An act relating to animal welfare; creating s. 823.151, F.S.; providing legislative findings; requiring specified entities that take receivership of lost or stray dogs or cats to adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return owned animals to their owners; providing requirements for such policies and procedures; requiring that specified records be available to the public; amending s. 828.12, F.S.; authorizing a court to prohibit certain offenders from owning or having custody or control over animals; amending s. 921.0022, F.S.; revising the ranking of offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 823.151, Florida Statutes, is created to read:

823.151 Lost or stray dogs and cats.—

(1) The Legislature finds that natural disasters, such as hurricanes, may result in an increase in owned dogs and cats becoming lost or stray. The Legislature further finds that dog and cat owners statewide should be afforded the opportunity to quickly and reliably claim their lost pets. It is therefore declared to be the public policy of the state that animal control agencies and humane organizations shall adopt policies
and procedures to help return lost cats or dogs to identified owners.

(2)(a) A public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision that takes receivership of any lost or stray dogs or cats shall adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return owned animals to their owners. Such policies and procedures shall include:

1. Upon intake, screening of lost or stray dogs and cats for identification, including tags, licenses, implanted microchips, and tattoos.

2. A process for matching received lost or stray dogs and cats with any reports of lost pets received by the shelter from owners.

3. Public notice of lost or stray dogs and cats received, provided at the shelter or on the Internet, as appropriate, within 48 hours of the animal’s admission.

4. Reasonable efforts to notify identified owners of lost or stray dogs and cats within 48 hours of identification. Such reasonable efforts may include, but are not limited to, attempts to contact identified owners by telephone, by electronic mail, by United States mail, or by personal service at the owner’s last known phone number and address.

5. Notice to the public of the shelter’s location, hours, fees, and the return-to-owner process posted on the Internet, with the shelter’s business hours posted outside the shelter facility and recorded on the shelter’s telephone answering
system message.

6. Access for owners to retrieve dogs and cats at least 1 weekend day per week and after 5:00 p.m. 1 weekday per week, provided that complying with the requirements of this subparagraph does not require an increase in total operating hours.

7. Direct return-to-owner protocols that allow animal control officers in the field to directly return lost or stray dogs and cats to their owners when the owners have been identified.

8. Procedural safeguards to minimize the euthanasia of owned dogs and cats. Such safeguards shall include, but are not limited to, record verification to ensure that each animal to be euthanized is the correct animal designated for the procedure and proper scanning for an implanted microchip using a universal scanner immediately prior to the procedure.

9. Temporary extension of local minimum stray hold periods after a disaster is declared by the President of the United States or a state of emergency is declared by the Governor, if deemed necessary by a local government in the area of the declaration.

(b) Records related to this section and maintained by a public or private animal shelter, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision must be made available to the public pursuant to chapter 119.

Section 2. Section 828.12, Florida Statutes, is amended to read:

828.12 Cruelty to animals.—
(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty, a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than $5,000, or both.

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

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

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

(3) A person who commits multiple acts of animal cruelty or aggravated animal cruelty against an animal may be charged with a separate offense for each such act. A person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

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

(5) A person who intentionally trips, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a third degree felony of the third degree, punishable as provided in ss. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term “trip” means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and the term “horse” means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof. The provisions of this subsection do not apply when tripping is used:

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

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

(c) For the purpose of administering veterinary care to the

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CODING: Words stricken are deletions; words underlined are additions.
horse.

(6) In addition to other penalties prescribed by law, a person who is convicted of a violation of this section 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.

Section 3. Paragraphs (c) and (e) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>119.10(2)(b)</td>
<td>3rd</td>
<td>Unlawful use of confidential information from police reports.</td>
</tr>
<tr>
<td>316.066(3)(b)-(d)</td>
<td>3rd</td>
<td>Unlawfully obtaining or using confidential crash reports.</td>
</tr>
<tr>
<td>316.193(2)(b)</td>
<td>3rd</td>
<td>Felony DUI, 3rd conviction.</td>
</tr>
<tr>
<td>316.1935(2)</td>
<td>3rd</td>
<td>Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.</td>
</tr>
</tbody>
</table>
319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

327.35(2)(b) 3rd Felony BUI.

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

376.302(5) 3rd Fraud related to reimbursement
for cleanup expenses under the Inland Protection Trust Fund.

