

1 A bill to be entitled
2 An act relating to animal abusers; creating s.
3 943.0425, F.S.; providing definitions; requiring the
4 Department of Law Enforcement to post a publicly
5 accessible registry list on its website of persons
6 convicted of specified animal abuse offenses after a
7 specified date; requiring the clerk of the court in
8 each county to forward certain notice of a conviction
9 for an animal abuse offense to the department within a
10 specified time; providing requirements for the
11 registry list; specifying the time period for a
12 listing; providing for removal of listing if a record
13 of a conviction is expunged or sealed; requiring the
14 department to send an annual animal abuse registry
15 notice to specified entities; amending ss. 828.12 and
16 828.126, F.S.; authorizing courts to prevent persons
17 convicted of certain animal cruelty or sexual activity
18 with an animal violations to be prohibited from having
19 certain responsibilities for or association with an
20 animal as a condition of probation; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. 943.0425 Animal abuser registration.—

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

27 (a) "Abuser" or "animal abuser" means a person who has
 28 been convicted in this state of committing an animal abuse
 29 offense.

30 (b) "Animal" means a dog of the species *Canis familiaris*;
 31 a cat of the species *Felis catus*; a pet normally maintained in
 32 or near the household of its owner; a domesticated animal;
 33 previously captured wildlife; an exotic animal; or any other
 34 pet, including, but not limited to, a rabbit, chick, duck, or
 35 potbellied pig. The term does not include an equine; an animal
 36 that is being raised primarily for use as food or fiber for
 37 human utilization or consumption, including, but not limited to,
 38 cattle, sheep, swine, goats, and poultry; a wild vertebrate; or
 39 a mollusk, crustacean, or fish.

40 (c) "Animal abuse offense" means a conviction of a person,
 41 who was not a child as defined in 985.03 at the time that the
 42 offense was committed, for:

43 1. A felony violation of s. 828.12, relating to cruelty to
 44 animals, or s. 828.122, relating to fighting or baiting animals;
 45 or

46 2. Any violation of s. 828.126, relating to sexual
 47 activities involving animals.

48 (d) "Conviction" has the same meaning as provided in s.
 49 775.21.

50 (e) "Pet dealer" means:

51 1. A pet dealer as defined in s. 828.29; or
52 2. An animal shelter, humane organization, or animal
53 control agency operated by a humane organization that receives
54 funds from the state or from a political subdivision of the
55 state and that, in the ordinary course of business, engages in
56 the sale or adoption of animals.

57 (f) "Registered breed association" means an association
58 formed and perpetuated for the maintenance of records of
59 purebreeding of animal species for a specific breed whose
60 characteristics are set forth in constitutions, bylaws, or other
61 rules of the association.

62 (2) (a) Beginning January 1, 2018, the department shall
63 post a publicly accessible registry list on its website of each
64 person convicted of an animal abuse offense on or after that
65 date.

66 (b)1. The registry list must include a photograph of the
67 convicted animal abuser taken as part of the booking process,
68 the animal abuser's full legal name, and other identifying data
69 the department determines is necessary to properly identify the
70 animal abuser and to exclude innocent persons.

71 2. The registry list may not include the abuser's social
72 security number, driver license number, or any other state or
73 federal identification number.

74 (c) The clerk of the court in each county shall forward a
75 copy of the judgment and date of birth of each person convicted

76 | of an animal abuse offense to the department within 30 calendar
77 | days after the date of judgment.

78 | (d) Upon a person's first conviction for an animal abuse
79 | offense, the department shall maintain the person's name and
80 | other identifying information described in paragraph (b) on the
81 | registry list for 2 years after the date of conviction, after
82 | which time the department shall remove the person's name and
83 | identifying information from the list if the person is not
84 | convicted of another animal abuse offense during that 2-year
85 | period.

86 | (e) Upon a person's subsequent conviction for an animal
87 | abuse offense, the department shall maintain the person's name
88 | and other identifying information described in paragraph (b) on
89 | the registry list for 5 years after the date of the most recent
90 | conviction, after which time the department shall remove the
91 | person's name and identifying information from the list if the
92 | person is not convicted of another animal abuse offense during
93 | that 5-year period.

