

By Senator Book

35-01774-23

2023932__

1 A bill to be entitled
2 An act relating to animal welfare; creating s.
3 316.20045, F.S.; prohibiting a person from taking
4 specified actions relating to the transportation of
5 dogs on public roadways; providing requirements for
6 transporting a dog in a motor vehicle or in the open
7 bed of a pickup truck; providing a penalty; amending
8 s. 474.214, F.S.; providing that a veterinarian who
9 performs a prohibited declawing is subject to certain
10 disciplinary actions; creating s. 499.075, F.S.;
11 providing a short title; defining terms; prohibiting a
12 manufacturer from manufacturing, importing for profit,
13 selling, or offering for sale in this state a cosmetic
14 developed or manufactured using cosmetic animal
15 testing conducted or contracted by certain persons or
16 from conducting or contracting for cosmetic animal
17 testing; providing exceptions; providing labeling
18 requirements for specified cosmetics; providing
19 enforcement and civil penalties; creating s. 828.095,
20 F.S.; defining terms; prohibiting a person from
21 performing a declawing on a cat within this state;
22 providing an exception; providing a civil penalty;
23 providing that a veterinarian who performs a
24 prohibited declawing is subject to disciplinary action
25 by the Board of Veterinary Medicine; amending ss.
26 828.12 and 828.126, F.S.; authorizing courts, as a
27 condition of probation, to prohibit persons convicted
28 of certain animal cruelty or sexual activity with an
29 animal violations, respectively, from having certain

35-01774-23

2023932__

30 responsibilities for or associations with an animal;
31 creating s. 828.132, F.S.; providing a short title;
32 defining the term "tether"; prohibiting the tethering
33 of domestic dogs and cats; providing exceptions;
34 providing applicability; providing civil penalties;
35 providing for enforcement; providing construction;
36 creating s. 828.44, F.S.; prohibiting the sale of
37 rabbits in specified locations and during specified
38 months; specifying unlawful acts relating to the sale,
39 offer for sale, and the giving away of as
40 merchandising premiums of certain rabbits; providing
41 requirements for rabbits offered for sale at retail
42 pet stores; requiring retail pet stores to maintain
43 and make available specified records; requiring local
44 authorities to retrieve, return, and place abandoned
45 rabbits in a specified manner; authorizing specified
46 officials to enter retail pet stores and conduct
47 compliance inspections; prohibiting persons from
48 refusing or interfering with such inspections;
49 providing criminal penalties; providing applicability;
50 creating s. 943.0425, F.S.; defining terms; requiring
51 the Department of Law Enforcement to post on its
52 website by a specified date a publicly accessible
53 registry of persons convicted of animal abuse
54 offenses; prohibiting the registry from including
55 certain information; requiring the clerk of the court
56 in each county to forward certain notice of a
57 conviction for an animal abuse offense to the
58 department within a specified timeframe; providing

35-01774-23

2023932__

59 requirements for the registry; requiring the
60 department to remove an abuser's information from the
61 registry under certain circumstances; specifying
62 requirements for registered abusers; prohibiting
63 specified acts by registered abusers; providing
64 exceptions; authorizing the state to obtain a court
65 order against a registered abuser for specified
66 purposes; providing applicability; prohibiting certain
67 persons and entities from knowingly selling,
68 exchanging, or otherwise transferring the ownership of
69 an animal to a registered abuser; providing
70 exceptions; requiring such persons and entities to
71 take certain steps before selling, exchanging, or
72 transferring ownership of animals; requiring the
73 maintenance of specified records; requiring the
74 department to provide certain annual notice to
75 specified entities; providing penalties for specified
76 violations; providing construction; providing
77 effective dates.

78

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

80

81 Section 1. Section 316.20045, Florida Statutes, is created
82 to read:

83 316.20045 Transportation of dogs in motor vehicles.-

84 (1) A person may not:

85 (a) Hold a dog in his or her lap or allow a dog to be in
86 such a position as to interfere with the person's control over
87 the driving mechanism of a motor vehicle while the person is

35-01774-23

2023932__

88 operating the motor vehicle on a public roadway.

