

# Board of County Commissioners

October 2, 2007

Prepared by: Scott Rappleye

## EXHIBITS LIST

EXHIBIT #	DATE	ITEM #	DESCRIPTION
1	10/2/2007	--	Order of the Day
2	10/2/2007	--	County Manager's Memorandum of Changes to the Agenda
3	10/2/2007	--	CAO Notes 10-02-07
4	10/2/2007	1E2	1-...Facts, Reports, Articles and Documentation ... Packet
5	10/2/2007	1E2	2-ASPCA Legislative Services Packet
6	10/2/2007	1E2	3-W. Handel Article Packet
7	10/2/2007	1E2	4-Fatal Dog Attack Studies: Wrong number, not statistics Packet
8	10/2/2007	1E2	5-AVMA & CDC Experts Clarify Their Position <u>Against</u> Breed Specific Legislation
9	10/2/2007	1E2	6-Does Breed Specific Legislation reduce dog aggression on humans and other animals? A review paper
10	10/2/2007	1E2	7-Facts for BSL Letters...
11	10/2/2007	1E2	8-Understand-a-bull
12	10/2/2007	1E2	9-This is from the American Temperament Test Society Inc Sheet
13	10/2/2007	1E2	10-...Petition...
14	10/2/2007	1E2	11-...Pictures are worth a thousand words...
15	10/2/2007	1E2	12-...Dedicated Pit Bulls...
16	10/2/2007	1E2	13-This is the Reason Why Packet
17	10/2/2007	1E2	14-...Advisors Resumes/C.V.'s and their information...
18	10/2/2007	1E2	15-The Misunderstood CD
19	10/2/2007	1E2	16- The 2007 Florida statutes Chapter 767
20	10/2/2007	1F	Pull List
21	10/2/2007	2B2	Mayor memorandum for Approval of Departmental Agenda Items

22	10/2/2007	4A-N, 5A, B, C, D, E, F, G, 7A-M	Machine Vote Sheets (Note: 7E, 7G, and 7M were amended.)
23	10/2/2007	11A23	Roll Call Vote Sheet



OCT 02 2007

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

**MIAMI-DADE BOARD OF COUNTY  
COMMISSIONERS**

**ORDER OF THE DAY**

**TUESDAY, OCTOBER 2, 2007**

**9:30 A.M. CALL TO ORDER**

**ROLL CALL**

**MOMENT OF SILENT MEDITATION**

**PLEDGE OF ALLEGIANCE**

**12:00 P.M. LUNCH BREAK**

**1:00 P.M. RE-CONVENE**

**ADJOURNMENT**

# Memorandum



RECEIVED  
Clerk for the record.

**Date:** October 2, 2007

**To:** Honorable Chairman Bruno A. Barreiro and  
Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess".

**Subject:** Changes for the October 2, 2007 BCC Meeting

OCT 02 2007

Item \_\_\_\_\_  
Unit \_\_\_\_\_  
Reading \_\_\_\_\_

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## Additions

2B1

Mayor

072872 MAYORAL APPOINTMENT - PROPERTY APPRAISER

2B2

Mayor

072947 APPROVAL OF DEPARTMENTAL AGENDA ITEMS

4N SUPPLEMENT

072956 SUPPLEMENTAL INFORMATION RE: MAP DEPICTING FIFTEEN (15)  
ENCLAVES IN THE UNINCORPORATED MUNICIPAL SERVICE AREA  
(UMSA)

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**Additions**

801F

- 072907** RESOLUTION AUTHORIZING EXECUTION OF A MODIFICATION TO AGREEMENT NO. 221B WITH PUBLIC HEALTH TRUST D/B/A JHM HEALTH SYSTEM (JHM) TO INCLUDE A LOW OPTION HEALTH MAINTENANCE ORGANIZATION (HMO) PLAN, AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN (Procurement Management Department)

14A1

- 072750** RESOLUTION APPROVING SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 1 41455319401 BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND APPROVING THE REVISED EXPENDITURE PLAN CONTAINED THEREIN TO IDENTIFY SECURITY PROJECTS AND THEIR COSTS AT CERTAIN MIAMI-DADE COUNTY GENERAL AVIATION AIRPORTS (Aviation Department)

14A2

- 072752** RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING EXECUTION OF A GRANT AGREEMENT BETWEEN THE COUNTY AND THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR \$10,760,261 TO PROVIDE GRANT FUNDS FOR RELOCATION OF THE THRESHOLD FOR RUNWAY 27 AND CONSTRUCTION OF DUAL TAXIWAYS P AND Q IN CONNECTION WITH THE NEW SOUTH TERMINAL PROJECT (Aviation Department)
-

**Additions**

14A3

**072753** RESOLUTION RATIFYING COUNTY MANAGER'S EXECUTION OF THE EIGHTH GRANT AGREEMENT BETWEEN THE COUNTY AND THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR \$8,000,000 OF A TOTAL POTENTIAL FUNDING OF \$104,040,000 PREVIOUSLY APPROVED BY THE FAA UNDER A LETTER OF INTENT TO PROVIDE GRANT FUNDS FOR CONSTRUCTION OF THE COMPLETED NORTHSIDE RUNWAY AT MIAMI INTERNATIONAL AIRPORT (Aviation Department)

14A4

**072760** RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) NO. 2 AND ITS REVISED EXPENDITURE PLAN APPLICABLE TO REPRIORITIZED SECURITY PROJECTS AND THEIR COSTS ELIGIBLE FOR GRANT FUNDS UNDER PREVIOUSLY APPROVED JOINT PARTICIPATION AGREEMENT NO. 41455419401 AND SJPA NO. 1 41456719401 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (Aviation Department)

14A5

**072926** RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT RESOLVING PENDING FEDERAL LITIGATION BETWEEN MIAMI-DADE COUNTY AND THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (County Manager, County Attorney)

16A2

Joe A. Martinez

**072904** PRESENTATION OF A CERTIFICATION OF APPRECIATION TO:  
1) JOHN A. FERGUSON SR. HIGH SCHOOL

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**Deferrals**

1E1

Sen. Javier D. Souto,  
Dennis C. Moss

**072646** CITIZEN'S PRESENTATION BY BEETHOVEN SOCIETY OF MIAMI-  
DADE RE: "MIAMI LUDWIG VAN BEETHOVEN FIFTH SYMPHONY'S  
INTERNATIONAL ANNIVERSARY CELEBRATION 2008"

**Note:** *This item is being deferred to no date certain.*

41

Sen. Javier D. Souto

**072796** ORDINANCE RELATING TO ART IN PUBLIC PLACES; AMENDING  
SECTION 2-11.15 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA  
TO PROVIDE FOR RESERVE MAINTENANCE ACCOUNT AND  
PROVIDING MINIMUM ALLOCATIONS TO THAT ACCOUNT;  
PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND  
EFFECTIVE DATE

**Note:** *This item is being deferred at the request of its sponsor to the  
November 6,2007 BCC meeting.*

11A32

Carlos A. Gimenez

**072518** RESOLUTION DIRECTING THE COMMISSION AUDITOR TO PREPARE  
AN ANNUAL BUDGET FOR THE COUNTY; SETTING TIMETABLE FOR  
ANNUAL BUDGET PROCESS

**Note:** *This item is being deferred at the request of its sponsor to the October  
16,2007 BCC meeting.*

11A32 SUPPLEMENT

**072852** SUPPLEMENTAL INFORMATION RE: PROPOSED BUDGET PROCESS

**Note:** *This item is being deferred to the October 16,2007 BCC meeting.*

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Scrivener's Errors

8M1C

- 072481** RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO MARLIN ENGINEERING, INC., TO PROVIDE DESIGN, PERMITTING AND CONSTRUCTION ADMINISTRATION SERVICES AND, WITH PRIOR BOARD APPROVAL, PLANNING SERVICES, LANDSCAPE ARCHITECTURE, AND DESIGN COORDINATION WITH THE ART IN PUBLIC PLACES PROGRAM FOR PARK TRAIL IMPROVEMENTS, PROJECT NO. E05-PARK-01 GOB, CONTRACT NO. 999999-05-002-3 (Park & Recreation Department)

**Note:** *Thze fourth sentence in the lastparagraph slzould read:*

*All other Design, Permitting, and Construction Administration for Park Trails will be performed by thze consulting engineer, Marlin Engineering, Inc.*

8M1D

- 072489** RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE DESIGN, PERMITTING AND CONSTRUCTION ADMINISTRATION SERVICES AND, WITH PRIOR BOARD APPROVAL, PLANNING SERVICES, LANDSCAPE ARCHITECTURE, AND DESIGN COORDINATION WITH THE ART IN PUBLIC PLACES PROGRAM FOR PARK TRAIL IMPROVEMENTS, PROJECT NO. E05-PARK-01 CONTRACT NO. 999999-05-002-2 (Park & Recreation Department)

**Note:** *Thze fourth sentence in thze last paragraph slzould read:*

*All other Design, Permitting, and Construction Administration for Park Trails will be performed by the consulting engineer, Kimley-Horn and Associates, Inc.*

**Note:** UPON THE ADOPTION OF ANY SUBSTITUTE OR ALTERNATE AGENDA ITEM, THE ACCOMPANYING SUBSTITUTES AND/OR ALTERNATES SHALL BE DEEMED WITHDRAWN.

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CAO NOTES 10-02-07

OCT 02 2007

Item \_\_\_\_\_  
Exhibit \_\_\_\_\_  
Meeting \_\_\_\_\_

REGULAR

- 4I ✓ DEFERRED TO 11-06-07
- 7A ✓ ADD EDMONSON, GIMENEZ, MARTINEZ, MOSS, ✓  
ROLLE, SOUTO ✓
- 7C ✓ ADD HEYMAN ✓
- 7E ✓ ADOPTED AS AMENDED ✓
- 7G ✓ ADOPTED AS AMENDED ✓
- 7M ✓ ADOPTED AS AMENDED ✓
- 8F3A ✓ DEFERRED NO DATE CERTAIN ✓
- 8M1B ✓ DEFERRED TO 10-16-07 ✓
- 8N1A ✓ DEFERRED COME BACK AFTER SUNSHINE MTG ✓
- 8N1B ✓ DEFERRED COME BACK AFTER SUNSHINE MTG ✓
- 8N1C ✓ DEFERRED COME BACK AFTER SUNSHINE MTG ✓
- 11A2 ✓ ADD DIAZ, SORENSON, SOSA, SOUTO . ✓
- 11A5 ✓ ADD SOUTO ✓
- 11A20 ✓ ADD MOSS ✓
- 11A23 ✓ RECONSIDERED, DEFERRED TO 10-04-07 ✓
- 11A23 SUPPL ✓ RECONSIDERED, DEFERRED TO 10-04-07 ✓
- 11A26 ✓ ADD DIAZ ✓
- 11A27 ✓ ADOPTED AS AMENDED, ADD DIAZ ✓
- 11A28 ✓ DEFERRED TO NO DATE CERTAIN ✓
- 11A30 ✓ ADD ROLLE, SOUTO ✓
- 11A32 ✓ DEFERRED TO 10-16-07, ADD SOUTO . ✓
- 11A32 SUPPL ✓ DEFERRED TO 10-16-07 ✓
- 11A33 ✓ DEFERRED TO NO DATE CERTAIN ✓
- 11A34 DEFERRED TO NO DATE CERTAIN
- 11A35 ✓ W/D ✓
- 12B2 ✓ DEFERRED BACK TO COMMITTEE
- 12B4 ADOPTED AS AMENDED ✓
- 12B5 ✓ DEFERRED TO 10-04-07 ✓
- 14A5 ADOPTED AS AMENDED ✓

SCRIVENER'S ERRORS

- 8M1C ✓
- 8M1D ✓
- 14A1 ✓ Rebbie 1650



**RECEIVED**  
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OCT 6 2 2007

Item 1E2  
Exhibit 1  
Meeting DCC REG

...FACTS, REPORTS,  
ARTICLES AND  
DOCUMENTATION...

# THE HUMANE SOCIETY OF THE UNITED STATES

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September 27, 2007

Miami-Dade County Board of  
County Commissioners  
Stephen P. Clark Government Center  
111 N.W. 1<sup>st</sup> Street  
Miami, FL 33128

Dear Commissioners:

On behalf of The Humane Society of the United States' (HSUS) 600,000 members and constituents in Florida, we are urging you to repeal the "pit bull ban" that Miami-Dade County passed in 1989. The HSUS opposes any legislation aimed at eradicating, or strictly regulating, dogs based solely on their breed for a number of reasons. We would like to offer the following position regarding breed-specific policies:

Often breed specific bans (or BSL) are passed in an attempt to deal with dog bites, attacks or other aggression issues, i.e. "dangerous dogs." Once communities conduct research into the issue, most correctly realize that BSL does not truly solve the problems they face with dangerous dogs.

There are over 4.5 million dog bites each year. As there is no central reporting agency for dog bites, this number is only an estimate, and breed or other information is not captured. Out of the millions of bites, about 10-20 are fatal each year. While certainly tragic, it represents a very small number statistically and should not be considered as a basis for sweeping legislative action.

It is imperative that the dog population in the community be understood. To simply pull numbers of attacks does not give an accurate representation of a breed necessarily. For example, a study that shows there were 5 attacks by golden retrievers in a community and 10 attacks by "pit bulls" in that same community it would appear that pit bulls are more dangerous. However, if one looks at the dog populations in that community and learns that there are 50 golden retrievers present and 500 pit bulls, then the pit bulls are actually the safer breed statistically.

Promoting the protection of all animals

Southeast Regional Office ■ 1624 Metropolitan Circle, Suite B, Tallahassee, FL 32308  
850-386-3435 ■ Fax: 850-386-4534 ■ [rvwrv.hsus.org](http://rvwrv.hsus.org)

While breed may be one factor that contributes to a dog's temperament, it alone cannot be used to predict whether a dog may pose a danger to his or her community. A September 2000 study published in the Journal of the American Veterinary Medical Association (*VetMed Today: Special Report*) further illustrates this point. The report details dog bite related fatalities in the United States from 1979 through 1998, and reveals that over the nineteen years examined in the study at least twenty-five different breeds or crossbreeds of dogs have been involved in fatally wounding a human being. Breeds cited range from the oft-maligned pit bulls and rottweilers to the legendary "forever loyal" breed of St. Bernards. The study was conducted by a group of veterinarians, medical doctors, and experts in psychology and public health.

The main conclusion of the study was that breed specific legislation doesn't work for several reasons, including the inherent problems in trying to determine a dog's breed, making enforcement of breed-specific legislation difficult at best; the fact that fatal attacks represent a very small portion of bite-related injuries, and should not be the major factor driving public policy; and specifically noted that non-breed specific legislation already exists and offers promise for prevention of dog bites.

Two decades ago, pit bulls and rottweillers (the most recent breeds targeted) were of little to no concern. At that time it was the Doberman pinscher who was being vilified. In 2001, few people had heard of the Presa Canario breed, involved in the tragic, fatal attack on Diane Whipple in California in January of that year. Now that breed is being sought by individuals who desire the new "killer dog." Unfortunately, the "problem dog" at any given time is often the most popular breed among individuals who tend to be irresponsible, if not abusive, in the control and keeping of their pets. Simply put, if you ban one breed, individuals will just move on to another one. Banning a breed only speeds up the timetable.

Communities that have banned specific breeds have discovered that it has not been the easy answer they thought it would be. In some areas, media hype has actually increased the demand for dogs whose breed is in danger of being banned. Animal control agencies, even those that are well funded and equipped, have found the laws to be an enforcement nightmare.

Restrictions placed on a specific breed fail to address the larger problems of abuse, aggression training, and irresponsible dog ownership. Again, breed alone is not an adequate indicator of a dog's propensity to bite. Rather, a dog's tendency to bite is a product of several factors, including but not limited to:

- early socialization, or lack thereof, of the dog to people
- sound obedience training for recognition of where he or she "fits" with regard to dominance and people or mis-training for fighting or increased aggression
- genetic makeup, including breed and strains within a breed
- quality of care and supervision by the owner (is the dog part of the family or is she kept chained outside)

Promoting the protection of all animals

Southeast Regional Office ■ 1624 Metropolitan Circle, Suite B Tallahassee, FL 32308  
850-386-3435 ■ Fax: 850-386-4534 ■ [www.hsus.org](http://www.hsus.org)

current levels of socialization of the dog with his or her human family

- behavior of the victim
- whether the dog has been spayed or neutered

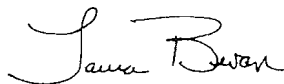
If the goal is to offer communities better protection from dogs that are dangerous, then thoughtful legislation that addresses responsible dog keeping is in order. Legislation aimed at punishing the owner of the dog rather than punishing the dog is far more effective in reducing the number of dog bites and attacks. Well enforced, non-breed-specific laws offer an effective and fair solution to the problem of dangerous dogs in all communities.

Comprehensive "dog bite" legislation, coupled with better consumer education and forced responsible pet keeping efforts, would do far more to protect communities than banning a specific breed. The **HSUS** encourages you to read the **Community Approach to Dog Bite Prevention** by the American Veterinary Medical Association, available to be read at: <http://www.avnia.org/publth/dogbite/dogbite.pdf>.

The **HSUS** is committed to keeping dogs and people safe and is available and willing to offer advice, educational materials, and model legislation to communities interested in decreasing the incidence of dog bites and aggression. Florida currently has laws regarding "dangerous dogs" and local communities can strengthen those laws even further to deal with dog behaviors they find unacceptable.

Thank you for your attention. If we can be of further assistance, please do not hesitate to contact our office at (850) 386-3435.

Respectfully,



Laura Bevan  
Southeast Regional Director

Protecting the protection of all animals

Southeast Regional Office • 1624 Metropolitan Circle, Suite B, Tallahassee, FL 32308  
850-386-3435 • Fax: 850-386-3533 • [www.hsus.org](http://www.hsus.org)

Dahlia:

Below please find a response to your inquiry

**Robert Santos-Alborna**

Assistant Director

**Miami-Dade County - ANIMAL SERVICES DEPARTMENT**

Tel. (305) 805-1777 Fax (305) 805-1807

Cel. (305) 283-3846

[rsa@miamidade.gov](mailto:rsa@miamidade.gov)

"Delivering Excellence Every Day"

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes, which requires the release of public records and thus subject to disclosure*

-----Original Message-----

From: Labrada, Kathleen (ASD)

Sent: Sunday, September 16, 2007 11:42 AM

To: Santos-Alborna, Robert (ASD)

Cc: Cruz, Raquel (ASD)

Subject: RE: H I DR. P...

Hello,

Less than one Full Time Equivalent (FTE - approximately \$30K). Approximately 900 Pit Bull complaints are received annually. The Section that bans them is 5-17.6(b). The insurance requirements only apply to Pit Bull dogs that resided in the county prior to July 1989 (they're all dead.) We would not be able to discern how many Pit Bulls are in Dade County (anyone's guess as far as the number in the county would be as good as anyone else's!)

Kathleen R. Labrada

Investigations Supervisor

Miami-Dade Animal Services Department

7401 NW 74 Street

Miami, FL 33166

(305) 884-1102 ext. 272

Fax (305) 884-3447

"Delivering Excellence Every Day"

----- Original Message -----

From: Pizano, Sara (ASD)

To: 'suthmalone@aol.com' <suthmalone@aol.com>

Cc: Santos-Alborna, Robert (ASD)

Sent: Thu Sep 13 19:15:59 2007

Subject: RE: H I DR. P...

Hi Dahlia,

Robert will respond

June 19, 2002

Laurie Klonoski

Dear Ms. Klonoski,

Thank you for contacting the Humane Society of the United States (HSUS) for assistance in passing legislation to regulate dangerous dogs.

Breed Specific Legislation (BSL) is a common first approach that many communities take. Thankfully, once research is conducted those communities generally realize that BSL won't solve the problems they face with dangerous dogs. The HSUS opposes legislation aimed at eradicating, or strictly regulating, dogs based solely on their breed for a number of reasons.

While breed is one factor that contributes to a dog's temperament, it alone cannot be used to predict whether a dog may pose a danger to his or her community. A recent study published in the *Journal of the American Veterinary Medical Association (VetMed Today Special Report)* further illustrates this point. The report details dog bite related fatalities from 1979 through 1998, and reveals that over the last nineteen years at least twenty-five different breeds or crossbreeds of dogs have been involved in fatally wounding a human being. Breeds cited range from the oft-maligned pit bulls, and rottweilers to the legendary "forever loyal" breed of St. Bernard's.

Restrictions placed on a specific breed fail to address the larger problems of abuse, aggression training, and irresponsible dog ownership. Communities that have banned specific breeds have discovered that it has not been the easy answer they thought it would be. In fact, it has been no answer at all. Many cities and towns that have passed breed-specific legislation have seen those ordinances overturned by courts for being unconstitutional. In cases where laws have withstood a court challenge, even the most well funded and equipped animal control officers have found the laws to be an enforcement nightmare.

If the goal is to offer communities better protection from dogs who are dangerous, then thoughtful legislation that addresses responsible dog keeping is in order. Legislation aimed at punishing the owner of the dog rather than punishing the dog is far more effective in reducing the number of dog bites and attacks. Well enforced, non-breed-specific laws offer an effective, constitutional, and fair solution to the problem of dangerous dogs in all communities.

Unfortunately, the "problem dog" at any given time is often the most popular breed among individuals who tend to be irresponsible, if not abusive, in the control of their pets. Simply put, if you ban one breed, individuals will simply move on to another one.

Finally, fatal attacks involving dogs represent an extremely small portion of the more than 4.5 million dog bites that occur each year in the United States and should not be the only issue driving public policy. Comprehensive "dog bite" legislation, coupled with better consumer education and **forced** responsible pet keeping efforts, would do far more to protect communities than **banning a specific breed**. The HSUS is committed to keeping dogs and people safe and is available and willing to offer guidance and advice should you choose **to draft improved** legislation that will decrease the incidence **of dog bites and aggression**.

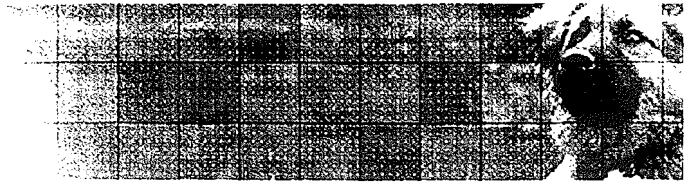
Thank you very much for your interest in passing comprehensive, enforceable dangerous dog laws. Please don't hesitate to contact me at **the number** below.

Most sincerely,

**Stephanie Shain**  
Director of Outreach  
Companion Animals



# THE HUMANE SOCIETY OF THE UNITED STATES



search

Pets

Wildlife

Farm Animals

Marine Mammals

Animals

- Pet Care
- Issues Affecting Our Pets
  - Animal Abuse and Neglect
  - Animal Hoarding
  - Animal Hoarding: The Horrors of Animal Hoarding
  - Common Questions about Microchips
  - Equine Protection
  - Facts About the Iditarod
  - HSUS Statement on the Cloning of Pets
  - Insurance Companies Unfairly Target Specific Dog Breeds
  - Our Mobile Veterinary Clinics Bring Medicine to the Masses
  - Pet Overpopulation and Ownership Statistics
  - Running for Their Lives: The Realities of Greyhound Racing
  - Should Wild Animals Be kept as Pets?
- Pet Adoption Information
- Animal Shelters
- Pets Related News and Events
- Videos

HSUS >> Pets >> Issues Affecting Our Pets

## HSUS Statement on Dangerous Dogs and Breed-Specific Legislation

The Humane Society of the United States offers the following position regarding breed-specific policies.

