

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 Fiscal Policy

BILL: CS/SB 572

INTRODUCER: Judiciary Committee and Senators Collins and Wright

SUBJECT: Dangerous Dogs

DATE: April 21, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	<u>Burse</u>	<u>Siples</u>	<u>FP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 572, or the “Pam Rock Act,” revises the state regulation of dangerous dogs. The bill:

- Expands the definition of “proper enclosure” to add that a locked fenced yard designed to prevent entry by young children and to prevent escape by the dog may be a proper enclosure.
- Requires the apprehension and quarantine of a suspected dangerous dog that has injured or threatened humans pending hearing. Current law allows, but does not require, apprehension.
- Creates new additional requirements for the owner of a dog classified as a dangerous dog to maintain liability insurance of \$100,000, and implant a microchip in the dog. The bill creates a third degree felony for the removal of the microchip.
- Modifies the elements of the second degree misdemeanor related to an attack on a human by a previously unclassified dog to remove the requirement to prove that the owner had reckless disregard for the dog’s dangerous propensity.
- Requires a shelter offering a dog for adoption that has been classified as a dangerous dog to post a sign informing persons of the requirements to keep a dangerous dog.
- Modifies the second degree misdemeanor offense related to an attack by an unclassified dog to remove the requirement to prove that the owner had a reckless disregard for the dog’s dangerous tendencies.

The bill takes effect July 1, 2025.

II. Present Situation:

Dangerous Dogs

Part II of ch. 767, F.S., governs dangerous dogs. It was originally enacted in 1990.¹ The Legislature found that: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 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 a Dog as a Dangerous Dog

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 authority.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 either indoors or in a securely fenced or enclosed pen or structure pending the outcome of the investigation.⁹

¹ Chapter 90-180, Laws of Fla.

² Section 767.10, F.S.

³ Section 767.11(1), F.S.

⁴ Section 767.11(6), 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.

The animal control authority may not classify a dog as a dangerous dog 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.

The owner has 7 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 5 days after receiving the request for hearing.¹² If a hearing is not timely requested the authority's determination becomes final. The owner may appeal the classification to the circuit court.

A dog classified as a dangerous dog because the dog caused severe injury to a person may, based on the circumstances of the attack and the likelihood of a future threat, be ordered to be destroyed.¹³ If a dog causes the death of a human being, the dog must be destroyed.¹⁴

If the dog found to be dangerous is not ordered to be destroyed, within 14 days after the classification as a dangerous dog becomes final, 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 within the "proper enclosure" at all times unless it is muzzled and restrained by a chain or leash.¹⁵ Any violation of these requirements is a noncriminal infraction punishable by a fine, not to exceed \$500.¹⁶

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

- 1st degree misdemeanor if the dog has previously been declared "dangerous" and it attacks or bites a person or domestic animal without provocation.¹⁷
- 3rd degree felony if the dog has previously been declared "dangerous" and it attacks and causes severe injury to or death of any human.¹⁸

¹⁰ Section 767.12(2)(a-b), F.S.

¹¹ Section 767.12(3), F.S.

¹² Section 767.12(3), F.S.

¹³ Section 767.12(5)(b), F.S.

¹⁴ Section 767.135, F.S.

¹⁵ Section 767.12(5)(a), F.S.

¹⁶ Section 767.12 (7), F.S.

¹⁷ Section 767.13(1), F.S.

¹⁸ Section 767.13(2), F.S.

- 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.¹⁹ This offense does not apply where the victim was engaged in criminal behavior.

Dogs Exempt from Classification as Dangerous or Exempt from Certain Requirements

Hunting dogs are exempt from classification as a dangerous dog when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are also exempt from this section when engaged in any legal procedures. Dogs that have been classified as dangerous may not be used for hunting purposes.²⁰

A dog owned or used by a law enforcement agency is exempt from the provisions of part II of ch. 767. A dog used as a service dog for the blind, hearing impaired, or disabled persons is exempt from quarantine requirements provided the dog is current on its rabies vaccination requirements.²¹

Dangerous Dog Laws in Other States

At least 42 states have laws related to dangerous dogs and violations associated with their ownership.²² 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.²³

Pam Rock

Pam Rock was a graduate of the University of Florida. She worked for the Alachua County Women, Infants and Children (WIC) program, served as a Peace Corps volunteer in Guatemala for three years. and later worked on the Crow Indian Reservation in Montana teaching nutrition. She vociferously advocated on Capitol Hill for the needs of women and children trapped in poverty before joining the Postal Service as a letter carrier in January 2022.²⁴ In August of her first year with the Postal Service she was attacked by domestic dogs while delivering mail. She died from her injuries. The dogs who killed her had a history of prior attacks on humans. The Pamela Jane Rock Post Office in Melrose, Florida, is named in her honor.²⁵

¹⁹ Section 767.136(1), F.S.

²⁰ Section 767.12(6), F.S.

²¹ Section 767.16, F.S.

²² Michigan State University, State Dangerous Dog Laws (2019), <https://www.animallaw.info/topic/state-dangerous-dog-laws> (last visited February 24, 2025).