89 (b) Ride with a dog positioned in front of him or her while
90 the person is operating a motorcycle on a public roadway.

91 (c) Allow a dog to extend its head or any other body part
92 outside a motor vehicle window while the person is operating the
93 motor vehicle on a public roadway.

94 (d) Transport a dog at any time on the running board,
95 fender, hood, or roof of a motor vehicle, in the trunk of a
96 motor vehicle, or in an enclosed motor vehicle space intended
97 for cargo.

98 (e) Transport a dog at any time on a trailer that is being
99 towed by a motor vehicle.

100 (2) A dog being transported in a motor vehicle on a public
101 roadway must be:

102 (a) Secured in a crate that is an appropriate size for the
103 dog;

104 (b) Restrained safely with a harness or pet seat belt,
105 other than a neck restraint, designed for use in a motor
106 vehicle; or

107 (c) Under the physical control of a person other than the
108 operator of the motor vehicle.

109 (3) A dog being transported in the open bed of a pickup
110 truck must be restrained by the use of a dog crate that is:

111 (a) Constructed to prevent the dog from escaping;

112 (b) Constructed to allow the dog to have good footing,
113 protection from inclement weather, protection from direct
114 sunlight, and adequate ventilation;

115 (c) Durable and maintained in good condition;

116 (d) Large enough to allow the dog to turn around normally,

35-01774-23

2023932__

117 stand and sit erect, and lie in a natural position; and

118 (e) Secured to the pickup truck.

119 (4) A person who violates this section commits a
120 noncriminal traffic infraction, punishable as a moving violation
121 as provided in chapter 318.

122 Section 2. Paragraph (qq) is added to subsection (1) of
123 section 474.214, Florida Statutes, and subsection (2) of that
124 section is republished, to read:

125 474.214 Disciplinary proceedings.—

126 (1) The following acts shall constitute grounds for which
127 the disciplinary actions in subsection (2) may be taken:

128 (qq) Performing a declawing, as defined in s. 828.095,
129 which is not necessary for a therapeutic purpose, as defined in
130 s. 828.095.

131 (2) When the board finds any applicant or veterinarian
132 guilty of any of the grounds set forth in subsection (1),
133 regardless of whether the violation occurred prior to licensure,
134 it may enter an order imposing one or more of the following
135 penalties:

136 (a) Denial of certification for examination or licensure.

137 (b) Revocation or suspension of a license.

138 (c) Imposition of an administrative fine not to exceed
139 \$5,000 for each count or separate offense.

140 (d) Issuance of a reprimand.

141 (e) Placement of the veterinarian on probation for a period
142 of time and subject to such conditions as the board may specify,
143 including requiring the veterinarian to attend continuing
144 education courses or to work under the supervision of another
145 veterinarian.

35-01774-23

2023932__

146 (f) Restricting the authorized scope of practice.

147 (g) Imposition of costs of the investigation and
148 prosecution.

149 (h) Requiring the veterinarian to undergo remedial
150 education.

151
152 In determining appropriate action, the board must first consider
153 those sanctions necessary to protect the public. Only after
154 those sanctions have been imposed may the disciplining authority
155 consider and include in its order requirements designed to
156 rehabilitate the veterinarian. All costs associated with
157 compliance with any order issued under this subsection are the
158 obligation of the veterinarian.

159 Section 3. Section 499.075, Florida Statutes, is created to
160 read:

161 499.075 Cosmetic animal testing.-

162 (1) SHORT TITLE.-This section may be cited as the "Humane
163 Cosmetics Act."

164 (2) DEFINITIONS.-For the purposes of this section, the
165 term:

166 (a) "Cosmetic" means any article intended to be rubbed,
167 poured, sprinkled, or sprayed on, introduced into, or otherwise
168 applied to the human body or any part thereof for cleansing,
169 beautifying, promoting attractiveness, or altering the
170 appearance, including, but not limited to, personal hygiene
171 products such as deodorant, shampoo, or conditioner.

