

1                                   A bill to be entitled  
 2           An act relating to severe injuries caused by dogs;  
 3           providing a directive to the Division of Law Revision  
 4           and Information; amending s. 767.12, F.S.; providing  
 5           for discretionary, rather than mandatory, impoundment  
 6           of dogs that cause severe injuries to humans;  
 7           specifying circumstances under which a dangerous dog  
 8           that has caused severe injuries to a human may be  
 9           euthanized or returned to its owner; transferring,  
 10          renumbering, and amending a provision of s. 767.13,  
 11          F.S.; repealing a requirement for automatic euthanasia  
 12          for unclassified dogs that cause severe injuries to  
 13          humans; deleting a criminal penalty related to severe  
 14          injuries or death caused by a dog; creating s.  
 15          767.136, F.S.; re-creating an existing criminal  
 16          penalty related to severe injuries or death caused by  
 17          a dog in a new statutory section; amending s. 767.16,  
 18          F.S.; exempting law enforcement dogs from dangerous  
 19          dog law; providing an effective date.

20  
 21   Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. The Division of Law Revision and Information is  
 24           directed to designate ss. 767.01-767.07, Florida Statutes, as  
 25           part I of chapter 767, Florida Statutes, entitled "Damage By  
 26           Dogs," and ss. 767.10-767.16, Florida Statutes, as part II of

27 that chapter, entitled "Dangerous Dogs."

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

30 767.12 Classification of dogs as dangerous; certification  
31 of registration; notice and hearing requirements; confinement of  
32 animal; exemption; appeals; unlawful acts.—

33 (1)~~(a)~~ An animal control authority shall investigate  
34 reported incidents involving any dog that may be dangerous and  
35 shall, if possible, interview the owner and require a sworn  
36 affidavit from any person, including any animal control officer  
37 or enforcement officer, desiring to have a dog classified as  
38 dangerous.

39 (a) An animal that is the subject of a dangerous dog  
40 investigation because of severe injury to a human being may be  
41 immediately confiscated by an animal control authority, placed  
42 in quarantine, if necessary, for the proper length of time, or  
43 impounded and held pending the outcome of the investigation and  
44 any hearings related to the determination of a dangerous dog  
45 classification. In the event that the dog is to be destroyed,  
46 the dog may not be destroyed while an appeal is pending.  
47 However, the owner is responsible for payment of all boarding  
48 costs and other fees as may be required to humanely and safely  
49 keep the animal during any appeal procedure.

50 (b) Any animal that is the subject of a dangerous dog  
51 investigation, that is not impounded with the animal control  
52 authority, shall be humanely and safely confined by the owner in

53 a securely fenced or enclosed area pending the outcome of the  
54 investigation and resolution of any hearings related to the  
55 dangerous dog classification. The address of where the animal  
56 resides shall be provided to the animal control authority. No  
57 dog that is the subject of a dangerous dog investigation may be  
58 relocated or ownership transferred pending the outcome of an  
59 investigation or any hearings related to the determination of a  
60 dangerous dog classification. In the event that a dog is to be  
61 destroyed, the dog shall not be relocated or ownership  
62 transferred.

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

64 (a) The threat, injury, or damage was sustained by a  
65 person who, at the time, was unlawfully on the property or,  
66 while lawfully on the property, was tormenting, abusing, or  
67 assaulting the dog or its owner or a family member.

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

71 (3) ~~(e)~~ After the investigation, the animal control  
72 authority shall make an initial determination as to whether  
73 there is sufficient cause to classify the dog as dangerous and  
74 shall afford the owner an opportunity for a hearing prior to  
75 making a final determination. The animal control authority shall  
76 provide written notification of the sufficient cause finding, to  
77 the owner, by registered mail, certified hand delivery, or  
78 service in conformance with the provisions of chapter 48

79 relating to service of process. The owner may file a written  
80 request for a hearing within 7 calendar days from the date of  
81 receipt of the notification of the sufficient cause finding and,  
82 if requested, the hearing shall be held as soon as possible, but  
83 not more than 21 calendar days and no sooner than 5 days after  
84 receipt of the request from the owner. Each applicable local  
85 governing authority shall establish hearing procedures that  
86 conform to this subsection ~~paragraph~~.

