

By Senator Pizzo

38-00430-22

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1 A bill to be entitled
 2 An act relating to animal abuse; amending s. 828.126,
 3 F.S.; increasing the criminal penalties for sexual
 4 activities involving animals; amending s. 921.0022,
 5 F.S.; assigning an offense severity ranking for sexual
 6 activities involving animals for purposes of the
 7 Criminal Punishment Code; increasing the offense
 8 severity ranking for fighting or baiting animals for
 9 purposes of the Criminal Punishment Code; providing an
 10 effective date.

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

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 14 Section 1. Subsection (3) of section 828.126, Florida
 15 Statutes, is amended to read:

16 828.126 Sexual activities involving animals.—

17 (3) A person who violates this section commits a felony of
 18 the third ~~misdemeanor of the first~~ degree, punishable as
 19 provided in s. 775.082 or s. 775.083.

20 Section 2. Paragraphs (a) and (d) of subsection (3) of
 21 section 921.0022, Florida Statutes, are amended to read:

22 921.0022 Criminal Punishment Code; offense severity ranking
 23 chart.—

24 (3) OFFENSE SEVERITY RANKING CHART

25 (a) LEVEL 1

26
 Florida Felony
 Statute Degree Description

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28	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
29	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
30	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
31	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
32	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
33	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
34	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or

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	322.212 (4)	3rd		Supply or aid in supplying unauthorized driver license or identification card.
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	322.212 (5) (a)	3rd		False application for driver license or identification card.
37				
	414.39 (3) (a)	3rd		Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
38				
	443.071 (1)	3rd		False statement or representation to obtain or increase reemployment assistance benefits.
39				
	509.151 (1)	3rd		Defraud an innkeeper, food or lodging value \$1,000 or more.
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	517.302 (1)	3rd		Violation of the Florida Securities and Investor Protection Act.

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713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122 (3)	3rd	Fighting or baiting animals.
831.04 (1)	3rd	Any erasure, alteration,

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			etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
49	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
50	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
51	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
52	838.15 (2)	3rd	Commercial bribe receiving.
53	838.16	3rd	Commercial bribery.
54	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
55	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
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57	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
58	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
59	849.25(2)	3rd	Engaging in bookmaking.
60	860.08	3rd	Interfere with a railroad signal.
61	860.13(1)(a)	3rd	Operate aircraft while under the influence.
62	893.13(2)(a)2.	3rd	Purchase of cannabis.
63	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
64	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

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(d) LEVEL 4

Florida
Statute

Felony
Degree

Description

316.1935 (3) (a)

2nd

Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

499.0051 (1)

3rd

Failure to maintain or deliver transaction history, transaction information, or transaction statements.

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

517.07 (1)

3rd

Failure to register securities.

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72	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
73	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
74	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
75	784.075	3rd	Battery on detention or commitment facility staff.
76	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
77	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
78	784.081 (3)	3rd	Battery on specified official or employee.

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79	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
80	784.083 (3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
81	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
82	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
83	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or

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			delivering to designated person.
84	787.07	3rd	Human smuggling.
85	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
86	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
87	790.115 (2) (c)	3rd	Possessing firearm on school property.
88	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
89	806.135	2nd	Destroying or demolishing a memorial or historic property.
90	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure;

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unarmed; no assault or battery.

810.02 (4) (b)

3rd

Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

92

810.06

3rd

Burglary; possession of tools.

93

810.08 (2) (c)

3rd

Trespass on property, armed with firearm or dangerous weapon.

94

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

95

812.014 (2) (c) 4.-10.

3rd

Grand theft, 3rd degree; specified items.

96

812.0195 (2)

3rd

Dealing in stolen property by use of the Internet; property stolen \$300 or more.

97

817.505 (4) (a)

3rd

Patient brokering.

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817.563 (1)

3rd

Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

817.568 (2) (a)

3rd

Fraudulent use of personal identification information.

817.625 (2) (a)

3rd

Fraudulent use of scanning device, skimming device, or reencoder.

817.625 (2) (c)

3rd

Possess, sell, or deliver skimming device.

828.122 (3)

3rd

Fighting or baiting animals.

828.125 (1)

2nd

Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

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105	<u>828.126 (3)</u>	<u>3rd</u>	<u>Sexual activities</u> <u>involving animals.</u>
106	837.02 (1)	3rd	Perjury in official proceedings.
107	837.021 (1)	3rd	Make contradictory statements in official proceedings.
108	838.022	3rd	Official misconduct.
109	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
110	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
111	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of

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protection or
communication.

112

843.15(1)(a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

113

847.0135(5)(c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

114

870.01(3)

2nd

Aggravated rioting.

115

870.01(5)

2nd

Aggravated inciting a
riot.

116

874.05(1)(a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

117

893.13(2)(a)1.

2nd

Purchase of cocaine (or
other s. 893.03(1)(a),
(b), or (d), (2)(a),
(2)(b), or (2)(c)5.
drugs).

118

914.14(2)

3rd

Witnesses accepting

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bribes.

119

914.22 (1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

120

914.23 (2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

121

916.1085
(2) (c) 1.

3rd

Introduction of
specified contraband
into certain DCF
facilities.

122

918.12

3rd

Tampering with jurors.

123

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

124

944.47 (1) (a) 6.

3rd

Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional

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institution.

125

951.22 (1) (h),
(j) & (k)

3rd

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

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Section 3. This act shall take effect July 1, 2022.