

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Law Enforcement & Public Safety offered the  
12 following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause  
16  
17 and insert in lieu thereof:

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

20 767.11 Definitions.--As used in this act, unless the  
21 context clearly requires otherwise:

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

24 (a) Has aggressively bitten, attacked, or endangered  
25 or has inflicted severe injury on a human being on public or  
26 private property;

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

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

Amendment No. 01 (for drafter's use only)

1 (d) Has, when unprovoked, chased or approached a  
2 person upon the streets, sidewalks, or any public grounds in a  
3 menacing fashion or apparent attitude of attack, provided that  
4 such actions are attested to in a sworn statement by one or  
5 more persons and dutifully investigated by the appropriate  
6 authority.

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

9 767.13 Attack or bite by dangerous dog; penalties;  
10 confiscation; destruction.--

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

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

30 828.12 Cruelty to animals.--

31 (4)(a) If a person receives a withholding of

Amendment No. 01 (for drafter's use only)

1 adjudication or an adjudication of guilt for a violation of  
2 this section, all domestic animals that were the subject of  
3 the violation shall be forfeited, as determined by the  
4 arresting officer or state attorney, to the municipal, county,  
5 or local humane society for adoption or euthanasia as  
6 appropriate, without any order of forfeiture or additional  
7 proceeding being necessary.

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

14 1. The person had received an order allowing  
15 possession of a domestic animal. A court may issue an order  
16 allowing possession of domestic animals upon a showing that  
17 the domestic animals will be well treated; or

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

24 (c) If a person receives a withholding adjudication or  
25 an adjudication of guilt for a violation of this section, all  
26 wildlife that were the subject of the violation shall be  
27 forfeited to the Florida Game and Fresh Water Fish Commission  
28 for adoption or euthanasia, as appropriate, without any order  
29 of forfeiture or additional proceedings. The authorization of  
30 such person to possess wildlife shall be determined by the  
31 Florida Game and Fresh Water Fish Commission pursuant to

Amendment No. 01 (for drafter's use only)

1 Chapter 372, Florida Statutes, and the rules of the  
2 Commission.

3 Section 4. This act shall take effect July 1, 1998.  
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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 remove from the title of the bill: the entire title  
9

10 and insert in lieu thereof:

11 A bill to be entitled

12 An act relating to dogs; amending s. 767.11,  
13 F.S.; redefining the term "dangerous dog";  
14 amending s. 767.13, F.S.; providing penalties  
15 for a dog owner that disregards the dog's  
16 dangerous propensities; amending s. 828.12,  
17 F.S.; providing restrictions on persons who  
18 have been adjudicated guilty of or had  
19 adjudication withheld for cruelty to animals;  
20 providing an effective date.  
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