

20181576er

1
2 An act relating to animal welfare; creating s.
3 823.151, F.S.; providing legislative findings;
4 requiring specified entities that take receivership of
5 lost or stray dogs or cats to adopt written policies
6 and procedures to ensure that every reasonable effort
7 is made to quickly and reliably return owned animals
8 to their owners; providing requirements for such
9 policies and procedures; requiring that specified
10 records be available to the public; amending s.
11 828.12, F.S.; authorizing a court to prohibit certain
12 offenders from owning or having custody or control
13 over animals; amending s. 921.0022, F.S.; revising the
14 ranking of offenses on the offense severity ranking
15 chart of the Criminal Punishment Code; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 823.151, Florida Statutes, is created to
21 read:

22 823.151 Lost or stray dogs and cats.-

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

20181576er

30 and procedures to help return lost cats or dogs to identified
31 owners.

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

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

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

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

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

55 5. Notice to the public of the shelter's location, hours,
56 fees, and the return-to-owner process posted on the Internet,
57 with the shelter's business hours posted outside the shelter
58 facility and recorded on the shelter's telephone answering

20181576er

59 system message.

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

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

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

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

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

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

87 828.12 Cruelty to animals.—

20181576er

88 (1) A person who unnecessarily overloads, overdrives,
89 torments, deprives of necessary sustenance or shelter, or
90 unnecessarily mutilates, or kills any animal, or causes the same
91 to be done, or carries in or upon any vehicle, or otherwise, any
92 animal in a cruel or inhumane manner, commits animal cruelty, a
93 misdemeanor of the first degree, punishable as provided in s.
94 775.082 or by a fine of not more than \$5,000, or both.

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

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

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

20181576er

117 this subsection.

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

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

130 (5) A person who intentionally trips, fells, ropes, or
131 lassos the legs of a horse by any means for the purpose of
132 entertainment or sport commits a ~~shall be guilty of a third~~
133 ~~degree~~ felony of the third degree, punishable as provided in s.
134 775.082, s. 775.083, or s. 775.084. As used in this subsection,
135 the term "trip" means any act that consists of the use of any
136 wire, pole, stick, rope, or other apparatus to cause a horse to
137 fall or lose its balance, and the term "horse" means any animal
138 of any registered breed of the genus *Equus*, or any recognized
139 hybrid thereof. ~~The provisions of~~ This subsection does ~~shall~~ not
140 apply when tripping is used:

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

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

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

20181576er

146 horse.

147 (6) In addition to other penalties prescribed by law, a
148 person who is convicted of a violation of this section may be
149 prohibited by the court from owning, possessing, keeping,
150 harboring, or having custody or control over any animal for a
151 period of time determined by the court.

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

154 921.0022 Criminal Punishment Code; offense severity ranking
155 chart.—

156 (3) OFFENSE SEVERITY RANKING CHART

157 (c) LEVEL 3

Florida Statute	Felony Degree	Description
159 119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
160 316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
161 316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
162 316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

20181576er

163	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
164	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
165	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
166	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
167	327.35 (2) (b)	3rd	Felony BUI.
168	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
169	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
170	376.302 (5)	3rd	Fraud related to reimbursement

20181576er

for cleanup expenses under the
Inland Protection Trust Fund.

171

379.2431
(1) (e) 5.

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.

172

379.2431
(1) (e) 6.

3rd

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.

173

379.2431
(1) (e) 7.

3rd

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

174

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or offering
services requiring licensure,
without a license.

175

20181576er

176	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
177	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
178	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
179	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
180	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
181	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
182	697.08	3rd	Equity skimming.
	790.15 (3)	3rd	Person directs another to

20181576er

discharge firearm from a
vehicle.

183

806.10(1) 3rd Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

184

806.10(2) 3rd Interferes with or assaults
firefighter in performance of
duty.

185

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

186

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but
less than \$10,000.

187

812.0145(2)(c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

188

815.04(5)(b) 2nd Computer offense devised to
defraud or obtain property.

189

817.034(4)(a)3. 3rd Engages in scheme to defraud
(Florida Communications Fraud
Act), property valued at less

20181576er

than \$20,000.

190

817.233 3rd Burning to defraud insurer.

191

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

192

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

193

817.236 3rd Filing a false motor vehicle
insurance application.

194

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

195

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

196

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

197

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

20181576er

198

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

199

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

200

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

201

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

202

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

203

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).

204

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

20181576er

within 1,000 feet of
university.

205

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.

206

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

207

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

208

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

209

893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

210

20181576er

211	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
212	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
213	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.
214	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.
215	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.

20181576er

216 893.13(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.

217 918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

218 944.47 3rd Introduce contraband to
(1)(a)1. & 2. correctional facility.

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

219 985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

220
221
222 (e) LEVEL 5

223 Florida Felony Description
Statute Degree

224

20181576er

225	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
226	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
227	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
228	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
229	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365 (2) (c) 1.	3rd	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

20181576er

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.

230

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

231

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

232

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

233

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

234

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

235

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers'

20181576er

compensation premiums.

236

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

237

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

238

790.01(2) 3rd Carrying a concealed firearm.

239

790.162 2nd Threat to throw or discharge
destructive device.

240

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

241

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

242

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

243

796.05(1) 2nd Live on earnings of a
prostitute; 1st offense.

20181576er

244	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
245	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
246	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
247	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
248	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
249	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
250	812.131 (2) (b)	3rd	Robbery by sudden snatching.
251	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

20181576er

252	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
253	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
254	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.
255	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.
256	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
257			

20181576er

258	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
259	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
260	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
261	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
262	<u>828.12 (2)</u>	<u>3rd</u>	<u>Tortures any animal with intent to inflict intense pain, serious physical injury, or death.</u>
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or

20181576er

death.

263

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

264

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

265

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

266

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

267

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

268

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

269

893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver
cocaine (or other s.
893.03 (1) (a), (1) (b), (1) (d),

20181576er

(2) (a), (2) (b), or (2) (c) 4.
drugs).

270

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.

271

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.

272

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.,

20181576er

(2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a
specified business site.

273

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.

274

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

275

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

276

277

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