

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/CS/HB 91 — Severe Injuries Caused by Dogs

by Judiciary Committee; Local Government Affairs Subcommittee; Civil Justice Subcommittee; and Rep. Steube and others (CS/SB 334 by Judiciary Committee and Senator Montford)

Under current law, an animal control authority is required to investigate any incident involving a dog that may be dangerous. Dogs that cause severe injury to human beings may either be classified as a dangerous dog subject to safety restrictions or immediately confiscated and euthanized. If an animal control authority pursues a classification determination, the owner of the dog may raise affirmative defenses for the dog's behavior. Affirmative defenses may not be raised, however, in a destruction proceeding in which a dog has not been previously classified as dangerous. Based on this current scheme, a number of trial courts have ruled the law unconstitutional.

The bill grants owners the right to appeal a decision by a local animal control authority on any dog that causes severe injury, whether the dog is classified dangerous or not. Although current law authorizes appeals to county court, the appropriate court of appeal of local decisions is generally the circuit court. The bill transfers the court of appeal from a county to a circuit court, and extends the number of days for an owner to file a notice of appeal from 10 to 30 days. A dog may not be euthanized while an appeal is pending.

Current law provides that an owner commits a second degree misdemeanor if the owner had knowledge of but recklessly disregarded a dog's dangerous propensities, and the dog causes a severe injury to or death of a human being. This bill makes the owner exempt from criminal penalties if the person attacked was engaged in or attempting to engage in a criminal act.

These provisions became law upon approval by the Governor on March 8, 2016.

Vote: Senate 40-0; House 118-0