A bill to be entitled
An act relating to animal welfare; creating s. 823.151, F.S.; providing legislative findings; requiring that specified entities that take receivership of 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; providing requirements for such policies and procedures; requiring that specified records be available to the public; providing a short title; 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 one weekend day per week and after 5:00 p.m. one weekday per week, provided that complying with the requirements of this subparagraph shall 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. The amendment to s. 828.12, Florida Statutes, by this act may be cited as "Ponce's law."

Section 3. 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, falls, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a shall be guilty of a third degree felony of the third degree, punishable as provided in s. 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 does shall 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 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 4. 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>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</td>
<td>3rd</td>
<td>Unlawfully obtaining or using confidential crash reports.</td>
</tr>
<tr>
<td>(3)(b)-(d)</td>
<td></td>
<td></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</td>
</tr>
</tbody>
</table>
patrol vehicle with siren and lights activated.

<table>
<thead>
<tr>
<th>Section</th>
<th>Classification</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>319.30(4)</td>
<td>3rd</td>
<td>Possession by junkyard of motor vehicle with identification number plate removed.</td>
</tr>
<tr>
<td>319.33(1)(a)</td>
<td>3rd</td>
<td>Alter or forge any certificate of title to a motor vehicle or mobile home.</td>
</tr>
<tr>
<td>319.33(1)(c)</td>
<td>3rd</td>
<td>Procure or pass title on stolen vehicle.</td>
</tr>
<tr>
<td>319.33(4)</td>
<td>3rd</td>
<td>With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.</td>
</tr>
<tr>
<td>327.35(2)(b)</td>
<td>3rd</td>
<td>Felony BUI.</td>
</tr>
<tr>
<td>328.05(2)</td>
<td>3rd</td>
<td>Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.</td>
</tr>
</tbody>
</table>
172 328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

173 376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

174 379.2431 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.

175 379.2431 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.
379.2431 3rd Soliciting to commit or
(1)(e)7. conspiring to commit a
violation of the Marine Turtle
Protection Act.

400.9935(4)(a) 3rd Operating a clinic, or offering
or (b) services requiring licensure,
without a license.

400.9935(4)(e) 3rd Filing a false license
application or other required
information or failing to
report information.

440.1051(3) 3rd False report of workers'
compensation fraud or
retaliation for making such a
report.

501.001(2)(b) 2nd Tampers with a consumer product
or the container using
materially false/misleading
information.
624.401(4)(a)  3rd  Transacting insurance without a certificate of authority.

624.401(4)(b)  3rd  Transacting insurance without a certificate of authority; premium collected less than $20,000.

626.902(1)(a) & (b)  3rd  Representing an unauthorized insurer.

697.08  3rd  Equity skimming.

790.15(3)  3rd  Person directs another to discharge firearm from a vehicle.

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

806.10(2)  3rd  Interferes with or assaults firefighter in performance of duty.
<table>
<thead>
<tr>
<th>Section</th>
<th>Grade</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<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>812.014(2)(c)2</td>
<td>3rd</td>
<td>Grand theft; $5,000 or more but less than $10,000.</td>
</tr>
<tr>
<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>815.04(5)(b)</td>
<td>2nd</td>
<td>Computer offense devised to defraud or obtain property.</td>
</tr>
<tr>
<td>817.034(4)(a)3</td>
<td>3rd</td>
<td>Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.</td>
</tr>
<tr>
<td>817.233</td>
<td>3rd</td>
<td>Burning to defraud insurer.</td>
</tr>
<tr>
<td>817.234</td>
<td>3rd</td>
<td>Unlawful solicitation of persons involved in motor vehicle accidents.</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>838.021(3)(b)</td>
<td>3rd</td>
<td>Threatens unlawful harm to public servant.</td>
</tr>
<tr>
<td>843.19</td>
<td>3rd</td>
<td>Injure, disable, or kill police dog or horse.</td>
</tr>
<tr>
<td>860.15(3)</td>
<td>3rd</td>
<td>Overcharging for repairs and parts.</td>
</tr>
<tr>
<td>870.01(2)</td>
<td>3rd</td>
<td>Riot; inciting or encouraging.</td>
</tr>
<tr>
<td>893.13(1)(a)2.</td>
<td>3rd</td>
<td>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).</td>
</tr>
<tr>
<td>893.13(1)(d)2.</td>
<td>2nd</td>
<td>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.,</td>
</tr>
</tbody>
</table>

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CODING: Words **stricken** are deletions; words **underlined** are additions.
(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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.13(7)(a)9.</td>
<td>3rd</td>
<td>Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.</td>
</tr>
<tr>
<td>893.13(7)(a)10.</td>
<td>3rd</td>
<td>Affix false or forged label to package of controlled substance.</td>
</tr>
<tr>
<td>893.13(7)(a)11.</td>
<td>3rd</td>
<td>Furnish false or fraudulent material information on any document or record required by chapter 893.</td>
</tr>
<tr>
<td>893.13(8)(a)1.</td>
<td>3rd</td>
<td>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.</td>
</tr>
<tr>
<td>893.13(8)(a)2.</td>
<td>3rd</td>
<td>Employ a trick or scheme in the practitioner's practice to</td>
</tr>
</tbody>
</table>
assist a patient, other person, or owner of an animal in obtaining a controlled substance.

217
893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

218
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.

219
918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

220
944.47 3rd Introduce contraband to correctional facility.

221
944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional facility.
in institution.

<table>
<thead>
<tr>
<th>Statute</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>985.721</td>
<td>3rd</td>
<td>Escapes from a juvenile facility (secure detention or residential commitment facility).</td>
</tr>
<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</td>
</tr>
</tbody>
</table>

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bodily injury.

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 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

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

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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>Code</th>
<th>Level</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>
</tbody>
</table>
812.16(2) 3rd Owning, operating, or conducting a chop shop.

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
<table>
<thead>
<tr>
<th>Section</th>
<th>Class</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.611(2)(a)</td>
<td>2nd</td>
<td>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</td>
</tr>
<tr>
<td>817.625(2)(b)</td>
<td>2nd</td>
<td>Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.</td>
</tr>
<tr>
<td>825.1025(4)</td>
<td>3rd</td>
<td>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</td>
</tr>
<tr>
<td>827.071(4)</td>
<td>2nd</td>
<td>Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.</td>
</tr>
<tr>
<td>827.071(5)</td>
<td>3rd</td>
<td>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes...</td>
</tr>
</tbody>
</table>
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 (2) & (3) electronic device or equipment.

847.0138 3rd Transmission of material
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>874.05(1)(b)</td>
<td>Encouraging or recruiting another to join a criminal gang; second or subsequent offense.</td>
</tr>
<tr>
<td>874.05(2)(a)</td>
<td>Encouraging or recruiting person under 13 years of age to join a criminal gang.</td>
</tr>
<tr>
<td>893.13(1)(a)1.</td>
<td>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).</td>
</tr>
<tr>
<td>893.13(1)(c)2.</td>
<td>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.</td>
</tr>
</tbody>
</table>
care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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.

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.

276
893.13(4)(b)  2nd  Use or hire of minor; deliver
to minor other controlled
substance.

277
893.1351(1)  3rd  Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

278
279  Section 5. This act shall take effect July 1, 2018.