

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Steube offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. The Division of Law Revision and Information is
 7 directed to designate ss. 767.01-767.07, Florida Statutes, as
 8 part I of chapter 767, Florida Statutes, entitled "Damage by
 9 Dogs," and ss. 767.10-767.16, Florida Statutes, as part II of
 10 that chapter, entitled "Dangerous Dogs."

11 Section 2. Section 767.12, Florida Statutes, is amended to
 12 read:

13 767.12 Classification of dogs as dangerous; certification
 14 of registration; notice and hearing requirements; confinement of
 15 animal; exemption; appeals; unlawful acts.-

16 (1) ~~(a)~~ An animal control authority shall investigate
 17 reported incidents involving any dog that may be dangerous and

Amendment No. 1

18 ~~shall~~, if possible, shall interview the owner and require a
19 sworn affidavit from any person, including any animal control
20 officer or enforcement officer, desiring to have a dog
21 classified as dangerous.

22 (a) An animal that is the subject of a dangerous dog
23 investigation because of severe injury to a human being may be
24 immediately confiscated by an animal control authority, placed
25 in quarantine, if necessary, for the proper length of time, or
26 impounded and held. The animal may be held pending the outcome
27 of the investigation and any hearings or appeals related to the
28 dangerous dog classification or any penalty imposed under this
29 section. If the dog is to be destroyed, the dog may not be
30 destroyed while an appeal is pending. The owner is responsible
31 for payment of all boarding costs and other fees as may be
32 required to humanely and safely keep the animal pending any
33 hearing or appeal.

34 (b) An ~~any~~ animal that is the subject of a dangerous dog
35 investigation ~~which, that~~ is not impounded with the animal
36 control authority ~~must, shall~~ be humanely and safely confined by
37 the owner in a securely fenced or enclosed area. The animal
38 shall be confined in such manner pending the outcome of the
39 investigation and the resolution of any hearings or appeals
40 related to the dangerous dog classification or any penalty
41 imposed under this section. The address at which ~~of where~~ the
42 animal resides shall be provided to the animal control
43 authority. A ~~no~~ dog that is the subject of a dangerous dog

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Amendment No. 1

44 investigation may not be relocated or its ownership transferred
45 pending the outcome of the an investigation and ~~or~~ any hearings
46 or appeals related to the ~~determination of a~~ dangerous dog
47 classification or any penalty imposed under this section. If ~~In~~
48 ~~the event that~~ a dog is to be destroyed, the dog may ~~shall~~ not
49 be relocated or its ownership transferred.

50 ~~(2)(b)~~ A dog may ~~shall~~ not be declared dangerous if:

51 (a) The threat, injury, or damage was sustained by a
52 person who, at the time, was unlawfully on the property or, who,
53 while lawfully on the property, was tormenting, abusing, or
54 assaulting the dog or its owner or a family member.

55 (b) ~~No dog may be declared dangerous if~~ The dog was
56 protecting or defending a human being within the immediate
57 vicinity of the dog from an unjustified attack or assault.

58 (3)(e) After the investigation, the animal control
59 authority shall make an initial determination as to whether
60 there is sufficient cause to classify the dog as dangerous and,
61 if sufficient cause is found, as to the appropriate penalty
62 under subsection (5). The animal control authority shall afford
63 the owner an opportunity for a hearing prior to making a final
64 determination regarding the classification or penalty. The
65 animal control authority shall provide written notification of
66 the sufficient cause finding and proposed penalty, to the owner,
67 by registered mail, certified hand delivery, or service in
68 conformance with the provisions of chapter 48 relating to
69 service of process. The owner may file a written request for a

Amendment No. 1

70 hearing regarding the dangerous dog classification, penalty, or
71 both, within 7 calendar days after ~~from the date of~~ receipt of
72 the notification of the sufficient cause finding and proposed
73 penalty. ~~If the owner requests a hearing requested,~~ the hearing
74 shall be held as soon as possible, but not later ~~more~~ than 21
75 calendar days and not ~~no~~ sooner than 5 days after receipt of the
76 request from the owner. If a hearing is not timely requested
77 regarding the dangerous dog classification or proposed penalty,
78 the determination of the animal control authority as to such
79 matter shall become final. Each applicable local governing
80 authority shall establish hearing procedures that conform to
81 this subsection ~~paragraph~~.

82 ~~(4)(d)~~ Upon a dangerous dog classification and penalty
83 becoming final after a hearing or by operation of law pursuant
84 to subsection (3) ~~Once a dog is classified as a dangerous dog,~~
85 the animal control authority shall provide a written final order
86 ~~notification~~ to the owner by registered mail, certified hand
87 delivery or service. ~~and The owner may file a written request~~
88 ~~for a hearing in the county court to appeal the classification,~~
89 penalty, or both, to the circuit court in accordance with the
90 Florida Rules of Appellate Procedure ~~within 10 business days~~
91 after receipt of the final order. If the dog is not held by the
92 animal control authority, the owner ~~a written determination of~~
93 ~~dangerous dog classification~~ and must confine the dog in a
94 securely fenced or enclosed area pending ~~a~~ resolution of the
95 appeal. Each applicable local governing authority must establish

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Amendment No. 1

96 appeal procedures that conform to this subsection ~~paragraph~~.

