

Amendment No. 1 (for drafter's use only)

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

The Committee on Community Affairs offered the following:

Amendment (with title amendment)

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

Section 1. Section 767.06, Florida Statutes, is
created to read:

767.06 Additional local restrictions
authorized.--Nothing in this chapter shall limit any local
government from adopting regulations specific to breed,
provided that the provisions of this chapter are not lessened
by such additional regulations or requirements.

Section 2. Subsections 1(c),(d) and subsection 2 of
section 767.12, Florida Statutes, are amended to read:

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

(c) After the investigation, the animal control
authority shall review the records and any other materials

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1 collected during the course of the investigation and make an
2 initial determination as to whether there is sufficient cause
3 to classify the dog as dangerous and shall afford the owner an
4 opportunity for a hearing prior to making a final
5 determination. The animal control authority shall provide
6 written notification of the sufficient cause finding, to the
7 owner, by registered mail, certified hand delivery, or service
8 in conformance with the provisions of chapter 48 relating to
9 service of process. The owner may file a written request for
10 an evidentiary hearing in county court to challenge the
11 finding of sufficient cause within 10 business ~~7~~ calendar days
12 from the date of receipt of the notification of the sufficient
13 cause finding and, if requested, the hearing shall be held as
14 soon thereafter as is practical, but ~~as possible, but not more~~
15 than ~~21~~ calendar days and no sooner than 5 business days after
16 receipt of the request from the owner. If the owner fails to
17 file a written request for a hearing within 10 business days,
18 at the expiration of this 10-day time period, the animal shall
19 be deemed to be classified as a dangerous dog. ~~Each applicable~~
20 local governing authority shall establish hearing procedures
21 that conform to this paragraph.

22 (d) Once the owner has received the Findings of
23 Sufficient Cause, the owner ~~Once a dog is classified as a~~
24 dangerous dog, the animal control authority shall provide
25 written notification to the owner by registered mail,
26 certified hand delivery or service, and the owner may file a
27 written request for a hearing in the county court to appeal
28 the classification within 10 business days after receipt of a
29 written determination of dangerous dog classification and must
30 confine the dog in a securely fenced or enclosed area pending
31 a resolution of the ~~matter~~ appeal. Except for requiring a

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1 proper enclosure as defined in this chapter, impounding the
2 animal, and prohibiting the relocation or transfer of
3 ownership of the animal, the animal control authority may not
4 impose any of the dangerous dog requirements as provided in s.
5 767.12(2) or (4) until the county court case is resolved.~~Each~~
6 ~~applicable local governing authority must establish appeal~~
7 ~~procedures that conform to this paragraph.~~

8 (2) Unless an appeal of the county court determination
9 has been filed, within 14 days after a dog has been classified
10 as dangerous by the animal control authority or ~~a dangerous~~
11 ~~dog classification is upheld by~~ the county court ~~on appeal,~~
12 the owner of the dog must obtain a certificate of registration
13 for the dog from the animal control authority serving the area
14 in which he or she resides. This, ~~and the~~ certificate shall be
15 renewed annually. Animal control authorities are authorized to
16 issue such certificates of registration, and renewals thereof,
17 only to persons who are at least 18 years of age and who
18 present to the animal control authority sufficient evidence
19 of:

20 (a) A current certificate of rabies vaccination for
21 the dog.

22 (b) A proper enclosure to confine a dangerous dog and
23 the posting of the premises with a clearly visible warning
24 sign at all entry points that informs both children and adults
25 of the presence of a dangerous dog on the property.

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

28

29 The appropriate governmental unit may impose an annual fee for
30 the issuance of certificates of registration required by this
31 section. Should the owner appeal the county court's

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1 classification, the court may impose any requirements it deems
2 appropriate during the pendency of the appeal.

3 Section 3. Section 767.14, Florida Statutes, is
4 amended to read:

5 767.14 Additional local restrictions
6 authorized.--Nothing in this act shall limit any local
7 government from placing further restrictions or additional
8 requirements on owners of dangerous dogs or developing
9 procedures and criteria for the implementation of this act,
10 provided that ~~no such regulation is specific to breed and that~~
11 the provisions of this act are not lessened by such additional
12 regulations or requirements. ~~This section shall not apply to~~
13 ~~any local ordinance adopted prior to October 1, 1990.~~

14 Section 4. This act shall take effect upon becoming a
15 law.

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17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, lines 2-11,
21 remove from the title of the bill: all of said lines

22
23 and insert in lieu thereof:

24 An act relating to dangerous dogs; creating s.
25 767.06, F.S.; allowing local governments to
26 adopt breed specific regulations; amending ss.
27 767.12 (1)(c)(d) and (2) by clarifying and
28 streamlining classification and hearing
29 process; amending s. 767.14, F.S.; revising
30 provisions relating to the authority of local
31 governments to place further restrictions or

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additional requirements on owners of dangerous dogs or to develop procedures and criteria for the implementation of state law governing dangerous dogs to remove a restriction that no local regulation be specific to breed; revising applicability; providing an effective date.