

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 1156

INTRODUCER: Senator Collins

SUBJECT: Dangerous Dogs

DATE: January 22, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Burse	Becker	AG	Pre-meeting
2.			JU	
3.			FP	

I. Summary:

SB 1156 requires a dog owner that has knowledge of their dog’s dangerous propensities to securely confine the dog in a proper enclosure.

The bill provides definitions for “Department” and “Proper enclosure.”

The bill also provides requirements and penalties for owners of dangerous dogs involved in injury and or death to humans or animals. The bill establishes the Statewide Dangerous Dog Registry.

The bill provides requirements and penalties for dogs that have not been declared dangerous that are involved in the injury or death of humans.

The bill exempt police canines while the canine is on duty.

The bill takes effect July 1, 2024.

II. Present Situation:

Dangerous Dogs

Part II of ch. 767, F.S., outlines the state’s “Dangerous Dogs” provisions, originally enacted in 1990.¹ The Legislature found that “dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of the owners to confine and properly train and control their dogs; that existing laws

¹ Ch. 90-180, Laws of Fla.

inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements on the owners of dangerous dogs.”²

A “dangerous dog” is defined as a dog that:

- Has aggressively bitten, attacked, endangered, or inflicted severe injury on a person on public or private property;
- Has more than one time severely injured or killed a domestic animal while the dog is off the owner’s property; or
- Has, when unprovoked, chased or approached a person in public in a menacing fashion, or with an attitude of attack.³

Process for Classification of Dogs as Dangerous

An animal control officer⁴ is typically the person who would investigate an incident involving a dog. In areas unserved by an animal control authority,⁵ the sheriff assumes the duties required of an animal control officer.⁶

Upon receiving a report of a potentially dangerous dog, the animal control authority must investigate the incident, interview the owner, and require a sworn affidavit from any person who seeks to have a dog classified as dangerous.⁷ An animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held.⁸ A dog that is being investigated as a dangerous dog that is not impounded with the animal control authority must be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation.⁹

The animal control authority may not declare a dog as dangerous if:

- The injured person was unlawfully on the property, or if lawfully on the property was tormenting, abusing, or assaulting the dog or its owner or a family member; or
- The dog was protecting a person within the immediate vicinity of the dog from an unjustified attack or assault.¹⁰

After investigating, the animal control authority must initially determine whether sufficient cause exists to classify the dog as dangerous and if sufficient cause is found, provide the owner an opportunity for a hearing before making a final determination regarding the classification or penalty.¹¹ The animal control authority must provide written notice of sufficient cause and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformity with how service of process is made.

² Section 767.10, F.S.

³ Section 767.11, F.S.

⁴ Section 767.11(3), F.S.

⁵ Section 767.11(5), F.S.

⁶ Section 767.11(5) and (6), F.S.

⁷ Section 767.12(1), F.S.

⁸ Section 767.12(1)(a), F.S.

⁹ Section 767.12(1)(b), F.S.

¹⁰ Section 767.12(2)(a-b), F.S.

¹¹ Section 767.12(3), F.S.

The owner has seven calendar days from receiving the notice to file a written request for a hearing. The hearing officer must hold the hearing as soon as possible, no more than 21 calendar days, and no sooner than five days after receiving the request for hearing.¹² If a hearing is not timely requested the authority's determination becomes final.

Within 14 days after the classification as a dangerous dog by the animal control authority, the owner must register the dog with the animal control authority and renew the certification annually. Vaccination, enclosure, warning sign, and identification requirements must then be followed. The owner must immediately notify the animal control authority if the dog is loose, bites or attacks a person or another animal, or if there is any other change in status. A dangerous dog must remain in its enclosure at all times unless it is muzzled and restrained by a chain or leash. Any violation of these requirements is a noncriminal infraction punishable by a fine, not to exceed \$500.¹³

In addition to civil penalties, the owner of a dangerous dog can be charged with the following criminal violations:

- 1st degree misdemeanor if the dog has previously been declared “dangerous” and it attacks or bites a person or domestic animal without provocation.¹⁴
- 2nd degree misdemeanor if the dog has not previously been declared “dangerous” but causes severe injury to or death of any human and the owner had prior knowledge of, but recklessly disregarded, the dog's dangerous propensities.¹⁵
- 3rd degree felony if the dog has previously been declared “dangerous” and it attacks and causes severe injury to or death of any human.¹⁶

Other State Dangerous Dog Law

At least 42 states have laws related to dangerous dogs and violations associated with their ownership.¹⁷ Virginia and Pennsylvania require dangerous dog owners to register their dogs with their state's online dog registry. Colorado, Oregon, and Pennsylvania have criminal penalties for harboring, maintaining, or owning a dangerous dog.¹⁸

III. Effect of Proposed Changes:

Section 1 amends s. 767.01, F.S., to require a dog owner that has knowledge of their dog's dangerous propensities to securely confine the dog in a proper enclosure.

