



**ANIMAL LEGAL
DEFENSE FUND** EST
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Compendium of U.S. Animal Protection Laws

Florida



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This chapter contains Florida’s general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Florida may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

ANIMAL PROTECTION LAWS OF FLORIDA

Florida Laws	
SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS	
1. Definition of "Animal"	"[E]very living dumb creature." FLA. STAT. § 828.02
2. General Cruelty	Definitions. FLA. STAT. § 828.02 Leaving poison on property not owned by such person. FLA. STAT. § 828.08 <i>1st degree misdemeanor</i> Cruelty to animals. FLA. STAT. § 828.12(1) <i>1st degree misdemeanor</i> Aggravated animal cruelty. FLA. STAT. § 828.12(2) <i>3rd degree felony</i> Multiple acts of animal cruelty against an animal may be charged with a separate offense for each act. FLA. STAT. § 828.12(3) Confinement/abandonment of animals. FLA. STAT. § 828.13 <i>1st degree misdemeanor, 1 year imprisonment and/or \$5,000 fine</i> Exemptions: Research animals. FLA. STAT. § 828.02 Veterinary practice. FLA. STAT. § 828.12(4)
3. Animal Fighting	Engaging in a simulated or bloodless bullfighting exhibition. FLA. STAT. § 828.121 <i>2nd degree misdemeanor</i> Various animal fighting activities (including being a spectator at a fight). FLA. STAT. § 828.122

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	<i>3rd degree felony</i> Animal fighting or baiting is a RICO offense. FLA. STAT. § 895.02 Prohibited activities and defense. FLA. STAT. § 895.03 Criminal penalties and alternative fine. FLA. STAT. § 895.04
4. Sexual Assault	Sexual activities involving animals. FLA. STAT. § 828.126 <i>3rd degree felony</i> Exemptions: Accepted farm animal husbandry practices, other. FLA. STAT. §§ 828.125, 828.126
5. Cruelty to Working Animals	Interfering with a service animal. FLA. STAT. § 413.081 <i>1st offense: 2nd degree misdemeanor</i> <i>Subsequent offenses: 1st degree misdemeanor</i> Recklessly injuring or killing a service animal. FLA. STAT. § 413.081 <i>1st degree misdemeanor</i> Intentionally killing or injuring a service animal. FLA. STAT. § 413.081 <i>3rd degree felony</i> Intentionally killing or injuring a working canine or horse. FLA. STAT. § 843.19 <i>2nd degree felony</i> <i>1st degree misdemeanor</i>
6. Laws Specific to Farmed Animals	Tripping horses. FLA. STAT. § 828.12(5) <i>3rd degree felony, 5 years imprisonment and/or \$10,000 fine</i>

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	Killing or maiming registered horses and cattle. FLA. STAT. § 828.125 <i>2nd degree felony</i> Artificial coloring and sale of certain animals. FLA. STAT. § 828.1615 <i>2nd degree misdemeanor</i> Exemptions: Accepted farm animal husbandry practices, other. FLA. STAT. § 828.125 Artificial coloring and sale of certain animals. FLA. STAT. § 828.1615(2),(3)
7. Cruel Hunting, Trapping, and Fishing	Definitions. FLA. STAT. § 379.101 Prohibition of certain licensed traps. FLA. STAT. § 379.402 <i>1st degree misdemeanor</i> Prohibition of traps impregnated with pollutants. FLA. STAT. § 376.207 Disposition of illegal fishing devices. FLA. STAT. § 379.341 Prohibition on killing Florida or wild panthers. FLA. STAT. § 379.4115 <i>Level Four violation</i> Prohibition of using explosives, other substances, or force. FLA. STAT. § 379.295 <i>Level Two violation</i>
REPORTING LAWS	
8. Cross Reporting	Animal control officers reporting suspected child abuse must provide their name when reporting. FLA. STAT. § 39.201

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	Animal control officers are required to report suspected child abuse and child protective investigators are required to report suspected animal cruelty. FLA. STAT. § 39.208 Approved agencies for cruelty prevention regarding animals or children may investigate crimes against animals or children. FLA. STAT. § 828.03
9. Veterinary Reporting	Veterinarian may report suspected cruelty without notice to client, unless animal is in commercial food-producing animal operation, then veterinarian must provide notice before reporting. FLA. STAT. § 474.2165(4)(d) Veterinarians are immune from lawsuits for investigations of cruelty. FLA. STAT. § 828.12(4)
10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	Immunity from civil liability for damage caused from forcibly removing a domestic animal from a vehicle. FLA. STAT. § 768.139
12. Civil Enforcement	Abatement of nuisances. FLA. STAT. § 60.05 Nuisances and penalties. FLA. STAT. § 823.01 Places declared nuisances that may be abated and enjoined. FLA. STAT. § 823.05
13. Domestic Violence and Protection Orders	Companion animals may be included in protection orders. FLA. STAT. § 741.30
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	NOTE: Fines for violations of FLA. STAT. § 828.12 and § 828.13 differ from the maximum penalties listed below. Those fines are listed in the substantive statutes, available in the General Cruelty section of this document.

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	Unclassified misdemeanors are 2nd degree misdemeanors. FLA. STAT. § 775.081 2nd Degree Misdemeanor. <i>60 days imprisonment and/or \$500 fine</i> FLA. STAT. § 775.082(4)(b) FLA. STAT. § 775.083(1)(e) 1st Degree Misdemeanor. <i>1 year imprisonment and/or \$1,000 fine</i> FLA. STAT. § 775.082(4)(a) FLA. STAT. § 775.083(1)(d) 3rd Degree Felony. <i>5 years imprisonment and/or \$5,000 fine</i> FLA. STAT. § 775.082(3)(e) FLA. STAT. § 775.083(1)(c) Statute of Limitations. <i>2nd degree misdemeanor: 1 year</i> Fla. Stat. § 775.15(2)(d) <i>1st degree misdemeanor: 2 years</i> Fla. Stat. § 775.15(2)(c) <i>Felony: 3 years</i> Fla. Stat. § 775.15(2)(b)
15. Law Enforcement Policies	Appointed agents may investigate violations. FLA. STAT. § 828.03 Sheriffs or peace officers shall arrest, without a warrant, any person found violating animal protection laws. FLA. STAT. § 828.17 Animal control officers must complete training on animal cruelty investigations. FLA. STAT. § 828.27
16. Seizure	Law enforcement officers and appointed humane agents may seize neglected or cruelly treated animals. FLA. STAT. § 828.073 Law enforcement officers and appointed humane agents may order owner to provide certain care without removing neglected or cruelly treated animals from present location.

ANIMAL PROTECTION LAWS OF FLORIDA

	FLA. STAT. § 828.073(1),(2)
17. Courtroom Animal Advocate Program	[None]
18. Restitution	Court may require reimbursement for expenses while animal is in care of officer. FLA. STAT. § 828.073(4)(c)(2) If animal is sold, proceeds go toward costs of care. FLA. STAT. § 828.073(7)(b)
19. Forfeiture and Possession Bans	Court may, after finding owner is unable or unfit to adequately provide for animals, order other animals seized and enjoin owner from further possession or custody of other animals. FLA. STAT. § 828.073(4)(c) Court has final determination over disposition of the animal. FLA. STAT. § 828.073 (4),(5),(6) Court may prohibit a person convicted of animal cruelty from owning/possessing an animal for a reasonable time. FLA. STAT. § 828.12(6) The court shall prohibit a person convicted of sexual assault of animals from owning/possessing an animal, and from volunteering or working with animals, for up to 5 years. FLA. STAT. § 828.126
20. Rehabilitative Sentencing	Anyone convicted of a felony animal cruelty offense which includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal shall be ordered to undergo psychological counseling or complete an anger management treatment program. FLA. STAT. § 828.12(2)(a)

ANIMAL PROTECTION LAWS OF FLORIDA

1. DEFINITION OF “ANIMAL”

FLA. STAT. § 828.02. Definitions.

In this chapter, and in every law of the state relating to or in any way affecting animals, the word “animal” shall be held to include every living dumb creature; the words “torture,” “torment,” and “cruelty” shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief; and the words “owner” and “person” shall be held to include corporations, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation, shall be held to be the knowledge and act of such corporation.

ANIMAL PROTECTION LAWS OF FLORIDA

2. GENERAL CRUELTY

FLA. STAT. § 828.02. Definitions.

In this chapter, and in every law of the state relating to or in any way affecting animals, the word “animal” shall be held to include every living dumb creature; *the words “torture,” “torment,” and “cruelty” shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief; and the words “owner” and “person” shall be held to include corporations, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation, shall be held to be the knowledge and act of such corporation.*

FLA. STAT. § 828.08. Penalty for exposing poison.

Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be guilty of a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.

FLA. STAT. § 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 § 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 § 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.*

ANIMAL PROTECTION LAWS OF FLORIDA

- (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, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 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. This subsection does 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.*

FLA. STAT. § 828.13. Confinement of animals without sufficient food, water, or exercise; abandonment of animals.

- (1) *As used in this section:*
 - (a) *“Abandon” means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.*
 - (b) *“Owner” includes any owner, custodian, or other person in charge of an animal.*
- (2) *Whoever:*
 - (a) *Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,*
 - (b) *Keeps any animals in any enclosure without wholesome exercise and change of air, or*
 - (c) *Abandons to die any animal that is maimed, sick, infirm, or diseased, is guilty of a misdemeanor of the first degree, punishable as provided in § 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.*
- (3) *Any person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal is guilty of a misdemeanor of the first degree, punishable as provided in § 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.*

Exemptions include research animals and veterinary practice, see FLA. STAT. §§ 828.02, 828.12(4).

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3. ANIMAL FIGHTING

FLA. STAT. § 828.121. Conduct of simulated bullfighting exhibitions.

It shall be unlawful, and punishable as a misdemeanor, for any person to conduct or engage in a simulated or bloodless bullfighting exhibition.

FLA. STAT. § 828.122. Fighting or baiting animals; offenses; penalties.