The HSUS opposes legislation aimed at eradicating or strictly regulating dogs based solely on their breed for a number of reasons. Breed Specific Legislation (BSL) is a common first approach that many communities take. Thankfully, once research is conducted most community leaders correctly realize that BSL won't solve the problems they face with dangerous dogs.

There are over 4.5 million dog bites each year. This is an estimate as there is no central reporting agency for dog bites, thus breed and other information is not captured. Out of the millions of bites, about 10-20 are fatal each year. While certainly tragic, it represents a very small number statistically and should not be considered as a basis for sweeping legislative action.

It is imperative that the dog population in the community be understood. To simply pull numbers of attacks does not give an accurate representation of a breed necessarily. For example, by reviewing a study that states there have been five attacks by golden retrievers in a community and 10 attacks by pit bulls in that same community it would appear that pit bulls are more dangerous. However, if you look at the dog populations in that community and learn that there are 50 golden retrievers present and 500 pit bulls, then the pit bulls are actually the safer breed statistically.

While breed is one factor that contributes to a dog's temperament, it alone cannot be used to predict whether a dog may pose a danger to his or her community. A September 2000 study published in the Journal of the American Veterinary Medical Association (VetMed Today, Special Report) further illustrates this point. The report details dog bite related fatalities in the United States from 1979 through 1998 and reveals that over the nineteen years examined in the study at least 25 different breeds or crossbreeds of dogs were involved in fatally wounding human beings. Breeds cited range from oft-maligned pit bulls and Rottweilers to the legendary "forever loyal" breed of St. Bernards. The study was conducted by a group of veterinarians, medical doctors, and psychology and public health experts.

The main conclusion of the study was that breed-specific legislation doesn't work for several reasons: that there are inherent problems in trying to determine a dog's breed; making enforcement of breed-specific legislation difficult at best; that fatal attacks represent a very small portion of bite related injuries and should not be the major factor driving public policy; and that existing non-breed-specific

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- Animal Channel
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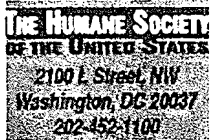
First Name

Last Name

Your Email here

Zip Code

JOIN



legislation already exists and offers promise for the prevention of dog bites

Two decades ago, pit bulls and Rottweilers (the most recent breeds targeted) attracted little to no public concern. At that time it was the Doberman pinscher who was being vilified. In 2001, few people had heard of the Presa Canario breed, involved in the tragic, fatal attack on Diane Whipple in California in January of that year. Now that breed is being sought by individuals who desire the new "killer dog." Unfortunately, the "problem dog" at any given time is often the most popular breed among individuals who tend to be irresponsible, if not abusive, in the control and keeping of their pets. Simply put, if you ban one breed, individuals will just move on to another one. Banning a breed only speeds up the timetable

Communities that have banned specific breeds have discovered that it has not been the easy answer they thought it would be. In some areas, media hype has actually increased the demand for dogs whose breed is in danger of being banned. Animal control agencies, even those that are well funded and equipped, have found the laws to be an enforcement nightmare

Restrictions placed on a specific breed fail to address the larger problems of abuse, aggression training, and irresponsible dog ownership. Again, breed alone is not an adequate indicator of a dog's propensity to bite. Rather, a dog's tendency to bite is a product of several factors, including but not limited to:

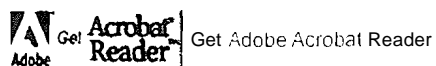
- Early socialization, or lack thereof, of the dog to people
- Sound obedience training for recognition of where he or she "fits" with regard to dominance and people, or mistraining for fighting or increased aggression.
- Genetic makeup, including breed and strains within a breed
- Quality of care and supervision by the owner (is the dog part of the family or is she kept chained outside?).
- Current levels of socialization of the dog with his or her human family
- Behavior of the victim
- Whether the dog has been spayed or neutered


If the goal is to offer communities better protection from dogs who are dangerous then thoughtful legislation that addresses responsible dog keeping is in order. Legislation aimed at punishing the owner of the dog rather than punishing the dog is far more effective in reducing the number of dog bites and attacks. Well enforced, non-breed-specific laws offer an effective and fair solution to the problem of dangerous dogs in all communities.

Comprehensive "dog bite" legislation, coupled with better consumer education and forced responsible pet keeping efforts, would do far more to protect communities than banning a specific breed. The HSUS encourages you to read the Community Approach to Dog Bite Prevention by the American Veterinary Medical Association.


The HSUS is committed to keeping dogs and people safe and is available and

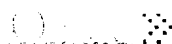
willing to offer advice, educational materials and model legislation to communities interested in decreasing the incidence of dog bites and aggression.



 E-MAIL THIS PAGE

PRINTER FRIENDLY 

 Insurance Companies Unfairly Target Specific Dog Breeds



 The AVMA's *Community* Approach to Dog Bite Prevention

 NoDogBites.org

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## MEMORANDUM

TO: Edel Miedes, K-9 Advisor

FROM: Wendi Weiner, Esq.

RE: Opposing Breed Specific Legislation

DATE: March 20, 2007

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As an initial matter, breed specific legislation has been a hot topic throughout various jurisdictions in this country. Recently, certain jurisdictions have banned breed specific legislation. See Toledo v. Tellings, 2006 WL 513946 (Ohio App. 6<sup>th</sup> Dist. 2006) (holding that pit bulls are not inherently dangerous or vicious and a city ordinance limitation on ownership was deemed arbitrary, unreasonable and discriminatory). Specifically, in Toledo, the court listed the following pertinent statistics:

- There are approximately 52 million dogs in the United States and as many as 4.8 million are some form of pit bull;
  - There are 2 breeds of registered pit bulls: American Staffordshire Terriers (AKC registered) and American Pit Bull Terriers (registered with the United Kennel Club and American Dog Breeders Association);
  - Pit bulls that has not been trained to be aggressive are highly obedient, eager-to-please, good family pets;
  - Pit bulls do not have locking jaws, and a pit bull's bite is not any stronger than other dogs of its size and build;
  - While pit bulls have the innate ability to "bite and hold," this behavior can be used for appropriate uses or for inappropriate uses, i.e. dog fighting, A famous pit bull, "Sergeant Stubby," served in the military on the front lines during World War I, and protected soldiers while catching German spies; Chows, German Shepherds, Rottweilers and Labrador Retrievers had a higher overall percentage of bites than pit bulls'
- Although pit bulls may have some genetic predisposition for certain behaviors, these behaviors can be easily modified or controlled with training and environmental socialization** (Emphasis added);

Interestingly, the court in Toledo conceded to the notion that breed specific legislation was enacted because in the past, both courts and legislatures considered it a 'bell-known fact' that pit bulls are "unpredictable, vicious creatures owned only by drug dealers, dog fighters, gang members, or other undesirable members of society." The court said that vicious dog laws that were enacted in the late 1980's and early 1990's was now outdated information which "perpetuated a stereotypical image of pit bulls." **Thus**, the prior cases were based on unavailable, scientific evidence or expert testimony about the breed, which branded all pit bulls as "vicious." Further, the court noted evidence that "the greater population of pit bulls in the United States are not used for pit fighting, but are well-trained, obedient dogs used in competitions and as family pets." More importantly, a properly trained pit bull who was socialized like other dogs would not exhibit any more dangerous

characteristics than any other breed of dog. **Thus, the court concluded that pit bulls as a breed, are not more dangerous than other breeds.** See also Mulhern v. Chai Management, 309 A.D. 2d 995 (App. Div. 3d Dept. 2003) (holding that a dog's breed alone is not sufficient to establish a factual basis that the dog has a vicious propensity); Rivers v. New York City Housing Authority, 694 N.Y.S.2d 57 (App. Div. 1st Dept. 1999) (concluding that pit bulls are not inherently vicious)

Similarly, the International Association of Animal Behavior Consultants (IAABC) has a position statement listed on its website ([http://www.iaabc.org/articles/social\\_justice.htm](http://www.iaabc.org/articles/social_justice.htm)) regarding breed specific legislation. The statement indicates that IAABC is an organization that represents professional animal trainers and animal behavior specialists. The statement further indicates:

The IAABC strongly opposes any legislation specifically designed to target or discriminate against dogs based solely on their breed or appearance. **The IAABC does not believe that a dog poses a danger to society solely because of its breed. Dogs can become dangerous as a result of faulty socialization, inappropriate training, poor living conditions and other factors having nothing to do with their breed.** The IAABC believes that the objectives behind breed specific legislation can be met more effectively through rigorous enforcement and, where necessary, the strengthening of existing laws. We fully understand and support the need for laws to protect society, human and animal alike; however, our organization feels that any new legislation should be based on specific behaviors or actions and should not discriminate based on breed alone. (Emphasis added)

Moreover, in March 2003, the Humane Society of the United States offered its position on breed specific issues. (For a copy of the letter, see: <http://www.understand-a-bull.com/BSL/BSLPositionStatements/hsus.pdf>) In the letter, the Humane Society stipulates that there are over 4.5 million dog bites a year, and "there is no central reporting agency for dog bites, thus breed and other information is not captured." However, out of the millions of dog bites, **only 10-20 are fatal each year.** This is a small amount that does not necessitate "sweeping legislative changes." One important perspective in the letter is the following statement:

To simply pull numbers of attacks does not give an accurate representation of a breed necessarily. For example, if you review a study & it states there have been 5 attacks by Golden Retrievers in a community and 10 attacks by Pit Bulls in that same community, it would appear that pit bulls are more dangerous. But if you look at the dog populations in that community and learn that there are 50 Golden Retrievers present and 500 Pit Bulls, then the Pit Bulls are actually the safer breed statistically.

Another important highlight that was analyzed in the letter is a September 2000 study that was conducted by a group of veterinarians, medical doctors, psychology and public health experts, which was published in the Journal of the American Veterinary Medical Association. In that report, it discusses dog bite related fatalities spanning over nearly a 20-year period, from 1979 through 1998, and **revealed that over the nineteen years examined, at least 25 different breeds or cross-breeds of dogs were involved in fatally wounding human beings.**

Moreover, the article hinged on a very important point: if the main concern of pit bull legislation is bite-related injuries, then our governing bodies need to re-examine the legislation that already exists. Accordingly, as the letter suggested, we should expend more time and energy addressing the larger problems of abuse, aggression training and irresponsible dog ownership.

Fortunately, Florida has enacted its own legislation regarding liability to owners of dogs who injure other persons or animals. See Fla. Stat. §767.01. Thus, it is counterproductive for Miami-Dade County to outlaw pit bulls when the purpose of doing so is simply to prevent other persons and animals from being bitten.

Miami-Dade County has had a ban on pit bulls since 1998. Statistics show that as of 2002, there were an estimated 50,000 pit bulls living in the county. People are still breaking the law and instead of punishing the dogs, we should focus our attention on punishing the **owners** of the dogs who cannot properly train or maintain their dogs. By expending our resources and drafting stricter "dog bite" legislation, and educating the public about how to properly train all dogs, such conduct would serve to benefit our public and deter those from mistreating pit bulls and creating aggressive pit bulls. Nine years later, it is time to lift the ban on pit bulls since breed-specific legislation as to pit bulls is not increasing our education, awareness, or protection from all dangerous dogs. Lastly, other jurisdictions such as the recent decision in Toledo, have flipped the coin to the other side that what scientific evidence existed when the legislation was enacted may be disproved by new and more recent research -- i.e. pit bulls are not vicious. Thus, as many anti-breed specific legislation petitioners say, we should punish the deed not the breed.

# ATTS Breed Statistics

as of December 2006

Page 7: Russo-European Laika - Tibetan Spaniel

<i>Breed Name</i>	<i>Tested</i>	<i>Passed</i>	<i>Failed</i>	<i>Percent</i>
<b>RUSSO - EUROPEAN LAIKA</b>	2	2	0	100.0%
<b>SAINT BERNARD</b>	42	35	7	83.3%
<b>SALUKI</b>	61	42	19	68.9%
<b>SAMOYED</b>	273	215	58	78.8%
<b>SCHIPPERKE</b>	106	97	9	91.5%
<b>SCOTTISH DEERHOUND</b>	31	28	3	90.3%
<b>SCOTTISH TERRIER</b>	33	21	12	63.6%
<b>SEALYHAM TERRIER</b>	1	1	0	100.0%
<b>SHETLAND SHEEPDOG</b>	471	317	154	67.3%
<b>SHIBA INU</b>	23	15	8	65.2%
<b>SHIH TZU</b>	39	30	9	76.9%
<b>SHILOH SHEPHERD</b>	21	18	3	85.7%
<b>SIBERIAN HUSKY</b>	280	243	37	86.8%
<b>SILKY TERRIER</b>	18	13	5	72.2%
<b>SKYE TERRIER</b>	8	3	5	37.5%
<b>SLOUGHI</b>	1	1	0	100.0%
<b>SMOOTH FOX TERRIER</b>	52	39	13	75.0%
<b>SOFT COATED WHEATEN TERRIER</b>	35	25	10	71.4%
<b>SPINONE ITALIANO</b>	5	2	3	40.0%
→ <b>STAFFORDSHIRE BULL TERRIER</b>	61	52	9	85.2%
<b>STANDARD POODLE</b>	217	186	31	85.7%
<b>STANDARD SCHNAUZER</b>	56	37	19	66.1%
<b>SUSSEX SPANIEL</b>	3	3	0	100.0%
<b>SWEDISH VALLHUND</b>	1	1	0	100.0%
<b>TEXAS HEELER</b>	1	1	0	100.0%
<b>TIBETAN KYAPSO</b>	1	1	0	100.0%
<b>TIBETAN MASTIFF</b>	13	5	8	38.5%
<b>TIBETAN SPANIEL</b>	11	10	1	90.9%



# ANIMAL FARM FOUNDATION

"To restore the image of the American Pit Bull Terrier and to protect him from discrimination and cruelty"

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## Expert Opinion on Breed Specific Legislation .

*"Why debate what the experts have concluded..."*

The Experts **agree** breed specific legislation will not result in a successful approach to community dog-bite prevention.

**American** Veterinary Medical Association  
Task Force on Canine Aggression and Human-Canine Interactions

"Dog bite statistics are not really statistics, and they do not give an accurate picture of dogs that bite."

"Concerns about "dangerous" dogs have caused many local governments to consider supplementing existing animal control laws with ordinances directed toward control of specific breeds or types of dogs. Members of the Task Force believe such ordinances are inappropriate and ineffective."

"It is frustrating **for** me personally because people who want to enact **Breed** Specific Legislation keep using the report to **try** and make a case against pit bulls. *The whole point of our summary was to explain you can't **do that.***" Dr Gail Golab

**Every** major **organization** involved with human/canine interaction is opposed to breed specific regulations.

- **ASPCA**  
The American Society for the Prevention of Cruelty to Animals seeks effective enforcement of breed-neutral laws that hold dog owners accountable for their animals' actions.
- **American** Veterinary Medical Association  
"The **AVMA** supports dangerous animal legislation by state, county, or municipal government provided that legislation *does not refer* to specific breeds or classes of animals."
- **National** Animal Control Association  
"Dangerous and/or vicious animals should be **labeled** as such as a result of their actions or **behavior** and not because of their **breed.**"
- Humane Society of the United States  
"HSUS opposes breed specific regulations because they do not address the underlying issues of owner **behavior** and **responsibility.**"
- The American Kennel Club  
"Strongly opposes **any** legislation that determines a dog to be "dangerous" based on specific breed or phenotypic classes of dogs."
- American Humane Association  
"American **Humane** Association supports local legislation that protects **communities** from dangerous animals, but does not advocate laws that target specific breeds of dogs."
- National Canine **Research** Council  
It is owners who must be held criminally accountable when their negligent, cruel and criminal



practices result in a severe or fatal dog attack. Law enforcement and judicial system professionals who investigate the circumstances surrounding severe or fatal attacks are now placing the blame squarely where it belongs. Owners are being charged and convicted of offenses ranging from murder and reckless homicide to child neglect and child endangerment in cases of fatal dog attacks.

- o **American Dog Owners Association**

"The American Dog Owners Association opposes legislation that discriminates against specific breeds or phenotype classes of dogs or creates restrictions that in fact make a law breed specific."

- Supreme Court of New York

"Scientific evidence more definitive than articles discussing the dogs' breeding history is necessary before it is established that pit bulls, merely by virtue of their genetic inheritance are inherently vicious or unsuited for domestic living."

**Professionals in the Field of Human-Canine Interaction are Opposed to Breed Specific Legislation:**

- Andrew N. Rowan, Ph.D.

"It seems patently obvious to me that the problems of dog aggression, dog bites, and serious human injuries will not be satisfactorily addressed by a breed specific ordinance."

- Dr M.L. Nitschke PhD Psychology

Variability in behavior has a wider range within a breed than between breeds."

- Turid Kugaas, Renowned Trainer and Author

"When things go wrong, it is not because the dog is wrong, it is because of the people who deal with them... I have never met a dangerous dog breed. but I have met many dangerous dog owners, - and therein lies the problem."

- Dr. Cornelia Wagner, D.V.M.

"Blaming the genetic make-up of the dog is wrong. Environmental and learning effects are always stronger than genetic influence."

- Dr. Karen Overall, MA, VMD, PhD, DACVB

"Breed Specific Legislation is an inappropriate response to inappropriate owner behavior."

... Professionals in the Field of Human-Canine Interaction are Opposed to Breed Specific Legislation cont.:

Gerald Post, DVM, DACVIM (Oncology)

"...this breed of dog is just like all dogs; if treated with respect, kindness and compassion, they will treat you likewise."

- Irene Stur, DVM

"A study from Great Britain (Klaasen et al., 1996) shows that the definition of certain breeds as 'especially dangerous' does not lead to a better protection of the public...The share of bite injuries in total changed from 73.9% before implementation of the "Dangerous Dog Act" to 73.1% after."

- Karen Delise, Author of Fatal Dog Attacks

"In reviewing and studying over 448 cases of fatal dog attacks in the United States, it is apparent that the three most critical factors that contribute to a fatal dog attack are: function of the dog, owner responsibility, and reproductive status of the dog. There is no documented case where a single, neutered, household Pit Bull was the cause of a human fatality."

- Lehr Brisbin

"The studies which have been conducted of the structure of the skulls, mandibles and teeth of pit bulls show that, in proportion to their size, their jaw structure, and thus its inferred functional morphology, is no different than that of any other breed of dog of comparable size and build. Further there is no evidence for the existence of any kind of 'locking mechanism' unique to the structure of the jaws and/or teeth of pit bulls."

## **WHO IS RESPONSIBLE FOR FATAL ATTACKS?**

Extensive research and investigation has conclusively identified the *ownership/management practices* that are at the root of the rare, but perfect, storm when a dog becomes dangerous.

### **Function of Dog –**

Owners obtaining dogs, and maintaining them as resident dogs outside of the household for purposes other than as family pets (i.e. guarding/ protection, fighting, intimidation/status, irresponsible and negligent breeding).

### **Owner Management & Control of Dogs –**

Owners failing to humanely contain, control and maintain their dogs (chained dogs, loose roaming dogs, cases of abuse/neglect); owners failing to knowingly supervise interaction between children and dogs.

### **Reproductive Status of Dog –**

Owners failing to spay or neuter animals not used for competition, show, or in a responsible breeding program.

**In 2006, 97% of the fatal attacks were the result of one or more of these reckless or criminal ownership practices**

All information was researched and is fully documented by Karen Delise LVT, Independent Scholar and Author

[www.nationalcanineresearchcouncil.com](http://www.nationalcanineresearchcouncil.com)

[www.animalfarmfoundation.org](http://www.animalfarmfoundation.org)

# THE PIT BULL PAPARAZZI

A study by the National Canine Research Council reveals biased reporting by the media, its devastating consequences for dogs and the toll it takes on public safety.

**Consider how the media reported four incidents that happened between August 18th and August 21st:**

- August 18, 2007 - A Labrador mix attacked a 70-year-old man sending him to the hospital in critical condition. Police officers arrived at the scene and the dog was shot after charging the officers. This incident was reported in **one** article and only in the local paper.
- August 19, 2007 - A 16-month old child received fatal head and neck injuries after being attacked by a mixed breed dog. This attack was reported **two** times by the local paper only.
- August 20, 2007 - A 6-year-old boy was hospitalized after having his ear torn off and receiving severe bites to the head by a medium-sized mixed breed dog. This attack was reported in **one** article and only in the local paper.
- August 21, 2007 - A 59-year-old woman was attacked in her home by two Pit bulls and was hospitalized with severe injuries.

**This attack was reported in over two hundred and thirty articles in national and international newspapers, as well as major television news network, including CNN, MSNBC and FOX.**

**"Clearly a fatal dog attack by an unremarkable breed is not as newsworthy as a non-fatal attack by a Pit bull" says Karen Delise, researcher for the National Canine Research Council.**

People routinely cite media coverage as "proof" that pit bulls are more dangerous than other dogs. Costly and ineffective public policy decisions are being made on the basis of such "proof". While this biased reporting is not only lethal to an entire population of dogs; **sensationalized media coverage endangers the public** by misleading them about the real factors in canine aggression.

[www.nationalcanineresearchcouncil.com](http://www.nationalcanineresearchcouncil.com)

## A Dog Who Was Pure Muscle and All Heart

Pit bulls get a bad name, but Esmerelda's only 'killer instinct' was to overwhelm us with affection.

BY BEN REHDER

**S**OME PEOPLE LOVE POODLES. Others go crazy for cocker spaniels. When it comes to my canine breed of choice, I tend to prefer a rarer dog: the pit bull. For 14 years I owned a friendly, loyal pit bull named Esmerelda.

Ezzy—as I called her—was a gift from a girlfriend. I was 21 at the time and I'd made a few remarks, driven by testosterone, about wanting to own a pit bull someday. The truth is, I probably wouldn't have followed through on getting the dog on my own. Now I hate to think what I would've missed.

I didn't know what to expect when Ezzy arrived. Would this dog—this sweet, frisky pup—rip my throat open while I was sleeping? Would she terrorize toddlers or attack my mailman? It's bred into them, right? The killer instinct?

Well, no. Not this one, anyway. What she did do was annoy my visitors with her overaffectionate personality. She was stealthy about it, though. "Oh, pay no attention to me," she seemed to want to say. "Just continue with your conversation, and forget the fact that I'm creeping onto your lap. Just scratch my ears and everything will be OK."

Ezzy was an eager, willing companion, whatever the activity. She recognized words like "walk," "ride" and "squirrel," and reacted to them with a barking frenzy. Even the jangling of car keys could set her off.

She had some remarkable talents. Ezzy could shred an aluminum can without cutting her lips. She had the dexterity to go up and down the tight spiral staircase to my bedroom, and a hacktbr intimidating

door-to-(loor salespeople (because they couldn't see her tail wagging happily).

As Ezzy grew older, she turned into quite an impressive specimen: 70 pounds of barrel-chested muscle, with a head like a chunk of granite. Was her massive jaw intimidating? Absolutely. Could she



PUPPY LOVE: Could Ezzy have wreaked havoc if she'd been so inclined? Without question. But she didn't have it in her.

have wreaked havoc if she'd been so inclined? Without question. But she didn't have it in her.

Her lack of killer instinct became obvious when a stray cat began hanging around the house. "This cannot end well," I said to myself. I believed it was only a matter of time before the fur would fly, and there would be one cat fewer in the world.

One day, the cat became so bold he wandered in through an open door, n

Ezzy was on him in a flash. The cat cowered down and prepared for the worst. Ezzy began to wrestle playfully with him, in the same way I roughhoused with her. The cat was indignant about the situation, but he came away in one slobbery, confused piece.

