

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 Rules Committee

BILL: SB 722

INTRODUCER: Senator Norman and others

SUBJECT: Damage by Dogs

DATE: April 21, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Spalla</u>	<u>AG</u>	Favorable
2.	<u>Wood</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Wood</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting
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 substantially 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;
- prohibition on use of the dog for hunting; and
- substantial restrictions on the owner's ability to remove the dog from the fenced enclosure.²

¹ Section 767.10, F.S.

² See ss. 767.12(1)-(4), F.S.

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. Section 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

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. This is because owners do not want to deal with the legal restrictions or because shelters are concerned about liability issues. 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

The current statute is unclear whether a submissive dog which is used as a bait dog in order to make fighting dogs fight is to be considered dangerous. Media relating to this issue has focused on the belief held by animal shelters who do comply with current law that the statute does extend to bait dogs, which are typically picked because they are not aggressive.⁷

Currently, most shelters give a history of any adopted dog to the new owner. However, this is not required by law and there is no standard procedure which is followed statewide.⁸ When shelters encounter an abandoned or stray dog, they typically evaluate the dog’s temperament and decide on a case-by-case basis whether it can be rehabilitated and whether it should be put up for adoption. There is no law or standard procedure which mandates how shelters determine whether a dog should be put up for adoption.

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.

Removing this requirement would allow dogs used or trained for dog fighting to be adopted out by shelters without being classified as dangerous. There would be no notice requirement by law for the shelter to inform the new owner of the dog’s fighting history. Shelters could determine the dog’s temperament through testing and base their decision on that information. The new owner would not be required to register the dog, notify the local animal control authority when

³ See ss. 767.13(1), (3), F.S.

⁴ Section 767.11(c), F.S.

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

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)

⁷ Patricia Mazzei, *Bill Could Give Dogs Trained to Fight a Reprieve*, Miami Herald, Mar. 29, 2011, available at <http://www.miamiherald.com/2011/03/29/2140287/bill-could-give-dogs-trained-to.html#>.

⁸ Conversation with Scott Trebatoski, President of Florida Animal Control Association (April 1, 2011).

the dog is loose, keep the dog in a proper enclosure if not muzzled and on a leash, post warning signs, pay fees to local governments for registration, or inform the local animal control authority of the identity of a new owner when the dog is sold. They would also no longer be restricted from using the dogs for hunting.

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:

Private owners who adopt a dog formerly used for fighting would no longer be required to provide a security fence or muzzle or to pay dangerous dog registration fees in localities which impose them. Dangerous dog registration fees typically range from \$100-\$500 per year.

C. Government Sector Impact:

There would be a minimal negative fiscal impact on local governments which charge a fee for registration of dangerous dogs.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
