

By Senator Rouson

19-00446A-18

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1                   A bill to be entitled  
2           An act relating to harm to domestic companion animals,  
3           police animals, and service animals; creating s.  
4           768.32, F.S.; providing a short title; providing a  
5           purpose; defining terms; specifying the damages that  
6           may be assessed against a person found liable for  
7           negligently or intentionally causing serious injury to  
8           or the death of a domestic companion animal, police  
9           animal, or service animal; providing for punitive  
10          damages if a certain finding of liability is made;  
11          specifying that only one member of a family may  
12          recover damages; specifying that a court may enter  
13          certain orders to protect such animals from further  
14          harm; providing for the awarding of attorney fees to  
15          the prevailing party; providing for construction;  
16          providing legislative intent; providing an effective  
17          date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 768.32, Florida Statutes, is created to  
22           read:

23           768.32 Harm to domestic companion animals, police animals,  
24           and service animals.-

25           (1) This section may be known as the "Boomer Gracie Act."

26           (2) The purpose of this section is to establish damages  
27           that are recoverable when a domestic companion animal, police  
28           animal, or service animal has been harmed by negligent,  
29           intentional, reckless, or indifferent conduct, and to establish

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30 the conditions under which recovery is available.

31 (3) As used in this section, the term:

32 (a) "Domestic companion animal" means any animal commonly  
33 referred to as a pet which is normally maintained on the  
34 property where the owner or the animal's caretaker lives and  
35 which has been bought, bred, raised, or otherwise acquired for  
36 the primary purpose of providing companionship to the owner,  
37 rather than for business or agricultural purposes. Such animals  
38 include cats, dogs, birds, horses, pigs, and fully domesticated,  
39 formerly wild, animals such as, but not limited to, skunks,  
40 rats, iguanas, reptiles, amphibians, and fish that are in the  
41 lawful possession of the owner.

42 (b) "Owner" means the individual who is primarily  
43 responsible for a domestic companion animal, police animal, or  
44 service animal and who has a personal or professional  
45 relationship with the animal. The term includes a nonprofit  
46 entity that trains companion and service animals and a law  
47 enforcement agency that uses such animals in its law enforcement  
48 activities, but does not include a person who is 18 years of age  
49 or younger.

50 (c) "Police animal" means any dog or other animal trained  
51 and used for state or federal law enforcement activities,  
52 including, but not limited to, bomb detection, drug and  
53 contraband detection, interception, crowd control, guarding, and  
54 tracking.

55 (d) "Service animal" has the same meaning as in s. 413.08.

56 (4) A person who is found liable for negligently or  
57 intentionally causing serious injury to or the death of a  
58 domestic companion animal, police animal, or service animal is

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59 accountable to the owner of such animal for damages including,  
60 but not limited to, the following:

61 (a) Monetary or replacement value of the animal.

62 (b) Veterinary expenses incurred in treating the animal.

63 (c) Reimbursement of animal training expenses, including,  
64 but not limited to, the cost of any specialized training for  
65 police animals and service animals.

66 (d) Burial or cremation expenses.

67 (e) Loss of breeding potential of the animal.

68 (f) Loss of companionship.

69 (g) Punitive damages, if the person is found liable for  
70 recklessly, indifferently, or intentionally causing the serious  
71 injury to or death of the animal.

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73 If the animal is owned by a family, only one family member may  
74 be considered the owner for the purposes of the recovery of  
75 damages authorized in this subsection.

76 (5) A court may enter any injunctive or other orders  
77 reasonably necessary to protect the domestic companion animal,  
78 police animal, or service animal from further harm.

79 (6) The prevailing party in any action under this section  
80 is entitled to reasonable attorney fees and costs.

81 (7) The remedies provided in this section are in addition  
82 to any other remedies provided by law. This section is not  
83 intended to alter, limit, or supplant any remedies that may be  
84 available in a civil or criminal action relating to the injury  
85 or death of an animal.

86 Section 2. This act shall take effect July 1, 2018.