

3/7/17

March 7, 2017 - Regular Meeting
Agenda Item #67

Subject

Proposed House Bill 871 to Create an Animal Abuser Registration

Briefings

None

Contact and/or Presenter Information

Commissioner Whitmore

Action Requested

Discussion of proposed House Bill 871 to create an Animal Abuser Registration.

Enabling/Regulating Authority

Background Discussion

- House Bill 871 - Animal Abuser Registration - "Requires FDLE to post publicly accessible registry list on its website of persons convicted of specified animal abuse offenses after specified date; provides requirements for list; specifies time period for listing; provides for removal of listing if record of conviction is expunged or sealed; requires pet dealers to verify that potential purchasers are not on registry list before they sell or deliver animal; provides penalties."
- This act is proposed to take effect on July 1, 2017.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

None

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - March 7, 2017

N/A

Attachment: [Proposed HB 871.pdf](#)

HB 871

2017

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.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
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.