

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: SB 494

INTRODUCER: Senator Leek

SUBJECT: Animal Cruelty

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			FP	

I. Summary:

SB 494 amends s. 828.12, F.S., to provide that beginning January 1, 2026, the Florida Department of Law Enforcement (FDLE) will post on its website the names of those persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The information posted on the FDLE website will be in a searchable format prescribed by the department.

The FDLE expects a fiscal impact of approximately \$12,000. *See Section V., Fiscal Impact Statement.*

The bill takes effect July 1, 2024.

II. Present Situation:

Animal Cruelty Offenses

Section 828.12(1), F.S., provides first degree misdemeanor penalties¹ for certain cases involving cruelty to animals. A person commits the crime of animal cruelty if he or she:

- Unnecessarily overloads;
- Overdrives;
- Torments;
- Deprives of necessary sustenance or shelter;
- Unnecessarily mutilates, or kills any animal, or causes such to be done; or

¹ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$5,000 fine or both. ss. 775.082 and 775.083, F.S.

- Carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

A person who is convicted of a violation of this statute may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.²

Section 828.12(2), F.S., specifies that 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 felony of the third degree.³

Also, s. 828.13(2)(a), (b), and (c) F.S., provide that a person commits a first degree misdemeanor⁴ if he or she:

- Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
- Keeps any animals in any enclosure without wholesome exercise and change of air; or
- Abandons to die any animal that is maimed, sick, infirm, or diseased.

Section 828.13(3), F.S., prohibits a person who is the owner or possessor or has charge or custody of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal which is punishable as a misdemeanor of the first degree.⁵

Section 828.13(1)(a), F.S., defines the term “abandon” to mean to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.⁶ Whoever abandons, impounds, or confines any animal in any place and:

- Fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water;
 - Keeps any animals in any enclosure without wholesome exercise and change of air; or
 - Abandons to die any animal that is maimed, sick, infirm, or diseased;
- commits a first degree misdemeanor.⁷

² Section 828.12(6), F.S.

³ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. However, a violation of s. 828.12(2), F.S., may result in a fine of up to \$10,000.3) F.S., Sections 775.083(1)(g), and 828.12(2), F.S.

⁴ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.083, and 828.13(2), F.S.

⁵ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(3), F.S., may result in a fine of up to \$5,000. Sections 775.083, and 828.13(3), F.S.

⁶ The term “owner” is defined as any owner, custodian, or other person in charge of an animal. s. 828.13(1)(b), F.S.

⁷ A first degree misdemeanor is punishable by up to 1 year in the county jail or a \$1,000 fine or both. Sections 775.082, and 775.083, F.S. However, a violation of s. 828.13(2), F.S., may result in a fine of up to \$5,000. Sections 775.083, and 828.13(2), F.S.

Any person who knowingly commits any of the following acts of fighting or baiting animals commits a felony of the third degree⁸:

- Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;
- Owning, possessing, or selling equipment for use in any activity described in paragraph (a);
- Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);
- 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 this section from an agency where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of 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.⁹

Additionally, a person may not:

- Knowingly engage in any sexual contact with an animal;
- Knowingly cause, aid, or abet another person to engage in any sexual contact with an animal;
- Knowingly permit any sexual contact with an animal to be conducted on any premises under his or her charge or control;
- Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or
- Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.¹⁰

A person who violates this section commits a felony of the third degree.¹¹

In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any

⁸ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S. In addition to other penalties the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court. Section 828.122(8), F.S.

⁹ “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals. “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), F.S.

¹⁰ Sexual activities involving animals. Section 828.126, F.S.

¹¹ A third degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. ss. 775.082 and 775.083, F.S.

establishment at which animals are present. The order may be effective for up to five years after the date of the conviction, regardless of whether adjudication is withheld.¹²

Animal Abuse Registries in Florida

Hillsborough County became the first county in Florida to establish an animal-abuser registry, requiring that any individual residing in Hillsborough County, who has been convicted of an animal-abuse offense on or after November 1, 2016, must self-register within 10 business days after their release from incarceration or from the date of the conviction.¹³ The registry contains the names, residences, photographs, and other related information of those living in the county who are convicted of an animal offense on or after November 1, 2016.¹⁴