379.2431 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

Operating a clinic, or offering services requiring licensure, without a license.
<table>
<thead>
<tr>
<th>Section</th>
<th>Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>400.9935(4)(e)</td>
<td>3rd</td>
<td>Filing a false license application or other required information or failing to report information.</td>
</tr>
<tr>
<td>440.1051(3)</td>
<td>3rd</td>
<td>False report of workers' compensation fraud or retaliation for making such a report.</td>
</tr>
<tr>
<td>501.001(2)(b)</td>
<td>2nd</td>
<td>Tampers with a consumer product or the container using materially false/misleading information.</td>
</tr>
<tr>
<td>624.401(4)(a)</td>
<td>3rd</td>
<td>Transacting insurance without a certificate of authority.</td>
</tr>
<tr>
<td>624.401(4)(b)1.</td>
<td>3rd</td>
<td>Transacting insurance without a certificate of authority; premium collected less than $20,000.</td>
</tr>
<tr>
<td>626.902(1)(a) &amp; (b)</td>
<td>3rd</td>
<td>Representing an unauthorized insurer.</td>
</tr>
<tr>
<td>697.08</td>
<td>3rd</td>
<td>Equity skimming.</td>
</tr>
<tr>
<td>790.15(3)</td>
<td>3rd</td>
<td>Person directs another to</td>
</tr>
</tbody>
</table>

**CQING:** Words **stricken** are deletions; words **underlined** are additions.
<table>
<thead>
<tr>
<th>Line</th>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>183</td>
<td>806.10(1)</td>
<td>3rd</td>
<td>Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.</td>
</tr>
<tr>
<td>184</td>
<td>806.10(2)</td>
<td>3rd</td>
<td>Interferes with or assaults firefighter in performance of duty.</td>
</tr>
<tr>
<td>185</td>
<td>810.09(2)(c)</td>
<td>3rd</td>
<td>Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.</td>
</tr>
<tr>
<td>186</td>
<td>812.014(2)(c)2.</td>
<td>3rd</td>
<td>Grand theft; $5,000 or more but less than $10,000.</td>
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<tr>
<td>187</td>
<td>812.0145(2)(c)</td>
<td>3rd</td>
<td>Theft from person 65 years of age or older; $300 or more but less than $10,000.</td>
</tr>
<tr>
<td>188</td>
<td>815.04(5)(b)</td>
<td>2nd</td>
<td>Computer offense devised to defraud or obtain property.</td>
</tr>
<tr>
<td>189</td>
<td>817.034(4)(a)3.</td>
<td>3rd</td>
<td>Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less</td>
</tr>
</tbody>
</table>
than $20,000.

817.233  3rd  Burning to defraud insurer.

817.234  3rd  Unlawful solicitation of
(8)(b) & (c) persons involved in motor
vehicle accidents.

817.234(11)(a)  3rd  Insurance fraud; property value
less than $20,000.

817.236  3rd  Filing a false motor vehicle
insurance application.

817.2361  3rd  Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

817.413(2)  3rd  Sale of used goods as new.

828.12(2)  3rd  Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

831.28(2)(a)  3rd  Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument.

831.29  2nd  Possession of instruments for counterfeiting driver licenses or identification cards.

838.021(3)(b)  3rd  Threatens unlawful harm to public servant.

843.19  3rd  Injure, disable, or kill police dog or horse.

860.15(3)  3rd  Overcharging for repairs and parts.

870.01(2)  3rd  Riot; inciting or encouraging.

893.13(1)(a)2.  3rd  Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

893.13(1)(d)2.  2nd  Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs.
within 1,000 feet of university.

893.13(1)(f)2.  2nd  Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.

893.13(4)(c)  3rd  Use or hire of minor; deliver to minor other controlled substances.

893.13(6)(a)  3rd  Possession of any controlled substance other than felony possession of cannabis.

893.13(7)(a)8.  3rd  Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

893.13(7)(a)9.  3rd  Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner’s practice.

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner’s practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.  3rd  Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

918.13(1)(a)  3rd  Alter, destroy, or conceal investigation evidence.

944.47(1)(a)1. & 2.  3rd  Introduce contraband to correctional facility.

944.47(1)(c)  2nd  Possess contraband while upon the grounds of a correctional institution.

