

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1732

INTRODUCER: Criminal Justice Committee and Senator Arrington

SUBJECT: Animal Cruelty

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant/Cellon	Stokes	CJ	Fav/CS
2.	_____	_____	AG	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1732 creates s. 827.12, F.S. to create a third degree felony offense for a person who causes or entices a minor to commit, or in the presence of a minor, commits an offense under the following sections of law:

- Aggravated animal cruelty pursuant to s. 828.12(2), F.S.
- Fighting or baiting animals pursuant to s. 828.122, F.S.
- Sexual activities involving animals pursuant to s. 828.126, F.S.

Additionally, the bill increases the level from a level 1 to a level 5 in the offense severity ranking chart for fighting or baiting animals and provides a level 6 ranking for the offense being created in s. 827.12, F.S.

The bill amends s. 827.04, F.S., relating to contributing to the delinquency of a minor, to create a graduated penalty structure for the offender based on the delinquent act or criminal offense the child committed.

The bill may have an indeterminate fiscal impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect October 1, 2025.

II. Present Situation:

Animal Cruelty

A person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a third degree felony punishable as provided in s. 775.082, F.S.,¹ or by a fine of not more than \$10,000, or both.²

Fighting or Baiting Animals

A person who knowingly commits any of the following acts commits a third degree felony:³

- Baiting,⁴ breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting⁵ or baiting;
- Owning, possessing, or selling equipment for use in any such activity;
- Owning, leasing, managing, operating, or having control of any property kept or used for such activities;
- Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;
- Performing any service or act to facilitate animal fighting or baiting, including but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;
- Removing or facilitating the removal of any animal impounded under s. 828.122, F.S., from an agency where the animal is impounded or from a location designated by the court, without prior authorization from the court.
- Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or
- Attending the fighting or baiting of animals.

Sexual Activities Involving Animals

“Sexual contact with an animal” means any act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:⁶

- Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;
- The fondling of the sex organ or anus of an animal; or

¹ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S. However, the aggravated offense listed in s. 828.12(2), F.S., carries a higher fine.

² Section 828.12(2), F.S.

³ Section 828.122(3)(a)-(h), F.S.

⁴ “Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds. Section 828.122(2)(b), F.S.

⁵ “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals. Section 828.122(2)(a), F.S.

⁶ Section 828.126(1)(a)-(c), F.S.

- The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.

A person commits a third degree felony if he or she knowingly:^{7,8}

- Engages in any sexual contact with an animal;
- Causes, aids, or abets another person to engage in any sexual contact with an animal;
- Permits any sexual contact with an animal to be conducted on any premises under his or her charge or control;
- Organizes, promotes, conducts, aids, abets, participates in as an observer, or advertises, offers, or accepts an offer of an animal for the purpose of sexual contact with such animal, or performs any service in the furtherance of an act involving any sexual contact with an animal; or
- Films, distributes, or possesses any pornographic image or video of a person and an animal engaged in any of the prohibited activities.

Criminal Punishment Code

The Criminal Punishment Code⁹ (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).¹⁰ The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- 60 days in a county jail for a second degree misdemeanor;
- One year in a county jail for a first degree misdemeanor;
- Five years in state prison for a third degree felony;
- 15 years in state prison for a second degree felony;
- Generally, 30 years to life in state prison for a first degree felony; and
- The death penalty, or life imprisonment without the possibility of parole for a capital felony.¹¹

Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

⁷ Section 828.126(2)(a)-(e), F.S.

⁸ Section 828.126(3), F.S.

⁹ Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

¹⁰ Offenses are either ranked in the offense severity level ranking chart in section 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in section 921.0023, F.S.

¹¹ Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.083, F.S., provides the following maximum fines; \$500 for a second degree misdemeanor; \$1,000 for a first degree misdemeanor; \$5,000 for a third degree felony; and \$10,000 for a second degree felony and a first degree felony.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- A third degree felony is within offense level 1;
- A second degree felony is within offense level 4;
- A first degree felony is within offense level 7;
- A first degree punishable by life felony is within offense level 9; and
- A life felony is within offense level 10.

Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Sentence points escalate as the severity level escalates. Points may also be added or multiplied for other factors such as victim injury or the commission of certain offenses. The lowest permissible sentence is any non-state prison sanction in which total sentence points equal or are less than 44 points, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.¹² Absent mitigation,¹³ the permissible sentencing range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.¹⁴

Contributing to the Delinquency or Dependency of a Minor

As provided in s. 827.04, F.S., a misdemeanor of the first degree is committed by a person who:

- Commits any act which causes, tends to cause, encourages, or contributes to a child becoming a delinquent or dependent child or a child in need of services; or
- Induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit or perform any act, follow any course of conduct, or live in a manner that causes or tends to cause such child to become or to remain a dependent or delinquent child or a child in need of service;

commits a misdemeanor of the first degree¹⁵.

III. Effect of Proposed Changes:

The bill creates penalties for contributing to delinquency of a minor. Currently, the adult who commits this crime is subject only to first degree misdemeanor penalties.

The bill amends s. 827.04, F.S., to add a graduated penalty structure based on the delinquent act or criminal offense the child committed.

¹² Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

¹³ The court may “mitigate” or “depart downward” from the scored lowest permissible sentence, if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.

¹⁴ If the scored lowest permissible sentence exceeds the maximum penalty in s. 775.082, F.S., the sentence required by the Code must be imposed. If total sentence points are greater than or equal to 363 points, the court may sentence the offender to life imprisonment. Section 921.0024(2), F.S.

¹⁵ A first degree misdemeanor is punishable by up to a year in the county jail and a \$1,000 fine. ss. 775.082 and 775.083, F.S.

The bill provides that a person who commits any act that causes, tends to cause, encourages, or contributes to a child committing an offense that is:

- A felony of the third degree, commits a misdemeanor of the first degree;
- A felony of the second degree, commits a felony of the third degree;
- A felony of the first degree, commits a felony of the second degree;
- A capital felony, commits a felony of the first degree.

The same penalty structure applies for an adult who induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit a delinquent or criminal offense.

The bill creates s. 827.12, F.S., to provide that it is a third degree felony offense, for an adult, to cause or entice a minor to commit, or in the presence of a minor, commits an offense under the following sections of law:

- Aggravated animal cruelty pursuant to s. 828.12(2), F.S.
- Fighting or baiting animals pursuant to s. 828.122, F.S.
- Sexual activities involving animals pursuant to s. 828.126, F.S.

The bill provides that a new offense under s. 827.12, F.S. is a level 6 in the offense severity ranking chart, and increases the level in the offense severity ranking chart for fighting or baiting animals from level 1 to level 5.

The bill makes conforming changes.

The bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None noted.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate prison bed impact due to the creation of a new sentencing structure for crimes of contributing to the delinquency or dependency of a minor, creating a new third degree felony, as well as increasing the severity of an offense relating to the fighting or baiting of animals which will impact the length of a sentence.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 921.0022 of the Florida Statutes.
This bill creates section 827.12 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice Committee on March 18, 2025:

- Adds amends s. 827.04, F.S., to create a graduated penalty structure based on the criminal or delinquent offense the child committed.
- The bill provides penalties for the adult who violates the new (2)(a) or (b), for example, as follows:
 - If the child commits a third degree felony, the adult is subject to first degree misdemeanor penalties.
 - If the child commits a second degree felony, the adult is subject to third degree felony penalties.
 - If the child commits a first degree felony, the adult is subject to second degree felony penalties.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
