

By Senator Rich

34-00172-09

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1                   A bill to be entitled  
2           An act relating to sexual activities involving  
3           animals; creating s. 828.126, F.S.; providing  
4           definitions; prohibiting knowing sexual conduct or  
5           sexual contact with an animal; prohibiting specified  
6           related activities; providing penalties; providing  
7           that the act does not apply to certain husbandry and  
8           veterinary practices; providing an effective date.  
9

10 Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 828.126, Florida Statutes, is created to  
13 read:

14           828.126 Sexual activities involving animals.-

15           (1) As used in this section, the term:

16           (a) "Sexual conduct" means any touching or fondling by a  
17 person, either directly or through clothing, of the sex organs  
18 or anus of an animal or any transfer or transmission of semen by  
19 the person upon any part of the animal for the purpose of sexual  
20 gratification or arousal of the person.

21           (b) "Sexual contact" means any contact, however slight,  
22 between the mouth, sex organ, or anus of a person and the sex  
23 organ or anus of an animal, or any penetration, however slight,  
24 of any part of the body of the person into the sex organ or anus  
25 of an animal, or any penetration of the sex organ or anus of the  
26 person into the mouth of the animal, for the purpose of sexual  
27 gratification or sexual arousal of the person.

28           (c) "Photograph" or "film" means the making of a  
29 photograph, motion picture film, videotape, digital image, or

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30 any other visual recording.

31 (2) A person may not:

32 (a) Knowingly engage in any sexual conduct or sexual  
33 contact with an animal;

34 (b) Knowingly cause, aid, or abet another person to engage  
35 in any sexual conduct or sexual contact with an animal;

36 (c) Knowingly permit any sexual conduct or sexual contact  
37 with an animal to be conducted on any premises under his or her  
38 charge or control;

39 (d) Knowingly organize, promote, conduct, advertise, aid,  
40 abet, participate in as an observer, or perform any service in  
41 the furtherance of an act involving any sexual conduct or sexual  
42 contact with an animal for a commercial or recreational purpose;  
43 or

44 (e) Knowingly photograph or film, for the purposes of  
45 sexual gratification, a person engaged in any sexual conduct or  
46 sexual contact with an animal, or knowingly sell or transmit  
47 such a photograph or film.

48 (3) A person who violates this section commits a felony of  
49 the third degree, punishable as provided in s. 775.082, s.  
50 775.083, or s. 775.084.

51 (4) This section does not apply to accepted animal  
52 husbandry practices or accepted veterinary medical practices.

53 Section 2. This act shall take effect October 1, 2009.