

OPERATION BARKER



Presented By: Animal Recovery Mission (ARM)
December 26, 2023



A VANGUARD DEFENSE ORGANIZATION

Contact Information:

Address: PO Box 403344, Miami Beach,
Floria 33140

Email: kudo@arminvestigations.org

Phone: (786) 877 2013

Wed URL: www.animalrecoverymission.org

OPERATION BARKER

-Summary-



Operation Barker is named in memory of the late Bob Barker, host of the hit T.V. show "Price Is Right." A hero to animals in life and now in death, this is the final undercover animal cruelty investigation Mr. Barker funded prior to his death.

September 10, 2022, Animal Recovery Mission (ARM) came across a Craigslist ad for animals and meat for sale. Pictures of the animals and a description was included in the ad. The managers email and phone number were listed for inquiries. The farm is advertising in the Tampa, Orlando, Ocala, and Brooksville, FL areas for meat and animals for sale. The farm is also transporting meat, including horse meat, illegally across county lines in Florida.

After calling and messaging the farm, the ARM investigators inquired about having an animal butchered for human consumption, and “George” (Juan Ortiz) invited the ARM investigator to the farm located at 15064 Vicki Ln, Brooksville, FL 34613. Property I.D #R1442218000001800040. This property is open to the greater public.

The ARM investigator entered the property on October 1, 2022 (1 pm) and immediately confirmed the nature of the business as an animal slaughter farm. Animals observed and documented included horses, cattle, sheep, goats, pigs, chickens, turkeys, geese, and other birds. Many animals are housed in small pens, living with the dead and deprived of drinkable water. Animals are eating and being fed the remains of freshly slaughtered animals and drinking their blood.

The property is in a state of disarray, with years worth of trash and waste building up across the lot. Newly slaughtered animal parts are being thrown in receptacles, burned, and buried in shallow graves (including horse parts).

During ARM’s investigation, the animals on the property were all purchased and butchered for human consumption (meat) and not for religion.

No animals were sold to ARM for ritualistic purposes. However, this is a service that the owner “Juan Ortiz” offers at the slaughter farm and, at times, what it caters to.

Meat procured from the animals onsite is illegally sold to the public. Meat is entering small markets, butcher shops, restaurants, catering events and live animals sold to legal slaughterhouses (Musa Slaughter House in Tampa, FL). Due to the unsanitary state of the entire operation, there is a serious public health and safety risk issue from the potentially diseased and contaminated meat that is entering the community’s food supply. All meat is unadulterated and un-inspected. Horse meat is stored in the main slaughterhouse freezer and in the house (living quarters) freezer.

Wildlife is being poached throughout the State of Florida and Louisiana, then sold alive for ritualistic ceremonies and meat from the property.

Horse meat is being sold on-site and delivered to only the most trusted customers and contacts of the farm. Horse meat and the killing of horses for human consumption was offered to the ARM investigator. The owners of the farm are killing registered and tattooed thoroughbred racehorses for human consumption. Funny Biz was one of these

horses killed in front of ARM's Founder, Kudo, while undercover. The Cuban-born male that killed the horse titled himself as "Alberto." ARM Investigators purchased horse meat on multiple occasions for testing purposes. The meat was quickly sent out for testing to the ELISA Laboratory in Gainesville, FL. All meat tested showed positive reads for equine. The farm owners are bringing in some of the most seasoned horse butchers in the country to kill, section, and butcher the horses. The horses are being killed behind the main slaughter facility. Horses are also killed on an outside property controlled by other horse killers in the Greater Tampa areas. Horse meat is crossing county lines for pickup and sale. Meat (bagged) from the equines is then transported to the property for sale.

This illegal animal slaughter business has been selling and butchering animals for human consumption for over four years. This makes this operation fairly new, although rapidly expanding.

The Ortiz slaughter farm operation is owned and operated by a father and Son, Juan Ortiz, and JR. Both are dark-skinned Cuban Males. The father walks with a limp, is roughly 60 years of age, wears a grey goatee, and is heavy-set. He is roughly 5'11 and 275lb. He drives a white Ford Lariat pickup f250 FL plate, #60BCMS. He is said to live onsite. The son has a black goatee and short black hair, with tattoos of a tiger, and writing on the right forearm. Jr. is approximately 30 years old with a tiger tattoo on his firearm. He is roughly 190 LB and drives a red (cranberry) Ford pickup truck plate #B3TCW (Tampa Bay Plate). A company horse trailer is owned and used by the farm is a 2-horse trailer brown in color with FL tag # NZLI91. All workers and butchers that are hired by the owners are all cuban and speak only Spanish.

During this investigation, ARM witnessed, documented, and obtained evidence of animals being inhumanely handled and slaughtered in gross violation of the Humane Slaughter Act of the United States and Florida State Law. The property sits alongside a paved public walking trail (Suncoast Trail) where the public can clearly see and hear all activities onsite.

Other than the Animal Recovery Mission's reporting of this illegal slaughter farm to the Sheriff's Office, this has also been reported by the owner of the property itself as well as multiple concerned members of the community.

The Ortiz animal slaughter farm is not only engaged in egregious animal cruelty crimes. There is also an extensive list of public health, safety, building/zoning, and environmental violations being committed. These include, but are not limited to:

- Killing registered, tattooed thoroughbred race horses for human consumption on-site.
- Animals are not stunned by an appropriate device or rendered unconscious and insensible to pain, prior to the slaughter process, per the Humane Slaughter Act.
- Animals are inhumanely handled, dragged, and butchered in front of other animals.
- Animals are bludgeoned to the skull and hammered to death with hammers and wooden boards.
- Animals are choked.
- Tormenting of equines.
- Dogs are attacking farm animals before slaughter.
- Goats, sheep, and pigs are stabbed repeatedly in the throat and chest with foot-long blades while screaming and thrusting, displaying clear signs of life.
- Animals are conscious and aware as they are hoisted, skinned, and butchered.
- Animals are forced to live and confined with rotting week-to-month-old animal carcasses.
- Animals, at times, have no clean or drinkable water.
- Animals are in poor health, emaciated, suffering from debilitating parasites and untreated wounds.
- Animals are butchered on the ground on top of week-old decaying animal carcasses.
- Meat from slaughtered animals onsite is sold illegally to off-the-street customers with no licenses or permits.
- Sale of unadulterated meat.
- Animals are butchered in unsanitary, illegal, open-air butcher areas, allowing the meat to be exposed to flies and insects.
- Contaminated meat from animals living in unsanitary conditions is entering the public food supply - a serious human health violation and risk of contagious disease.
- Animal carcasses are illegally disposed of in piles all over the property as vultures, ducks, and other flight birds feed and possibly spread infectious diseases to surrounding areas of the county and state.

- Animal skins, body parts, dead animals, and trash are strewn throughout the property.
- Blood from slaughtered animals, excessive animal excrement, and dead carcasses are threatening the public's health and safety. Body fluids from the animals are pooling into the ground, potentially contaminating public groundwater.
- Zoning and building codes are being grossly violated.
- Animals are sold for ritualistic practices.
- Horse meat is illegally sold.
- No vet care is given to the sick, injured, or dying animals.

ARM witnessed and documented multiple felony acts of animal cruelty resulting in death and countless misdemeanor crimes during its investigation executed by Juan, his son, and other ranch workers.

No one agency, city, county, state, or federal are, or have been, monitoring activities on-site for its duration. The owners do not have a proper business license and hold no business insurance.

ARM is requesting that all whom took part in the crimes be arrested and prosecuted, the slaughterhouse closed down, torn down, and investigated by county, state, and federal agencies. Under the State of Florida statutes, any and all animals living in such dangerous conditions must be rescued and brought to safety or sanctuary.

ARM is extending an offer to provide a safe haven to all remaining animals at the slaughter farm. ARM has taken part in over 200 similar operations with government agencies and will gladly aid in this case.



*Street Level photos may not be available if structure is not visible from road.

