

By the Committee on Agriculture; and Senator Collins

575-02408-24

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

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30 767.13 and 767.135, F.S.; making technical changes;  
31 conforming provisions to changes made by the act;  
32 amending s. 767.136, F.S.; revising the circumstances  
33 under which the owner of a dog that has not been  
34 declared dangerous is liable for such dog's severe  
35 injury to, or the death of, a human; providing an  
36 effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. This act may be cited as the "Pam Rock Act."

41 Section 2. Section 767.01, Florida Statutes, is amended to  
42 read:

43 767.01 Dog owner's liability for damages to persons,  
44 domestic animals, or livestock.—

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

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

52 Section 3. Section 767.10, Florida Statutes, is amended to  
53 read:

54 767.10 Legislative findings.—The Legislature finds that  
55 dangerous dogs are an increasingly serious and widespread threat  
56 to the safety and welfare of the people of this state because of  
57 unprovoked attacks which cause injury to persons and domestic  
58 animals; that such attacks are in part attributable to the

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59 failure of owners to confine and properly train and control  
60 their dogs; that existing laws inadequately address this growing  
61 problem; and that it is appropriate and necessary to impose  
62 uniform requirements for the owners of dogs and dangerous dogs.

63 Section 4. Section 767.11, Florida Statutes, is reordered  
64 and amended to read:

65 767.11 Definitions.—As used in this part act, unless the  
66 context clearly requires otherwise:

67 (3)~~(1)~~ "Dangerous dog" means a ~~any~~ dog that according to  
68 the records of the appropriate authority:

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

72 (b) Has more than once severely injured or killed a  
73 domestic animal while off the owner's property; or

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

79 (4) "Department" means the Department of Agriculture and  
80 Consumer Services.

81 (8)~~(2)~~ "Unprovoked" means that the victim who has been  
82 conducting himself or herself peacefully and lawfully has been  
83 bitten or chased in a menacing fashion or attacked by a dog.

84 (7)~~(3)~~ "Severe injury" means any physical injury that  
85 results in broken bones, multiple bites, or disfiguring  
86 lacerations requiring sutures or reconstructive surgery.

87 (6)~~(4)~~ "Proper enclosure ~~of a dangerous dog~~" means, while

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88 on the owner's property, a ~~dangerous~~ dog is securely confined:

89 (a) Indoors;

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

93 (c) In a securely enclosed and locked pen or structure,  
94 suitable to prevent the entry of young children and designed to  
95 prevent the dog animal from escaping. The ~~Such~~ pen or structure  
96 must ~~shall~~ have secure sides and a secure top to prevent the dog

97 from escaping over, under, or through the structure and must  
98 ~~shall~~ also provide protection from the elements.

99 (1) ~~(5)~~ "Animal control authority" means an entity acting  
100 alone or in concert with other local governmental units and  
101 authorized by them to enforce the animal control laws of the  
102 city, county, or state. In those areas not served by an animal  
103 control authority, the sheriff shall carry out the duties of the  
104 animal control authority under this part ~~act~~.

105 (2) ~~(6)~~ "Animal control officer" means any individual  
106 employed, contracted with, or appointed by the animal control  
107 authority for the purpose of aiding in the enforcement of this  
108 part ~~act~~ or any other law or ordinance relating to the licensure  
109 of animals, control of animals, or seizure and impoundment of  
110 animals and includes any state or local law enforcement officer  
111 or other employee whose duties in whole or in part include  
112 assignments that involve the seizure and impoundment of an ~~any~~  
113 animal.

114 (5) ~~(7)~~ "Owner" means a ~~any~~ person, a firm, a corporation,  
115 or an organization possessing, harboring, keeping, or having  
116 control or custody of an animal or, if the animal is owned by a

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117 person ~~under the age of 18~~ years of age or younger, that  
118 person's parent or guardian.

119 Section 5. Section 767.12, Florida Statutes, is amended to  
120 read:

121 767.12 Classification of dogs as dangerous; owner  
122 requirements; penalty certification of registration; notice and  
123 hearing requirements; confinement of animal; exemption; appeals;  
124 unlawful acts.—

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

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

145 (b) An animal that is the subject of a dangerous dog

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

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

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

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

173 (3) After the investigation, the animal control authority  
174 shall make an initial determination as to whether there is

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

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

200 (a) Provide a written final order to the owner by  
201 registered mail or, certified hand delivery or service. The  
202 owner may appeal the classification or, penalty, or both, to the  
203 circuit court in accordance with the Florida Rules of Appellate

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

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

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

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

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

229 1.a. A current certificate of rabies vaccination for the  
230 dog.

