

By Senator Collins

14-00474-24

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1 A bill to be entitled
2 An act relating to dangerous dogs; amending s. 767.01,
3 F.S.; requiring certain dog owners to securely confine
4 their dogs in a proper enclosure; amending s. 767.10,
5 F.S.; revising legislative findings relating to
6 dangerous dogs; reordering and amending s. 767.11,
7 F.S.; defining the term "department"; revising
8 definitions; amending s. 767.12, F.S.; requiring,
9 rather than authorizing, that dogs subject to certain
10 dangerous dog investigations be confiscated,
11 impounded, and held; requiring, rather than
12 authorizing, that the dog be held until the completion
13 of certain actions; requiring that certain dogs not
14 impounded be confined in a proper enclosure by the
15 owner; requiring animal control authorities to provide
16 certain information to the Department of Agriculture
17 and Consumer Services and to destroy certain dogs;
18 revising the information that the owner of a dog
19 classified as a dangerous dog is required to provide
20 to an animal control authority; requiring such owner
21 to obtain liability insurance coverage for a dog
22 classified as a dangerous dog; providing requirements
23 for such insurance; deleting an exemption for certain
24 hunting dogs; revising the civil penalty for
25 violations; creating s. 767.125, F.S.; requiring the
26 department to create and maintain a statewide
27 Dangerous Dog Registry; providing the purpose of the
28 registry; requiring animal control authorities to
29 provide the department with certain information;

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30 requiring the department to adopt rules; amending ss.
31 767.13 and 767.135, F.S.; making technical changes;
32 conforming provisions to changes made by the act;
33 amending s. 767.136, F.S.; revising the circumstances
34 under which the owner of a dog that has not been
35 declared dangerous is liable for such dog's severe
36 injury to, or the death of, a human; amending s.
37 767.16, F.S.; providing that police canines are only
38 exempt from certain provisions while on duty;
39 providing an effective date.
40

41 Be It Enacted by the Legislature of the State of Florida:
42

43 Section 1. Section 767.01, Florida Statutes, is amended to
44 read:

45 767.01 Dog owner's liability for damages to persons,
46 domestic animals, or livestock.—

47 (1) A dog owner is ~~Owners of dogs shall be~~ liable for any
48 damage done by the owner's dog ~~their dogs~~ to a person or to any
49 animal included in the definitions of "domestic animal" and
50 "livestock" as provided by s. 585.01.

51 (2) If a dog owner has knowledge of the dog's dangerous
52 propensities, the owner must securely confine the dog in a
53 proper enclosure as defined in s. 767.11.

54 Section 2. Section 767.10, Florida Statutes, is amended to
55 read:

56 767.10 Legislative findings.—The Legislature finds that
57 dangerous dogs are an increasingly serious and widespread threat
58 to the safety and welfare of the people of this state because of

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59 unprovoked attacks which cause injury to persons and domestic
60 animals; that such attacks are in part attributable to the
61 failure of owners to confine and properly train and control
62 their dogs; that existing laws inadequately address this growing
63 problem; and that it is appropriate and necessary to impose
64 uniform requirements for the owners of dogs and dangerous dogs.

65 Section 3. Section 767.11, Florida Statutes, is reordered
66 and amended to read:

67 767.11 Definitions.—As used in this part act, unless the
68 context clearly requires otherwise:

69 (3)~~(1)~~ “Dangerous dog” means a a ~~any~~ dog that according to
70 the records of the appropriate authority:

71 (a) Has aggressively bitten, attacked, or endangered or has
72 inflicted severe injury on a human being on public or private
73 property;

74 (b) Has more than once severely injured or killed a
75 domestic animal while off the owner’s property; or

76 (c) Has, when unprovoked, chased or approached a person
77 upon the streets, sidewalks, or any public grounds in a menacing
78 fashion or apparent attitude of attack, provided that such
79 actions are attested to in a sworn statement by one or more
80 persons and dutifully investigated by the appropriate authority.

81 (4) “Department” means the Department of Agriculture and
82 Consumer Services.

83 (8)~~(2)~~ “Unprovoked” means that the victim who has been
84 conducting himself or herself peacefully and lawfully has been
85 bitten or chased in a menacing fashion or attacked by a dog.