- (1) This act may be cited as “The Animal Fighting Act.”
- (2) As used in this section, the term:
 - (a) “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.
 - (b) “Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds.
 - (c) “Person” means every natural person, firm, copartnership, association, or corporation.
- (3) Any person who knowingly commits any of the following acts commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084:
 - (a) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
 - (b) Owning, possessing, or selling equipment for use in any activity described in paragraph (a);
 - (c) Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);
 - (d) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;
 - (e) Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;
 - (f) Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court;
 - (g) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or
 - (h) Attending the fighting or baiting of animals.

Notwithstanding any provision of this subsection to the contrary, possession of the animal alone does not constitute a violation of this section.

- (4) If a court finds probable cause to believe that a violation of this section or § 828.12 has occurred, the court shall order the seizure of any animals and equipment used in committing the violation and shall provide for appropriate and humane care or disposition of the animals. This subsection is not a limitation on the power to seize animals as evidence at the time of arrest.

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- (5) *If an animal shelter or other location is unavailable, a court may order the animal to be impounded on the property of its owner or possessor and shall order such person to provide all necessary care for the animal and to allow regular inspections of the animal by a person designated by the court.*
- (6) *If a veterinarian finds that an animal kept or used in violation of this section is suffering from an injury or a disease severe enough that it is not possible to humanely house and care for the animal pending completion of a hearing held under § 828.073(2), final disposition of the criminal charges, or court-ordered forfeiture, the veterinarian may euthanize the animal as specified in § 828.058. A veterinarian licensed to practice in this state shall be held harmless from criminal or civil liability for any decisions made or services rendered under this subsection.*
- (7) *If an animal can be housed in a humane manner, the provisions of § 828.073 shall apply. For the purpose of a hearing provided pursuant to § 828.073(2), any animal baited, bred, trained, transported, sold, owned, possessed, or used for the purpose of animal fighting or baiting shall be considered mistreated.*
- (8) *In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court.*
- (9) *This section shall not apply to:*
 - (a) *Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided § 828.12 is not violated.*
 - (b) *Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.*
 - (c) *Any person using animals to work livestock for agricultural purposes.*
 - (d) *Any person violating § 828.121.*
 - (e) *Any person using dogs to hunt wild hogs or to retrieve domestic hogs pursuant to customary hunting or agricultural practices.*
- (10) *This section shall not prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.*

FLA. STAT. § 895.02. Definitions.

NOTE: Unrelated statutory text has been omitted.

As used in §§ 895.01-895.08, the term:

* * * * *

- (8) *“Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:*
 - (a) *Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:*

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38. Section 828.122, relating to fighting or baiting animals.

ANIMAL PROTECTION LAWS OF THE USA (18TH EDITION)

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ANIMAL PROTECTION LAWS OF FLORIDA

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FLA. STAT. § 895.03. Prohibited activities and defense.

- (1) *It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.*
- (2) *It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.*
- (3) *It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.*
- (4) *It is unlawful for any person to conspire or endeavor to violate any of the provisions of subsection (1), subsection (2), or subsection (3).*

FLA. STAT. § 895.04. Criminal penalties and alternative fine.

- (1) *Any person convicted of engaging in activity in violation of the provisions of § 895.03 is guilty of a felony of the first degree and shall be punished as provided in § 775.082, § 775.083, or § 775.084.*
- (2) *In lieu of a fine otherwise authorized by law, any person convicted of engaging in conduct in violation of the provisions of § 895.03, through which the person derived pecuniary value, or by which he or she caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed 3 times the gross value gained or 3 times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.*
- (3) *The court shall hold a hearing to determine the amount of the fine authorized by subsection (2).*
- (4) *For the purposes of subsection (2), “pecuniary value” means:*
 - (a) *Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or*
 - (b) *Any other property or service that has a value in excess of \$100.*

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4. SEXUAL ASSAULT

FLA. STAT. § 828.126. Sexual activities involving animals.

- (1) *As used in this section, the term “Sexual contact” with an animal act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:*
 - (a) *Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;*
 - (b) *The fondling of the sex organ or anus of an animal; or*
 - (c) *The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.*
- (2) *A person may not:*
 - (a) *Knowingly engage in any sexual contact with an animal;*
 - (b) *Knowingly cause, aid, or abet another person to engage in any sexual contact with an animal;*
 - (c) *Knowingly permit any sexual contact with an animal to be conducted on any premises under his or her charge or control; or*
 - (d) *Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or*
 - (e) *Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.*
- (3) *A person who violates this section commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.*
- (4) *In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. The order may be effective for up to 5 years after the date of the conviction, regardless of whether adjudication is withheld.*
- (5) *This section does not apply to accepted animal husbandry practices, including, but not limited to, bona fide agricultural purposes, assistance with the birthing process or artificial insemination of an animal for reproductive purposes, accepted conformation judging practices, or accepted veterinary medical practices.*

Exemptions include accepted farm animal husbandry practices, other, see FLA. STAT. §§ 828.125, 828.126.

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5. CRUELTY TO WORKING ANIMALS

FLA. STAT. § 413.081. Interference with or injury to a service animal; penalties; restitution.

- (1) *A person who, with reckless disregard, interferes with, or permits a dog that he or she owns or is in the immediate control of to interfere with, the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal or its user commits a misdemeanor of the second degree for the first offense and a misdemeanor of the first degree for each subsequent offense, punishable as provided in § 775.082 or § 775.083.*
- (2) *A person who, with reckless disregard, injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a service animal commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.*
- (3) *A person who intentionally injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a service animal commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.*
- (4)
 - (a) A person who is convicted of a violation of this section, in addition to any other penalty, must make full restitution for all damages that arise out of or are related to the offense, including incidental and consequential damages incurred by the service animal's user.
 - (b) Restitution includes the value of the service animal; replacement and training or retraining expenses for the service animal and the user; veterinary and other medical and boarding expenses for the service animal; medical expenses for the user; and lost wages or income incurred by the user during any period that the user is without the services of the service animal.

FLA. STAT. § 843.19. Offenses against police dogs, fire dogs, SAR dogs, or police horses.

- (1) As used in this section, the term:
 - (a) *"Police canine" means any canine, and "police horse" means any horse, that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.*
 - (b) *"Fire canine" means any canine that is owned, or the service of which is employed, by a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires.*
 - (c) *"SAR canine" means any search and rescue canine that is owned, or the service of which is utilized, by a fire department, a law enforcement agency, a correctional agency, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost, who are trapped under debris as the result of a natural, manmade, or technological disaster, or who are drowning victims.*

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- (2) *Any person who intentionally and knowingly, without lawful cause or justification, causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a police canine, fire canine, SAR canine, or police horse commits a felony of the second degree, punishable as provided in § 775.082, § 775.083, or § 775.084.*
- (3) *Any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.*
- (4) *Any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties commits a misdemeanor of the second degree, punishable as provided in § 775.082 or § 775.083.*
- (5) *A person convicted of an offense under this section shall make restitution for injuries caused to the police canine, fire canine, SAR canine, or police horse and shall pay the replacement cost of the animal if, as a result of the offense, the animal can no longer perform its duties.*

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6. LAWS SPECIFIC TO FARMED ANIMALS

Editor's Note: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

FLA. STAT. § 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 § 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 § 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, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 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*

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term “horse” means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof. This subsection does 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.

FLA. STAT. § 828.125. Killing or aggravated abuse of horses or cattle; offenses; penalties.

Any other provisions of this chapter to the contrary notwithstanding:

- (1) *Any person who willfully and unlawfully, by any means whatsoever, kills, maims, mutilates, or causes great bodily harm or permanent breeding disability to any animal of the genus Equus (horse) or any animal of any registered breed or recognized registered hybrid of the genus Bos (cattle) commits a felony of the second degree, punishable as provided by § 775.082, § 775.083, or § 775.084, except that any person who commits a violation of this subsection shall be sentenced to a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of 1 year.*
- (2) *Any person who individually attempts or solicits, or jointly agrees, conspires, combines, or confederates with another person to commit, any act prohibited by subsection (1) and does an act in furtherance of said attempt, solicitation, or conspiracy shall be guilty of a felony of the second degree and is punishable as if the person or persons had actually committed such prohibited act as enumerated in subsection (1), notwithstanding any provisions found in § 777.04. Nothing in this subsection shall be construed to prohibit separate convictions and sentences for a violation of this subsection and any violation of subsection (1).*
- (3) *Any person who verbally or in writing threatens to commit any act prohibited by subsection (1) and has the apparent ability to carry out such threat and places the owner or custodian of said animal in fear that such an act as described in subsection (1) is about to take place shall be guilty of a felony of the third degree, punishable as provided by § 775.082, § 775.083 or § 775.084.*
- (4) In addition to any other fines or penalties authorized by law, a person found guilty of violating any provision of subsection (1), subsection (2), or subsection (3) may be ordered by the court to make restitution to the aggrieved party in an amount not to exceed twice the gross fair market value of the said *Equus* or *Bos* killed or abused in an aggravated manner, or up to twice the gross loss caused, whichever is greater, plus attorney’s fees and any and all related costs. Upon notice the court shall hold a hearing to determine the amount of fines, restitution, or costs to be imposed under this section, if not agreed upon by the parties.
- (5) This section shall not be construed to abridge, impede, prohibit, or otherwise interfere in any way with the application, implementation, or conduct of recognized livestock husbandry practices or techniques by or at the direction of the owner of the livestock so husbanded; nor shall any person be held culpable for any act prohibited by this chapter which results from weather conditions or other acts of God, providing that the person is in compliance with recognized livestock husbandry practices.

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FLA. STAT. § 828.1615. Prohibiting artificial coloring and sale of certain animals.

