

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 amending s. 767.11, F.S.; defining the term
8 "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 the 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.
 30 767.13 and 767.135, F.S.; conforming provisions to
 31 changes made by the act; amending s. 767.136, F.S.;
 32 revising the circumstances under which the owner of a
 33 dog that has not been declared dangerous is liable for
 34 such dog's severe injury to, or the death of, a human;
 35 providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. This act may be cited as the "Pam Rock Act."

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

42 767.01 Dog owner's liability for damages to persons,
 43 domestic animals, or livestock.—

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

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

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

53 767.10 Legislative findings.—The Legislature finds that
 54 dangerous dogs are an increasingly serious and widespread threat
 55 to the safety and welfare of the people of this state because of
 56 unprovoked attacks which cause injury to persons and domestic
 57 animals; that such attacks are in part attributable to the
 58 failure of owners to confine and properly train and control
 59 their dogs; that existing laws inadequately address this growing
 60 problem; and that it is appropriate and necessary to impose
 61 uniform requirements for the owners of dogs and dangerous dogs.

62 Section 4. Section 767.11, Florida Statutes, is amended to
 63 read:

64 767.11 Definitions.—As used in this part ~~act~~, unless the
 65 context clearly requires otherwise:

66 (3)~~(1)~~ "Dangerous dog" means a ~~any~~ dog that according to
 67 the records of the appropriate authority:

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

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

73 (c) Has, when unprovoked, chased or approached a person
 74 upon the streets, sidewalks, or any public grounds in a menacing
 75 fashion or apparent attitude of attack, provided that such

76 actions are attested to in a sworn statement by one or more
 77 persons and dutifully investigated by the appropriate authority.

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

80 (8)-(2) "Unprovoked" means that the victim who has been
 81 conducting himself or herself peacefully and lawfully has been
 82 bitten or chased in a menacing fashion or attacked by a dog.

83 (7)-(3) "Severe injury" means any physical injury that
 84 results in broken bones, multiple bites, or disfiguring
 85 lacerations requiring sutures or reconstructive surgery.

86 (6)-(4) "Proper enclosure ~~of a dangerous dog~~" means, while
 87 on the owner's property, a ~~dangerous~~ dog is securely confined:

88 (a) Indoors;

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

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

98 (1)-(5) "Animal control authority" means an entity acting
 99 alone or in concert with other local governmental units and
 100 authorized by them to enforce the animal control laws of the

101 city, county, or state. In those areas not served by an animal
 102 control authority, the sheriff shall carry out the duties of the
 103 animal control authority under this part ~~act~~.

104 (2)~~(6)~~ "Animal control officer" means any individual
 105 employed, contracted with, or appointed by the animal control
 106 authority for the purpose of aiding in the enforcement of this
 107 part ~~act~~ or any other law or ordinance relating to the licensure
 108 of animals, control of animals, or seizure and impoundment of
 109 animals and includes any state or local law enforcement officer
 110 or other employee whose duties in whole or in part include
 111 assignments that involve the seizure and impoundment of an ~~any~~
 112 animal.

113 (5)~~(7)~~ "Owner" means a ~~any~~ person, a firm, a corporation,
 114 or an organization possessing, harboring, keeping, or having
 115 control or custody of an animal or, if the animal is owned by a
 116 person ~~under the age of 18~~ years of age or younger, that
 117 person's parent or guardian.

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

120 767.12 Classification of dogs as dangerous; owner
 121 requirements; penalty certification of registration; notice and
 122 hearing requirements; confinement of animal; exemption; appeals;
 123 unlawful acts.—

124 (1) An animal control authority shall investigate reported
 125 incidents involving any dog that may be dangerous and, if

126 possible, shall interview the owner and require a sworn
 127 affidavit from any person, including any animal control officer
 128 or enforcement officer, desiring to have a dog classified as
 129 dangerous.

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

144 (b) An animal that is the subject of a dangerous dog
 145 investigation for behavior described in s. 767.11(3)(b) may be
 146 immediately confiscated by an animal control authority; placed
 147 in quarantine, if necessary, for the proper length of time; or
 148 impounded and held. An animal that ~~which~~ is not impounded with
 149 the animal control authority must be ~~humanely and safely~~
 150 confined by the owner in a proper enclosure ~~securely fenced or~~

151 ~~enclosed area. The animal shall be confined in such manner~~
152 pending the outcome of the investigation and the resolution of
153 any hearings or appeals related to the dangerous dog
154 classification or any penalty imposed under this section. The
155 owner shall provide the address at which the animal resides
156 ~~shall be provided~~ to the animal control authority. A dog that is
157 the subject of a dangerous dog investigation may not be
158 relocated or have its ownership transferred pending the outcome
159 of the investigation and any hearings or appeals related to the
160 dangerous dog classification or any penalty imposed under this
161 section. If a dog is to be destroyed, the dog may not be
162 relocated or have its ownership transferred.