In July of her third year, Ezzy began to exhibit an intense fear of loud noises that would haunt her for the rest of her days—and I got my first real glimpse of her awesome strength. It was fireworks season. When I pulled into the driveway, I didn't hear Ezzy's usual yips from the backyard. I went to investigate, and discovered a dog-size hole in the wooden fence. She'd turned the pickets into kindling.

The next time, she was left inside during a thunderstorm. "When I came home, an interior door was ripped in two. There were bite marks on the doorknob. It looked like a crime scene. I found the culprit shuddering in a closet. It was like the joke about the 800-pound gorilla—but with a twist. Where does a terrified pit bull go? Anywhere she wants.

Ezzy lived longer than most large dogs, but just before her 14th birthday she suffered a stroke; Steroids helped her recover; but six months later she began to develop breathing problems; and it was obvious she didn't have much time to live.

When the final day came, my wife and I took Ezzy to our vet. At 80, Dr. Tim McLeod spoke with a gentle, pronounced Texas twang. He helped us get through it—the most difficult thing I'd ever done—with dignity and a sense of calm.

I buried Ezzy beneath the hardpan soil of my backyard, muscling my way past rocks that would've stopped me cold had I been digging for any other purpose. Ezzy had always had a bit of a stubborn streak, and I decided it was fitting I show a bit of her spirit myself:

The next morning the clinic called. Dr. McLeod had passed away in his sleep, just hours after helping Ezzy find her final peace. His funeral was packed with hundreds of mourners. But for me, it was really two services: one for a caring, compassionate Southern gentleman, and one for a pit bull that can never be replaced.

REHDER lives in Dripping Springs, Texas.

Submit your essay for the My Turn column at [MyTurn.Newsweek.com](http://MyTurn.Newsweek.com)



newbsl.jpg

## Who's Against BSL?

- Home
- Weekly Update
- Bull Breed Alliance of Tennessee
- Writing effective letters to officials
- Preparing for BSL meetings
- Court cases
- Guardianship v. Ownership
- A Message to the Media
- Dispelling the myths
- Organizations against BSL**
- Fit Bulls - The Truth
- Fight the Good Fight - New BSL Presentation
- Dog Fighting: Society's dirty little secret
- Fit Bull 101
- The Noble Rottie
- BSL Polls & Surveys
- The Epidemic

Several animal welfare organizations have issued formal position statements AGAINST breed specific legislation. These organizations does not target the true problem of irresponsible dog ownership and, therefore, it is an ineffective method of discriminatory animal control. Below are just a few of these organizations:

- National Animal Control Association
- Humane Associations of Georgia, Wisconsin, **Ottawa**, Idaho
- Association of Pet Dog Trainers
- American Kennel Club
- Humane Society of the United States
- American Veterinary Medical Association
- National Association of Dog Obedience Instructors
- Canadian Kennel Club
- National** Animal Interest Alliance
- American Animal Hospital Association
- International Association of Animal Behavior Consultants
- California Veterinary Medical Association
- Colorado Veterinary Medical Association
- Texas Veterinary Medical Association
- Louisiana Veterinary **Medical** Association
- Chicago Veterinary Medical Association

**American Humane**

**Maryland Veterinary Medical Association**

**New York State Veterinary Medical Association**

**American Temperament Test Society**

**American Dog Owner's Association**

**American Canine Federation**

**International Association of Canine Professionals**

**American Dog Breeders Association Inc.**

**SPCA Los Angeles**

**If you know of an organization that should be added to this list, please contact me at [fightBSL-owner@vahoogroups.com](mailto:fightBSL-owner@vahoogroups.com)**

# Fear vs. Fact

## **Fear:**

Pit Bulls have "locking jaws."

## **Fact:**

"We found that the American Pit Bull Terriers did not have any unique mechanism that would allow these dogs to lock their jaws. There were no mechanical or morphological differences . . ."

Dr. I. Lehr Brisbin, University of Georgia

## **Fear:**

Pit Bulls have massive biting power measuring in 1,000s of pounds of pressure per square inch. (PSI)

## **Fact:**

On average, dogs bite with 320 lbs of pressure per square inch. The bite pressure of a German Shepherd, an American Pit Bull Terrier and a Rottweiler were tested. The American Pit Bull Terrier had the least amount of bite pressure of the three dogs tested.

Dr. Brady Barr, National Geographic

## **Fear:**

Pit Bulls attack without warning.

## **Fact:**

"Pit Bulls signal like other dogs."

The Institute of Animal Welfare and Behavior of the University of Veterinary Medicine, Hannover, Germany temperament tested over 1,000 dogs.

## **Fear:**

Pit Bulls are "ticking time bombs" that turn on their owners.

## **Fact**

"No single, neutered household pet pit bull has ever killed anyone."

Karen Delise, LVT, independent scholar, and Author.

## **Fear:**

While there are some pit bulls with good temperaments, they are the exception not the rule.

## **Fact:**

The American Temperament Test shows pit bulls consistently score above the average for all breeds tested, year in and year out!

The American Temperament Test Society, [www.atts.org](http://www.atts.org)

## **Fear:**

Pit Bulls are more dangerous than other dogs.

## **Fact:**

"A dog is only as dangerous as its owner allows it to be."

Diane Jessup, Founder of LawDogsUSA, Author, retired Animal Control Officer.

# 2006 American Temperament Test Results

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Pit Bulls are often victims of prejudice and discrimination. Responsible Pit Bull owners and their dogs will help restore the image of the breed.

**In 2006 at the American Temperament Test, "pit bull" dogs achieved a combined passing score of 84.4%.**

**American Pit Bull Terrier:** 542 tested **84.1%**passed  
**American Staffordshire Terrier:** 521 tested **83.9%**passed  
**Staffordshire Bull Terrier:** 61 tested **85.2%**passed  
**Total** 1124 tested **84.4%**passed

**To put this in perspective, consider:**

**All Breeds:** 27,162 tested **81.5%**passed  
**Australian Shepherd:** 571 tested **80.7%**passed  
**Golden Retriever:** 687 tested **83.8%**passed

**Pit Bulls Make Great Partners!**





## National Animal Control Association Policy Statement

### Extended Animal Control Concerns - Dangerous/Vicious Animals

#### POLICY STATEMENT

Dangerous **and/or** vicious animals should be labeled **as** such **as** a result of their actions or behavior and not because of their breed.

#### BASIS FOR POLICY

**Any** animal may exhibit aggressive behavior regard-less of breed. Accurately identifying a specific animal's lineage for prosecution purposes may be extremely difficult. Additionally, breed specific legislation may create an undue burden to owners who otherwise have demonstrated proper pet management and responsibility.

#### POLICY RECOMMENDATIONS

Agencies should encourage enactment and stringent enforcement of **dangerous/vicious** dog laws. When applicable, agencies should not hesitate to prosecute owners for murder, manslaughter, or similar violations resulting **from** their animal's actions, and their owner lack of responsibility. Laws should clearly define "dangerous" or "vicious", and provide for established penalties. Penalties may include fines, imprisonment, **and/or** the relinquishing of total privileges to pet ownership. If a **dangerous/vicious** animal is allowed to be kept, laws should specify methods of secure confinement and control. A **dangerous/vicious** animal when kept outside should be **confined** in an **escape-proof** enclosure which is locked and secured **on** all six sides. Signs should be posted at property entrances and be visible from the nearest sidewalk or street. The licensing record could include a notation which will immediately identify an animal which has been deemed dangerous or vicious.

Reviewed/Revised by the NACA Corporate Office - 09/17/02

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# Are Breed-Specific Laws Effective?

## Dealing with Reckless Owners and Dangerous Dogs in Your Community

OCT 02 2007

Item 176

Exhibit 2

Meeting BC

WHEN IT COMES TO LAWS that regulate "dangerous dogs," there is at least one fact that is hard to dispute: Dogs permitted by their owners to run loose or dogs that attack people or other animals are a real and often serious problem in communities across the country. The more vexing and contentious issue arises in figuring out how to best address this problem. While many states, including New York, Texas and Illinois, favor laws that identify, track and regulate dangerous dogs regardless of breed and prohibit "breed-specific" laws that either regulate or ban a certain breed of dog, some local governments have enacted breed-specific laws. However, the problem of "dangerous dogs" will not be remedied by the "quick fix" of breed-specific laws.



PHOTO BY KIM LEVIN

There is no evidence that breed-specific laws – which are costly and difficult to enforce – make communities safer for human families or for the companion animals that are a part of so many households. And it turns out, such laws also have negative and wholly unintended consequences.

For example, a task force formed in 2003 to study the effectiveness of the Prince Georges County, Maryland pit bull ban estimated that the county spends more than a quarter-million dollars each year to enforce the ban. Further, in a report to the County Council, the task force noted that "public safety is not improved as a result of [the ban]" and that "there is no transgression committed by owner or animal that is not covered by another, non-breed specific portion of the Animal Control Code (i.e., vicious animal, nuisance animal, leash laws)." The task force recommended that Prince Georges County repeal the ban.

Breed-specific laws also cause unintended hardship to responsible owners of entirely friendly, properly supervised and well-socialized dogs that happen to fall within the regulated breed category. Regulated breeds, it is worth noting, have expanded in some localities to include not just American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, Bull Terriers and Rottweilers, but also a variety of other dogs, including American Bull Dogs, Mastiffs, Dalmatians, Chow Chows, German

Shepherds, Doberman Pinschers and any mix of these breeds. Although these dog owners have done nothing to endanger the public, they may be required to comply with onerous regulations. Sadly, these responsible caretakers can be forced to choose between costly compliance and giving up their beloved companion,

Moreover, in their study of human fatalities resulting from dog bites, the United States Centers for Disease Control (CDC) did not support the breed-specific approach. They cited, among other problems, the inaccuracy of dog bite data and the difficulty in identifying dog breeds (especially true of mixed breeds). They also noted the likelihood that as certain breeds are regulated, those who exploit dogs by making them aggressive will merely turn to other, unregulated breeds.

Significantly, the CDC also noted how many other factors beyond breed may affect a dog's tendency toward aggression – things such as heredity, sex, early experience, reproductive status and socialization and training.

These last two concerns seem well-founded given that more than 70 percent of all dog bite cases involve unsterilized male dogs, and that an unneutered male dog is 2.6 times more likely to bite than a neutered dog. In addition, a chained or tethered dog is 2.6 times more likely to bite than a dog that is not chained or tethered. Further, 97 percent of dogs

involved in fatal dog attacks in 2006 were not sterilized; 78 percent were maintained not as a pet but rather for guarding, image enhancement, fighting or breeding; and 84 percent were maintained by reckless owners — abused or neglected, not humanely controlled or contained, or allowed to interact with children unsupervised.

Perhaps the most unintended yet harmful consequence of breed-specific laws is their tendency to compromise rather than enhance public safety. When limited animal control resources are used to

regulate or ban a certain breed of dog, without regard to behavior, the focus is shifted away from routine, effective enforcement of laws that have the best chance of making our communities safer: dog license laws, leash laws, animal fighting laws, anti-tethering laws, laws facilitating animal sterilization and laws that require all dog owners to control their dogs, regardless of breed.

Unfortunately, these laws are often enforced more in the breach than as a routine function of law enforcement and animal control.



PHOTO BY LYNN TERRY

## Solutions

Recognizing that the problem of dangerous dogs requires serious attention, the ASPCA seeks effective enforcement of breed-neutral laws that hold dog owners accountable for their animals' actions. The ASPCA believes that this is the most reliable way to control aggressive dogs and reckless owners.

Ideally, this breed-neutral scheme should include the following:

- Enhanced enforcement of dog license laws, with adequate fees to augment animal control budgets and surcharges on ownership of unaltered dogs to help fund low-cost pet sterilization programs in the communities in which the fees are collected. To ensure a high licensing rate, Calgary, Canada — its animal control program funded entirely by license fees and fines — imposes a \$250 penalty for failure to license a dog over three months old.
- Enhanced enforcement of leash/dog-at-large laws, with adequate penalties to ensure that the laws are taken seriously and to augment animal control funding.
- Dangerous dog laws that are breed-neutral and focus on the behavior of the individual dog, with mandated sterilization and microchipping (or another permanent identification) of dogs deemed dangerous, and options for mandating muzzling, confinement, adult supervision, training, owner education and, in aggravating circumstances — such as when the owners cannot adequately control the dog or where the dog causes unjustified injury — euthanasia. In Multnomah County, Oregon, a breed-neutral ordinance imposing graduated penalties on dogs and owners according to the seriousness of the dogs' behavior has reduced repeat injurious bites from 25 percent to 7 percent.
- Laws that hold dog owners financially accountable for a failure to adhere to animal control laws, as well as civilly and criminally liable for unjustified injuries or damage caused by their dogs. Calgary, Canada has reduced reported incidents of aggression by 56 percent and its bite incidents by 21 percent by requiring owners of dogs that have displayed dog aggression or human aggression to pay fines ranging from \$250 to \$1500.
- Laws that prohibit chaining or tethering, coupled with enhanced enforcement of animal cruelty and animal fighting laws. Lawrence, Kansas has significantly reduced dog fighting and cruelty complaints by enacting an ordinance prohibiting tethering a dog for more than one hour.
- Laws that mandate the sterilization of shelter animals and make low-cost sterilization services widely available.

For help in drafting animal control laws, contact the ASPCA Legislative Services Department at [Legislative\\_Services@aspc.org](mailto:Legislative_Services@aspc.org).



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS  
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IN. Handel, German Police Dog Trainer, in his article, "The Psychological Basis of Temperament Testing" defines temperament as:

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"the sum total of all inborn and acquired physical and mental traits and talents which determines, forms and regulates behavior in the environment"

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Item 1E2  
Exhibit 3  
Meeting BCC REG

The ATTS test focuses on and measures different aspects of temperament such as stability, shyness, aggressiveness, and friendliness as well as the dog's instinct for protectiveness towards its handler and/or self-preservation in the face of a threat. The test is designed for the betterment of all breeds of dogs and takes into consideration each breed's inherent tendencies.

See full ratings for 2004 (info below and at this Official Link)

<http://www.atts.org/statistics.html>

Failure on any part of the test is recognized when a dog shows:

- Unprovoked aggression
- Panic without recovery
- Strong avoidance

2004 by Rating

**Note that a Pit Bull rates about the same score as a Golden Retriever!**

Yellow indicates dogs some call dangerous.

Breed Name	Tested	Passed	Failed	Percent
Afghan Hound	161	116	45	72.0%
Airedale Terrier	98	75	23	76.5%
Akbash Dog	13	11	2	84.6%
Akita	420	306	114	72.9%
Alapaha Blue Blood Bulldog	6	4	2	66.7%
Alaskan Malamute	182	153	29	84.1%
American Bulldog	116	95	21	81.9%
American Eskimo	75	62	13	82.7%
American Foxhound	1	1	0	100.0%
American Pit Bull Terrier	469	391	78	83.4%
American Staffordshire Terrier	480	400	80	83.3%
American Tunnel Terrier	2	2	0	100.0%
American Water Spaniel	5	4	1	80.0%
Anatolian Shepherd Dog	24	19	5	79.2%
Australian Cattle Dog	148	113	35	76.4%
Australian Kelpie	6	5	1	83.3%
Australian Shepherd	549	442	107	80.5%

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Australian Terrier	16	13	3	81.3%
Azawakh	1	1	0	100.0%
Basenji	156	103	53	66.0%
Basset Hound	32	27	5	84.4%
Beagle	55	43	12	78.2%
Bearded Collie	43	23	20	53.5%
Beauceron	10	7	3	70.0%
Bedlington Terrier	16	15	1	93.8%
Belgian Laekenois	4	4	0	100.0%
Belgian Malinois	196	176	20	89.8%
Belgian Sheepdog	449	358	91	79.7%
Belgian Tervuren	388	300	88	77.3%
Bernese Mountain Dog	149	128	21	85.9%
Bichon Frise	26	20	6	76.9%
Black and Tan Coonhound	13	13	0	100.0%
Black Russian Terrier	6	5	1	83.3%
Bloodhound	32	23	9	71.9%
Bluetick Coonhound	1	1	0	100.0%
Boerboel	5	5	0	100.0%
Border Collie	221	176	45	79.6%
Border Terrier	97	87	10	89.7%
Borzoi	94	83	11	88.3%
Boston Terrier	54	46	8	85.2%
Bouvier Des Flanders	837	707	130	84.5%
Boxer	333	282	51	84.7%
Boykin Spaniel	1	1	0	100.0%
Briard	290	232	58	80.0%
Brittany Spaniel	100	90	10	90.0%
Brussels Griffon	9	8	1	88.9%
Bull Terrier	55	50	5	90.9%
Bulldog	120	82	38	68.3%
Bullmastiff	106	80	26	75.5%
Cairn Terrier	41	29	12	70.7%
Canaan Dog	4	3	1	75.0%
Cane Corso	39	29	10	74.4%
Cao De Fila De Sao Miguel	1	0	1	0.0%
Cardigan Welsh Corgi	56	43	13	76.8%
Carolina Dog	2	2	0	100.0%
Catahoula Leopard Dog	8	6	2	75.0%
Caucasian Ovcharka	4	4	0	100.0%
Cavalier King Charles Spaniel	42	33	9	78.6%

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Central Asian Ovcharka	4	3	1	75.0%
Chart Polski	1	1	0	100.0%
Chesapeake Bay Retriever	92	79	13	85.9%
Chihuahua	34	24	10	70.6%
Chinese Crested Dog	30	22	8	73.3%
Chinese Shar-Pei	201	140	61	69.7%
Chinook	8	6	2	75.0%
Chow Chow	88	61	27	69.3%
Clumber Spaniel	12	10	2	83.3%
Cocker Spaniel	216	176	40	81.5%
Collie	791	625	166	79.0%
Curly-Coated Retriever	163	148	15	90.8%
Dachshund (Miniature Longhaired)	21	18	3	85.7%
Dachshund (Miniature Smooth)	26	20	6	76.9%
Dachshund (Miniature Wirehaired)	19	15	4	78.9%
Dachshund (Standard Longhaired)	31	22	9	71.0%
Dachshund (Standard Smooth)	42	28	14	66.7%
Dachshund (Standard Wirehaired)	23	19	4	82.6%
Dalmatian	306	249	57	81.4%
Dandie Dinmont Terrier	7	5	2	71.4%
Doberman Pinscher	1399	1070	329	76.5%
Dogo Argentino	10	9	1	90.0%
Dogue De Bordeaux	57	40	17	70.2%
Dutch Shepherd	6	6	0	100.0%
English Cocker Spaniel	59	55	4	93.2%
English Foxhound	3	2	1	66.7%
English Jack Russel Terrier	2	2	0	100.0%
English Setter	19	14	5	73.7%
English Shepherd	3	3	0	100.0%
English Springer Spaniel	136	114	22	83.8%
Estrala Mountain Dog	1	1	0	100.0%
Field Spaniel	6	4	2	66.7%
Fila Brasileiro	12	9	3	75.0%
Finnish Lapphund	6	4	2	66.7%
Finnish Spitz	10	7	3	70.0%
Flat-Coated Retriever	81	74	7	91.4%
French Bulldog	17	16	1	94.1%
German Pinscher	5	4	1	80.0%
German Shepherd Dog	2717	2250	467	82.8%
German Shorthaired Pointer	115	87	28	75.7%
German Wirehaired Pointer	17	14	3	82.4%

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Giant Schnauzer	226	167	59	73.9%
Golden Retriever	659	551	108	83.6%
Gordon Setter	60	49	11	81.7%
Great Dane	229	180	49	78.6%
Great Pyrenees	127	106	21	83.5%
Greater Swiss Mountain dog	172	136	36	79.1%
Greyhound	55	44	11	80.0%
Havanese	5	5	0	100.0%
Hovawart	12	11	1	91.7%
Ibizan Hound	29	26	3	89.7%
Irish Setter	130	118	12	90.8%
Irish Terrier	10	8	2	80.0%
Irish Water Spaniel	25	22	3	88.0%
Irish Wolfhound	90	80	10	88.9%
Italian Greyhound	36	27	9	75.0%
Japanese Chin	4	4	0	100.0%
Karelian Bear Dog	2	2	0	100.0%
Keeshond	81	65	16	80.2%
Kerry Blue Terrier	49	36	13	73.5%
Komondor	7	6	1	85.7%
Kuvasz	36	28	8	77.8%
Labrador Retriever	644	587	57	91.1%
Lakeland Terrier	5	3	2	60.0%
Leonberger	14	13	1	92.9%
Lhasa Apso	26	18	8	69.2%
Lowchen	12	9	3	75.0%
Lurcher	1	1	0	100.0%
Maltese	12	10	2	83.3%
Manchester Terrier	46	40	6	87.0%
Mastiff	142	120	22	84.5%
Miniature Bull Terrier	7	7	0	100.0%
Miniature Pinscher	50	40	10	80.0%
Miniature Poodle	63	48	15	76.2%
Miniature Schnauzer	100	78	22	78.0%
Mixed Breed	680	579	101	85.1%
Neapolitan Mastiff	11	6	5	54.5%
Newfoundland	165	144	21	87.3%
Norfolk Terrier	9	8	1	88.9%
Norwegian Elkhound	121	90	31	74.4%
Norwich Terrier	13	9	4	69.2%
Nova Scotia Duck Tolling Retriever	13	8	5	61.5%

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Old English Bull Dogge	2	2	0	100.0%
Old English Sheepdog	45	35	10	77.8%
Otter-hound	10	7	3	70.0%
Papillon	71	56	15	78.9%
Parson Russell Terrier	54	44	10	81.5%
Pekingese	14	13	1	92.9%
Pembroke Welsh Corgi	177	137	40	77.5%
Petit Basset Griffon Vendéen	9	8	1	88.9%
Pharaoh Hound	52	42	10	80.8%
Pointer	17	15	2	88.2%
Polski Owczarek Nizinny	10	5	5	50.0%
Pomeranian	32	24	8	75.0%
Portuguese Water Dog	136	105	31	77.2%
Presa Canario	10	9	1	90.0%
Pug	35	32	3	91.4%
Puli	23	21	2	91.3%
Pungsan	2	2	0	100.0%
Rat Terrier	12	10	2	83.3%
Redbone Coonhound	4	4	0	100.0%
Rhodesian Ridgeback	213	163	50	76.5%
Rottweiler	4498	3702	796	82.3%
Russo-European Laika	2	2	0	100.0%
Saint Bernard	41	34	7	82.9%
Saluki	60	41	19	68.3%
Samoyed	272	214	58	78.7%
Schipperke	99	90	9	90.9%
Scottish Deerhound	30	27	3	90.0%
Scottish Terrier	32	21	11	65.6%
Sealyham Terrier	1	1	0	100.0%
Shetland Sheepdog	459	306	153	66.7%
Shiba Inu	23	15	8	65.2%
Shih Tzu	39	30	9	76.9%
Shiloh Shepherd	14	11	3	78.6%
Siberian Husky	271	235	36	86.7%
Silky Terrier	16	11	5	68.8%
Skye Terrier	8	3	5	37.5%
Sloughi	1	1	0	100.0%
Smooth Fox Terrier	52	39	13	75.0%
Soft Coated Wheaten Terrier	32	23	9	71.9%
Spinone Italiano	5	2	3	40.0%
Staffordshire Bull Terrier	59	55	4	93.2%



Standard Poodle	206	178	28	86.4%
Standard Schnauzer	54	35	19	64.8%
Sussex Spaniel	3	3	0	100.0%
Sweedish Vallhund	1	1	0	100.0%
Texas Heeler	1	1	0	100.0%
Tibetan Kyapso	1	1	0	100.0%
Tibetan Mastiff	13	5	8	38.5%
Tibetan Spaniel	8	7	1	87.5%
Tibetan Terrier	10	5	5	50.0%
Tosa	3	3	0	100.0%
Toy Fox terrier	8	6	2	75.0%
Toy Manchester Terrier	10	10	0	100.0%
Toy Poodle	47	38	9	80.9%
Treeing Feist	1	1	0	100.0%
Treeing Walker Coonhound	8	5	3	62.5%
Vizsla	46	38	8	82.6%
Weimaraner	202	161	41	79.7%
Welsh Sheepdog	1	1	0	100.0%
Welsh Springer Spaniel	5	5	0	100.0%
Welsh Terrier	34	26	8	76.5%
West Highland White Terrier	50	43	7	86.0%
Whippet	175	148	27	84.6%
Wire Fox Terrier	18	15	3	83.3%
Xoloitzcuintli	3	3	0	100.0%
Yorkshire Terrier	35	28	7	80.0%



Free Web Site Counter

OCT 02 2007

**Fatal Dog Attack Studies: Wrong numbers, not statistics**

Item 1E2  
Exhibit 4  
Meeting 1052 RES

Though neither was intended for this purpose, two separate studies on fatal dog attacks in the United States have been characterized as evidence of the dangerousness of pit bulls, based on the number of pit bulls found to be involved in fatal attacks. Politicians, editorialists and other breed-ban advocates continue to quote the tabulations in these studies in discussions on dangerous dog legislation and/or breed specific bans.

