

1 A bill to be entitled
2 An act relating to animal abuse; amending s. 828.122,
3 F.S.; prohibiting causing or allowing a minor to
4 attend the fighting or baiting of animals; providing
5 criminal penalties; amending s. 828.126, F.S.;
6 providing and revising definitions; revising the
7 prohibition on sexual activities with animals;
8 increasing the criminal penalties for such activities;
9 requiring orders to prohibit persons convicted of such
10 activities from ownership of animals and other conduct
11 related to animals; revising applicability; amending
12 s. 921.0022, F.S.; ranking specified offenses
13 involving animals for purposes of the Criminal
14 Punishment Code; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraphs (g) and (h) of subsection (3) of
19 section 828.122, Florida Statutes, are amended and paragraph (i)
20 is added to that subsection, to read:

21 828.122 Fighting or baiting animals; offenses; penalties.—

22 (3) Any person who knowingly commits any of the following
23 acts commits a felony of the third degree, punishable as
24 provided in s. 775.082, s. 775.083, or s. 775.084:

25 (g) Betting or wagering any money or other valuable

26 | consideration on the fighting or baiting of animals; ~~or~~
 27 | (h) Attending the fighting or baiting of animals; or
 28 | (i) Causing or allowing a person who has not attained 18
 29 | years of age to attend the fighting or baiting of animals.

30 |
 31 | Notwithstanding any provision of this subsection to the
 32 | contrary, possession of the animal alone does not constitute a
 33 | violation of this section.

34 | Section 2. Section 828.126, Florida Statutes, is amended
 35 | to read:

36 | 828.126 Sexual activities involving animals.—

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

38 | (a) "Animal husbandry" includes the day-to-day care of,
 39 | selective breeding of, and raising of livestock that are
 40 | commonly defined as domesticated animals or animals raised for
 41 | agricultural purposes that are located on land that is used for
 42 | bona fide agricultural purposes, as defined in s. 193.461(3)(b).

43 | ~~(a) "Sexual conduct" means any touching or fondling by a~~
 44 | ~~person, either directly or through clothing, of the sex organs~~
 45 | ~~or anus of an animal or any transfer or transmission of semen by~~
 46 | ~~the person upon any part of the animal for the purpose of sexual~~
 47 | ~~gratification or arousal of the person.~~

48 | (b) "Sexual contact with an animal" means any act
 49 | committed between a person and an animal for the purpose of
 50 | sexual gratification, abuse, or financial gain that involves:

51 1. Contact between the sex organ or anus of one and the
 52 mouth, sex organ, or anus of the other;
 53 2. The fondling of the sex organ or anus of an animal; or
 54 3. The insertion, however slight, of any part of the body
 55 of a person or any object into the vaginal or anal opening of an
 56 animal, or the insertion of any part of the body of an animal
 57 into the vaginal or anal opening of a person ~~contact, however~~
 58 ~~slight, between the mouth, sex organ, or anus of a person and~~
 59 ~~the sex organ or anus of an animal, or any penetration, however~~
 60 ~~slight, of any part of the body of the person into the sex organ~~
 61 ~~or anus of an animal, or any penetration of the sex organ or~~
 62 ~~anus of the person into the mouth of the animal, for the purpose~~
 63 ~~of sexual gratification or sexual arousal of the person.~~
 64 (2) A person may not:
 65 (a) Knowingly engage in any ~~sexual conduct or~~ sexual
 66 contact with an animal;
 67 (b) Knowingly cause, aid, or abet another person to engage
 68 in any ~~sexual conduct or~~ sexual contact with an animal;
 69 (c) Knowingly permit any ~~sexual conduct or~~ sexual contact
 70 with an animal to be conducted on any premises under his or her
 71 charge or control; ~~or~~
 72 (d) Knowingly organize, promote, conduct, ~~advertise,~~ aid,
 73 abet, participate in as an observer, or advertise, offer,
 74 solicit, or accept an offer of an animal for the purpose of
 75 sexual contact with such animal, or perform any service in the

76 furtherance of an act involving any ~~sexual conduct or sexual~~
 77 ~~contact with an animal; or for a commercial or recreational~~
 78 ~~purpose~~

79 (e) Knowingly film, distribute, or possess pornographic
 80 images of a person and an animal engaged in any of the
 81 activities prohibited by this section.

82 (3) A person who violates this section commits a felony of
 83 the third ~~misdemeanor of the first~~ degree, punishable as
 84 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

85 (4) In addition to other penalties prescribed by law, the
 86 court shall issue an order prohibiting a person convicted under
 87 this section from harboring, owning, possessing, or exercising
 88 control over any animal; from residing in any household in which
 89 animals are present; and from engaging in an occupation, whether
 90 paid or unpaid, or participating in a volunteer position at any
 91 establishment at which animals are present. The order may be
 92 effective for up to 5 years after the date of the conviction,
 93 regardless of whether adjudication is withheld.

