

By the Committee on Agriculture and Consumer Services; and  
Senators Forman and Kurth

303-2040A-00

1                                   A bill to be entitled  
2           An act relating to dangerous dogs; creating s.  
3           767.06, F.S.; allowing local governments to  
4           adopt breed specific regulations; amending s.  
5           767.12, F.S.; clarifying and streamlining the  
6           classification and hearing process; amending s.  
7           767.14, F.S.; revising provisions relating to  
8           the authority of local governments to place  
9           further restrictions or additional requirements  
10          on owners of dangerous dogs or to develop  
11          procedures and criteria for the implementation  
12          of state law governing dangerous dogs; removing  
13          a restriction that no local regulation be  
14          specific to breed; revising applicability;  
15          amending s. 784.05, F.S.; providing that a  
16          person commits the offense of exposing another  
17          to personal injury through culpable negligence  
18          when such person knowingly permits the person's  
19          dog to run at large as a "pack of dogs," as  
20          defined, and the pack of dogs inflicts  
21          significant personal injury or causes death  
22          from injury; providing penalties; providing an  
23          effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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27           Section 1. Section 767.06, Florida Statutes, is  
28   created to read:  
29           767.06 Additional local restrictions  
30   authorized.--Nothing in this chapter shall limit any local  
31   government from adopting regulations specific to breed, only

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

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

8 767.12 Classification of dogs as dangerous;  
9 certification of registration; notice and hearing  
10 requirements; confinement of animal; exemption; appeals;  
11 unlawful acts.--

12 (1)

13 (c) After the investigation, the animal control  
14 authority shall review the records and any other materials  
15 collected during the course of the investigation and make an  
16 initial determination as to whether there is sufficient cause  
17 to classify the dog as dangerous ~~and shall afford the owner an~~  
18 ~~opportunity for a hearing prior to making a final~~  
19 ~~determination.~~ The animal control authority shall provide  
20 written notification of the sufficient cause finding, to the  
21 owner, by registered mail, certified hand delivery, or service  
22 in conformance with the provisions of chapter 48 relating to  
23 service of process. The owner may file a written request for  
24 an evidentiary a hearing in county court to challenge the  
25 finding of sufficient cause within 10 business 7-calendar days  
26 after ~~from~~ the date of receipt of the notification of the  
27 sufficient cause finding and, if requested, the hearing shall  
28 be held as soon thereafter as is practical, but as possible,  
29 ~~but not more than 21 calendar days and no sooner than 5~~  
30 business days after receipt of the request from the owner. If  
31 the owner fails to file a written request for a hearing within

1 10 business days, at the expiration of this 10-day time  
2 period, the animal shall be deemed to be classified as a  
3 dangerous dog.~~Each applicable local governing authority shall~~  
4 ~~establish hearing procedures that conform to this paragraph.~~

5 (d) Once the owner has received the finding of  
6 sufficient cause, the owner ~~Once a dog is classified as a~~  
7 ~~dangerous dog, the animal control authority shall provide~~  
8 ~~written notification to the owner by registered mail,~~  
9 ~~certified hand delivery or service, and the owner may file a~~  
10 ~~written request for a hearing in the county court to appeal~~  
11 ~~the classification within 10 business days after receipt of a~~  
12 ~~written determination of dangerous dog classification and must~~  
13 ~~confine the dog in a securely fenced or enclosed area pending~~  
14 ~~a resolution of the matter~~ appeal. Except for requiring a  
15 proper enclosure as defined in this chapter, impounding the  
16 animal, and prohibiting the relocation or transfer of  
17 ownership of the animal, the animal control authority may not  
18 impose any of the dangerous dog requirements as provided in  
19 subsection (2) or subsection (4) until the county court case  
20 is resolved.~~Each applicable local governing authority must~~  
21 ~~establish appeal procedures that conform to this paragraph.~~

22 (2) Unless an appeal of the county court determination  
23 has been filed, within 14 days after a dog has been classified  
24 as dangerous by the animal control authority or ~~a dangerous~~  
25 ~~dog classification is upheld by the county court on appeal,~~  
26 the owner of the dog must obtain a certificate of registration  
27 for the dog from the animal control authority serving the area  
28 in which he or she resides. This, ~~and the~~ certificate shall be  
29 renewed annually. Animal control authorities are authorized to  
30 issue such certificates of registration, and renewals thereof,  
31 only to persons who are at least 18 years of age and who

1 present to the animal control authority sufficient evidence  
2 of:

3 (a) A current certificate of rabies vaccination for  
4 the dog.

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

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

11

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

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

19 767.14 Additional local restrictions  
20 authorized.--Nothing in this act shall limit any local  
21 government from placing further restrictions or additional  
22 requirements on owners of dangerous dogs or developing  
23 procedures and criteria for the implementation of this act,  
24 provided that ~~no such regulation is specific to breed and that~~  
25 the provisions of this act are not lessened by such additional  
26 regulations or requirements. ~~This section shall not apply to~~  
27 ~~any local ordinance adopted prior to October 1, 1990.~~

28 Section 4. Subsection (1) of section 784.05, Florida  
29 Statutes, is reenacted, and subsection (5) is added to that  
30 section, to read:

31 784.05 Culpable negligence.--

1 (1) Whoever, through culpable negligence, exposes  
2 another person to personal injury commits a misdemeanor of the  
3 second degree, punishable as provided in s. 775.082 or s.  
4 775.083.

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

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

11 (b) If death of any person occurs from injury  
12 inflicted by the pack of dogs, a felony of the third degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s.  
14 775.084.

15  
16 As used in this subsection, the term "pack of dogs" means more  
17 than two dogs engaged in the same activity.

18 Section 5. This act shall take effect upon becoming a  
19 law.

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 700

4 The committee substitute makes the following changes:

- 5 \*       Authorizes local governments to adopt regulations  
6       specific to a breed of dog, that are applicable to  
7       certain public places such as parks, public beaches,  
8       public events in public parks or facilities, provided  
9       the provisions of chapter 767, F.S., are not lessened.
- 10 \*       Moves the initial hearing from the animal control  
11       authority to county court.
- 12 \*       Provides that, once an owner is notified of a finding of  
13       sufficient cause, the owner has 10 business days to  
14       request an evidentiary hearing in county court to  
15       challenge the finding.
- 16 \*       Provides that, if no hearing is requested, the animal is  
17       automatically classified as dangerous.
- 18 \*       Provides that, except for requiring a proper enclosure,  
19       impounding the animal, or prohibiting the location or  
20       transfer of the dog, the animal control authority may  
21       not impose additional requirements during the pendency  
22       of an appeal.
- 23 \*       Provides penalty provisions for persons who knowingly  
24       permit dogs to run at large as a pack of dogs, if it  
25       results in the bodily harm or death of a person.
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