



558638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/01/2015	.	
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	.	
	.	

The Committee on Judiciary (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Division of Law Revision and Information is directed to designate ss. 767.01-767.07, Florida Statutes, as part I of chapter 767, Florida Statutes, entitled "Damage by Dogs," and ss. 767.10-767.16, Florida Statutes, as part II of that chapter, entitled "Dangerous Dogs."

Section 2. Section 767.12, Florida Statutes, is amended to read:



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12 767.12 Classification of dogs as dangerous; certification
13 of registration; notice and hearing requirements; confinement of
14 animal; exemption; appeals; unlawful acts.—

15 (1)~~(a)~~ An animal control authority shall investigate
16 reported incidents involving any dog that may be dangerous and
17 ~~shall~~, if possible, shall interview the owner and require a
18 sworn affidavit from any person, including any animal control
19 officer or enforcement officer, desiring to have a dog
20 classified as dangerous.

21 (a) An animal that is the subject of a dangerous dog
22 investigation because of severe injury to a human may be
23 immediately confiscated by an animal control authority and
24 placed in quarantine, if necessary, for the proper length of
25 time, or may be impounded and held pending the outcome of the
26 investigation and any related hearings or appeals regarding the
27 determination of a dangerous dog classification and the
28 assessment of any penalty under this section. If the dog is to
29 be destroyed, the dog may not be destroyed while an appeal is
30 pending. The owner is responsible for payment of all boarding
31 costs and other fees as required to humanely and safely keep the
32 animal pending any hearing or appeal.

33 (b) An ~~Any~~ animal that is the subject of a dangerous dog
34 investigation ~~which, that~~ is not impounded with the animal
35 control authority, ~~must~~ ~~shall~~ be humanely and safely confined by
36 the owner in a securely fenced or enclosed area pending the
37 outcome of the investigation and resolution of any hearings or
38 appeals related to the dangerous dog classification and any
39 penalty imposed under this section. The address at which ~~of~~
40 where the animal resides shall be provided to the animal control



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41 authority. A ~~ne~~ dog that is the subject of a dangerous dog
42 investigation may not be relocated and its ~~or~~ ownership may not
43 be transferred pending the outcome of the ~~an~~ investigation and
44 ~~or~~ any hearings or appeals related to the determination of a
45 dangerous dog classification and any penalty imposed under this
46 section. If ~~in the event that~~ a dog is to be destroyed, the dog
47 may ~~shall~~ not be relocated and its ~~or~~ ownership may not be
48 transferred.

49 (2)(~~b~~) A dog may ~~shall~~ not be declared dangerous if:

50 (a) The threat, injury, or damage was sustained by a person
51 who, at the time, was unlawfully on the property or, who, while
52 lawfully on the property, was tormenting, abusing, or assaulting
53 the dog or its owner or a family member.

54 (b) ~~No dog may be declared dangerous if~~ The dog was
55 protecting or defending a human ~~being~~ within the immediate
56 vicinity of the dog from an unjustified attack or assault.

57 (3)(~~c~~) After the investigation, the animal control
58 authority shall make an initial determination as to whether
59 there is sufficient cause to classify the dog as dangerous and,
60 if sufficient cause is found, as to the proposed requirements
61 under subsection (5). The animal control authority shall afford
62 the owner an opportunity for a hearing prior to making a final
63 determination regarding the classification or requirement. The
64 animal control authority shall provide written notification to
65 the owner of the sufficient cause finding and proposed
66 requirements, ~~to the owner~~, by registered mail, certified hand
67 delivery, or service in conformance with the provisions of
68 chapter 48 relating to service of process. The owner may file a
69 written request for a hearing regarding the dangerous dog



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70 classification or the proposed requirements, or both, within 7
71 calendar days after ~~from the date of~~ receipt of the notification
72 of the sufficient cause finding and proposed requirements. and,
73 If the owner requests a hearing, it requested, the hearing shall
74 be held as soon as possible, but not longer ~~more~~ than 21
75 calendar days and not ~~ne~~ sooner than 5 days after receipt of the
76 request from the owner. If a hearing is not timely requested
77 regarding the classification or proposed requirements, the
78 determination by the animal control authority as to such issue
79 shall become final. Each applicable local governing authority
80 shall establish hearing procedures that conform to this
81 subsection ~~paragraph~~.

