

26 with an animal as a condition of probation; providing
 27 an effective date.

28

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

30

31 Section 1. Section 943.0425, Florida Statutes, is created
 32 to read:

33 943.0425 Animal abuser registration.-

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

35 (a) "Abuser" or "animal abuser" means an adult as defined
 36 in s. 985.03 who has been convicted in this state of committing
 37 an animal abuse offense.

38 (b) "Animal" means a dog of the species *Canis familiaris*,
 39 a cat of the species *Felis catus*, a pet normally maintained in
 40 or near the household of its owner, a domesticated animal,
 41 previously captured wildlife, an exotic animal, or any other pet
 42 including, but not limited to, a rabbit, chick, duck, or
 43 potbellied pig.

44 (c) "Animal abuse offense" means a violation of:

45 1. Section 828.12, relating to cruelty to animals.

46 2. Section 828.122, relating to fighting or baiting
 47 animals.

48 3. Section 828.123, relating to killing a dog or cat with
 49 the intent to sell or give away its pelt.

50 4. Section 828.125, relating to killing or aggravated

51 abuse of horses or cattle.

52 5. Section 828.126, relating to sexual activities
53 involving animals.

54 6. Section 828.13, relating to confinement of animals
55 without sufficient food, water, or exercise or abandonment of an
56 animal.

57 (d) "Companion animal" means a domesticated or tamed
58 animal intended to provide companionship, to be used for
59 personal use or enjoyment, or to be raised for nonagricultural
60 purposes. The term does not include a service animal or any
61 other animal or wildlife under the exclusive jurisdiction of the
62 state.

63 (e) "Conviction" has the same meaning as in s. 775.21(2).

64 (f) "Farm animal" means a horse or an animal used in the
65 production of human or animal food, feed, or fiber regardless of
66 whether the horse or animal is actually being used or raised for
67 such purposes.

68 (g) "Pet dealer" means:

69 1. A pet dealer as defined in s. 828.29(13); or

70 2. An animal shelter, humane organization, or animal
71 control agency operated by a humane organization that receives
72 funds from the state or from a political subdivision of the
73 state and that, in the ordinary course of business, engages in
74 the sale or adoption of animals.

75 (h) "Registered breed association" means an association

76 formed and perpetuated for the maintenance of records of
77 purebreeding of a specific breed of animals whose
78 characteristics are set forth in constitutions, bylaws, or other
79 rules of the association.

80 (i) "Service animal" means a dog or miniature horse that
81 has been individually trained to do work or perform tasks for a
82 person with a disability as defined in the Americans with
83 Disabilities Act, 42 U.S.C. s. 12102.

84 (2)(a) Beginning on January 1, 2023, the department shall
85 post a publicly accessible animal abuser registry on its website
86 that includes each person convicted of an animal abuse offense
87 on or after that date.

88 (b)1. The registry must include all of the information
89 specified in subsection (3).

90 2. The registry may not include the abuser's social
91 security number, driver license number, or any other state or
92 federal identification number.

93 (c) The clerk of the court in each county shall forward a
94 copy of the judgment and date of birth of each abuser to the
95 department within 30 calendar days after the date of conviction
96 of the abuser.

97 (d) The registry shall include the required information
98 about each abuser from the date of his or her release from
99 incarceration or, if he or she is not incarcerated, from the
100 date of his or her conviction:

101 1. For a period of 3 years for a first conviction of a
 102 misdemeanor animal abuse offense.

103 2. For a period of 5 years for a first conviction of a
 104 felony animal abuse offense.

105 3. For a period of 10 years for a second or subsequent
 106 conviction of a misdemeanor or felony animal abuse offense.

107 (e) Upon notification to the department that the criminal
 108 records of an abuser have been expunged or of a successful
 109 appeal of a conviction of an animal abuse offense by a
 110 registered abuser, the department shall remove the registered
 111 abuser's information from the registry within 10 business days
 112 after such notification.

113 (3)(a) An abuser shall register with the department by
 114 personally appearing at the sheriff's office in the county in
 115 which he or she resides to provide the following information:

116 1. Full legal name and any aliases he or she may be known
 117 by.

118 2. Current or anticipated residence address.

119 3. Date of birth.