985.721  3rd  Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

Florida Statute Felony Degree Description

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<table>
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<tr>
<th>Statute</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>316.027(2)(a)</td>
<td>3rd</td>
<td>Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.</td>
</tr>
<tr>
<td>316.1935(4)(a)</td>
<td>2nd</td>
<td>Aggravated fleeing or eluding.</td>
</tr>
<tr>
<td>316.80(2)</td>
<td>2nd</td>
<td>Unlawful conveyance of fuel; obtaining fuel fraudulently.</td>
</tr>
<tr>
<td>322.34(6)</td>
<td>3rd</td>
<td>Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.</td>
</tr>
<tr>
<td>327.30(5)</td>
<td>3rd</td>
<td>Vessel accidents involving personal injury; leaving scene.</td>
</tr>
<tr>
<td>379.365(2)(c)1.</td>
<td>3rd</td>
<td>Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or</td>
</tr>
</tbody>
</table>
reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

379.367(4)  3rd  Willful molestation of a commercial harvester’s spiny lobster trap, line, or buoy.

379.407(5)(b)3.  3rd  Possession of 100 or more undersized spiny lobsters.

381.0041(11)(b)  3rd  Donate blood, plasma, or organs knowing HIV positive.

440.10(1)(g)  2nd  Failure to obtain workers’ compensation coverage.

440.105(5)  2nd  Unlawful solicitation for the purpose of making workers’ compensation claims.

440.381(2)  2nd  Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers’
compensation premiums.

624.401(4)(b)2.  2nd  Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.

626.902(1)(c)  2nd  Representing an unauthorized insurer; repeat offender.

790.01(2)  3rd  Carrying a concealed firearm.

790.162  2nd  Threat to throw or discharge destructive device.

790.163(1)  2nd  False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

790.221(1)  2nd  Possession of short-barreled shotgun or machine gun.

790.23  2nd  Felons in possession of firearms, ammunition, or electronic weapons or devices.

796.05(1)  2nd  Live on earnings of a prostitute; 1st offense.
<table>
<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>800.04(6)(c)</td>
<td>3rd</td>
<td>Lewd or lascivious conduct; offender less than 18 years of age.</td>
</tr>
<tr>
<td>800.04(7)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition; offender 18 years of age or older.</td>
</tr>
<tr>
<td>806.111(1)</td>
<td>3rd</td>
<td>Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.</td>
</tr>
<tr>
<td>812.0145(2)(b)</td>
<td>2nd</td>
<td>Theft from person 65 years of age or older; $10,000 or more but less than $50,000.</td>
</tr>
<tr>
<td>812.015(8)</td>
<td>3rd</td>
<td>Retail theft; property stolen is valued at $300 or more and one or more specified acts.</td>
</tr>
<tr>
<td>812.019(1)</td>
<td>2nd</td>
<td>Stolen property; dealing in or trafficking in.</td>
</tr>
<tr>
<td>812.131(2)(b)</td>
<td>3rd</td>
<td>Robbery by sudden snatching.</td>
</tr>
<tr>
<td>812.16(2)</td>
<td>3rd</td>
<td>Owning, operating, or conducting a chop shop.</td>
</tr>
</tbody>
</table>
817.034(4)(a)2. 2nd Communications fraud, value $20,000 to $50,000.

817.234(11)(b) 2nd Insurance fraud; property value $20,000 or more but less than $100,000.

817.2341(1), (2)(a) & (3)(a) 3rd Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

817.568(2)(b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.

817.611(2)(a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
817.625(2)(b)  2nd  Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

825.1025(4)  3rd  Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

827.071(4)  2nd  Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

827.071(5)  3rd  Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

828.12(2)  3rd  Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

839.13(2)(b)  2nd  Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or
death.

843.01  3rd  Resist officer with violence to person; resist arrest with violence.

847.0135(5)(b)  2nd  Lewd or lascivious exhibition using computer; offender 18 years or older.

847.0137  3rd  Transmission of pornography by electronic device or equipment.
(2) & (3)

847.0138  3rd  Transmission of material harmful to minors to a minor by electronic device or equipment.
(2) & (3)

874.05(1)(b)  2nd  Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

874.05(2)(a)  2nd  Encouraging or recruiting person under 13 years of age to join a criminal gang.

893.13(1)(a)  2nd  Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),
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893.13(1)(c)2.  2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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893.13(1)(d)1.  1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

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893.13(1)(e)2.  2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.

893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

Section 4. This act shall take effect October 1, 2018.