2022 Final Tax Roll

Parcel Key: 00344318 Parcel #: R14 422 18 0000 0180 0040

| Owner Information | Property & Assessment Values |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner Name: MADDOX WILLIAM M Mailing: 15064 VICKI LN Address: BROOKSVILLE FL 34613-4322 | Building: \$188,959 Assessed: \$215,653 Features: \$4,245 Exempt: \$0 Land: \$75,624 Capped: \$215,653 AG Land: \$0 Excl Cap: \$0 Market: \$268,828 Taxable: \$215,653 |



Still Lives Here

| Property Information | Tax Information |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Address: 15064 VICKI LN Description: NE1/4 OF SW1/4 OF SW1/4 AND LESS R/W FOR SUNCOAST PKWY AS DESC IN OR 1175 PG 407 ORB 1228 PG 463 DOR Code: (02) MOBILE HOME Levy Code: CWES Sec/Tnshp/Rng: 14-22-18 Subdivision: Neighborhood: AC US 19 E TO C98 (AC02) | AdValorem: \$3,729.55 NONAdValorem: \$338.61 Total For 2022: \$4,068.16 Total For 2021: \$3,556.70 Total For 2020: \$322.51 Total For 2019: \$322.51 |

| Land Breakdown | Units | Value |
|---------------------|------------|--------|
| Land Use ACREAGE | 4.80 ACRES | 75,624 |

| Sale Date | Book/Page | Deed Type | Vacant/Improved | Qualification | Sale Price | Grantee |
|------------|---------------------------|-----------|-----------------|---------------|------------|-----------------------------|
| 10/08/2020 | 3903/255 | OH | I | D | \$100 | MADDOX WILLIAM M |
| 04/26/2010 | 2740/424 | QC | I | D | \$100 | CARLUCCI HELEN ESTATE OF |
| 09/05/2002 | 1569/1974 | WD | V | Q | \$34,000 | CARLUCCI CARL A ESTATE OF |
| 05/01/1982 | 503/1680 | WD | V | Q | \$20,000 | JACKSON HARLEY D & KATHLEEN |
| 01/01/1980 | | | | | \$0 | CASTAGNARO NICHOLAS |

| Building Characteristics | Year Built | Area (Base/Aux) | Bed/Bath | Value |
|---------------------------------------------------------------------------------------------------|------------|-----------------|----------|-----------|
| 1 MANUFACTURED HOMES(02) NOTE: All S.F. Calculations are based on exterior building dimensions | 2003 | 2052/1544 | 4/2 | \$188,959 |

| Extra Features | Actual Year | Dimensions | Current Value |
|----------------------------------------|-------------|-----------------|---------------|
| 1 FIREPLACE, SM-MED/STOVE (FP1) | 2003 | 1 Units | \$1,800 |
| 1 PAVEMENT, CONCRETE WALKS/DRIVE (PV1) | 2003 | 135 Square Feet | \$486 |
| 1 PAVEMENT, CONCRETE WALKS/DRIVE (PV1) | 2003 | 192 Square Feet | \$691 |
| 1 UTILITY, DETACHED, WOOD FRAME (UTW) | 2003 | 160 Square Feet | \$554 |
| 1 UTILITY, DETACHED, WOOD FRAME (UTW) | 2005 | 160 Square Feet | \$714 |



PERSON PHONE ADDRESS

William Maddox

LOG IN

Brooksville, FL

Summary

Summary

Address

Landline phone numbers

Relatives

Address history

Neighbors

Fact file

Social media profiles

FAQ

Control your listing

PRIVACY SECURED

Discover all available information about William M Maddox Jr.

