



Town of Ponce Inlet

4300 South Atlantic Avenue
Ponce Inlet, Florida 32127
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www.ponce-inlet.org

May 22, 2017

Governor Rick Scott
Plaza Level 5, The Capitol
400 S. Monroe Street
Tallahassee, FL 32399-0001

Re: Punishment for animal cruelty

Dear Governor Scott:

The Town of Ponce Inlet has passed the attached Resolution 2017-03, urging members of the State Legislature to adopt legislation amending current animal cruelty laws to impose stricture, harsher punishment and penalties for acts of animal cruelty. A memorandum of information in support of this resolution is also provided with this correspondence. You will find documentation showing that a number of states throughout the nation have taken greater steps than Florida toward the prevention of animal cruelty.

You may be aware that there is currently a petition being circulated by a group entitled *Justice for Ponce* that has garnered approximately 20,000 signatures within the past month. This movement is in response to a disturbing act of violence against a nine-month-old Labrador retriever named Ponce, which occurred on April 8, 2017 in Ponce Inlet. This event brought attention to the fact that the penalty for such an act is no greater than the theft of a \$300 bicycle.

The Ponce Inlet Town Council finds the current state law to lack the awareness that animals are sentient beings and deserve our protection. We ask for your support in changing our current laws so that this type of act will result in a charge of a second-degree felony, instead of the current third-degree felony. On behalf of the Town of Ponce Inlet, I thank you for considering action for this change.

Sincerely,

Gary L. Smith, Mayor

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RESOLUTION 2017-03

**A RESOLUTION OF THE TOWN OF PONCE INLET,
VOLUSIA COUNTY, FLORIDA URGING MEMBERS OF
THE STATE LEGISLATURE TO ADOPT LEGISLATION
AMENDING CURRENT ANIMAL CRUELTY LAWS TO
IMPOSE STRICTER, HARSHER PUNISHMENT AND
PENALTIES FOR ACTS OF ANIMAL CRUELTY.**

WHEREAS, it is a priority of the Town of Ponce Inlet to promote the health, safety, and welfare of animals in the Town and within the State of Florida; and

WHEREAS, animals are sentient beings and deserve protection; and

WHEREAS, animal cruelty is a shameful act and no animal should feel endangered from abuse, forced violence, or neglect; and

WHEREAS, the Town Council supports legislative efforts to impose harsher penalties on those who engage in acts of animal cruelty; and

WHEREAS, the Town Council supports legislative efforts to improve the quality of life for all animals through love, compassion, education, and legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA:

Section 1. That the Ponce Inlet Town Council hereby urges members of the Florida Legislature to consider amending the penalty listed in F.S. 828.12(2) for commission of aggravated animal cruelty from a third-degree felony to a second-degree felony.

Section 2. That the Ponce Inlet Town Council hereby urges members of the Florida Legislature to consider imposing stricter, harsher punishment and penalties for acts of animal cruelty.

Section 3. That a copy of this resolution be sent to Governor Rick Scott, State Representative Tom Leek, State Representative Paul Renner, State Representative David Santiago, State Representative Patrick Henry, State Senator Dorothy Hukill, State Senator David Simmons, County of Volusia Chair, and all municipal Mayors within Volusia County.

Section 4. This resolution shall be effective immediately upon adoption.

It was moved by Councilmember Paritsky and seconded by Vice-Mayor Hoss that said Resolution be adopted. A roll call vote of the Town Council on said motion resulted as follows:

- 35 Mayor Smith, Seat #1 Yes
- 36 Councilmember Perrone, Seat #2 Yes
- 37 Vice-Mayor Hoss, Seat #3 Yes
- 38 Councilmember Milano, Seat #4 Yes
- 39 Councilmember Paritsky, Seat #5 Yes

40 Passed this 18th day of May, 2017.



Town of Ponce Inlet, Florida

Gary L. Smith

 Gary L. Smith, Mayor

46 ATTEST:

Jeanen Witt

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 50 Jeanen Witt, CMC
 51 Town Manager/Town Clerk

PONCE'S LAW

FLA. STAT. ANN. § 828.12 (2016). 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~~ SECOND 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~~ \$5,000 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~~ \$10,000 and serve a minimum mandatory period of incarceration of ~~6~~ 12 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.

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, HAVING CONTACT WITH, POSSESSING, KEEPING, HARBORING, OR HAVING CUSTODY OR CONTROL OVER ANY ANIMAL FOR A PERIOD OF TIME DETERMINED BY THE COURT.

(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 shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, “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 “horse” means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof. The provisions of this subsection shall 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.

OFFENSE SEVERITY RANKING CHART

As of July 1, 2016

(Page 33 of current manual)

~~LEVEL 3~~ LEVEL 4

Florida Statute	Felony Degree	Description
828.12(2)	3rd 2 nd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.