- (1) *It is unlawful for a person to:*
 - (b) *Dye or artificially color an animal that is under 12 weeks of age, or a fowl or rabbit of any age;*
 - (c) *Bring a dyed or artificially colored animal that is under 12 weeks of age, or a fowl or rabbit of any age, into this state; or*
 - (d) *Sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys, or retail premiums.*
- (2) *The prohibitions in paragraphs (1)(a) and (1)(b) do not apply to animals that are temporarily dyed by agricultural entities for protective health purposes.*
- (3) *This section does not apply to an animal that is under 12 weeks of age, or a fowl or rabbit of any age, that is used or raised for agricultural purposes by a person with proper facilities to care for it or for the purpose of poultry or livestock exhibitions.*
- (4) *A person who violates this section commits a misdemeanor of the second degree, punishable as provided in § 775.082 or § 775.083.*

Exemptions include accepted farm animal husbandry practices, other; and artificial coloring and sale of certain animals, see FLA. STAT. §§ 828.125, 828.1615(2),(3).

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

FLA. STAT. § 379.101. Definitions.

In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term: (38) "Take" means taking, attempting to take, pursuing, hunting, molesting, capturing, or killing any wildlife or freshwater or saltwater fish, or their nests or eggs, ***by any means***, whether or not such actions result in obtaining possession of such wildlife or freshwater or saltwater fish or their nests or eggs.

FLA. STAT. § 379.402. Definition; possession of certain licensed traps prohibited; penalties; exceptions; consent.

- (1) As used in this section, the term "licensed saltwater fisheries trap" means any trap required to be licensed by the Fish and Wildlife Conservation Commission and authorized by the commission for the taking of saltwater products.
- (2) It is unlawful for any person, firm, corporation, or association to be in actual or constructive possession of a licensed saltwater fisheries trap registered with the Fish and Wildlife Conservation Commission in another person's, firm's, corporation's, or association's name.
 - (a) Unlawful possession of less than three licensed saltwater fisheries traps is a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.
 - (b) Unlawful possession of three or more licensed saltwater fisheries traps is a felony of the third degree, punishable as provided in § 775.082 or § 775.083.
 - (c) Upon receipt of any judicial disposition other than dismissal or acquittal on a charge of violating this section or any provision of law or rule making unlawful the possession of another's saltwater fishing trap, a person shall permanently lose all saltwater fishing privileges, including licenses, trap certificates, and the ability to transfer trap certificates.
- (3) It is unlawful for any person, firm, corporation, or association to possess, attempt to possess, interfere with, attempt to interfere with, or remove live bait from a live bait trap or cage of another person, firm, corporation, or association. Unlawful possession of one or more live bait traps or cages is a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.
- (4) This section shall not apply to the agents or employees of the registered owner of the licensed saltwater fisheries trap or to a person, firm, corporation, or association who has the written consent from the owner of the licensed saltwater fisheries trap, to possess such licensed saltwater fisheries trap, or to agents or employees of the Fish and Wildlife Conservation Commission who are engaged in the removal of traps during the closed season.

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- (5) The registered owner of the licensed saltwater fisheries trap shall provide the Fish and Wildlife Conservation Commission with the names of any agents, employees, or any other person, firm, company, or association to whom the registered owner has given consent to possess said licensed saltwater fisheries trap.

FLA. STAT. § 376.207. Traps impregnated with pollutants prohibited.

No person shall, within the territorial limits of the state, impregnate with a pollutant any lobster trap or other trap used to take saltwater products. After July 31, 1996, no person shall deposit into the waters of the state any trap that has been impregnated with a pollutant.

FLA. STAT. § 379.341. Disposition of illegal fishing devices; exercise of police power.

- (1) In all cases of arrest and conviction for use of illegal nets or traps or fishing devices, as provided in this chapter, such illegal net, trap, or fishing device is declared to be a nuisance and shall be seized and carried before the court having jurisdiction of such offense and such court shall order such illegal trap, net, or fishing device forfeited to the commission immediately after trial and conviction of the person in whose possession they were found. When any illegal net, trap, or fishing device is found in the fresh waters of the state, and its owner is not known to the officer finding it, such officer shall immediately procure from the county court judge an order forfeiting such illegal net, trap, or fishing device to the commission. The commission may destroy such illegal net, trap, or fishing device, if in its judgment such net, trap, or fishing device is not of value in the work of the commission.
- (2) When any nets, traps, or fishing devices are found being used illegally as provided in this chapter, the same shall be seized and forfeited to the commission as provided in this chapter.
- (3) This section is necessary for the more efficient and proper enforcement of the statutes and laws of this state prohibiting the illegal use of nets, traps, or fishing devices and is a lawful exercise of the police power of the state for the protection of the public welfare, health, and safety of the people of the state. All the provisions of this section shall be liberally construed for the accomplishment of these purposes.

FLA. STAT. § 379.4115. Florida or wild panther; killing prohibited; penalty.

- (1) It is unlawful for a person to kill a member of the Florida “endangered species,” as defined in § 379.2291(3), known as the Florida panther (*Felis concolor coryi*).
- (2) It is unlawful for a person to kill any member of the species of panther (*Felis concolor*) occurring in the wild.
- (3) A person who violates this section commits a Level Four violation under § 379.401.

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FLA. STAT. § 379.295. Use of explosives and other substances or force prohibited.

A person may not throw or place, or cause to be thrown or placed, any dynamite, lyddite, gunpowder, cannon cracker, acids, filtration discharge, debris from mines, Indian berries, sawdust, green walnuts, walnut leaves, creosote, oil, or other explosives or deleterious substance or force into the fresh waters of this state whereby fish therein are or may be injured. Nothing in this section may be construed as preventing the release of water slightly discolored by mining operations or water escaping from such operations as the result of providential causes. A person who violates this section commits a Level Two violation under § 379.401.

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8. CROSS REPORTING

FLA. STAT. § 39.201. Required reports of child abuse, abandonment, or neglect, sexual abuse of a child, and juvenile sexual abuse; required reports of death; reports involving a child who has exhibited inappropriate sexual behavior.

(1) Mandatory reporting.--

(a)

1. A person is required to report immediately to the central abuse hotline established in § 39.101, in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect, that any of the following has occurred:
 - a. Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.
 - b. Child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.
2. Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse shall report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.

Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.

(b)

1. A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.
2. A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:
 - a. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
 - b. Health care professional or mental health professional other than a person listed in sub-subparagraph a.;
 - c. Practitioner who relies solely on spiritual means for healing;
 - d. School teacher or other school official or personnel;

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- e. Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;
- f. Law enforcement officer;
- g. Judge; or
- h. *Animal control officer as defined in § 828.27(1)(b) or agent appointed under § 828.03.*

(c) Central abuse hotline counselors shall advise persons under subparagraph (b)2. who are making a report to the central abuse hotline that, while their names must be entered into the record of the report, the names of reporters are held confidential and exempt as provided in § 39.202. Such counselors must receive periodic training in encouraging all reporters to provide their names when making a report.

(2) Exceptions to reporting.--

- (a) An additional report of child abuse, abandonment, or neglect is not required to be made by:
 - 1. A professional who is hired by or who enters into a contract with the department for the purpose of treating or counseling a person as a result of a report of child abuse, abandonment, or neglect if such person was the subject of the referral for treatment or counseling.
 - 2. An officer or employee of the judicial branch when the child is currently being investigated by the department, when there is an existing dependency case, or when the matter has previously been reported to the department if there is reasonable cause to believe that the information is already known to the department. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to such officer or employee in the course of carrying out his or her official duties.
 - 3. An officer or employee of a law enforcement agency when the incident under investigation by the law enforcement agency was reported to law enforcement by the central abuse hotline through the electronic transfer of the report or telephone call. The department's central abuse hotline is not required to electronically transfer calls or reports received under sub-subparagraph (1)(a)1.b. to the county sheriff's office if the matter was initially reported to the department by the county sheriff's office or by another law enforcement agency. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to the officer or employee of a law enforcement agency or central abuse hotline counselor in the course of carrying out his or her official duties.
- (b) Nothing in this section or in the contract with community-based care providers for foster care and related services as specified in [§ 409.987](#) may be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a known or suspected case of child abuse, abandonment, or neglect to the department's central abuse hotline.

(3) Additional circumstances related to reports.--

- (a) *Abuse occurring out of state.--*
 - 1. Except as provided in subparagraph 2., the central abuse hotline may not take a report or call of known or suspected child abuse, abandonment, or neglect when the report or call is related to abuse, abandonment, or neglect that occurred out of state and the

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alleged perpetrator and alleged victim do not live in this state. The central abuse hotline must instead transfer the information in the report or call to the appropriate state or country.

2. If the alleged victim is currently being evaluated in a medical facility in this state, the central abuse hotline must accept the report or call for investigation and must transfer the information in the report or call to the appropriate state or country.

(b) *Reports received from emergency room physicians.*--The department must initiate an investigation when it receives a report from an emergency room physician.

(c) *Abuse involving impregnation of a child.*--A report must be immediately electronically transferred to the appropriate county sheriff's office or other appropriate law enforcement agency by the central abuse hotline if the report is of an instance of known or suspected child abuse involving impregnation of a child 15 years of age or younger by a person 21 years of age or older under § 827.04(3). If the report is of known or suspected child abuse under § 827.04(3), subsection (1) does not apply to health care professionals or other professionals who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of such medical or counseling services.

(d) *Institutional child abuse or neglect.*--Reports involving known or suspected institutional child abuse or neglect must be made and received in the same manner as all other reports made under this section.

(e) *Surrendered newborn infants.*--

1. The central abuse hotline must receive reports involving surrendered newborn infants as described in § 383.50.

- 2.

- a. A report may not be considered a report of child abuse, abandonment, or neglect solely because the infant has been left at a hospital, emergency medical services station, or fire station under § 383.50.
- b. If the report involving a surrendered newborn infant does not include indications of child abuse, abandonment, or neglect other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the central abuse hotline must provide to the person making the report the name of an eligible licensed child-placing agency that is required to accept physical custody of and to place surrendered newborn infants. The department shall provide names of eligible licensed child-placing agencies on a rotating basis.

3. If the report includes indications of child abuse, abandonment, or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report must be considered as a report of child abuse, abandonment, or neglect and, notwithstanding chapter 383, is subject to § 39.395 and all other relevant provisions of this chapter.