DOWNLOAD FULL REPORT



William M Maddox Jr. from Brooksville, FL

Mr William Maddox +1 67 years old

VIEW FULL REPORT

Mobile numbers

VIEW CURRENT NUMBER

Landline numbers

(352) 754-9449

Occupations

Sales

Contact addresses

wmaddox@yahoo.com

Marital status

Single

Gender

Male

Born

November 10, 1955

TABLE OF CONTENTS

Summary

Address

Landline phone numbers

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Neighbors

Fact file

Social media profiles

FAQ

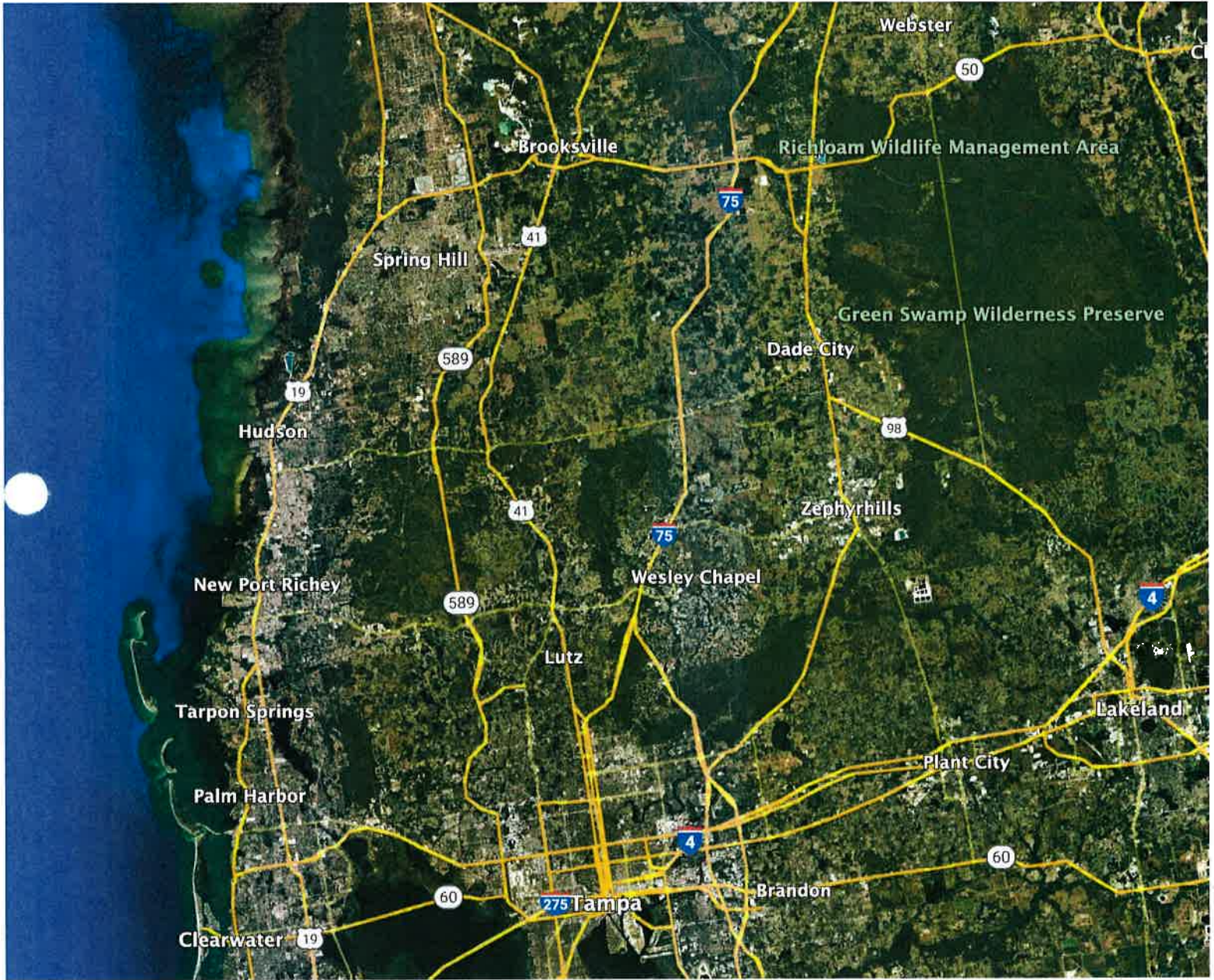
Control your listing

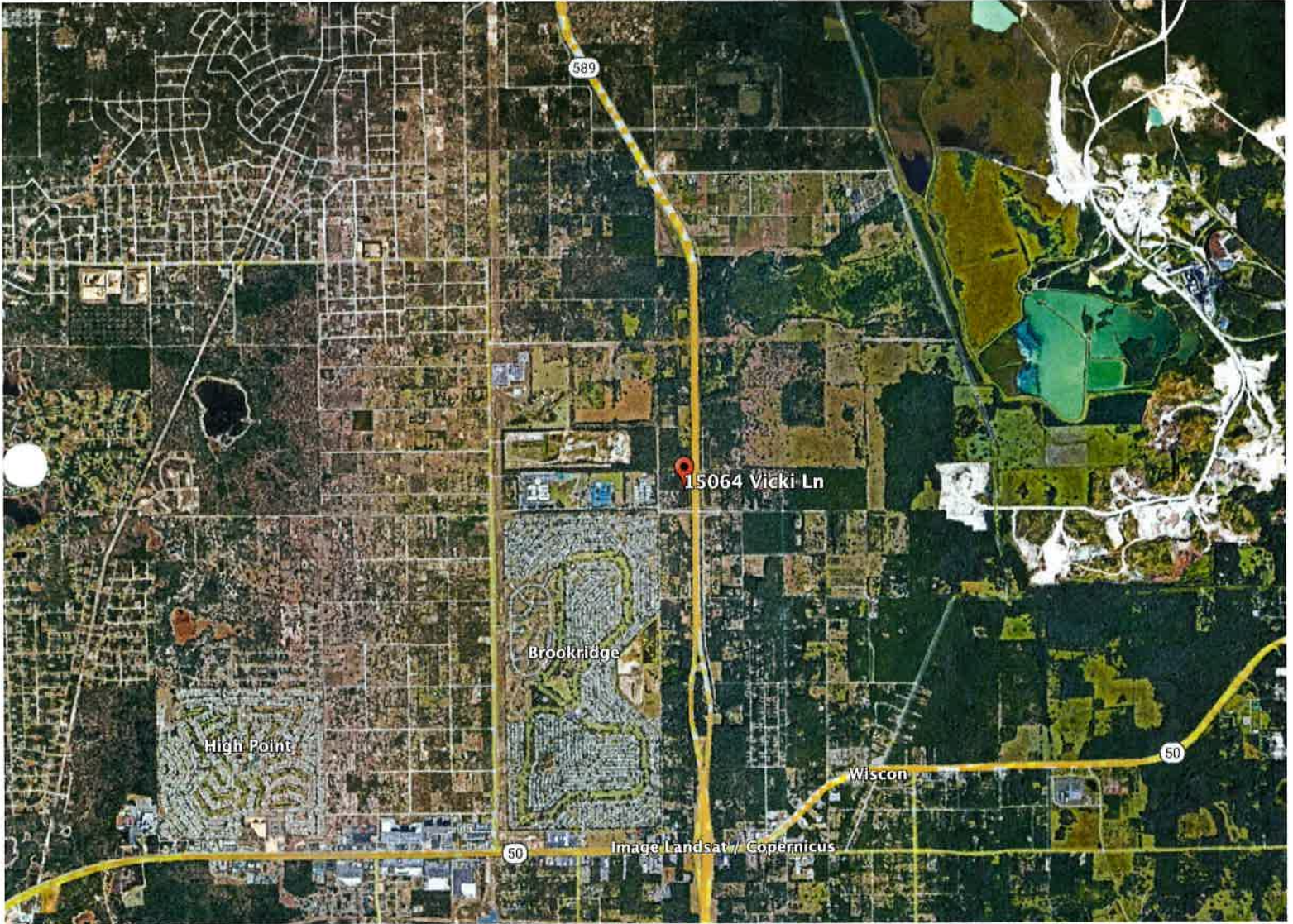
YOU'RE PROBABLY LOOKING FOR

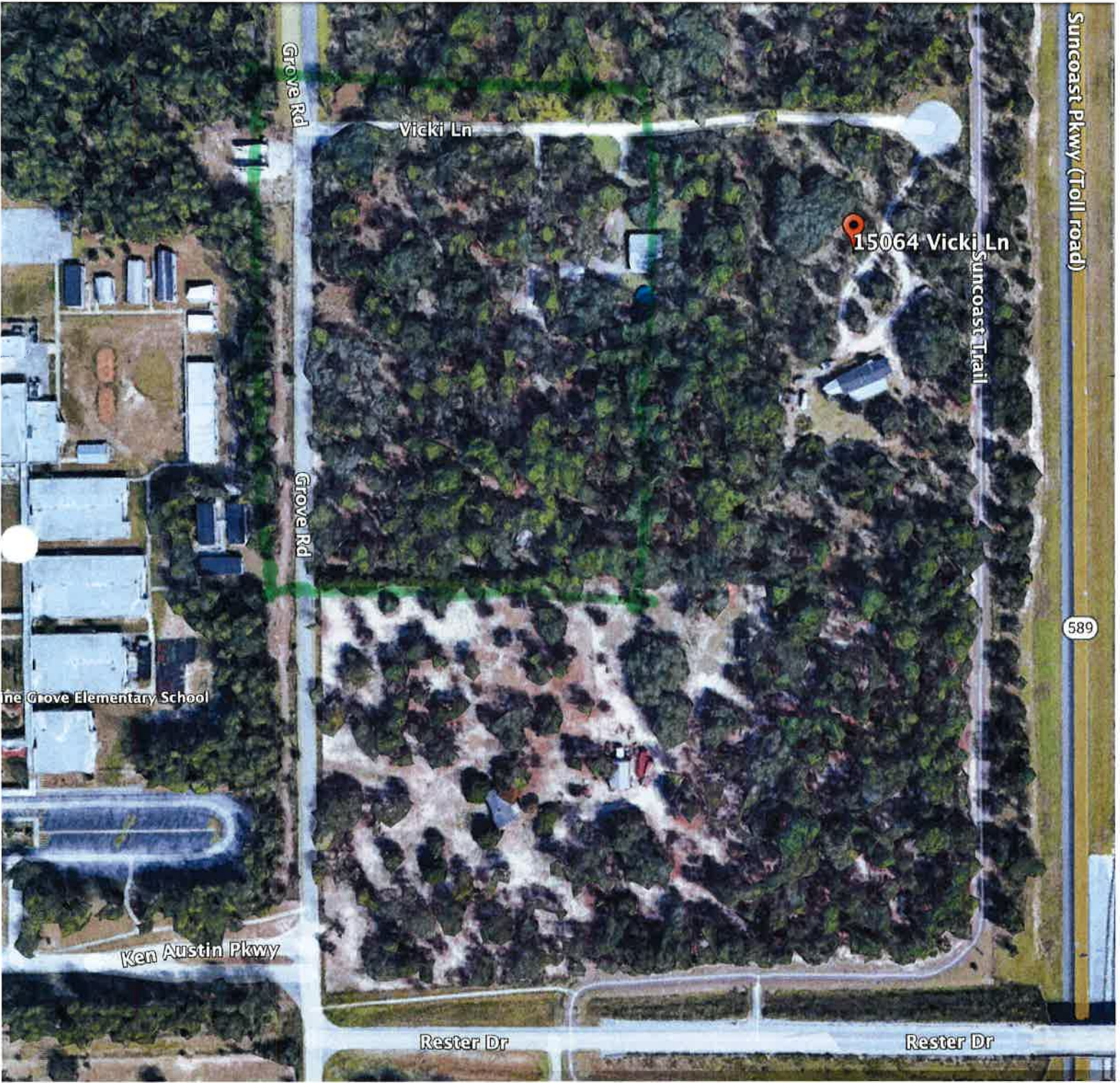
William G Maddox

Age 48 * Boynton Beach, FL

MORE ABOUT WILLIAM M MADDOX JR.







Suncoast Pkwy (Toll road)

589

Suncoast Trail

15064 Vicki Ln

Vicki Ln

Grove Rd

Grove Rd

The Grove Elementary School

Ken Austin Pkwy

Rester Dr

Rester Dr



Living House



Butcher Area



Horse Kill Area

#1



Animal Bury Pit



Animal Burn Area

CL lake city



farm & garden - by owner

post | account

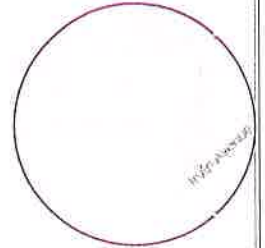
write hide flag share

Posted 9 days ago on 2022-08-03 10:58

Contact Information:

Farm animals for Sale (Live Oak)

Image 3 of 16



Good Day my fellow farmers today we have a bunch of animals here on our farm that we are selling fresh farm grown no gmo or any type of chemical it's all freshly made food. Any question don't hesitate to call or Tex

FYI we are a small farm located In brooksville fl south of live oak we do offer delivery

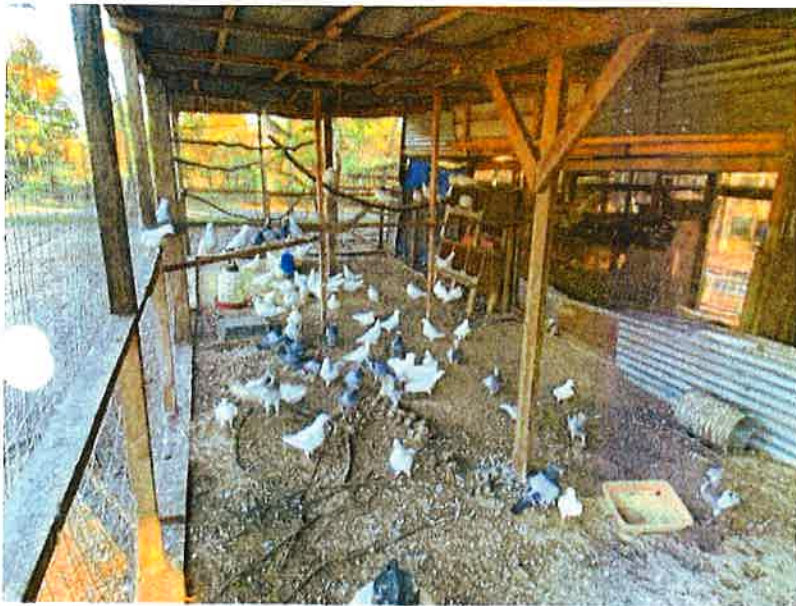
(3hr drive)