94 (5) ~~(4)~~ This section does not apply to accepted animal
 95 husbandry practices, including, but not limited to, assistance
 96 with the birthing process or artificial insemination of an
 97 animal for reproductive purposes, accepted conformation judging
 98 practices, or accepted veterinary medical practices.

99 Section 3. Paragraphs (a) and (f) of subsection (3) of
 100 section 921.0022, Florida Statutes, are amended to read:

HB 435

2022

101 921.0022 Criminal Punishment Code; offense severity
 102 ranking chart.—

103 (3) OFFENSE SEVERITY RANKING CHART

104 (a) LEVEL 1

105

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

106

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
--------------	-----	--

107

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
---------------	-----	--

108

212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
--------------	-----	--

109

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
-------------	-----	---

110

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
-----------	-----	--

HB 435

2022

111	319.35(1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
112	320.26(1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
113	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
114	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
115	322.212 (5) (a)	3rd	False application for driver license or identification card.
116	414.39(3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

HB 435

2022

117	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
118	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
119	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
120	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
121	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
122	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
123			

HB 435

2022

124	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
125	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
126	826.01	3rd	Bigamy.
127	828.122(3)	3rd	Fighting or baiting animals.
128	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
129	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.

HB435

2022

130	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.
131	838.15(2)	3rd	Commercial bribe receiving.
132	838.16	3rd	Commercial bribery.
133	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
134	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
135	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.
136	849.23	3rd	Gambling-related machines;

HB 435

2022

137			"common offender" as to property rights.
138	849.25(2)	3rd	Engaging in bookmaking.
139	860.08	3rd	Interfere with a railroad signal.
140	860.13(1) (a)	3rd	Operate aircraft while under the influence.
141	893.13(2) (a) 2.	3rd	Purchase of cannabis.
142	893.13(6) (a)	3rd	Possession of cannabis (more than 20 grams).
143	934.03(1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
144	(f) LEVEL 6		
145	Florida	Felony	
146	Statute	Degree	Description

HB 435

2022

147	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
148	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
149	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
150	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
151	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
152	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
	775.0875 (1)	3rd	Taking firearm from law

HB 435

2022

			enforcement officer.
153	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
154	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
155	784.041	3rd	Felony battery; domestic battery by strangulation.
156	784.048 (3)	3rd	Aggravated stalking; credible threat.
157	784.048 (5)	3rd	Aggravated stalking of person under 16.
158	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
159	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
160	784.08 (2) (b)	2nd	Aggravated assault on a person

HB 435

2022

65 years of age or older.

161 784.081 (2) 2nd Aggravated assault on specified
official or employee.

162 784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

163 784.083 (2) 2nd Aggravated assault on code
inspector.

164 787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

165 790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

166 790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

167 790.164 (1) 2nd False report concerning bomb,

HB 435

2022

explosive, weapon of mass
destruction, act of arson or
violence to state property, or
use of firearms in violent
manner.

168

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

169

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

170

794.05 (1) 2nd Unlawful sexual activity with
specified minor.

171

800.04 (5) (d) 3rd Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years of age;
offender less than 18 years.

172

800.04 (6) (b) 2nd Lewd or lascivious conduct;
offender 18 years of age or
older.

HB 435

2022

173	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
174	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
175	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
176	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
177	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
178	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
179	812.015 (9) (b)	2nd	Retail theft; aggregated

HB 435

2022

property stolen within 30 days
is \$3,000 or more; coordination
of others.

180

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

181

817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

182

817.49(2)(b)2. 2nd Willful making of a false
report of a crime resulting in
death.

183

817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

184

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

185

825.102(3)(c) 3rd Neglect of an elderly person or
disabled adult.

186

825.1025(3) 3rd Lewd or lascivious molestation

HB 435

2022

			of an elderly person or disabled adult.
187	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
188	827.03 (2) (c)	3rd	Abuse of a child.
189	827.03 (2) (d)	3rd	Neglect of a child.
190	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
191	<u>828.122 (3)</u>	<u>3rd</u>	<u>Fighting or baiting animals.</u>
192	<u>828.126 (3)</u>	<u>3rd</u>	<u>Sexual activities involving animals.</u>
193	836.05	2nd	Threats; extortion.
194	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an

HB 435

2022

act of terrorism.

195

843.12 3rd Aids or assists person to
escape.

196

847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

197

847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

198

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

199

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

200

944.35(3)(a)2. 3rd Committing malicious battery
upon or inflicting cruel or
inhuman treatment on an inmate

