

Florida Statutes:

Cruelty to animals

FLA. STAT. ANN. § 828.12(1)

It is a 1st degree misdemeanor

1 year imprisonment and/or \$1,000 fine (FLA. STAT. ANN. § 775.082(4)(a) FLA. STAT. ANN. § 775.083(1)(d)).

Aggravated animal cruelty

FLA. STAT. ANN. § 828.12(2)

3rd degree felony

5 years imprisonment and/or \$5,000 fine (FLA. STAT. ANN. § 775.082(3)(e) FLA. STAT. ANN. § 775.083(1)(c))

Statute of Limitations:

2nd degree misdemeanor: 1 year (Fla. Stat. Ann. § 775.15(2)(d))

1st degree misdemeanor: 2 years (Fla. Stat. Ann. § 775.15(2)(c))

Felony: 3 years (Fla. Stat. Ann. § 775.15(2)(b))

GENERAL CRUELTY

FLA. STAT. ANN. § 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. ANN. § 828.12. Cruelty to animals.

(1) *A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty, a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$ 5,000, or both.*

(2) *A person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel*

death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$ 10,000, or both.

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

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

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

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

(5) *A person who intentionally trips, 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 s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and the term "horse" means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof. 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.

Additional relevant portions and protections that Florida law provides:

FLA. STAT. ANN. § 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. ANN. § 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 ss. 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. ANN. § 828.073 Law enforcement officers and appointed humane agents may seize neglected or cruelly treated animals.

FLA. STAT. ANN. § 828.073(4)(c) 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. ANN. § 828.073 (4),(5),(6) Court has final determination over disposition of the animal.

FLA. STAT. ANN. § 828.12(6) Court may prohibit a person convicted of animal cruelty from owning/possessing an animal for a reasonable time

FLA. STAT. ANN. § 828.12(2)(a) 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.