813-480-4988
15064 Vicki Lane
Brooksville, FL

QR Code Link to This Post











Juan Ortiz

- owner -



Juan Jr. Ortiz

- Co. Owner -



AlBerto

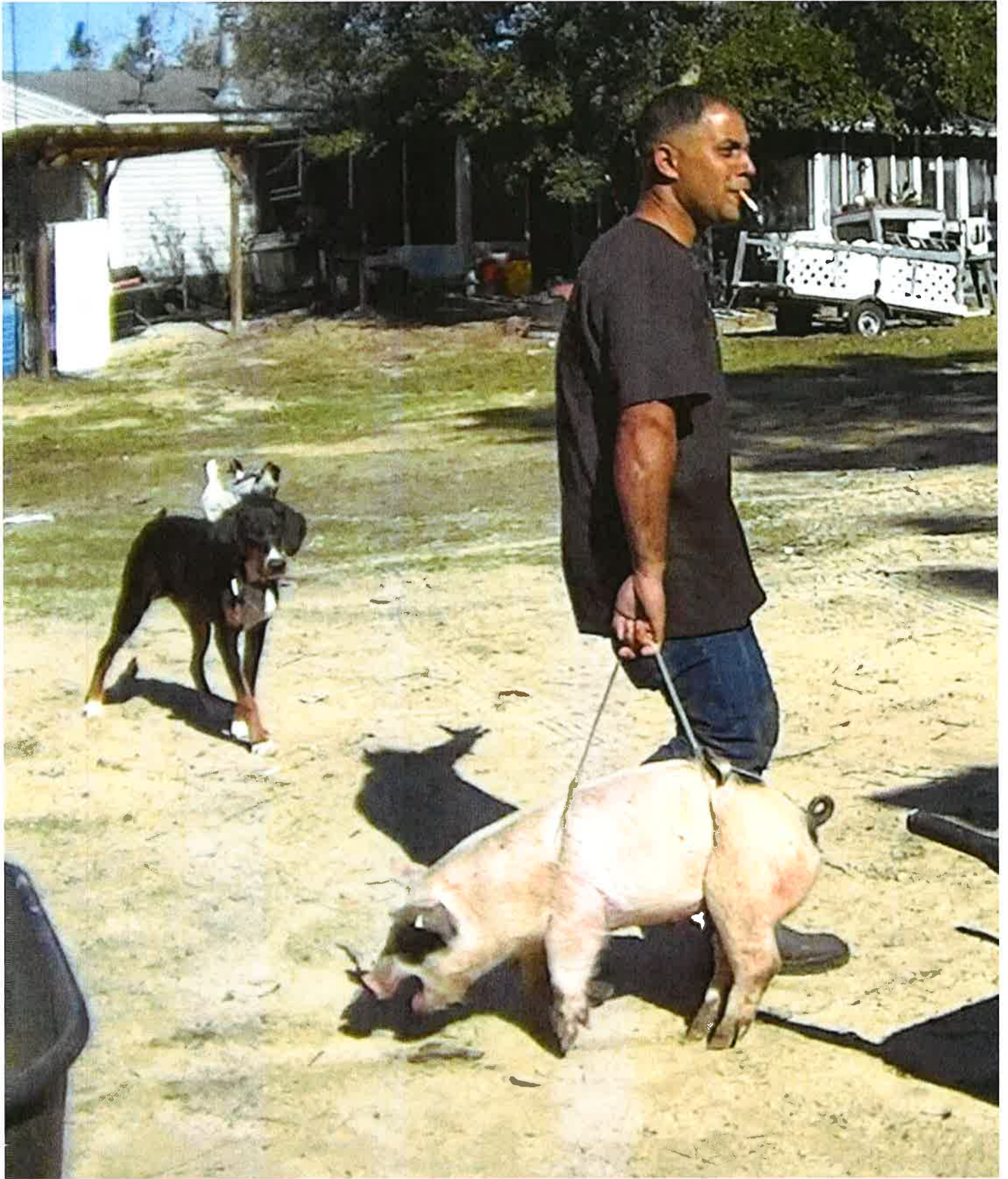


Worker
Cuban male





Worker
Cuban male





Customer
3
Worker



Customer
"Wife"



Customers



customer ↑

Crimes Violations



FUNNY BIZ

KILLER













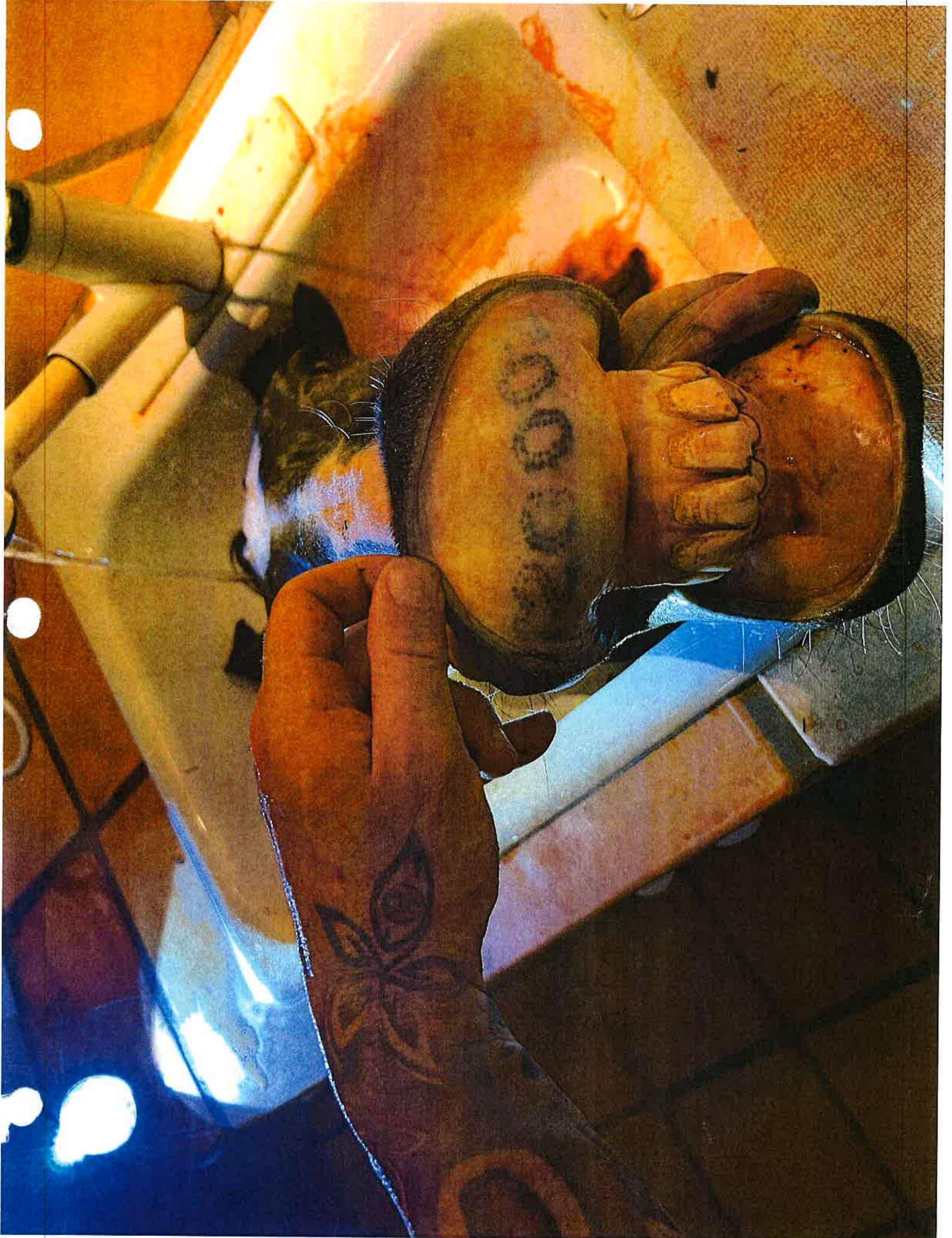












Tattoo Identification Services

Search Results

Horse Name Funny Biz

Tattoo T20002

Year of Birth 2016

Dam Name Sweetness Galore

Color Dark Bay or Brown

Sex Mare

Funny Biz

 Add Horse to Portfolio
  Download or Print PDF

| | | | |
|----------------------------------------------------------------------------------------------------------|----------------------------|---------------------------|-------------------------------------------------------------------------------------------|
| Funny Biz Dark Bay or Brown Mare Foaled March 15, 2016 in Kentucky 5 Starts Placed | Fed Biz, 09 b | Giant's Causeway, 97 ch | Storm Cat, 83 dk b/ Storm Bird, 78 b Northern Dancer, 61 b South Ocean, 67 b |
| | | | Terlingua, 76 ch Secretariat, 70 ch Crimson Saint, 69 ch |
| | | | Rahy, 85 ch Blushing Groom (FR), 74 ch Glorious Song, 76 b |
| | | Spunoutacontrol, 96 dk b/ | Immense, 79 b Roberto, 69 b Imsodear, 67 b |
| | | | Wild Again, 80 dk b/ Icecapade, 69 gr Shenanigans, 63 gr |
| | | | Bushel-n-Peck, 58 br *Khaled, 43 br *Dama II, 50 b |
| | Sweetness Galore, 10 dk b/ | Rock Hard Ten, 01 dk b/ | Yarn, 87 dk b/ Mr. Prospector, 70 b Raise a Native, 61 ch Gold Digger, 62 b |
| | | | Narrate, 80 dk b/ Honest Pleasure, 73 dk b/ State, 74 b |
| | | | Kris S., 77 dk b/ Roberto, 69 b Hall to Reason, 58 br Bramalea, 59 dk b/ |
| | | Tribulation, 90 b | Torsa, 86 dk b/ Sharp Queen, 65 b *Princequillo, 40 b Bridgework, 55 br |
| | | | Danzig, 77 b Mr. Prospector, 70 b Raise a Native, 61 ch Gold Digger, 62 b |
| | | | Graceful Touch, 78 b Peacefully, 73 gr Jacinto, 62 br Morning Calm, 62 gr |
| | | | Northern Dancer, 61 b Natalma, 57 b Admiral's Voyage, 59 dk b/ *Petitioner, 52 b |
| | | | Pas de Nom, 68 dk b/ *Ribot, 52 b |
| | | | His Majesty, 68 b Flower Bowl, 52 b |
| | | | Pi Phi Gal, 73 ch Raise a Native, 61 ch Soaring, 60 ch |

Breeder:
 Rosilyn Polan & Bortolazzo Stables (KY)

Dosage Profile: 4 2 18 0 0
Dosage Index: 1.67
Center of Distribution: +0.42

Thank you for printing our content at www.equibase.com. Please check back soon for daily updates.

