

1 A bill to be entitled
 2 An act relating to harm to domestic companion animals
 3 and service animals; creating s. 768.32, F.S.;
 4 providing a short title; providing a purpose;
 5 providing definitions; specifying the damages that may
 6 be assessed against a person found liable under
 7 specified circumstances for 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:

20
 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 authorize damages
27 that may be recovered 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
30 the conditions under which recovery is available.

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

32 (a) "Domestic companion animal" means an 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 but 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 domestic companion and service animals and a
47 law enforcement agency that uses such animals in its law
48 enforcement activities, but does not include a person who is 18
49 years of age or younger.

50 (c) "Police animal" means a dog or other animal trained

51 and used for state and 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,
57 recklessly, indifferently, or intentionally causing serious
58 injury to or the death of a domestic companion animal, police
59 animal, or service animal is accountable to the owner of such
60 animal for damages including, 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.

72
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.

HB 1257

2018

76 (5) A court may enter an injunction or other order
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.