

By Senator Montford

3-00397-16

2016334__

1 A bill to be entitled
2 An act relating to severe injuries caused by dogs;
3 amending s. 767.13, F.S.; specifying circumstances
4 under which a dog that has caused severe injury to a
5 human may be returned to its owner rather than be
6 destroyed; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (2) of section 767.13, Florida
11 Statutes, is amended to read:

12 767.13 Attack or bite by dangerous dog; penalties;
13 confiscation; destruction.—

14 (2) (a) If a dog that has not been declared dangerous
15 attacks and causes severe injury to or death of any human, the
16 dog shall be immediately confiscated by an animal control
17 authority and, placed in quarantine, if necessary, for the
18 proper length of time or held for 10 business days after the
19 owner is given written notification under s. 767.12, ~~and~~
20 ~~thereafter destroyed in an expeditious and humane manner.~~ This
21 10-day time period shall allow the owner to request a hearing
22 under s. 767.12. The owner is ~~shall be~~ responsible for payment
23 of all boarding costs and other fees as may be required to
24 humanely and safely keep the animal during any appeal procedure.

25 (b) Unless the dog is returned to its owner under paragraph
26 (c), it shall be destroyed in an expeditious and humane manner.

27 (c) If the death of a human has not occurred and the owner
28 requests a hearing under s. 767.12, the hearing officer shall
29 consider whether the severe injury was sustained by a person

3-00397-16

2016334__

30 who, at the time, was unlawfully on the property or, while
31 lawfully on the property, was tormenting, abusing, or assaulting
32 the dog, its offspring, its owner, or a family member of the
33 owner, or if the dog was protecting or defending a human within
34 the immediate vicinity of the dog from an unjustified attack or
35 assault. If any one of these factors is found, in lieu of
36 ordering that the dog be destroyed under paragraph (b), the
37 hearing officer may declare that the dog is a dangerous dog and
38 impose the restrictions set forth in s. 767.12(2)-(4) and return
39 the dog to its owner, or order that the dog be returned to the
40 owner with no restrictions.

41 (d) In addition, if The owner of a the dog described in
42 paragraph (a) who has had prior knowledge of the dog's dangerous
43 propensities, yet demonstrates ~~demonstrated~~ a reckless disregard
44 for such propensities under the circumstances, commits the owner
45 ~~of the dog is guilty of~~ a misdemeanor of the second degree,
46 punishable as provided in s. 775.082 or s. 775.083.

47 Section 2. This act shall take effect July 1, 2016.