86 (7)~~(3)~~ “Severe injury” means any physical injury that
87 results in broken bones, multiple bites, or disfiguring

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88 lacerations requiring sutures or reconstructive surgery.

89 ~~(6)~~(4) "Proper enclosure ~~of a dangerous dog~~" means, while
90 on the owner's property, a ~~dangerous~~ dog is securely confined:

91 (a) Indoors;

92 (b) In a locked, fenced yard, suitable to prevent the entry
93 of young children and designed to prevent the dog from escaping
94 over, under, or through the fence; or

95 (c) In a securely enclosed and locked pen or structure,
96 suitable to prevent the entry of young children and designed to
97 prevent the dog animal from escaping. ~~The~~ ~~Such~~ pen or structure
98 must ~~shall~~ have secure sides and a secure top to prevent the dog
99 from escaping over, under, or through the structure and must
100 ~~shall~~ also provide protection from the elements.

101 ~~(1)~~(5) "Animal control authority" means an entity acting
102 alone or in concert with other local governmental units and
103 authorized by them to enforce the animal control laws of the
104 city, county, or state. In those areas not served by an animal
105 control authority, the sheriff shall carry out the duties of the
106 animal control authority under this part ~~act~~.

107 ~~(2)~~(6) "Animal control officer" means any individual
108 employed, contracted with, or appointed by the animal control
109 authority for the purpose of aiding in the enforcement of this
110 part ~~act~~ or any other law or ordinance relating to the licensure
111 of animals, control of animals, or seizure and impoundment of
112 animals and includes any state or local law enforcement officer
113 or other employee whose duties in whole or in part include
114 assignments that involve the seizure and impoundment of an ~~any~~
115 animal.

116 ~~(5)~~(7) "Owner" means a ~~any~~ person, a firm, a corporation,

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117 or an organization possessing, harboring, keeping, or having
118 control or custody of an animal or, if the animal is owned by a
119 person ~~under the age of 18~~ years of age or younger, that
120 person's parent or guardian.

121 Section 4. Section 767.12, Florida Statutes, is amended to
122 read:

123 767.12 Classification of dogs as dangerous; owner
124 requirements; penalty certification of registration; notice and
125 hearing requirements; confinement of animal; exemption; appeals;
126 unlawful acts.—

127 (1) An animal control authority shall investigate reported
128 incidents involving any dog that may be dangerous and, if
129 possible, shall interview the owner and require a sworn
130 affidavit from any person, including any animal control officer
131 or enforcement officer, desiring to have a dog classified as
132 dangerous.

133 (a) An animal that is the subject of a dangerous dog
134 investigation for behavior described in s. 767.11(3)(a) or (c)
135 must ~~because of severe injury to a human being~~ may be
136 immediately confiscated by an animal control authority; it placed
137 in quarantine, if necessary, for the proper length of time; ~~it~~ or
138 impounded; and held. The animal must ~~may~~ be held pending the
139 outcome of the investigation and any hearings or appeals related
140 to the dangerous dog classification or any penalty imposed under
141 this section. If the dog is to be destroyed, the dog may not be
142 destroyed while an appeal is pending. The owner is responsible
143 for payment of all boarding costs and other fees as may be
144 required to humanely and safely keep the animal pending any
145 hearing or appeal, unless it is determined that the dog is not

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146 dangerous.

147 (b) An animal that is the subject of a dangerous dog
148 investigation for behavior described in s. 767.11(3)(b) may be
149 immediately confiscated by an animal control authority; placed
150 in quarantine, if necessary, for the proper length of time; or
151 impounded and held. An animal that ~~which~~ is not impounded with
152 the animal control authority must be ~~humanely and safely~~
153 confined by the owner in a proper enclosure ~~securely fenced or~~
154 ~~enclosed area. The animal shall be confined in such manner~~
155 pending the outcome of the investigation and the resolution of
156 any hearings or appeals related to the dangerous dog
157 classification or any penalty imposed under this section. The
158 owner shall provide the address at which the animal resides
159 ~~shall be provided~~ to the animal control authority. A dog that is
160 the subject of a dangerous dog investigation may not be
161 relocated or have its ownership transferred pending the outcome
162 of the investigation and any hearings or appeals related to the
163 dangerous dog classification or any penalty imposed under this
164 section. If a dog is to be destroyed, the dog may not be
165 relocated or have its ownership transferred.