Horse Profile

www.equibase.com

Funny Biz (KY)

TB, DK B/, M, FOALED MARCH 15, 2016
 (FED BIZ - SWEETNESS GALORE, BY ROCK HARD TEN)

| Starts | Firsts | Seconds |
|--------|--------|---------|
| 5 | 0 | 0 |

CAREER STATISTICS*

| Thirds | Earnings |
|--------|----------|
| 2 | \$6,475 |

[See Complete Stats](#)

[+Add to Compare](#)

CONNECTIONS AS OF LAST START:

Jockey: [Edgard J. Zayas](#)

Trainer: [Susan Ditter](#)

Owner: [Skyscraper Racing, LLC](#)

Breeder: Rosilyn Polan & Bortolazzo Stables

BUYER / CONSIGNOR (MOST RECENT):

Sold to Skyscraper Racing

Consigned by Rosilyn Polan



FM64SD55B/27 - Deals on Flash Memc

Memory4Less

*All statistics on this page include results from all countries.

[Statistics](#)

[Results](#)

[Auction History](#)

Thank you for printing our content at www.equibase.com. Please check back soon for daily updates.

Trainer Profile

www.equibase.com

Susan Ditter

Add to Virtual Stable

+ Add to Compare

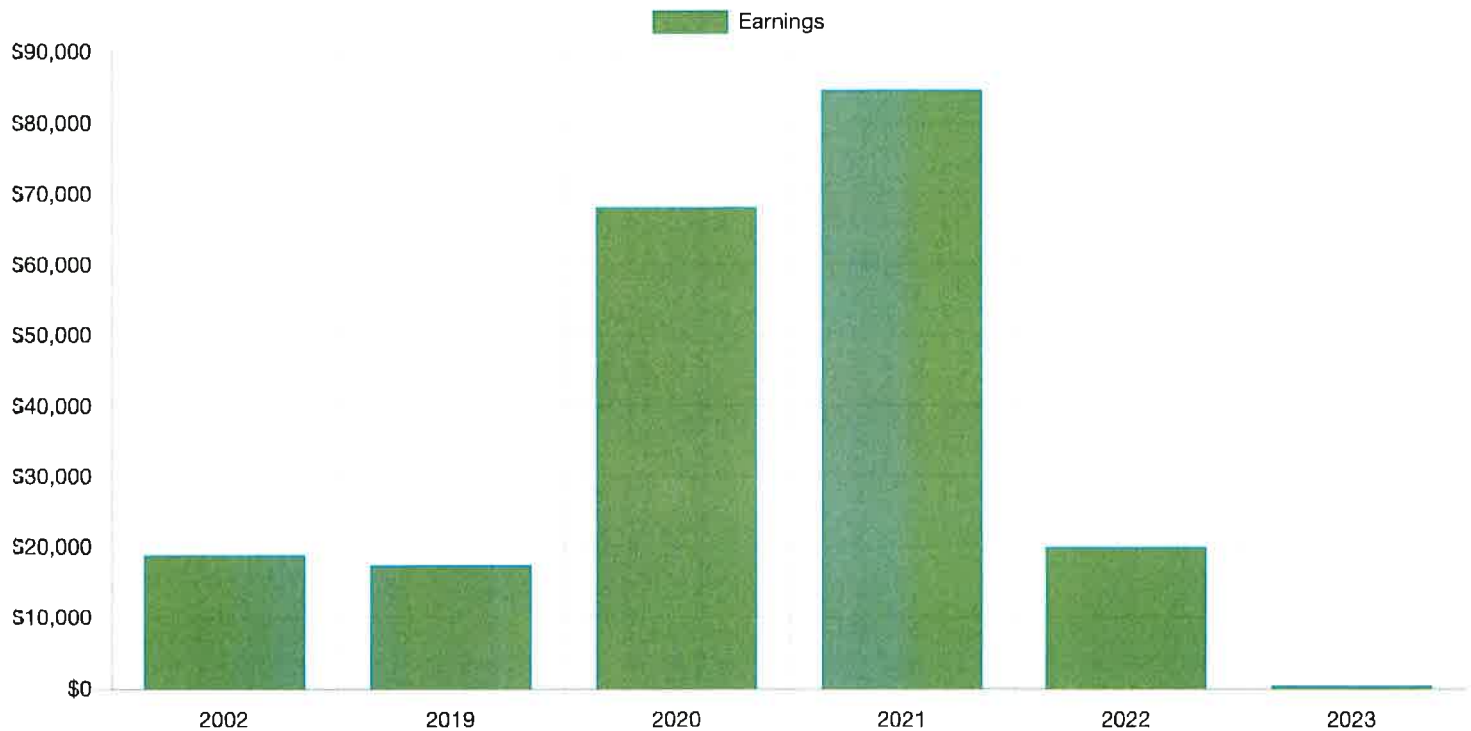
| 2023 STATISTICS* | | | | |
|------------------|--------|---------|--------|----------|
| Starts | Firsts | Seconds | Thirds | Earnings |
| 2 | 0 | 0 | 0 | \$500 |

| CAREER STATISTICS | | | | |
|-------------------|--------|---------|--------|-----------|
| Starts | Firsts | Seconds | Thirds | Earnings |
| 117 | 9 | 7 | 12 | \$208,950 |

[See Complete Stats](#)

*All current year statistics include results from all countries.

Statistics **Results** **Top Horses**



GULFSTREAM

5/16/2019

RACE 10

1/2
1/4

49.01
24.28



FUNNY BIZ



6



2



5



3

6
2

3

11
1

12

Funny Biz



GULFSTREAM

RACE 2

OFFICIAL RESULTS

1:11.56

| | | |
|----------|-----------------------|-----------------------------|
| 1 | Only in August | Jose A. Batista |
| | <i>3.40</i> | <i>2.40</i> |
| | | <i>2.10</i> |
| 5 | My Sebastiana | Leonel Reyes |
| | <i>4.80</i> | <i>2.80</i> |
| 6 | Funny Biz | Jonathan J. Gonzales |
| | | <i>2.60</i> |

Scratches

3

| | | |
|-------------------|------------------|--------------|
| \$2 EXA | 1-5 | 17.80 |
| \$0.50 TRI | 1-5-6 | 10.00 |
| \$1 SUPER | 1-5-6-ALL | 18.90 |



ELISA Technologies, Inc.

elisa-tek.com



PAGE 1 OF 1 - REPORT 2312144

REPORT DATE: January 2, 2024

REPORT TO: *Kudo
Animal Recovery Mission
PO Box 881805
Port Saint Lucie, FL 34988
Tel: 305-494-2225
Email: kudo@arminvestigations.org*

*Funny Biz
Slaughter*

SUBJECT: *Raw Meat Species Analysis*

RECEIVED: *December 22, 2023; FedEx Standard Overnight TRK# 7884 1568 3655*

ANALYTICAL RESULTS: RESULTS APPLY ONLY TO THE SAMPLES AS RECEIVED.

| CONTROL # | SAMPLE DESCRIPTION | ANALYSIS IDENTIFICATION | RESULT |
|-----------|-------------------------|---------------------------------------|-----------------|
| 2312144-1 | <i>Operation Barker</i> | 500550 Raw Horse Species ELISA | POSITIVE |

NOTE: A **POSITIVE** result means species-specific antigens were **detected** in the sample by the indicated ELISA-TEK® Raw Meat Species Test.

A **NEGATIVE** result means species-specific antigens were **not detected (<1%)** in the sample by the indicated ELISA-TEK® Raw Meat Species Test.

Information in italics has been supplied by the customer.

Respectfully Submitted for ELISA Technologies, Inc.

By *Tom d'Angelo*
Analyst

By *JM*
Justin Bickford, Scientific Director

End of Report

THIS REPORT SHALL NOT BE REPRODUCED EXCEPT IN ITS ENTIRETY AND WITH THE WRITTEN PERMISSION OF ELISA TECHNOLOGIES, INC.