97 (5) (a) Except as otherwise provided in paragraph (b), the
98 owner of a dog classified as a dangerous dog shall:

99 1. ~~(2)~~ Within 14 days after the issuance of the final order
100 classifying the dog as dangerous or the conclusion of any appeal
101 that affirms such final order ~~a dog has been classified as~~
102 ~~dangerous by the animal control authority or a dangerous dog~~
103 ~~classification is upheld by the county court on appeal, the~~
104 ~~owner of the dog must~~ obtain a certificate of registration for
105 the dog from the animal control authority serving the area in
106 which he or she resides, and renew the certificate ~~shall be~~
107 ~~renewed~~ annually. Animal control authorities are authorized to
108 issue such certificates of registration, and renewals thereof,
109 only to persons who are at least 18 years of age and who present
110 to the animal control authority sufficient evidence of:

111 a. ~~(a)~~ A current certificate of rabies vaccination for the
112 dog.

113 b. ~~(b)~~ A proper enclosure to confine a dangerous dog and
114 the posting of the premises with a clearly visible warning sign
115 at all entry points which ~~that~~ informs both children and adults
116 of the presence of a dangerous dog on the property.

117 c. ~~(c)~~ Permanent identification of the dog, such as a
118 tattoo on the inside thigh or electronic implantation.

119

120 The appropriate governmental unit may impose an annual fee for
121 the issuance of certificates of registration required by this

Amendment No. 1

122 section.

123 ~~2.(3) The owner shall~~ Immediately notify the appropriate
124 animal control authority when the a dog ~~that has been classified~~
125 ~~as dangerous:~~

126 ~~a.(a)~~ Is loose or unconfined.

127 ~~b.(b)~~ Has bitten a human being or attacked another animal.

128 ~~c.(c)~~ Is sold, given away, or dies.

129 ~~d.(d)~~ Is moved to another address.

130
131 Prior to a dangerous dog being sold or given away, the owner
132 shall provide the name, address, and telephone number of the new
133 owner to the animal control authority. The new owner must comply
134 with all of the requirements of this section ~~act~~ and
135 implementing local ordinances, even if the animal is moved from
136 one local jurisdiction to another within the state. The animal
137 control officer must be notified by the owner of a dog
138 classified as dangerous that the dog is in his or her
139 jurisdiction.

140 ~~3.(4) Not~~ It is unlawful for the owner of a dangerous dog
141 ~~to~~ permit the dog to be outside a proper enclosure unless the
142 dog is muzzled and restrained by a substantial chain or leash
143 and under control of a competent person. The muzzle must be made
144 in a manner that will not cause injury to the dog or interfere
145 with its vision or respiration but will prevent it from biting a
146 ~~any~~ person or animal. The owner may exercise the dog in a
147 securely fenced or enclosed area that does not have a top,

Amendment No. 1

148 without a muzzle or leash, if the dog remains within his or her
149 sight and only members of the immediate household or persons 18
150 years of age or older are allowed in the enclosure when the dog
151 is present. When being transported, such dogs must be safely and
152 securely restrained within a vehicle.

153 (b) If a dog is classified as a dangerous dog due to an
154 incident that causes severe injury to a human being, based upon
155 the nature and circumstances of the injury and the likelihood of
156 a future threat to the public safety, health, and welfare, the
157 dog may be destroyed in an expeditious and humane manner.

158 (6)-(5) Hunting dogs are exempt from ~~the provisions of this~~
159 ~~section act~~ when engaged in any legal hunt or training
160 procedure. Dogs engaged in training or exhibiting in legal
161 sports such as obedience trials, conformation shows, field
162 trials, hunting/retrieving trials, and herding trials are exempt
163 from ~~the provisions of this section act~~ when engaged in any
164 legal procedures. However, such dogs at all other times in all
165 other respects are ~~shall be~~ subject to this and local laws. Dogs
166 that have been classified as dangerous may ~~shall~~ not be used for
167 hunting purposes.

168 ~~(6) This section does not apply to dogs used by law~~
169 ~~enforcement officials for law enforcement work.~~

170 (7) A ~~Any~~ person who violates any provision of this
171 section commits ~~is guilty of~~ a noncriminal infraction,
172 punishable by a fine not to exceed ~~exceeding~~ \$500.

