | cause a horse to fall or lose its balance, and "horse" means any  
73 | animal of any registered breed of the genus Equus, or any  
74 | recognized hybrid thereof. The provisions of this subsection  
75 | shall not apply when tripping is used:

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

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

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

82 | Section 2. Subsection (3) of section 828.122, Florida  
83 | Statutes, is amended, present subsections (4) through (10) of  
84 | that section are renumbered as subsections (5) through (11),

HB 851

2013

85 | respectively, and a new subsection (4) is added to that section,  
86 | to read:

87 |       828.122 Fighting or baiting animals; offenses; penalties.—

88 |       (3) A ~~Any~~ person who knowingly commits any of the  
89 | following acts commits a felony of the third degree, punishable  
90 | as provided in s. 775.082, s. 775.083, or s. 775.084:

91 |       (a) Baiting, breeding, training, transporting, selling,  
92 | owning, possessing, or using any wild or domestic animal for the  
93 | purpose of animal fighting or baiting;

94 |       (b) Owning, possessing, or selling equipment or  
95 | paraphernalia for use in any activity described in paragraph  
96 | (a), including, but not limited to:

97 |           1. A pen, pit, ring, or enclosure.

98 |           2. A gaff, sparring glove, muff, blade, slasher, or other  
99 | implement designed to be attached to a bird in the location of  
100 | its natural spurs.

101 |           3. A betting slip, a document or record relating to a  
102 | fight, training and fighting literature, or a fight trophy or  
103 | award.

104 |           4. A cat mill, slat mill, treadmill, jenny, rape stand,  
105 | spring pole, flirt pole, break stick, supplement, drug, or scale  
106 | when found in combination with or in proximity to any other item  
107 | listed in subparagraphs 1.-3.;

108 |       (c) Owning, leasing, managing, operating, or having  
109 | control of any property kept or used for any activity described  
110 | in paragraph (a) or paragraph (b);

111 |       (d) Promoting, staging, advertising, or charging any  
112 | admission fee to a fight or baiting between two or more animals;

HB 851

2013

113 (e) Performing any service or act to facilitate animal  
114 fighting or baiting, including, but not limited to, providing  
115 security, refereeing, or handling or transporting animals or  
116 being a stakeholder of any money wagered on animal fighting or  
117 baiting;

118 (f) Removing or facilitating the removal of any animal  
119 impounded under this section from an agency where the animal is  
120 impounded or from a location designated by the court under  
121 ~~subsection (4)~~, subsection (5), subsection (6), or subsection  
122 (8)(7), without the prior authorization of the court;

123 (g) Betting or wagering any money or other valuable  
124 consideration on the fighting or baiting of animals; or

125 (h) Attending the fighting or baiting of animals.

126

127 Notwithstanding any provision of this subsection to the  
128 contrary, possession of the animal alone does not constitute a  
129 violation of this section.

130 (4) In determining whether an object is animal-fighting or  
131 -baiting paraphernalia, a court or other authority or a jury  
132 shall consider, in addition to all other logically relevant  
133 factors, the following:

134 (a) Statements by the owner or by anyone in control of the  
135 object concerning its use.

136 (b) The proximity of the object, in time and space, to a  
137 violation of subsection (3).

138 (c) The proximity of the object to an animal fight.

139 (d) The existence of any blood on the object.

140 (e) Direct or circumstantial evidence of the intent of the

HB 851

2013

141 owner, or of anyone in control of the object, to deliver the  
142 object to a person who he or she knows, or should reasonably  
143 know, intends to use the object to facilitate a violation of  
144 this section.

145 (f) Instructions, oral or written, provided with the  
146 object concerning its use.

147 (g) Descriptive materials accompanying the object which  
148 explain or depict its use.

149 (h) Any advertising concerning the object's use.

150 (i) The manner in which the object is displayed for sale.

151 (j) The existence and scope of legitimate uses for the  
152 object in the community.

153 (k) Expert testimony concerning the object's use.

154  
155 A conviction for a violation of paragraph (3) (a) is not required  
156 in order for a court or other authority or a jury to find that  
157 the object is intended for use, or designed for use, as animal-  
158 fighting or -baiting paraphernalia.