Both these studies used newspapers as their primary source for data collection on the number of fatal dog attacks and the breeds involved.

1. *"Are 'Pit Bulls' Different? An analysis of the Pit Bull Terrier Controversy", Lockwood, R, and Rindy, K. Anthrozoos, Volume 1, Number 1 pg. 2-8.*

The authors of this study present the data they have compiled from sources, including the "press" as:

*"In 1986 we received 1 reports of 12 fatalities from dog attack."*

*"A less comprehensive survey of fatal attacks between October 1983 and December 1984 yielded reports of 9 additional fatalities."*

However, data gathered from additional sources reveal that:

**In 1986 there were 14 fatal dog attack (not 12).**

**Between October 1983 and December 1984 there were 28 fatal attacks (not 9).**

**Thus, the authors failed to capture 14 fatal dog attacks. None were by pit bull type dogs. 11 of these attacks were on children. \***

2. *"Breeds of Dogs Involved in Fatal Human Attacks in the United States between 1979 and 1998"* Sacks, JJ, Sinclair, L, Gilchrist J, Golab G, Lockwood R. JAVMA Vol. 217, 2000.  
(Centers for Disease Control or CDC Study)

From examination of mortality tapes (death certificates), the CDC determined that at least 327 persons were killed in dog-bite incidents during the years 1979-1998. Since death certificates do not provide information on the circumstances of the attack or the breeds of dogs involved, the CDC relied on newspaper articles to capture this data. Newspapers articles were searched for information on these attacks and provided breed information on 238 of the 327 deaths due to dogs during this 20-year period.

No newspaper articles could be located on 89 of the 327 dog-bite-related deaths during this time period, and as such these deaths were not included in the CDC's statistical data on breeds of dogs involved in attacks.

*Extensive additional research\* has resulted in locating and documenting 40 of the 89 fatalities for which the CDC could not locate newspaper articles reporting the incident and/or the breed of dog involved. Of the 40 fatal attacks not located in newspaper reports, 37 involved breeds of dogs other than a pit bull or pit bull type (log.*

Given the small study population of the CDC study (n=238), the omission of 40 additional cases is significant.

*Both the CDC and Dr. Lockwood warned that their enumerations were not an argument for breed legislation of any kind. They were righter than they knew. Not only are the published tabulations under examination impossibly unrepresentative of the total dog population, the tabulations themselves are inaccurate!*

**The CDC stopped tracking dog attacks by breed in 1998. They understand that such tabulations are not science and are no basis for public policy.**

All information was researched and is fully documented by Karen Delise LVT, author of  
FATAL DOG ATTACKS: THE STORIES BEHIND THE STATISTICS  
Anubis Press, Manorville, New York 2002  
[www.nationalcanineresearchcouncil.com](http://www.nationalcanineresearchcouncil.com)

[www.animalfarmfoundation.org](http://www.animalfarmfoundation.org)

# AVMA & CDC Experts Clarify Their Position Against Breed Specific Legislation

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Exhibit 5  
Meeting BCC REG

A few years ago, the American Veterinary Medical Association conducted a joint study with the **Centers** for Disease Control to assess fatal dog bites and make recommendations on how communities could protect their citizens. Dr. Gail **Golab** of the AVMA **co-authored** the report with the **CDC's** Dr. **Julie Gilchrist**.

"It is frustrating for me personally," **Golab** says, "because people who **want** to enact breed-specific legislation keep using that paper to **try and** make a case against pit bulls. But all we did was match breeds with **fatalities** over a **20-year** period. And the numbers show that the breed that goes to the top changes over **time**, which suggests that something **other** than breed is responsible for the fatalities. But people try to use just the last few years in the **table**, which shows pit bulls and **Rottweilers** on top. **The whole point** of our summary was to **explain** why you **can't** do that. **But** the media and the people who want to **support** their case just **don't look** at that."

The **CDC's Gilchrist** argues that "the breeds involved are going to vary. The more encompassing way is to deal with dangerous dogs so that **every dog** and every owner is covered **all the time**" Adapted from Best Friends Magazine, September/October 2004

**The CDC stopped tracking dog attacks by breed in 1998. Such tabulations are not science and are no basis for public policy.**

**BREED SPECIFIC LEGISLATION  
DOES NOT ADVANCE COMMUNITY SAFETY\*  
IT IS BAD FOR PEOPLE AND FOR DOGS.**

[www.animalfarmfoundation.org](http://www.animalfarmfoundation.org)

Does Breed Specific Legislation reduce dog aggression on humans and other animals? A review paper

OCT 02 2007

Item 1E2

Exhibit 6

Meeting BCC-REG

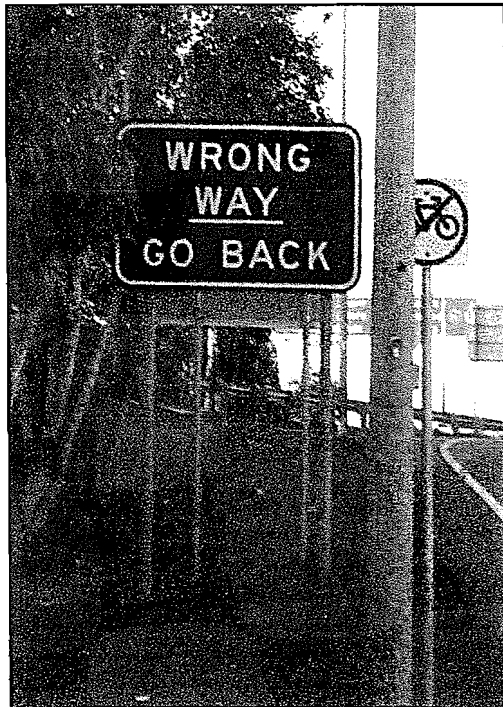
Linda Watson

**ABSTRACT**

There is no evidence in the literature to support the notion that restricting particular breeds helps reduce dog attacks. Breed specific legislative measures reflect a simplistic and unrealistic appreciation of the causal factors involved. Real solutions are available but of necessity, they must involve a multidimensional approach involving dog owners, parents, children, the community at large, local authorities and legislators.

Breed specific legislation has been seen as a reasonable opening legislative gambit by some but only in as much as it signals a political intent to do something about trying to minimize dog aggression accidents and injuries. It is appropriate now that the goal should be to do something useful.

**Introduction**



For over 70 years governments around the world have legislated against various breeds of dogs for a variety of reasons. In Australia, the first instance was more than 70 years ago when in 1929 the Commonwealth Government banned the import of German Shepherd Dogs after lobbying by pastoralists who were convinced that German Shepherd Dogs would mate with dingoes and produce a massive sheep eating machine (Rodger, 1990). This ban remained in force until it was removed in 1974 following intense lobbying from German Shepherd breeders and owners including then Federal Member of Parliament and Customs Minister, Don Chip (Rodger, 1990). The rationale for this legislation was incorrect and as a consequence it was ineffective as a preventative measure. It took 55 years to redress this wrong and the sense of de-javu with current breed specific legislation is unavoidable.

In 1991, following the introduction of the Dangerous Dogs Act in the United Kingdom and the death of an infant in New South Wales as a result of an incident involving a Bull Terrier (Age, 1991) the Commonwealth Government banned from import four dog breeds - American Pit Bull Terrier or pit bull terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro<sup>1</sup> (Griffiths, 1991). The 1995 death of an elderly woman in Toowoomba was

<sup>1</sup> Customs (Prohibited Imports) Regulations 1992.

widely reported as an attack by an American Pit Bull Terrier. The dog involved was in fact a cross breed of unknown origins (Collicutt, 1996) and had been registered as a Labrador cross (Shultz, 2003). The result was that several Queensland Councils introduced restrictions or total bans on American Pit Bull Terriers.



Legislation with varied restrictions relating to these breeds came into effect in South Australia<sup>2</sup> in 1995, New South Wales<sup>3</sup> in 1998, Queensland<sup>4</sup> and Victoria<sup>5</sup> in 2001 and Western Australia<sup>6</sup> in 2002. Most States have used the Commonwealth Import Prohibition as justification for their restrictions (NCCAW, 2002).

Restrictions have been extended to other breeds and crosses by some Queensland Councils. More than 15 breeds and crosses have been targeted (CCCQ, 2002; Queensland DLGP, 2003) and one Council, as well as restrictions on particular breeds has restrictions on dogs over a particular weight or height (Mount Morgan Shire).

This kind of breed specific legislation fits a pattern that had its origin in the United States in the eighties. For the purpose of this paper discussion will primarily focus on American Pit Bull Terriers or Pit Bulls as current breed specific legislation is aimed typically at this breed and type both in Australia and elsewhere

#### Causal factors

Breed specific bite statistics are generally flawed for two reasons

- firstly, because breeds are principally about what a dog looks like (phenotype not genotype), it is easy for even experienced observers to make breed and cross breed identifications incorrectly.
- secondly, because relative breed incidence is a function of population proportions that are not known with any certainty, it is impossible to apportion breed blame.

Media hype reflects certain breeds disproportionately and sometimes also misrepresents breeds causing a misunderstanding within the community (Podberscek, 1994). It is possible that breed specific legislation reflects media pressure.

American Pit Bull Terriers and crosses cannot be identified by appearance alone, and no genetic test to identify an American Pit Bull terrier is possible (Wagner, 2002; Coppinger and Coppinger, 2001). Thus there is an important practical problem that any breed-specific legislation raises, that of proof of identification. It is not fair or reasonable for Governments to place the onus on the owner to prove the breed of dog when the majority of experts agree that it is not possible. Dr Stephen Collier (2002) states: "Identification of the breed of an attacking dog is seldom reliably assessed, and usually is taken from media

<sup>2</sup> Dog and Cat Management Act 1995.

<sup>3</sup> Companion Animals Act 1998-Companion Animals Amendment Bill 2001.

<sup>4</sup> Chapter 17A, Local Government Act 1993 - Local Government and Other Legislation Amendment Bill (No. 2) 2001.

<sup>5</sup> Domestic (Feral and Nuisance) Animals Act 1994 - Animals Legislation (Responsible Ownership) Bill 2001.

<sup>6</sup> Dog Act 1976, Dog (Restricted Breeds) Regulations 2002.

reports (eg Sacks et al. 2000). Not only are the news media more likely to report attacks by breeds like "pit bulls" and to wax and wane in their interest in dog attacks (Podberscek, 1994; Overall and Love, 2001), but in periods of heightened panic, attacks by almost any dog are attributed to pit bulls (Hearne, 1991; O'Neil, 1995; Jessup, 1995). These authors provide specific cases of heavily reported attacks by "pit bulls" that in fact were not pit bulls. A cursory examination of Australian media reports would reveal this to be the general rather than episodic situation."

To confuse the issue even further the term Pit Bull has often been used as a generalised description to describe a type of dog, such as one might use the terms gundog, sheepdog or spaniel. In the United States the term is usually used to describe the;

- American Pit Bull Terrier
- American Staffordshire Terrier
- Bull Terrier
- Staffordshire Bull Terrier, and
- almost every dog that looks anything like these dogs.

It is also not uncommon for the English Bulldog or the American Bulldog to be included. Another common practice is that any dog that looks even remotely like a Pit Bull is classified as a Pit Bull, Pit Bull type or Pit Bull cross even if another breed of dog is just as evident. Therefore,

Statistics that claim Pit Bulls are responsible for some percentage of attacks are combining many separate breeds together and then comparing that to other dogs that are counted as individual breeds

It is recognized that a dog's reaction in any situation depends on at least six interacting factors (Wright, 1991; Seksel, 2002):

- heredity
- early experience
- later socialisation and training
- health (medical and behavioral)
- current environment and victim behaviour

Therefore,

"The classification of dog breeds with respect to their relative danger to humans makes no sense, as both the complex antecedent conditions in which aggressive behavior occurs, and its ramifying consequences in the individual dog's ecological and social environment are not considered" (Feddersen-Peterson, 2001).

Are some breeds over represented in dog attacks?

A variety of breeds have been identified over time and place as being "dangerous" and has included German Shepherds, Doberman Pinschers, Rottweilers, American Pit Bull

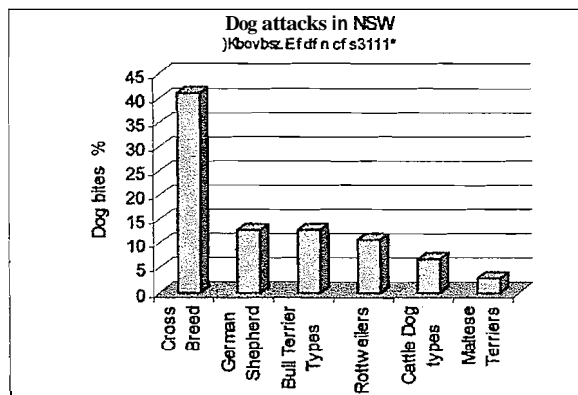
Terriers, Staffordshire Bull Terriers, Chow Chows, Akitas, St Bernards, Malamutes, Siberian Huskies, Bloodhounds, Great Danes, and Australia Cattle Dogs (Hockey, 2003). Thirty-seven breeds and types of dogs have been involved in fatal attacks on humans in a thirty-seven year period in the United States (Delise, 2002). The author also noted that most of these breeds became at some point in time in that thirty-seven year period the breed of choice for many people.

The American Temperament and Test Society was established 24 years ago as a resource to objectively evaluate the temperament of all breeds of dogs. This test is quite extensive, and not easy to pass. Dogs are faced with a variety of unusual and stressful situations such as being approached by strangers, approached by people with other dogs, being startled by a sudden noise, being placed on uneven footing and so forth. Over these 24 years, the American Temperament and Test Society has tested over 22,000 dogs of 185 different breeds (ATTS, 2003). The average pass rate of these breeds combined is 80.4%, while 82.7% of all American Pit bull Terriers have passed.

Additionally, new genetic research has recently concluded that there are no inherent differences in phenotypes of dogs in determining aggressive tendencies (Wagner, 2001). What this author is saying is that aggressiveness is not a function of appearance, or in other words, because a dog may look like an aggressive type of dog, this has no bearing on whether it actually is – and vice versa. Dr. Cornelia Wagner states that aggressive tendencies are innate in all canine species. She continues in saying that just because aggression levels can be increased or decreased through selective breeding, does not prove that aggressiveness is hereditary. Most often those people most interested in aggressive dogs are seeking to use them for aggressive purposes, and expose them to environments which shape their behavior in their desired fashion (Stur, 2000). In these situations, environmental factors are ignored, as it is much easier to blame the breed or genetic makeup of the dog. Further genetic research is indicating that the differences in the genetic makeup of breed are so minute that drastic differences in temperament and aggressiveness are most likely not influenced by genetic disposition. Similarly it has been reported that “the genetic differences between a Chihuahua, a German shepherd and even a timber wolf are virtually non-existent and the behavioral differences in breeds has more to do with training than breeding” (DN, 2001). Although they look different, dog breeds have no more scientific basis than do races among humans (Serpell, 2001).

The case against APBT having genes determining aggression was strong enough to be accepted by the Alabama Supreme Court in August 2002 in a case brought by the

Washington Animal Foundation (Mays, 2002b).

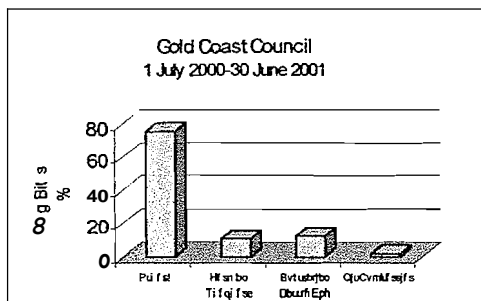


Over 40% of dogs in Australia are crossbreeds and therefore do not demonstrate consistent breed type to any particular breed (Seksal, 2002).

There are numerous reports on dog bites in Australia NSW government reports (NSW DLG)



on dog attacks over the years 1996 to 2001 have reported the number of breeds involved as, 28 in 1996, 34 in 1997, 22 in six months of 1998, 18 in 1999, 29 in 2000 and 15 in four months of 2001. More specifically a report on dog bites released in 2001 revealed that there were 213 dog attacks in NSW from January to December 2000 and of these 41% were deemed to be crossbreeds. Where breed was identified, the predominant breeds involved were German Shepherds (13%), Bull Terrier types (13%), Rottweilers (11%), Cattle dog types (7%) and Maltese Terriers (3%). Bull terrier types included American Pit Bull Terrier, Bull Terrier, Pit Bull Terrier and Staffordshire Bull Terrier. No explanation or definition was provided for the breed description Pit Bull Terrier as compared to American Pit Bull Terrier. Cattle dog types included Heeler, Cattle dog and Kelpie.



Gold Coast City Council data on dog attacks for the period 1 July 2000 to 30 June 2001 recorded a total of 163 dog attacks. German Shepherds recorded 17, Australian Cattle Dog 20 and Pit Bull Terrier 3. Attacks attributed to pit bull terriers on the Gold Coast were cited as the major reason for the Local Government and Other Legislation Amendment Bill (No. 2), 2001<sup>7</sup>.

Data from 19 Queensland Councils (EDBA, 2001) reported 8 Pit Bull attacks out of a total of 750 attacks. Brisbane City Council declared Dangerous Dog ratings (BCC, 1997) for the period 1991 to 1996 reported the seven highest danger rated pure breeds and cross breeds and their representation ratio.

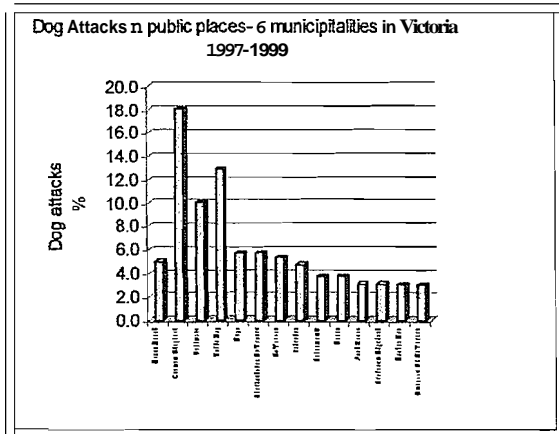
The representation ratio can be used to compare relative risks between breeds. For example, using these figures, the Cattle Dog is about two times more likely to be declared a dangerous dog than a Staffordshire Bull Terrier. The methodology used has a number of limitations including the use of declared dangerous dogs accumulated over several years whereas the registration figure was for one year (1996). Also, not all dogs are registered and breed identification may not be accurate. In 1996, despite the absence of the American Pit Bull Terrier in these ratings, Brisbane City Council banned American Pit Bull Terriers and crosses.

Danger rankings for breeds on Brisbane City Council's Dangerous Dog List	
PUREBREEDS	Danger Rating
1. Cattle Dog	1.72
2. Bull Terrier	1.62
3. German Shepherd	1.55
4. Rottweiler	1.29
5. Dobermann	1.08
6. Staffordshire Bull Terrier	0.84
7. Border Collie	0.34
CROSS BREEDS	
1. Bull Terrier x	3.63
2. German Shepherd x	3.14
3. Cattle Dog x	2.94
4. Rottweiler x	2.63
5. Kelpie x	2.25
6. Labrador x	1.79
7. Border Collie x	1.00

In 1998, the Victorian Bureau of Animal Welfare (BAW, 1998) reported similar findings where it was revealed that the predominant breeds involved were the German Shepherd (22 attacks), Rottweiler (22 attacks), Australian Cattle Dog or Queensland Heeler (19 attacks), Staffordshire Bull Terrier (13 attacks), Australian Kelpie (6 attacks) and

<sup>7</sup> Local Government and Other Legislation Amendment Bill (No. 2) 2002 – Explanatory Notes

Labrador (4 attacks). Only one attack in the Victorian findings could be definitively



attributed to a Pit Bull Terrier as the breed of dog involved. However four possible Pit Bull crosses were identified within the total of 223 dog attacks in the report. Between 1997 and 1999 the Victorian Bureau of Animal Welfare conducted a study of dog bites in public places in six municipalities (BAW, 1999). A total of 700 attacks were recorded. There were 46 breeds (including crosses) responsible for attacks with the following order of precedence: German Shepherd 127, Cattle Dog 90, Rottweiler 71, Kelpie 40,

Staffordshire Bull Terrier 40, Bull Terrier 37, Crossbreed 35, Labrador 33, Doberman 26, Boxer 26, Jack Russell 22, Rhodesian Ridgeback 22, Border Collie 21, American Pit Bull Terrier 21.

A study of breeds presented for aggressive behaviour at a behavioural clinic in Brisbane over a two-year period included twenty-six breeds of dogs (Blackshaw, 1991).

It is clear that the dogs involved in attacks on humans and animals in Australia involve a range of common breeds of dog. The same applies for crossbreed dogs.

In a review of 31 studies on dog bites by breed (Hockey, 2003) the diversity of breeds mentioned in reports as well as the persistence of particular breeds was noted. This review found that German Shepherds were mentioned in 28 out of 31 studies but some breeds such as Chihuahuas and Shih Tzus were only mentioned once. Pit Bull terriers were mentioned in only eight studies. Further, this review states that very few of these studies have attempted to measure the relative dangers of particular breeds and also use reliable measures of the relative frequency of the breeds in the dog population. Of these six studies all but one identified German Shepherds as being over represented in dog bite statistics with the relative risk ranging from 3.4 to 1.8. The other found that German Shepherds were no more likely to bite than Labrador Retrievers and that mixed breed dogs were no more likely to bite than pure breeds. The review (Hockey, 2003) also noted that none of the studies identified Pit Bull Terriers as being over represented in dog bite statistics.

Do attacks from some breeds result in more severe injuries?

A review (Hockey, 2003) cited two reports to answer this question. One relied on unvalidated media reports of dog attacks and found that more than half of the 278 reports involved Pit Bulls (Lockwood et al, 1987). The review found that comparison of this report with other contemporary studies indicated a reporting bias towards attacks involving this type of dog. The review also noted that another bias inherent in this study was that the injury severity was not validated and, in light of the hysteria surrounding this breed, media reports may have tended to overstate the severity of the injuries where Pit

Bulls were involved. Also media reports may be more likely to wrongly identify the breed as a Pit Bull where the injuries are more severe. These biases were recognised by the authors. Of the 143 Pit Bull attacks 38.5% were regarded as serious (requiring medical attention) compared to 26.7% where other breeds were involved. This result was not statistically significant. The authors also found that the common theme in virtually all attacks reviewed was that the owner had *not* taken appropriate steps to prevent the dog from becoming a problem and that irresponsible owners are not a problem unique to one particular breed. Consequently they recommend that dog control legislation must emphasise responsible ownership.