(4) Reports of child abuse, abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for a child's welfare.--

(a)

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1. Upon receiving a report made to the central abuse hotline, the department shall determine if the received report meets the statutory criteria for child abuse, abandonment, or neglect.
 2. Any report meeting the statutory criteria for child abuse, abandonment, or neglect must be accepted for a child protective investigation pursuant to part III of this chapter.
- (b)
1. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment, or neglect may be accepted by the central abuse hotline for response to ameliorate a potential future risk of harm to a child.
 2. The department must refer the parent or legal custodian for appropriate voluntary community services if it is determined by the department that a need for community services exists.

(5) Reports of sexual abuse of a child or juvenile sexual abuse; reports of a child who has exhibited inappropriate sexual behavior.--

- (a)
1. Sexual abuse of a child or juvenile sexual abuse must be reported immediately to the central abuse hotline, including any alleged incident involving a child who is in the custody of or under the protective supervision of the department. Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.
 2. Within 48 hours after the central abuse hotline receives a report under subparagraph 1., the department shall conduct an assessment, assist the family in receiving appropriate services under § 39.307, and send a written report of the allegation to the appropriate county sheriff's office.
- (b) Reports involving a child who has exhibited inappropriate sexual behavior must be made and received by the central abuse hotline. Within 48 hours after receiving a report under this paragraph, the department shall conduct an assessment, assist the family in receiving appropriate services under § 39.307, and send a written report of the allegation to the appropriate county sheriff's office.
- (c) The services identified in the assessment conducted under paragraph (a) or paragraph (b) must be provided in the least restrictive environment possible and must include, but are not limited to, child advocacy center services under § 39.3035 and sexual abuse treatment programs developed and coordinated by the Children's Medical Services Program in the Department of Health under § 39.303.
- (d) The department shall ensure that the facts and results of any investigation of sexual abuse of a child or juvenile sexual abuse involving a child in the custody of or under the protective supervision of the department are made known to the court at the next hearing and are included in the next report to the court concerning the child.
- (e)
1. In addition to conducting an assessment and assisting the family in receiving appropriate services, the department shall conduct a child protective investigation under part III of this chapter if the incident leading to a report occurs on school premises, on school transportation, at a school-sponsored off-campus event, at a public

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or private school readiness or prekindergarten program, at a public K-12 school, at a private school, at a Florida College System institution, at a state university, or at any other school. The child protective investigation must include an interview with the child's parent or legal custodian.

2. The department shall orally notify the Department of Education; the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located; and, as appropriate, the superintendent of the school district in which the school is located, the administrative officer of the private school, or the owner of the private school readiness or prekindergarten program provider.
3. The department shall make a full written report to the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located within 3 business days after making the oral report. Whenever possible, any criminal investigation must be coordinated with the department's child protective investigation. Any interested person who has information regarding sexual abuse of a child or juvenile sexual abuse may forward a statement to the department.

- (6) **Mandatory reports of a child death.**--Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements under § 39.202.

FLA. STAT. § 39.208. Cross-reporting child abuse, abandonment, or neglect and animal cruelty.

(1) *Legislative findings and intent.*--

- (a) *The Legislature recognizes that animal cruelty of any kind is a type of interpersonal violence that often co-occurs with child abuse and other forms of family violence, including elder abuse and domestic violence. Early identification of animal cruelty is an important tool in safeguarding children from abuse, abandonment, and neglect; providing needed support to families; and protecting animals.*
- (b) *The Legislature finds that education and training for child protective investigators and animal control officers should include information on the link between the welfare of animals in the family and child safety and protection.*
- (c) *Therefore, it is the intent of the Legislature to require reporting and cross-reporting protocols and collaborative training between child protective investigators and animal control officers to help protect the safety and well-being of children, their families, and their animals.*

(2) *Responsibilities of child protective investigators.*--

- (a) *Any person who is required to investigate child abuse, abandonment, or neglect under this chapter and who, while acting in his or her professional capacity or within the scope of employment, knows or has reasonable cause to suspect that animal cruelty, as those terms are defined in § 828.27(1)(a) and (d), respectively, has occurred at the same address shall report*

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such knowledge or suspicion within 72 hours after the child protective investigator becomes aware of the known or suspected animal cruelty to his or her supervisor, who shall submit the report to a local animal control agency. The report must include all of the following information:

- 1. A description of the animal and of the known or suspected animal cruelty.*
- 2. The name and address of the animal's owner or keeper, if that information is available to the child protective investigator.*
- 3. Any other information available to the child protective investigator which might assist an animal control officer, as defined in § 828.27(1)(b), or law enforcement officer in establishing the cause of the animal cruelty and the manner in which it occurred.*

(b) A child protective investigator who makes a report under this section is presumed to have acted in good faith. An investigator acting in good faith who makes a report under this section or who cooperates in an investigation of known or suspected animal cruelty is immune from any civil or criminal liability or administrative penalty or sanction that might otherwise be incurred in connection with making the report or otherwise cooperating.

(3) Responsibilities of animal control officers.--Any person who is required to investigate animal cruelty under chapter 828 and who, while acting in his or her professional capacity or within the scope of employment, knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or that a child is in need of supervision and care and does not have a parent, a legal custodian, or a responsible adult relative immediately known and available to provide supervision and care to that child shall immediately report such knowledge or suspicion to the department's central abuse hotline.

(4) Penalties.--

(a) A child protective investigator who is required to report known or suspected animal cruelty under subsection (2) and who knowingly and willfully fails to do so commits a misdemeanor of the second degree, punishable as provided in § 775.082 or § 775.083.

(b) An animal control officer, as defined in § 828.27(1)(b), who is required to report known or suspected abuse, abandonment, or neglect of a child under subsection (3) and who knowingly and willfully fails to report an incident of known or suspected abuse, abandonment, or neglect, as required by § 39.201 is subject to the penalties under § 39.205.

(5) Training.--The department, in consultation with animal welfare associations, shall develop or adapt and use already available training materials in a 1-hour training course for all child protective investigators and animal control officers on the accurate and timely identification and reporting of child abuse, abandonment, or neglect or animal cruelty and the interconnectedness of such abuse, abandonment, or neglect. The department shall incorporate into the required training for child protective investigators information on the identification of harm to and neglect of animals and the relationship of such activities to child welfare case practice. The 1-hour training course developed for animal control officers must include a component that advises such officers of the mandatory duty to report any known or suspected child abuse, abandonment, or neglect under this section and § 39.201 and the criminal penalties associated with a violation of failing to report known or suspected child abuse, abandonment, or neglect which is punishable as provided under § 39.205.

(6) Rulemaking.--The department shall adopt rules to implement this section.

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FLA. STAT. § 828.03. Agents of counties, societies, etc., may prosecute violators.

- (1) *Any county or any society or association for the prevention of cruelty to children or animals, organized under the laws of this state, may appoint agents for the purpose of investigating violations of any of the provisions of this chapter or any other law of the state for the purpose of protecting children and animals or preventing any act of cruelty thereto.*
- (2) All appointments of such agents by such societies or corporations must have the approval of the mayor of the city in which the society or association exists, and if the society or association exists or works outside of any city, the appointment must be approved by the county court judge or the judge of the circuit court for the county, and the mayor or judge shall keep a record of such appointment. The approval of the appointment of any agent by a county for either the incorporated or unincorporated areas of such county shall be by the county commission.

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9. VETERINARY REPORTING

FLA. STAT. § 474.2165. Ownership and control of veterinary medical patient records; report or copies of records to be furnished.

- (1) As used in this section, the term “records owner” means any veterinarian who generates a medical record after making a physical examination of, or administering treatment or dispensing legend drugs to, any patient; any veterinarian to whom records are transferred by a previous records owner; or any veterinarian's employer, provided the employment contract or agreement between the employer and the veterinarian designates the employer as the records owner.
- (2) Each person who provides veterinary medical services shall maintain medical records, as established by rule.
- (3) Any records owner licensed under this chapter who makes an examination of, or administers treatment or dispenses legend drugs to, any patient shall, upon request of the client or the client's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.
- (4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:
 - (a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the client's consent.
 - (b) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the client or the client's legal representative by the party seeking such records.
 - (c) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient and the client, or provided written permission is received from the client or the client's legal representative.
 - (d) *In any criminal action or situation where a veterinarian suspects a criminal violation. If a criminal violation is suspected, a veterinarian may, without notice to or authorization from the client, report the violation to a law enforcement officer, an animal control officer who is certified pursuant to § 828.27(4)(a), or an agent appointed under § 828.03. However, if a suspected violation occurs at a commercial food-producing animal operation on land classified as agricultural under § 193.461, the veterinarian must provide notice to the client or the client's legal representative before reporting the suspected violation to an officer or agent under this paragraph. The report may not include written medical records except upon the issuance of an order from a court of competent jurisdiction.*
- (5) Except in a medical negligence action or administrative proceeding when a veterinarian is or reasonably expects to be named as a defendant, information disclosed to a veterinarian by a client in the course of the care and treatment of the patient is confidential and may be disclosed only to other veterinarians involved in the care or treatment of the patient, or if permitted by written authorization

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from the client or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given.

- (6) The department may obtain patient records pursuant to a subpoena without written authorization from the client if the department and the probable cause panel of the board find reasonable cause to believe that a veterinarian has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or that a veterinarian has practiced his or her profession below that level of care, skill, and treatment required as defined by this chapter.
- (7) Notwithstanding the provisions of § 455.242, records owners shall place an advertisement in the local newspaper or notify clients, in writing, when they are terminating practice, retiring, or relocating and are no longer available to patients and shall offer clients the opportunity to obtain a copy of their medical records.
- (8) Notwithstanding the provisions of § 455.242, records owners shall notify the board office when they are terminating practice, retiring, or relocating and are no longer available to patients, specifying who the new records owner is and where the medical records can be found.
- (9) Whenever a records owner has turned records over to a new records owner, the new records owner shall be responsible for providing a copy of the complete medical record, upon written request, of the client or the client's legal representative.
- (10) Veterinarians in violation of the provisions of this section shall be disciplined by the board.
- (11) A records owner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the board.
- (12) Nothing in this section shall be construed to limit veterinarian consultations, as necessary.

FLA. STAT. § 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 § 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 § 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

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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, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 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 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.