166 (2) A dog may not be declared dangerous if either of the
167 following apply:

168 (a) The threat, injury, or damage was sustained by a person
169 who, at the time, was unlawfully on the property or who, while
170 lawfully on the property, was tormenting, abusing, or assaulting
171 the dog or its owner or a family member.

172 (b) The dog was protecting or defending a human being
173 within the immediate vicinity of the dog from an unjustified
174 attack or assault.

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175 (3) After the investigation, the animal control authority
176 shall make an initial determination as to whether there is
177 sufficient cause to classify the dog as dangerous and, if
178 sufficient cause is found, as to the appropriate penalty ~~under~~
179 ~~subsection (5)~~. The animal control authority shall afford the
180 owner an opportunity for a hearing before ~~prior to~~ making a
181 final determination regarding the classification or penalty. The
182 animal control authority shall provide written notification of
183 the sufficient cause finding and proposed penalty to the owner
184 by registered mail or ~~certified hand delivery~~ or service in
185 conformance with ~~the provisions of~~ chapter 48 relating to
186 service of process. The owner may file a written request for a
187 hearing regarding the dangerous dog classification, penalty, or
188 both, within 7 calendar days after receipt of the notification
189 of the sufficient cause finding and proposed penalty. If the
190 owner requests a hearing, the hearing must ~~shall~~ be held as soon
191 as possible, but not later than 21 calendar days and not sooner
192 than 5 days after receipt of the request from the owner. If a
193 hearing is not timely requested regarding the dangerous dog
194 classification or proposed penalty, the determination of the
195 animal control authority as to such matter is ~~shall become~~
196 final. Each applicable local governing authority shall establish
197 hearing procedures that conform to this subsection.

198 (4) Upon a dangerous dog classification and penalty
199 becoming final after a hearing or by operation of law pursuant
200 to subsection (3), the animal control authority shall do all of
201 the following:

202 (a) Provide a written final order to the owner by
203 registered mail or ~~certified hand delivery~~ or service. The

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204 owner may appeal the classification ~~or~~ penalty, or both, to the
205 circuit court in accordance with the Florida Rules of Appellate
206 Procedure after receipt of the final order. If the dog is not
207 held by the animal control authority, the owner must confine the
208 dog in a proper enclosure ~~securely fenced or enclosed area~~
209 pending resolution of the appeal. Each applicable local
210 governing authority must establish appeal procedures that
211 conform to this paragraph subsection.

212 (b) Provide the information required by s. 767.125(2) to
213 the department for the dangerous dog's inclusion in the
214 statewide Dangerous Dog Registry.

215 (c) If the dog is classified as a dangerous dog due to an
216 incident that caused severe injury to a human being, destroy the
217 dog in an expeditious and humane manner.

218 (5)(a) Except as otherwise provided in paragraph (4)(c)
219 (b), the owner of a dog classified as a dangerous dog shall do
220 all of the following:

221 (a)1. Upon ~~Within 14 days after~~ issuance of the final order
222 classifying the dog as dangerous or the conclusion of any appeal
223 that affirms such final order, obtain a certificate of
224 registration for the dog from the animal control authority
225 serving the area in which he or she resides, and renew the
226 certificate annually. Animal control authorities may ~~are~~
227 ~~authorized to~~ issue such certificates of registration, and
228 renewals thereof, only to persons who are at least 18 years of
229 age and who present to the animal control authority sufficient
230 evidence of all of the following:

231 1.a. A current certificate of rabies vaccination for the
232 dog.

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233 ~~2.b.~~ A proper enclosure to confine the a dangerous dog and
 234 the posting of the premises with a clearly visible warning sign
 235 at all entry points which informs both children and adults of
 236 the presence of a dangerous dog on the property.

237 ~~3.e.~~ Permanent identification of the dog, such as a tattoo
 238 on the inside thigh or an electronic implantation of a
 239 microchip.

240 4. The dog having been spayed or neutered.

