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LEGAL ISSUES OF ANIMAL PROTECTION IN THE STATE OF FLORIDA

Animal rights protection has become an increasingly important and relevant topic. In this article we'll look at legal considerations regarding animal welfare in Florida, USA. With its abundance of biodiversity and ecosystem resources, Florida provides an ideal place for developing legislation ensuring animal wellbeing.

This study will aim to analyze the fundamental principles and concepts underlying Florida's legal system for animal protection. We will explore laws which determine animal rights and responsibilities, such as those intended to safeguard wildlife or prevent cruelty against them.

This research pays special consideration to its scientific and practical ramifications, helping better understand legal protection for animals, raise public awareness of this topic, implement laws that enhance animal living conditions and shape public awareness campaigns. Methodologies included an examination of Florida legislation, court rulings and non-profit animal protection organizations.

These study's key findings allow us to establish the need for legislation protecting animal rights as well as Florida's continued development and strengthening of its animal protection system.

This study is vitally important, as it allows us to bring to light an important topic and legal issues relating to animal protection. It will benefit legislators and stakeholders alike while contributing to legal mechanisms protecting animals not just in Florida but worldwide.

Key words: animals, animal rights, cruel treatment, animal cruelty.

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Флорида штатындағы жануарларды қорғаудың құқықтық мәселелері

Жануарлар құқығын қорғау барған сайын маңызды және өзекті тақырыпқа айналууда. Бұл мақалада біз Флоридадағы, АҚШ-тағы жануарларды қорғауға қатысты заңды аспектілерді қарастырамыз. Флорида өзінің бай биоәртүрлілігі мен экожүйелік ресурстарының арқасында жануарлардың әл-ауқатын қамтамасыз ететін заңнаманы әзірлеу үшін тамаша орын болып табылады.

Бұл зерттеудің мақсаты Флоридадағы жануарларды қорғаудың құқықтық жүйесінің негізгі принциптері мен тұжырымдамаларын талдау болады. Біз жабайы табиғатты қорғауға немесе оларға қатыгездіктің алдын алуға бағытталған жануарлардың құқықтары мен міндеттерін анықтайтын заңдарды зерттейміз.

Зерттеу жануарлардың құқықтық қорғалуын жақсырақ түсінуге, осы тақырып туралы жұртшылықтың хабардарлығын арттыруға, жануарлардың өмір сүру жағдайларын жақсартатын заңдарды енгізуге және жұртшылықты хабардар ету науқандарын қалыптастыруға көмектесетін оның ғылыми және практикалық салдарына ерекше назар аударады. Әдістемелерге Флорида заңнамасын, сот шешімдерін және коммерциялық емес жануарларды қорғау ұйымдарын зерттеу кірді.

Бұл зерттеудің негізгі қорытындылары бізге жануарлардың құқықтарын қорғайтын заңнаманы қабылдау және Флоридадағы жануарларды қорғау жүйесін одан әрі дамыту және нығайту қажеттілігін анықтауға мүмкіндік береді.

Бұл зерттеу өте маңызды, өйткені ол жануарларды қорғауға қатысты маңызды тақырып пен

жануарларды қорғаудың құқықтық тетіктерін құруға үлес қосу арқылы заң шығарушыларға да, мүдделі тараптарға да пайда әкеледі.

Түйін сөздер: жануарлар, жануарлар құқығы, қатыгездік, жануарларға қатыгездік.

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Правовые вопросы защиты животных в штате Флорида

Защита прав животных становится все более важной и актуальной темой. В этой статье мы рассмотрим юридические аспекты, касающиеся защиты животных во Флориде, США. Благодаря своему богатому биоразнообразию и экосистемным ресурсам Флорида является идеальным местом для разработки законодательства, обеспечивающего благополучие животных.

Целью этого исследования будет анализ фундаментальных принципов и концепций, лежащих в основе правовой системы защиты животных Флориды. Мы изучим законы, которые определяют права и обязанности животных, например, те, которые направлены на охрану дикой природы или предотвращение жестокого обращения с ними.

