

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 Fiscal Policy

BILL: SB 676

INTRODUCER: Senator Arrington

SUBJECT: Criminal Offenses

DATE: February 23, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u>Cellon</u>	<u>Siples</u>	<u>FP</u>	Pre-meeting

I. Summary:

SB 676 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 amends ss. 828.12, 828.122 and 828.126, F.S., to create a third degree felony offense for a person eighteen years of age or older who causes or entices a minor to commit, or in the presence of a minor, commits a violation of 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 amends the Offense Severity Ranking Chart to rank new offenses created by the bill and increase the ranking for the offense of fighting or baiting animals.

The bill may have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2026.

II. Present Situation:

Contributing to the Delinquency or Dependency of a Minor

A person commits a first degree¹ misdemeanor if he or she:

¹ 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.

- 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 services.

The offense is a first degree misdemeanor regardless of the offense child commits.²

It is not necessary for any court exercising juvenile jurisdiction to make an adjudication that any child is delinquent or dependent or a child in need of services in order to prosecute a violation of contributing to the delinquency or dependency of a minor. An adjudication that a child is delinquent or dependent or a child in need of services does not preclude a subsequent prosecution of contributing to the delinquency or dependency of a minor.

Crimes Victimizing Animals

Aggravated 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. This offense is a third degree felony.^{3,4}

Fighting or Baiting Animals

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

- Baiting,⁵ breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting⁶ 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;

² Section 827.04(1), F.S.

³ A third degree felony is generally punishable by not more than 5 years in prison and a fine not exceeding \$5,000; ss. 775.082 and 775.083, F. S. As part of the sentence for the offense of aggravated animal cruelty the court may impose a fine of *not more than* \$10,000.

⁴ A person convicted of a violation of s. 828.12(2), F.S., where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, must be ordered to pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management treatment program. A person convicted of a second or subsequent violation of s. 828.12(2), F.S., must be required to pay a minimum mandatory fine of \$5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, is not eligible for parole, control release, or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of s. 828.12(2), F.S.

⁵ “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.

⁶ “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals. Section 828.122(2)(a), F.S.

- 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.⁷

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:

- 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
- 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.⁸

A person commits a third degree felony⁹ if he or she knowingly:

- 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.^{10,11}

⁷ Section 828.122(3)(a)-(h), F.S., is a third degree felony which is punishable by up to 5 years in prison and a fine not to exceed \$5,000; ss. 775.082 and 775.083, F.S.

⁸ Section 828.126(1)(a)-(c), F.S.

⁹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine; ss. 775.082 and 775.083, F.S.

¹⁰ Section 828.126, F.S.

¹¹ A study of incidents from 1975 to 2015 found that 31.6 percent of animal sex offenders also sexually offended adults and children. Additionally, 52.9 percent of animal sex offenders had a prior or subsequent criminal record involving human sexual abuse, animal abuse, interpersonal violence, substances or property offenses. The Journal of the American Academy of Psychiatry and the Law, *Arrest and Prosecution of Animal Sex Abuse (Bestiality) Offenders in the United States, 1975 – 2015*, May 2019, available at <http://jaapl.org/content/early/2019/05/16/JAAPL.003836-19> (last visited January 6, 2026).

It should be noted that the crimes of Lewd or Lascivious Battery and Lewd or Lascivious Exhibition, second degree felony offenses,¹² contain elements that are similar to the third degree felony crime of Sexual Contact with an Animal. A person commits:

- Lewd or Lascivious Battery if he or she commits the acts of encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, *sexual bestiality*, prostitution, or any other act involving sexual activity.
- Lewd or Lascivious Exhibition if he or she intentionally commits a sexual act that does not involve actual physical or sexual contact with the victim, including but not limited to, sadomasochistic abuse, *sexual bestiality*, or the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age.¹³

Although the term “sexual bestiality” is not defined in the Lewd or Lascivious Battery offenses, it is defined elsewhere in the Florida Statutes. For example, the definition in s. 775.0847(1)(g), F.S., is “sexual bestiality means any sexual act, actual or simulated, between a person and an animal involving the sex organ of the one and the mouth, anus, or female genitals of the other.”

Criminal Punishment Code

The Criminal Punishment Code¹⁴ (Code) is Florida’s primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).¹⁵ The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony:

- Sixty 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;
- Fifteen 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.¹⁶

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.