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

97 (5) Except as otherwise provided in subsection (6), the  
98 owner of a dog classified as a dangerous dog shall comply with  
99 this subsection:

100 (a) ~~(2)~~ Within 14 days after a dog has been classified as  
101 dangerous by the animal control authority or a dangerous dog  
102 classification is upheld by the county court on appeal, the  
103 owner of the dog must obtain a certificate of registration for  
104 the dog from the animal control authority serving the area in

105 | which he or she resides, and the certificate shall be renewed  
 106 | annually. Animal control authorities are authorized to issue  
 107 | such certificates of registration, and renewals thereof, only to  
 108 | persons who are at least 18 years of age and who present to the  
 109 | animal control authority sufficient evidence of:

110 |     1.~~(a)~~ A current certificate of rabies vaccination for the  
 111 | dog.

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

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

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

122 |     (b)~~(3)~~ The owner shall immediately notify the appropriate  
 123 | animal control authority when a dog that has been classified as  
 124 | dangerous:

125 |         1.~~(a)~~ Is loose or unconfined.

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

127 |         3.~~(c)~~ Is sold, given away, or dies.

128 |         4.~~(d)~~ Is moved to another address.  
 129 |

130 | Prior to a dangerous dog being sold or given away, the owner

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

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

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

157 humane manner, or, alternatively, the owner shall be required to  
 158 comply with subsection (5). The animal control authority shall  
 159 inform the owner of the penalty imposed within the notice of  
 160 sufficient cause. If the owner requests a hearing under  
 161 subsection (3), the hearing officer may review the penalty  
 162 imposed by the animal control authority and rule upon the proper  
 163 penalty under this subsection.

164 (7)~~(5)~~ Hunting dogs are exempt from ~~the provisions of this~~  
 165 section ~~act~~ when engaged in any legal hunt or training  
 166 procedure. Dogs engaged in training or exhibiting in legal  
 167 sports such as obedience trials, conformation shows, field  
 168 trials, hunting/retrieving trials, and herding trials are exempt  
 169 from the provisions of this section ~~act~~ when engaged in any  
 170 legal procedures. However, such dogs at all other times in all  
 171 other respects shall be subject to this and local laws. Dogs  
 172 that have been classified as dangerous shall not be used for  
 173 hunting purposes.

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

176 (8)~~(7)~~ Any person who violates any provision of this  
 177 section commits ~~is guilty of~~ a noncriminal infraction,  
 178 punishable by a fine not exceeding \$500.

179 Section 3. Subsection (2) of section 767.13, Florida  
 180 Statutes, is transferred, renumbered as section 767.135, Florida  
 181 Statutes, and amended, to read:

182 767.135 ~~767.13~~ Attack or bite by ~~dangerous~~ dog that has

183 not been declared dangerous; penalties; confiscation;  
 184 destruction.-

185 ~~(2)~~ If a dog that has not been declared dangerous attacks  
 186 and causes the ~~severe injury to or~~ death of any human, the dog  
 187 shall be immediately confiscated by an animal control authority,  
 188 placed in quarantine, if necessary, for the proper length of  
 189 time or held for 10 business days after the owner is given  
 190 written notification under s. 767.12, and thereafter destroyed  
 191 in an expeditious and humane manner. This 10-day time period  
 192 shall allow the owner to request a hearing under s. 767.12. If  
 193 the owner files a written appeal under s. 767.12 or this  
 194 section, the dog must be held and may not be destroyed while the  
 195 appeal is pending. The owner shall be responsible for payment of  
 196 all boarding costs and other fees as may be required to humanely  
 197 and safely keep the animal during any appeal procedure. ~~In~~  
 198 ~~addition, if the owner of the dog had prior knowledge of the~~  
 199 ~~dog's dangerous propensities, yet demonstrated a reckless~~  
 200 ~~disregard for such propensities under the circumstances, the~~  
 201 ~~owner of the dog is guilty of a misdemeanor of the second~~  
 202 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

203 Section 4. Section 767.136, Florida Statutes, is created  
 204 to read:

205 767.136 Attack or bite by unclassified dog that causes  
 206 severe injury or death; penalties.-

207 (1) If the owner of a dog that has not been declared  
 208 dangerous, but which attacks and causes severe injury to, or the



209 death of, a human, had knowledge of the dog's dangerous  
 210 propensities, yet demonstrated a reckless disregard for such  
 211 propensities under the circumstances, the owner of the dog  
 212 commits a misdemeanor of the second degree, punishable as  
 213 provided in s. 775.082 or s. 775.083.

214 (2) If the dog attacks or bites a person who is engaged in  
 215 or attempting to engage in a criminal activity at the time of  
 216 the attack, the owner is not guilty of any crime under this  
 217 section.

218 Section 5. Section 767.16, Florida Statutes, is amended to  
 219 read:

220 767.16 ~~Bite by a~~ Police or service dog; exemption ~~from~~  
 221 ~~quarantine.~~

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

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

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