В этом исследовании особое внимание уделяется его научным и практическим последствиям, помогающим лучше понять правовую защиту животных, повысить осведомленность общественности об этой теме, внедрять законы, улучшающие условия жизни животных, и формировать кампании по информированию общественности. Методологии включали изучение законодательства Флориды, судебных решений и некоммерческих организаций по защите животных.

Ключевые выводы этого исследования позволяют нам установить необходимость принятия законодательства, защищающего права животных, а также дальнейшего развития и укрепления системы защиты животных во Флориде.

Это исследование жизненно важно, поскольку оно позволяет нам пролить свет на важную тему и правовые вопросы, связанные с защитой животных. Это принесет пользу как законодателям, так и заинтересованным сторонам, внося свой вклад в создание правовых механизмов защиты животных не только во Флориде, но и во всем мире.

Ключевые слова: животные, права животных, жестокое обращение, жестокое обращение с животными.

Introduction

Animal rights and welfare have become more critical than ever in today's globalized environment, yet efforts made in many parts of the globe to combat issues related to them still require further study and improvements; Florida in the US being no exception.

Florida, known for its diverse wildlife and ecosystems as well as legal and criminal issues related to animal protection, currently faces multiple challenges related to its current legislation and how well it meets modern challenges for animal protection. One particular challenge lies with adapting current legislation to modern challenges for better animal protection.

This scientific article serves to establish a solid framework for the investigation of criminal and legal issues surrounding animal protection in Florida. By focusing on key aspects, identifying gaps, and offering solutions on how legal systems could better

support animal protection efforts this work provides a solid foundation.

This research focuses on the criminal and legal aspects of animal protection in Florida.

For this goal to be realized, various tasks have been identified as steps toward accomplishing it: (1) Examining Florida legislation regulating animal rights and obligations; (2) Investigating statistical data related to animal cruelty or violations of animal law in Florida; (3) Recognizing any problematic issues and weaknesses in legislation which inhibit animal rights protection. * Offering practical recommendations and solutions that improve Florida legislation so as to effectively combat violations against animals rights in Florida.

Florida law takes animal cruelty very seriously and currently has several laws that address it. These regulations outline all forms of violations related to animal cruelty as well as penalties that apply both to cats, dogs and livestock like cattle, chickens and

pigs (Roger P. Foley 2023: <https://www.rpfoley.com/animal-cruelty-florida-statute-828-12.html>).

Florida law sets forth various penalties for animal cruelty violations. The maximum fine is \$5,000 and up to one year imprisonment is possible for each offense committed; however, aggravating circumstances could result in even harsher sanctions – up to five years imprisonment and a \$10,000 maximum fine (Florida Statutes 2021: <https://www.flsenate.gov/Laws/Statutes/2021/Chapter828/All>).

Kazakhstan did not establish legal standards to govern animal protection until 2020 despite public activism and Kassym Jomart Tokayev (President of Kazakhstan) raising awareness on animal rights in February. He discussed a letter received from Brigitte Bardot requesting assistance in protecting dogs and other animals. As President he noted: “Recently I received an important request from Brigitte, an actress known for her commitment to animal rights protection work. In her letter she requested my assistance in carrying out work to protect dogs and animals. I believe this to be the optimal course of treatment. «We must address it seriously; as part of being a compassionate nation, we should ensure not only the welfare of children but also animals» (Vodnev 2020: <https://ru.sputnik.kz/20200212/tokayev-brizhit-bordo-pismo-12817040.html>).

One year later, a law intended to address animal protection issues was adopted. This law prohibited all forms of media promotion of animal cruelty as well as all propaganda for it, established animal owner obligations regarding care, transport, breeding and killing; additionally defined local executive responsibility in creating rules for pet registration while simultaneously encouraging citizen oversight by organizations and citizens.

Animal cruelty issues in Kazakhstan are addressed via two legal documents, respectively: “Law on Responsible Treatment of Animals”, dated December 30, 2021 (the Law of the Republic of Kazakhstan «On Responsible Treatment of Animals», 2021, <https://adilet.zan.kz/rus/docs/Z2100000097>) and Criminal Code No 226-V ZRK of July 3rd 2014 (Criminal Code of the Republic of Kazakhstan, 2014: <https://adilet.zan.kz/rus/docs/K1400000226>).

