

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1310

SPONSOR: Agriculture and Consumer Services Committee, Senator Klein and Others

SUBJECT: Animal Fighting or Baiting

DATE: March 21, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Poole	AG	Favorable/CS
2.	_____	_____	APJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill prohibits any service or act to facilitate animal fighting or baiting and it makes all violations of the Animal Fighting Act (Act) a third-degree felony. The bill establishes procedures for the seizure and disposition of an animal and transfers authority to do this from a magistrate to a circuit judge. It clarifies that the Act does not apply to simulated fights in connection with television or movie production or to the use of dogs to hunt hogs pursuant to customary hunting or agricultural practices.

This bill substantially amends section 828.122 of the Florida Statutes.

II. Present Situation:

Dog fighting is a brutal high-stakes sport in which dogs are bred and trained to kill. It is reported that every week at least one dogfight takes place in central Florida. Likewise, cockfighting involves two roosters attacking each other after having had their natural spurs shaved off and replaced with blades of various sizes. The fight lasts until one or both animals no longer can move and often die from the injuries.

Florida is one of 11 states that have no law against owning, training, or promoting dogfights, even though dog fighting or baiting dogs to fight is a felony. Only Louisiana, Oklahoma, and New Mexico allow cockfighting but roosters can be trained in Florida for the purpose of cockfighting. There are no provisions in the Florida law prohibiting certain acts associated with animal fighting or baiting, such as refereeing, advertising, or serving as security or a stakeholder. This is one of the factors that make it difficult for authorities to enforce and prosecute cases under the existing law.

III. Effect of Proposed Changes:

Section 1. Amends s. 828.122, F.S., as follows:

- Makes the following acts a third-degree felony:
 - Performing any service or act to facilitate animal baiting or fighting.
 - Raises penalty for attending, betting or wagering on the fighting or baiting of animals from a misdemeanor of the first degree to a felony of the third degree.
- Establishes the following procedures for seizure and disposition of an animal:
 - Authorizes circuit judge, who has ordered seizure of an animal, to require that it be impounded at the county animal shelter at the cost of the owner or possessor of the animal.
 - If animal shelter is unavailable, court may order it impounded on the property of the owner or possessor subject to inspections by court designated persons. The person so ordered must provide necessary care and cannot dispose of the animal without court authorization.
 - Final disposition shall be determined by the court pursuant to s. 828.073, F.S., which covers animals found in distress.
- Deletes provision that magistrate is authorized to order seizure and care of an animal under certain conditions.
- Clarifies that Animal Fighting Act does not apply to simulated fights as part of a television show or motion picture or to the use of dogs to hunt hogs pursuant to customary hunting or agricultural practices.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who perform acts associated with animal fighting or baiting, such as refereeing, advertising, serving as a security or stakeholder, would be prohibited from doing those acts in the state of Florida.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
