

HB 91

2016

1 A bill to be entitled
2 An act relating to severe injuries caused by dogs;
3 amending s. 767.13, F.S.; specifying circumstances
4 under which a dog that has caused severe injury to a
5 human may be returned to its owner rather than be
6 destroyed; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (2) of section 767.13, Florida
11 Statutes, is amended to read:

12 767.13 Attack or bite by dangerous dog; penalties;
13 confiscation; destruction.—

14 (2) (a) If a dog that has not been declared dangerous
15 attacks and causes severe injury to or death of any human, the
16 dog shall be immediately confiscated by an animal control
17 authority and, placed in quarantine, if necessary, for the
18 proper length of time or held for 10 business days after the
19 owner is given written notification under s. 767.12, ~~and~~
20 ~~thereafter destroyed in an expeditious and humane manner.~~ This
21 10-day time period shall allow the owner to request a hearing
22 under s. 767.12. The owner is ~~shall be~~ responsible for payment
23 of all boarding costs and other fees as may be required to
24 humanely and safely keep the animal during any appeal procedure.

25 (b) Unless the dog is returned to its owner under
26 paragraph (c), it shall be destroyed in an expeditious and

27 humane manner.

28 (c) If the death of a human has not occurred and the owner
29 requests a hearing under s. 767.12, at such a hearing the
30 hearing officer shall consider whether the severe injury was
31 sustained by a person who, at the time, was unlawfully on the
32 property or, while lawfully on the property, was tormenting,
33 abusing, or assaulting the dog, its offspring, its owner, or a
34 family member of the owner, or if the dog was protecting or
35 defending a human within the immediate vicinity of the dog from
36 an unjustified attack or assault. If any one of these factors is
37 found, in lieu of ordering that the dog be destroyed under
38 paragraph (b), the hearing officer may declare that the dog is a
39 dangerous dog and impose the restrictions set forth in s.
40 767.12(2)-(4) and return the dog to its owner, or order that the
41 dog be returned to the owner with no restrictions.

42 (d) In addition, if The owner of a the dog described in
43 paragraph (a) who has had prior knowledge of the dog's dangerous
44 propensities, yet demonstrates ~~demonstrated~~ a reckless disregard
45 for such propensities under the circumstances, commits ~~the owner~~
46 ~~of the dog is guilty of~~ a misdemeanor of the second degree,
47 punishable as provided in s. 775.082 or s. 775.083.

48 Section 2. This act shall take effect July 1, 2016.