¹² A second degree felony is punishable by up to fifteen years imprisonment and a \$10,000 fine; ss. 775.082 and 775.083, F.S.

¹³ *Id.* Sections 800.04(4) and 800.04(7), F.S.

¹⁴ 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.

¹⁵ Offenses are either ranked in the offense severity level ranking chart in s. 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in s. 921.0023, F.S.

¹⁶ 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.¹⁷ Absent mitigation,¹⁸ 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.¹⁹

III. Effect of Proposed Changes:

Section 1 amends s. 827.04, F.S., to provide that a person who *commits any act that causes, tends to cause, encourages, or contributes to a child committing an offense that is:*

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

The bill also provides that for a person who *induces or endeavors to induce, by act, threat, command, or persuasion, a child to commit an offense that is:*

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

Sections 2-4 amend ss. 828.12, 828.122, and 828.126, F.S., respectively, to provide that it is a third degree felony offense for a person eighteen years of age or older to *cause or entice a minor to commit, or in the presence of a minor to commit an offense* under the following sections of law:

¹⁷ Section 921.0024, F.S. Unless otherwise noted, information on the Code is from this source.

¹⁸ 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.

¹⁹ 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.

- 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.

Section 5 amends s. 921.0022, F.S., the Offense Severity Ranking Chart, to:

- Elevate the crime of fighting or baiting an animal from a Level 1 to a Level 5;
- Rank the offense for causing or enticing a minor to commit, or committing in the presence of a minor animal cruelty as a Level 6;
- Rank the offense for causing or enticing a minor to commit, or committing in the presence of a minor fighting or baiting animals as a Level 6; and
- Rank the offense for causing or enticing a minor to commit, or committing in the presence of a minor, sexual activities involving animals as a Level 7.

The bill takes effect October 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities or 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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Office of Economic and Demographic Research estimated the bill will have a positive indeterminate prison bed impact.²⁰

Per the FDLE, in FY 24-25, there were 719 arrests, with 254 guilty/convicted charges and 125 adjudicated withheld charges for contributing to the delinquency of a minor, which is currently a 1st degree misdemeanor. It is not known how many of these instances would now be under the new elevated felony structure.

This bill amends s. 828.12, F.S., adding a Level 6, 3rd degree felony for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits” the following Level 5, 3rd degree felony: “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...” Per DOC, in FY 24-25, there were 20 new commitments for the Level 5, 3rd degree felony. It is not known how many of these involved a minor, nor is it known how many additional commitments would be added with a minor involved.

Additionally, the bill amends s. 828.122, F.S., adding a Level 6, 3rd degree felony for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits...” the current Level 1, 3rd degree felony for a list of acts related to animal fighting or baiting. It then raises this felony to a Level 5, 3rd degree felony. Per DOC, in FY 24-25, there were no new commitments for this Level 1, 3rd degree felony.

Finally, the bill amends s. 828.126, F.S., adding a Level 7, 3rd degree felony for when “a person 18 years of age or older...causes or entices a minor to commit, or in the presence of a minor commits...” a Level 6, 3rd degree felony for a list of acts related to sexual activities involving animals. Per DOC, in FY 24-25, there were 5 new commitments for this Level 6, 3rd degree felony. It is not known how many of these involved a minor, nor is it known how many additional commitments would be added with a minor involved. However, there are penalties under Chapter 827, where “sexual conduct” is defined with the inclusion of sexual bestiality, with felonies against similarly defined acts under s. 827.071, F.S. (sexual performance by a child). Per DOC, in FY 24-25, there was one new commitment involving such an act, though sexual conduct is broadly defined. Lastly, sexual conduct is also used for the 1st degree misdemeanor under s. 827.11, F.S. (expose children to an adult live performance). There were no arrests or convictions/adjudications withheld for this 1st degree misdemeanor in FY 24-25.

VI. Technical Deficiencies:

None.

²⁰ Office of Economic and Demographic Research, *SB 676 – Criminal Offenses*, (on file with the Senate Committee on Criminal Justice).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 827.04, 828.12, 828.122, 828.126, 921.0022, 39.201, 90.4025, 382.356, 409.2355, and 742.107.

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.