The other study reviewed by Hockey (2003) involved reports of 2132 animal bites in 1993 to animal control authorities (Palm Beach County, 1993). All bites were graded for severity from 1. Very superficial wound requiring little or no first aid, to 5. Death. There were 143 pit bull attacks comprising 8% of all bites of which 16% had a severity of 3 or above (requiring medical attention). Corresponding figures for other popular breeds are Dalmatian 24%, Rottweiler 21%, Doberman 17%, Golden Retriever 16%, Labrador Retriever 16% and German Shepherd 12%. The review noted that in comparison to other popular breeds the figure for Pit Bulls does not appear to be excessive.

#### Has breed specific legislation reduced dog attacks?

Only one study has attempted to quantify the effect of breed specific legislation. This was in the United Kingdom where a comparative prospective study of mammalian bites attending at an Emergency Department before implementation of the Dangerous Dogs Act in 1991 and again two years later (Klaassen et al, 1996). The report found that introduction of the Act resulted in no decline in dog bite presentations with 73.9% before and 73.1% after. Prior to the introduction of the Act, Alsations were the most common breed with 24.2% of cases, the same as human bites. The percentage of bites involving so-called 'dangerous' breeds increased from 6% pre legislation to 11% post legislation. The authors concluded that the Dangerous Dogs Act 1991 has done little to protect the public from mammalian bites and that the Act has singled out certain 'dangerous' breeds without any substantive data to support it. They also conclude that if legislation is to reduce injury from dog bites there should be much wider control of the dog population in general and not just targeting of the breeds referred to in the Act.

Numerous dog bite data do not support the inference that American Pit Bull Terriers pose more of a threat than a lot of other breeds. Studies of breeds of dog involved in attacks clearly show the breeds often subject to restrictions are no more likely to attack or cause more serious injuries than many other similarly sized dog.

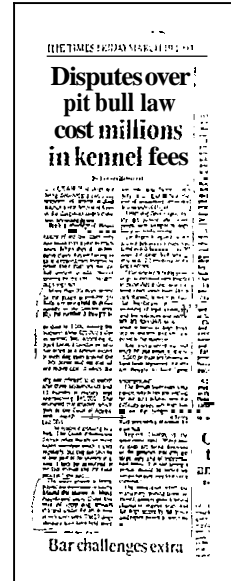
#### Is breed specific legislation enforceable?

Dog owners will challenge breed specific laws but the challenge is a difficult one because in general the courts defer to lawmakers, upholding legislation when there seems to be some rational connection to the promotion of public safety. It is even more difficult when Governments write laws purposely to make challenges difficult, if not impossible. A good example of this is the Queensland Governments 2001 legislation<sup>8</sup> related to restricted breeds

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<sup>8</sup> Chapter 17A of the Local Government Act 1993.  
Pat 17A of the Local Government Regulation 1994.  
Pat 70f Chapter 19 of the Local Government Act 1993.

One of the worst aspects of the Dangerous Dogs Act in the United Kingdom was that the burden of proof was reversed. The dog was presumed guilty and the owner had to prove their dog's innocence when on a charge of resembling a pit bull type (essentially any short dog with four legs, a head and a tail). "The Dangerous Dogs Act, in its original, brutal form, lasted for six years until the Government caved in to public pressure – even the media had changed sides and pronounced the Act unfair" (Mays, 2001a). In 1996 the Victorian Bureau of Animal Welfare stated that the cost of breed identification done for the enforcement of the UK Dangerous Dog Act 1991 was \$US14 million. Disputes over breed identification also cost millions in kennel fees (Hidalgo, 1993). This is being repeated in Australia with the Queensland Government implementing legislation<sup>8</sup> that has also reversed the burden of proof.



After German States enacted sweeping breed bans in 2001, the Federal Administrative Court decreed in 2002 that a state could not ban ownership of a dog based on breed.

In the United States, Pennsylvania, Virginia and another nine States have legislation in place prohibiting local authorities from implementing dog control ordinances based on breed. Cincinnati repealed its breed specific ordinances after deeming them to be both "ineffective and unenforceable" and as mentioned previously the Supreme Court of Alabama ruled there was no genetic evidence that one breed of dog was more dangerous than another, simply because of its breed (Mays, 2002b).

Edmonton, Canada (Edmonton, 2003) is proposing to remove the restricted breed component of their laws because "in every city surveyed the pit bull breeds are not the major problem, and even in cities that do not restrict pit bulls they are not the major 'problem' dog". The statistics taken since 1997, show 4 other breeds with the same number of incidents as pit bulls, and 11 breeds with a greater number of incidents. "Therefore: The justification used for restricting pit bulls applies equally to several other breeds, that is, some individuals of the breed did attack and injure humans in this City. If carried through to its logical conclusion this would lead to the situation of banning numerous very popular breeds".

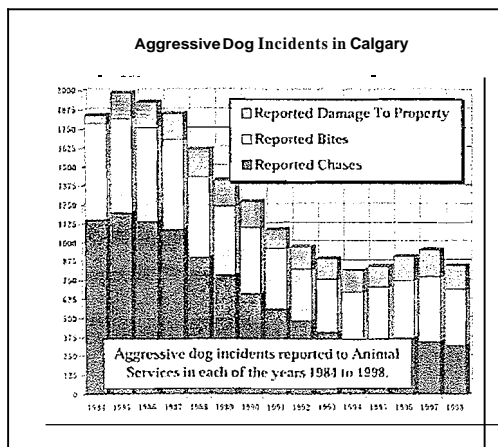
In Australia, breed identification by hastily trained council employees has already been found wanting (Taylor, 2002; Kincald, 2002; Mays, 2002b). It is only a matter of time before the reversal of the onus of proof is challenged in a higher court.

#### Does it reduce dog attacks?

In 2001, a task force on Canine Aggression and Canine-Hum Interaction was formed by the American Veterinary Medical Association. This task force examined many aspects of Canine behaviour. They published a paper, titled "A community approach to Dog Bite Prevention". This panel consisted of over 20 professionals and included Veterinarians, Dog Behavior Specialists and Attorneys. They referred to over 70 periodicals and professional journal articles in discussing this problem.

In its findings, the Task Force stated clearly that there was no statistical, biological or behavioral evidence that any breed of dog was more vicious or more dangerous than others

All dogs bite. All dogs can inflict harm on another dog or person. They stated clearly that dog bite statistics are constantly skewed towards larger and more popular dogs, and are an inaccurate measure of how likely a breed of dog is to bite. Additionally, they state emphatically throughout this report that people involved in these incidences (owners and victims alike) are often more to blame than the dogs themselves. This report emphasised that a well-planned proactive community approach would make a significant impact on the frequency of dog attacks. Many local communities have managed to implement successful dog bite prevention strategies without resorting to breed bans. The State of Nevada was able to reduce the incidence of dog bites by approximately 15% by actively focusing on dog bite prevention using a program based on recommendations by the task force.



The City of Calgary (Calgary, 2003) is another good example, with a reduction in the dog attack rate of 50% over 10 years. The dog bite: people ratio reduced from 1.03 bites per 1000 people in 1984 to 0.45 bites per 1000 people in 1998.

The Division of Unintentional Injury Prevention of the Centers for Disease Control and Prevention in the United States noted in a paper on fatal dog attacks (CDCP, 1996) that breed specific approaches to the control of dog bites do not address the issue that many breeds are involved in the problem and that most of the factors contributing to dog bites are related to the level of responsibility exercised by dog owners. To prevent dog bite related deaths and injuries they recommend public education about responsible dog ownership and dog bite prevention, stronger animal control laws, better resources for enforcement of these laws and better reporting of bites

### Summary

One or more dogs are kept by 68% of Australian Households and 53% who do not at present own a pet would, in the future, like one. Most want a dog. The great majority of pet owners are responsible and considerate carers. They treat their dog or cat with affection and as a member of the family. They care for its well-being, health and safety (McHarg et al, 1995). It is not always appreciated how much dogs mean to their human families. American studies have found that 33% of dog owners feel the dog to be as important as other family members, and 8% feel closer to the dog than to any other family member (Hart 1995).

A significant proportion of society perceives pet ownership to be of real and lasting value to the individual, the family unit and therefore the community (PIAS, 1974). It has been estimated that by considering the improved health implications, pets translate into enormous savings in the Australian health budget. This has been estimated at \$2.2 billion per year (Headey et al, 1999).

While dog attacks are a significant public safety issue in Australia, as elsewhere, a very small number of the dogs in our communities bite people in any given year (BAW, 1999). The risk is very small and the public and personal benefit of dog ownership is enormous. The average annual death rate attributed to dog attacks between 1979 and 1996 was 0.004 per 100,000 people, with 11 fatalities in that period (Ashby, 2001). To give these figures some perspective in comparison to other causes of death, between 1979 and 1995, 41 Australians died as a result of a bee or wasp sting (AVRU, 1998). For 2001, 2454 suicides were registered with an age standardised rate for that year of 12.5 deaths per 100,000 persons (ABS, 2001). Between 1925 and 1998, 164,190 road deaths were recorded. In 1999 alone there were 1,761 road fatalities, representing 9.5 fatalities per 100,000 persons (ATSB, 1998). Has legislation been proposed to prohibit vehicle models that can potentially go dangerously fast?

Dog aggression incidents require closer examination to determine factors involved. In a book on fatal dog attacks occurring in the United States, chaining a dog was one of the single most dangerous conditions in which to maintain a dog. Of 431 deaths between 1965 and 2001, 25% of all fatalities involved a chained dog (Delise, 2002). It is also interesting to note that studies have shown a significant relationship between socio-economic status and dog bite rate (DHS, 1996). Similarly, it was noted in another paper that the problem of irresponsible ownership appeared not to be uniform across socio-economic areas (Upton, 1992). This area of research is worth looking at more closely.

Better management by government and owners alike is needed before increasingly restrictive legislation. It should not be hard for people to keep dogs for pets. The last thing needed is restrictive legislation that logically cannot and historically never has, been beneficial.

This image is a metaphor. You can see what they are trying to say, but you can also see that it is all wrong in the detail.



Breed specific legislation is like that.

## Key Points

- Breed specific legislation has not been shown to reduce the incidence of dog bites in any part of the world despite a twenty-year history. By its nature it is unjust.
- Breed specific legislation removes responsibility for dog biting incidents from dog owners and places the blame on dogs. This is a dangerously simplistic solution to a complex problem.
- Breed specific legislation engenders a false and dangerous perception that breeds not included will not *show* aggression.
- Enforcing and administering any law comes at some monetary cost. This would be better used implementing non-discriminatory laws which have an ability to enhance public safety.
- Aggression is a normal canine behaviour and can be shown by any dog of any breed or type.
- To reduce the incidence of dog aggression, all dogs should be socialised, obedience trained, understood and managed competently by their owners.
- People determine whether dogs will be useful inhabitants of a community or nuisances. It is the people who either intentionally or unintentionally foster viciousness in dogs whom legislators must endeavour to control.
- As the dog bite statistics demonstrate, every breed of dog will bite. The likelihood of an unwarranted bite is determined by the circumstances and level of control/restraint. The dog's breed is not relevant. It is more about owner competence than anything else.

## Acknowledgements

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Exhibit 7

Meeting BCC REG

| [BSL State by State](#) | [How to Fight BSL](#) | [Owners Survey](#) | [Report BSL](#) | [Links](#) |

**Facts for BSL Letters...**

**Information to include in your BSL Letters**

The American Temperament Testing Society does temperament testing throughout the breed clubs and compiles the statistics. The 2002 statistics show APBTs, AMSTAFFs, a Rottweilers in the 82 percentile. Golden Retrievers, Bichon Frise 77%, Chihuahua 71% Greyhound 81%, Lhasa Apso 71%. These test results are available at [www.atts.org](http://www.atts.org)

Kristine Crawford has a team of pit bulls who are the top rated Search and Rescue do US. They were asked by NASA to assist in the recent shuttle tragedy, they also assiste recent missing girl in CA. Tell all of these families that these dogs are evil, vicious or dangerous. These dogs have brought joyful reunions, and in some cases closure to a family, I assure you these people would tell you how wonderful these dogs are!

There is a general misconception that dog aggression and human aggression are the s thing, this is WRONG! In the canine world there are several types of aggression, fear, territory, displaced, etc. Pit bulls were bred to fight dogs, true they can be dog aggre but they are NOT human aggressive. Due to the nature of dog fighting any signs of h aggression was bred out of the lines.

Prince George County Maryland did very intensive research into their current ban Bulls last summer. They formed a large taskforce to review their vicious dog law months of research they produced a 300+ page report and one of the recommen was to lift the ban because of cost, ineffectiveness, and it punishes the responsit owners and does nothing to the irresponsible dog owners who are the problem.

Dade County Florida has had a ban on Pit Bulls since 1988 and as of 2002 there estimated 50,000 pit bulls living in the county. BSL has been proven in a court of be unconstitutional by the Alabama Supreme Court, and a Westbury, NY court. T are also 3 cases still pending. \*

These organizations have written position statements against BSL. The AKC, ASI UKC, SPCA, AVMA and the HSUS jsut to name a few.

BSL punishes responsible dog owners while bad dog owners go underground. Responsible dog owners leave the city or county.

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Loss of revenue, dog owners often stop traveling through BSL cities, counties. There are many websites devoted to alerting people to BSL areas. Also Dog Club show competitions, etc will look to hold conferences, shows, etc in NON-BSL locations.

---

Costly to the city and taxpayers. Higher cost to enforce BSL, more kennels to house the dogs, vet care, food, Euthanasia, etc.

---

Bite severity is not specific to a breed. ALL dogs bite!

---

Difficulty in determining breed. There are 25 + breeds that are commonly incorrectly identified as pit bulls.

---

Pit Bull is not a breed of dog. So the definition varies.

---

Bite Statistics are inaccurate for many reasons, including pit bull are not a breed, term for 3 breeds. So when looking at the report the number of pit bull bites should be divided by 3 immediately to be remotely fair.

---

BSL does nothing to educate or protect the citizens from dangerous dogs. Dogs of any breed can be dangerous. Laws need to be based on the Deed, not the breed.

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# Understand-a-bull

OCT 02 2007

Item 1 E2

Exhibit 8

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## Heroic Pit bulls...

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<b>Pepper</b>	Saves family from Fire	<a href="#">Read Art</a>
<b>Boone</b>	Saves Family from Fire	<a href="#">Read Art</a>
<b>Mimi</b>	Saves family from fire	<a href="#">Read Art</a>
<b>Destiny</b>	Saves her 9 yr old owner from predator	<a href="#">Read Art</a>
<b>Benny</b>	Benny the pit bull dies a hero	
<b>Family Pit bulls</b>	Three Family pit bulls save family from house fire.	<a href="#">Read Art</a>
<b>Stormy</b>	Alerts family to house fire	<a href="#">Read Art</a>

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<b>Coco</b>	Saves 10 yr old from intruder!	<a href="#">Read Art</a>
<b>Foxy</b>	Saves her 82 yr old owner from Freezing and barks until help arrives	<a href="#">Read Art</a>
<b>Jesse</b>	Saves owner who was bleeding from a nicked artery.	<a href="#">Read Art</a>
<b>Rock</b>	Killed while saving his family from intruders.	<a href="#">Read Art</a>
<b>Cloe</b>	Aided a woman who had fallen outside and was unable to move.	<a href="#">Read Art</a>
<b>Chevy</b>	A Toronto Pit Bull saved mom who had fallen and smashed her head.	<a href="#">Read Art</a>
<b>Missy</b>	Saved young boy from 2 dogs mauling him.	<a href="#">Read Art</a>
<b>Autum</b>	Alerted mom that house was on fire	<a href="#">Read Art</a>
<b>Popsicle</b>	The Number 1 United States Customs Dog is an American Pit Bull Terrier named Popsicle. How did he get that name? He was found during a drug bust in a freezer where he had been left to die after being used as a bait dog for dog fighters.	<a href="#">Read more</a> <a href="#">courtesy</a> <a href="#">Positive</a> <a href="#">Bull Pre</a>
<b>Dakota</b>	One of the top rated Search and Rescue dogs is Dakota, an American Pit Bull Terrier. Dakota is	<a href="#">Visit Kr</a> <a href="#">and</a> <a href="#">Dakota</a>

	<p>owned by Kris Crawford, who has 2 other pit bulls that are certified SAR dogs! Dakota is so good at what she does, NASA hand picked Kris and Dakota to assist in the recovery of the Astronauts after last winters tragic crash. They are also certified Hospital Therapy dogs. These dogs bring happy reunions and sometimes closure to many families. If you were to tell these families how evil and bad these dogs are I'm sure they would look at you like you were crazy! (Animal Planet recently aired a "Pet Story" edition on Kris Crawford).</p>	<p><a href="#">Website more gr informat</a></p>
<p><b>Weela</b></p>	<p>One day while outside watching one of the kids in her family, suddenly body slammed 11 yr old Gary that sent him flying. Lori (mom) saw the whole thing and was surprised since Weela had always played so well with the kids. Surprised , that was until she saw the big rattle snake sink it's fangs into Weela's face! Then she understood Weela had been saving Gary's life!</p> <p>A few years later, Weela saved the lives of 30 people, 29 Dogs, 13 horses and 1 cat. Heavy rains caused a damn to break on the Tijuana River. Weela would pull 30 to 50lbs of food across the river to feed stranded animals when it was needed during their month of being stranded on the island.</p>	<p><a href="#">Read mc courtesy Positive Bull Pre</a></p>
<p><b>Panda</b></p>	<p>A <b>stray</b> pit bull Pat found wandering the streets, is not only her best friend but also her service dog. Pat was put in a wheelchair by a horseback riding accident and without Panda's help would have difficulty getting around.</p>	<p><a href="#">Read mc courtesy Positive Bull Pre</a></p>
<p><b>Dixie</b></p>	<p>A 50 pound APBT who never hesitated in the face of danger. She protected her family's children by pushing them out of the way and</p>	<p><a href="#">Read mc courtesy Positive Bull Pre</a></p>

	putting herself between them and a deadly Cottonmouth about to strike and took 2 bites to the face. Those bites would have killed the kids.	
<b>RCA</b>	RCA, a white APBT certified as a hearing dog in Alaska	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Private First Class Duke</b>	A United States Marine stationed in Japan	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Buddy</b>	An American Pit Bull Terrier (referred to by owners as their 56lb Chihuahua) who saved 2 retired sisters from a house fire.	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Norton</b>	Saved his human moms life after, she had gone into anaphylactic shock from a spider bite. Norton who they rescued from a fight ring, went to the master bedroom and kept pushing her husband until he awoke and followed Norton to his wife	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Petunia</b>	A Pit Bull who visits schools and assists in teaching kids about Responsible pet ownership.	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Gabby</b>	Brought much needed help to a neighbor who had fallen off a 12 ft. ladder. Once she was able to wake him up by licking his face and barking, she went for help.	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Bella</b>	Gave her life to save her owner from a car jacking. 4 hijackers blocked the young women in her driveway and rushed towards her demanding the keys to her car. After telling them to take everything, they began to drag her to their car, she started screaming. That's when Bella attacked the first of 4 of the hijackers who shot her in the head, she continued to attack the team of 4 until they fled the scene leaving the injured Bella and her owner. Bella died from her	



	injuries shortly after the attack. On Saturday, 8 November 1997, Bella was awarded posthumously a seven ring rosette, a trophy	
<b>Mikey</b>	The Amstaff Ambassador, Educator and Therapy Dog	
<b>KoKo</b>	Then a 7 month old puppy, woke her 9 year old human sister up at 5am in an effort to get help for the girls 2 baby hamsters who were trapped in the closet..	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Spike</b>	A service dog, for a quadriplegic who couldn't function without Spikes help!	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Taylor</b>	A 4yr old APBT and San Diego Narcotics Officer. He is also a rescued pit bull!	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Pitcasso</b>	A professional artist! One of Pitcasso's paintings recently sold for \$550.00!	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Sunni</b>	A brave pit bull who donates blood to save other dogs!	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Blueberry</b>	Blu A young APBT who saved her owners life by pouncing on 2 armed attackers as they were shooting.	<u>Read me</u> <u>courtesy</u> <u>Positive</u> <u>Bull Pre</u>
<b>Weezie</b>	One night, 2 armed men broke into Melissa Willis's home. They pointed a gun at her, while her son stood behind her. Weezie there male pit bull came to the rescue! Weezie, placed himself between his family and danger, and every advance by the men, he pushed his family backwards until they were to the exit. He kept the armed robbers focused on him, so his family would be safe.	<u>Read th</u> <u>comple</u> <u>Story</u>

<p style="text-align: center;"><b>TJ</b></p>	<p>TJ the <u>currently available Rescue pup</u>, saves his foster dad's life!! TJ alerted foster dad AJ Morgan to a 4ft Diamondback Rattlesnake curled up in the driveway.</p>	
<p style="text-align: center;"><b>Rover McGuinness</b></p>	<p>Jon found Rover abused and abandoned in a Dunkin Dounuts parking lot two years ago and became best friends. Who knew Jon's act of kindness would come back to him so quickly. There was a fire in Jon's home had it not been for Rover barking to wake Jon, he would have lost his life. Sadly, that was Rovers last act of bravery. Rover McGuinness passed away in the fire and will forever be a hero.</p>	<p style="text-align: center;"><a href="#"><u>Read Rover' Story</u></a></p>
<p style="text-align: center;"><b>Nick</b></p> 	<p>About 1 month ago I passed out in our living room and fell to the floor. The phone had been ringing a lot so it was on the end table next to the couch. Somehow Nick knew what he needed to do. He got phone and placed it on my chest. Then he started to lick me and paw at my chest a little. I woke up to wonderful kisses and my poor puppy crying. I was shocked at what he had done. For the rest of the day he wouldn't leave my side. He followed me everywhere. My baby's not a fighter, he's a hero!</p>	
<p style="text-align: center;">Tanner</p>	<p>December 21, 2004 Tanner became an official memeber Cocke County Sheriff's department. Officer Tanner was awarded his badge and bullet proof vest.</p>	<p style="text-align: center;"><a href="#"><u>Read Tanne story</u></a></p>
<p style="text-align: center;">Leah</p>	<p>Leah was taken from the streets by a caring family and taken home to be fostered. One evening a fire broke out while the family slept. Leah woke the family up allowing them to safely escape the fire!</p>	<p style="text-align: center;"><a href="#"><u>Read Lea Story</u></a></p>
<p style="text-align: center;">Otis</p>	<p>Otis alerted his family to a fire in the process of starting in the children's room.</p>	<p style="text-align: center;"><a href="#"><u>Read Ot story</u></a></p>

This is from the American Temperament Test Society Inc

**These are some of most fear breeds**

Presa Canario	92.9%
Dogo Argentino	90.0%
Staffordshire Bull Terrier	85.2%
American Staffordshire Terrier	83.9%
Pit Bull	84.1%
American Bull Dog	83.1%
German Shepherd	83.3%
Mastiff	84.9%
Miniature Bull Terrier	100.0%
Rottweiler	82.7%
Saint Bernard	83.3%

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**These are ALL companion breeds**

Bearded Collie	53.3%
Tibetan Terrier	54.5%
Scotch Terrier	63.6%
Dachshund	66.7%
Bulldogs	68.8%
Lhasa Apso	69.2
Chihuahua	71.4%
Chinese Crested	74.2%
Italian Greyhound	76.9%
Miniature Poodle	76.6%
Papillon	79.7%
Pomeranian	75.0%
Shit Tzu	76.9%
Bichon	77.8%



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...PETITION ...