172 (b) "Cosmetic animal testing" means the internal or
173 external application of a cosmetic in its final form or any
174 ingredient used in the formulation of such cosmetic to the skin,

35-01774-23

2023932__

- 175 eyes, or other body part of a live, nonhuman vertebrate.
- 176 Reviewing, assessing, or retaining evidence from a cosmetic
- 177 animal test does not constitute developing or manufacturing a
- 178 cosmetic using animal testing for purposes of this section.
- 179 (c) "Ingredient" means any single chemical entity or
- 180 mixture used as a component in the manufacture of a cosmetic
- 181 product.
- 182 (d) "Manufacturer" means any person whose name appears on
- 183 the label of a cosmetic pursuant to the requirements of 21
- 184 C.F.R. s. 701.12 as those requirements existed on July 1, 2023.
- 185 (e) "Supplier" means an entity that supplies, directly or
- 186 through a third party, any ingredient used in the formulation of
- 187 a manufacturer's cosmetic.
- 188 (3) PROHIBITION.—Except as provided in subsection (4), a
- 189 manufacturer may not perform any of the following acts in this
- 190 state:
- 191 (a) Manufacture, import for profit, sell, or offer for sale
- 192 a cosmetic developed or manufactured using cosmetic animal
- 193 testing conducted or contracted by the manufacturer or any
- 194 supplier of the manufacturer.
- 195 (b) Conduct or contract for cosmetic animal testing.
- 196 (4) EXCEPTIONS.—The prohibitions under subsection (3) do
- 197 not apply if cosmetic animal testing is conducted to comply with
- 198 any of the following:
- 199 (a) A requirement of a federal or state law or regulation,
- 200 if all of the following apply:
- 201 1. The ingredient is in wide use and cannot be replaced by
- 202 another ingredient capable of performing a similar function.
- 203 2. A specific human health problem is substantiated, and

35-01774-23

2023932__

204 the need to conduct animal tests is justified and supported by a
205 detailed research protocol proposed as the basis for the
206 evaluation.

207 3. There is no nonanimal alternative method accepted for
208 the relevant endpoint by the relevant federal or state
209 authority.

210 (b) Chapter V of the Federal Food, Drug, and Cosmetic Act.

211 (c) A requirement of a foreign regulatory authority, if
212 evidence derived from such testing was not relied upon to
213 substantiate the safety of the cosmetic sold in this state by
214 the manufacturer.

215 (d) For noncosmetic purposes, a requirement of a federal,
216 state, or foreign regulatory authority, if evidence derived from
217 such testing was not relied upon to substantiate the safety of
218 the cosmetic sold in this state by the manufacturer.

219 (5) LABELING.—For a cosmetic on which animal testing has
220 been conducted pursuant to subsection (4), a manufacturer shall
221 include the following statement legibly printed on the label or
222 packaging of the cosmetic: "This product or an ingredient used
223 in the formulation of this product has been tested on animals."

224 (6) ENFORCEMENT AND PENALTIES.—A person who violates this
225 section is subject to a civil penalty of \$5,000 and an
226 additional \$1,000 for each day he or she continues to violate
227 this section. A violation of this section may be enforced by the
228 Attorney General, a state attorney, or the city attorney or
229 county attorney of the city or county in which the violation
230 occurred. The civil penalty must be remitted to the entity
231 authorized to bring an action to enforce such penalty.