²³ *Id.*

²⁴ C. A. Briges, *Mauled Florida mail carrier who died from 5-dog attack to be honored with post office naming*, THE FLORIDA TIMES UNION (Aug. 15, 2024), <https://www.jacksonville.com/story/news/2024/08/15/florida-post-office-pamela-jane-rock-mail-carrier-dog-attack-death/74808272007/> (last visit April 2, 2025).

²⁵ *Id.*

III. Effect of Proposed Changes:

Section 1 Provides that this act may be cited as the “Pam Rock Act.”

Section 2 amends s. 767.01, F.S., to require a dog owner that has knowledge of his or her dog’s dangerous propensities to securely confine the dog in a proper enclosure.

Section 3 amends s. 767.10, F.S., to make grammatical, technical and stylistic improvements.

Section 4 amends s. 767.11, F.S., to change the definition of “proper enclosure” to add that a proper enclosure may be 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 5 amends s. 767.12, F.S., to require, rather than just allow, an animal control authority to immediately confiscate a dog that is being investigated after having done any of the following:

- Aggressively bitten, attacked or endangered a human being;
- Inflicted severe injury on a human being; or
- When unprovoked, chased or approached a human being, in public, in a menacing fashion or apparent attitude of attack.

The bill waives the imposition of boarding costs and other fees if the dog under investigation is not determined to be a dangerous dog.

Current law requires registration of a dangerous dog with the local animal control authority within 14 days of final finding. The bill changes the deadline for registration to require registration immediately upon issuance of an order classifying the dog as a dangerous dog. In addition to current law requirements for registration of a dangerous dog, the owner of a dangerous dog must:

- Provide proof that the dog was spayed or neutered;
- Implant a microchip (in lieu of the current law tattoo requirement); and
- Show proof of 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. Continued proof of insurance during the life of the dog is required to maintain registration.

The bill creates a third degree felony applicable to any person who knowingly and willfully removes a microchip required to be implanted in a dangerous dog.²⁶

If a dangerous dog is surrendered to public or private shelter, to a humane organization, or to a local government, and the dog is offered for adoption, the entity must post a sign on the dog’s enclosure disclosing that the dog has been found to be a dangerous dog. The posting must also list the continuing requirements for keeping a dangerous dog (i.e., registration, insurance, proper enclosure, and leash and muzzle when with the owner and outside of a proper enclosure).

²⁶ A third degree felony is punishable by imprisonment for up to 5 years and a fine of no more than \$5,000. Sections 775.082(3)(e) and 775.083(1)(c), F.S. This felony is unclassified and therefore defaults into Level 1 category in the Offense Severity Ranking Chart for sentencing purposes. Sections 921.0022 and 921.0023(1), F.S.

The bill increases the maximum penalty for violating s. 767.12, F.S., from \$500 to \$1,000 per violation.

Section 6 amends s. 767.13, F.S., to make grammatical, technical and stylistic improvements.

Section 7 amends s. 767.135, F.S., to make grammatical, technical and stylistic improvements.

Section 8 amends s. 767.136, F.S., to change the elements of the second degree misdemeanor related to an unclassified dog that has caused severe injury or death to a human being. Under current law, the elements of the offense are that a dog has caused severe injury or death to a human, the owner of the dog had knowledge of the dog's dangerous propensities, and that the owner demonstrated a reckless disregard for such propensities under the circumstances. The bill removes the element of reckless disregard and replaces it with a requirement to show that the owner failed to secure the dog in a proper enclosure.

Section 9 provides that the bill is effective July 1, 2025.

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:

An owner of a dog who wishes to keep the dog after a finding that the dog is a dangerous dog will be required to do the following:

- Maintain liability insurance coverage in an amount of at least \$100,000.
- Provide a certificate of rabies vaccination for the dog.
- Properly enclose the dog (see requirements for proper enclosure above).
- Permanently identify the dangerous dog through the implantation of a microchip.
- Spay or neuter the dog.

Owners of dangerous and unclassified dogs that cause harm or death to humans or animals may be responsible for paying boarding costs and other fees as may be required during an investigation and any appeal should the dog be impounded.

C. Government Sector Impact:

Current law requires the owner of a dog to pay all boarding and other costs of confinement of a dog that is the subject of a dangerous dog investigation.²⁷ The bill provides in part that if a local animal control authority has confined a dog pending investigation and hearing, and the dog is not subsequently classified as a dangerous dog, then the animal control authority may not demand that the owner of the dog pay the costs of confinement. This provision in the bill may slightly increase local animal control expenditures in those few cases in which the dog subject to confinement during the investigation and hearing process is ultimately not classified as a dangerous dog²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

²⁷ Section 767.12(1)(a), F.S.

²⁸ Some local governments may already waive collection of boarding costs in these circumstances. For instance, see Leon County Ordinances 4-93(f)(5) and 4-94(h) (cost of confinement is reimbursed to owner from county funds where a dog is not classified as a dangerous dog).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on April 1, 2025:

The amendment removes provisions that would have created a statewide registry of dangerous dogs, creates a third degree felony for the removal of a microchip identifying a dangerous dog, and creates a new notice and signage requirement for a dangerous dog that is placed for adoption.

- B. **Amendments:**

None.

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