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

FLA. STAT. § 768.139. Rescue of vulnerable person or domestic animal from a motor vehicle; immunity from civil liability.

- (1) Definitions.--As used in this section, the term:
- (a) *“Domestic animal” means a dog, cat, or other animal that is domesticated and may be kept as a household pet. The term does not include livestock or other farm animals.*
 - (b) *“Motor vehicle” has the same meaning as provided in § 320.01.*
 - (c) *“Vulnerable person” has the same meaning as provided in § 435.02.*
- (2) Immunity for damage to motor vehicle.--*A person who enters a motor vehicle, by force or otherwise, for the purpose of removing a vulnerable person or domestic animal is immune from civil liability for damage to the motor vehicle if the person:*
- (a) *Determines the motor vehicle is locked or there is otherwise no reasonable method for the vulnerable person or domestic animal to exit the motor vehicle without assistance.*
 - (b) *Has a good faith and reasonable belief, based upon the known circumstances, that entry into the motor vehicle is necessary because the vulnerable person or domestic animal is in imminent danger of suffering harm.*
 - (c) *Ensures that law enforcement is notified or 911 called before entering the motor vehicle or immediately thereafter.*
 - (d) *Uses no more force to enter the motor vehicle and remove the vulnerable person or domestic animal than is necessary.*
 - (e) *Remains with the vulnerable person or domestic animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement or other first responder arrives.*
- (3) Applicability.--This section does not limit or expand any immunity provided under § 768.13 for the care or treatment of the vulnerable person or domestic animal.

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12. CIVIL ENFORCEMENT

FLA. STAT. § 60.05. Abatement of nuisances.

- (1) *When any nuisance as defined in § 823.05 exists, the Attorney General, state attorney, city attorney, county attorney, sheriff, or any citizen of the county may sue in the name of the state on his or her relation to enjoin the nuisance, the person or persons maintaining it, and the owner or agent of the building or ground on which the nuisance exists.*
- (2) The court may allow a temporary injunction without bond on proper proof being made. If it appears by evidence or affidavit that a temporary injunction should be issued, the court, pending the determination on final hearing, may enjoin any of the following:
 - (a) The maintaining of a nuisance.
 - (b) The operating and maintaining of the place or premises where the nuisance is maintained.
 - (c) The owner or agent of the building or ground upon which the nuisance exists.
 - (d) The conduct, operation, or maintenance of any business or activity operated or maintained in the building or on the premises in connection with or incident to the maintenance of the nuisance.

The injunction shall specify the activities enjoined and may not preclude the operation of any lawful business not conducive to the maintenance of the nuisance complained of.

- (3)
 - (a) The defendant shall be given written notice to abate the nuisance within 10 days after the issuance of the notice. The notice must inform the defendant that an application for temporary injunction may be filed if the nuisance is not timely abated. If the nuisance is not timely abated, the defendant must be given a second written notice that informs the defendant that an application for a temporary injunction will be filed if the nuisance is not abated within 15 days after the end of the initial 10-day period. However, if the defendant responds to the first notice in writing within the initial 10-day period, and in such response alleges and provides proof that:
 1. Nuisance abatement involves compliance with another law of this state and the requirements of such law make nuisance abatement within 10 days impossible; or
 2. The terms of an executed contract to perform services necessary to abate the nuisance require more than 10 days to complete, the defendant must be given a second written notice providing the defendant with an extended time period to abate the nuisance sufficient to comply with such other law or contract terms.
 - (b) A second notice sent under paragraph (a) must also provide the location where the application will be filed and the time when it will be filed. If the nuisance is not timely abated as provided in the second notice, the application for the temporary injunction must be filed as indicated in the notice.
 - (c) In addition to the information required under paragraphs (a) and (b), each notice must:
 1. If applicable, describe the building, booth, tent, or place that is an alleged nuisance.
 2. State the activities that led to the nuisance allegations.
 3. State the actions necessary to abate the nuisance.

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4. State that costs will be assessed if abatement of the nuisance is not completed and if the court determines that the nuisance exists.
 - (d) The notices provided in this subsection must be sent by personal service to the owner at his or her address as it appears on the latest tax assessment roll or to the tenant of such address. If an address is not found for the owner, the notices must be sent to the location of the alleged nuisance and displayed prominently and conspicuously at that location.
- (4) Evidence of the general reputation of the alleged nuisance and place is admissible to prove the existence of the nuisance. An action filed by a citizen may not be dismissed unless the court is satisfied that it should be dismissed. Otherwise the action shall continue and the state attorney notified to proceed with it. If the action is brought by a citizen and the court finds that there was no reasonable ground for the action, the costs shall be taxed against the citizen.
- (5) On trial if the existence of a nuisance is shown, the court shall issue a permanent injunction and order the costs to be paid by the persons establishing or maintaining the nuisance and shall adjudge that the costs are a lien on all personal property found in the place of the nuisance and on the failure of the property to bring enough to pay the costs, then on the real estate occupied by the nuisance. A lien may not attach to the real estate of any other than such persons unless a second written notice has been given in accordance with paragraph (3)(a) to the owner or his or her agent who fails to begin to abate the nuisance within the time specified therein. In a proceeding abating a nuisance pursuant to § 823.10 or § 823.05, if a tenant has been convicted of an offense under chapter 893 or § 796.07, the court may order the tenant to vacate the property within 72 hours if the tenant and owner of the premises are parties to the nuisance abatement action and the order will lead to the abatement of the nuisance.
- (6) If the action was brought by the Attorney General, a state attorney, or any other officer or agency of state government; if the court finds either before or after trial that there was no reasonable ground for the action; and if judgment is rendered for the defendant, the costs and reasonable attorney fees shall be taxed against the state.

FLA. STAT. § 823.01. Nuisances; penalty.

All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree, punishable as provided in § 775.083, except that a violation of § 823.10 is a felony of the third degree.

FLA. STAT. § 823.05. Places and groups in certain activities declared nuisance; abatement and injunction.

- (1) *A person who erects, establishes, continues, maintains, owns or leases any of the following is deemed to be maintaining a nuisance, and the building, erection, place, tent or booth and the furniture, fixtures and content of such structure, are declared a nuisance, and all such places or persons shall be abated or enjoined as provided in §§ 60.05 and 60.06.*
 - (a) A building, booth, tent, or place that tends to annoy the community or injure the health of the community, or becomes manifestly injurious to the morals or manners of the people as provided in § 823.01.

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- (b) A house of prostitution, assignation, or lewdness.
- (c) A place or building in which persons engage in games of chance in violation of the law.
- (d) *A place where any law of the state is violated.*

(2)

- (a) As used in this subsection, the terms “criminal gang,” “criminal gang member,” “criminal gang associate,” and “criminal gang-related activity” have the same meanings as provided in § 874.03.
- (b) A criminal gang, criminal gang member, or criminal gang associate who engages in the commission of criminal gang-related activity is a public nuisance. All such persons shall be abated or enjoined as provided in §§ 60.05 and 60.06.
- (c) The use of a location by a criminal gang, criminal gang members, or criminal gang associates for the purpose of engaging in criminal gang-related activity is a public nuisance. Such use of a location as a public nuisance shall be abated or enjoined as provided in §§ 60.05 and 60.06.
- (d) This subsection does not prevent a local governing body from adopting and enforcing laws consistent with this chapter relating to criminal gangs and gang violence. Where local laws duplicate or supplement this chapter, this chapter shall be construed as providing alternative remedies and not as preempting the field.
- (e) The state, through the Department of Legal Affairs or any state attorney, or any of the state's agencies, instrumentalities, subdivisions, or municipalities having jurisdiction over conduct in violation of a provision of this chapter may institute civil proceedings under this subsection. In any action brought under this subsection, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions, prohibitions, or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.

- (3) A massage establishment as defined in § 480.033(7) which operates in violation of § 480.0475 or § 480.0535(2) is declared a nuisance and may be abated or enjoined as provided in §§ 60.05 and 60.06.

(4)

- (a) Any place or premises that has been used on more than two occasions within a six-month period as the site of any of the following violations is declared a nuisance and may be abated or enjoined as provided in ss 60.05 and 60.06:
 1. Section 812.019, relating to dealing in stolen property.
 2. Section 784.011, § 784.021, § 784.03, or § 784.045, relating to assault and battery.
 3. Section 810.02, relating to burglary.
 4. Section 812.014, relating to theft.
 5. Section 812.131, relating to robbery by sudden snatching.
- (b) Notwithstanding any other law, a rental property that is declared a nuisance under this subsection may not be abated or subject to forfeiture under the Florida Contraband Forfeiture Act if the nuisance was committed by someone other than the owner of the property and the property owner commences rehabilitation of the property within 30 days after the property is declared a nuisance and completes the rehabilitation within a reasonable time thereafter.

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

FLA. STAT. § 741.30. Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.

NOTE: *Inapplicable portions of this statute have been omitted.*

(5)

- (a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:
 1. Restraining the respondent from committing any acts of domestic violence.
 2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.
 3. On the same basis as provided in § 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of the time-sharing. The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.
 4. *Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under § 193.461, or to a service animal, as defined under § 413.08, if the respondent is the service animal's handler.*
- (b) Except as provided in § 90.204, in a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.
- (c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date

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when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(6)

- (a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by § 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:
 1. Restraining the respondent from committing any acts of domestic violence.
 2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.
 3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.
 4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.
 5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of batterers' intervention programs from which the respondent must choose a program in which to participate.
 6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.
 7. *Awarding to the petitioner the exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the respondent to have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under § 193.461, or to a service animal, as defined under § 413.08, if the respondent is the service animal's handler.*
 8. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.
- (b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

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1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.
2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.
3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.
4. Whether the respondent has intentionally injured or killed a family pet.
5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.
6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.
7. Whether the respondent has a criminal history involving violence or the threat of violence.
8. The existence of a verifiable order of protection issued previously or from another jurisdiction.
9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.
10. Whether the respondent has or had engaged in a pattern of abusive, threatening, intimidating, or controlling behavior composed of a series of acts over a period of time, however short, which evidences a continuity of purpose and which reasonably causes the petitioner to believe that the petitioner or his or her minor child or children are in imminent danger of becoming victims of any act of domestic violence.
11. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.--10.

