

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1  
2  
3  
4  
5  
6  
7  
8  
9

10

11 The Committee on Agriculture offered the following:

12

13 **Substitute Amendment for Amendment (095113) (with title**  
14 **amendment)**

15 Remove from the bill: Everything after the enacting clause

16

17 and insert in lieu thereof:

18

18 Section 1. Section 767.06, Florida Statutes, is

19

20 767.06 Additional local restrictions

21

21 authorized.--Nothing in this chapter shall limit any local

22

22 government from adopting regulations specific to breed, only

23

23 in public places (parks, public beaches, public events in

24

24 public parks or facilities), provided that the provisions of

25

25 this chapter are not lessened by such additional regulations

26

26 or requirements.

27

27 Section 2. Subsections 1(c),(d) and subsection 2 of

28

28 section 767.12, Florida Statutes, are amended to read:

29

29 767.12 Classification of dogs as dangerous;

30

30 certification of registration; notice and hearing

31

31 requirements; confinement of animal; exemption; appeals;

Amendment No. \_\_\_\_ (for drafter's use only)

1 unlawful acts.--

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

25 (d) Once the owner has received the Findings of  
26 Sufficient Cause, the owner ~~Once a dog is classified as a~~  
27 ~~dangerous dog, the animal control authority shall provide~~  
28 ~~written notification to the owner by registered mail,~~  
29 ~~certified hand delivery or service, and the owner may file a~~  
30 ~~written request for a hearing in the county court to appeal~~  
31 ~~the classification within 10 business days after receipt of a~~

Amendment No. \_\_\_\_ (for drafter's use only)

1 ~~written determination of dangerous dog classification and must~~  
2 ~~confine the dog in a securely fenced or enclosed area pending~~  
3 ~~a resolution of the matter appeal. Except for requiring a~~  
4 ~~proper enclosure as defined in this chapter, impounding the~~  
5 ~~animal, and prohibiting the relocation or transfer of~~  
6 ~~ownership of the animal, the animal control authority may not~~  
7 ~~impose any of the dangerous dog requirements as provided in s.~~  
8 ~~767.12(2) or (4) until the county court case is resolved. ~~Each~~~~  
9 ~~applicable local governing authority must establish appeal~~  
10 ~~procedures that conform to this paragraph.~~

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

23 (a) A current certificate of rabies vaccination for  
24 the dog.

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

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

31

Amendment No. \_\_\_\_ (for drafter's use only)

1 The appropriate governmental unit may impose an annual fee for  
2 the issuance of certificates of registration required by this  
3 section. Should the owner appeal the county court's  
4 classification, the court may impose any requirements it deems  
5 appropriate during the pendency of the appeal.

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

8 67.14 Additional local restrictions  
9 authorized.--Nothing in this act shall limit any local  
10 government from placing further restrictions or additional  
11 requirements on owners of dangerous dogs or developing  
12 procedures and criteria for the implementation of this act,  
13 provided that ~~no such regulation is specific to breed and that~~  
14 ~~the provisions of this act are not lessened by such additional~~  
15 ~~regulations or requirements. This section shall not apply to~~  
16 ~~any local ordinance adopted prior to October 1, 1990.~~

17 Section 4. Subsection (5) is added to section 784.05,  
18 Florida Statutes, to read:

19 784.05 Culpable negligence.--

20 (1) Whoever, through culpable negligence, exposes  
21 another person to personal injury commits a misdemeanor of the  
22 second degree, punishable as provided in s. 775.082 or s.  
23 775.083.

24 (5) A person who violates subsection (1) by knowingly  
25 permitting a dog or dogs owned by that person to run at large  
26 as a pack of dogs, commits:

27 (a) If that pack of dogs inflicts great bodily harm on  
28 any person, a misdemeanor of the first degree punishable as  
29 provided in s. 775.082 or s. 775.083; or

30 (b) If death of any person occurs from injury  
31 inflicted by the pack of dogs, a felony of the third degree,

Amendment No. \_\_\_\_ (for drafter's use only)

1 punishable as provided in s. 775.082, s. 775.083, or s.  
2 775.084.

3  
4 As used in this subsection, the term "pack of dogs" means more  
5 than two dogs engaged in the same activity.

6 Section 5. This act shall take effect upon becoming a  
7 law.

8  
9  
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, lines 2-11,  
13 remove from the title of the bill: all of said lines  
14  
15 and insert in lieu thereof:

16 An act relating to dangerous dogs; creating s.  
17 767.06, F.S.; allowing local governments to  
18 adopt breed specific regulations; amending ss.  
19 767.12 (1)(c)(d) and (2) by clarifying and  
20 streamlining classification and hearing  
21 process; amending s. 767.14, F.S.; revising  
22 provisions relating to the authority of local  
23 governments to place further restrictions or  
24 additional requirements on owners of dangerous  
25 dogs or to develop procedures and criteria for  
26 the implementation of state law governing  
27 dangerous dogs to remove a restriction that no  
28 local regulation be specific to breed; revising  
29 applicability; amending s. 784.05, F.S.;  
30 providing that a person commits the offense of  
31 exposing another to personal injury through

Amendment No. \_\_\_\_ (for drafter's use only)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

culpable negligence, when such person knowingly permits the person's dog to run at large as a "pack of dogs," as defined, and the pack of dogs inflicts significant personal injury or causes death from injury; providing penalties; providing an effective date.