120 4. A photograph of the front of his or her head and
 121 shoulders.

122 5. A copy of his or her judgment to confirm the animal
 123 abuse offense, the date of his or her conviction, and the
 124 sentence imposed upon him or her.

125 (b) Every registered abuser shall personally appear at the

HB 1341

2022

126 sheriff's office in the county in which he or she resides to
127 update his or her registry information within 10 business days
128 after any change in his or her residence address or name.

129 (c) A registered abuser shall personally appear at the
130 sheriff's office in the county in which he or she resides to
131 renew his or her registration information annually on the
132 anniversary date of his or her initial registration or, if his
133 or her anniversary date falls on a Saturday, Sunday, or legal
134 holiday, on the first business day following his or her
135 anniversary date. At such time, the registered abuser's
136 photograph and information shall be reviewed to verify accuracy.

137 (4)(a) A registered abuser may not own, possess, or reside
138 in the same residence with or on the same property as an animal
139 unless otherwise provided in a court order.

140 (b) A registered abuser may not work with a companion
141 animal, with or without compensation, unless otherwise provided
142 in a court order.

143 (c) A registered abuser who has been determined by a court
144 to be unfit to have custody of an animal pursuant to s. 828.073
145 shall also be bound by the determinations of the court if that
146 determination was made pursuant to the same underlying facts
147 resulting in the conviction that requires the abuser to register
148 with the department.

149 (d) The state may, at any time it deems necessary, enforce
150 or, notwithstanding any other court order, obtain a court order

151 enjoining a registered abuser from owning, possessing, or
152 residing in the same residence with or on the same property as
153 an animal or working with a companion animal, with or without
154 compensation.

155 (e) This subsection does not apply to farm animals or
156 service animals unless there is an enjoinder order or an animal
157 abuse offense pertaining directly to farm animals or service
158 animals.

159 (5)(a) A pet dealer, person, or entity located in the
160 state may not knowingly sell, exchange, or otherwise transfer
161 the ownership of an animal to a registered abuser.

162 (b) Before the sale, exchange, or other transfer of the
163 ownership of an animal, the pet dealer, person, or entity shall
164 take whatever steps necessary to ensure that the animal is not
165 being sold, exchanged, or otherwise transferred to a registered
166 abuser.

167 (c) Such steps shall include, but are not limited to,
168 posting, when possible, current signage displaying registered
169 abusers in well-trafficked, highly visible areas for public
170 viewing and in employee stock or break areas, notifying law
171 enforcement upon the recognition of a registered abuser who
172 obtained an animal in violation of this section, and requiring a
173 person to sign an affidavit attesting that he or she is not a
174 registered abuser before obtaining an animal.

175 (d) The pet dealer, person, or entity shall be required to

176 maintain the required affidavits and other adequate records and
177 supporting documentation for 3 years or in accordance with the
178 required retention time set forth by business standards and
179 practices governing the particular commercial establishment and
180 record, whichever is greater, to ensure compliance with this
181 section. The state and its authorized agents may examine all
182 such records and documentation relating to compliance with this
183 section, and the pet dealer, person, or entity may be required
184 to cooperate and permit the county to examine all such records
185 and documentation relating to compliance with this section.

186 (e) It is not a violation of this section if the pet
187 dealer, person, or entity checked the registry on the
188 department's website and the abuser's name was not included in
189 the registry.

190 (f) This subsection does not apply to farm animals or
191 service animals.

192 (6) Beginning in 2024, the department shall annually
193 notify the leading registered breed associations for animals
194 covered by this section that an animal abuser registry exists
195 and encourage the associations to urge their members not to
196 sell, exchange, or otherwise transfer the ownership of an animal
197 to a registered abuser. The notice may be in electronic form.

198 (7) The department shall annually notify all pet dealers
199 as provided in subsection (8). The notice may be in electronic
200 form.

201 (8) The annual notification specified in subsection (7)
 202 shall notify all pet dealers:

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

205 (b) Of new registered abusers.

206 (9)(a) An abuser who is required to initially register
 207 with the department, update changes in his or her residence
 208 address or name with the registry, annually renew his or her
 209 registry information, comply with the prohibition on contact
 210 with certain animals, or comply with any court-issued injunction
 211 order under this section and who fails to do so commits a
 212 misdemeanor of the second degree, punishable as provided in s.
 213 775.082 or s. 775.083.