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: Fines for violations of [FLA. STAT. § 828.12](#) and [§ 828.13](#) differ from the maximum penalties listed below. Those fines are listed in the substantive statutes, available in the [General Cruelty](#) section of this document.

FLA. STAT. § 775.081. Classifications of felonies and misdemeanors.

- (1) Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:
 - (a) Capital felony;
 - (b) Life felony;
 - (c) Felony of the first degree;
 - (d) Felony of the second degree; and
 - (e) Felony of the third degree.

A capital felony and a life felony must be so designated by statute. Other felonies are of the particular degree designated by statute. Any crime declared by statute to be a felony without specification of degree is of the third degree, except that this provision shall not affect felonies punishable by life imprisonment for the first offense.

- (2) Misdemeanors are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:
 - (a) Misdemeanor of the first degree; and
 - (b) Misdemeanor of the second degree.

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

- (3) This section is supplemental to, and is not to be construed to alter, the law of this state establishing and governing criminal offenses that are divided into degrees by virtue of distinctive elements comprising such offenses, regardless of whether such law is established by constitutional provision, statute, court rule, or court decision.

FLA. STAT. § 775.082. Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.

NOTE: Subsection (10) of this statute has been declared unconstitutional. *Brown v. State*, 260 So. 3d 147, 150 (Fla. 2018), *reh'g den*, SC18-323, 2019 WL 354563 (2019).

- (1)
 - (a) Except as provided in paragraph (b), a person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in § 921.141 results in a determination that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.
 - (b)

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1. A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under § 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age shall be punished by a term of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with § 921.1401, the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with § 921.1402(2)(a).
 2. A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under § 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with § 921.1401, the court finds that life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with § 921.1402(2)(c).
 3. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under § 921.1402(2)(a) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.
- (2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.
- (3) A person who has been convicted of any other designated felony may be punished as follows:
- (a)
 1. For a life felony committed before October 1, 1983, by a term of imprisonment for life or for a term of at least 30 years.
 2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.
 3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.
 4.
 - a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of § 800.04(5)(b), by:
 - (I) A term of imprisonment for life; or
 - (II) A split sentence that is a term of at least 25 years' imprisonment and not exceeding life imprisonment, followed by probation or

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community control for the remainder of the person's natural life, as provided in § 948.012(4).

- b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of § 800.04(5)(b), by a term of imprisonment for life.
- 5. Notwithstanding subparagraphs 1.-4., a person who is convicted under § 782.04 of an offense that was reclassified as a life felony which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with § 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence.
 - a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with § 921.1402(2)(b).
 - b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with § 921.1402(2)(c).
 - c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under § 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.
- 6. For a life felony committed on or after October 1, 2014, which is a violation of § 787.06(3)(g), by a term of imprisonment for life.

(b)

- 1. For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.
- 2. Notwithstanding subparagraph 1., a person convicted under § 782.04 of a first degree felony punishable by a term of years not exceeding life imprisonment, or an offense that was reclassified as a first degree felony punishable by a term of years not exceeding life, which was committed before the person attained 18 years of age may be punished by a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with § 921.1401 and finds that a term of years equal to life imprisonment is an appropriate sentence.
 - a. A person who actually killed, intended to kill, or attempted to kill the victim and is sentenced to a term of imprisonment of more than 25 years is entitled to a review of his or her sentence in accordance with § 921.1402(2)(b).
 - b. A person who did not actually kill, intend to kill, or attempt to kill the victim and is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with § 921.1402(2)(c).
 - c. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under § 921.1402(2)(b) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to

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kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

- (c) Notwithstanding paragraphs (a) and (b), a person convicted of an offense that is not included in § 782.04 but that is an offense that is a life felony or is punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, or an offense that was reclassified as a life felony or an offense punishable by a term of imprisonment for life or by a term of years not exceeding life imprisonment, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or a term of years equal to life imprisonment if the judge conducts a sentencing hearing in accordance with § 921.1401 and finds that life imprisonment or a term of years equal to life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 20 years is entitled to a review of his or her sentence in accordance with § 921.1402(2)(d).
- (d) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.
- (e) *For a felony of the third degree, by a term of imprisonment not exceeding 5 years.*
- (4) *A person who has been convicted of a designated misdemeanor may be sentenced as follows:*
 - (a) *For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;*
 - (b) *For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.*
- (5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.
- (6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).
- (7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.
- (8)
 - (a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.
 - (b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.
 - (c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.
 - (d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

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(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)

(a)

1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:
 - a. Treason;
 - b. Murder;
 - c. Manslaughter;
 - d. Sexual battery;
 - e. Carjacking;
 - f. Home-invasion robbery;
 - g. Robbery;
 - h. Arson;
 - i. Kidnapping;
 - j. Aggravated assault with a deadly weapon;
 - k. Aggravated battery;
 - l. Aggravated stalking;
 - m. Aircraft piracy;
 - n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
 - o. Any felony that involves the use or threat of physical force or violence against an individual;
 - p. Armed burglary;
 - q. Burglary of a dwelling or burglary of an occupied structure; or
 - r. Any felony violation of § 790.07, § 800.04, § 827.03, § 827.071, or § 847.0135(5);
 within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.
2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.-r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.
3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney

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that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- a. For a felony punishable by life, by a term of imprisonment for life;
 - b. For a felony of the first degree, by a term of imprisonment of 30 years;
 - c. For a felony of the second degree, by a term of imprisonment of 15 years; and
 - d. For a felony of the third degree, by a term of imprisonment of 5 years.
- (b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.
- (c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to § 775.084 or any other provision of law.
- (d)
1. It is the intent of the Legislature that offenders previously released from prison or a county detention facility following incarceration for an offense for which the sentenced pronounced was a prison sentence who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.
 2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.
- (10) If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third degree felony but not a forcible felony as defined in § 776.08, and excluding any third degree felony violation under chapter 810, and if the total sentence points pursuant to § 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to this section.
- (11) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

FLA. STAT. § 775.083. Fines.

- (1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in § 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in § 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:
- (a) \$15,000, when the conviction is of a life felony.
 - (b) \$10,000, when the conviction is of a felony of the first or second degree.

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- (c) *\$5,000, when the conviction is of a felony of the third degree.*
- (d) *\$1,000, when the conviction is of a misdemeanor of the first degree.*
- (e) *\$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.*
- (f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.
- (g) Any higher amount specifically authorized by statute.

Fines imposed in this subsection shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to § 142.01. If a defendant is unable to pay a fine, the court may defer payment of the fine to a date certain. As used in this subsection, the term “convicted” or “conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

- (2) In addition to the fines set forth in subsection (1), court costs shall be assessed and collected in each instance a defendant pleads nolo contendere to, or is convicted of, or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed by this section shall be \$50 for a felony and \$20 for any other offense and shall be deposited by the clerk of the court into an appropriate county account for disbursement for the purposes provided in this subsection. A county shall account for the funds separately from other county funds as crime prevention funds. The county, in consultation with the sheriff, must expend such funds for crime prevention programs in the county, including safe neighborhood programs under §§ 163.501-163.523.
- (3) The clerk of the court of each county is the entity responsible for collecting payment of fines, fees, service charges, and court costs. Unless otherwise designated by the court, a person who has been ordered to pay court obligations under this section shall immediately contact the clerk to pay fines, fees, service charges, and court costs in full or to apply for enrollment in a payment plan pursuant to § 28.246(4)
- (4) The purpose of this section is to provide uniform penalty authorization for criminal offenses and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

FLA. STAT. § 775.15. Time limitations; general time limitations; exceptions.

- (1) A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.
- (2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:
 - (a) A prosecution for a felony of the first degree must be commenced within 4 years after it is committed.
 - (b) *A prosecution for any other felony must be commenced within 3 years after it is committed.*
 - (c) *A prosecution for a misdemeanor of the first degree must be commenced within 2 years after it is committed.*

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- (d) *A prosecution for a misdemeanor of the second degree or a noncriminal violation must be commenced within 1 year after it is committed.*
- (3) An offense is committed either when every element has occurred or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.
- (4)
- (a) Prosecution on a charge on which the defendant has previously been arrested or served with a summons is commenced by the filing of an indictment, information, or other charging document.
 - (b) A prosecution on a charge on which the defendant has not previously been arrested or served with a summons is commenced when either an indictment or information is filed, provided the capias, summons, or other process issued on such indictment or information is executed without unreasonable delay. In determining what is reasonable, inability to locate the defendant after diligent search or the defendant's absence from the state shall be considered. The failure to execute process on or extradite a defendant in another state who has been charged by information or indictment with a crime in this state shall not constitute an unreasonable delay.
 - (c) If, however, an indictment or information has been filed within the time period prescribed in this section and the indictment or information is dismissed or set aside because of a defect in its content or form after the time period has elapsed, the period for commencing prosecution shall be extended 3 months from the time the indictment or information is dismissed or set aside.
- (5) The period of limitation does not run during any time when the defendant is continuously absent from the state or has no reasonably ascertainable place of abode or work within the state. This provision shall not extend the period of limitation otherwise applicable by more than 3 years, but shall not be construed to limit the prosecution of a defendant who has been timely charged by indictment or information or other charging document and who has not been arrested due to his or her absence from this state or has not been extradited for prosecution from another state.
- (6) A prosecution for perjury in an official proceeding that relates to the prosecution of a capital felony may be commenced at any time.
- (7) A prosecution for a felony that resulted in injury to any person, when such felony arises from the use of a "destructive device," as defined in § 790.001, may be commenced within 10 years.
- (8) A prosecution for a felony violation of chapter 517 or § 409.920 must be commenced within 5 years after the violation is committed.
- (9) A prosecution for a felony violation of chapter 403 must be commenced within 5 years after the date of discovery of the violation.
- (10) A prosecution for a felony violation of § 825.102 or § 825.103 must be commenced within 5 years after it is committed.
- (11) A prosecution for a felony violation of §§ 440.105 or 817.234 must be commenced within 5 years after the violation is committed.
- (12) If the period prescribed in subsection (2), subsection (8), subsection (9), subsection (10), or subsection (11) has expired, a prosecution may nevertheless be commenced for:

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- (a) Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within 1 year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than 3 years.
- (b) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment, within 2 years from the time he or she leaves public office or employment, or during any time permitted by any other part of this section, whichever time is greater.

