

By Representative Baxley

1 A bill to be entitled
2 An act relating to dangerous dogs; amending s.
3 767.12, F.S.; revising provisions relating to
4 classifying dogs as dangerous; authorizing
5 local animal control authorities to classify
6 dogs as dangerous; providing that a hearing to
7 challenge a finding of sufficient cause may be
8 an evidentiary hearing in county court or an
9 administrative hearing; providing for
10 classification as dangerous upon failure of an
11 owner to file a written request for hearing
12 within a specified time limit; providing
13 restrictions upon local animal control
14 authorities with respect to specified dangerous
15 dog requirements pending classification;
16 authorizing local governmental authorities to
17 impose more stringent requirements upon
18 dangerous dog owners; requiring dangerous dog
19 owners relocating to this state to comply with
20 the act and applicable local ordinances;
21 requiring such owners to notify local animal
22 control authorities; providing a penalty;
23 amending s. 767.13, F.S.; providing that an
24 owner of a dangerous dog that attacks or bites
25 a person or a domestic animal without
26 provocation, an owner of a dog that has not
27 previously been declared dangerous that attacks
28 and causes the severe injury to or death of any
29 human, or an owner of a dangerous dog that
30 attacks and causes the severe injury to or
31 death of any human may request an evidentiary

1 hearing in county court or an administrative
2 hearing; providing that failure of such an
3 owner to pay required boarding costs and fees
4 during the hearing or appeal procedure shall
5 constitute abandonment of the animal and allow
6 the animal control authority to destroy the
7 animal; amending s. 767.14, F.S.; removing
8 certain nonapplicability provisions with
9 respect to the authority of local governments
10 to place further restrictions or additional
11 requirements on owners of dangerous dogs;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 767.12, Florida Statutes, is
17 amended to read:

18 767.12 Classification of dogs as dangerous;
19 certification of registration; notice and hearing
20 requirements; confinement of animal; exemption; hearings
21 ~~appeals~~; unlawful acts.--

22 (1)(a) An animal control authority shall investigate
23 reported incidents involving any dog that may be dangerous and
24 shall, if possible, interview the owner and require a sworn
25 affidavit from any person, including any animal control
26 officer or enforcement officer, desiring to have a dog
27 classified as dangerous. An animal control authority may
28 declare a dog dangerous as defined in this section. Any animal
29 that is the subject of a dangerous dog investigation, that is
30 not impounded with the animal control authority, shall be
31 humanely and safely confined by the owner in a securely fenced

1 or enclosed area pending the outcome of the investigation and
2 resolution of any hearings related to the dangerous dog
3 classification. The address of where the animal resides shall
4 be provided to the animal control authority. No dog that is
5 the subject of a dangerous dog investigation may be relocated
6 or ownership transferred pending the outcome of an
7 investigation or any hearings related to the determination of
8 a dangerous dog classification. In the event that a dog is to
9 be destroyed, the dog shall not be relocated or ownership
10 transferred.

11 (b) A dog shall not be declared dangerous if the
12 threat, injury, or damage was sustained by a person who, at
13 the time, was unlawfully on the property or, while lawfully on
14 the property, was tormenting, abusing, or assaulting the dog
15 or its owner or a family member. No dog may be declared
16 dangerous if the dog was protecting or defending a human being
17 within the immediate vicinity of the dog from an unjustified
18 attack or assault.

19 (c) After the investigation, the animal control
20 authority shall review the records and any other materials
21 collected during the course of the investigation and make an
22 initial determination as to whether there is sufficient cause
23 to classify the dog as dangerous ~~and shall afford the owner an~~
24 ~~opportunity for a hearing prior to making a final~~
25 ~~determination~~. The animal control authority shall provide
26 written notification of the sufficient cause finding, to the
27 owner, by certified registered mail, certified hand delivery,
28 or service in conformance with the provisions of chapter 48
29 relating to service of process. The owner may file a written
30 request for an evidentiary a hearing in county court or an
31 administrative hearing, as determined by ordinance or

1 resolution of the local governing body, to challenge the
2 finding of sufficient cause within 7 calendar days from the
3 date of receipt of the notification of the sufficient cause
4 finding and, if requested, the hearing shall be held as soon
5 as possible, but not more than 21 calendar days, or as soon
6 thereafter as is practicable, and no sooner than 5 days after
7 receipt of the request from the owner. If the owner fails to
8 file a written request for a hearing within 7 calendar days,
9 at the expiration of the 7-calendar-day period, the animal
10 shall be deemed to be classified as a dangerous dog. The
11 appropriate local governing body shall designate by ordinance
12 or resolution whether such hearings will be evidentiary
13 hearings held in county court or administrative hearings. ~~Each~~
14 ~~applicable local governing authority shall establish hearing~~
15 ~~procedures that conform to this paragraph.~~

