

By Senator Braynon

33-01610A-11

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1 A bill to be entitled
2 An act relating to fighting or baiting animals;
3 amending s. 828.122, F.S.; correcting a cross-
4 reference; providing a rebuttable presumption that an
5 animal has been trained or used for fighting if
6 certain facts are proven; providing that a county or
7 agency is not liable for the cost of an animal seized
8 and awarded custody to the county or agency pursuant
9 to a court order under specified provisions; providing
10 an effective date.

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

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14 Section 1. Subsections (4) through (10) of section
15 828.122, Florida Statutes, are renumbered as subsections (5)
16 through (11), respectively, a new subsection (4) is added to
17 that section, and present paragraph (f) of subsection (3) and
18 subsection (7) of that section are amended, to read:

19 828.122 Fighting or baiting animals; offenses; penalties.-

20 (3) Any person who knowingly commits any of the following
21 acts commits a felony of the third degree, punishable as
22 provided in s. 775.082, s. 775.083, or s. 775.084:

23 (f) Removing or facilitating the removal of any animal
24 impounded under this section from an agency where the animal is
25 impounded or from a location designated by the court under
26 subsection (5) ~~(4)~~, subsection (6) ~~(5)~~, or subsection (8) ~~(7)~~,
27 without the prior authorization of the court;

28
29 Notwithstanding any provision of this subsection to the

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30 contrary, possession of the animal alone does not constitute a
31 violation of this section.

32 (4) There is a rebuttable presumption that an animal has
33 been trained or used for fighting if:

34 (a) The animal exhibits fresh wounds, scarring, or other
35 specific indications that the animal has been or will be used
36 for fighting; or

37 (b) A person possesses training apparatus, paraphernalia,
38 or drugs known to be used to prepare an animal to be fought or
39 known to be used during an actual fight. Training apparatus or
40 paraphernalia may include, but are not limited to, a gaff, a
41 slasher, or any other sharp implement designed to be attached in
42 place of the natural spur of a gamecock or other fighting bird,
43 the possession of sparring muffs, or a fighting pit.

44 (8) ~~(7)~~ If an animal can be housed in a humane manner, the
45 provisions of s. 828.073 ~~shall~~ apply. For the purpose of a
46 hearing provided pursuant to s. 828.073(2), any animal baited,
47 bred, trained, transported, sold, owned, possessed, or used for
48 the purpose of animal fighting or baiting shall be considered
49 mistreated. The county or agency is not liable for the cost of
50 an animal seized and awarded custody to the county or agency
51 pursuant to a court order under this section.

52 Section 2. This act shall take effect October 1, 2011.