(13)

- (a) If the victim of a violation of § 794.011, former § 794.05, Florida Statutes 1995, § 800.04, § 826.04, or § 847.0135(5) is under the age of 18, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of 18 or the violation is reported to a law enforcement agency or other governmental agency, whichever occurs earlier. Such law enforcement agency or other governmental agency shall promptly report such allegation to the state attorney for the judicial circuit in which the alleged violation occurred. If the offense is a first or second degree felony violation of § 794.011, and the offense is reported within 72 hours after its commission, the prosecution for such offense may be commenced at any time. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before December 31, 1984.
- (b) If the offense is a first degree felony violation of § 794.011 and the victim was under 18 years of age at the time the offense was committed, a prosecution of the offense may be commenced at any time. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2003.
- (c) If the offense is a violation of § 794.011 and the victim was under 16 years of age at the time the offense was committed, a prosecution of the offense may be commenced at any time. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before July 1, 2010.

(14)

- (a) A prosecution for a first or second degree felony violation of § 794.011, if the victim is 16 years of age or older at the time of the offense and the offense is reported to a law enforcement agency within 72 hours after commission of the offense, may be commenced at any time.
- (b) Except as provided in paragraph (a) or paragraph (13)(b), a prosecution for a first or second degree felony violation of § 794.011, if the victim is 16 years of age or older at the time of the offense, must be commenced within 8 years after the violation is committed. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before July 1, 2015.

(15)

- (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced within 1 year after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused:

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1. An offense of sexual battery under chapter 794.
 2. A lewd or lascivious offense under § 800.04 or § 825.1025.
- (b) This subsection applies to any offense that is not otherwise barred from prosecution between July 1, 2004, and June 30, 2006.
- (16)
- (a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused:
1. Aggravated battery or any felony battery offense under chapter 784.
 2. Kidnapping under § 787.01 or false imprisonment under § 787.02.
 3. An offense of sexual battery under chapter 794.
 4. A lewd or lascivious offense under § 800.04, § 825.1025, or § 847.0135(5).
 5. A burglary offense under § 810.02.
 6. A robbery offense under § 812.13, § 812.131, or § 812.135.
 7. Carjacking under § 812.133.
 8. Aggravated child abuse under § 827.03.
- (b) This subsection applies to any offense that is not otherwise barred from prosecution on or after July 1, 2006.
- (17) In addition to the time periods prescribed in this section, a prosecution for video voyeurism in violation of § 810.145 may be commenced within 1 year after the date on which the victim of video voyeurism obtains actual knowledge of the existence of such a recording or the date on which the recording is confiscated by a law enforcement agency, whichever occurs first. Any dissemination of such a recording before the victim obtains actual knowledge thereof or before its confiscation by a law enforcement agency does not affect any provision of this subsection.
- (18) If the offense is a violation of § 800.04(4) or (5) and the victim was under 16 years of age at the time the offense was committed, a prosecution of the offense may be commenced at any time, unless, at the time of the offense, the offender is less than 18 years of age and is no more than 4 years older than the victim. This subsection applies to an offense that is not otherwise barred from prosecution on or before October 1, 2014.
- (19) A prosecution for a violation of § 787.06 may be commenced at any time. This subsection applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2014.
- (20) If the victim is younger than 18 years of age at the time the offense was committed, a prosecution for a violation of § 794.011 may be commenced at any time. This subsection applies to an offense that is committed on or after July 1, 2020.
- (21) In addition to the time periods prescribed in this section, a prosecution for any offense under § 827.071(2) or (3), if the offender was 18 years of age or older at the time of the offense, may be commenced at any time. This subsection applies to any offense that is not otherwise barred from prosecution on or before July 1, 2022.

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15. LAW ENFORCEMENT POLICIES

FLA. STAT. § 828.03. Agents of counties, societies, etc., may prosecute violators.

- (1) *Any county or any society or association for the prevention of cruelty to children or animals, organized under the laws of this state, may appoint agents for the purpose of investigating violations of any of the provisions of this chapter or any other law of the state for the purpose of protecting children and animals or preventing any act of cruelty thereto.*
- (2) *All appointments of such agents by such societies or corporations must have the approval of the mayor of the city in which the society or association exists, and if the society or association exists or works outside of any city, the appointment must be approved by the county court judge or the judge of the circuit court for the county, and the mayor or judge shall keep a record of such appointment. The approval of the appointment of any agent by a county for either the incorporated or unincorporated areas of such county shall be by the county commission.*

FLA. STAT. § 828.17. Officer to arrest without warrant.

Any sheriff or any other peace officer of the state, or any police officer of any city or town of the state, shall arrest without warrant any person found violating any of the provisions of §§ 828.08, 828.12, and 828.13-828.16, and the officer making the arrest shall hold the offender until a warrant can be procured, and he or she shall use proper diligence to procure such warrant.

FLA. STAT. § 828.27. Local animal control or cruelty ordinances; penalty.

- (1) As used in this section, the term:
 - (a) “Animal” means any living dumb creature.
 - (b) “Animal control officer” means any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. An animal control officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.
 - (c) “Control” means the regulation of the possession, ownership, care, and custody of animals.
 - (d) “Cruelty” means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.
 - (e) “Officer” means any law enforcement officer defined in § 943.10 or any animal control officer.

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- (f) "Citation" means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation must contain:
1. The date and time of issuance.
 2. The name and address of the person.
 3. The date and time the civil infraction was committed.
 4. The facts constituting probable cause.
 5. The ordinance violated.
 6. The name and authority of the officer.
 7. The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required under subsection (6).
 8. The applicable civil penalty if the person elects to contest the citation.
 9. The applicable civil penalty if the person elects not to contest the citation.
 10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
 11. A conspicuous statement that if the person is required to appear in court as mandated by subsection (6), he or she does not have the option of paying a fine in lieu of appearing in court.
- (g) "Ordinance" means any ordinance relating to the control of or cruelty to animals enacted by the governing body of a county or municipality the violation of which is a civil infraction.
- (2) The governing body of a county or municipality is authorized to enact ordinances relating to animal control or cruelty, which ordinances must provide:
- (a) That a violation of such an ordinance is a civil infraction.
 - (b) A maximum civil penalty not to exceed \$500.
 - (c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.
 - (d) For the issuance of a citation by an officer who has probable cause to believe that a person has committed an act in violation of an ordinance.
 - (e) For the contesting of a citation in the county court.
 - (f) That, if a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by subsection (6), the court may issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.
 - (g) Such procedures and provisions as are necessary to implement any ordinances enacted under the authority of this section.
- (3) The commission of a charged infraction at a hearing authorized pursuant to this chapter must be proven by a preponderance of the evidence.
- (4)
- (a)

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1. *County-employed animal control officers must, and municipally-employed animal control officers may, successfully complete a 40-hour minimum standards training course. Such course must include, but is not limited to, training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An animal control officer who successfully completes such course shall be issued a certificate indicating that he or she has received a passing grade.*
 2. *County-employed and municipally-employed animal control officers must successfully complete the 1-hour training course developed by the Department of Children and Families pursuant to § 39.208(5). Animal control officers must be provided with opportunities to attend the training during their normal work hours.*
 3. *Any animal control officer who is authorized before January 1, 1990, by a county or municipality to issue citations is not required to complete the minimum standards training course.*
 4. *In order to maintain valid certification, every 2 years each certified animal control officer must complete 4 hours of postcertification continuing education training. Such training may include, but is not limited to, training for animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations.*
- (b) The governing body of a county or municipality may impose and collect a surcharge of up to \$5 upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty. The proceeds from such surcharges shall be used to pay the costs of training for animal control officers.
- (5) Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in § 775.082 or § 775.083.
 - (6) The governing body of a county or municipality may require mandatory court appearances for certain aggravated violations of a local ordinance resulting in the unprovoked biting, attacking, or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The citation must clearly inform the person of the mandatory court appearance. The governing body of the county or municipality shall maintain records to prove the number of citations issued to the person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.
 - (7) Nothing contained in this section shall prevent any county or municipality from enacting any ordinance relating to animal control or cruelty which is identical to the provisions of this chapter or any other state law, except as to penalty. However, no county or municipal ordinance relating to animal control or cruelty shall conflict with the provisions of this chapter or any other state law. Notwithstanding the provisions of this subsection, the governing body of any county or municipality is authorized to enact ordinances prohibiting or regulating noise from any domesticated animal, violation of which shall be punishable upon conviction by a fine not to exceed \$500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment, for each violation of such ordinance. This subsection shall not apply to animals on land zoned for agricultural purposes.
 - (8) This section is an additional, supplemental, and alternative means of enforcing county or municipal codes or ordinances. This section does not prohibit a county or municipality from enforcing its codes or ordinances by any other means, including, but not limited to, the procedures provided in chapter 162.

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16. SEIZURE

FLA. STAT. § 828.073. Animals found in distress.

