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1 A bill to be entitled
2 An act relating to severe injuries caused by dogs;
3 providing a directive to the Division of Law Revision
4 and Information; amending s. 767.12, F.S.; providing
5 for discretionary quarantine or impoundment of dogs
6 that cause severe injuries to humans; specifying
7 responsibility for payment of boarding and other
8 costs; revising the hearing and final order
9 procedures, and related confinement requirements, for
10 dangerous dog actions; specifying circumstances under
11 which a dangerous dog that has caused severe injury to
12 a human may be euthanized; deleting an exception;
13 transferring, renumbering, and amending s. 767.13(2),
14 F.S.; revising a requirement for automatic euthanasia
15 for certain dogs that cause severe injury to humans;
16 deleting a criminal penalty related to severe injury
17 or death caused by a dog; creating s. 767.136, F.S.;
18 re-creating an existing criminal penalty related to
19 severe injury or death caused by a dog in a new
20 statutory section; amending s. 767.14, F.S.;
21 authorizing local governments to adopt certain
22 ordinances pertaining to dogs that have bitten or
23 attacked persons or domestic animals; amending s.
24 767.16, F.S.; exempting law enforcement dogs from
25 regulation under Part II of ch. 767, F.S.; providing
26 an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. The Division of Law Revision and Information is
31 directed to designate ss. 767.01-767.07, Florida Statutes, as
32 part I of chapter 767, Florida Statutes, entitled "Damage by
33 Dogs," and ss. 767.10-767.16, Florida Statutes, as part II of
34 that chapter, entitled "Dangerous Dogs."

35 Section 2. Section 767.12, Florida Statutes, is amended to
36 read:

37 767.12 Classification of dogs as dangerous; certification
38 of registration; notice and hearing requirements; confinement of
39 animal; exemption; appeals; unlawful acts.-

40 (1) ~~(a)~~ An animal control authority shall investigate
41 reported incidents involving any dog that may be dangerous and
42 ~~shall~~, if possible, shall interview the owner and require a
43 sworn affidavit from any person, including any animal control
44 officer or enforcement officer, desiring to have a dog
45 classified as dangerous.

46 (a) An animal that is the subject of a dangerous dog
47 investigation because of severe injury to a human may be
48 immediately confiscated by an animal control authority and
49 placed in quarantine, if necessary, for the proper length of
50 time, or may be impounded and held pending the outcome of the
51 investigation and any related hearings or appeals regarding the
52 determination of a dangerous dog classification and the
53 assessment of any penalty under this section. If the dog is to
54 be destroyed, the dog may not be destroyed while an appeal is
55 pending. The owner is responsible for payment of all boarding
56 costs and other fees as required to humanely and safely keep the
57 animal pending any hearing or appeal.

58 (b) An ~~Any~~ animal that is the subject of a dangerous dog

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59 investigation ~~which, that~~ is not impounded with the animal
60 control authority, must ~~shall~~ be humanely and safely confined by
61 the owner in a securely fenced or enclosed area pending the
62 outcome of the investigation and resolution of any hearings or
63 appeals related to the dangerous dog classification and any
64 penalty imposed under this section. The address at which ~~of~~
65 ~~where~~ the animal resides shall be provided to the animal control
66 authority. A ~~no~~ dog that is the subject of a dangerous dog
67 investigation may not be relocated and its ~~or~~ ownership may not
68 be transferred pending the outcome of the ~~an~~ investigation and
69 ~~or~~ any hearings or appeals related to the determination of a
70 dangerous dog classification and any penalty imposed under this
71 section. ~~If in the event that~~ a dog is to be destroyed, the dog
72 may ~~shall~~ not be relocated and its ~~or~~ ownership may not be
73 transferred.

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

75 (a) The threat, injury, or damage was sustained by a person
76 who, at the time, was unlawfully on the property or, who, while
77 lawfully on the property, was tormenting, abusing, or assaulting
78 the dog or its owner or a family member.