214 (b) Each day of a continuing violation constitutes a
 215 separate violation.

216 (10) A pet dealer, person, or entity that knowingly sells,
 217 exchanges, or otherwise transfers the ownership of an animal to
 218 a registered abuser in violation of this section shall be
 219 penalized in the following manner:

220 (a) For the first offense, a written warning.

221 (b) For a second offense, a fine of up to \$500 shall be
 222 imposed.

223 (c) For a third or any subsequent violation, the pet
 224 dealer, person, or entity commits a misdemeanor of the second
 225 degree, punishable as provided in s. 775.082 or s. 775.083.

226 (11) Subsections (9) and (10) do not prevent the state
 227 from taking such other lawful action in law and equity as may be
 228 necessary to remedy any violation of, or refusal to comply with,
 229 any part of this section, including, but not limited to, pursuit
 230 of injunctive or declaratory relief or enjoinder, or other
 231 equitable relief in a court of competent jurisdiction, or
 232 initiating an action to recover any and all damages that may
 233 result from a violation of, or refusal to comply with, any part
 234 of this section.

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

237 828.12 Cruelty to animals.—

238 (2) A person who intentionally commits an act to any
 239 animal, or a person who owns or has the custody or control of
 240 any animal and fails to act, which results in the cruel death,
 241 or excessive or repeated infliction of unnecessary pain or
 242 suffering, or causes the same to be done, commits aggravated
 243 animal cruelty, a felony of the third degree, punishable as
 244 provided in s. 775.082 or by a fine of not more than \$10,000, or
 245 both.

246 (a) A person convicted of a violation of this subsection,
 247 where the finder of fact determines that the violation includes
 248 the knowing and intentional torture or torment of an animal that
 249 injures, mutilates, or kills the animal, shall be ordered to pay
 250 a minimum mandatory fine of \$2,500 and undergo psychological

251 counseling or complete an anger management treatment program.

252 (b) A person convicted of a second or subsequent violation
 253 of this subsection shall be required to pay a minimum mandatory
 254 fine of \$5,000 and serve a minimum mandatory period of
 255 incarceration of 6 months. In addition, the person shall be
 256 released only upon expiration of sentence, is not eligible for
 257 parole, control release, or any form of early release, and must
 258 serve 100 percent of the court-imposed sentence. Any plea of
 259 nolo contendere shall be considered a conviction for purposes of
 260 this subsection.

261 (c) As a condition of probation, a court may prohibit a
 262 person who violates this subsection from owning, possessing,
 263 maintaining, having custody of, residing with, or caring for an
 264 animal.

265 Section 3. Section 828.126, Florida Statutes, is amended
 266 to read:

267 828.126 Sexual activities involving animals.—

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

269 (a) "Sexual conduct" means any touching or fondling by a
 270 person, either directly or through clothing, of the sex organs
 271 or anus of an animal or any transfer or transmission of semen by
 272 the person upon any part of the animal for the purpose of sexual
 273 gratification or arousal of the person.

274 (b) "Sexual contact" means any contact, however slight,
 275 between the mouth, sex organ, or anus of a person and the sex

HB 1341

2022

276 organ or anus of an animal, or any penetration, however slight,
277 of any part of the body of the person into the sex organ or anus
278 of an animal, or any penetration of the sex organ or anus of the
279 person into the mouth of the animal, for the purpose of sexual
280 gratification or sexual arousal of the person.

281 (2) A person may not:

282 (a) Knowingly engage in any sexual conduct or sexual
283 contact with an animal;

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

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

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

293 (3) A person who violates this section commits a
294 misdemeanor of the first degree, punishable as provided in s.
295 775.082 or s. 775.083.

296 (4) As a condition of probation, a court may prohibit a
297 person who violates this section from owning, possessing,
298 maintaining, having custody of, residing with, or caring for an
299 animal.

300 (5)-(4) This section does not apply to accepted animal

HB 1341

2022

301 | husbandry practices, conformation judging practices, or accepted
302 | veterinary medical practices.

303 | Section 4. This act shall take effect October 1, 2022.