

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. Subsection (3) of section 828.122, Florida
19 Statutes, is amended, to read:

20 828.122 Fighting or baiting animals; offenses; penalties.—

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

24 (a) Baiting, breeding, training, transporting, selling,
25 owning, possessing, or using any wild or domestic animal for the

26 | purpose of animal fighting or baiting;
 27 | (b) Owning, possessing, or selling equipment for use in
 28 | any activity described in paragraph (a);
 29 | (c) Owning, leasing, managing, operating, or having
 30 | control of any property kept or used for any activity described
 31 | in paragraph (a) or paragraph (b);
 32 | (d) Promoting, staging, advertising, or charging any
 33 | admission fee to a fight or baiting between two or more animals;
 34 | (e) Performing any service or act to facilitate animal
 35 | fighting or baiting, including, but not limited to, providing
 36 | security, refereeing, or handling or transporting animals or
 37 | being a stakeholder of any money wagered on animal fighting or
 38 | baiting;
 39 | (f) Removing or facilitating the removal of any animal
 40 | impounded under this section from an agency where the animal is
 41 | impounded or from a location designated by the court under
 42 | subsection (4), subsection (5), or subsection (7), without the
 43 | prior authorization of the court;
 44 | (g) Betting or wagering any money or other valuable
 45 | consideration on the fighting or baiting of animals; ~~or~~
 46 | (h) Attending the fighting or baiting of animals; or
 47 | (i) Causing or allowing a person who has not attained 18
 48 | years of age to attend the fighting or baiting of animals.
 49 |
 50 | Notwithstanding any provision of this subsection to the

51 | contrary, possession of the animal alone does not constitute a
 52 | violation of this section.

53 | Section 2. Section 828.126, Florida Statutes, is amended
 54 | to read:

55 | 828.126 Sexual activities involving animals.—

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

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

62 | ~~(a) "Sexual conduct" means any touching or fondling by a~~
 63 | ~~person, either directly or through clothing, of the sex organs~~
 64 | ~~or anus of an animal or any transfer or transmission of semen by~~
 65 | ~~the person upon any part of the animal for the purpose of sexual~~
 66 | ~~gratification or arousal of the person.~~

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

70 | 1. Contact between the sex organ or anus of one and the
 71 | mouth, sex organ, or anus of the other;

72 | 2. The fondling of the sex organ or anus of an animal; or

73 | 3. The insertion, however slight, of any part of the body
 74 | of a person or any object into the vaginal or anal opening of an
 75 | animal, or the insertion of any part of the body of an animal

76 into the vaginal or anal opening of a person ~~contact, however~~
 77 ~~slight, between the mouth, sex organ, or anus of a person and~~
 78 ~~the sex organ or anus of an animal, or any penetration, however~~
 79 ~~slight, of any part of the body of the person into the sex organ~~
 80 ~~or anus of an animal, or any penetration of the sex organ or~~
 81 ~~anus of the person into the mouth of the animal, for the purpose~~
 82 ~~of sexual gratification or sexual arousal of the person.~~

83 (2) A person may not:

84 (a) Knowingly engage in any ~~sexual conduct or~~ sexual
 85 contact with an animal;

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

88 (c) Knowingly permit any ~~sexual conduct or~~ sexual contact
 89 with an animal to be conducted on any premises under his or her
 90 charge or control; ~~or~~

91 (d) Knowingly organize, promote, conduct, ~~advertise,~~ aid,
 92 abet, participate in as an observer, or advertise, offer,
 93 solicit, or accept an offer of an animal for the purpose of
 94 sexual contact with such animal, or perform any service in the
 95 furtherance of an act involving any ~~sexual conduct or~~ sexual
 96 contact with an animal; or for a commercial or recreational
 97 purpose

98 (e) Knowingly film, distribute, or possess any
 99 pornographic image or video of a person and an animal engaged in
 100 any of the activities prohibited by this section.

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

104 (4) In addition to other penalties prescribed by law, the
 105 court shall issue an order prohibiting a person convicted under
 106 this section from harboring, owning, possessing, or exercising
 107 control over any animal; from residing in any household in which
 108 animals are present; and from engaging in an occupation, whether
 109 paid or unpaid, or participating in a volunteer position at any
 110 establishment at which animals are present. The order may be
 111 effective for up to 5 years after the date of the conviction,
 112 regardless of whether adjudication is withheld.

113 ~~(5)~~ (4) This section does not apply to accepted animal
 114 husbandry practices, including, but not limited to, assistance
 115 with the birthing process or artificial insemination of an
 116 animal for reproductive purposes, accepted conformation judging
 117 practices, or accepted veterinary medical practices.