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

82 ~~(3)(e)~~ After the investigation, the animal control
83 authority shall make an initial determination as to whether
84 there is sufficient cause to classify the dog as dangerous and,
85 if sufficient cause is found, as to the proposed requirements
86 under subsection (5). The animal control authority shall afford
87 the owner an opportunity for a hearing prior to making a final

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88 determination regarding the classification or requirement. The
89 animal control authority shall provide written notification to
90 the owner of the sufficient cause finding and proposed
91 requirements, ~~to the owner,~~ by registered mail, certified hand
92 delivery, or service in conformance with the provisions of
93 chapter 48 relating to service of process. The owner may file a
94 written request for a hearing regarding the dangerous dog
95 classification or the proposed requirements, or both, within 7
96 calendar days after ~~from the date of receipt~~ of the notification
97 of the sufficient cause finding and proposed requirements. ~~and,~~
98 If the owner requests a hearing, it requested, ~~the hearing~~ shall
99 be held as soon as possible, but not longer ~~more~~ than 21
100 calendar days and not ~~no~~ sooner than 5 days after receipt of the
101 request from the owner. If a hearing is not timely requested
102 regarding the classification or proposed requirements, the
103 determination by the animal control authority as to such issue
104 shall become final. Each applicable local governing authority
105 shall establish hearing procedures that conform to this
106 subsection ~~paragraph.~~

107 (4)(d) Once a dog is classified as a dangerous dog, The
108 animal control authority shall provide to the owner a written
109 final order, ~~notification to the owner~~ by registered mail or,
110 certified hand delivery or service, after a dangerous dog
111 classification or requirement becomes final, after a hearing or
112 by operation of law pursuant to subsection (3). ~~and~~ The owner
113 may file a written request for a hearing in the county court to
114 appeal the classification, penalty, or both, to the circuit
115 court in accordance with the Florida Rules of Appellate
116 Procedure ~~within 10 business days~~ after receipt of the final

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117 order. If the dog is not held by the animal control authority,
118 the owner ~~a written determination of dangerous dog~~
119 ~~classification and~~ must confine the dog in a securely fenced or
120 enclosed area pending ~~a~~ resolution of the appeal. Each
121 applicable local governing authority must establish appeal
122 procedures that conform to this subsection ~~paragraph~~.

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

125 1. (2) Within 14 days after the issuance of the final order
126 classifying the dog as dangerous or the conclusion of any appeal
127 that affirms the final order ~~a dog has been classified as~~
128 ~~dangerous by the animal control authority or a dangerous dog~~
129 ~~classification is upheld by the county court on appeal, the~~
130 ~~owner of the dog must~~ obtain a certificate of registration for
131 the dog from the animal control authority serving the area in
132 which he or she resides, and renew the certificate ~~shall be~~
133 ~~renewed~~ annually. Animal control authorities are authorized to
134 issue such certificates of registration, and renewals thereof,
135 only to persons who are at least 18 years of age and who present
136 to the animal control authority sufficient evidence of:

137 a. (a) A current certificate of rabies vaccination for the
138 dog.

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

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

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146 The appropriate governmental unit may impose an annual fee for
147 the issuance of certificates of registration required by this
148 section.

149 2.~~(3)~~ The owner shall Immediately notify the appropriate
150 animal control authority when a dog that has been classified as
151 dangerous:

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

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

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

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

156

157 Prior to a dangerous dog being sold or given away, the owner
158 shall provide the name, address, and telephone number of the new
159 owner to the animal control authority. The new owner must comply
160 with all of the requirements of this section ~~act~~ and
161 implementing local ordinances, even if the animal is moved from
162 one local jurisdiction to another within the state. The animal
163 control officer must be notified by the owner of a dog
164 classified as dangerous that the dog is in his or her
165 jurisdiction.

166 3.~~(4)~~ Not ~~It is unlawful for the owner of a dangerous dog~~
167 ~~to~~ permit the dog to be outside a proper enclosure unless the
168 dog is muzzled and restrained by a substantial chain or leash
169 and under control of a competent person. The muzzle must be made
170 in a manner that will not cause injury to the dog or interfere
171 with its vision or respiration but will prevent it from biting a
172 ~~any~~ person or animal. The owner may exercise the dog in a
173 securely fenced or enclosed area that does not have a top,
174 without a muzzle or leash, if the dog remains within his or her

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175 sight and only members of the immediate household or persons 18
176 years of age or older are allowed in the enclosure when the dog
177 is present. When being transported, such dogs must be safely and
178 securely restrained within a vehicle.