As part of our research, we will employ various methods such as examining legislative acts and court decisions as well as interviewing experts in the field.

We believe that an investigation of the criminal and legal aspects of animal protection within Florida would reveal flaws in the current system, suggesting adjustments which will enhance living conditions while safeguarding animal rights.

This research is of immense theoretical and practical significance, with significant theoretical and practical ramifications.

Animal cruelty is a worldwide issue that can be difficult to recognize. According to authorities’ records, over 10 million animals in the US alone are mistreated each year by individuals or institutions – a figure which does not take into account cases that do not make headlines and remain hidden.

Every state in the United States has laws against cruelty to animals that constitute criminal offenses. We provide here an overview of some of Florida’s key legislation pertaining to animal abuse as well as more information that may help understand and prevent cases of animal abuse.

Material and methods

This study focused on animal rights protection laws, regulations and statistics from Florida in the United States of America. Material from this region was then analysed to ascertain its criminal and legal regulations regulating protection for animals within this region.

Research material includes legislation like Florida laws and ordinances related to animal rights as well as court rulings related to animal cruelty or violation of animal protection laws. Furthermore, statistical data about reported cases of animal cruelty is included as well.

This study seeks to analyze the legal and criminal aspects related to animal protection in Florida, with an eye towards improving current systems protecting animal rights.

Research proposes that an examination of Florida’s criminal and legal aspects related to animal protection will reveal any flaws in legislation and make recommendations on ways to improve it in order to better protect animal rights and living conditions.

This study involved several phases, such as collecting and analyzing legislative acts pertaining to animal rights protection in Florida; studying court cases related to animal cruelty or violations of animal laws; and analyzing registered cases of cruelty towards animals in the area.

This study employed various strategies and techniques in order to fulfill its goals:

Animal protection legislation analysis – this method examines animal rights regulations to identify their interpretation and potential violations; researchers review text laws to track legislative changes over time and understand which aspects of animal protection are governed.

Analyzing court decisions – including cases involving animal cruelty or violation of animal laws. Studying court cases allows us to gain insight into how laws are implemented and any penalties that might be levied.

This method involves analyzing statistical data to detect trends and patterns, such as violations committed against animals, type of violations committed, characteristics of those breaking them and more. Statistics is an excellent way to quickly detect trends or problem areas.

Interviews: Researchers can conduct interviews with animal rights experts, human rights representatives, lawyers and government representatives in order to obtain expert insight on working with animal protection legislation and gain practical advice for making changes in policy.

Comparative Analysis: Comparative analysis compares Florida legislation with that of other US states and countries as well as international standards regarding animal protection. It allows one to assess their current level of animal protection as well as find areas for improvement.

Public Opinion Analysis: Researchers can utilize various polling methodologies to study public opinion regarding animal welfare issues as well as reactions from citizens, activists and community groups.

By combining these methodologies, researchers gain an in-depth knowledge of Florida's legal and criminal protection for animals. By identifying any flaws or making suggestions to enhance current animal rights protection systems, researchers can gain a comprehensive view.

Literature review

This review offers an overview of the most significant and relevant works related to animal rights protection from a legal and criminal law perspective. Its purpose is to set the context for study while emphasizing its relevance, while simultaneously drawing attention to any gaps or issue with existing literature.

Literature Reviews on Animal Protection explore the essential works that outline moral and legal principles associated with animal protection, with particular attention paid to articles written by well-known human rights activists, lawyers, and advocates such as Roger P. Foley who provided important contributions towards creating ethical foundations of animal rights legislation in subsequent legislation.

This literature review considers works that compare Florida animal protection legislation with that of other US states', such as those published by Animal Rights Foundation of Florida Animal Legal & History Center and others. A comparative analysis is then performed to highlight similarities, variances and best practices amongst them all.

