

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Moskowitz offered the following:

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Amendment (with title amendment)

Remove lines 34-158 and insert:

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, ~~is guilty of~~ 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 ~~Any~~ person convicted of a second or subsequent

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21 violation of this subsection shall be required to pay a minimum
22 mandatory fine of \$5,000 and serve a minimum mandatory period of
23 incarceration of 6 months. In addition, the person shall be
24 released only upon expiration of sentence, is ~~shall~~ not be
25 eligible for parole, control release, or any form of early
26 release, and must serve 100 percent of the court-imposed
27 sentence. Any plea of nolo contendere shall be considered a
28 conviction for purposes of this subsection.

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

35 (4)~~(3)~~ A veterinarian licensed to practice in the state
36 shall be held harmless from either criminal or civil liability
37 for any decisions made or services rendered under the provisions
38 of this section. Such a veterinarian is, therefore, under this
39 subsection, immune from a lawsuit for his or her part in an
40 investigation of cruelty to animals.

41 (5)~~(4)~~ A person who intentionally trips, fells, ropes, or
42 lassos the legs of a horse by any means for the purpose of
43 entertainment or sport shall be guilty of a third degree felony,
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
45 As used in this subsection, "trip" means any act that consists
46 of the use of any wire, pole, stick, rope, or other apparatus to
47 cause a horse to fall or lose its balance, and "horse" means any
48 animal of any registered breed of the genus Equus, or any

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49 recognized hybrid thereof. The provisions of this subsection
50 shall not apply when tripping is used:

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

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

55 (c) For the purpose of administering veterinary care to
56 the horse.

57 Section 2. Section 828.1615, Florida Statutes, is created
58 to read:

59 828.1615 Prohibiting artificial coloring and sale of
60 certain animals.--

61 (1) It is unlawful for any person to:

62 (a) Dye or artificially color any animal that is under 12
63 weeks of age, or any fowl or rabbit of any age;

64 (b) Bring any dyed or artificially colored animal that is
65 under 12 weeks of age, or any fowl or rabbit of any age, into
66 this state; or

67 (c) Sell, offer for sell, or give away as merchandising
68 premiums, baby chickens, ducklings, or other fowl under 4 weeks
69 of age or rabbits under 2 months of age to be used as pets, toys
70 or retail premiums.

71 (2) The prohibitions in paragraph (1) (a) and (1) (b) do not
72 apply to animals that are temporarily dyed by agricultural
73 entities for protective health purposes.

74 (3) This section shall not be construed to apply to any
75 animal that is under 12 weeks of age, or any fowl or rabbit of
76 any age, that are used or raised for agricultural purposes by

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77 persons with proper facilities to care for them or for poultry
78 or livestock exhibitions.

79 (4) Any person who violates the provisions of this section
80 commits a misdemeanor of the second degree, punishable as
81 provided in s. 775.082 or s. 775.083.

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T I T L E A M E N D M E N T

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87 Remove lines 7-13 and insert:
88 cruelty; specifying that a person who owns or has the custody or
89 control of any animal and fails to act commits aggravated animal
90 cruelty if certain injuries or death results; creating s.
91 828.1615, prohibiting specific acts relating to dying or
92 artificially coloring certain animals; prohibiting persons from
93 selling, offering for sale, or giving away as merchandising
94 premiums specified fowl or rabbits to be used as pets, toys or
95 retail premiums; creating exceptions; providing penalties;
96 amending s. 895.02, F.S.; including

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