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

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

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

172 (3) After the investigation, the animal control authority
173 shall make an initial determination as to whether there is
174 sufficient cause to classify the dog as dangerous and, if
175 sufficient cause is found, as to the appropriate penalty ~~under~~

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

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

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

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

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

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

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

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

226 age and who present to the animal control authority sufficient
227 evidence of all of the following:

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

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

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

237 4. The dog having been spayed or neutered.

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

239
240 The appropriate governmental unit may impose an annual fee for
241 the issuance of certificates of registration required by this
242 section.

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

250 ~~(c)2.~~ Immediately notify the appropriate animal control

251 authority when the dog:

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

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

254 ~~3.c.~~ Is sold, given away, or dies; ~~or~~

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

256 (d) Before selling or giving away the a dangerous dog, ~~is~~
 257 ~~sold or given away, the owner shall~~ provide the name, address,
 258 and telephone number of the new owner to the animal control
 259 authority. The new owner must comply with ~~all of the~~
 260 ~~requirements of~~ this section and any implementing local
 261 ordinances, even if the animal is moved from one local
 262 jurisdiction to another within this ~~the~~ state. The animal
 263 control officer must be notified by the owner of a dog
 264 classified as dangerous that the dog is in his or her
 265 jurisdiction.

266 (e)3. Not allow ~~permit~~ the dog to be outside a proper
 267 enclosure unless the dog is muzzled and restrained by a
 268 substantial chain or leash and under control of a competent
 269 person. The muzzle must be made in a manner that will not cause
 270 injury to the dog or interfere with its vision or respiration
 271 but will prevent it from biting a person or an animal. The owner
 272 may exercise the dog on the owner's property in a proper
 273 enclosure ~~securely fenced or enclosed area that does not have a~~
 274 ~~top,~~ without a muzzle or leash, if the dog remains within the
 275 owner's ~~his or her~~ sight and only members of the immediate

276 household or persons 18 years of age or older, if applicable,
 277 are allowed in the enclosure when the dog is present. When being
 278 transported, such dogs must be safely and securely restrained
 279 within a vehicle.

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

285 (6) Hunting dogs are exempt from this section when engaged
 286 in any legal hunt or training procedure. Dogs engaged in
 287 training or exhibiting in legal sports such as obedience trials,
 288 conformation shows, field trials, hunting/retrieving trials, and
 289 herding trials are exempt from this section when engaged in any
 290 legal procedures. However, such dogs at all other times in all
 291 other respects are subject to this and local laws. Dogs that
 292 have been classified as dangerous may not be used for hunting
 293 purposes.

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

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

299 767.125 Statewide Dangerous Dog Registry.—

300 (1) The department shall create and maintain a statewide

301 Dangerous Dog Registry that provides the public with a
302 searchable online database of dogs throughout this state which
303 have been declared dangerous by local authorities.

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

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

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

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

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

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

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

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

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

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

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

328 767.13 Attack or bite by dangerous dog; penalties;
 329 confiscation; destruction.—

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

345 (2) If a dog that has previously been declared dangerous
 346 attacks and causes severe injury to or death of any human, the
 347 owner commits ~~is guilty of~~ a felony of the third degree,
 348 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 349 ~~In addition,~~ The dog must ~~shall~~ be immediately confiscated by an
 350 animal control authority; it ~~is~~ placed in quarantine, if necessary,

351 for the proper length of time; impounded; and ~~or~~ held for 10
352 business days after the owner is given written notification
353 under s. 767.12, and thereafter destroyed in an expeditious and
354 humane manner. ~~This 10-day time period shall allow~~ The owner may
355 ~~to~~ request a hearing under s. 767.12 during the 10-day time
356 period. The owner is ~~shall be~~ responsible for payment of all
357 boarding costs and other fees as may be required to humanely and
358 safely keep the animal during any appeal procedure.

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

361 767.135 Attack or bite by unclassified dog that causes
362 death; confiscation; destruction.—If a dog that has not been
363 declared dangerous attacks and causes the death of a human, the
364 dog must ~~shall~~ be immediately confiscated by an animal control
365 authority; ~~and~~ placed in quarantine, if necessary, for the proper
366 length of time; impounded; and ~~or~~ held for 10 business days
367 after the owner is given written notification under s. 767.12,
368 and thereafter destroyed in an expeditious and humane manner.
369 ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a
370 hearing under s. 767.12 during the 10-day time period. If the
371 owner files a written appeal under s. 767.12 or this section,
372 the dog must be held and may not be destroyed while the appeal
373 is pending. The owner is responsible for payment of all boarding
374 costs and other fees as may be required to humanely and safely
375 keep the animal during any appeal procedure.

CS/HB 873

2024

376 Section 9. Subsection (1) of section 767.136, Florida
377 Statutes, is amended to read:

378 767.136 Attack or bite by unclassified dog that causes
379 severe injury or death; penalties.—

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

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