232 Section 4. Section 828.095, Florida Statutes, is created to

35-01774-23

2023932__

233 read:

234 828.095 Prohibition on the declawing of cats; penalty.-235 (1) DEFINITIONS.-As used in this section, the term:236 (a) "Declawing" means any of the following:237 1. An onychectomy, dactylectomy, phalangectomy, partial
238 digital amputation, or any other surgical procedure by which a
239 portion of a cat's paw is amputated to remove the cat's claw.240 2. A tendonectomy or another surgical procedure by which
241 the tendons of a cat's limbs, paws, or toes are cut or modified
242 so that the cat's claws cannot be extended.243 3. Any other procedure that prevents the normal functioning
244 of a cat's claws.245 (b) "Therapeutic purpose" means the necessity of addressing
246 the physical medical condition of a cat, such as an existing or
247 recurring illness, infection, disease, injury, or abnormal
248 condition of the cat which compromises the cat's health. The
249 term does not include a cosmetic or aesthetic reason or reasons
250 of convenience for keeping or handling the cat.251 (2) PROHIBITION.-A person may not perform a declawing by
252 any means on a cat within this state unless the procedure is
253 necessary for a therapeutic purpose.254 (3) PENALTIES.-255 (a) A person, other than a veterinarian licensed under
256 chapter 474, who violates this section is subject to a civil
257 penalty of up to \$1,000 for each violation.258 (b) A veterinarian licensed under chapter 474 who violates
259 this section is subject to disciplinary action by the Board of
260 Veterinary Medicine pursuant to s. 474.214(2).261 (c) Each incident in which a cat is declawed or partially

35-01774-23

2023932__

262 declawed in violation of this section constitutes a separate
263 violation.

264 Section 5. Subsection (2) of section 828.12, Florida
265 Statutes, is amended to read:

266 828.12 Cruelty to animals.—

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

275 (a) A person convicted of a violation of this subsection,
276 where the finder of fact determines that the violation includes
277 the knowing and intentional torture or torment of an animal that
278 injures, mutilates, or kills the animal, shall be ordered to pay
279 a minimum mandatory fine of \$2,500 and undergo psychological
280 counseling or complete an anger management treatment program.

281 (b) A person convicted of a second or subsequent violation
282 of this subsection shall be required to pay a minimum mandatory
283 fine of \$5,000 and serve a minimum mandatory period of
284 incarceration of 6 months. In addition, the person shall be
285 released only upon expiration of sentence, is not eligible for
286 parole, control release, or any form of early release, and must
287 serve 100 percent of the court-imposed sentence. Any plea of
288 nolo contendere shall be considered a conviction for purposes of
289 this subsection.

290 (c) As a condition of probation, a court may prohibit a

35-01774-23

2023932__

291 person who violates this subsection from owning, possessing,
292 maintaining, having custody of, residing with, or caring for an
293 animal.

294 Section 6. Effective October 1, 2023, section 828.126,
295 Florida Statutes, is amended to read:

296 828.126 Sexual activities involving animals.—

297 (1) As used in this section, the term "sexual contact with
298 an animal" means any act committed between a person and an
299 animal for the purpose of sexual gratification, abuse, or
300 financial gain which involves:

301 (a) Contact between the sex organ or anus of one and the
302 mouth, sex organ, or anus of the other;

303 (b) The fondling of the sex organ or anus of an animal; or

304 (c) The insertion, however slight, of any part of the body
305 of a person or any object into the vaginal or anal opening of an
306 animal, or the insertion of any part of the body of an animal
307 into the vaginal or anal opening of a person.

308 (2) A person may not:

309 (a) Knowingly engage in any sexual contact with an animal;

310 (b) Knowingly cause, aid, or abet another person to engage
311 in any sexual contact with an animal;

312 (c) Knowingly permit any sexual contact with an animal to
313 be conducted on any premises under his or her charge or control;

314 (d) Knowingly organize, promote, conduct, aid, abet,
315 participate in as an observer, or advertise, offer, solicit, or
316 accept an offer of an animal for the purpose of sexual contact
317 with such animal, or perform any service in the furtherance of
318 an act involving any sexual contact with an animal; or

319 (e) Knowingly film, distribute, or possess any pornographic

35-01774-23

2023932__

320 image or video of a person and an animal engaged in any of the
321 activities prohibited by this section.

322 (3) A person who violates this section commits a felony of
323 the third degree, punishable as provided in s. 775.082, s.
324 775.083, or s. 775.084.