241 5. Liability insurance as required by paragraph (b).

242

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

246 (b) Upon issuance of the final order classifying the dog as
 247 dangerous or the conclusion of any appeal that affirms such
 248 final order, obtain liability insurance coverage in an amount of
 249 at least \$100,000 to cover damages resulting from an attack by
 250 the dangerous dog causing bodily injury to a person and provide
 251 proof of the required liability insurance coverage to the animal
 252 control authority for the area in which the dog is kept.

253 ~~(c)2.~~ Immediately notify the appropriate animal control
 254 authority when the dog:

255 ~~1.a.~~ Is loose or unconfined;~~-~~

256 ~~2.b.~~ Has bitten a human being or attacked another animal;~~-~~

257 ~~3.e.~~ Is sold, given away, or dies; or-

258 ~~4.d.~~ Is moved to another address.

259 (d) Before selling or giving away the a dangerous dog ~~is~~
 260 ~~sold or given away, the owner shall~~ provide the name, address,
 261 and telephone number of the new owner to the animal control

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262 authority. The new owner must comply with ~~all of the~~
263 ~~requirements of~~ this section and any implementing local
264 ordinances, even if the animal is moved from one local
265 jurisdiction to another within this ~~the~~ state. The animal
266 control officer must be notified by the owner of a dog
267 classified as dangerous that the dog is in his or her
268 jurisdiction.

269 ~~(e)3.~~ Not allow ~~permit~~ the dog to be outside a proper
270 enclosure unless the dog is muzzled and restrained by a
271 substantial chain or leash and under control of a competent
272 person. The muzzle must be made in a manner that will not cause
273 injury to the dog or interfere with its vision or respiration
274 but will prevent it from biting a person or an animal. The owner
275 may exercise the dog on the owner's property in a proper
276 enclosure ~~securely fenced or enclosed area that does not have a~~
277 ~~top,~~ without a muzzle or leash, ~~if the dog remains within the~~
278 owner's ~~his or her~~ sight and only members of the immediate
279 household or persons 18 years of age or older, if applicable,
280 are allowed in the enclosure when the dog is present. When being
281 transported, such dogs must be safely and securely restrained
282 within a vehicle.

283 ~~(b) If a dog is classified as a dangerous dog due to an~~
284 ~~incident that causes severe injury to a human being, based upon~~
285 ~~the nature and circumstances of the injury and the likelihood of~~
286 ~~a future threat to the public safety, health, and welfare, the~~
287 ~~dog may be destroyed in an expeditious and humane manner.~~

288 ~~(6) Hunting dogs are exempt from this section when engaged~~
289 ~~in any legal hunt or training procedure. Dogs engaged in~~
290 ~~training or exhibiting in legal sports such as obedience trials,~~

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291 ~~conformation shows, field trials, hunting/retrieving trials, and~~
292 ~~herding trials are exempt from this section when engaged in any~~
293 ~~legal procedures. However, such dogs at all other times in all~~
294 ~~other respects are subject to this and local laws.~~ Dogs that
295 have been classified as dangerous may not be used for hunting
296 purposes.

297 (7) A person who violates ~~any provision of~~ this section
298 commits a noncriminal infraction, punishable by a fine not to
299 exceed \$1,000 per violation ~~\$500~~.

300 Section 5. Section 767.125, Florida Statutes, is created to
301 read:

302 767.125 Statewide Dangerous Dog Registry.—

303 (1) The department shall create and maintain a statewide
304 Dangerous Dog Registry that provides the public with a
305 searchable online database of dogs throughout this state which
306 have been declared dangerous by local authorities.

307 (2) Each animal control authority shall, at a minimum,
308 report all of the following information regarding a dangerous
309 dog within its jurisdiction to the department for inclusion in
310 the registry:

311 (a) A current certificate of rabies vaccination for the
312 dog.

313 (b) Evidence of a proper enclosure within which the
314 dangerous dog will be confined and of the posting of the
315 premises with a clearly visible warning sign at all entry points
316 which informs both children and adults of the presence of a
317 dangerous dog on the property.

