

1                                   A bill to be entitled  
 2           An act relating to animal abuser registration;  
 3           creating s. 943.0425, F.S.; providing definitions;  
 4           requiring the Department of Law Enforcement to post a  
 5           publicly accessible registry list on its website of  
 6           persons convicted of specified animal abuse offenses  
 7           after a specified date; requiring the department to  
 8           annually send a letter to certain registered breed  
 9           associations; providing requirements for the registry  
 10          list; specifying the time period for a listing;  
 11          providing for removal of listing if a record of a  
 12          conviction is expunged or sealed; requiring pet  
 13          dealers to verify that potential purchasers are not on  
 14          the registry list before they sell or deliver an  
 15          animal; providing criminal penalties; authorizing  
 16          rulemaking; providing an effective date.

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 18   Be It Enacted by the Legislature of the State of Florida:

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 20           Section 1.   Section 943.0425, Florida Statutes, is created  
 21   to read:

22           943.0425   Animal abuser registration.-

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

24           (a)   "Abuser" or "animal abuser" means a person who has  
 25   been convicted in this state of committing an animal abuse

26 offense.

27 (b) "Animal" means a dog of the species Canis familiaris;  
28 a cat of the species Felis catus; a pet normally maintained in  
29 or near the household of its owner; a domesticated animal;  
30 previously captured wildlife; an exotic animal; or any other  
31 pet, including, but not limited to, a rabbit, chick, duck, or  
32 potbellied pig. The term does not include an equine; an animal  
33 that is being raised primarily for use as food or fiber for  
34 human utilization or consumption, including, but not limited to,  
35 cattle, sheep, swine, goats, and poultry; a wild vertebrate; or  
36 a mollusk, crustacean, or fish.

37 (c) "Animal abuse offense" means a conviction for a felony  
38 violation of:

- 39 1. Animal cruelty under s. 828.12.  
40 2. Animal fighting under s. 828.122.  
41 3. Sexual activities involving animals under s. 828.126.

42 (d) "Conviction" has the same meaning as provided in s.  
43 775.21.

44 (e) "Pet dealer" means:

- 45 1. A pet dealer as defined in s. 828.29; or  
46 2. An animal shelter, humane organization, or animal  
47 control agency operated by a humane organization that receives  
48 funds from the state or from a political subdivision of the  
49 state and that, in the ordinary course of business, engages in  
50 the sale or adoption of animals.

51 (f) "Registered breed association" means an association  
52 formed and perpetuated for the maintenance of records of  
53 purebreeding of animal species for a specific breed whose  
54 characteristics are set forth in constitutions, bylaws, or other  
55 rules of the association.

56 (2) (a) Beginning January 1, 2018, the department shall  
57 post a publicly accessible registry list on its website of each  
58 person convicted of an animal abuse offense on and after that  
59 date.

60 (b)1. The registry list shall include a photograph of the  
61 convicted animal abuser taken as part of the booking process,  
62 the animal abuser's full legal name, and other identifying data  
63 the department determines is necessary to properly identify the  
64 animal abuser and to exclude innocent persons.

65 2. The registry list may not include the abuser's social  
66 security number, driver license number, or any other state or  
67 federal identification number.

68 (c) A court clerk shall forward a copy of the judgment and  
69 date of birth of each person convicted of an animal abuse  
70 offense to the department within 30 calendar days after the date  
71 of judgment.

72 (d) Upon a person's first conviction for an animal abuse  
73 offense, the department shall maintain the person's name and  
74 other identifying information described in paragraph (b) on the  
75 registry list for 2 years after the date of conviction, after

76 | which time the department shall remove the person's name and  
77 | identifying information from the list if the person is not  
78 | convicted of another animal abuse offense during that 2-year  
79 | period.

80 | (e) Upon a person's subsequent conviction for an animal  
81 | abuse offense, the department shall maintain the person's name  
82 | and other identifying information described in paragraph (b) on  
83 | the registry list for 5 years after the date of the most recent  
84 | conviction, after which time the department shall remove the  
85 | person's name and identifying information from the list if the  
86 | person is not convicted of another animal abuse offense during  
87 | that 5-year period.

88 | (f) Beginning in 2019, the department shall annually send  
89 | letters to the leading registered breed associations for animals  
90 | covered by this section to inform them of the registry and to  
91 | encourage them to urge their members to not provide animals to  
92 | persons on the registry.

93 | (3) The registry list shall remain on the department's  
94 | website for such time as determined by the executive director.

95 | (4) The department shall remove a person's name and  
96 | identifying information from the registry list if the record of  
97 | the offense for which the person is subject to the mandates of  
98 | the registry is expunged or sealed pursuant to this chapter.

99 | (5) (a) Beginning January 1, 2018, a pet dealer may not  
100 | sell or deliver an animal to a prospective purchaser until the

101 pet dealer has:

102 1. Verified the person's identity; and

103 2. Determined that the person is not on the registry list.

104 (b)1. Except as provided in subparagraph 2. or  
105 subparagraph 3., a pet dealer that violates paragraph (a)  
106 commits a misdemeanor of the second degree, punishable as  
107 provided in s. 775.082 or s. 775.083.

108 2. A pet dealer that violates paragraph (a) for a second  
109 time commits a misdemeanor of the first degree, punishable as  
110 provided in s. 775.082 or s. 775.083.

111 3. A pet dealer that violates paragraph (a) for a third or  
112 subsequent time commits a misdemeanor of the first degree,  
113 punishable as provided in s. 775.082 or s. 775.083, with a  
114 minimum mandatory period of incarceration of 3 days and a  
115 minimum mandatory fine of \$2,500.

116 (6) The department may adopt rules to administer this  
117 section.

118 Section 2. This act shall take effect July 1, 2017.