325 (4) In addition to other penalties prescribed by law, the
326 court shall issue an order prohibiting a person convicted under
327 this section from harboring, owning, possessing, or exercising
328 control over any animal; from residing in any household in which
329 animals are present; and from engaging in an occupation, whether
330 paid or unpaid, or participating in a volunteer position at any
331 establishment at which animals are present. The order may be
332 effective for up to 5 years after the date of the conviction,
333 regardless of whether adjudication is withheld.

334 (5) As a condition of probation, a court may prohibit a
335 person who violates this section from owning, possessing,
336 maintaining, having custody of, residing with, or caring for an
337 animal.

338 (6) This section does not apply to accepted animal
339 husbandry practices, including, but not limited to, bona fide
340 agricultural purposes, assistance with the birthing process or
341 artificial insemination of an animal for reproductive purposes,
342 accepted conformation judging practices, or accepted veterinary
343 medical practices.

344 Section 7. Section 828.132, Florida Statutes, is created to
345 read:

346 828.132 Tethering of domestic dogs and cats.—

347 (1) This section may be cited as the "Penny Bautista Act."

348 (2) As used in this section, the term "tether" means to tie

35-01774-23

2023932__

349 a domestic dog or a domestic cat to a stationary or inanimate
350 object with a rope, a chain, or another means to restrict,
351 confine, or restrain the animal's movement.

352 (3) (a) A person may not tether a domestic dog or a domestic
353 cat unless the person is physically present with and attending
354 to the dog or cat and the dog or cat remains visible to the
355 person at all times while tethered.

356 (b) A person may not tether a domestic dog or a domestic
357 cat outdoors during severe weather, including, but not limited
358 to, extreme heat or cold, thunderstorms, lightning, tornadoes,
359 tropical storms, or hurricanes.

360 (4) Paragraph (3) (a) does not apply to tethering a domestic
361 dog or a domestic cat in a manner that does not jeopardize its
362 health, safety, or well-being when doing any of the following:

363 (a) Attending or participating in a legal, organized public
364 event at which the dog or cat and the person are authorized
365 attendees or participants.

366 (b) Actively engaging in conduct directly related to the
367 business of shepherding or herding cattle or livestock or
368 related to the business of cultivating agricultural products and
369 tethering is reasonably necessary for the animal's safety.

370 (c) Being treated by a veterinarian or serviced by a
371 groomer.

372 (d) Being trained for or actively serving in a law
373 enforcement capacity.

374 (e) Being lawfully used to actively hunt a species of
375 wildlife in this state during the hunting season for that
376 species of wildlife.

377 (f) Being cared for as part of a rescue operation during a

35-01774-23

2023932__

378 natural or manmade disaster.

379 (g) Temporarily being tethered by the staff of a public or
380 private animal shelter; a humane organization; an animal control
381 agency operated by a humane organization or a county; a
382 municipality or other incorporated political subdivision; or a
383 licensed commercial boarding facility for a period of time no
384 longer than necessary to accomplish a task such as bathing,
385 medical care, or any other short-term valid purpose for its
386 safety or the safety of other animals or staff.

387 (h) Being restrained in accordance with the regulations of
388 a camping or recreational area.

389 (5) A person who tethers a domestic dog or a domestic cat
390 in violation of this section commits a noncriminal violation as
391 defined in s. 775.08(3) and is subject to the following
392 penalties:

393 (a) For a first offense, a written warning.

394 (b) For a second offense, a fine of \$250.

395 (c) For a third or subsequent offense, a fine of \$500.

396 (6) This section shall be enforced pursuant to s. 828.073.

397 (7) This section does not limit the authority of any local
398 government to adopt or enforce an ordinance that is more
399 restrictive or that imposes greater penalties than this section.

400 Section 8. Section 828.44, Florida Statutes, is created to
401 read:

402 828.44 Pet rabbits.—

403 (1) The sale of rabbits is prohibited:

404 (a) On any public or private streets and rights-of-way,
405 within 50 feet of any right-of-way, at any flea market, in
406 private parking lots, or at any open-air venue, such as parades,

35-01774-23

2023932__

407 concerts, and festivals.

