

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

12
 13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Section 828.126, Florida Statutes, is amended
 16 to read:

17 828.126 Sexual activities involving animals.—

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

19 ~~(a) "Sexual conduct" means any touching or fondling by a~~
 20 ~~person, either directly or through clothing, of the sex organs~~
 21 ~~or anus of an animal or any transfer or transmission of semen by~~
 22 ~~the person upon any part of the animal for the purpose of sexual~~
 23 ~~gratification or arousal of the person.~~

24 (a)(b) "Sexual contact with an animal" means any act
 25 committed between a person and an animal for the purpose of

26 sexual gratification, abuse, or financial gain that involves:
 27 1. Contact between the sex organ or anus of one and the
 28 mouth, sex organ, or anus of the other;
 29 2. The fondling of the sex organ or anus of an animal; or
 30 3. The insertion, however slight, of any part of the body
 31 of a person or any object into the vaginal or anal opening of an
 32 animal, or the insertion of any part of the body of an animal
 33 into the vaginal or anal opening of a person ~~contact, however~~
 34 ~~slight, between the mouth, sex organ, or anus of a person and~~
 35 ~~the sex organ or anus of an animal, or any penetration, however~~
 36 ~~slight, of any part of the body of the person into the sex organ~~
 37 ~~or anus of an animal, or any penetration of the sex organ or~~
 38 ~~anus of the person into the mouth of the animal, for the purpose~~
 39 ~~of sexual gratification or sexual arousal of the person.~~
 40 (2) A person may not:
 41 (a) Knowingly engage in any ~~sexual conduct or~~ sexual
 42 contact with an animal;
 43 (b) Knowingly cause, aid, or abet another person to engage
 44 in any ~~sexual conduct or~~ sexual contact with an animal;
 45 (c) Knowingly permit any ~~sexual conduct or~~ sexual contact
 46 with an animal to be conducted on any premises under his or her
 47 charge or control; ~~or~~
 48 (d) Knowingly organize, promote, conduct, ~~advertise,~~ aid,
 49 abet, participate in as an observer, or advertise, offer,
 50 solicit, or accept an offer of an animal for the purpose of

51 sexual contact with such animal, or perform any service in the
52 furtherance of an act involving any ~~sexual conduct or sexual~~
53 contact with an animal; ~~or for a commercial or recreational~~
54 purpose

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

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

61 (4) In addition to other penalties prescribed by law, the
62 court shall issue an order prohibiting a person convicted under
63 this section from harboring, owning, possessing, or exercising
64 control over any animal; from residing in any household in which
65 animals are present; and from engaging in an occupation, whether
66 paid or unpaid, or participating in a volunteer position at any
67 establishment at which animals are present. The order may be
68 effective for up to 5 years after the date of the conviction,
69 regardless of whether adjudication is withheld.

70 (5)-(4) This section does not apply to accepted animal
71 husbandry practices, including, but not limited to, assistance
72 with the birthing process or artificial insemination of an
73 animal for reproductive purposes, accepted conformation judging
74 practices, or accepted veterinary medical practices.

75 Section 2. Paragraphs (a) and (f) of subsection (3) of

76 section 921.0022, Florida Statutes, are amended to read:
 77 921.0022 Criminal Punishment Code; offense severity
 78 ranking chart.—

79 (3) OFFENSE SEVERITY RANKING CHART

80 (a) LEVEL 1

81

| Florida | Felony | Description |
|----------------|--------|--|
| Statute | Degree | |
| 24.118(3) (a) | 3rd | Counterfeit or altered state lottery ticket. |
| 212.054(2) (b) | 3rd | Discretionary sales surtax; limitations, administration, and collection. |
| 212.15(2) (b) | 3rd | Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000. |
| 316.1935(1) | 3rd | Fleeing or attempting to elude law enforcement officer. |
| 319.30(5) | 3rd | Sell, exchange, give away certificate of title or |

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| 87 | | | identification number plate. |
| | 319.35(1)(a) | 3rd | Tamper, adjust, change, etc., an odometer. |
| 88 | | | |
| | 320.26(1)(a) | 3rd | Counterfeit, manufacture, or sell registration license plates or validation stickers. |
| 89 | | | |
| | 322.212 (1)(a)-(c) | 3rd | Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification. |
| 90 | | | |
| | 322.212(4) | 3rd | Supply or aid in supplying unauthorized driver license or identification card. |
| 91 | | | |
| | 322.212(5)(a) | 3rd | False application for driver license or identification card. |
| 92 | | | |
| | 414.39(3)(a) | 3rd | Fraudulent misappropriation of public assistance funds by employee/official, value more |

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| | | | than \$200. |
| 93 | 443.071 (1) | 3rd | False statement or representation to obtain or increase reemployment assistance benefits. |
| 94 | 509.151 (1) | 3rd | Defraud an innkeeper, food or lodging value \$1,000 or more. |
| 95 | 517.302 (1) | 3rd | Violation of the Florida Securities and Investor Protection Act. |
| 96 | 713.69 | 3rd | Tenant removes property upon which lien has accrued, value \$1,000 or more. |
| 97 | 812.014 (3) (c) | 3rd | Petit theft (3rd conviction); theft of any property not specified in subsection (2). |
| 98 | 815.04 (5) (a) | 3rd | Offense against intellectual property (i.e., computer programs, data). |

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| 99 | 817.52(2) | 3rd | Hiring with intent to defraud, motor vehicle services. |
| 100 | 817.569(2) | 3rd | Use of public record or public records information or providing false information to facilitate commission of a felony. |
| 101 | 826.01 | 3rd | Bigamy. |
| 102 | 828.122(3) | 3rd | Fighting or baiting animals. |
| 103 | 831.04(1) | 3rd | Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28. |
| 104 | 831.31(1)(a) | 3rd | Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs. |
| 105 | 832.041(1) | 3rd | Stopping payment with intent to |

