

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Agriculture Committee

BILL: SB 722

INTRODUCER: Senator Norman

SUBJECT: Damage by dogs

DATE: March 8, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Spalla	AG	Favorable
2.			CA	
3.			RC	
4.				
5.				
6.				

I. Summary:

This bill repeals the statutory requirement that a dog be deemed a dangerous dog on the basis that it participated in or was trained for dog fighting.

This bill amends section 767.11 of the Florida Statutes.

II. Present Situation:

In s. 767.10, F.S., the Florida Legislature finds that dangerous dogs are an increasing threat to the public welfare, in part due to the failure of owners of such dogs to confine them, and that the previous law was inadequate to quell this threat.¹ Accordingly, s. 767.12, F.S., allows for the classification of dangerous dogs and mandates that once a dog is classified as dangerous its owner is subject to a series of restrictions including but not limited to mandatory registration of the dog, mandatory confinement of the dog in a securely fenced area, mandatory posting of warning signs, permanent identification of the dog as dangerous, possible annual fees imposed by the local government, and substantial restrictions on the owner's ability to remove the dog from the fenced enclosure.² Also, s. 767.13(1), F.S., provides that an owner of a previously classified dangerous dog is guilty of a first degree misdemeanor if that dog attacks or bites a person or domestic animal without provocation and s. 767.13(3), F.S. provides that such an owner is guilty of a third degree felony if the dog causes serious injury or death to a human being.³

¹ Section 767.10, F.S.

² See ss. 767.12(1)-(4), F.S.

³ See ss. 767.13(1), (3), F.S.

Section 767.11(c), F.S. declares that any dog who “[h]as been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting” is deemed a dangerous dog under chapter 767, F.S.⁴ According to multiple animal control centers around the state the classification of a dog as a dangerous dog essentially prevents it from being adopted. Currently at least four animal control centers in Duval, Palm Beach, Orange and Hillsborough counties are out of compliance with the law in that they do not automatically deem a dog as a dangerous dog simply due to participation in dog fighting.⁵ Florida is one of thirteen states which either deems a dog dangerous or automatically destroys a dog based only on participation in or training for dog fighting.⁶

III. Effect of Proposed Changes:

Section 1 amends s. 767.11, F.S., to remove the requirement that a dog be deemed a dangerous dog on the sole basis that it was used or trained for dog fighting.

Section 2 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁴ Section 767.11(c), F.S.

⁵ Memorandum to Senate Committee on Agriculture from Denise Lasher, Lasher Consulting, Inc., *President* (February, 2011).

⁶ Voices for No More Homeless Pets, *Florida Moves to Protect Canine Victims of Cruelty*, Best Friends Animal Society, February 01, 2011, found at <http://network.bestfriends.org/campaigns/pitbulls/16662/news.aspx> (last visited on Feb. 15, 2011)

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.