408 (b) In retail pet stores during the months of March and
409 April. During the months of March and April, retail stores shall
410 keep rabbits in a separate area, off the sales floor and out of
411 view of the public, and label each cage, kennel, or enclosure
412 with signage indicating that the rabbits are not for sale until
413 May 1.

414 (2) It is unlawful to sell, offer for sale, or give away as
415 a merchandising premium any rabbit under 2 months of age to be
416 used as a pet, toy, or retail premium. Rabbits under 2 months of
417 age may not be kept on the premises of a retail pet store.

418 (3) Each rabbit offered for sale at a retail pet store
419 must:

420 (a) Be kept one per cage, kennel, or enclosure to avoid
421 unwanted pregnancies. The cage, kennel, or enclosure must be
422 kept clean and dry and may not have wire floors.

423 (b) Have proper food, water, and hay for digestion at all
424 times.

425 (c) Have signage posted on the cage, kennel, or enclosure
426 which includes the date of birth; name, city, and state of the
427 breeder; and microchip number of the rabbit.

428 (d) Be microchipped and have its microchip registered with
429 the name, city, and state of the retail pet store and breeder.

430 (4) (a) Each retail pet store shall maintain records
431 documenting the source of each rabbit acquired by the retail pet
432 store. The records must:

433 1. Include a certificate of source and veterinary
434 inspection;

435 2. Be located in close proximity to the rabbit enclosure;

35-01774-23

2023932__

436 and437 3. Be available for review by potential purchasers.

438 (b) Records must be kept for at least 2 years following the
439 date of acquisition and must be made available, immediately upon
440 request, to any police officer, code enforcement officer, animal
441 control officer, humane law enforcement officer, or other
442 investigating official.

443 (5) Abandoned rabbits must be retrieved by local
444 authorities, and if an owner is not found, the rabbit must be
445 returned to the retail store that registered the microchip. If
446 the retail store is no longer in business, the rabbit must be
447 returned to the breeder. If the breeder is no longer in
448 business, authorities must find a legitimate rabbit rescue or
449 animal shelter to care for the rabbit.

450 (6) A city, county, or any investigating official may enter
451 the premises of any retail pet store during regular business
452 hours to conduct reasonable inspections to ensure and verify
453 compliance with this section. A person may not refuse or
454 interfere with a lawful inspection of a retail pet store by
455 investigating officials.

456 (7) A person who violates this section commits a
457 misdemeanor of the second degree, punishable as provided in s.
458 775.082 or s. 775.083.

459 (8) This section does not apply to rabbits raised for:

460 (a) Agricultural purposes by persons with proper facilities
461 to care for them.

462 (b) Livestock exhibitions.

463 (c) Future Farmers of America or 4-H activities.

464 Section 9. Effective October 1, 2023, section 943.0425,

35-01774-23

2023932__

465 Florida Statutes, is created to read:

466 943.0425 Animal abuser registration.-

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

468 (a) "Abuser" or "animal abuser" means an adult as defined
469 in s. 985.03 who has been convicted in this state of committing
470 an animal abuse offense.

471 (b) "Animal" means a dog of the species *Canis familiaris*, a
472 cat of the species *Felis catus*, a pet normally maintained in or
473 near the household of its owner, a domesticated animal,
474 previously captured wildlife, an exotic animal, or any other
475 pet, including, but not limited to, a rabbit, chick, duck, or
476 potbellied pig.

477 (c) "Animal abuse offense" means a violation of:

478 1. Section 828.12, relating to cruelty to animals.

479 2. Section 828.122, relating to fighting or baiting
480 animals.

481 3. Section 828.123, relating to killing a dog or cat with
482 the intent to sell or give away its pelt.

483 4. Section 828.125, relating to killing or aggravated abuse
484 of horses or cattle.

485 5. Section 828.126, relating to sexual activities involving
486 animals.

487 6. Section 828.13, relating to confinement of animals
488 without sufficient food, water, or exercise or abandonment of an
489 animal.