231 2.b. A proper enclosure to confine the ~~a~~ dangerous dog and  
232 the posting of the premises with a clearly visible warning sign



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233 at all entry points which informs both children and adults of  
234 the presence of a dangerous dog on the property.

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

238 4. The dog having been spayed or neutered.

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

240

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

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

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

253 ~~1.a.~~ Is loose or unconfined;~~;~~

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

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

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

257 (d) Before ~~selling or giving away the~~ a dangerous dog ~~is~~  
258 ~~sold or given away, the owner shall provide the name, address,~~  
259 and telephone number of the new owner to the animal control  
260 authority. The new owner must comply with ~~all of the~~  
261 ~~requirements of~~ this section and any implementing local

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262 ordinances, even if the animal is moved from one local  
263 jurisdiction to another within this ~~the~~ state. The animal  
264 control officer must be notified by the owner of a dog  
265 classified as dangerous that the dog is in his or her  
266 jurisdiction.

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

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

286 (6) Hunting dogs are exempt from this section when engaged  
287 in any legal hunt or training procedure. Dogs engaged in  
288 training or exhibiting in legal sports such as obedience trials,  
289 conformation shows, field trials, hunting/retrieving trials, and  
290 herding trials are exempt from this section when engaged in any

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291 legal procedures. However, such dogs at all other times in all  
292 other respects are subject to this and local laws. Dogs that  
293 have been classified as dangerous may not be used for hunting  
294 purposes.

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

298 Section 6. Section 767.125, Florida Statutes, is created to  
299 read:

300 767.125 Statewide Dangerous Dog Registry.-

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

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

309 (a) A current certificate of rabies vaccination for the  
310 dog.

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

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

319 (d) Evidence of the dog having been spayed or neutered.

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320 (e) Evidence that the owner has obtained the required  
321 liability insurance.

322 (f) The dog's name and a photograph of the dog.

323 (g) The county in which the dog is located.

324 (h) The owner's name and address.

325 (3) The department shall adopt rules to administer this  
326 section.

327 Section 7. Subsections (1) and (2) of section 767.13,  
328 Florida Statutes, are amended to read:

329 767.13 Attack or bite by dangerous dog; penalties;  
330 confiscation; destruction.—

331 (1) If a dog that has previously been declared dangerous  
332 attacks or bites a person or a domestic animal without  
333 provocation, the owner commits ~~is guilty of~~ a misdemeanor of the  
334 first degree, punishable as provided in s. 775.082 or s.  
335 775.083. ~~In addition,~~ The dangerous dog must ~~shall~~ be  
336 immediately confiscated by an animal control authority; or placed  
337 in quarantine, if necessary, for the proper length of time; ~~or~~  
338 impounded; and held for 10 business days after the owner is  
339 given written notification under s. 767.12, and thereafter  
340 destroyed in an expeditious and humane manner. ~~This 10-day time~~  
341 ~~period shall allow~~ The owner may ~~to~~ request a hearing under s.  
342 767.12 during the 10-day time period. The owner is ~~shall be~~  
343 responsible for payment of all boarding costs and other fees as  
344 may be required to humanely and safely keep the animal during  
345 any appeal procedure.

346 (2) If a dog that has previously been declared dangerous  
347 attacks and causes severe injury to or death of any human, the  
348 owner commits ~~is guilty of~~ a felony of the third degree,

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

360 Section 8. Section 767.135, Florida Statutes, is amended to  
361 read:

362 767.135 Attack or bite by unclassified dog that causes  
363 death; confiscation; destruction.—If a dog that has not been  
364 declared dangerous attacks and causes the death of a human, the  
365 dog must ~~shall~~ be immediately confiscated by an animal control  
366 authority; ~~r~~ placed in quarantine, if necessary, for the proper  
367 length of time; impounded; and ~~or~~ held for 10 business days  
368 after the owner is given written notification under s. 767.12,  
369 and thereafter destroyed in an expeditious and humane manner.  
370 ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a  
371 hearing under s. 767.12 during the 10-day time period. If the  
372 owner files a written appeal under s. 767.12 or this section,  
373 the dog must be held and may not be destroyed while the appeal  
374 is pending. The owner is responsible for payment of all boarding  
375 costs and other fees as may be required to humanely and safely  
376 keep the animal during any appeal procedure.

377 Section 9. Subsection (1) of section 767.136, Florida

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378 Statutes, is amended to read:

379       767.136 Attack or bite by unclassified dog that causes  
380 severe injury or death; penalties.—

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

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