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| 106 | | | defraud \$150 or more. |
| | 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. |
| 107 | | | |
| | 838.15(2) | 3rd | Commercial bribe receiving. |
| 108 | | | |
| | 838.16 | 3rd | Commercial bribery. |
| 109 | | | |
| | 843.18 | 3rd | Fleeing by boat to elude a law enforcement officer. |
| 110 | | | |
| | 847.011(1) (a) | 3rd | Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction). |
| 111 | | | |
| | 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. |
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| 113 | 849.23 | 3rd | Gambling-related machines; "common offender" as to property rights. |
| 114 | 849.25(2) | 3rd | Engaging in bookmaking. |
| 115 | 860.08 | 3rd | Interfere with a railroad signal. |
| 116 | 860.13(1) (a) | 3rd | Operate aircraft while under the influence. |
| 117 | 893.13(2) (a) 2. | 3rd | Purchase of cannabis. |
| 118 | 893.13(6) (a) | 3rd | Possession of cannabis (more than 20 grams). |
| 119 | 934.03(1) (a) | 3rd | Intercepts, or procures any other person to intercept, any wire or oral communication. |
| 120 | (f) LEVEL 6 | | |
| 121 | Florida | Felony | |
| | Statute | Degree | Description |

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| 122 | 316.027 (2) (b) | 2nd | Leaving the scene of a crash involving serious bodily injury. |
| 123 | 316.193 (2) (b) | 3rd | Felony DUI, 4th or subsequent conviction. |
| 124 | 400.9935 (4) (c) | 2nd | Operating a clinic, or offering services requiring licensure, without a license. |
| 125 | 499.0051 (2) | 2nd | Knowing forgery of transaction history, transaction information, or transaction statement. |
| 126 | 499.0051 (3) | 2nd | Knowing purchase or receipt of prescription drug from unauthorized person. |
| 127 | 499.0051 (4) | 2nd | Knowing sale or transfer of prescription drug to unauthorized person. |
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| 129 | 775.0875(1) | 3rd | Taking firearm from law enforcement officer. |
| 130 | 784.021(1)(a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |
| 131 | 784.021(1)(b) | 3rd | Aggravated assault; intent to commit felony. |
| 132 | 784.041 | 3rd | Felony battery; domestic battery by strangulation. |
| 133 | 784.048(3) | 3rd | Aggravated stalking; credible threat. |
| 134 | 784.048(5) | 3rd | Aggravated stalking of person under 16. |
| 135 | 784.07(2)(c) | 2nd | Aggravated assault on law enforcement officer. |
| 136 | 784.074(1)(b) | 2nd | Aggravated assault on sexually violent predators facility staff. |

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| 137 | 784.08 (2) (b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 138 | 784.081 (2) | 2nd | Aggravated assault on specified official or employee. |
| 139 | 784.082 (2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 140 | 784.083 (2) | 2nd | Aggravated assault on code inspector. |
| 141 | 787.02 (2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 142 | 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property. |
| 143 | 790.161 (2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |

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| | 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. |
| 144 | 790.19 | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles. |
| 145 | 794.011 (8) (a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult. |
| 146 | 794.05 (1) | 2nd | Unlawful sexual activity with specified minor. |
| 147 | 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. |
| 148 | 800.04 (6) (b) | 2nd | Lewd or lascivious conduct; offender 18 years of age or |

older.

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806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

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810.02 (3) (c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

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

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

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

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

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| 156 | 812.015 (9) (b) | 2nd | Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others. |
| 157 | 812.13 (2) (c) | 2nd | Robbery, no firearm or other weapon (strong-arm robbery). |
| 158 | 817.4821 (5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |
| 159 | 817.49 (2) (b) 2. | 2nd | Willful making of a false report of a crime resulting in death. |
| 160 | 817.505 (4) (b) | 2nd | Patient brokering; 10 or more patients. |
| 161 | 825.102 (1) | 3rd | Abuse of an elderly person or disabled adult. |
| 162 | 825.102 (3) (c) | 3rd | Neglect of an elderly person or disabled adult. |

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| 163 | 825.1025(3) | 3rd | Lewd or lascivious molestation of an elderly person or disabled adult. |
| 164 | 825.103(3)(c) | 3rd | Exploiting an elderly person or disabled adult and property is valued at less than \$10,000. |
| 165 | 827.03(2)(c) | 3rd | Abuse of a child. |
| 166 | 827.03(2)(d) | 3rd | Neglect of a child. |
| 167 | 827.071(2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 168 | <u>828.122(3)</u> | <u>3rd</u> | <u>Fighting or baiting animals.</u> |
| 169 | <u>828.126(3)</u> | <u>3rd</u> | <u>Sexual activities involving animals.</u> |
| 170 | 836.05 | 2nd | Threats; extortion. |
| | 836.10 | 2nd | Written or electronic threats to kill, do bodily injury, or |

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| 171 | | | conduct a mass shooting or an act of terrorism. |
| | 843.12 | 3rd | Aids or assists person to escape. |
| 172 | | | |
| | 847.011 | 3rd | Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors. |
| 173 | | | |
| | 847.012 | 3rd | Knowingly using a minor in the production of materials harmful to minors. |
| 174 | | | |
| | 847.0135(2) | 3rd | Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. |
| 175 | | | |
| | 914.23 | 2nd | Retaliation against a witness, victim, or informant, with bodily injury. |
| 176 | | | |
| | 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.

177

944.40 2nd Escapes.

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944.46 3rd Harboring, concealing, aiding
 escaped prisoners.

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

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

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182 Section 3. This act shall take effect October 1, 2022.