10 Pound Bags of
Horsemeat







Butch Area runoff



ELISA Technologies, Inc.

elisa-tek.com



PAGE 1 OF 1 - REPORT 2307100

Horse Meat Buy #1

REPORT DATE: July 21, 2023

REPORT TO: *Richard Couto
Animal Recovery Mission
PO Box 881805
Port Saint Lucie, FL 34988
Tel: 305-494-2225
Email: kudo@arminvestigations.org*

SUBJECT: *Cooked Meat Species Analysis; Chain of Custody*

RECEIVED: *July 18, 2023; FedEx First Overnight TRK# 7812 6666 9343*

ANALYTICAL RESULTS: RESULTS APPLY ONLY TO THE SAMPLES AS RECEIVED.

| CONTROL # | SAMPLE DESCRIPTION | ANALYSIS IDENTIFICATION | RESULT |
|-----------|------------------------------|------------------------------------------------|-----------------|
| 2307100-1 | <i>Operation Brooksville</i> | <i>500650 Cooked Horse 50Species ELISA</i> | POSITIVE |

NOTE: A **POSITIVE** result means species-specific antigens were **detected** in the sample by the indicated ELISA-TEK® Cooked Meat Species Test.

A **NEGATIVE** result means species-specific antigens were **not detected (<1%)** in the sample by the indicated ELISA-TEK® Cooked Meat Species Test.

Information in italics has been supplied by the customer.

Respectfully Submitted for ELISA Technologies, Inc.

By *Tom d'Angelo*
Analyst

By *Eun Park*
Eun Park, LPA Director

End of Report

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2501 NW 66th Ct, Gainesville, FL 32653, USA
+1 352 337 3929 info@elisa-tek.com

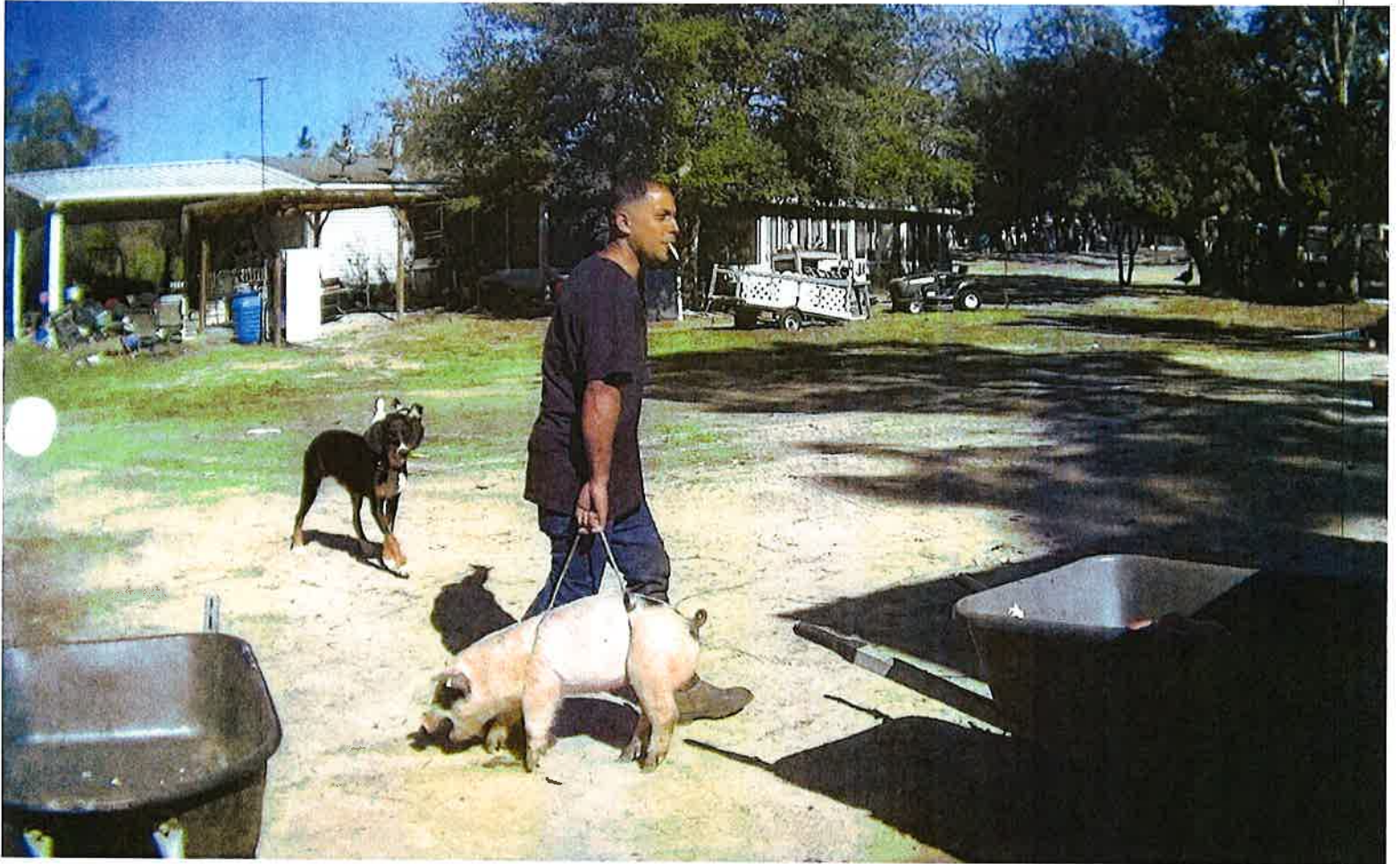




state/fed violation

wild life



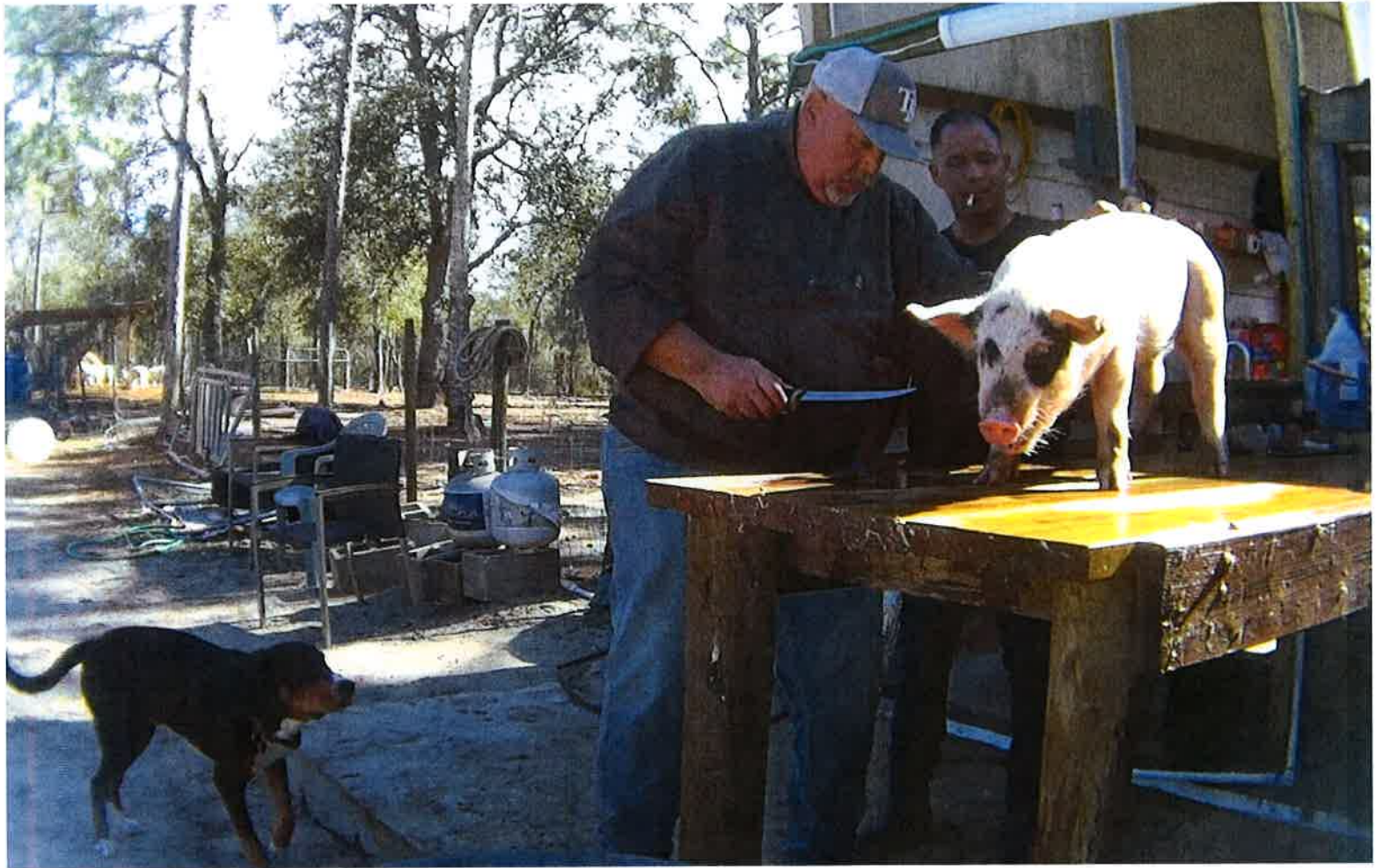
































Meat for sale





Animal Bury Pit



wepards on site



Inhumane transport



Animals caged w/ Dead

















Statutes

EQUINE

Select Year:

The 2023 Florida Statutes (including Special Session C)

Title XXXIII
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND
SOLICITATIONS

Chapter 500
FOOD
PRODUCTS

[View Entire Chapter](#)

500.451 **Horse meat; offenses.—**

(1) It is unlawful for any person to:

(a) Sell in the markets of this state horse meat for human consumption unless the horse meat is clearly stamped, marked, and described as horse meat for human consumption.