Literature surrounding animal protection issues in Florida largely centers on identifying problems and challenges pertaining to abuse, inadequate control measures and reform proposals for legislation and practice regarding animal welfare; further studies can assist in pinpointing improvements within this system of animal rights protection.

Results and discussion

Animal cruelty refers to any intentional or negligent harming of animals by humans. This includes cruel practices such as starvation or torture, poisoning or tormenting an animal to alleviate suffering caused by food or entertainment needs; killing; inflicting suffering upon animals for personal enjoyment and food sources. Animal cruelty includes not only overt acts such as murdering and physical abusing but also more insidious ones like not providing enough food, water and housing for an animal's needs.

Animal in this context refers to any living creature incapable of speaking; legislators in Kazakhstan have designated all vertebrate animals as "animals", according to Article 124.4 of their law; this allows all Kazakh citizens who own property according to Constitution to exercise ownership over such beings according to Kazakhstani Law (Article 124) as they fall within its scope of ownership rights (with regards to Article 122 and below) (Civil Code of the Republic of Kazakhstan, 1994: https://online.zakon.kz/Document/?doc_id=1006061&pos=1786;-42#pos=1786;-42).

Animal crimes are now dealt with more severely, as cruelty penalties for animal abuse have increased across all 50 states and four territories compared with 1990 when only six regions had implemented harsher measures against animal abusers. 36 states including D.C have passed laws permitting protection orders that include animals as victims can flee abusive households by taking them with them in protective orders (Hoffer Tia 2018: https://www.researchgate.net/publication/345128207_Violence_in_Animal_Cruelty_Offenders).

Twelve states (the District of Columbia and Alaska among them) include legal provisions which either mandate or authorize child welfare

professionals and social workers to inform authorities if they suspect animal abuse; further, eleven of those states (the DC and Alaska included) require or expressly authorize animal and humane control officers to report suspected elder or child abuse cases as soon as they arise.

Animal abuse often forms part of domestic violence and includes instances in which an intimate partner or child have been victimized by such conduct.

Study data indicates a link between serious animal abuse and experiencing other forms of family violence, like domestic abuse shelters being 11 times as likely to report their partner hurt or killed a dog than women without such experience (Frank Ascione 2007: 354). Another study reported that 89% of women living in abusive relationships who owned pets reported being threatened, injured, or murdered by their abuser (Betty Jo Barrett 2020: 5136).

Abuse of companion animals is one of the four key indicators linked to domestic violence and an indicator for controlling or violent behaviors used as means to manage or punish (Benita J. Walton Moss 2005: 381).

Animal cruelty has long been linked with domestic violence, criminal activity and acts of physical aggression against other people. According to Animal Legal Protection Fund research, 70-85% of animal abusers also possess criminal records; five times as likely to engage in violent criminal behavior than people without criminal backgrounds who do the same things against animals. Florida boasts some of the strongest animal protection laws within the US – ALDF ranks it seventh for strength of anti-abuse legislation nationally – which requires cooperation by society at large as well as relevant institutions to effectively implement its laws effectively.

The Animal Legal Defense Fund works at all levels of government – federal, state and local – to support legislation important to animal life and welfare. Their aim is to advance laws which promote their wellbeing as well as oppose legislation which might harm them. They work closely with the Animal Legal Protection Fund in identifying opportunities to develop model legislation to solve legal issues of strategic importance both civil and criminal relating to these animals as well as monitor changes that occur at these various levels of government that might impact animals in some way.

Research provided by The Foundation provides valuable tools for researchers and activists working towards animal rights, while The Animal Legal

Protection Fund takes highly effective legal actions against animal cruelty cases, providing free training and support to lawyers working these cases as well as actively advocating legislation protecting these rights. Furthermore, resources and opportunities are offered for students and professionals looking to expand legal protection of animal rights in practice (Animal Legal Defense Fund 2023: <https://aldf.org>).