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Exhibit 10  
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**“CITIZENS PETITION TO REPEAL ORDINANCE #89-22 OF  
MIAMI-DADE COUNTY WHICH BANS PIT BULLS.”**

**TO: THE MIAMI-DADE COUNTY COMMISSIONERS,**

**We the undersigned are tax paying, law abiding and concerned citizens from throughout the United States. By means of this petition, we are addressing Ordinance #89-22/Chapter 5/Article 2/ Section 5.17 of Miami-Dade County, Florida. This ordinance prohibits and bans the Pit Bull and “Pit Bull type dogs” from Miami-Dade County.**

**1) Counties or cities that have attempted to resolve their dangerous dog issues by placing BSL restrictions have discovered that it does not work; it is inefficient and absolutely unnecessary. A “Dangerous Dog” Law or Ordinance, which Miami-Dade County has in place, resolves this problem. Law enforcement can use this to deal with dangerous dogs and their irresponsible owners.**

**2) BSL Ordinances takes an incredible amount of funding, it is costly to tax payers, time consuming for law enforcement agents, costly for dog owners, and a legal nightmare for law makers, animal rescue groups and animal activists.**

**3) There is no scientifically proven method and it is literally impossible, by which to determine if a mixed breed dog is 51% of any given breed. This places the burden of proof on the owner and it becomes a constitutional question in itself and on the other hand, a question regarding the rights of citizens in regard to their personal property. Most owners of Pit Bulls are law abiding citizens. The mix targeted breeds, clouded by the different breeds being classified as Pit Bulls, also pay the consequences as a direct result. The Center For Disease Control no longer includes breed identification dog-bite date, as it is considered irrelevant. The banning also directly punishes therapy dogs, assistance dogs for the handicapped owners, search and rescue dogs, drug sniffing dogs, and police dogs.**

**4) Miami-Dade County non-residents, cannot travel, vacation or visit this county with their American Pit Bull Terriers as a result of the Pit Bull breed-type dogs, such as the American Staffordshire Terrier and the Staffordshire Bull Terrier, being banned. This is a financial "Pit Hole" for Miami-Dade County. The loss of revenue for the city is tremendous.**

**5) Readily available and reliable data indicates and concludes that a dog of any breed can bite. There is NO reliable data identifying biting dogs by breed. This can be verified by JAVMA at [www.atts.org](http://www.atts.org). The American Temperament Test Society has available results of dogs tested by them. Winnipeg's dog bite statistics identify the number 1 biter as the German shepherd. The AKC, UKC, the American Medical Veterinary Association, American Dog Owners Association, Westminster Kennel Club, Best Friends, The Humane Society, and an assortment of other recognized and respected organizations all stand together against the BSL ordinance.**

**6) The Pit Bull breed in itself, is known as the "Nanny" breed for its gentleness with children. A trait of this breed is its friendliness and tolerance towards humans. The myth of the breed having a "locking jaw" is just that. It is physically and anatomically impossible for this jaw mechanism to exist. They also possess stable temperaments. They are known as the "all American" dog. They are ever popular as a family dog. They have appeared in films, such as the pup "Pete" from Our Gang (the Little Rascals). The Pit Bull is the only dog that has ever graced the cover of Life Magazine 3 times. To date, it is still one of the most popular breeds in the world.**

**7) A constitutional challenge was met in the year 2000 in the State of Florida. It is now a law, that no breed of dog shall be singled out and banned from any municipality. In other words, BSL is illegal in Florida. Unfortunately, the existing BSL ordinance was passed in Miami-Dade County in 1989, without so much as collection of factual data, consulting experts on the subject, or proper research being conducted. This is unconstitutional and it violates due process rights. It is inflammatory and discriminative and it lacks a rational basis.**

**In summary, this law has hurt humans as well as the Pit Bulls, for both have suffered at the mercy of this violent ordinance. The owners have lost their beloved pets and the dogs, their life. Thousands of innocent Pit Bulls, and other breeds labeled as Pit Bulls, that are not considered "Dangerous Dogs" by our county ordinance, are killed with our tax dollars, in our county shelters, as a direct result of this ordinance. We implore you, the Commissioners of Miami-Dade County, to end this senseless hunt of Man's Best Friend and restore dignity to a breed of dog that has already endured enough hardship.**

**"The Greatness Of A Nation In its Moral Progress Can Be Judged By The Way People Treat Animals". –Gandhi.**

**Sincerely,**

**The Undersigned**



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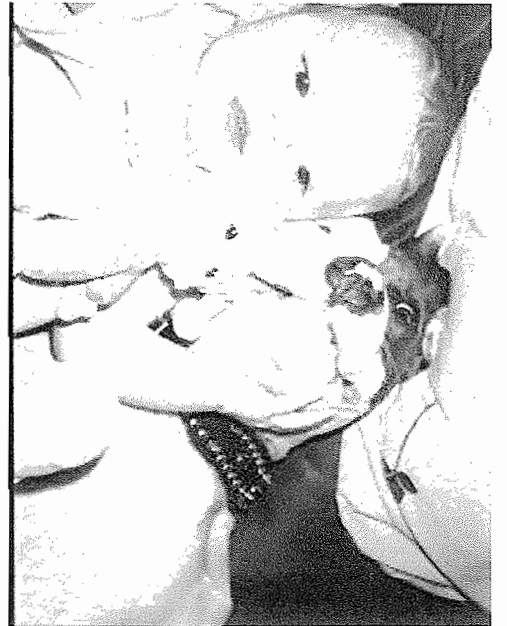
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...PICTURES ARE WORTH  
A THOUSAND WORDS...



“AN ANIMAL’S  
EYES HAVE THE  
POWER TO SPEAK  
A GREAT  
LANGUAGE.” ~  
MARTIN BUBER.





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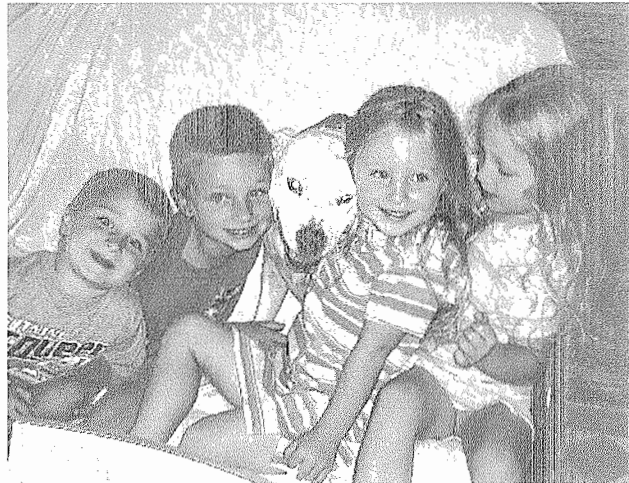
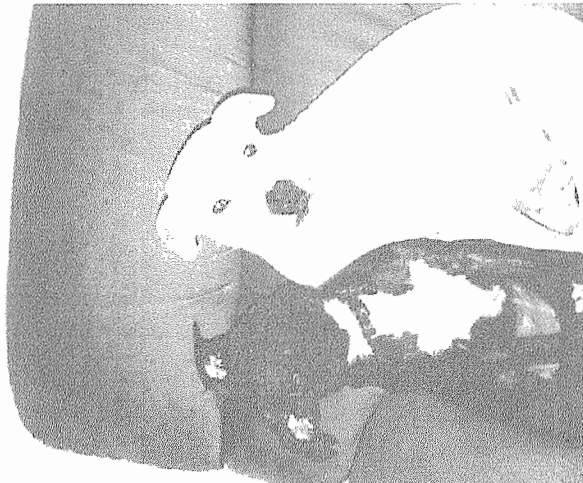
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...DEDICATED  
PIT BULLS ...

## **“ICE POP”**

**THIS IS ICE POP! ICE POP IS A 9 YEAR OLD PIT BULL MIX? SHE PASSED THE AKC K-9 GOOD CITIZEN TEST AT 1 YEAR OF AGE, ALONG WITH HER THERAPY DOG TEST. SHE HAS WORKED AT: CEREBRAL PALSY SCHOOL, HOSPITALS, HOME FOR UNWANTED TEENAGE BOYS, ALZHEIMERS FACILITIES, THE FAMILIËS ASSISTANCE CENTER FOR THE FAMILIES AFTER 911 AND HAS GONE TO SCHOOLS DURING BITE PREVENTION AND BE KIND TO ANIMALS WEEK, AS WELL AS BROWNIE TROOPS.SHE HAS BEEN A VOLUNTEER FOR “START”, SAVE THE ANIMALS RESCUE TEAM AND HAS RAISED OVER \$10,000.00 BY GIVING KISSES FOR \$1.00.SHE HAS BEEN THE FOSTER MOM FOR OVER 150 PUPPIES THAT ARE NOW IN THEIR FOREVER HOMES!**

**SHE IS OWNED BY CATHY, WHERE THEY, ALONG WITH HER OTHER CAT AND DOG, RESIDE IN NEW JERSEY. ICE POP WAS A PUPPY WHEN SHE WAS RESCUED FROM A SHELTER BY CATHY, WHERE SHE WAS LITERALLY DUMPED.**



**From:** SHEBASCAT@aol.com

**To:** Suthmalone@aol.com

**Subject:** Re: ATTENDANCE FOR PIT BULL PRESENTATION...

**Date:** Mon, 17 Sep 2007 9:51 pm

I wish I could be there! Ice Pop & I wish you the best of luck. Make sure you let us know how you make out.

See what's new at [AOL.com](http://AOL.com) and [Make AOL Your Homepage](#).



“PRESENTING  
“AMBER”... THE  
PET THERAPY  
DOG!”





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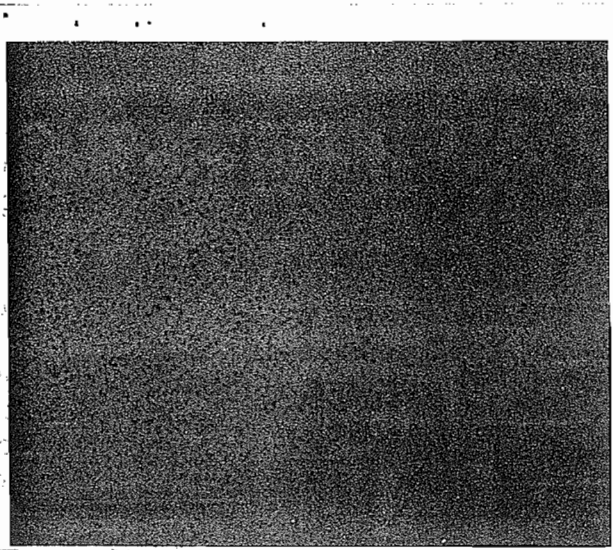
**BUSINESS**

# Pit bull becomes Humane Society of Broward County's new therapy dog

By Nicole T. Lesson  
Staff Writer  
Posted July 12 2003

Dania Beach -- Amber, a year-old pit bull, has her work cut out for her.

As the newest pet therapy dog with the Humane Society of Broward County, she is the first purebred American Staffordshire terrier, commonly known as the American pit bull, to be selected for the program.



Pit bulls have a reputation for being vicious and aggressive, but Amber's owner is trying to change that.

"Amber absolutely loves people," said Sunrise resident Wendy Hendricks. "She knows no race, young, old, handicapped, rich or poor."

As a pet therapy dog, she will visit adults in hospitals, nursing homes and retirement communities who are in need of comfort. And, in a few weeks, she will be tested to determine whether she will be allowed to visit children.

Hendricks, a volunteer like all of the dog owners enrolled in the program, is eager to change people's minds about pit bulls.

"I am so excited. This is a huge step in the right direction to start working on people's perceptions and help people feel better," said Hendricks, who adopted Amber from the Humane Society in December. "I can't wait to share Amber with everyone else."

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Jul 11, 2003

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years, Bellavia said. In April, another purebred pit bull was tested but failed because of obedience problems.

The therapy program, in its 17th year, includes a wide range of dog breeds, including one pit bull mix. The 140 dogs range in size from 3 pounds to 128 pounds. There also are two cats in the program.

The therapy animals visit 71 hospitals, nursing homes and other locations, primarily in Broward but including some in Palm Beach and Miami-Dade counties.

"We are always looking for more therapy dogs. We have 60 facilities on a waiting list," said Bellavia, who got involved with pet therapy 10 years ago with her own dogs.

As for Amber, a family found her wandering the streets in Boynton Beach late last year but could not keep her.

The dog was at the Humane Society for a little over a week before Hendricks adopted her.

"I just fell in love with the breed," said Hendricks, who will start making pet therapy visits this fall.

For more information about the therapy program, call the Humane Society of Broward County at 954-266-6856.

Nicole T. Lesson can be reached at [nlesson@sun-sentinel.com](mailto:nlesson@sun-sentinel.com) or 954-385-7920.

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THIS IS THE REASON WHY RESPONSIBILITY SHOULD FALL ON THE IRRESPONSIBLE OWNERS. DANGEROUS DOG ORDINANCES, ANIMAL CRUELTY LAWS AND DOG FIGHTING LAWS SHOULD BE ENFORCED TO THE MAXIMUM PUNISHMENT ALLOWED BY LAW, WITH NO LINIENCY APPLIED. ZERO TOLERANCE IS THE ANSWER, NOT THE MERE AND ULTIMATE EXTINGUISHMENT OF AN INNOCENT BREED OF GENTLE DOGS.



“WE CAN JUDGE  
THE HEART OF A  
MAN BY HIS  
TREATMENT OF  
ANIMALS.”

~IMMANUAL  
KANT.





**Edel Miedes**  
10101 East Bay Harbor Drive Apartment 209  
Bay Harbor Islands, Florida 33154  
(786) 419-DOGS / [K9ADVISOR@yahoo.com](mailto:K9ADVISOR@yahoo.com)

### ***Objective***

To combine my financial business development knowledge with my canine behavior modification and training experience while developing myself as an integral part South Florida's animal advocacy team.

### ***Professional Skills***

- Precise listening and articulate communication skills in both English and Spanish.
- Exceptionally professional, courteous, and detail oriented follow-up's.
- Creative thinker, efficient manager, and self-motivated.
- Proficient in Word, Outlook, Excel, PowerPoint, QuickBooks, and other software.

### ***Experience***

#### ***K9 ADVISOR (Sept. 2005 – present)***

##### **Owner/ Canine Behaviorist & Handler Trainer**

- Assessing and modifying dog behaviors and training dog owners.
- Educating the public on proper care, nutrition, safety, and animal advocacy issues.
- Training other dog trainers to safely handle and train dogs.
- Staff and dog training for many shelters, including the following:  
Humane Society of Greater Miami, North Miami  
Pet Rescue Miami, North Miami  
West Point K9 Academy, Miami  
Tri-County Humane Society, Boca Raton  
Dogs and Cats Forever Rescue, Port Saint Lucie  
Pet Lover's Central, Boca Raton  
Rescue Rehab Home, Boca Raton  
Rescue Sanctuary, Colorado

#### ***Equity Group Financial Services, LLC (April 2003 – Dec.2006)***

##### **Managing Director**

- New business development through educational seminars, direct mail and referrals.
- Networking with professionals and business owners creating new sales opportunities.
- Recruiting, hiring, and training new advisors.
- Advising clients on financial planning issues such insurance and investment management.

#### ***American Express Financial Advisors (February 2002 – July 2003)***

##### **Financial Advisor**

- Advising business owners and professionals on retirement and Estate planning strategies.
- Serving as Advisor Coach to new advisors, including phone sales coaching for appointments.

#### ***MetLife Financial Services (May 2000 - January 2002)***

##### **Associate Financial Planner**

- Marketing and developing fee-based financial plans to small business owners.
- Closing commission-driven deals for new recruits.
- Conducting Retirement Planning and Asset Protection Seminars.



***John Hancock / Signator Financial Services (October 1998 - May 2000)***

***Registered Representative – Rookie of the Year 1999 / Conference Qualifier***

- Marketing Long-Term Care and Annuities to targeted audiences within South Florida.
- Mentoring new recruits by teaching them to get phone appointments and closing their cases.
- Developing estate-planning strategies for my Long-Term Care clientele.

***West Point K-9 Academy (June 1992 - October 1998)***

***Manager / Head Trainer***

- Managing kennel staff of 16 to assure cleanliness and proper dog care.
- Hiring and training staff in different levels of kennel operations.
- Sales of both puppies and adult, trained dogs.
- Training of all dog breeds in obedience to solve behavior problems for family-owned pets.
- Police dog and handler training for Cities of Miami, Hollywood, Davie, Tamarac, and others.

***Education***

- Bachelor of Arts in Psychology; Florida International University, 1997
- Masters credits in ICAP (International Communications Advertising Public Relations) program; Florida International University, 1997-1998
- Insurance Broker, Series 7, licensed Florida Mortgage Broker, CFP candidate
- Professional Dog Trainer / Behaviorist, since 1992 – Obedience, Protection and Agility

***Leisure Activities***

- Working with several independent Fire Fighters rescuing “high-driven” dogs.
- Canine behavior evaluations and problem solving for high risk rescue dogs.
- Development of AlohaPets.org and K9Advisor Rescue Resource to help pets in need.
- Trail biking, Kayaking, Sparring, Pet Rescues.

***Community and Business Relations Activities***

- Belmont Condo. Assoc. past Vice President
- Global Kids Education Board Director
- FIU Alumni Association member
- John F. Kennedy past PTA member
- Miami-Dade Rescue Railroad volunteer and Board advisor

**References available upon request.**

Dr. Peter Fernandes was born in Guyana (formerly British Guiana) on December 21, 1937, one of 14 children, to Portuguese parents with origins in Madeira.

After a late start on his college education, enrolling at the University of Wisconsin, Madison in 1962, he graduated with a degree in agriculture, majoring in Meat and Animal Science, in 1966. While he was at Wisconsin, he was chosen as one of six Outstanding Male Senior Students by the Alumni Association and was awarded the King Christian Award on two occasions by the University of Wisconsin for his outstanding work in promoting understanding among the student body. He was also selected the Outstanding Senior Student in the College of Agriculture. He went on to Cornell and graduated with his DVM in 1970.

At Cornell he was awarded the Upjohn Award for Proficiency in Clinical Veterinary Medicine.

After graduation, he returned to Guyana where he worked in the Ministry of Agriculture. After working as a field veterinary officer for 22 months, he was appointed Chief Veterinary Officer.

As one of his duties, Dr. Fernandes was given the responsibility to develop a regional school for teaching veterinary technicians. He helped develop the curriculum and the physical facility for the institution, known as REPAHA, which catered to the English-speaking Caribbean. He served for three years as the first principal and taught several courses during his tenure.

During his last three years in Guyana, Dr. Fernandes was seconded from the ministry to be executive chairman of the government-controlled Livestock Development Company. While in Guyana, he also ran a small animal clinic and volunteered 1 day a week at the GSPCA.

Migrating to the United States in 1978, he worked for six months in a small animal practice. He was then employed in international sales for an American company for five years, two of which were spent in Nigeria developing a subsidiary. He was involved with project development and extension work with poultry, pigs, and cattle. In 1983, he bought a small animal practice in Hialeah, which had been started by Dr. Paul Lamborn. He has been practicing small animal medicine for the last 24 years.

Dr. Fernandes returns to Guyana three to four times a year where he is involved in the development and diagnostics of the poultry industry. He was also involved in the development of a biodiversity park highlighting Guyana's unique flora and fauna.

Dr. Fernandes has authored several papers on poultry and small animal medicine. He has been president of the Guyana Veterinary Association and the Caribbean Veterinary

**Dr. Peter Fernandes**

**Graduate class of 1966, University of Wisconsin- Animal Science**

**Graduate class of 1970, Cornell University**

**Worked 8 years for the Guyana Government**

**Owns and Operates a Small Animal Practice in Hialeah, Florida since 1983**

**Moderator at the North American Veterinary Conference for the last 10 years**

**Institute of the North American Veterinary Conference- Specialty Diploma- Animal Behavior**

**Past President of South Florida Veterinary Medical Association and the Dade County Veterinary Foundation**

**Gold Star Award of Florida Veterinary Medical Association, 2000**

**South Florida Veterinarian of the Year 2001**

**Veterinary Philanthropy Award, 2004, by the Dade County Veterinary Foundation**

**Distinguished Service Award 2005, Florida Veterinary Medical Association**

**Florida Humane Veterinarian of the Year, 2006**

Association. He also served as treasurer and president of the Optimist Club of Miami Lakes and has been a member of the SFVMA for over 20 years, serving on the board for several years. He served as president of the SFVMA in 2000 and was president of Dade County Veterinary Foundation. Dr. Fernandes is a member of the Florida Veterinary Medical Association, American Veterinary Medical Association, American Association of Feline Practitioners and Association of Avian Veterinarians.

He is a member of the Board of the S.F.V.M.A., Dade County Veterinary Foundation, H.S.G.M. and Pet Rescue.

**Laura Bevan**  
**Director, Southeast Regional Office**  
**The Humane Society of the United States**

Laura Bevan began her career with The Humane Society of the United States (HSUS) in 1987 as Program Coordinator of its Southeast Regional Office (SERO) in Tallahassee, Florida. The SERO serves Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee. In March 1992, Ms. Bevan was promoted to the position of Director of the Southeast Regional Office of The HSUS.

During her years with The HSUS, Ms. Bevan has conducted investigations into such activities as animal dealers, animal collectors, horse and dog racing, animal fighting, and ritual animal sacrifice. She has been deemed by the courts as an expert in animal cruelty/animal fighting.

Ms. Bevan has lobbied the legislatures of several states in the region and has been instrumental in getting numerous animal protection laws passed, including ones dealing with animal fighting, humane euthanasia, felony animal cruelty, dangerous dogs, pet shops, animal friend license plates, etc.

Ms. Bevan has served as a consultant to humane groups and local governments in improving their local ordinances and shelter facilities. She has conducted numerous evaluations of shelters, including several facing complaints of cruelty, and provided workshops on shelter standards and sanitation.

Ms. Bevan also has extensive experience in working natural disasters, specifically hurricanes, wildfires and floods. She served on an ad hoc committee that developed Florida's disaster plan for animals and wrote the Disaster Planning for Animals manual published by The Humane Society of the United States.

# Dahlia Canes, A Dog's (And Cat's) Best Friend

## Local Animal Activist Helps to Rescue 50 Animals & Coordinates Adoption Rally

by David L. Wylie

Fort Lauderdale, July 25, 2007-If a dog (*Canis lupus familiaris*) can be considered man's best friend, then it wouldn't be far fetched to describe Dahlia Canes as a best friend to all domesticated animals. Canes works as a paralegal and has extensive experience working in the Florida's courts and judicial system. She has been with the firm of Gregory A. Moore, P.A. for the past 14 years. But her passion is her love for animals. Canes pens a pet focused monthly column for Ambiente Magazine and will be a regular contributor to South Florida's newest online, interactive Ezine, GaySoFla Magazine, writing about animal rights, BSL (Breed Specific Legislation / Pitt Bulls), adoptions, and no kill policies. Her efforts on behalf of four footed creatures recently resulted in saving the lives of over 50 cats and dogs that were scheduled to be "put down".

Early Tuesday Morning, July 17, Dahlia Canes met a motorcade of vans arriving from county animal pounds in Bradford and Putnam Counties. After receiving word that a large number of abandoned pets from that area were scheduled to be euthanized, Kristie Dickins of the Bradford County Paws organization initiated a rescue effort. A quick phone call to Canes regarding the situation prompted the animal activist to send out an urgent message to the members of her extensive email list. Donations for fuel and van rental were solicited, Fort Lauderdale's Dogs Inn agreed to provide shelter for the rescued pets, and Canes was on her way.