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

120 921.0022 Criminal Punishment Code; offense severity
 121 ranking chart.—

122 (3) OFFENSE SEVERITY RANKING CHART

123 (a) LEVEL 1

124

Florida	Felony	Description
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	Statute	Degree	
125	24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
126	212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
127	212.15(2) (b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
128	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
129	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
130	319.35(1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
131	320.26(1) (a)	3rd	Counterfeit, manufacture, or sell registration license

plates or validation stickers.

132

322.212
(1) (a) - (c)

3rd

Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

133

322.212 (4)

3rd

Supply or aid in supplying unauthorized driver license or identification card.

134

322.212 (5) (a)

3rd

False application for driver license or identification card.

135

414.39 (3) (a)

3rd

Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

136

443.071 (1)

3rd

False statement or representation to obtain or increase reemployment assistance benefits.

137

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138	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
139	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
140	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
141	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
142	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
143	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

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facilitate commission of a
felony.

144

826.01 3rd Bigamy.

145

~~828.122(3) 3rd Fighting or baiting animals.~~

146

831.04(1) 3rd Any erasure, alteration, etc.,
of any replacement deed, map,
plat, or other document listed
in s. 92.28.

147

831.31(1)(a) 3rd Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03(5) drugs.

148

832.041(1) 3rd Stopping payment with intent to
defraud \$150 or more.

149

832.05(2)(b) & 3rd Knowing, making, issuing
(4)(c) worthless checks \$150 or more
or obtaining property in return
for worthless check \$150 or
more.

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150	838.15(2)	3rd	Commercial bribe receiving.
151	838.16	3rd	Commercial bribery.
152	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
153	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
154	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.
155	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
156	849.25(2)	3rd	Engaging in bookmaking.
157	860.08	3rd	Interfere with a railroad

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signal.

158

860.13(1) (a) 3rd Operate aircraft while under
the influence.

159

893.13(2) (a) 2. 3rd Purchase of cannabis.

160

893.13(6) (a) 3rd Possession of cannabis (more
than 20 grams).

161

934.03(1) (a) 3rd Intercepts, or procures any
other person to intercept, any
wire or oral communication.

162

163 (f) LEVEL 6

164

Florida	Felony	
Statute	Degree	Description

165

316.027(2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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166

316.193(2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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167	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
168	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
169	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
170	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
171	775.0875(1)	3rd	Taking firearm from law enforcement officer.
172	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
173	784.021(1)(b)	3rd	Aggravated assault; intent to

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commit felony.

174

784.041 3rd Felony battery; domestic battery by strangulation.

175

784.048 (3) 3rd Aggravated stalking; credible threat.

176

784.048 (5) 3rd Aggravated stalking of person under 16.

177

784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.

178

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

179

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

180

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

181

784.082 (2) 2nd Aggravated assault by detained

person on visitor or other
detainee.

182

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

183

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

184

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

185

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

186

790.164 (1) 2nd False report concerning bomb,
explosive, weapon of mass
destruction, act of arson or
violence to state property, or
use of firearms in violent
manner.

187

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188	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
189	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
190	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
191	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.
192	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
193	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
	810.02 (3) (c)	2nd	Burglary of occupied structure;

unarmed; no assault or battery.

194

810.145 (8) (b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

195

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

196

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

197

812.015 (9) (a) 2nd Retail theft; property stolen \$750 or more; second or subsequent conviction.

198

812.015 (9) (b) 2nd Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

199

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

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200	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
201	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
202	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
203	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
204	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
205	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
206	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

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207	827.03(2)(c)	3rd	Abuse of a child.
208	827.03(2)(d)	3rd	Neglect of a child.
209	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
210	<u>828.122(3)</u>	<u>3rd</u>	<u>Fighting or baiting animals.</u>
211	<u>828.126(3)</u>	<u>3rd</u>	<u>Sexual activities involving animals.</u>
212	836.05	2nd	Threats; extortion.
213	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
214	843.12	3rd	Aids or assists person to escape.
215	847.011	3rd	Distributing, offering to

distribute, or possessing with intent to distribute obscene materials depicting minors.

216

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

217

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

218

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

219

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

220

944.40 2nd Escapes.

221

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222 944.46 3rd Harboring, concealing, aiding
escaped prisoners.

223 944.47(1) (a) 5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

224 951.22(1) (i) 3rd Firearm or weapon introduced
into county detention facility.

225 Section 4. This act shall take effect July 1, 2022.