

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Steube offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

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

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

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

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18 shall, if possible, interview the owner and require a sworn
19 affidavit from any person, including any animal control officer
20 or enforcement officer, desiring to have a dog classified as
21 dangerous.

22 (a) Any animal that is the subject of a dangerous dog
23 investigation because of severe injury to a human being may be
24 immediately confiscated by an animal control authority, placed
25 in quarantine, if necessary, for the proper length of time or
26 impounded and held pending the outcome of the investigation and
27 any hearings related to the determination of a dangerous dog
28 classification. In the event that the dog is to be destroyed,
29 the dog may not be destroyed while any appeal is pending.
30 However, the owner shall be responsible for the payment of all
31 boarding costs and other fees as may be required to humanely and
32 safely keep the animal during any appeal procedure.

33 (b) Any animal that is the subject of a dangerous dog
34 investigation, that is not impounded with the animal control
35 authority, shall be humanely and safely confined by the owner in
36 a securely fenced or enclosed area pending the outcome of the
37 investigation and resolution of any hearings related to the
38 dangerous dog classification. The address of where the animal
39 resides shall be provided to the animal control authority. No
40 dog that is the subject of a dangerous dog investigation may be
41 relocated or ownership transferred pending the outcome of an
42 investigation or any hearings related to the determination of a
43 dangerous dog classification. In the event that a dog is to be

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44 destroyed, the dog shall not be relocated or ownership
45 transferred.

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

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

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

54 (3)~~(c)~~ After the investigation, the animal control
55 authority shall make an initial determination as to whether
56 there is sufficient cause to classify the dog as dangerous and
57 shall afford the owner an opportunity for a hearing prior to
58 making a final determination. The animal control authority shall
59 provide written notification of the sufficient cause finding, to
60 the owner, by registered mail, certified hand delivery, or
61 service in conformance with the provisions of chapter 48
62 relating to service of process. The owner may file a written
63 request for a hearing within 7 calendar days from the date of
64 receipt of the notification of the sufficient cause finding and,
65 if requested, the hearing shall be held as soon as possible, but
66 not more than 21 calendar days and no sooner than 5 days after
67 receipt of the request from the owner. Each applicable local
68 governing authority shall establish hearing procedures that
69 conform to this subsection ~~paragraph~~.

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70 (4)~~(d)~~ Once a dog is classified as a dangerous dog, the
71 animal control authority shall provide written notification to
72 the owner by registered mail, certified hand delivery or
73 service, and the owner may file a written request for a hearing
74 in the county court to appeal the classification within 10
75 business days after receipt of a written determination of
76 dangerous dog classification and must confine the dog in a
77 securely fenced or enclosed area pending a resolution of the
78 appeal. Each applicable local governing authority must establish
79 appeal procedures that conform to this subsection ~~paragraph~~.

80 (5) Except as otherwise provided in subsection (6), the
81 owner of a dog that has been classified as a dangerous dog shall
82 comply with the provisions of this subsection.

83 (a)~~(2)~~ Within 14 days after a dog has been classified as
84 dangerous by the animal control authority or a dangerous dog
85 classification is upheld by the county court on appeal, the
86 owner of the dog must obtain a certificate of registration for
87 the dog from the animal control authority serving the area in
88 which he or she resides, and the certificate shall be renewed
89 annually. Animal control authorities are authorized to issue
90 such certificates of registration, and renewals thereof, only to
91 persons who are at least 18 years of age and who present to the
92 animal control authority sufficient evidence of:

93 1.~~(a)~~ A current certificate of rabies vaccination for the
94 dog.

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95 ~~2.(b)~~ A proper enclosure to confine a dangerous dog and
96 the posting of the premises with a clearly visible warning sign
97 at all entry points that informs both children and adults of the
98 presence of a dangerous dog on the property.

99 ~~3.(e)~~ Permanent identification of the dog, such as a
100 tattoo on the inside thigh or electronic implantation.

101
102 The appropriate governmental unit may impose an annual fee for
103 the issuance of certificates of registration required by this
104 section.

105 ~~(b)(3)~~ The owner shall immediately notify the appropriate
106 animal control authority when a dog that has been classified as
107 dangerous:

108 ~~1.(a)~~ Is loose or unconfined.

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

110 ~~3.(e)~~ Is sold, given away, or dies.

111 ~~4.(d)~~ Is moved to another address.

112
113 Prior to a dangerous dog being sold or given away, the owner
114 shall provide the name, address, and telephone number of the new
115 owner to the animal control authority. The new owner must comply
116 with all of the requirements of this act and implementing local
117 ordinances, even if the animal is moved from one local
118 jurisdiction to another within the state. The animal control
119 officer must be notified by the owner of a dog classified as
120 dangerous that the dog is in his or her jurisdiction.