The group rescued over 50 animals from imminent death and transported them to a temporary shelter in South Florida. Canes is now asking the community to help in finding homes for the animals. "We rescued these precious creatures from a death but it's just as important to give them a quality life by placing them with loving individuals," Canes said.

Canes is coordinating an Animal Adoption Event to be held at Dogs Inn (2620 NW-55<sup>th</sup> Court, Fort Lauderdale, FL 33309) on Sunday August 5<sup>th</sup>, at noon. Volunteers and donations are still needed for the event. To volunteer at the event please call Chrissie Serra at (954) 864-6475. For donations or items for the raffle being held on the day of the event, benefiting Dog's Inn, call Marcos Fernandez at (305) 308-4333. For other information please call Tammy Walley, owner of Dogs Inn, at 954-733-8454. To make a donation or to get more information on the event please call Dahlia Canes at (305)323-3960 or contact her via email at suthmalone@aol.com.

Attached Photo (JPG Format): Dahlia Canes and four legged friend in a recent photo.

Media Contact: Dahlia Canes (305)323-3960

# AMBIENTE

## FOR THE ANIMALS FROM THE HEART COLUMN

### BSL...or...BS?

By Dahlia Canes

Amongst man's collections of absurd and hideous legislations, is the BSL (breed-specific legislation). It's right up there with the "spitting on the sidewalk ordinance". It's a karmic bitch-slap to man's best friend.

This ordinance...law or what not...is racism against dog. This law... makes it completely illegal... under any circumstances to own, harbor or have in your procession a Pitt Bull Terrier. These dogs are bred to be NON human aggressive. They are family dogs! They were considered the "Nanny Dogs." Remember (for those of us who can?), Spanky and Our Gang? The RCA-Victor dog? Sergeant Stubby...who served in the military frontlines in WWI? Well sweetie... hey were Pitts!

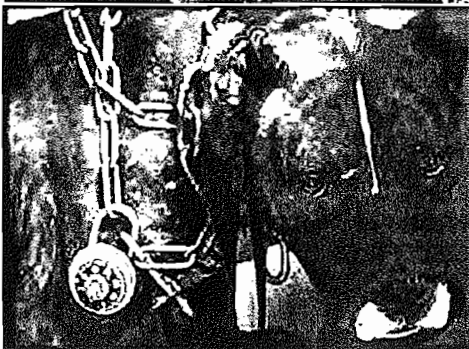
There are soooooooooo many pathetic myths about this incredible breed...it's reached calamitous proportions! Pitts do not have locking jaws folks! Its bite, if inflicted, is the same as any other large dog. They are strong and powerful dogs, yes. However, so are Rottweilers, Dobermans, German Shepherds, Dogo Argentinos, Chows, and Labrador Retrievers? Get real... if a big dog bites... hey most likely... you gonna get injured. Get out the Hydrogen Peroxide! Besides, have you ever seen a pissed off Chihuahua? Now that would scare the living crap out of me!

This ordinance on its own creates other problems. It is difficult enough to identify a Pitt Bull, and in many counties or states, they will accept whatever or whoever is classifying it as such. Otherwise, if it looks like a Pitt, it's a Pitt! Away with it! Numerous "Bully" breeds are suffering the consequences of such radical legislation.

Other breeds have also, at one point or another, been banned. The Altasian in 1929 was banned by, of all things, our Federal Government! This occurred after lobbying pastoralists feared it would mate with the Dingo. The ban was lifted in 1974 after intense lobbying by humane groups and a name change, turning it into our fabulous German Shepherd.

As of today, some of the most famous and active therapy dogs are Pitt Bull Terriers. If this is all true... then why this ordinance? Simple! Unmerited public hysteria and a hell of a lot of media hype!

Interesting, there were 440,000 folks dying from cigarettes, 40,000 died in car accidents, 38,000 kids died from gun shot accidents, 2,999 kids were killed by their own parents and 3 individuals were killed by Pitt Bulls. Now please tell me why we shouldn't go back to public transportation and dump the cars? ... or better yet... no person should own a firearm (bet that would piss the hell out of Pana Rusch ). It is massive



that would place the burden on the dog owner. It is ineffective generalization or profiling and it just does not work.

BSL is merely "a failing social experiment" that is ineffective, discriminatory. Governments that have gone this route have encountered that these laws do not reduce the incidence of dog bites or protect the public from harm. Counties spend thousands of dollars from us the tax payers, passing and then attempting to uphold these legal productions. Conclusion, they did not have the impact desired and are defeated later on anyways. Even (of all states), Alabama ruled there was no realistic evidence, that one breed of dog was more dangerous than another, simply because of its breed. Now, that's a mouthful!

Other courts have found BSL to be unconstitutional because it is in the nature of ex post facto law and violative of the FIFTH AMMENDMENT of the US Constitution in that it provides "nor shall any persons be deprived of life, liberty or property, without due process of law." Here's the catch... This doesn't specify whether it gives any one the power to confiscate an animal. It's a doozy! The local laws by BSL run afoul of the FOURTEENTH AMMENDMENT of the US Constitution which provides no state shall "deny to any person within its jurisdiction the equal protection of the laws." Doozey #2! In other words... the damn thing is unconstitutional! Even Florida has deemed it that way...err... except for Miami Dade County. This is so typical of this county that I have grown up in and defend... it still has this "thing" applicable but on any given Sunday on Lincoln Road, you see all sizes and shapes of Pitts strolling along with their proud owners, including kids. Go figure!

The State of Florida already has a dangerous dog law, but, it is not breed specific and it prevents cities from developing dangerous dog regulations specific to breed. Ha! And here's Miami (Dade County) it has the only breed ban in the state. This was passed in 1989 predating the states ban on breed specific prohibitions (not applicable?). In other words... if you're caught with a Pitt in Dade, you are given fines and penalties and you have to get rid of your dog. Otherwise, a court order is issued for the removal of the pet. What's more incredible, is that not one qualified individual, ranging from Veterenians, Animal Behavior Specialists, dog trainers or Breed AKA groups, were called on for expert advise or professional consultation, prior to passing this ordinance. This ordinance is unfounded. If they would have... they would have found out that by far most severe dog offenders in studies were the German Shepherd and the cross breed dogs. As it stands today, the top biters in America are...the forever popular German Shepherds and the Labradors. I guess you need to define were being wise ends and stupidity begins. Most ecently (Sept of 2006) in the City of Coral Springs, Fl., the city council rescinded this resolution, basing it on "insufficient support for the measure locally at the state level."

"Ever occur to you why some of us can be this much concerned with animals suffering? Because government is not. Why not? Animals can't vote.-Paul Harvey.

There are countless stories of Pitts and their courageous love for their a Pitt who gave his life while placing his body as a shield to protect its cobra. You can log onto the following web site to see others: youtube bull.com/heroicPitties.

Perhaps it is time to go after the owners who train these dogs to bite them, confine them, beat them, starve them, and in the end ... kill them, an extension of what they seem to be lacking in! They should be impounded and sold to a new owner. Whence law was passed, now we must actively enforce it. ohhhh...

In the end... once again... we have just begun. There are changes and challenges to be met... and yes it's heartbreaking and infuriating to see an animal tortured against its nature. To see the blood and tears streaming down its face while it is gasping its last breath. Perhaps, this is why many of us challenge this ordinance and



I Know  
I DESERVE BETTER



I Only Wish  
YOU KNEW IT TOO.

DB  
NO CHAIN  
Dogs Deserve Better



down its face while it is gasping its last breath. Perhaps, this is why many of us challenge this ordinance and support this special breed and all its glory!

As for the ordinance... one might well use it for a spit competition on a sidewalk... but... that's still illegal too!

Yours in hope and commitment,

Dahlia.

ps: Get Out There And Adopt For Life! ...please...

**DAHLIA CANES**

Ms. Canes was born in Cuba and her family was one of the first to be exiled in Miami. She served as student government president and was the only student to serve on the Board of Governors for Florida National College. Ms. Canes works as a paralegal and has extensive experience working Florida's courts and judicial system. She has been with the firm of Gregory A. Moore, P.A. for the past 14 years. Her life's passion is animals. She has focused her efforts on animal rights, adoption and no kill policies. Canes recently received a 2007 Latino Press Award for her column in Ambiente. She serves as a board member of Unity Coalition and exclusive monthly contributor/columnist for Ambiente.

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Item 1E2  
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Meeting BCC REG

...ADVISORS

RESUMES/C.V.'S AND

THEIR INFORMATION ...

SHOULD YOU HAVE ANY QUESTIONS,

WE HAVE ASSEMBLED A GROUP OF

EXPERTS IN A VARIETY OF FIELDS

PERTAINING TO THIS MATTER.

THEY ARE AT YOUR SERVICE. PLEASE

FEEL FREE TO CALL UPON THEM.

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# The Misunderstood

2007

1E2

15

Turn up your volume!

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run time 3 min 10 sec

Created by Diane Fraser, Founder  
Stray Aid & Rescue, Inc.  
[www.strayaid.org](http://www.strayaid.org)

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September 14, 2007

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Item 1E2  
Exhibit 16  
Meeting BCC REG

Print

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Select Year:

## The 2007 Florida Statutes

### CHAPTER 767

#### DAMAGE BY DOGS

Session:

Bill #:

Session:

Chamber:

Year:

Enter Your Zip+4 Code:

767.01 Dog owner's liability for damages to persons, domestic animals, or liv

767.02 Sheep-killing dogs not to roam about.

767.03 Good defense for killing dog.

767.04 Dog owner's liability for damages to persons bitten.

767.05 Owner's liability for damages by dog to dairy cattle.

767.07 Interpretation.

767.10 Legislative findings.

767.11 Definitions.

767.12 Classification of dogs as dangerous; certification of registration; notice requirements; confinement of animal; exemption; appeals; unlawful acts.

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

767.14 Additional local restrictions authorized.

767.15 Other provisions of chapter 767 not superseded.

767.16 Bite by a police or service dog; exemption from quarantine.

**767.01 Dog owner's liability for damages to persons, domestic animals, or livestock.**--Owners of dogs shall be liable for any damage done by their dogs to any animal included in the definitions of "domestic animal" and "livestock" s. 585.01.

**History.**--RS 2341; ch. 4979, 1901; GS 3142; RGS 4957; CGL 7044; s. 1, ch. 94-339.

**767.02 Sheep-killing dogs not to roam about.**--It is unlawful for any dog that kills or injures sheep to roam about over the country unattended by a keeper. Any such dog that roams over the country unattended shall be deemed a run-about dog, and it shall be a misdemeanor for the owner of such dog.

**History.**--s. 1, ch. 4185, 1893; GS 3143; RGS 4958; CGL 7045.

**767.03 Good defense for killing dog.**--In any action for damages or of a criminal prosecution against any person for killing or injuring a dog, satisfactory proof that the dog was killing any animal included in the definitions of "domestic animal" or "livestock" as provided by s. 585.01 shall constitute a good defense to either criminal or civil liability.

**History.**--s. 1, ch. 4978, 1901; GS 3144; RGS 4959; CGL 7046; s. 1, ch. 79-315; s. 2, ch. 81-259.

**767.04 Dog owner's liability for damages to persons bitten.**--The owner of a dog who bites any person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, is liable for damages suffered by such person as a result of such biting, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness. However, any negligence on the part of the person bitten that contributes to the cause of the biting incident reduces the liability of the owner of the dog by the proportion that the bitten person's negligence contributed to the biting incident. A person is on the private property of such owner within the meaning of this act when the person is on the property in the performance of any duty imposed upon him or her by the laws or regulations of the United States, or when the person is on the property upon invitation, expressed or implied, of the owner. However, the owner is not liable for damages as to a person under the age of 6, or unless the damages are proximately caused by the negligent act or omission of the owner, if at the time of any such injury the owner displayed in a prominent place on his or her premises a sign easily readable in words "Bad Dog." The remedy provided by this section is in addition to and does not preclude any other remedy provided by statute or common law.

**History.**--s. 1, ch. 25109, 1949; s. 1, ch. 93-13; s. 1155, ch. 97-102.

**767.05 Owner's liability for damages by dog to dairy cattle.**--An owner of a dog that kills, wounds, or harasses any dairy cattle shall be jointly and severally liable with the owner of such dairy cattle for all damages done by such dog; and it is not necessary that there be notice to or knowledge by any such owner or keeper of such dog that the dog was mischievous or disposed to kill or worry any dairy cattle.

**History.**--s. 2, ch. 79-315; s. 482, ch. 81-259.

**767.07 Interpretation.**--Section 767.05 is supplemental to all other laws relating to dogs expressly referred to therein and shall not be construed to modify, repeal, or amend any part or provision of any such laws not expressly repealed therein or to prevent municipalities from prohibiting, licensing, or regulating the running at large of dogs within their respective limits by law or ordinance now or hereafter provided.

**History.**--s. 2, ch. 79-315.

**767.10 Legislative findings.**--The Legislature finds that dangerous dogs are a serious and widespread threat to the safety and welfare of the people of this state; that unprovoked attacks which cause injury to persons and domestic animals; that in part attributable to the failure of owners to confine and properly train and care for dogs; that existing laws inadequately address this growing problem; and that it is necessary and necessary to impose uniform requirements for the owners of dangerous dogs.

**History.**--s. 1, ch. 90-180.

**767.11 Definitions.**--As used in this act, unless the context clearly requires otherwise:

(1) "Dangerous dog" means any dog that according to the records of the appropriate authority:

(a) Has aggressively bitten, attacked, or endangered or has inflicted severe injury to a person or being on public or private property;

(b) Has more than once severely injured or killed a domestic animal while on public or private property;

(c) Has been used primarily or in part for the purpose of dog fighting or is a dog used for dog fighting; or

(d) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and duly filed with the appropriate authority.

(2) "Unprovoked" means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attitude toward such victim.

(3) "Severe injury" means any physical injury that results in broken bones, multiple lacerations, or disfiguring lacerations requiring sutures or reconstructive surgery.

(4) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dog is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure and shall also provide proper ventilation.

(5) "Animal control authority" means an entity acting alone or in concert with other governmental units and authorized by them to enforce the animal control laws of the county, or state. In those areas not served by an animal control authority, the entity shall carry out the duties of the animal control authority under this act.

(6) "Animal control officer" means any individual employed, contracted with by the animal control authority for the purpose of aiding in the enforcement of other law or ordinance relating to the licensure of animals, control of animals, impoundment of animals and includes any state or local law enforcement officer or employee whose duties in whole or in part include assignments that involve the impoundment of any animal.

(7) "Owner" means any person, firm, corporation, or organization possessing, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person's parent or guardian.

**History.**--s. 2, ch. 90-180; s. 2, ch. 93-13; s. 1156, ch. 97-102.

**767.12 Classification of dogs as dangerous; certification of registration; hearing requirements; confinement of animal; exemption; appeals; unavailability of animal**

(1)(a) An animal control authority shall investigate reported incidents involving a dog that may be dangerous and shall, if possible, interview the owner and require a sworn statement from any person, including any animal control officer or enforcement officer, who has knowledge of a dog classified as dangerous. Any animal that is the subject of a dangerous dog investigation, that is not impounded with the animal control authority, shall be safely confined by the owner in a securely fenced or enclosed area pending the completion of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the animal control authority. A dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be relocated or ownership transferred, the dog shall not be relocated or ownership transferred.

(b) A dog shall not be declared dangerous if the threat, injury, or damage was caused by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. A dog shall be declared dangerous if the dog was protecting or defending a human being in the immediate vicinity of the dog from an unjustified attack or assault.

(c) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall provide the owner an opportunity for a hearing prior to making a final determination. The authority shall provide written notification of the sufficient cause finding, to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of chapter 48 relating to service of process. The owner may file a written request for a hearing within 7 calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not later than 14 calendar days and no sooner than 5 days after receipt of the request from the owner. The applicable local governing authority shall establish hearing procedures that conform with this paragraph.

(d) Once a dog is classified as a dangerous dog, the animal control authority shall provide a written notification to the owner by registered mail, certified hand delivery or personal delivery. The owner may file a written request for a hearing in the county court to appeal the classification within 10 business days after receipt of a written determination of dangerous dog classification and must confine the dog in a securely fenced or enclosed area pending the resolution of the appeal. Each applicable local governing authority must establish procedures that conform to this paragraph.

(2) Within 14 days after a dog has been classified as dangerous by the animal control authority or a dangerous dog classification is upheld by the county court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority serving the area in which he or she resides, and the certificate shall be renewed annually. Animal control authorities are authorized to issue such certificates of registration and renewals thereof, only to persons who are at least 18 years of age and who can provide to the animal control authority sufficient evidence of:

- (a) A current certificate of rabies vaccination for the dog.
- (b) A proper enclosure to confine a dangerous dog and the posting of the proper clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
- (c) Permanent identification of the dog, such as a tattoo on the inside thigh or microchip implantation.

The appropriate governmental unit may impose an annual fee for the issuance of registration required by this section.

(3) The owner shall immediately notify the appropriate animal control authority if the dog that has been classified as dangerous:

- (a) Is loose or unconfined.
- (b) Has bitten a human being or attacked another animal.
- (c) Is sold, given away, or dies.
- (d) Is moved to another address.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The owner must comply with all of the requirements of this act and implementing ordinances, even if the animal is moved from one local jurisdiction to another state. The animal control officer must be notified by the owner of a dog classified as dangerous that the dog is in his or her jurisdiction.

(4) It is unlawful for the owner of a dangerous dog to permit the dog to be out



enclosure unless the dog is muzzled and restrained by a substantial chain or leash under the control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight of only members of the immediate household or persons 18 years of age or older who are present in the enclosure when the dog is present. When being transported, such dogs must be securely restrained within a vehicle.

(5) Hunting dogs are exempt from the provisions of this act when engaged in training or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and other activities are exempt from the provisions of this act when engaged in any legal procedure. Dogs that are such dogs at all other times in all other respects shall be subject to this and local ordinances that have been classified as dangerous shall not be used for hunting purposes.

(6) This section does not apply to dogs used by law enforcement officials for law enforcement work.

(7) Any person who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.

**History.**--s. 3, ch. 90-180; s. 3, ch. 93-13; s. 3, ch. 94-339; s. 1157, ch. 97-102.

### **767.13 Attack or bite by dangerous dog; penalties; confiscation; destruction**

(1) If a dog that has previously been declared dangerous attacks or bites a person or domestic animal without provocation, the owner is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for 10 business days. The owner is given written notification under s. 767.12, and thereafter destroyed in a prompt and humane manner. This 10-day time period shall allow the owner to request a hearing under s. 767.12. The owner shall be responsible for payment of all boarding and other fees as may be required to humanely and safely keep the animal during any quarantine period.

(2) If a dog that has not been declared dangerous attacks and causes severe injury to any human, the dog shall be immediately confiscated by an animal control authority and placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in a prompt and humane manner. This 10-day time period shall allow the owner to request a hearing under s. 767.12. The owner shall be responsible for payment of all boarding and other fees as may be required to humanely and safely keep the animal during any quarantine procedure. In addition, if the owner of the dog had prior knowledge of the dog's propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a dog that has previously been declared dangerous attacks and causes serious injury or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the dog shall be confiscated by an animal control authority, placed in quarantine, if necessary, for a certain length of time or held for 10 business days after the owner is given written notice under s. 767.12, and thereafter destroyed in an expeditious and humane manner. This period shall allow the owner to request a hearing under s. 767.12. The owner is responsible for payment of all boarding costs and other fees as may be required and safely keep the animal during any appeal procedure.

(4) If the owner files a written appeal under s. 767.12 or this section, the dog shall not be destroyed and may not be destroyed while the appeal is pending.

(5) If a dog attacks or bites a person who is engaged in or attempting to engage in a lawful activity at the time of the attack, the owner is not guilty of any crime specified in this section.

**History.**--s. 4, ch. 90-180; s. 4, ch. 93-13; s. 4, ch. 94-339.

**767.14 Additional local restrictions authorized.**--Nothing in this act shall prevent the local government from placing further restrictions or additional requirements on owners of dangerous dogs or developing procedures and criteria for the implementation of such restrictions provided that no such regulation is specific to breed and that the provisions of this section are not lessened by such additional regulations or requirements. This section shall not apply to any local ordinance adopted prior to October 1, 1990.

**History.**--s. 5, ch. 90-180.

**767.15 Other provisions of chapter 767 not superseded.**--Nothing in this act shall supersede chapter 767, Florida Statutes 1989.

**History.**--s. 6, ch. 90-180.

**767.16 Bite by a police or service dog; exemption from quarantine.**--Any dog owned, or the service of which is employed, by a law enforcement agency, or used as a service dog for blind, hearing impaired, or disabled persons, and the animal or human is exempt from any quarantine requirement following such bite if the animal has a current rabies vaccination that was administered by a licensed veterinarian.