Section 2 amends s. 767.10, F.S., to provide that the Legislature intends to impose uniform requirements for owners of both dogs and dangerous dogs.

¹² Section 767.12(3), F.S.

¹³ Section 767.12 (7), F.S.

¹⁴ Section 676.13(1), F.S.

¹⁵ Section 767.136(1), F.S.

¹⁶ Section 767.13(2), F.S.

¹⁷ Michigan State University, State Dangerous Dog Laws, available at <https://www.animallaw.info/topic/state-dangerous-dog-laws> (last visited January 18, 2024).

¹⁸ *Id.*

Section 3 amends s. 767.11, F.S., to provide the definition for “Department” to mean the Department of Agriculture and Consumer Services. The bill also amends the definition of “Proper enclosure” to include a locked, fenced yard, suitable to prevent the entry of young children and designed to prevent the dog from escaping over, under, or through the fence.

Section 4 amends s. 767.12, F.S., to authorize animal control authorities to confiscate a dangerous dog to be placed in quarantine, for a time, or impounded and held. The bill also amends the parameters in which a dog may not be declared dangerous.

The bill provides that after a dangerous dog classification the animal control authority shall provide the department information for inclusion in the statewide Dangerous Dog Registry. The bill also provides that the animal control authority shall, if the dog is classified as a dangerous dog due to an incident that caused severe injury to a human being, destroy the dog in an expeditious and humane manner.

The bill requires owners of dangerous dogs to have the dangerous dog spayed or neutered and to obtain liability insurance coverage in the amount of at least \$100,000. This insurance must cover damages resulting from an attack by the dangerous dog causing bodily injury to a person. The owner must also provide proof of the required liability insurance coverage to the animal control authority for the area in which the dog is kept.

The bill increases the maximum penalty for violating this section from \$500 to \$1,000 per violation.

Section 5 creates s. 767.125, F.S., to establish the Statewide Dangerous Dog Registry. The bill authorizes the department to create a searchable online database of dogs throughout this state which have been declared dangerous by local authorities. The following information, at a minimum, should be provided in the registry:

- A current certificate of rabies vaccination for the dog.
- Evidence of a proper enclosure within which the dangerous dog will be confined and of the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property.
- Evidence of permanent identification of the dog, such as a tattoo on the inside thigh or an implantation of a microchip.
- Evidence of the dog having been spayed or neutered.
- Evidence that the owner has obtained the required liability insurance.
- The dog’s name and a photograph of the dog.
- The county in which the dog is located.
- The owner’s name and address.

The bill grants the department rulemaking authority to administer the registry.

Section 6 amends s. 767.13, F.S., to provide that the owner of a previously declared dangerous dog commits a misdemeanor if that dog attacks or bites a person or a domestic animal without provocation. The bill also requires that the dog must be immediately confiscated by an animal control authority, impounded for 10 business days and thereafter destroyed in an expeditious and

humane manner. The bill provides the owner may request a hearing during the 10 day time period.

The bill provides that the owner of a previously declared dangerous dog commits a third degree felony if that dog attacks and causes severe injury to or death of any human. The bill also requires that the dog must be immediately confiscated by an animal control authority, impounded for 10 business days and thereafter destroyed in an expeditious and humane manner. The bill provides the owner may request a hearing during the 10 day time period.

Section 7 amends s. 767.135, F.S., to require that if a dog that has not been declared dangerous attacks and causes the death of a human that it must be confiscated, impounded for 10 days, and thereafter destroyed in an expeditious and humane manner. The bill provides the owner may request a hearing during the 10 day time period.

Section 8 amends s. 767.136, F.S., to provide that if a dog that has not been declared dangerous attacks and causes severe injury to, or the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet failed to secure the dog in a proper enclosure, the owner of the dog commits a second degree misdemeanor.

Section 9 amends s. 767.16, F.S., to exempt police canines while the canine is on duty.

Section 10 provides that the bill shall take effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Owners of dangerous dogs will be required to obtain liability insurance coverage in an amount of at least \$100,000. The owners will also be required to:

- Provide certificate of rabies vaccination for the dog.
- Properly enclose dog and provide clearly visible warning signs at all entry points to inform the presence of a dangerous dog on the property.
- Permanently identify dangerous dogs through tattoos, inside of thigh, or implantation of a microchip.
- Spay or neuter their dog.

Owners of dangerous and unclassified dogs who cause harm and or death to humans or animals will responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure after the dog is impounded.

C. Government Sector Impact:

The department will have to maintain the Statewide Dangerous Dog Registry. Animal control authorities may be required to destroy an increased amount of dogs and therefore may incur additional costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections 767.01, 767.10, 767.11, 767.12, 767.13, 767.135, 767.136, and 767.16 of the Florida Statutes.

This bill creates section 767.125 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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