

By Senator Young

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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 the
13 department to send an annual animal abuse registry
14 notice to specified entities; amending s. 828.12,
15 F.S.; authorizing courts to prevent persons convicted
16 of certain animal cruelty violations, to be prohibited
17 from having certain responsibilities for or
18 association with an animal as a condition of
19 probation; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 943.0425, Florida Statutes, is created
24 to read:

25 943.0425 Animal abuser registration.-

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

27 (a) "Abuser" or "animal abuser" means a person who has been
28 convicted in this state of committing an animal abuse offense.

29 (b) "Animal" means a dog of the species *Canis familiaris*; a

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

39 (c) "Animal abuse offense" means a conviction for a felony
40 violation of:

41 1. Animal cruelty under s. 828.12.

42 2. Animal fighting under s. 828.122.

43 3. Sexual activities involving animals under s. 828.126.

44 (d) "Conviction" has the same meaning as provided in s.
45 775.21.

46 (e) "Pet dealer" means:

47 1. A pet dealer as defined in s. 828.29; or

48 2. An animal shelter, humane organization, or animal
49 control agency operated by a humane organization that receives
50 funds from the state or from a political subdivision of the
51 state and that, in the ordinary course of business, engages in
52 the sale or adoption of animals.

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

58 (2) (a) Beginning January 1, 2018, the department shall post

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59 a publicly accessible registry list on its website of each
60 person convicted of an animal abuse offense on or after that
61 date.

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

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

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

74 (d) Upon a person's first conviction for an animal abuse
75 offense, the department shall maintain the person's name and
76 other identifying information described in paragraph (b) on the
77 registry list for 2 years after the date of conviction, after
78 which time the department shall remove the person's name and
79 identifying information from the list if the person is not
80 convicted of another animal abuse offense during that 2-year
81 period.

82 (e) Upon a person's subsequent conviction for an animal
83 abuse offense, the department shall maintain the person's name
84 and other identifying information described in paragraph (b) on
85 the registry list for 5 years after the date of the most recent
86 conviction, after which time the department shall remove the
87 person's name and identifying information from the list if the

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88 person is not convicted of another animal abuse offense during
89 that 5-year period.

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

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

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

101 (5) The department shall send a notice, as specified in
102 subsection (6), on a yearly basis to:

103 (a) All pet dealers, animal shelters, and humane
104 organizations in the state; and

105 (b) All animal control agencies operated by a humane
106 organization that receives funds from the state or from a
107 political subdivision of the state that, in the ordinary course
108 of business, engages in the sale or adoption of animals.

109 (6) The annual notice sent to the entities specified in
110 subsection (5) shall notify such entities:

111 (a) That an animal abuser registry exists that is
112 maintained by the department; and

113 (b) Of newly added offenders to the registry.

114 Section 2. Paragraph (a) of subsection (2) of section
115 828.12, Florida Statutes, is amended to read:

116 828.12 Cruelty to animals.-

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

125 (a) A person convicted of a violation of this subsection,
126 where the finder of fact determines that the violation includes
127 the knowing and intentional torture or torment of an animal that
128 injures, mutilates, or kills the animal, shall be ordered to pay
129 a minimum mandatory fine of \$2,500 and undergo psychological
130 counseling or complete an anger management treatment program. A
131 court may also prohibit such person from owning, possessing,
132 maintaining, having custody of, residing with, or caring for any
133 animal as a condition of probation.

134 Section 3. This act shall take effect July 1, 2017.