82 (4) ~~(d)~~ Once a dog is classified as a dangerous dog, The
83 animal control authority shall provide to the owner a written
84 final order, notification to the owner by registered mail ~~or,~~
85 certified hand delivery or service, after a dangerous dog
86 classification or requirement becomes final, after a hearing ~~or~~
87 by operation of law pursuant to subsection (3). ~~and~~ The owner
88 may file a written request for a hearing in the county court to
89 appeal the classification or requirement, or both, by filing a
90 written request for a hearing in the circuit court within 10
91 business days after receipt of the final order. The owner ~~a~~
92 written determination of dangerous dog classification and must
93 confine the dog in a securely fenced or enclosed area pending a
94 resolution of the appeal. Each applicable local governing
95 authority must establish appeal procedures that conform to this
96 subsection ~~paragraph~~.

97 (5) (a) Except as otherwise provided in paragraph (b), the
98 owner of a dog classified as a dangerous dog shall:



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99 1.(2) Within 14 days after the issuance of the final order
100 classifying the dog as dangerous or the conclusion of any appeal
101 that affirms the final order ~~a dog has been classified as~~
102 ~~dangerous by the animal control authority or a dangerous dog~~
103 ~~classification is upheld by the county court on appeal, the~~
104 ~~owner of the dog must~~ obtain a certificate of registration for
105 the dog from the animal control authority serving the area in
106 which he or she resides, and renew the certificate ~~shall be~~
107 ~~renewed~~ annually. Animal control authorities are authorized to
108 issue such certificates of registration, and renewals thereof,
109 only to persons who are at least 18 years of age and who present
110 to the animal control authority sufficient evidence of:

111 a.(a) A current certificate of rabies vaccination for the
112 dog.

113 b.(b) A proper enclosure to confine a dangerous dog and the
114 posting of the premises with a clearly visible warning sign at
115 all entry points which ~~that~~ informs both children and adults of
116 the presence of a dangerous dog on the property.

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

119
120 The appropriate governmental unit may impose an annual fee for
121 the issuance of certificates of registration required by this
122 section.

123 2.(3) The owner shall Immediately notify the appropriate
124 animal control authority when a dog that has been classified as
125 dangerous:

126 a.(a) Is loose or unconfined.

127 b.(b) Has bitten a human ~~being~~ or attacked another animal.



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128 c.~~(e)~~ Is sold, given away, or dies.

129 d.~~(d)~~ Is moved to another address.

130

131 Prior to a dangerous dog being sold or given away, the owner
132 shall provide the name, address, and telephone number of the new
133 owner to the animal control authority. The new owner must comply
134 with all of the requirements of this section ~~act~~ and
135 implementing local ordinances, even if the animal is moved from
136 one local jurisdiction to another within the state. The animal
137 control officer must be notified by the owner of a dog
138 classified as dangerous that the dog is in his or her
139 jurisdiction.

140 3.~~(4)~~ ~~Not~~ ~~It is unlawful for the owner of a dangerous dog~~
141 ~~to~~ permit the dog to be outside a proper enclosure unless the
142 dog is muzzled and restrained by a substantial chain or leash
143 and under control of a competent person. The muzzle must be made
144 in a manner that will not cause injury to the dog or interfere
145 with its vision or respiration but will prevent it from biting a
146 ~~any~~ person or animal. The owner may exercise the dog in a
147 securely fenced or enclosed area that does not have a top,
148 without a muzzle or leash, if the dog remains within his or her
149 sight and only members of the immediate household or persons 18
150 years of age or older are allowed in the enclosure when the dog
151 is present. When being transported, such dogs must be safely and
152 securely restrained within a vehicle.

153 (b) If a dog is classified as a dangerous dog as the result
154 of an incident that causes severe injury to a human being, based
155 upon the nature and circumstances of the injury and the
156 likelihood of a future threat to the public safety, health, and



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157 welfare, the dog may be destroyed in an expeditious and humane
158 manner.

159 (6)~~(5)~~ Hunting dogs are exempt from ~~the provisions of this~~
160 section act when engaged in any legal hunt or training
161 procedure. Dogs engaged in training or exhibiting in legal
162 sports such as obedience trials, conformation shows, field
163 trials, hunting/retrieving trials, and herding trials are exempt
164 from ~~the provisions of this section act~~ when engaged in any
165 legal procedures. However, such dogs at all other times in all
166 other respects shall be subject to this and local laws. Dogs
167 that have been classified as dangerous may ~~shall~~ not be used for
168 hunting purposes.

169 ~~(6) This section does not apply to dogs used by law~~
170 ~~enforcement officials for law enforcement work.~~

171 (7) A Any person who violates ~~any provision of~~ this section
172 commits ~~is guilty of~~ a noncriminal infraction, punishable by a
173 fine not to exceed ~~exceeding~~ \$500.

