

By Senator Sebesta

20-1336-01

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           procedures for having dogs declared dangerous;  
5           authorizing animal control authorities to make  
6           such declarations; providing for evidentiary  
7           hearings; requiring confinement of animals  
8           during the hearing process; requiring owners of  
9           dangerous dogs to purchase an annual  
10          certificate; providing for local governments to  
11          authorize certain regulations; providing that  
12          certain dogs brought into a jurisdiction to  
13          register and must comply with the act; amending  
14          s. 767.13, F.S.; requiring owners to pay for  
15          boarding during certain hearings and appeals  
16          and allowing the authority to euthanize an  
17          animal and obtain reimbursement from the owner  
18          under specified circumstances; amending s.  
19          767.14, F.S.; deleting an application  
20          exemption; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24           Section 1. Section 767.12, Florida Statutes, is  
25 amended to read:

26           767.12 Classification of dogs as dangerous;  
27 certification of registration; notice and hearing  
28 requirements; confinement of animal; exemption; appeals;  
29 unlawful acts.--

30           (1)(a) An animal control authority shall investigate  
31 reported incidents involving any dog that may be dangerous and

1 shall, if possible, interview the owner and require a sworn  
2 affidavit from any person, including any animal control  
3 officer or enforcement officer, desiring to have a dog  
4 classified as dangerous. Any animal that is the subject of a  
5 dangerous dog investigation, that is not impounded with the  
6 animal control authority, shall be humanely and safely  
7 confined by the owner in a securely fenced or enclosed area  
8 pending the outcome of the investigation and resolution of any  
9 hearings related to the dangerous dog classification. The  
10 address of where the animal resides shall be provided to the  
11 animal control authority. No dog that is the subject of a  
12 dangerous dog investigation may be relocated or ownership  
13 transferred pending the outcome of an investigation or any  
14 hearings related to the determination of a dangerous dog  
15 classification. In the event that a dog is to be destroyed,  
16 the dog shall not be relocated or ownership transferred.

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

25 (c) After the investigation, the animal control  
26 authority shall review data collected during the  
27 investigation, shall make an initial determination as to  
28 whether there is sufficient cause to classify the dog as  
29 dangerous, and may make ~~and shall afford the owner an~~  
30 ~~opportunity for a hearing prior to making~~ a final  
31 determination declaring the dog dangerous. The animal control

1 authority shall provide written notification of the  
2 sufficient-cause ~~sufficient-cause~~ finding, to the owner, by  
3 certified ~~registered~~ mail, certified hand delivery, or service  
4 in conformance with the provisions of chapter 48 relating to  
5 service of process. The owner may file a written request for  
6 an evidentiary ~~a~~ hearing in county court or an administrative  
7 hearing, as determined by local ordinance, to challenge the  
8 sufficient-cause finding within 7 calendar days after ~~from the~~  
9 ~~date of~~ receipt of the notification of the sufficient-cause  
10 ~~sufficient-cause~~ finding. A ~~and, if requested, the~~ hearing  
11 shall be held as soon as possible, but not more than 21  
12 calendar days, or as soon thereafter as is practical, and no  
13 sooner than 5 days after receipt of the request from the  
14 owner. If the owner does not request a hearing within the  
15 7-day period, the dog shall automatically be declared  
16 dangerous without further action. ~~Each applicable local~~  
17 ~~governing authority shall establish hearing procedures that~~  
18 ~~conform to this paragraph.~~

19 (d) Upon receipt of notice of the finding of  
20 sufficient cause, the owner ~~Once a dog is classified as a~~  
21 ~~dangerous dog, the animal control authority shall provide~~  
22 ~~written notification to the owner by registered mail,~~  
23 ~~certified hand delivery or service, and the owner may file a~~  
24 ~~written request for a hearing in the county court to appeal~~  
25 ~~the classification within 10 business days after receipt of a~~  
26 ~~written determination of dangerous dog classification and must~~  
27 ~~confine the dog in a securely fenced or enclosed area pending~~  
28 ~~a resolution of the matter~~ appeal. The animal control  
29 authority may not impose any restrictions upon a dog that has  
30 not yet been classified as dangerous, except for confinement  
31 or impoundment of the animal and for prohibiting the

1 ~~relocation or transfer of ownership of the animal. Each~~  
2 ~~applicable local governing authority must establish appeal~~  
3 ~~procedures that conform to this paragraph.~~

4 (2) Within 14 days after a dog has been classified as  
5 dangerous by the animal control authority or the findings have  
6 been a dangerous dog classification is upheld by the county  
7 court on appeal, the owner of the dog must obtain a  
8 certificate of registration for the dog from the animal  
9 control authority in serving the area in which he or she  
10 resides, which and the certificate must shall be renewed  
11 annually. ~~Animal control authorities are authorized to issue~~  
12 ~~such~~ Certificates of registration, and renewals thereof, may  
13 be issued only to persons who are at least 18 years of age and  
14 who present to the animal control authority sufficient  
15 evidence of:

16 (a) A current certificate of rabies vaccination for  
17 the dog.

18 (b) A proper enclosure in which to confine the a  
19 ~~dangerous~~ dog and the posting of the premises with a clearly  
20 visible warning sign at all entry points that informs ~~both~~  
21 children and adults that ~~of the presence of a dangerous dog is~~  
22 on the property.

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

25  
26 The appropriate local governmental unit may impose an annual  
27 fee for the issuance of certificates of registration and may  
28 impose more stringent requirements that it considers  
29 appropriate ~~required by this section.~~

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

4           (a) Is loose or unconfined.

5           (b) Has bitten a human being or attacked another  
6 animal.

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

8           (d) Is moved to another address.

