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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Stafford offered the following:

**Amendment (with title amendment)**

On page 3, line 31,

insert:

Section 3. 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, only in public places (parks, public beaches, public events in public parks or facilities), provided that the provisions of this chapter are not lessened by such additional regulations or requirements.

Section 4. Paragraphs (c) and (d) of subsection (1) 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;

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1 unlawful acts.--

2 (1)

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

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

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

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

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

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

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

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

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

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

Section 6. Subsection (5) is added to section 784.05, Florida Statutes, to read:

784.05 Culpable negligence.--

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

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

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

(b) If death of any person occurs from injury

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1 inflicted by the pack of dogs, a felony of the third degree,  
2 punishable as provided in s. 775.082, s. 775.083, or s.  
3 775.084.

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

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

10 And the title is amended as follows:

11 On page 1, line 29, after the second semicolon  
12  
13 insert:

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

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defined, and the pack of dogs inflicts  
significant personal injury or causes death  
from injury; providing penalties;