Animal cruelty (section 828.12) occurs when someone cruelly treats or kills an animal through actions like overworking, burdening, depriving food/ shelter/ disfiguring/ killing without need or using abusive transportation to transport an animal. A third-degree felony charge applies if individuals either intentionally cause the death of an animal by failing to intervene when suffering occurs resulting in severe pain/ suffering; offenders charged must also receive psychological/ psychiatric counseling upon conviction of this offense and this law also criminalises animal abandonment/ abandonment as well as fighting activities between animal species.

Animal cruelty is prohibited under Florida Statute 828.12. Animal abuse comes in various forms in Florida; both criminal and single case cruelty should be prohibited by statute 828.12. Animal abuse should only occur through single case offenses like animal cruelty while criminal cruelty refers to systematic acts. Animal abuse in its current context should never occur without good reason – here are a few examples that will help you distinguish between animal abuse and animals simply living under poor conditions.

Animal cruelty does not exist when an owner searches desperately for food and water in order to feed and hydrate his dog, in response to being forced out due to hurricane-driven destruction in an area. But cutting a dog's tail off to hear barks or squeals as punishment constitutes animal abuse.

Hines v. State indicates animal cruelty occurs if an inattentive person fails to feed and water their dog when having access to both a bagful of food in another room, and plumbing that works. A maintenance worker in Brevard County saw what appeared to be the defendant roaming freely with an off-leash Rottweiler; according to him it jumped out a second-floor window at least twice, had swollen glands, appeared pregnant, and appeared motherly – leading the maintenance worker into his apartment after several failed attempts reached him via contact listed at work via contacts listed there for him/her/him/her/him/her place of work contact listed as contact info on record.

Inside an apartment were found horrifying discoveries: the corpse of a dog, two turtles, a lizard

and bird were discovered lying side-by-side, as were two turtles; both birds as well as one “dried-up” snake were barely breathing. An Australian Shepherd still alive was present whose stomach contained urine and feces with no signs of water or food nearby – this dog named Pepsi had to be carried from her apartment by authorities to safety.

The defendant was then charged with animal cruelty under section 828.12 of Florida Statutes 2007 (Fla. Stat. SS 828.12).

According to reports, the Court of First Instance reached the verdict that there was no proof of criminal behavior; rather, poor nutrition was presented as evidence against him. The state convinced the Court of First Instance that «inaction or neglect», according to article 828’s definition, equalled «acts».

The court of first instution concluded there was no evidence of corpus dilligti as there was no medical proof to suggest the dogs were suffering from hunger; such testimony would not have been required in such circumstances. Veterinarian data that showed evidence of malnutrition, dehydration, weakness to stand and muscle atrophy was sufficient for our investigation into why the dog experienced hunger; we relied heavily on common sense and experience to reach this decision. Bartlett v. State, 929 So.2d 1125 (Florida 4th DCA 2006), presented an analogous situation. There, no criminal violation charge under this law was necessary because an expert veterinarian’s certificate attested to suffering experienced by the possum shot multiple times with a BB air pistol; instead it should have been humanely euthanized immediately after it had been shot several times with this weapon (Bartlett v. State 2006: <https://casetext.com/case/bartlett-v-state-13>).

Once all evidence was presented to him, Judge Wilson held a hearing to decide on sentence. At that hearing he expressed concern that using “observes” could mean not providing adequate food to or neglecting to feed their child. The judge expressed doubt about both points. He observed that depriving an animal of adequate shelter or sustenance constituted misdemeanor yet doubted whether such conduct constituted criminal conduct. Court of First Instance dismissed this petition despite any misgivings expressed, instructing a jury to consider charges of both misdemeanor and criminal offense against defendant, even without her admission of using starvation as “training method”. Jury members found defendant guilty on both counts despite no confession by defendant to this activity being used “training” (John Dean Hamner vs. State Of

Florida: https://supremecourt.flcourts.gov/content/download/375107/file/07-73_JurisAns.pdf).