179 (b) If a dog is classified as a dangerous dog as the result
180 of an incident that causes severe injury to a human being, based
181 upon the nature and circumstances of the injury and the
182 likelihood of a future threat to the public safety, health, and
183 welfare, the dog may be destroyed in an expeditious and humane
184 manner.

185 (6) ~~(5)~~ Hunting dogs are exempt from ~~the provisions of this~~
186 section act when engaged in any legal hunt or training
187 procedure. Dogs engaged in training or exhibiting in legal
188 sports such as obedience trials, conformation shows, field
189 trials, hunting/retrieving trials, and herding trials are exempt
190 from ~~the provisions of this section act~~ when engaged in any
191 legal procedures. However, such dogs at all other times in all
192 other respects shall be subject to this and local laws. Dogs
193 that have been classified as dangerous may ~~shall~~ not be used for
194 hunting purposes.

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

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

200 Section 3. Subsection (2) of section 767.13, Florida
201 Statutes, is transferred, renumbered as section 767.135, Florida
202 Statutes, and amended, to read:

203 767.135 ~~767.13~~ Attack or bite by unclassified ~~dangerous~~ dog

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204 that causes death; ~~penalties~~; confiscation; destruction.-

205 ~~(2) If a dog that has not been declared dangerous attacks~~
206 ~~and causes the severe injury to or death of a any human, the dog~~
207 ~~shall be immediately confiscated by an animal control authority,~~
208 ~~placed in quarantine, if necessary, for the proper length of~~
209 ~~time, or held for 10 business days after the owner is given~~
210 ~~written notification under s. 767.12, and thereafter destroyed~~
211 ~~in an expeditious and humane manner. This 10-day time period~~
212 ~~shall allow the owner to request a hearing under s. 767.12. If~~
213 ~~the owner files a written appeal under s. 767.12 or this~~
214 ~~section, the dog must be held and may not be destroyed while the~~
215 ~~appeal is pending. The owner is ~~shall be~~ responsible for payment~~
216 ~~of all boarding costs and other fees as may be required to~~
217 ~~humanely and safely keep the animal during any appeal procedure.~~
218 ~~In addition, if the owner of the dog had prior knowledge of the~~
219 ~~dog's dangerous propensities, yet demonstrated a reckless~~
220 ~~disregard for such propensities under the circumstances, the~~
221 ~~owner of the dog is guilty of a misdemeanor of the second~~
222 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

223 Section 4. Section 767.136, Florida Statutes, is created to
224 read:

225 767.136 Attack or bite by unclassified dog that causes
226 severe injury or death; penalties.-

227 (1) If a dog that has not been declared dangerous attacks
228 and causes severe injury to, or the death of, a human, and the
229 owner of the dog had knowledge of the dog's dangerous
230 propensities but demonstrated a reckless disregard for those
231 propensities under the circumstances, he or she commits a
232 misdemeanor of the second degree, punishable as provided in s.

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233 775.082 or s. 775.083.

234 (2) If the dog attacks or bites a person who is engaged in
235 or attempting to engage in a criminal activity at the time of
236 the attack, the owner of the dog is not criminally liable under
237 this section.

238 Section 5. Section 767.14, Florida Statutes, is amended to
239 read:

240 767.14 Additional local restrictions authorized. ~~Nothing in~~
241 This act does not shall limit any local government from adopting
242 an ordinance to address the safety and welfare concerns caused
243 by attacks on persons or domestic animals, placing further
244 restrictions or additional requirements on owners of ~~dangerous~~
245 dogs that have bitten or attacked persons or domestic animals,
246 or developing procedures and criteria for the implementation of
247 this act, provided that no such regulation is specific to breed
248 and that the provisions of this act are not lessened by such
249 additional regulations or requirements. This section does shall
250 not apply to any local ordinance adopted prior to October 1,
251 1990.

252 Section 6. Section 767.16, Florida Statutes, is amended to
253 read:

254 767.16 ~~Bite by a~~ Police or service dog; exemption ~~from~~
255 ~~quarantine.~~

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

258 (2) or Any dog that is used as a service dog for blind,
259 hearing impaired, or disabled persons, ~~and~~ that bites another
260 animal or a human is exempt from any quarantine requirement
261 following such bite if the dog has a current rabies vaccination

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262 that was administered by a licensed veterinarian.

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

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