Under the Hillsborough County ordinance, an “animal abuser” is defined as a person convicted of cruelty to animals under s. 828.12, F.S., and other animal cruelty offenses. Registrants must remain on the registry for a period of three years for a first conviction of a misdemeanor animal cruelty offense; for a period of five years for a first conviction of a felony abuse offense; or for a period of 10 years for a second or subsequent conviction of either a misdemeanor or felony abuse offense.¹⁵

In addition, registrants are not allowed to own, possess, and/or reside in the same household or on the same property as an animal while on the registry; prohibited from working with a companion animal, with or without compensation; and strictly prohibited from adopting, purchasing, or otherwise obtaining certain animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale, or other means.¹⁶ The ordinance went into effect on November 1, 2016.¹⁷

Marion County commissioners approved an animal-abuser registry ordinance named “Molly’s Law,” after an American Boxer mix was severely abused in 2014.¹⁸ An examination of the animal revealed that Molly had been brutally beaten with a bat, suffered a fractured skull, and

¹² Section 828.126(4), F.S.

¹³ Hillsborough County Animal Abuser Registry Documents and Resources; available at Animal Abuser Registry Documents & Resources | Hillsborough County, FL; (last visited March 23, 2025). Tampa Bay Creative Loafing, Kate Bradshaw, February 11, 2016, The worst offenders: Hillsborough may become the first county in Florida to adopt an animal abuser registry; available at <https://www.cltampa.com/news/the-worst-offenders-hillsborough-may-become-the-first-county-in-florida-to-adopt-an-animal-abuser-registry-12289553>; (last visited March 23, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at <https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/>; (last visited March 23, 2025).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ “Molly’s Law” Keeps Animal Abusers from Owning Pets in Marion County, WFTV, Dec. 27, 2016, available at <http://www.wftv.com/news/local/mollys-law-keeps-animal-abusers-from-owning-pets-in-marion-county/479178907>; (last visited March 23, 2025). Florida Bar Journal, The Growing Trend of Animal-Abuser Registries, Chip Fletcher and DeBora Cromartie Mincey, Vol. 91, No.10 December 2017; available at <https://www.floridabar.org/the-florida-bar-journal/the-growing-trend-of-animal-abuser-registries/>; (last visited March 23, 2025).

had been stabbed with a knife through the top of her head three times.¹⁹ The ordinance, similar to the animal-abuser registry ordinance in Hillsborough County, took effect on January 1, 2017²⁰.

Animal abuser registries also exist in the following local jurisdictions among others:

- Lee County²¹
- Seminole County²²
- Miami-Dade County²³
- Volusia County²⁴
- City of Tallahassee²⁵
- Collier County²⁶

III. Effect of Proposed Changes:

The bill amends s. 828.12, F.S., to provide that beginning January 1, 2026, the FDLE must post on its website, in a searchable format, the names of persons who have been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 828.12, F.S., animal cruelty.

The bill takes effect on July 1, 2024.

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.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Lee County, available at <https://www.sheriffleefl.org/animal-abuser-search/> (last visited March 23, 2025).

²² Seminole County, available at <https://www.seminolecountyfl.gov/departments-services/prepare-seminole/animal-services/animal-abuse-registry.shtml>; (last visited March 23, 2025).

²³ Miami-Dade County, available at <https://www.miamidade.gov/Apps/ASD/crueltyweb/> (last visited March 23, 2025).

²⁴ Volusia County, available at <https://www.volusia.org/services/public-protection/animal-services/animal-abuse-listing.shtml>; (last visited March 23, 2025).

²⁵ City of Tallahassee, available at <https://www.talgov.com/animals/asc-abuse> (last visited March 23, 2025).

²⁶ Collier County, available at <https://www2.colliersheriff.org/animalabusesearch/Enjoined> (last visited March 23, 2025).

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 FDLE expects to spend one month and expend approximately \$12,000 to complete the necessary programmatic changes to fulfill the requirements of the bill.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

Although it is likely that the Clerks of Court will provide the information to the FDLE for the Animal Abuser website, the bill does not specify.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 828.12

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

²⁷ 2025 FDLE Legislative Bill Analysis, February 21, 2025; (*On file with the Senate committee on Criminal Justice.*).