318 (c) Evidence of permanent identification of the dog, such
319 as a tattoo on the inside thigh or an implantation of a

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320 microchip.321 (d) Evidence of the dog having been spayed or neutered.322 (e) Evidence that the owner has obtained the required
323 liability insurance.324 (f) The dog's name and a photograph of the dog.325 (g) The county in which the dog is located.326 (h) The owner's name and address.327 (3) The department shall adopt rules to administer this
328 section.329 Section 6. Subsections (1) and (2) of section 767.13,
330 Florida Statutes, are amended to read:331 767.13 Attack or bite by dangerous dog; penalties;
332 confiscation; destruction.—333 (1) If a dog that has previously been declared dangerous
334 attacks or bites a person or a domestic animal without
335 provocation, the owner commits ~~is guilty of~~ a misdemeanor of the
336 first degree, punishable as provided in s. 775.082 or s.
337 775.083. ~~In addition,~~ The dangerous dog must ~~shall~~ be
338 immediately confiscated by an animal control authority; ~~placed~~
339 in quarantine, if necessary, for the proper length of time; ~~or~~
340 impounded; and held for 10 business days after the owner is
341 given written notification under s. 767.12, and thereafter
342 destroyed in an expeditious and humane manner. ~~This 10-day time~~
343 ~~period shall allow~~ The owner may ~~to~~ request a hearing under s.
344 767.12 during the 10-day time period. The owner is ~~shall be~~
345 responsible for payment of all boarding costs and other fees as
346 may be required to humanely and safely keep the animal during
347 any appeal procedure.

348 (2) If a dog that has previously been declared dangerous

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349 attacks and causes severe injury to or death of any human, the
350 owner commits ~~is guilty of~~ a felony of the third degree,
351 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
352 ~~In addition,~~ The dog must ~~shall~~ be immediately confiscated by an
353 animal control authority; placed in quarantine, if necessary,
354 for the proper length of time; impounded; and ~~or~~ held for 10
355 business days after the owner is given written notification
356 under s. 767.12, and thereafter destroyed in an expeditious and
357 humane manner. ~~This 10-day time period shall allow~~ The owner may
358 ~~to~~ request a hearing under s. 767.12 during the 10-day time
359 period. The owner is ~~shall be~~ responsible for payment of all
360 boarding costs and other fees as may be required to humanely and
361 safely keep the animal during any appeal procedure.

362 Section 7. Section 767.135, Florida Statutes, is amended to
363 read:

364 767.135 Attack or bite by unclassified dog that causes
365 death; confiscation; destruction.—If a dog that has not been
366 declared dangerous attacks and causes the death of a human, the
367 dog must ~~shall~~ be immediately confiscated by an animal control
368 authority; placed in quarantine, if necessary, for the proper
369 length of time; impounded; and ~~or~~ held for 10 business days
370 after the owner is given written notification under s. 767.12,
371 and thereafter destroyed in an expeditious and humane manner.
372 ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a
373 hearing under s. 767.12 during the 10-day time period. If the
374 owner files a written appeal under s. 767.12 or this section,
375 the dog must be held and may not be destroyed while the appeal
376 is pending. The owner is responsible for payment of all boarding
377 costs and other fees as may be required to humanely and safely

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378 keep the animal during any appeal procedure.

379 Section 8. Subsection (1) of section 767.136, Florida
380 Statutes, is amended to read:

381 767.136 Attack or bite by unclassified dog that causes
382 severe injury or death; penalties.—

383 (1) If a dog that has not been declared dangerous attacks
384 and causes severe injury to, or the death of, a human, and the
385 owner of the dog had knowledge of the dog's dangerous
386 propensities, yet failed to secure the dog in a proper enclosure
387 pursuant to s. 767.01(2) ~~demonstrated a reckless disregard for~~
388 ~~such propensities under the circumstances~~, the owner of the dog
389 commits a misdemeanor of the second degree, punishable as
390 provided in s. 775.082 or s. 775.083.

391 Section 9. Subsection (1) of section 767.16, Florida
392 Statutes, is amended to read:

393 767.16 Police canine or service dog; exemption.—

394 (1) Any canine that is owned, or the service of which is
395 employed, by a law enforcement agency, ~~is~~ is exempt from this part
396 while the canine is on duty.

397 Section 10. This act shall take effect July 1, 2024.