(b) Knowingly transport, distribute, sell, purchase, or possess horse meat for human consumption that is not clearly stamped, marked, and described as horse meat for human consumption or horse meat that is not acquired from a licensed slaughterhouse.

(2) A person that violates this section commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), except that any person who commits a violation of this section must be sentenced to a minimum mandatory fine of \$3,500.

(3) In addition to any penalties provided in subsection (2), any license of any restaurant, store, or other business may be suspended as provided in the applicable licensing law upon conviction of an owner or employee of that business for a violation of this section in connection with that business.

History.—ss. 1, 2, ch. 21986, 1943; s. 11, ch. 25035, 1949; s. 454, ch. 71-136; s. 19, ch. 82-225; s. 27, ch. 94-180; s. 3, ch. 2010-87; s. 21, ch. 2019-167.

Note.—Former s. 500.33.

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EQUINE

Select Year:

15 year max

The 2023 Florida Statutes (including Special Session C)

Title XLVI
CRIMES

Chapter 828

[View Entire Chapter](#)

ANIMALS: CRUELTY; SALES; ANIMAL ENTERPRISE PROTECTION

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 s. 775.082, s. 775.083, or s. 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 s. 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 s. 775.082, s. 775.083 or s. 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.

History.—s. 1, ch. 86-14; s. 42, ch. 91-110; s. 28, ch. 99-391; s. 5, ch. 2010-87.

The 2017 Florida Statutes

Title
XLVI
CRIMES

Chapter 828
ANIMALS: CRUELTY; SALES; ANIMAL ENTERPRISE
PROTECTION

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Chapter

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 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:

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 s. 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 s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.

History.—ss. 2, 4, ch. 3921, 1889; RS 2510; GS 3396; RGS 5245; CGL 7364; s. 950, ch. 71-136; s. 1, ch. 81-17; s. 3, ch. 82-116; s. 203, ch. 91-224.

828.22 Humane Slaughter Act; humane slaughter and livestock euthanasia; requirements.

(1) Sections 828.22-828.26 may be cited as the “Humane Slaughter Act.”

(2)(a) The Legislature of this state finds that the use of humane methods in the killing of livestock prevents needless suffering, results in safer and better working conditions for persons engaged in the slaughtering industry or other livestock operations, brings about improvement of products and economy in slaughtering or other livestock operations, and produces other benefits for producers, processors, and consumers which tend to expedite the orderly flow of livestock and their products.

(b) It is therefore declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those employed in other states where humane slaughter is required by law and to those authorized by the federal Humane Slaughter Act of 1958, and regulations thereunder.

(3) Nothing in ss. 828.22-828.26 shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of ss. 828.22-828.26, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of ss. 828.22-828.26. For the purposes of this action the term “ritual slaughter” means slaughter in accordance with s. 828.23(3).

History.—s. 1, ch. 61-254; s. 37, ch. 2001-279.

828.23 Definitions; ss. 828.22-828.26.—As used in ss. 828.22-828.26, the following words shall have the meanings indicated:

(1) “Department” means the Department of Agriculture and Consumer Services.

(2) “Person” means any individual, partnership, corporation, or association doing business in this state, in whole or in part.

(3) “Slaughter” means the act of killing one or more livestock animals for any purpose.

(4) “Slaughterer” means any person other than a licensed veterinarian, or an employee of a humane society or animal control agency, who kills livestock.

(5) “Livestock” means cattle, calves, sheep, swine, horses, mules, goats, ostriches, rheas, emus, and any other domestic animal that can or may be used in the preparation of animal products. For the purposes of ss. 828.22-828.26, “livestock” does not include poultry and aquatic species.

(6) “Humane method” means:

(a) A method whereby the animal is rapidly and effectively rendered insensitive to pain by electrical or chemical means or by a penetrating captive bolt or gunshot with appropriate caliber and placement; or

(b) A method in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

History.—s. 1, ch. 61-254; ss. 14, 35, ch. 69-106; s. 282, ch. 71-377; s. 4, ch. 92-206; s. 38, ch. 2001-279.

828.24 Prohibited acts; exemption.—

- (1) No person shall kill an animal in any way except by an approved humane method.
- (2) No person shall shackle or hoist with intent to kill any animal prior to rendering the animal insensitive to pain.
- (3) Nothing in this section precludes the enforcement of s. 828.12 relating to cruelty to animals.

History.—s. 1, ch. 61-254; ss. 14, 35, ch. 69-106; s. 241, ch. 77-104; s. 39, ch. 2001-279; s. 2, ch. 2002-51.

828.26 Penalties.—

- (1) Any person who violates the provisions of ss. 828.22-828.26 and any rule associated with these sections shall be subject to an administrative fine of up to \$10,000 for each violation.
- (2) Unless otherwise provided, any person who violates any provision of ss. 828.22-828.26 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- (3) Nothing in this section precludes the enforcement of s. 828.12, relating to cruelty to animals.

History.—s. 1, ch. 61-254; ss. 14, 35, ch. 69-106; s. 958, ch. 71-136; s. 43, ch. 2001-279; s. 2, ch. 2002-51.

Humane Slaughter Act

From Wikipedia, the free encyclopedia

The **Humane Slaughter Act**, or the **Humane Methods of Livestock Slaughter Act**, (P.L. 85-765; 7 U.S.C. 1901 et seq.) is a United States federal law designed to decrease suffering of livestock during slaughter. It was approved on August 27, 1958.^[1] Food Safety and Inspection Service inspectors at slaughtering plants are responsible for overseeing compliance, and have the authority to stop slaughter lines and order plant employees to take corrective actions. Although more than 168 million chickens (excluding broilers) and around 9 billion broiler chickens are killed for food in the United States yearly,^[2] the Humane Slaughter Act specifically mentions only cattle, calves, horses, mules, sheep and swine.^[3]

Following news reports in early 2002^[citation needed] alleging significant non-compliance, FSIS assigned additional veterinarians to its district offices specifically to monitor humane slaughter and handling procedures and to report to headquarters on compliance. The 2002 farm bill requests an annual compliance report to Congress, and in the FY 2003 agricultural appropriations act, Congress designated \$5 million of FSIS funding for hiring 50 additional compliance inspectors. Language in the FY 2004 consolidated appropriations act directs FSIS to continue fulfilling that mandate, and the FY2005 budget request calls for another \$5 million to be allocated for enforcement activities. A January 2004 GAO report states that compliance problems persist (GAO-04-247). Earlier concerns about humane treatment of non-ambulatory (downer) cattle at slaughter houses became irrelevant when FSIS issued regulations in January 2004 (69 FR 1892) prohibiting them from being slaughtered and inspected for use as human food.^[4]

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Content of the Humane Slaughter Act

7 U.S.C.A. § 1902. *Humane methods*

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut, or

(b) by slaughtering in accordance with the ritual requirements of the Islamic and Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.

According to the law, animals should be stunned into unconsciousness prior to their slaughter to ensure a death with less suffering than in killing methods used earlier. The most common methods are electrocution and CO2 stunning for swine and captive bolt stunning for cattle, sheep, and goats. Frequent on-site monitoring is necessary, as is the employment of skilled and well-trained personnel. An animal is considered properly stunned when there is no "righting reflex"; that is, the animal must not try to stand up and right itself. Only then can it be considered fully unconscious. It can then proceed down the line, where slaughterhouse workers commence in cutting up its body.

The act contains a broad exemption for all animals slaughtered in accordance with religious law. This generally applies to animals killed for the kosher and Halal meat market. Jewish law (halakha) prescribes that the animal be fully sensible before slaughter, and while stunning is debatable in Islamic law (sharia), the latter too requires that the animal be killed through ritual slaughter and not due to stunning. Proponents of these slaughter methods claim that the severing of the animal's carotid arteries, jugular veins and vagus nerve renders the animal unconscious more effectively than most other methods.

insensible

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adjective

1. Incapable of feeling or perceiving; deprived of **sensation**; unconscious, as a person after a violent blow.
2. without or not subject to a particular feeling or sensation: *insensible to shame; insensible to the cold.*
3. unaware; unconscious; inappreciative: *We are not insensible of your kindness.*
4. not perceptible by the senses; imperceptible: *insensible transitions.*
5. unresponsive in feeling.

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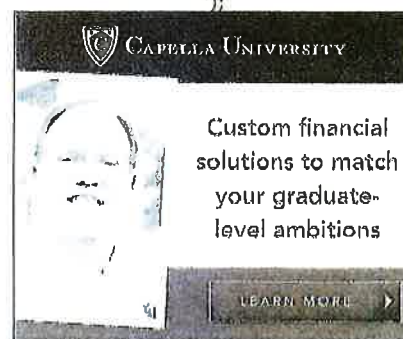
Origin:
1350-1400; Middle English < Latin *insēnsibilis*. See [in-3](#), [sensible](#)

Related forms
In-sen-si-bly, *adverb*
In-sen-si-bil-i-ty, *noun*

Synonyms

5, 6. apathetic, unfeeling, indifferent, cool; dull, passionless, emotionless, torpid.