16 (d) Once the owner has received the findings of
17 sufficient cause from the animal control authority, the owner
18 ~~a dog is classified as a dangerous dog, the animal control~~
19 ~~authority shall provide written notification to the owner by~~
20 ~~registered mail, certified hand delivery or service, and the~~
21 ~~owner may file a written request for a hearing in the county~~
22 ~~court to appeal the classification within 10 business days~~
23 ~~after receipt of a written determination of dangerous dog~~
24 ~~classification and must confine the dog in a securely fenced~~
25 ~~or enclosed area pending a resolution of the matter appeal.~~
26 Except for requiring a proper enclosure as defined in this
27 chapter, impounding the animal, and prohibiting the relocation
28 or transfer of ownership of the animal, the animal control
29 authority may not impose any of the dangerous dog requirements
30 as provided in subsection (2) or subsection (4) upon the
31 animal or its owner until the dog has been classified as

1 ~~dangerous. Each applicable local governing authority must~~
2 ~~establish appeal procedures that conform to this paragraph.~~
3 (2) Unless a request for a hearing regarding the
4 findings of sufficient cause for dangerous dog classification
5 has been timely filed, within 14 days after a dog has been
6 classified as dangerous by the animal control authority or the
7 finding of sufficient cause for a dangerous dog classification
8 is upheld by the county court or administrative hearing
9 officer on appeal, the owner of the dog must obtain a
10 certificate of registration for the dog from the animal
11 control authority serving the area in which he or she resides.
12 ~~The, and the~~ certificate shall be renewed annually. If the
13 determination of the county court or administrative hearing
14 officer is appealed, a certificate of registration is not
15 required until the appeal is resolved and the dangerous
16 classification is upheld. Animal control authorities are
17 authorized to issue such certificates of registration, and
18 renewals thereof, only to persons who are at least 18 years of
19 age and who present to the animal control authority sufficient
20 evidence of:
21 (a) A current certificate of rabies vaccination for
22 the dog.
23 (b) A proper enclosure to confine a dangerous dog and
24 the posting of the premises with a clearly visible warning
25 sign at all entry points that informs both children and adults
26 of the presence of a dangerous dog on the property.
27 (c) Permanent identification of the dog, such as a
28 tattoo on the inside thigh or electronic implantation.
29
30 The appropriate governmental unit of each county may impose an
31 annual fee for the issuance of certificates of registration

1 required by this section, or may impose more stringent
2 requirements upon the owner. Should the owner appeal the
3 county court or hearing officer's dangerous classification,
4 the court may impose any requirements it deems appropriate
5 during the pendency of the appeal.

6 (3) The owner shall immediately notify the appropriate
7 animal control authority when a dog that has been classified
8 as dangerous:

9 (a) Is loose or unconfined.

10 (b) Has bitten a human being or attacked another
11 animal.

12 (c) Is sold, given away, or dies.

13 (d) Is moved to another address.
14

15 Prior to a dangerous dog being sold or given away, the owner
16 shall provide the name, address, and telephone number of the
17 new owner to the animal control authority. The new owner must
18 comply with all of the requirements of this act and applicable
19 ~~implementing~~ local ordinances, even if the animal is moved
20 from one local jurisdiction to another within the state. Upon
21 locating from another state to this state, the owner of an
22 animal that is classified as dangerous or is subject to
23 similar restrictions imposed by another state or jurisdiction
24 thereof must comply with this act and applicable local
25 ordinances.The animal control authority of the receiving
26 jurisdiction officer must be notified by the owner of any a
27 dog classified as dangerous within this state or any dog that
28 is subject to similar restrictions imposed by a jurisdiction
29 outside this state that the dog is in the animal control
30 authority's ~~his or her~~ jurisdiction.
31

1 (4) It is unlawful for the owner of a dangerous dog to
2 permit the dog to be outside a proper enclosure unless the dog
3 is muzzled,~~and~~ restrained by a substantial chain or leash,
4 and under control of a competent person. The muzzle must be
5 made in a manner that will not cause injury to the dog or
6 interfere with its vision or respiration but will prevent it
7 from biting any person or animal. The owner may exercise the
8 dog in a securely fenced or enclosed area that does not have a
9 top, without a muzzle or leash, if the dog remains within his
10 or her sight.~~and~~ Only members of the immediate household who
11 are ~~or persons~~ 18 years of age or older are allowed in the
12 enclosure when the dog is present. When being transported,
13 such dogs must be safely and securely restrained within a
14 vehicle.