Referring to Florida Criminal Procedure Rule 3.620 (Fla. R. Crim 2023: <https://casetext.com/rule/florida-court-rules/florida-rules-of-criminal-procedure/post-trial-motions/rule-3620-when-evidence-sustains-only-conviction-of-lesser-offense>) according to this court of first instance ruling, charges brought under paragraph two of section 828.12 could not be sustained through evidence and instead an item one misdemeanor charge against accused was issued; Even with all of the challenges expressed by the court of first instance in creating this statute, its structure remains clear. Anyone engaging in any act described in paragraph one has committed an act that constitutes misdemeanors. Criminal acts may only be committed when intentional action results in cruel death, extreme pain or suffering to animals (Hynes v. State, 1 So. 3d 328, Fla. Dist. Ct. App. 2009). Under such conditions it would be illegal for example not feeding your dog.

Public prosecutors must demonstrate beyond any reasonable doubt that an accused has engaged in any of the following conduct: overloading an animal with excessive weight, torturing, scalding, killing it; depriving it of food, water or shelter; transporting inhumanely in a vehicle.

Conclusions

Florida has seen dramatic legislative shifts to protect animal rights over recent decades, reflecting increasing awareness and desire from society to do their part in safeguarding animals’ well-being.

Florida’s animal cruelty legislation offers legal tools for prosecution and punishment of perpetrators of such cruelty against animals, with this criminal approach intended to shield animals from suffering or helplessness.

Florida law places great emphasis on cooperation among law enforcement, animal welfare groups and society for effective implementation and quick responses to animal abuse incidents. This facilitates swifter responses when cases occur.

On January 15, this year, Florida State Prosecutor Bill Gladson officially started working in Central Florida as State Prosecutor and established an Animal Cruelty Task Force that covers Citrus, Hernando Marion Lake and Sumter counties to investigate and prosecute animal cruelty crimes within Florida’s Fifth Judicial District of Florida. This initiative ensures effective investigation and prosecution (Nikki DeMarco 2023: <https://www.wftv.com/news/local/central->

florida-state-attorney-creates-animal-cruelty-task-force/7LV56XUHQ5HIRNZL46MUJZ2ZWI/)

Gladson created an Animal Cruelty Taskforce within the state Prosecutor's Office that will investigate cases involving animal abuse; these assistant prosecutors possess both experience and passion to ensure justice for animal victims. Animal societies will also play an integral role in alerting law enforcement or animal welfare services to any instances of cruelty or neglect against animals that arises in Florida.

Note that animal cruelty can be seen as a telltale sign of domestic abuse or other criminal behavior, underscoring its connection between animal rights and public safety. Florida laws offer legal ways for intervention when an animal is suffering abuse within their family unit or is being subjected to physical aggression in any form.

Let me conclude my discussion by noting Florida has made exceptional efforts in protecting animal rights through criminal law and legislation. Florida proactively creates, implements and enforces measures designed to combat cruelty toward animals while assuring their wellbeing.

Florida and Kazakhstan both provide different criminal legal protection for animals that has its own advantages, so we would like to highlight their respective approaches as far as this regard is concerned. Here we aim at showing which state provides more robust animal criminal legal protection measures.

Florida provides severe penalties to animal abusers. Committing animal crimes such as cruelty

or murder could bring about significant fines and prison terms – an effective deterrent against future violators.

Florida's Zero Tolerance Policy for Animal Cruelty: Florida has taken an anti-animal cruelty stance with regard to any violence towards animals in any form and taken appropriate measures against anyone violating it. Any actions found committing animal abuse will result in criminal sanctions from Florida law.

Florida law offers strong protection to family members. Particular attention is given to domestic violence and animal cruelty cases; should one occur, extra safeguards will provide extra safety measures to both family members and animals alike.

Partnership With Society: Florida law enforcement agencies, nonprofit organizations and civic initiatives collaborate actively to monitor compliance with laws and identify any instances of violations and identify abuse cases quickly, increasing control and response capacity of violations and responding to violations effectively.

Raising Public Awareness: Criminal Law Protection of Animals in Florida contributes towards raising public awareness regarding animal rights protection, thus altering people's mentality and behavior towards animals.

Comparing Florida with Kazakhstan where animal protection laws may be less stringent and less effective, Florida criminal animal protection provides powerful tools that combat cruelty and abuse to improve animal welfare while creating more humane communities.

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