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-David Hume



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Insensible is a GRE word you need to know. So is appropriate. Does it mean:

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Title XLVII
CRIMINAL PROCEDURE AND
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Chapter 934
SECURITY OF COMMUNICATIONS;
SURVEILLANCE

[View Entire
Chapter](#)

934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—

(1) Except as otherwise specifically provided in this chapter, any person who:

(a) Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, oral, or electronic communication;

(b) Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:

1. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

2. Such device transmits communications by radio or interferes with the transmission of such communication;

(c) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;

(d) Intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(e) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication intercepted by means authorized by subparagraph (2)(a)2., paragraph (2)(b), paragraph (2)(c), s. [934.07](#), or s. [934.09](#) when that person knows or has reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, has obtained or received the information in connection with a criminal investigation, and intends to improperly obstruct, impede, or interfere with a duly authorized criminal investigation;

shall be punished as provided in subsection (4).

(2)(a)1. It is lawful under this section and ss. [934.04-934.09](#) for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, or use that communication in the normal course of his or her employment while engaged in any activity which is a necessary incident to the rendition of his or her service or to the protection of the rights or property of the provider of that service, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

2. Notwithstanding any other law, a provider of wire, oral, or electronic communication service, or an officer,

employee, or agent thereof, or landlord, custodian, or other person, may provide information, facilities, or technical assistance to a person authorized by law to intercept wire, oral, or electronic communications if such provider, or an officer, employee, or agent thereof, or landlord, custodian, or other person, has been provided with:

a. A court order directing such assistance signed by the authorizing judge; or
b. A certification in writing by a person specified in s. 934.09(7) that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required, setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance required.

3. A provider of wire, oral, or electronic communication service, or an officer, employee, or agent thereof, or landlord, custodian, or other person may not disclose the existence of any interception or the device used to accomplish the interception with respect to which the person has been furnished an order under this section and ss. 934.04-934.09, except as may otherwise be required by legal process and then only after prior notice to the Governor, the Attorney General, the statewide prosecutor, or a state attorney, as may be appropriate. Any such disclosure renders such person liable for the civil damages provided under s. 934.10, and such person may be prosecuted under s. 934.43. An action may not be brought against any provider of wire, oral, or electronic communication service, or an officer, employee, or agent thereof, or landlord, custodian, or other person for providing information, facilities, or assistance in accordance with the terms of a court order under this section and ss. 934.04-934.09.

(b) It is lawful under this section and ss. 934.04-934.09 for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his or her employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of 47 U.S.C. chapter 5, to intercept a wire, oral, or electronic communication transmitted by radio or to disclose or use the information thereby obtained.

(c) It is lawful under this section and ss. 934.04-934.09 for an investigative or law enforcement officer or a person acting under the direction of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception and the purpose of such interception is to obtain evidence of a criminal act.

(d) It is lawful under this section and ss. 934.04-934.09 for a person to intercept a wire, oral, or electronic communication when all of the parties to the communication have given prior consent to such interception.

(e) It is unlawful to intercept any wire, oral, or electronic communication for the purpose of committing any criminal act.

(f) It is lawful under this section and ss. 934.04-934.09 for an employee of a telephone company to intercept a wire communication for the sole purpose of tracing the origin of such communication when the interception is requested by the recipient of the communication and the recipient alleges that the communication is obscene, harassing, or threatening in nature. The individual conducting the interception shall notify local police authorities within 48 hours after the time of the interception.

(g) It is lawful under this section and ss. 934.04-934.09 for an employee of:

1. An ambulance service licensed pursuant to s. 401.25, a fire station employing firefighters as defined by s. 633.102, a public utility, a law enforcement agency as defined by s. 934.02(10), or any other entity with published emergency telephone numbers;

2. An agency operating an emergency telephone number "911" system established pursuant to s. 365.171; or

3. The central abuse hotline operated under s. 39.101

to intercept and record incoming wire communications; however, such employee may intercept and record incoming wire communications on designated "911" telephone numbers and published nonemergency telephone numbers staffed by trained dispatchers at public safety answering points only. It is also lawful for such employee to intercept and record outgoing wire communications to the numbers from which such incoming wire communications were placed when necessary to obtain information required to provide the emergency services being requested. For the purpose of this paragraph, the term "public utility" has the same meaning as provided in s. 366.02 and includes a person, partnership, association, or corporation now or hereafter owning or operating equipment or facilities in the state for conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

(h) It shall not be unlawful under this section and ss. 934.04-934.09 for any person:

1. To intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public.

2. To intercept any radio communication which is transmitted:

a. By any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

b. By any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including any police or fire communications system, readily accessible to the general public;

c. By a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

d. By any marine or aeronautical communications system.

3. To engage in any conduct which:

a. Is prohibited by s. 633 of the Communications Act of 1934; or

b. Is excepted from the application of s. 705(a) of the Communications Act of 1934 by s. 705(b) of that act.

4. To intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station of consumer electronic equipment to the extent necessary to identify the source of such interference.

5. To intercept, if such person is another user of the same frequency, any radio communication that is not scrambled or encrypted made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system.

6. To intercept a satellite transmission that is not scrambled or encrypted and that is transmitted:

a. To a broadcasting station for purposes of retransmission to the general public; or

b. As an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls, when such interception is not for the purposes of direct or indirect commercial advantage or private financial gain.

7. To intercept and privately view a private satellite video communication that is not scrambled or encrypted or to intercept a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of the rules of the Federal Communications Commission that is not scrambled or encrypted, if such interception is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain.

(i) It shall not be unlawful under this section and ss. 934.04-934.09:

1. To use a pen register or a trap and trace device as authorized under ss. 934.31-934.34 or under federal law; or

2. For a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful, or abusive use of such service.

(j) It is not unlawful under this section and ss. 934.04-934.09 for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser which are transmitted to, through, or from a protected computer if:

1. The owner or operator of the protected computer authorizes the interception of the communications of the computer trespasser;
2. The person acting under color of law is lawfully engaged in an investigation;
3. The person acting under color of law has reasonable grounds to believe that the contents of the communications of the computer trespasser will be relevant to the investigation; and
4. The interception does not acquire communications other than those transmitted to, through, or from the computer trespasser.

(k) It is lawful under this section and ss. 934.04-934.09 for a child under 18 years of age to intercept and record an oral communication if the child is a party to the communication and has reasonable grounds to believe that recording the communication will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.

(l) It is lawful under this section and ss. 934.04-934.09 for a person who is protected under an active temporary or final injunction for repeat violence, sexual violence, or dating violence under s. 784.046; stalking under s. 734.0485; domestic violence under s. 741.30; or any other court-imposed prohibition of conduct toward the person to intercept and record a wire, oral, or electronic communication received in violation of such injunction or court order. A recording authorized under this paragraph may be provided to a law enforcement agency, an attorney, or a court for the purpose of evidencing a violation of an injunction or court order if the subject of the injunction or court order prohibiting contact has been served the injunction or is on notice that the conduct is prohibited. A recording authorized under this paragraph may not be otherwise disseminated or shared.

(3)(a) Except as provided in paragraph (b), a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.

(b) A person or entity providing electronic communication service to the public may divulge the contents of any such communication:

1. As otherwise authorized in paragraph (2)(a) or s. 934.08;
2. With the lawful consent of the originator or any addressee or intended recipient of such communication;
3. To a person employed or authorized, or whose facilities are used, to forward such communication to its destination; or
4. Which were inadvertently obtained by the service provider and which appear to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

(4)(a) Except as provided in paragraph (b), whoever violates subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 934.41.

(b) If the offense is a first offense under paragraph (a) and is not for any tortious or illegal purpose or for

purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication with respect to which the offense under paragraph (a) was committed is a radio communication that is not scrambled, encrypted, or transmitted using modulation techniques the essential parameters of which have been withheld from the public with the intention of preserving the privacy of such communication, then:

1. If the communication is not the radio portion of a cellular telephone communication, a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit, a public land mobile radio service communication, or a paging service communication, and the conduct is not that described in subparagraph (2)(h)7., the person committing the offense is guilty of a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

2. If the communication is the radio portion of a cellular telephone communication, a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit, a public land mobile radio service communication, or a paging service communication, the person committing the offense is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

History.—s. 3, ch. 69-17; s. 1163, ch. 71-136; ss. 2, 3, ch. 74-249; s. 249, ch. 77-104; s. 1, ch. 78-376; s. 187, ch. 79-164; s. 2, ch. 80-27; s. 1, ch. 87-301; s. 2, ch. 88-184; s. 2, ch. 89-269; s. 1582, ch. 97-102; s. 18, ch. 99-168; ss. 7, 9, ch. 2000-369; s. 2, ch. 2002-72; s. 30, ch. 2010-117; s. 154, ch. 2013-183; s. 1, ch. 2015-82; s. 31, ch. 2021-170; s. 1, ch. 2021-207.