

By Senator Jones

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1 A bill to be entitled
2 An act relating to animal abusers; creating s.
3 943.0425, F.S.; defining terms; requiring the
4 Department of Law Enforcement to post on its website
5 by a specified date a publicly accessible animal
6 abuser registry of persons convicted of animal abuse
7 offenses; prohibiting the registry from including
8 certain information; requiring the clerk of the court
9 in each county to forward certain notice of a
10 conviction for an animal abuse offense to the
11 department within a specified timeframe; providing
12 requirements for the registry; providing requirements
13 for registered abusers; prohibiting specified acts by
14 registered abusers; providing exceptions providing
15 applicability; prohibiting certain persons and
16 entities from selling, exchanging, or otherwise
17 transferring the ownership of an animal to a
18 registered abuser; providing exceptions; requiring the
19 maintenance of specified records; requiring the
20 department to provide certain annual notice to
21 specified entities; providing penalties for specified
22 violations; providing construction; amending ss.
23 828.12 and 828.126, F.S.; authorizing courts, as a
24 condition of probation, to prohibit persons convicted
25 of certain animal cruelty or sexual activity with an
26 animal violations from having certain responsibilities
27 for or associations with an animal; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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

34 943.0425 Animal abuser registration.—

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

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

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

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

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

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

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

51 4. Section 828.125, relating to killing or aggravated abuse
52 of horses or cattle.

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

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

58 (d) "Companion animal" means a domesticated or tamed animal

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59 intended to provide companionship, to be used for personal use
60 or enjoyment, or to be raised for nonagricultural purposes. The
61 term does not include a service animal or any other animal or
62 wildlife under the exclusive jurisdiction of the 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.

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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

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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
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

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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 state
160 may not knowingly sell, exchange, or otherwise transfer the
161 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.

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

198 (7) The department shall annually notify all pet dealers as
199 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

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204 maintained by the department.

205 (b) Of new registered abusers.

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

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 from
227 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

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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

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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 to
266 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
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

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

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