**History.**--s. 1, ch. 91-228.

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Miami-Dade Board of County Commissioners

Pull List

Tuesday, October 2, 2007

✓ 1st Publisc read  
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OCT 02 2007

Item #	Description	Item	Commissioner	IF
7A	Ordinance Relating To Miami-Dade County Traffic Code; Amending Sections 30-292 And 30-388.32 Of The Code Of Miami-Dade County, Florida, To Prohibit Stopping, Standing Or Parking A Vehicle In A Place Where There Is Handicapped Access; Increasing Fine	Exhibit Meeting BCC REG Souto (co-sponsor)		
8C1A	Resolution Approving Application For One Certificate Of Public Convenience And Necessity To Rapid Medical Transportation, Inc. To Provide Combination Wheelchair And Stretcher Non-Emergency Medical Transportation Service	Jordan		✓
8D1A*	Resolution Accepting "Assignment Of Option To Purchase" Approximately 14.864 Acres Of South Dade Wetlands Project Within The Environmentally Endangered Lands Program Acquisition Site With The Nature Conservancy As Assignor, Miami-Dade County As Assignee, And Morris Investment Partnership As Seller;	Gimenez		✓
8D1B*	Resolution Accepting "Assignment Of Option To Purchase" Approximately 10.548 Acres Of South Dade Wetlands Project Within The Environmentally Endangered Lands Program Acquisition Site With The Nature Conservancy As Assignor, Miami-Dade County As Assignee, And Inversiones Komir, S.A.	Gimenez		✓
8D1D	Resolution Authorizing The Disbursement Of Funds From The Biscayne Bay Environmental Enhancement Trust Fund To Conduct Environmental Enhancement Through The County's Ongoing Biscayne Bay Restoration And Enhancement Program	Sorenson		✓
8D1E	Resolution Authorizing The Approval Of A Consent And Subordination Agreement Between Miami-Dade County And The South Florida Water Management District For The Transfer Of A Portion Of A Certain Interest Miami-Dade County Has By Virtue Of A Restrictive Covenant, In Lands Located At West At 12880 S.W. 6 Street	Diaz		✓
8E1A	Resolution Authorizing Issuance Of Multiple Series Of 2007 Aviation Revenue Refunding Bonds Pursuant To Section 211 Of Amended And Restated Trust Agreement	Diaz, Sorenson		✓
8F1B	Resolution Authorizing The Acceptance Of A Special Warranty Deed From Century Partners Group, Ltd, A Florida Limited Partnership, For The Conveyance Of A Vacant 1.634-Acre Parcel Of Land	Jordan		✓
8F3A	Contract Award Recommendation For Pre-Trial Detention Center 40-Year Re-Certification Report/Option To Repair The Existing Facility Or To Design And Build A New Pre-Trial Detention Center And Expansion Of Support Facilities	Diaz, Heyman, Martinez, Sosa		✓
8J1B*	Resolution Authorizing Miami-Dade Transit Bus Service Adjustments To Be Implemented On Or About October 21, 2007	Diaz, Rolle		✓
8J1C*	Resolution Authorizing Execution Of A Joint Participation Agreement (Jpa) With The Florida Department Of Transportation (FDOT) For \$17,908,000 In Public Transit Block Grant Program Funds	Rolle		✓
8J1D	Resolution Authorizing The Execution Of The Interlocal Agreement Between Miami-Dade County And The Monroe County Board Of County Commissioners For The Provision Of Hurricane/Storm Emergency Evacuation And Re-Entry Transportation Services From Monroe County To Florida City	Moss, Rolle		✓
8K1A	Resolution Approving Confidential Project No. 07-00235 As A Qualified Target Industry Business Pursuant To Florida Statutes S-288.106, Confirming That The Commitments Of Local Financial Support Necessary For Confidential Project #07-00235 Exist;	Jordan		✓
8M1C	Resolution Authorizing The Award Of A Professional Services Agreement To Marlin Engineering, Inc., To Provide Design, Permitting And Construction Administration Services	Martinez		✓
8M1D	Resolution Authorizing The Award Of A Professional Services Agreement To Kimley-Horn And Associates, Inc., To Provide Design, Permitting And Construction Administration Services	Martinez		✓



**Miami-Dade Board of County Commissioners**  
**Pull List**  
**Tuesday, October 2, 2007**

<b>8M1E</b>	Resolution Authorizing The Award Of A Professional Services Agreement To URS Corporation Southern, To Provide Design, Permitting And Construction Administration Services	Martinez <i>R</i>
<i>✓</i> <b>8M3A*</b>	Change Order No: One (1) For Kendall Indian Hammocks Park Field Center, Storage Facility Building And Parking Lot - Project No:403101-02-002; Contract No: 403101-02-002, Project Location: 11395 SW 79 Street, Miami, Fl 33173	Jordan, Martinez <i>✓</i>
<b>8N1A</b>	Resolution Accepting The North Corridor Station Area Planning Charrette Report For The Veterans Way Metrorail Station Including Its Plan And Recommendations And Directing County Staff To Be Guided By The Charrette Report	Moss, Rolle <i>Ⓟ</i>
<b>8N1B</b>	Resolution Accepting The North Corridor Station Area Planning Charrette Report For The NW 183rd Street Metrorail Station Including Its Plan And Recommendations And Directing County Staff To Be Guided By The Charrette Report	Moss, Rolle <i>Ⓟ</i>
<b>8N1C</b>	Resolution Accepting The North Corridor Station Area Planning Charrette Report For The NW 199th Street Metrorail Station Including Its Plan And Recommendations And Directing County Staff To Be Guided By The Charrette Report	Moss, Rolle <i>Ⓟ</i>
<i>Y</i> <b>8O1B</b>	Resolution Authorizing Award Of Competitive Contracts, With Authority To Exercise Options-To-Renew Established There under, Contract Modifications, Authority To Exercise Options-To-Renew And Retroactive Approval For Execution Of Options-To-Renew For The Purchase Of Goods And Services	Diaz, Edmonson, Rolle <i>✓</i>
<i>Released</i> <b>8O1D</b>	Resolution Authorizing The County Manager To Reject Of All Proposals Received In Response To Request For Proposals No. 516, Emergency Medical Transport Billing And Collection Services And To Waive The Bid Protest Process	Edmonson, Sosa <i>Ⓟ</i> <i>Ⓟ</i> <i>✓</i>
<i>Released</i> <b>8O1E</b>	Resolution Waiving Formal Bid Procedures For The Purchase Of Goods And Services And Authorizing The County Mayor To Award Same, With Authority To Exercise Options-To-Renew Established	Edmonson, Martinez <i>✓</i>
<i>Released</i> <b>8O1F</b>	Resolution Authorizing Execution Of A Modification To Agreement No. 221b With Public Health Trust D/B/A JMH Health System (JMH) To Include A Low Option Health Maintenance Organization (HMO) Plan, Authorizing The County Mayor Or Designee To Execute A Supplemental Agreement	Gimenez, Moss <i>Released</i> <i>his partner</i>
<b>8P1C</b>	Resolution Authorizing The Mayor Or Designee To Accept A Counteroffer In The Amount Of \$6,500.00 From Fermin Amaro And Marisela Amaro, For The Acquisition Of A Portion Of The Property Located At 12691 SW 104 Street As Part Of The Improvements To SW 127 Avenue, Between SW 120 Street And SW 88 Street	<i>R</i> <i>R</i> Jordan, Sosa <i>✓</i>
<i>Released</i> <b>8P1D*</b>	Resolution Authorizing The Mayor Or His Designee To Accept A Counteroffer In The Amount \$95,000.00 From Nine (9) Property Owners For The Acquisition Of Property Located At The Southeast Corner Of Old Cutler Road And SW 87 Avenue As Part Of The Road Right-Of-Way Improvement Project To Old Cutler Road, From SW 87 Avenue To SW 97 Avenue	Jordan <i>✓</i>
<b>8P1E*</b>	Resolution Increasing The Blanket Amount Authorized By The Miami-Dade Public Works Department To Secure Independent, Certified Property Appraisers On An As-Needed Basis	Martinez <i>R</i> <i>✓</i>
<i>Released</i> <b>8P1G</b>	Resolution Authorizing Execution Of A Joint Participation Agreement Between Miami-Dade County And The City Of Miami Gardens To Provide County Funding In The Amount Of \$5,173,000 For The Design And Construction Of Roadway Improvements Along NW 7 Avenue, From NW 183 Street To NW 199 Street	Sosa
<i>Released</i> <b>8P1I</b>	Resolution Authorizing Execution Of A Joint Participation Agreement (JPA) Between Miami-Dade County (MDC) And The Florida Department Of Transportation (FDOT) Establishing The Terms And Conditions For Disbursement Of FDOT Grant Monies For The Cost Of Design And Installation Of Landscaping Along Various FDOT Roadways	Rolle <i>✓</i>

*Def*  
*Rolle*  
*Moss*



**Miami-Dade Board of County Commissioners  
Pull List  
Tuesday, October 2, 2007**

*✓ = 1st motion*

<i>Released</i> 8R3H	Contract Award Recommendation Between CH2M Hill, Inc. For Proposed Upgrades To The South District Wastewater Treatment Plant	Rolle <i>Released</i>
9A10A	Resolution Authorizing The County Mayor Or His Designee To Execute Two Memorandums Of Agreement With The State To Receive And Expend HAVA Funds In The Amount Of \$5,011,327.56 For Optical Scan And Ballot-On-Demand Voting Equipment	Heyman, Moss ✓
11A2	Resolution Urging The Florida Legislature, The Florida Office Of Insurance Regulation, And The Citizens Property Insurance Corporation To Develop And Implement A System For Providing Homeowners Discounts On Their Property Insurance If They Install Carbon Monoxide Detectors	Diaz (co-sponsor) Souto (co-sponsor) Sorenson (co-sponsor)
11A5	Resolution Urging The U.S. Congress To Schedule Hearings And Approve A U.S. - Colombia Trade Promotion Agreement	Diaz - <i>(circled)</i> Souto (co-sponsor) ✓
11A20	Resolution Declaring Two Pickup Trucks Surplus And Authorizing Their Donation To Farm Share, Inc.	Moss (co-sponsor) <i>multivalue 11/10/07</i>
11A23	Resolution Approving Issuance By The City Of Homestead Of One Or More Series And From Time To Time Of Its Industrial Development Revenue Bonds In Aggregate Principal Amount Not To Exceed \$105,000,000 On Behalf Of Lincoln-Marti Community Agency, Inc.	Gimenez, Sosa <i>multivalue 11/10/07</i> <i>Released</i> Jordan ✓
11A23 SUPP	Supplement To Resolution Approving Issuance By The City Of Homestead Of One Or More Series And From Time To Time Of Its Industrial Development Revenue Bonds In Aggregate Principal Amount Not To Exceed \$105,000,000 On Behalf Of Lincoln-Marti Community Agency, Inc.	Gimenez ✓
11A24	Resolution Amending Resolution No. R-462-07 Relating To The Charter Review Task Force	Diaz, Martinez, Sosa ✓
11A26	Resolution Directing The County Manager To Report To The Board Of County Commissioners Regarding The Use Of Incentive Contracting In County Construction Projects	Edmonson Diaz (co-sponsor) ✓
<i>Amend</i> 11A27 <i>Rel.</i>	Resolution Directing County Manager To Explore Feasibility Of Leasing Vacant Lands Currently Owned By Miami-Dade Water And Sewer Department To Creative Children Therapy, Inc., A Florida Non-Profit Corporation, For Development Of Facility To Provide Pediatric Therapy Services For Special Needs Children	Souto <i>Released</i> Diaz (co-sponsor)
11A28	Resolution Directing The County Manager To Develop And Implement A Due Diligence Program To Ensure That Before Miami-Dade County Awards A Contract Or Enters Into A Business Transaction	Jordan
11A30 <i>Released</i>	Resolution Directing The County Manager To Review All Affordable Housing Initiatives That Have Been Established By Resolutions And Ordinances And Have Been Implemented By The County Manager And/Or Mayor Within The Last Ten (10) Years To Ascertain Their Effectiveness	Jordan Rolle (co-sponsor) ✓ Souto (co-sponsor)
11A31	Resolution Directing County Manager To Study Feasibility Of Installing Dry Hydrants And Wells In Agricultural Areas Outside Of The Urban Development Boundary	Sorenson (co-sponsor)
11A32	Resolution Directing The Commission Auditor To Prepare An Annual Budget For The County; Setting Timetable For Annual Budget Process	Souto (co-sponsor)
11A33	Resolution Directing The County Manager To Develop And Place On The Miami-Dade County Website Individual Analysis Of The Super Homestead Property Tax Exemption To Be Voted On January 29, 2008 For Each Homestead Property Owner	Rolle <i>Del</i>
11A34	Resolution Directing The County Manager To Develop An Action Plan To Educate Voters About The Super Homestead Property Tax Exemption Proposed To Be Voted On January 29, 2008	Rolle <i>Del</i>
11A35	Resolution Requesting The County Manager To Issue An Administrative Building Moratorium Pursuant To Section 33-319 Of The Code Of Miami-Dade County For A Certain Mobile Home Park Located In Northwest Miami-Dade County	<i>(circled)</i> Diaz, Martinez <i>W.D.W.</i>



Miami-Dade Board of County Commissioners

Pull List

Tuesday, October 2, 2007

12B2	Report Re: City Of Homestead Annexation Application Of Area NW 1	Sorenson
12B3	People's Transportation Plan 90-Day Report 3rd Quarter Fiscal Year 2006-2007	Sorenson
12B4	Report Re: Miami-Dade County Manatee Protection Plan Review Committee-Standards For The Creation And Review Of Boards	Martinez <sup>Sosa</sup> Sorenson ✓
12B5	Status Report On Opa-Locka Public Housing Development Disposition	Heyman ✓
12B7	Second Round Of CDBG 2005 Disaster Recovery Funding	Gimenez ✓
14A1	Resolution Approving Supplemental Joint Participation Agreement No. 1 41455319401 Between Miami-Dade County And The Florida Department Of Transportation And Approving The Revised Expenditure Plan Contained Therein To Identify Security Projects And Their Costs At Certain Miami-Dade County General Aviation Airports	
14A2	Resolution Relating To Miami International Airport; Ratifying Execution Of A Grant Agreement Between The County And The Federal Aviation Administration (FAA) For \$10,760,261 To Provide Grant Funds For Relocation Of The Threshold For Runway 27 And Construction Of Dual Taxiways P And Q In Connection With The New South Terminal Project	
14A3	Resolution Ratifying County Manager's Execution Of The Eighth Grant Agreement Between The County And The Federal Aviation Administration (FAA) For \$8,000,000 Of A Total Potential Funding Of \$104,040,000 Previously Approved By The FAA Under A Letter Of Intent To Provide Grant Funds For Construction Of The Completed Northside Runway At Miami International Airport	
14A4	Resolution Relating To Miami International Airport; Approving Supplemental Joint Participation Agreement (SJPA) No. 2 And Its Revised Expenditure Plan Applicable To Reprioritized Security Projects And Their Costs Eligible For Grant Funds Under Previously Approved Joint Participation Agreement	
14A5	Resolution Approving And Authorizing Execution Of Settlement Agreement Resolving Pending Federal Litigation Between Miami-Dade County And The United States Department Of Housing And Urban Development	Gimenez, Moss ✓

\* MANAGER'S MUST PASS \*



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OCT 02 2007

MEMORANDUM  
OFFICE OF THE MAYOR

Item 2B2  
Exhibit \_\_\_\_\_  
Meeting BCC REG

Date: October 2, 2007

To: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County  
Commissioners

Agenda Item No. 2(B)2

From:   
Carlos Alvarez  
Mayor

Subject: Approval of Departmental Agenda Items

This statement is provided pursuant to the Board of County Commissioners Rules of Procedure and Ordinance 07-66 adopted by the Board on May 8, 2007.

The following items including any alternates, substitutes, or supplements included in this agenda have been approved and are recommended for your approval.

Specific Items:

2B1	5J	8J1C	8P1A	12B1
4A	7J	8J1D	8P1B	12B2
4B	7K	8J1E	8P1C	12B3
4C	7L	8J1F	8P1D	12B4
4D	7M	8K1A	8P1E	12B5
4E	8C1A	8K1B	8P1F	12B6
4F	8C1B	8K1C	8P1G	12B7
4G	8C1C	8M1A	8P1H	12B8
4H	8D1A	8M1B	8P1I	14A1
4J	8D1B	8M1C	8R3A	14A2
4K	8D1C	8M1D	8R3B	14A3
4L	8D1D	8M1E	8R3C	14A4
4M	8D1E	8M3A	8R3D	14A5
4N	8D1F	8N1A	8R3E	18A1
5A	8E1A	8N1B	8R3F	18A2
5B	8F1A	8N1C	8R3G	18A3
5C	8F1B	8O1A	8R3H	18A4
5D	8F1C	8O1B	8R3I	18A5
5E	8F3A	8O1C	8R3J	
5F	8G1A	8O1D	9A10A	
5G	8J1A	8O1E	9A17A	
5I	8J1B	8O1F	12A1	



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BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/10711:59 AM

VOTE TALLY

Item 4A-4N

Exhibit \_\_\_\_\_

Meeting BCC REG

TIME:

14A5

ORDINANCES FOR FIRST READING

YES - 12

GIMENEZ  
HEYMAN  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 1

SEIJAS

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BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/10712:14 PM

VOTE TALLY Item 7A  
Exhibit \_\_\_\_\_  
Meeting BCC REG

TIME: ✓

7A

ORDINANCE RELATING TO TRAFFIC CODE;  
AMENDING SECTIONS 30-292 AND 30-388.32  
OF THE CODE TO PROHIBIT STOPPING,  
STANDING OR PARKING OR PARKING A VECHILE

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

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BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2006

DATE: 10/02/10712:15 PM

VOTE TALLY

Item 7B  
Exhibit \_\_\_\_\_  
Meeting BCC REG

TIME:

7B

ORDINANCES AMENDING MANAGER'S  
RECOMMENDATION IN SECTION 2-8.3 OF THE  
CODE TO REQUIRE ANNUAL OPERATION AND  
MAINTENANCE COSTS AND LIFE EXPECTANCY



YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

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BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/10712:18 PM

Item 7C  
VOTE TALLY Exhibit \_\_\_\_\_  
Meeting BCC REG

TIME:

7C

ORDINANCES RELATING TO RULES AND  
PROCEDURE OF THE COUNTY COMMISSION;  
TO PROVIDE THAT OPTIONS TO RENEW  
CONTRACTS SHALL BE EXEMPT FROM COMMITTEE

YES - 12

GIMENEZ  
HEYMAN  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 1

SEIJAS

BCC MEETING  
SEPTEMBER 26, 2006

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L. AS C...  
OCT 02 2007

DATE: 10/02/10712:19 PM

VOTE TALLY

TIME:

Item 7D  
Exhibit \_\_\_\_\_  
Meeting BCC REG

7D

ORIDNANCE AMENDING SECTION 2-8.2.10 OF  
THE CODE RELATED TO PROCUREMENT  
PROCEDURES FOR CONTRACTS RELATED TO  
PROJECTS FUNDED IN WHOLE OR IN PART

YES - 12

GIMENEZ  
HEYMAN  
MOSS  
DIAZ

SOUTO  
SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 1

SEIJAS

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BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/10712:34 PM

Item 7E Amended  
VOTE TALLY Exhibit  
Meeting BCC REG

TIME:

7E AMENDED  
ORDINANCE AMENDING SECTION 2-8.2.10  
OF THE CODE RELATED TO PROCUREMENT  
PROCEDURES FOR CONTRACTS RELATED TO  
PROJECTS FUNDED IN WHOLE OR IN PART BY

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

BCC MEETING  
SEPTEMBER 26, 2006

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DATE: 10/02/10712:35 PM

VOTE TALLY

OCT 02 2007

TIME:

Item 7F

7F

Exhibit \_\_\_\_\_

Meeting BCC REG

ORDINANCE AMENDING MANAGER'S  
RECOMMENDATION IN SECTION 2-8.3 OF THE  
CODE TO REQUIRE THAT THE COUNTY MANAGER  
TO CLEARLY IDENTIFY ALL THE DELEGATIONS

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

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BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/10712:38 PM

VOTE TALLY Exhibit 7G AMENDED ✓  
Meeting BCC REG

TIME:

7G

ORDINANCE AMENDING SECTION 2-8.1 OF  
THE CODE TO ALLOW FOR ONE TIME VENDOR  
REGISTRATION APPLICATIONS AND REQUIRING  
VENDOR REGISTRATION APPLICATION PRIOR

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS



BCC MEETING  
SEPTEMBER 26, 2006

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By the Clerk for the record.

OCT 02 2007

DATE: 10/02/10712:59 PM

VOTE TALL Item 7H

TIME:

Exhibit

7H

Meeting BCC REG

ORDINANCE CREATING THE MIAMI-DADE  
COUNTY MANATEE PROTECTION PLAN REVIEW  
COMMITTEE; PROVIDING FOR PURPOSE,  
MEMBERSHIP, ORGANIZATION, JURISDICTION

YES - 8

MOSS  
SOUTO  
JORDAN

BARREIRO  
ROLLE  
SOSA

MARTINEZ  
EDMONSON

NO - 3

GIMENEZ

HEYMAN

SORENSEN

ABSENT - 2

DIAZ

SEIJAS

RECEIVED

By the Clerk for the record.

BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/1071:00 PM

VOTE TALLY

TIME:

Item 7I  
Exhibit \_\_\_\_\_  
Meeting BCC REG

7I

ORDINANCES AMENDING SECTION 18-3 OF THE  
CODE; REVISING PROCEDURES FOR  
PROCESSING OF SPECIAL TAXING DISTRICT  
PETITIONS BY CLARIFYING REQUIREMENTS

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

**RECEIVED**  
By the Clerk for the record.

BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/1071:01 PM

VOTE TALLY

Item 7J ✓  
Exhibit \_\_\_\_\_  
Meeting BCC REG

TIME:

7J

ORDINANCE PERTIANING TO PLANNING  
ADVISORY BOARD AND COMMUNITY COUNCILS;  
MODIFYING COMPOSITION OF MEMBERSHIP  
TO PROVIDE FOR NONVOTING REPRESENTATIVE

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

**RECEIVED**  
By the Clerk for the record.

BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/1071:02 PM

VOTE TALLY Item 7K  
Exhibit \_\_\_\_\_  
Meeting BCC REG ✓

TIME:

7K

ORDINANCES AMENDING THE CHAPTER 8 OF  
THE CODE; AMENDING ARTICLE I REGARDING  
THE POWERS AND DUTIES OF THE BOARD OF  
RULES AND APPEALS CLARIFYING THE AUTHORI

YES - 10

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO

ROLLE  
SOSA  
EDMONSON

NO - 1

MARTINEZ

ABSENT - 2

DIAZ

SEIJAS

RECEIVED  
By the Clerk for the record.

BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

DATE: 10/02/1071:04 PM

VOTE TALLY Item 7L  
Exhibit \_\_\_\_\_  
Meeting BCC REG ✓

TIME:

7L

ORDINANCE AMENDING ARTICLE II, SECTIONS  
17-11 THROUGH 17-13, 17-15, 17-17,  
17-30.1; REPEALING SECTIONS 17-18;  
CREATING SECTION 17-18A OF THE CODE

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

RECEIVED  
By the Clerk for the record.

BCC MEETING  
SEPTEMBER 26, 2006

OCT 02 2007

Item 7M AMENDED  
Exhibit \_\_\_\_\_  
Meeting BCC REG

DATE: 10/02/1071:06 PM

VOTE TALLY \_\_\_\_\_ TIME: \_\_\_\_\_

7M

(Amended)

ORDINANCE RELATING TO VEHICLES FOR  
HIRE; AMENDING SECTIONS 31-76 AND 31-85  
OF THE CODE WHICH PROHIBIT  
COMPENSATION FOR THE RIGHT TO PICK UP

YES - 11

GIMENEZ  
HEYMAN  
MOSS  
SOUTO

SORENSEN  
JORDAN  
BARREIRO  
ROLLE

SOSA  
MARTINEZ  
EDMONSON

NO - 0

ABSENT - 2

DIAZ

SEIJAS

ROLL CALL VOTE SHEET  
BOARD OF COUNTY COMMISSIONERS  
MEETING OF 10-2-07

AGENDA ITEM: OCT 02 2007

AGENDA ITEM: 11A23

AGENDA ITEM: 11A23

ION: Itc.

MOTION: To reconsider Agenda Item 11A23

MOTION: To defer to October 4, 2007

ROLL CALL	(M/S)	YES	NO	AB
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Vice Chairwoman Jordan				
Chairman Barreiro				
<b>TOTAL</b>				

ROLL CALL	(M/S)	YES	NO	AB
Comr. Edmonson				
Comr. Gimenez		✓		
Comr. Heyman		✓		
Comr. Martinez				✓
Comr. Moss		✓		
Comr. Rolle		✓		
Comr. Seijas				✓
Comr. Sorenson		✓		
Comr. Sosa		✓		
Comr. Souto		✓		
Comr. Diaz				✓
Vice Chairwoman Jordan		✓		
Chairman Barreiro				✓
<b>TOTAL</b>		8	3	2

ROLL CALL	(M/S)	YES	NO	AB
Comr. Gimenez		✓		
Comr. Heyman		✓		
Comr. Martinez				✓
Comr. Moss		✓		
Comr. Rolle		✓		
Comr. Seijas				✓
Comr. Sorenson		✓		
Comr. Sosa				✓
Comr. Souto		✓		
Comr. Diaz				✓
Comr. Edmonson		✓		
Vice Chairwoman Jordan		✓		
Chairman Barreiro				✓
<b>TOTAL</b>		8	3	

AGENDA ITEM:

AGENDA ITEM:

AGENDA ITEM:

MOTION:

MOTION:

MOTION:

ROLL CALL	(M/S)	YES	NO	AB
Comr. Heyman				
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Vice Chairwoman Jordan				
Chairman Barreiro				
<b>TOTAL</b>				

ROLL CALL	(M/S)	YES	NO	AB
Comr. Martinez				
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Vice Chairwoman Jordan				
Chairman Barreiro				
<b>TOTAL</b>				

ROLL CALL	(M/S)	YES	NO	AB
Comr. Moss				
Comr. Rolle				
Comr. Seijas				
Comr. Sorenson				
Comr. Sosa				
Comr. Souto				
Comr. Diaz				
Comr. Edmonson				
Comr. Gimenez				
Comr. Heyman				
Comr. Martinez				
Vice Chairwoman Jordan				
Chairman Barreiro				
<b>TOTAL</b>				