94 | (f) Beginning in 2019, the department shall annually send
95 | letters to the leading registered breed associations for animals
96 | covered by this section to inform them of the registry list and
97 | to encourage them to urge their members to not provide animals
98 | to persons on the registry.

99 | (3) The department shall remove a person's name and
100 | identifying information from the registry list if the record of

101 the offense for which the person is subject to inclusion in the
 102 registry list is expunged or sealed pursuant to this chapter.

103 (4) The department shall send a notice, as specified in
 104 subsection (5), on a yearly basis to:

105 (a) All pet dealers, animal shelters, and humane
 106 organizations in the state.

107 (b) All animal control agencies operated by a humane
 108 organization that receives funds from the state or from a
 109 political subdivision of the state that, in the ordinary course
 110 of business, engages in the sale or adoption of animals.

111 (5) The annual notice sent to the entities specified in
 112 subsection (4) shall notify such entities:

113 (a) That an animal abuser registry exists that is
 114 maintained by the department.

115 (b) Of newly added offenders to the registry.

116 Section 2. Subsection (2) of section 828.12, Florida
 117 Statutes, is amended to read:

118 828.12 Cruelty to animals.—

119 (2) A person who intentionally commits an act to any
 120 animal, or a person who owns or has the custody or control of
 121 any animal and fails to act, which results in the cruel death,
 122 or excessive or repeated infliction of unnecessary pain or
 123 suffering, or causes the same to be done, commits aggravated
 124 animal cruelty, a felony of the third degree, punishable as
 125 provided in s. 775.082 or by a fine of not more than \$10,000, or

126 both.

127 (a) A person convicted of a violation of this subsection,
 128 where the finder of fact determines that the violation includes
 129 the knowing and intentional torture or torment of an animal that
 130 injures, mutilates, or kills the animal, shall be ordered to pay
 131 a minimum mandatory fine of \$2,500 and undergo psychological
 132 counseling or complete an anger management treatment program.

133 (b) A person convicted of a second or subsequent violation
 134 of this subsection shall be required to pay a minimum mandatory
 135 fine of \$5,000 and serve a minimum mandatory period of
 136 incarceration of 6 months. In addition, the person shall be
 137 released only upon expiration of sentence, is not eligible for
 138 parole, control release, or any form of early release, and must
 139 serve 100 percent of the court-imposed sentence. Any plea of
 140 nolo contendere shall be considered a conviction for purposes of
 141 this subsection.

142 (c) As a condition of probation, a court may prohibit a
 143 person who violates this subsection from owning, possessing,
 144 maintaining, having custody of, residing with, or caring for any
 145 animal.

146 Section 3. Section 828.126, Florida Statutes, is amended
 147 to read:

148 828.126 Sexual activities involving animals.—

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

150 (a) "Sexual conduct" means any touching or fondling by a

151 person, either directly or through clothing, of the sex organs
152 or anus of an animal or any transfer or transmission of semen by
153 the person upon any part of the animal for the purpose of sexual
154 gratification or arousal of the person.

155 (b) "Sexual contact" means any contact, however slight,
156 between the mouth, sex organ, or anus of a person and the sex
157 organ or anus of an animal, or any penetration, however slight,
158 of any part of the body of the person into the sex organ or anus
159 of an animal, or any penetration of the sex organ or anus of the
160 person into the mouth of the animal, for the purpose of sexual
161 gratification or sexual arousal of the person.

162 (2) A person may not:

163 (a) Knowingly engage in any sexual conduct or sexual
164 contact with an animal;

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

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

170 (d) Knowingly organize, promote, conduct, advertise, aid,
171 abet, participate in as an observer, or perform any service in
172 the furtherance of an act involving any sexual conduct or sexual
173 contact with an animal for a commercial or recreational purpose.

174 (3) A person who violates this section commits a
175 misdemeanor of the first degree, punishable as provided in s.

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176 775.082 or s. 775.083.

177 (4) As a condition of probation, a court may prohibit
178 person who violates this section from owning, possessing,
179 maintaining, having custody of, residing with, or caring for any
180 animal.

181 (5)~~(4)~~ This section does not apply to accepted animal
182 husbandry practices, conformation judging practices, or accepted
183 veterinary medical practices.

184 Section 4. This act shall take effect October 1, 2017.