490 (d) "Companion animal" means a domesticated or tamed animal
491 intended to provide companionship, to be used for personal use
492 or enjoyment, or to be raised for nonagricultural purposes. The
493 term does not include a service animal or any other animal or

35-01774-23

2023932__

494 wildlife under the exclusive jurisdiction of the state.

495 (e) "Conviction" has the same meaning as in s. 775.21(2).

496 (f) "Farm animal" means a horse or an animal used in the
497 production of human or animal food, feed, or fiber, regardless
498 of whether the horse or animal is used or raised for such
499 purposes.

500 (g) "Pet dealer" means:

501 1. A pet dealer as defined in s. 828.29(13); or
502 2. An animal shelter, a humane organization, or an animal
503 control agency operated by a humane organization that receives
504 funds from the state or from a political subdivision of the
505 state and that, in the ordinary course of business, engages in
506 the sale or adoption of animals.

507 (h) "Registered breed association" means an association
508 formed and perpetuated for the maintenance of records of
509 purebreeding of a specific breed of animals whose
510 characteristics are set forth in constitutions, bylaws, or other
511 rules of the association.

512 (i) "Service animal" means a dog or miniature horse that
513 has been individually trained to do work or perform tasks for a
514 person with a disability as defined in the Americans with
515 Disabilities Act, 42 U.S.C. s. 12102.

516 (2) (a) Beginning on January 1, 2024, the department shall
517 post a publicly accessible animal abuser registry on its website
518 which includes each person convicted of an animal abuse offense
519 on or after that date.

520 (b) 1. The registry must include all of the information
521 specified in paragraph (3) (a).

522 2. The registry may not include the abuser's social

35-01774-23

2023932__

523 security number, driver license number, or any other state or
524 federal identification number.

525 (c) The clerk of the court in each county shall forward a
526 copy of the judgment and date of birth of each abuser to the
527 department within 30 calendar days after the date of the
528 abuser's conviction.

529 (d) The registry must include the required information
530 about each abuser from the date of his or her release from
531 incarceration or, if he or she is not incarcerated, from the
532 date of his or her conviction:

533 1. For a period of 3 years for a first conviction of a
534 misdemeanor animal abuse offense.

535 2. For a period of 5 years for a first conviction of a
536 felony animal abuse offense.

537 3. For a period of 10 years for a second or subsequent
538 conviction of a misdemeanor or felony animal abuse offense.

539 (e) Upon receiving a notification that the criminal records
540 of an abuser have been expunged or that a registered abuser has
541 successfully appealed his or her conviction of an animal abuse
542 offense, the department shall remove the registered abuser's
543 information from the registry within 10 business days.

544 (3) An abuser must:

545 (a) Register with the department by personally appearing at
546 the sheriff's office in the county in which he or she resides
547 and providing all of the following information:

548 1. His or her legal name and any aliases he or she may be
549 known by, current or anticipated residence address, and date of
550 birth.

551 2. A photograph of the front of his or her head and

35-01774-23

2023932__

552 shoulders.

553 3. A copy of his or her judgment to confirm the animal
554 abuse offense, the date of his or her conviction, and the
555 sentence imposed upon him or her.

556 (b) Personally appear at the sheriff's office in the county
557 in which he or she resides to update his or her registry
558 information within 10 business days after any change in his or
559 her residence address or name.

560 (c) Personally appear at the sheriff's office in the county
561 in which he or she resides to renew his or her registration
562 information annually on the anniversary date of his or her
563 initial registration or, if the anniversary date falls on a
564 Saturday, Sunday, or legal holiday, on the first business day
565 following the anniversary date. At such time, the registered
566 abuser's photograph and information must be reviewed to verify
567 accuracy.

568 (4) (a) A registered abuser may not own, possess, or reside
569 in the same residence with or on the same property as an animal
570 unless authorized to do so in a court order.

571 (b) A registered abuser may not work with a companion
572 animal, with or without compensation, unless authorized to do so
573 in a court order.