174 Section 3. Subsection (2) of section 767.13, Florida
175 Statutes, is transferred, renumbered as section 767.135, Florida
176 Statutes, and amended, to read:

177 767.135 ~~767.13~~ Attack or bite by unclassified ~~dangerous~~ dog
178 that causes death; penalties; confiscation; destruction.-

179 ~~(2)~~ If a dog that has not been declared dangerous attacks
180 and causes the severe injury to or death of a ~~any~~ human, the dog
181 shall be immediately confiscated by an animal control authority,
182 placed in quarantine, if necessary, for the proper length of
183 time, or held for 10 business days after the owner is given
184 written notification under s. 767.12, and thereafter destroyed
185 in an expeditious and humane manner. This 10-day time period



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186 shall allow the owner to request a hearing under s. 767.12. If
187 the owner files a written appeal under s. 767.12 or this
188 section, the dog must be held and may not be destroyed while the
189 appeal is pending. The owner is ~~shall be~~ responsible for payment
190 of all boarding costs and other fees as may be required to
191 humanely and safely keep the animal during any appeal procedure.
192 ~~In addition, if the owner of the dog had prior knowledge of the~~
193 ~~dog's dangerous propensities, yet demonstrated a reckless~~
194 ~~disregard for such propensities under the circumstances, the~~
195 ~~owner of the dog is guilty of a misdemeanor of the second~~
196 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

197 Section 4. Section 767.136, Florida Statutes, is created to
198 read:

199 767.136 Attack or bite by unclassified dog that causes
200 severe injury or death; penalties.—

201 (1) If a dog that has not been declared dangerous attacks
202 and causes severe injury to, or the death of, a human, and the
203 owner of the dog had knowledge of the dog's dangerous
204 propensities but demonstrated a reckless disregard for those
205 propensities under the circumstances, he or she commits a
206 misdemeanor of the second degree, punishable as provided in s.
207 775.082 or s. 775.083.

208 (2) If the dog attacks or bites a person who is engaged in
209 or attempting to engage in a criminal activity at the time of
210 the attack, the owner of the dog is not criminally liable under
211 this section.

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

214 767.14 Additional local restrictions authorized. ~~Nothing in~~



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215 This act does not ~~shall~~ limit any local government from adopting
216 an ordinance to address the safety and welfare concerns caused
217 by attacks on persons or domestic animals, placing further
218 restrictions or additional requirements on owners of ~~dangerous~~
219 dogs that have bitten or attacked persons or domestic animals,
220 or developing procedures and criteria for the implementation of
221 this act, provided that no such regulation is specific to breed
222 and that the provisions of this act are not lessened by such
223 additional regulations or requirements. This section does ~~shall~~
224 not apply to any local ordinance adopted prior to October 1,
225 1990.

226 Section 6. Section 767.16, Florida Statutes, is amended to
227 read:

228 767.16 ~~Bite by a~~ Police or service dog; exemption ~~from~~
229 quarantine.-

230 (1) Any dog that is owned, or the service of which is
231 employed, by a law enforcement agency, is exempt from this part.

232 (2) ~~or~~ Any dog that is used as a service dog for blind,
233 hearing impaired, or disabled persons, ~~and~~ that bites another
234 animal or a human is exempt from any quarantine requirement
235 following such bite if the dog has a current rabies vaccination
236 that was administered by a licensed veterinarian.

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

238
239 ===== T I T L E A M E N D M E N T =====

240 And the title is amended as follows:

241 Delete everything before the enacting clause
242 and insert:

243 A bill to be entitled



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244 An act relating to severe injuries caused by dogs;
245 providing a directive to the Division of Law Revision
246 and Information; amending s. 767.12, F.S.; providing
247 for discretionary quarantine or impoundment of dogs
248 that cause severe injuries to humans; specifying
249 responsibility for payment of boarding and other
250 costs; revising the hearing and final order
251 procedures, and related confinement requirements, for
252 dangerous dog actions; specifying circumstances under
253 which a dangerous dog that has caused severe injury to
254 a human may be euthanized; deleting an exception;
255 transferring, renumbering, and amending s. 767.13(2),
256 F.S.; revising a requirement for automatic euthanasia
257 for certain dogs that cause severe injury to humans;
258 deleting a criminal penalty related to severe injury
259 or death caused by a dog; creating s. 767.136, F.S.;
260 re-creating an existing criminal penalty related to
261 severe injury or death caused by a dog in a new
262 statutory section; amending s. 767.14, F.S.;
263 authorizing local governments to adopt certain
264 ordinances pertaining to dogs that have bitten or
265 attacked persons or domestic animals; amending s.
266 767.16, F.S.; exempting law enforcement dogs from
267 regulation under Part II of ch. 767, F.S.; providing
268 an effective date.