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121 ~~(c)(4)~~ It is unlawful for the owner of a dangerous dog to
122 permit the dog to be outside a proper enclosure unless the dog
123 is muzzled and restrained by a substantial chain or leash and
124 under control of a competent person. The muzzle must be made in
125 a manner that will not cause injury to the dog or interfere with
126 its vision or respiration but will prevent it from biting any
127 person or animal. The owner may exercise the dog in a securely
128 fenced or enclosed area that does not have a top, without a
129 muzzle or leash, if the dog remains within his or her sight and
130 only members of the immediate household or persons 18 years of
131 age or older are allowed in the enclosure when the dog is
132 present. When being transported, such dogs must be safely and
133 securely restrained within a vehicle.

134 (6) If a dog is classified as a dangerous dog as the
135 result of an incident that caused severe injury to a human
136 being, based upon the nature and circumstances of the injury and
137 the likelihood of a future threat to the public safety, health,
138 and welfare, the dog may be destroyed in an expeditious and
139 humane manner, or, alternately, the owner shall be required to
140 comply with the requirements of subsection (5). The animal
141 control authority shall inform the owner of the penalty imposed
142 within the notice of sufficient cause. If the owner requests a
143 hearing under subsection (3), the hearing officer may review the
144 penalty imposed by the animal control authority and rule upon
145 the proper penalty under this subsection.

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146 ~~(7)-(5)~~ Hunting dogs are exempt from the provisions of this
147 section ~~act~~ when engaged in any legal hunt or training
148 procedure. Dogs engaged in training or exhibiting in legal
149 sports such as obedience trials, conformation shows, field
150 trials, hunting/retrieving trials, and herding trials are exempt
151 from the provisions of this section ~~act~~ when engaged in any
152 legal procedures. However, such dogs at all other times in all
153 other respects shall be subject to this and local laws. Dogs
154 that have been classified as dangerous shall not be used for
155 hunting purposes.

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

158 ~~(8)-(7)~~ Any person who violates any provision of this
159 section is guilty of a noncriminal infraction, punishable by a
160 fine not exceeding \$500.

161 Section 3. Subsection (2) of section 767.13, Florida
162 Statutes, is transferred, renumbered as section 767.135, Florida
163 Statutes, and amended, to read:

164 767.135 ~~767.13~~ Attack or bite by ~~dangerous~~ dog that has
165 not been declared dangerous; penalties; confiscation;
166 destruction.—

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

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172 written notification under s. 767.12, and thereafter destroyed
173 in an expeditious and humane manner. This 10-day time period
174 shall allow the owner to request a hearing under s. 767.12. If
175 the owner files a written appeal under s. 767.12 or this
176 section, the dog must be held and may not be destroyed while the
177 appeal is pending. The owner shall be responsible for payment of
178 all boarding costs and other fees as may be required to humanely
179 and safely keep the animal during any appeal procedure. ~~In~~
180 ~~addition, if the owner of the dog had prior knowledge of the~~
181 ~~dog's dangerous propensities, yet demonstrated a reckless~~
182 ~~disregard for such propensities under the circumstances, the~~
183 ~~owner of the dog is guilty of a misdemeanor of the second~~
184 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

185 Section 4. Section 767.136, Florida Statutes, is created
186 to read:

187 767.136 Attack or bite by unclassified dog that causes
188 severe injury or death; penalties.—

189 (1) If the owner of a dog that has not been declared
190 dangerous, but which attacks and causes severe injury to or the
191 death of a human, had knowledge of the dog's dangerous
192 propensities, yet demonstrated a reckless disregard for such
193 propensities under the circumstances, the owner of the dog
194 commits a misdemeanor of the second degree, punishable as
195 provided in s. 775.082 or s. 775.083.

196 (2) If the dog attacks or bites a person who is engaged in
197 or attempting to engage in a criminal activity at the time of

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198 the attack, the owner is not guilty of any crime specified under
199 this section.

200 Section 5. Section 767.16, Florida Statutes, is amended to
201 read:

202 767.16 ~~Bite by a~~ Police or service dog; exemption ~~from~~
203 ~~quarantine.~~-

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

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

212 Section 6. This act shall take effect upon becoming a law.

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T I T L E A M E N D M E N T

215 Remove everything before the enacting clause and insert:
216 An act relating to severe injuries caused by dogs; providing a
217 directive to the Division of Law Revision and Information;
218 amending s. 767.12, F.S.; providing for discretionary, rather
219 than mandatory, impoundment of dogs that cause severe injuries
220 to humans; specifying circumstances under which a dangerous dog
221 that has caused severe injuries to a human may be euthanized or
222 returned to its owner; transferring, renumbering, and amending
223

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 91 (2016)

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224 s. 767.13, F.S.; repealing automatic euthanasia for unclassified
225 dogs which cause severe injuries to humans; creating s. 767.136,
226 F.S.; transferring existing criminal penalty related to severe
227 injuries or death caused by a dog into new statutory section;
228 amending s. 767.16, F.S.; exempting law enforcement dogs from
229 dangerous dog law; providing an effective date.