173 Section 3. Subsection (2) of section 767.13, Florida

Amendment No. 1

174 Statutes, is transferred, renumbered as section 767.135, Florida
175 Statutes, and amended, to read:

176 767.135 ~~767.13~~ Attack or bite by unclassified ~~dangerous~~
177 dog that causes death; penalties; ~~confiscation; destruction.~~—

178 ~~(2)~~ If a dog that has not been declared dangerous attacks
179 and causes the ~~severe injury to or~~ death of a ~~any~~ human, the dog
180 shall be immediately confiscated by an animal control authority,
181 placed in quarantine, if necessary, for the proper length of
182 time or held for 10 business days after the owner is given
183 written notification under s. 767.12, and thereafter destroyed
184 in an expeditious and humane manner. This 10-day time period
185 shall allow the owner to request a hearing under s. 767.12. If
186 the owner files a written appeal under s. 767.12 or this
187 section, the dog must be held and may not be destroyed while the
188 appeal is pending. The owner is ~~shall be~~ responsible for payment
189 of all boarding costs and other fees as may be required to
190 humanely and safely keep the animal during any appeal procedure.
191 ~~In addition, if the owner of the dog had prior knowledge of the~~
192 ~~dog's dangerous propensities, yet demonstrated a reckless~~
193 ~~disregard for such propensities under the circumstances, the~~
194 ~~owner of the dog is guilty of a misdemeanor of the second~~
195 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

196 Section 4. Section 767.136, Florida Statutes, is created
197 to read:

198 767.136 Attack or bite by unclassified dog that causes
199 severe injury or death; penalties.—

Amendment No. 1

200 (1) If a dog that has not been declared dangerous attacks
201 and causes severe injury to, or the death of, a human, and the
202 owner of the dog had knowledge of the dog's dangerous
203 propensities, yet demonstrated a reckless disregard for such
204 propensities under the circumstances, the owner of the dog
205 commits a misdemeanor of the second degree, punishable as
206 provided in s. 775.082 or s. 775.083.

207 (2) If the dog attacks or bites a person who is engaged in
208 or attempting to engage in a criminal activity at the time of
209 the attack, the owner of the dog is not guilty of any crime
210 under this section.

211 Section 5. Section 767.14, Florida Statutes, is amended to
212 read:

213 767.14 Additional local restrictions authorized. ~~Nothing~~
214 ~~in~~ This act does not shall limit any local government from
215 adopting an ordinance to address the safety and welfare concerns
216 caused by attacks on persons or domestic animals, placing
217 further restrictions or additional requirements on owners of
218 dangerous dogs that have bitten or attacked persons or domestic
219 animals, or developing procedures and criteria for the
220 implementation of this act, provided that no such regulation is
221 specific to breed and that the provisions of this act are not
222 lessened by such additional regulations or requirements. This
223 section does shall not apply to any local ordinance adopted
224 prior to October 1, 1990.

225 Section 6. Section 767.16, Florida Statutes, is amended to

Amendment No. 1

226 read:

227 767.16 ~~Bite by a~~ Police or service dog; exemption ~~from~~
228 ~~quarantine.~~

229 (1) Any dog that is owned, or the service of which is
230 employed, by a law enforcement agency, is exempt from this part.

231 (2) ~~or~~ Any dog ~~that is~~ used as a service dog for blind,
232 hearing impaired, or disabled persons, ~~and~~ that bites another
233 animal or a human is exempt from any quarantine requirement
234 following such bite if the dog has a current rabies vaccination
235 that was administered by a licensed veterinarian.

236 Section 7. This act shall take effect upon becoming a law.

237

238

T I T L E A M E N D M E N T

239
240 Remove everything before the enacting clause and insert:
241 An act relating to severe injuries caused by dogs; providing a
242 directive to the Division of Law Revision and Information;
243 amending s. 767.12, F.S.; providing for discretionary, rather
244 than mandatory, quarantine or impoundment of dogs that cause
245 severe injuries to humans; revising the hearing and final order
246 procedures, and related confinement requirements, for dangerous
247 dog actions; specifying circumstances under which a dog that has
248 caused severe injury to a human may be euthanized; transferring,
249 renumbering, and amending s. 767.13(2), F.S.; repealing
250 automatic euthanasia requirement for dogs that cause severe
251 injury to humans; deleting a criminal penalty related to severe

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 91 (2016)

Amendment No. 1

252 injury or death caused by a dog; creating s. 767.136, F.S.; re-
253 creating an existing criminal penalty related to severe injury
254 or death caused by a dog in a new statutory section; amending s.
255 767.14, F.S.; authorizing local governments to adopt certain
256 ordinances pertaining to dogs that have bitten or attacked
257 persons or domestic animals; amending s. 767.16, F.S.; exempting
258 law enforcement dogs from regulation under Part II of ch. 767,
259 F.S.; providing an effective date.