574 (c) The state may, at any time it deems necessary, enforce
575 or, notwithstanding any other court order, obtain a court order
576 enjoining a registered abuser from owning, possessing, or
577 residing in the same residence with or on the same property as
578 an animal or working with a companion animal, with or without
579 compensation.

580 (d) This subsection does not apply to farm animals or

35-01774-23

2023932__

581 service animals unless there is an injunction order or an animal
582 abuse offense pertaining directly to farm animals or service
583 animals.

584 (5) (a) A pet dealer, a person, or an entity located in this
585 state may not knowingly sell, exchange, or otherwise transfer
586 the ownership of an animal to a registered abuser.

587 (b) Before the sale, exchange, or other transfer of the
588 ownership of an animal, the pet dealer, person, or entity shall
589 take steps necessary to ensure that the animal is not being
590 sold, exchanged, or otherwise transferred to a registered
591 abuser, including, but not limited to:

592 1. When possible, posting in well-trafficked, highly
593 visible areas for public viewing and in employee stock or break
594 areas current signage displaying registered abusers.

595 2. Notifying law enforcement upon recognizing a registered
596 abuser who obtained an animal in violation of this section.

597 3. Requiring a person to sign an affidavit attesting that
598 he or she is not a registered abuser before obtaining an animal.

599 4. Checking the registry on the department's website.

600 (c) To ensure compliance with this section, the pet dealer,
601 person, or entity shall maintain the required affidavits and
602 other records and supporting documentation for 3 years or in
603 accordance with the required retention time set forth by
604 business standards and practices governing a particular
605 commercial establishment's records, whichever is greater. The
606 state and its authorized agents, including county and municipal
607 enforcement agencies, may examine all such records and
608 documentation relating to compliance with this section.

609 (d) This subsection does not apply to farm animals or

35-01774-23

2023932__

610 service animals.

611 (6) Beginning in 2025, the department shall annually notify
612 the leading registered breed associations for animals covered by
613 this section that an animal abuser registry exists and encourage
614 such associations to urge their members not to sell, exchange,
615 or otherwise transfer the ownership of an animal to a registered
616 abuser. The notice may be in electronic form.

617 (7) The department shall annually notify, in written or
618 electronic form, all pet dealers of all of the following:

619 (a) That an animal abuser registry maintained by the
620 department exists.

621 (b) When new registered abusers are added to the registry.

622 (8) (a) An abuser who is required to do any of the following
623 but who fails to do so commits a misdemeanor of the second
624 degree, punishable as provided in s. 775.082 or s. 775.083:

625 1. Initially register with the department.

626 2. Update changes to his or her residence address or name
627 with the registry.

628 3. Annually renew his or her registry information.

629 4. Comply with the prohibition on contact with certain
630 animals.

631 5. Comply with a court-issued enjoinder order under this
632 section.

633 (b) Each day that an abuser continues to violate this
634 subsection constitutes a separate violation.

635 (9) (a) A pet dealer, a person, or an entity that knowingly
636 sells, exchanges, or otherwise transfers the ownership of an
637 animal to a registered abuser in violation of this section is
638 subject to the following penalties:

35-01774-23

2023932__

639 1. For the first offense, a written warning.
640 2. For a second offense, a fine of up to \$500.
641 (b) A pet dealer, a person, or an entity that commits a
642 third or subsequent violation commits a misdemeanor of the
643 second degree, punishable as provided in s. 775.082 or s.
644 775.083.
645 (10) Subsections (8) and (9) do not prevent the state from
646 taking such other lawful action in law and equity as may be
647 necessary to remedy any violation of, or refusal to comply with,
648 any part of this section, including, but not limited to, pursuit
649 of injunctive or declaratory relief or injunction, or other
650 equitable relief in a court of competent jurisdiction, or
651 initiating an action to recover damages that may result from a
652 violation of, or refusal to comply with, this section.
653 Section 10. Except as otherwise expressly provided in this
654 act, this act shall take effect July 1, 2023.