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10 Before ~~Prior to~~ a dangerous dog is ~~being~~ sold or given away,  
11 the owner must ~~shall~~ provide the name, address, and telephone  
12 number of the new owner to the animal control authority. The  
13 new owner must comply with all of the requirements of this act  
14 and applicable ~~implementing~~ local ordinances, even if the  
15 animal is moved from one local jurisdiction to another within  
16 the state. The owner of an animal that is brought into this  
17 state from another state where it was subjected to  
18 restrictions similar to this section must comply with this  
19 section. The local animal control authority ~~officer~~ must be  
20 notified by the owner of a dog classified as dangerous or  
21 subject to similar restrictions in another state that the dog  
22 is in its ~~his or her~~ jurisdiction.

23           (4) It is unlawful for the owner of a dangerous dog to  
24 permit the dog to be outside a proper enclosure unless the dog  
25 is muzzled, ~~and~~ restrained by a substantial chain or leash,  
26 and under control of a competent person. The muzzle must be  
27 made in a manner that will not cause injury to the dog or  
28 interfere with its vision or respiration but will prevent it  
29 from biting any person or animal. The owner may exercise the  
30 dog in a securely fenced or enclosed area that does not have a  
31 top, without a muzzle or leash, if the dog remains within his

1 or her sight.~~and~~ Only members of the immediate household who  
2 are ~~or persons~~ 18 years of age or older are allowed in the  
3 enclosure when the dog is present. When being transported,  
4 such dogs must be safely and securely restrained within a  
5 vehicle.

6 (5) Hunting dogs are exempt from the provisions of  
7 this act when engaged in any legal hunt or training procedure.  
8 Dogs engaged in training or exhibiting in legal sports such as  
9 obedience trials, conformation shows, field trials,  
10 hunting/retrieving trials, and herding trials are exempt from  
11 the provisions of this act when engaged in any legal  
12 procedures. However, such dogs at all other times in all other  
13 respects are ~~shall be~~ subject to this and local laws. Dogs  
14 that have been classified as dangerous may ~~shall~~ not be used  
15 for hunting purposes.

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

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

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

23 767.13 Attack or bite by dangerous dog; penalties;  
24 confiscation; destruction.--

25 (1) If a dog that has previously been declared  
26 dangerous attacks or bites a person or a domestic animal  
27 without provocation, the owner is guilty of a misdemeanor of  
28 the first degree, punishable as provided in s. 775.082 or s.  
29 775.083. In addition, the dangerous dog shall be immediately  
30 confiscated by an animal control authority, placed in  
31 quarantine, if necessary, for the proper length of time, or

1 impounded and held for 10 business days after the owner is  
2 given written notification under s. 767.12, and thereafter  
3 destroyed in an expeditious and humane manner. This 10-day  
4 time period shall allow the owner to request a hearing under  
5 s. 767.12. The owner shall be responsible for payment of all  
6 boarding costs and other fees as may be required to humanely  
7 and safely keep the animal during any hearing process or  
8 appeal procedure. If an owner does not pay any required  
9 boarding costs, the animal control authority may euthanize the  
10 dog and obtain reimbursement from the owner.

11 (2) If a dog that has not been declared dangerous  
12 attacks and causes severe injury to or death of any human, the  
13 dog shall be immediately confiscated by an animal control  
14 authority, placed in quarantine, if necessary, for the proper  
15 length of time or held for 10 business days after the owner is  
16 given written notification under s. 767.12, and thereafter  
17 destroyed in an expeditious and humane manner. This 10-day  
18 time period shall allow the owner to request a hearing under  
19 s. 767.12. The owner shall be responsible for payment of all  
20 boarding costs and other fees as may be required to humanely  
21 and safely keep the animal during any hearing process or  
22 appeal procedure. If an owner does not pay any required  
23 boarding costs, the animal control authority may euthanize the  
24 animal and obtain reimbursement from the owner.In addition,  
25 if the owner of the dog had prior knowledge of the dog's  
26 dangerous propensities, yet demonstrated a reckless disregard  
27 for such propensities under the circumstances, the owner of  
28 the dog is guilty of a misdemeanor of the second degree,  
29 punishable as provided in s. 775.082 or s. 775.083.

30 (3) If a dog that has previously been declared  
31 dangerous attacks and causes severe injury to or death of any

1 human, the owner is guilty of a felony of the third degree,  
2 punishable as provided in s. 775.082, s. 775.083, or s.  
3 775.084. In addition, the dog shall be immediately confiscated  
4 by an animal control authority, placed in quarantine, if  
5 necessary, for the proper length of time or held for 10  
6 business days after the owner is given written notification  
7 under s. 767.12, and thereafter destroyed in an expeditious  
8 and humane manner. This 10-day time period shall allow the  
9 owner to request a hearing under s. 767.12. The owner shall be  
10 responsible for payment of all boarding costs and other fees  
11 as may be required to humanely and safely keep the animal  
12 during any appeal procedure. If the owner does not pay any  
13 required boarding costs, the animal control authority may  
14  euthanize the animal and obtain reimbursement from the owner.

15 (4) Except as provided in this act if the owner files  
16 a written hearing request ~~appeal~~ under s. 767.12 or this  
17 section, the dog must be held and may not be destroyed while  
18 the hearing or appeal is pending.

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

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

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



1 regulations or requirements. ~~This section shall not apply to~~  
2 ~~any local ordinance adopted prior to October 1, 1990.~~

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

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7 SENATE SUMMARY

8 Revises provisions relating to the classification of dogs  
9 as dangerous. Authorizes animal control authorities to  
10 declare dogs dangerous. Revises hearing procedures. Makes  
11 owners liable for certain boarding costs. Requires the  
12 registration of certain dogs brought into a jurisdiction.  
13 Deletes an application exemption. (See bill for details.)  
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