15 (5) Hunting dogs that have not previously been
16 classified as dangerous are exempt from the provisions of this
17 act when engaged in any legal hunt or training procedure. Dogs
18 engaged in training or exhibiting in legal sports such as
19 obedience trials, conformation shows, field trials,
20 hunting/retrieving trials, and herding trials are exempt from
21 the provisions of this act when engaged in any such legal
22 procedures. However, such dogs at all other times and in all
23 other respects shall be subject to this act and local
24 ordinances ~~laws~~. Dogs that have been classified as dangerous
25 shall not be used for hunting purposes.

26 (6) This section does not apply to dogs used by law
27 enforcement officials for law enforcement work.

28 (7) Any person who violates any provision of this
29 section is guilty of a noncriminal infraction, punishable by a
30 fine not exceeding \$500.

31

1 Section 2. Section 767.13, Florida Statutes, is
2 amended to read:

3 767.13 Attack or bite by dangerous dog; penalties;
4 confiscation; destruction.--

5 (1) If a dog that has previously been declared
6 dangerous attacks or bites a person or a domestic animal
7 without provocation, the owner is guilty of a misdemeanor of
8 the first degree, punishable as provided in s. 775.082 or s.
9 775.083. In addition, the dangerous dog shall be immediately
10 confiscated by an animal control authority, placed in
11 quarantine, if necessary, for the proper length of time, or
12 impounded and held for 10 business days after the owner is
13 given written notification under s. 767.12, and thereafter
14 destroyed in an expeditious and humane manner. This 10-day
15 time period shall allow the owner to request an evidentiary a
16 hearing in county court or an administrative hearing, as
17 established by the local governing authority by ordinance or
18 resolution, under s. 767.12. The owner shall be responsible
19 for payment of all boarding costs and other fees as may be
20 required to humanely and safely keep the animal during any
21 hearing or appeal procedure. Failure to pay the boarding costs
22 and fees within the time period allowed by the animal control
23 authority shall constitute abandonment of the animal and allow
24 the animal control authority to destroy it in an expeditious
25 and humane manner without precluding the animal control
26 authority from seeking payment in a separate civil proceeding.

27 (2) If a dog that has not been declared dangerous
28 attacks and causes severe injury to or death of any human, the
29 dog shall be immediately confiscated by an animal control
30 authority, placed in quarantine, if necessary, for the proper
31 length of time or held for 10 business days after the owner is

1 given written notification under s. 767.12, and thereafter
2 destroyed in an expeditious and humane manner. This 10-day
3 time period shall allow the owner to request an evidentiary ~~a~~
4 hearing in county court or an administrative hearing, as
5 established by the local governing authority by ordinance or
6 resolution, under s. 767.12. The owner shall be responsible
7 for payment of all boarding costs and other fees as may be
8 required to humanely and safely keep the animal during any
9 hearing or appeal procedure. Failure to pay the boarding costs
10 and fees within the time period allowed by the animal control
11 authority shall constitute abandonment of the animal and allow
12 the animal control authority to destroy it in an expeditious
13 and humane manner without precluding the animal control
14 authority from seeking payment in a separate civil proceeding.
15 In addition, if the owner of the dog had prior knowledge of
16 the dog's dangerous propensities, yet demonstrated a reckless
17 disregard for such propensities under the circumstances, the
18 owner of the dog is guilty of a misdemeanor of the second
19 degree, punishable as provided in s. 775.082 or s. 775.083.
20 (3) If a dog that has previously been declared
21 dangerous attacks and causes severe injury to or death of any
22 human, the owner is guilty of a felony of the third degree,
23 punishable as provided in s. 775.082, s. 775.083, or s.
24 775.084. In addition, the dog shall be immediately confiscated
25 by an animal control authority, placed in quarantine, if
26 necessary, for the proper length of time or held for 10
27 business days after the owner is given written notification
28 under s. 767.12, and thereafter destroyed in an expeditious
29 and humane manner. This 10-day time period shall allow the
30 owner to request an evidentiary ~~a~~ hearing in county court or
31 an administrative hearing, as established by the local

1 governing authority by ordinance or resolution, under s.
2 767.12. Failure to pay the boarding costs and fees within the
3 time period allowed by the animal control authority shall
4 constitute abandonment of the animal and allow the animal
5 control authority to destroy it in an expeditious and humane
6 manner without precluding the animal control authority from
7 seeking payment in a separate civil proceeding. The owner
8 shall be responsible for payment of all boarding costs and
9 other fees as may be required to humanely and safely keep the
10 animal during any appeal procedure.

11 (4) If the owner files a written request for hearing
12 ~~appeal~~ under s. 767.12 or this section, the dog must be held
13 and may not be destroyed while any hearing or the appeal is
14 pending, unless the owner abandons the dog by failing to pay
15 the boarding costs and fees within the time period allowed by
16 the animal control authority.

17 (5) If a dog attacks or bites a person who is engaged
18 in or attempting to engage in a criminal activity at the time
19 of the attack, the owner is not guilty of any crime specified
20 under this section.

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

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