- (1) *The purpose of this section is to provide a means by which a neglected or mistreated animal may be:*
- (a) *Removed from its present custody, or*
 - (b) *Made the subject of an order to provide care, issued to its owner by the county court, any law enforcement officer, any animal control officer certified pursuant to § 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under § 828.03, and protected and disposed of appropriately and humanely.*
- (2) *Any law enforcement officer, any animal control officer certified pursuant to § 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under § 828.03 may:*
- (a) *Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or*
 - (b) *Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall file petition seeking relief under this section in the county court of the county in which the animal is found within 10 days after the animal is seized or an order to provide care is issued. The court shall schedule and commence a hearing on the petition within 30 days after the petition is filed to determine whether the owner, if known, is able to adequately provide for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. The timeframes set forth in this subsection are not jurisdictional. However, if a failure to meet such timeframes is attributable to the officer or agent, the owner is not required to pay the officer or agent for care of the animal during any period of delay caused by the officer or agent. A fee may not be charged for filing the petition. This subsection does not require court action for taking custody and properly disposing of stray or abandoned animals as lawfully performed by animal control agents.*
- (3) *The law enforcement officer, the animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall have written notice served, at least 3 days before the hearing scheduled under subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in accordance with chapter 48 relating to service of process. The sheriff of the county may not charge a fee for service of such notice.*
- (4)
- (a) *The law enforcement officer, the animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall provide for the animal until either:*
 - 1. *The owner is adjudged by the court to be able to adequately provide for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody; or*

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2. The animal is turned over to the officer or agent pursuant to paragraph (c) and humanely disposed of.
- (b) If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or agent be claimed and removed by the owner within 7 days after the date of the order.
- (c) Upon the court's judgment that the owner of the animal is unable or unfit to adequately provide for the animal:
 1. The court may:
 - a. Order that the current owner have no further custody of the animal and that the animal be sold by the sheriff at public auction or remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to § 828.27, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or
 - b. Order that the animal be destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to § 828.27, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit.
 2. The court, upon proof of costs incurred by the officer or agent, may require that the owner pay for the care of the animal while in the custody of the officer or agent. A separate hearing may be held.
 3. The court may order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or agent, if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner's further possession or custody of other animals.
- (5) In determining the person's fitness to have custody of an animal, the court may consider, among other matters:
 - (a) Testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.
 - (b) Testimony and evidence as to the veterinary care provided to the animal.
 - (c) Testimony and evidence as to the type and amount of care provided to the animal.
 - (d) Expert testimony as to the community standards for proper and reasonable care of the same type of animal.
 - (e) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.
 - (f) The owner's past record of judgments pursuant to this chapter.
 - (g) Convictions pursuant to applicable statutes prohibiting cruelty to animals.
 - (h) Other evidence the court considers to be material or relevant.
- (6) If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and adequately provide for the animal.
- (7) In any case in which an animal is offered for auction under this section, the proceeds shall be:

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- (a) Applied, first, to the cost of the sale.
- (b) Applied, secondly, to the care of and provision for the animal by the law enforcement officer, the animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody.
- (c) Applied, thirdly, to the payment of the owner for the sale of the animal.
- (d) Paid over to the court if the owner is not known.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

FLA. STAT. § 828.073. Animals found in distress.

- (1) The purpose of this section is to provide a means by which a neglected or mistreated animal may be:
 - (a) Removed from its present custody, or
 - (b) Made the subject of an order to provide care, issued to its owner by the county court, any law enforcement officer, any animal control officer certified pursuant to § 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under § 828.03, and protected and disposed of appropriately and humanely.
- (2) Any law enforcement officer, any animal control officer certified pursuant to § 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under § 828.03 may:
 - (a) Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or
 - (b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall file petition seeking relief under this section the county court of the county in which the animal is found within 10 days after the animal is seized or an order to provide care is issued. The court shall schedule and commence a hearing on the petition within 30 days after the petition is filed to determine whether the owner, if known, is able to adequately provide for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. The timeframes set forth in this subsection are not jurisdictional. However, if a failure to meet such timeframes is attributable to the officer or agent, the owner is not required to pay the officer or agent for care of the animal during any period of delay caused by the officer or agent. A fee may not be charged for filing the petition. This subsection does not require court action for taking custody and properly disposing of stray or abandoned animals as lawfully performed by animal control agents.
- (3) The law enforcement officer, the animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall have written notice served, at least 3 days before the hearing scheduled under subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in accordance with chapter 48 relating to service of process. The sheriff of the county may not charge a fee for service of such notice.
- (4)
 - (a) The law enforcement officer, the animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall provide for the animal until either:
 1. The owner is adjudged by the court to be able to adequately provide for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody; or

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2. The animal is turned over to the officer or agent pursuant to paragraph (c) and humanely disposed of.
- (b) If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or agent be claimed and removed by the owner within 7 days after the date of the order.
- (c) *Upon the court's judgment that the owner of the animal is unable or unfit to adequately provide for the animal:*
 1. The court may:
 - a. Order that the current owner have no further custody of the animal and that the animal be sold by the sheriff at public auction or remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to § 828.27, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or
 - b. Order that the animal be destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to § 828.27, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit.
 2. *The court, upon proof of costs incurred by the officer or agent, may require that the owner pay for the care of the animal while in the custody of the officer or agent. A separate hearing may be held.*
 3. The court may order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or agent, if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner's further possession or custody of other animals.
- (5) In determining the person's fitness to have custody of an animal, the court may consider, among other matters:
 - (a) Testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.
 - (b) Testimony and evidence as to the veterinary care provided to the animal.
 - (c) Testimony and evidence as to the type and amount of care provided to the animal.
 - (d) Expert testimony as to the community standards for proper and reasonable care of the same type of animal.
 - (e) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.
 - (f) The owner's past record of judgments pursuant to this chapter.
 - (g) Convictions pursuant to applicable statutes prohibiting cruelty to animals.
 - (h) Other evidence the court considers to be material or relevant.
- (6) If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and adequately provide for the animal.
- (7) *In any case in which an animal is offered for auction under this section, the proceeds shall be:*

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- (a) *Applied, first, to the cost of the sale.*
- (b) *Applied, secondly, to the care of and provision for the animal by the law enforcement officer, the animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody.*
- (c) *Applied, thirdly, to the payment of the owner for the sale of the animal.*
- (d) *Paid over to the court if the owner is not known.*

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19. FORFEITURE AND POSSESSION BANS

FLA. STAT. § 828.073. Animals found in distress.

- (1) The purpose of this section is to provide a means by which a neglected or mistreated animal may be:
 - (a) Removed from its present custody, or
 - (b) Made the subject of an order to provide care, issued to its owner by the county court, any law enforcement officer, any animal control officer certified pursuant to § 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under § 828.03, and protected disposed of appropriately and humanely.
- (2) Any law enforcement officer, any animal control officer certified pursuant to § 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under § 828.03 may:
 - (a) Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or
 - (b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall file petition seeking relief under this section the county court of the county in which the animal is found within 10 days after the animal is seized or an order to provide care is issued. *The court shall schedule and commence a hearing on the petition within 30 days after the petition is filed to determine whether the owner, if known, is able to adequately provide for the animal and is fit to have custody of the animal.* The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. The timeframes set forth in this subsection are not jurisdictional. However, if a failure to meet such timeframes is attributable to the officer or agent, the owner is not required to pay the officer or agent for care of the animal during any period of delay caused by the officer or agent. A fee may not be charged for filing the petition. This subsection does not require court action for taking custody and properly disposing of stray or abandoned animals as lawfully performed by animal control agents.
- (3) The law enforcement officer, any animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall have written notice served, at least 3 days before the hearing scheduled under subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in accordance with chapter 48 relating to service of process. The sheriff of the county may not charge a fee for service of such notice.
- (4)
 - (a) The law enforcement officer, any animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall provide for the animal until either:
 1. The owner is adjudged by the court to be able to adequately provide for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody; or

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2. The animal is turned over to the officer or agent pursuant to paragraph (c) and humanely disposed of.
- (b) *If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or agent be claimed and removed by the owner within 7 days after the date of the order.*
- (c) *Upon the court's judgment that the owner of the animal is unable or unfit to adequately provide for the animal:*
 1. *The court may:*
 - a. *Order that the current owner have no further custody of the animal and that the animal be sold by the sheriff at public auction or remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to § 828.27 or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or*
 - b. *Order that the animal be destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to § 828.27, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit.*
 2. *The court, upon proof of costs incurred by the officer or agent, may require that the owner pay for the care of the animal while in the custody of the officer or agent. A separate hearing may be held.*
 3. *The court may order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or agent, if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner's further possession or custody of other animals.*
- (5) *In determining the person's fitness to have custody of an animal, the court may consider, among other matters:*
 - (a) *Testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.*
 - (b) *Testimony and evidence as to the veterinary care provided to the animal.*
 - (c) *Testimony and evidence as to the type and amount of care provided to the animal.*
 - (d) *Expert testimony as to the community standards for proper and reasonable care of the same type of animal.*
 - (e) *Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.*
 - (f) *The owner's past record of judgments pursuant to this chapter.*
 - (g) *Convictions pursuant to applicable statutes prohibiting cruelty to animals.*
 - (h) *Other evidence the court considers to be material or relevant.*
- (6) *If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and adequately provide for the animal.*
- (7) *In any case in which an animal is offered for auction under this section, the proceeds shall be:*

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- (a) Applied, first, to the cost of the sale.
- (b) Applied, secondly, to the care of and provision for the animal by the law enforcement officer, any animal control officer certified pursuant to § 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody.
- (c) Applied, thirdly, to the payment of the owner for the sale of the animal.
- (d) Paid over to the court if the owner is not known.

FLA. STAT. § 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 § 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 § 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, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 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. This subsection does not apply when tripping is used:

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- (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.*

FLA. STAT. § 828.126. Sexual activities involving animals.

- (1) As used in this section, the term “Sexual contact” with an animal act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:
- (a) Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;
 - (b) The fondling of the sex organ or anus of an animal; or
 - (c) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.
- (2) A person may not:
- (a) Knowingly engage in any sexual contact with an animal;
 - (b) Knowingly cause, aid, or abet another person to engage in any sexual contact with an animal;
 - (c) Knowingly permit any sexual contact with an animal to be conducted on any premises under his or her charge or control; or
 - (d) Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or
 - (e) Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.
- (3) A person who violates this section commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.
- (4) *In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. The order may be effective for up to 5 years after the date of the conviction, regardless of whether adjudication is withheld.*
- (5) This section does not apply to accepted animal husbandry practices, including, but not limited to, bona fide agricultural purposes, assistance with the birthing process or artificial insemination of an animal for reproductive purposes, accepted conformation judging practices, or accepted veterinary medical practices.

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20. REHABILITATIVE SENTENCING

FLA. STAT. § 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 § 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 § 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, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 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 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.

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- (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.