

By Senator Kurth

15-320B-98

1 A bill to be entitled
2 An act relating to dogs; amending s. 767.11,
3 F.S.; redefining the term "dangerous dog";
4 amending s. 767.13, F.S.; providing penalties
5 for a dog owner that disregards the dog's
6 dangerous propensities; amending s. 828.12,
7 F.S.; providing restrictions on persons who
8 have been adjudicated guilty of or had
9 adjudication withheld for cruelty to animals;
10 providing an effective date.

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

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14 Section 1. Subsection (1) of section 767.11, Florida
15 Statutes, is amended to read:

16 767.11 Definitions.--As used in this act, unless the
17 context clearly requires otherwise:

18 (1) "Dangerous dog" means any dog that according to
19 the records of the appropriate authority:

20 (a) Has aggressively bitten, attacked, or endangered
21 or has inflicted severe injury on a human being on public or
22 private property;

23 (b) Has, without provocation, ~~more than once~~ severely
24 injured or killed a domestic animal while off the owner's
25 property;

26 (c) Has been used primarily or in part for the purpose
27 of dog fighting or is a dog trained for dog fighting; ~~or~~

28 (d) Has, when unprovoked, chased or approached a
29 person upon the streets, sidewalks, or any public grounds in a
30 menacing fashion or apparent attitude of attack, provided that
31 such actions are attested to in a sworn statement by one or

1 more persons and dutifully investigated by the appropriate
2 authority.

3 Section 2. Subsection (2) of section 767.13, Florida
4 Statutes, is amended to read:

5 767.13 Attack or bite by dangerous dog; penalties;
6 confiscation; destruction.--

7 (2) If a dog that has not been declared dangerous
8 ~~attacks and causes severe injury to or death of~~ any human, the
9 dog may ~~shall~~ be immediately confiscated by an animal control
10 authority, placed in quarantine, if necessary, for the proper
11 length of time or held for 10 business days after the owner is
12 given written notification under s. 767.12, and thereafter
13 destroyed in an expeditious and humane manner. This 10-day
14 time period shall allow the owner to request a hearing under
15 s. 767.12. The owner shall be responsible for payment of all
16 boarding costs and other fees as may be required to humanely
17 and safely keep the animal during any appeal procedure. In
18 addition, if the owner of the dog had prior knowledge of the
19 dog's dangerous propensities, yet disregarded ~~demonstrated a~~
20 ~~reckless disregard for~~ such propensities under the
21 circumstances, the owner of the dog is guilty of a misdemeanor
22 of the second degree, punishable as provided in s. 775.082 or
23 s. 775.083.

24 Section 3. Subsection (4) is added to section 828.12,
25 Florida Statutes, to read:

26 828.12 Cruelty to animals.--

27 (4)(a) If a person receives a withholding of
28 adjudication or an adjudication of guilt for a violation of
29 this section, all animals that were the subject of the
30 violation shall be forfeited, as determined by the arresting
31 officer or state attorney, to the municipal, county, or local

1 humane society for adoption or euthanasia as appropriate,
2 without any order of forfeiture or additional proceeding being
3 necessary.

4 (b) A person who possesses an animal after having
5 received a withholding of adjudication or an adjudication of
6 guilt for a violation of this section is guilty of a
7 misdemeanor of the first degree, punishable as provided in s.
8 775.082 or s. 775.083. However, this paragraph does not apply
9 if:

10 1. The person had received an order allowing
11 possession of an animal. A court may issue an order allowing
12 possession of animals upon a showing that the animals will be
13 well treated; or

14 2. The person possesses animals for sale, resale, or
15 sale of a product thereof and has all necessary licenses and
16 receives at least 30 percent of his or her annual gross income
17 from such sale or resale. This paragraph does not prohibit a
18 court from ordering a person not to possess an animal as a
19 condition of probation.

20 Section 4. This act shall take effect July 1, 1998.

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23 SENATE SUMMARY

24 Provides that a dog may be classified as dangerous by the
25 filing of a verified petition with the county court which
26 is signed by five persons who live within a 500-yard
27 radius of the dog and which specifically alleges why the
28 dog owner who knows of the dog's dangerous propensities
29 and disregards them is guilty of a misdemeanor of the
30 second degree under certain circumstances. Places
31 restrictions on persons who have been adjudicated guilty
or had adjudication withheld for cruelty to animals.