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LEGISLATIVE ACTION

Senate

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House

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The Committee on Agriculture (Steube) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 79 and 80

insert:

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



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12 unnecessarily mutilates, or kills any animal, or causes the same  
13 to be done, or carries in or upon any vehicle, or otherwise, any  
14 animal in a cruel or inhumane manner, commits animal cruelty, a  
15 misdemeanor of the first degree, punishable as provided in s.  
16 775.082 or by a fine of not more than \$5,000, or both.

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

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

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

40 (3) A person who commits multiple acts of animal cruelty or



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41 aggravated animal cruelty against an animal may be charged with  
42 a separate offense for each such act. A person who commits  
43 animal cruelty or aggravated animal cruelty against more than  
44 one animal may be charged with a separate offense for each  
45 animal such cruelty was committed upon.

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

52 (5) A person who intentionally trips, fells, ropes, or  
53 lassos the legs of a horse by any means for the purpose of  
54 entertainment or sport commits a ~~shall be guilty of a third~~  
55 ~~degree~~ felony of the third degree, punishable as provided in s.  
56 775.082, s. 775.083, or s. 775.084. As used in this subsection,  
57 the term "trip" means any act that consists of the use of any  
58 wire, pole, stick, rope, or other apparatus to cause a horse to  
59 fall or lose its balance, and the term "horse" means any animal  
60 of any registered breed of the genus *Equus*, or any recognized  
61 hybrid thereof. ~~The provisions of This subsection~~ does ~~shall~~ not  
62 apply when tripping is used:

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

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

67 (c) For the purpose of administering veterinary care to the  
68 horse.

69 (6) In addition to other penalties prescribed by law, a



70 person who is convicted of a violation of this section may be  
71 prohibited by the court from owning, possessing, keeping,  
72 harboring, or having custody or control over any animal for a  
73 period of time determined by the court.

74 Section 4. Paragraphs (c) and (e) of subsection (3) of  
75 section 921.0022, Florida Statutes, are amended to read:

76 921.0022 Criminal Punishment Code; offense severity ranking  
77 chart.—

78 (3) OFFENSE SEVERITY RANKING CHART

79 (c) LEVEL 3

80

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

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86

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.

87

319.33(1)(c)

3rd

Procure or pass title on stolen  
vehicle.

88

319.33(4)

3rd

With intent to defraud,  
possess, sell, etc., a blank,  
forged, or unlawfully obtained  
title or registration.

89

327.35(2)(b)

3rd

Felony BUI.

90

328.05(2)

3rd

Possess, sell, or counterfeit  
fictitious, stolen, or  
fraudulent titles or bills of  
sale of vessels.

91

328.07(4)

3rd

Manufacture, exchange, or  
possess vessel with counterfeit  
or wrong ID number.

92

376.302(5)

3rd

Fraud related to reimbursement  
for cleanup expenses under the  
Inland Protection Trust Fund.



93

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.
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94

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.
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95

379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
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96

400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
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400.9935 (4) (e)	3rd	Filing a false license application or other required
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105	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
106	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
107	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
108	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
109	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
110	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
111	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
112			





113	817.233	3rd	Burning to defraud insurer.
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
114			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
115			
	817.236	3rd	Filing a false motor vehicle insurance application.
116			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
117			
	817.413 (2)	3rd	Sale of used goods as new.
118			
	<del>828.12(2)</del>	<del>3rd</del>	<del>Tortures any animal with intent to inflict intense pain, serious physical injury, or death.</del>
119			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
120			



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121	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
122	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
123	843.19	3rd	Injure, disable, or kill police dog or horse.
124	860.15(3)	3rd	Overcharging for repairs and parts.
125	870.01(2)	3rd	Riot; inciting or encouraging.
126	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.



127	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.
128	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
129	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
130	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
131	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
132	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled



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substance.

133

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

134

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.

135

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.

136

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

137

893.13(8)(a)4.           3rd     Write a prescription for a controlled substance for a



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patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

138

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

139

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

140

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

141

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

142

143

144                      (e) LEVEL 5

145

Florida Statute	Felony Degree	Description
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146

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious
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bodily injury, failure to stop;  
leaving scene.

147

316.1935(4)(a) 2nd Aggravated fleeing or eluding.

148

316.80(2) 2nd Unlawful conveyance of fuel;  
obtaining fuel fraudulently.

149

322.34(6) 3rd Careless operation of motor  
vehicle with suspended license,  
resulting in death or serious  
bodily injury.

150

327.30(5) 3rd Vessel accidents involving  
personal injury; leaving scene.

151

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,



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counterfeit, or imitation stone  
crab trap tags; and engaging in  
the commercial harvest of stone  
crabs while license is  
suspended or revoked.

152

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

153

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

154

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

155

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

156

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

157

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

158



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159	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
160	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
161	790.01 (2)	3rd	Carrying a concealed firearm.
162	790.162	2nd	Threat to throw or discharge destructive device.
163	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
164	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
165	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
166	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
	800.04 (6) (c)	3rd	Lewd or lascivious conduct;





167			offender less than 18 years of age.
800.04 (7) (b)	2nd		Lewd or lascivious exhibition; offender 18 years of age or older.
168			
806.111 (1)	3rd		Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
169			
812.0145 (2) (b)	2nd		Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
170			
812.015 (8)	3rd		Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
171			
812.019 (1)	2nd		Stolen property; dealing in or trafficking in.
172			
812.131 (2) (b)	3rd		Robbery by sudden snatching.
173			
812.16 (2)	3rd		Owning, operating, or conducting a chop shop.
174			
817.034 (4) (a) 2.	2nd		Communications fraud, value



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\$20,000 to \$50,000.

175

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

176

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

177

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.

178

817.611 (2) (a)           2nd    Traffic in or possess 5 to 14  
counterfeit credit cards or  
related documents.

179

817.625 (2) (b)           2nd    Second or subsequent fraudulent  
use of scanning device,



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skimming device, or reencoder.

180

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

181

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

182

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

183

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

184

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.

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186	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
187	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
188	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
189	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
190	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
191	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
	893.13 (1) (a) 1.	2nd	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).



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192

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.

193

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.

194

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



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religious services or a  
specified business site.

195

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.

196

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

197

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

198

199

200

201

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

203 And the title is amended as follows:

204        Delete lines 2 - 11

205 and insert:

206        An act relating to animal welfare; creating s.  
207        823.151, F.S.; providing legislative findings;  
208        requiring specified entities that take receivership of  
209        lost or stray dogs or cats to adopt written policies



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210 and procedures to ensure that every reasonable effort  
211 is made to quickly and reliably return owned animals  
212 to their owners; providing requirements for such  
213 policies and procedures; requiring that specified  
214 records be available to the public; providing a short  
215 title; amending s. 828.12, F.S.; authorizing a court  
216 to prohibit certain offenders from owning or having  
217 custody or control over animals; amending s. 921.0022,  
218 F.S.; revising the ranking of offenses on the offense  
219 severity ranking chart of the Criminal Punishment  
220 Code; providing an effective date.