159 Section 3. Paragraph (a) of subsection (1) of section  
160 895.02, Florida Statutes, is amended to read:

161 895.02 Definitions.—As used in ss. 895.01–895.08, the  
162 term:

163 (1) "Racketeering activity" means to commit, to attempt to  
164 commit, to conspire to commit, or to solicit, coerce, or  
165 intimidate another person to commit:

166 (a) Any crime that is chargeable by petition, indictment,  
167 or information under the following provisions of the Florida  
168 Statutes:

- 169           1. Section 210.18, relating to evasion of payment of  
 170 cigarette taxes.
- 171           2. Section 316.1935, relating to fleeing or attempting to  
 172 elude a law enforcement officer and aggravated fleeing or  
 173 eluding.
- 174           3. Section 403.727(3)(b), relating to environmental  
 175 control.
- 176           4. Section 409.920 or s. 409.9201, relating to Medicaid  
 177 fraud.
- 178           5. Section 414.39, relating to public assistance fraud.
- 179           6. Section 440.105 or s. 440.106, relating to workers'  
 180 compensation.
- 181           7. Section 443.071(4), relating to creation of a  
 182 fictitious employer scheme to commit reemployment assistance  
 183 fraud.
- 184           8. Section 465.0161, relating to distribution of medicinal  
 185 drugs without a permit as an Internet pharmacy.
- 186           9. Section 499.0051, relating to crimes involving  
 187 contraband and adulterated drugs.
- 188           10. Part IV of chapter 501, relating to telemarketing.
- 189           11. Chapter 517, relating to sale of securities and  
 190 investor protection.
- 191           12. Section 550.235 or s. 550.3551, relating to dogracing  
 192 and horseracing.
- 193           13. Chapter 550, relating to jai alai frontons.
- 194           14. Section 551.109, relating to slot machine gaming.
- 195           15. Chapter 552, relating to the manufacture,  
 196 distribution, and use of explosives.

- 197           16. Chapter 560, relating to money transmitters, if the  
 198 violation is punishable as a felony.
- 199           17. Chapter 562, relating to beverage law enforcement.
- 200           18. Section 624.401, relating to transacting insurance  
 201 without a certificate of authority, s. 624.437(4)(c)1., relating  
 202 to operating an unauthorized multiple-employer welfare  
 203 arrangement, or s. 626.902(1)(b), relating to representing or  
 204 aiding an unauthorized insurer.
- 205           19. Section 655.50, relating to reports of currency  
 206 transactions, when such violation is punishable as a felony.
- 207           20. Chapter 687, relating to interest and usurious  
 208 practices.
- 209           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
 210 real estate timeshare plans.
- 211           22. Section 775.13(5)(b), relating to registration of  
 212 persons found to have committed any offense for the purpose of  
 213 benefiting, promoting, or furthering the interests of a criminal  
 214 gang.
- 215           23. Section 777.03, relating to commission of crimes by  
 216 accessories after the fact.
- 217           24. Chapter 782, relating to homicide.
- 218           25. Chapter 784, relating to assault and battery.
- 219           26. Chapter 787, relating to kidnapping or human  
 220 trafficking.
- 221           27. Chapter 790, relating to weapons and firearms.
- 222           28. Chapter 794, relating to sexual battery, but only if  
 223 such crime was committed with the intent to benefit, promote, or  
 224 further the interests of a criminal gang, or for the purpose of

HB 851

2013

225 increasing a criminal gang member's own standing or position  
226 within a criminal gang.

227 29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or  
228 s. 796.07, relating to prostitution and sex trafficking.

229 30. Chapter 806, relating to arson and criminal mischief.

230 31. Chapter 810, relating to burglary and trespass.

231 32. Chapter 812, relating to theft, robbery, and related  
232 crimes.

233 33. Chapter 815, relating to computer-related crimes.

234 34. Chapter 817, relating to fraudulent practices, false  
235 pretenses, fraud generally, and credit card crimes.

236 35. Chapter 825, relating to abuse, neglect, or  
237 exploitation of an elderly person or disabled adult.

238 36. Section 827.071, relating to commercial sexual  
239 exploitation of children.

240 37. Section 828.122, relating to fighting or baiting  
241 animals.

242 ~~38.37.~~ Chapter 831, relating to forgery and  
243 counterfeiting.

244 ~~39.38.~~ Chapter 832, relating to issuance of worthless  
245 checks and drafts.

246 ~~40.39.~~ Section 836.05, relating to extortion.

247 ~~41.40.~~ Chapter 837, relating to perjury.

248 ~~42.41.~~ Chapter 838, relating to bribery and misuse of  
249 public office.

250 ~~43.42.~~ Chapter 843, relating to obstruction of justice.

251 ~~44.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
252 or s. 847.07, relating to obscene literature and profanity.

HB 851

2013

253        ~~45.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
254 s. 849.25, relating to gambling.

255        ~~46.45.~~ Chapter 874, relating to criminal gangs.

256        ~~47.46.~~ Chapter 893, relating to drug abuse prevention and  
257 control.

258        ~~48.47.~~ Chapter 896, relating to offenses related to  
259 financial transactions.

260        ~~49.48.~~ Sections 914.22 and 914.23, relating to tampering  
261 with or harassing a witness, victim, or informant, and  
262 retaliation against a witness, victim, or informant.

263        ~~50.49.~~ Sections 918.12 and 918.13, relating to tampering  
264 with jurors and evidence.

265        Section 4. This act shall take effect July 1, 2013.