

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 Judiciary

BILL: SB 572

INTRODUCER: Senators Collins and Wright

SUBJECT: Dangerous Dogs

DATE: March 31, 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>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 572, or the “Pam Rock Act,” expands state regulation of dangerous dogs. The bill establishes the Statewide Dangerous Dog Registry and requirements for the registry. The bill requires that an animal control authority confiscate a dog alleged to be a dangerous dog pending a hearing. Current law allows, but does not require, confinement. The bill adds that destruction of a dog is required upon a finding that a dog is a dangerous dog that has caused severe injury to a human being; current law only requires destruction of a dangerous dog that caused the death of a human being.

The bill expands the definition of “proper enclosure” to add that a fenced yard may be a proper enclosure. The bill requires the use of a proper enclosure when a dog is under investigation and not confined by the animal control authority, and when a dog owner knows that a dog has dangerous propensities.

The bill 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.

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 It was originally enacted in 1990.¹ The Legislature found that:

¹ Chapter 90-180, Laws of Fla.

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

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

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.

¹⁰ Section 767.12(2)(a-b), F.S.

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 in its 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
- 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.

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.

¹⁹ Section 767.136(1), F.S.

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 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

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.

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 March 11, 2025).

²⁵ *Id.*

Section 3 amends s. 767.10, F.S., to provide that the Legislature intends to impose uniform requirements for owners of all dogs.

Section 4 amends s. 767.11, F.S., to add a definition for “department” to mean the Department of Agriculture and Consumer Services. This is necessary as part of the creation of a statewide list of dangerous dogs (see section 6 of the bill).

The bill also amends the definition of “proper enclosure” to add that a proper enclosure includes 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 aggressively bitten, attacked or endangered a human being, or a dog that has inflicted severe injury on a human being, or who has, when unprovoked, chased or approached a human being in a threatening manner. 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 within 14 days of final finding. The bill changes the registration requirement to immediately. The bill adds that upon a final finding that a dog is a dangerous dog the animal control authority must provide the department with the required information for inclusion of the dog in the statewide Dangerous Dog Registry.

The bill also requires the owner of a dangerous dog to:

- Provide proof that the dog was spayed or neutered; and
- 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 s. 767.12, F.S., from \$500 to \$1,000 per violation.

Section 6 creates s. 767.125, F.S., to establish the Statewide Dangerous Dog Registry. The bill authorizes the department to create a searchable online statewide database of dogs that have been declared dangerous by local authorities. The following information, at a minimum, must 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 7 amends s. 767.13, F.S., to make grammatical, technical and stylistic improvements.

Section 8 amends s. 767.135, F.S., to make grammatical, technical and stylistic improvements.

Section 9 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 prosecution must show that 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 adds that the owner failed to secure the dog in a proper enclosure.

Section 10 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:

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 a certificate of rabies vaccination for the dog.
- Properly enclose the 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 a tattoo on the inside thigh of the dog or the implantation of a microchip.
- Spay or neuter their dog.

Owners of dangerous and unclassified dogs that cause harm or death to humans or animals will be responsible for paying 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 of Agriculture and Consumer Services will incur expenses to create and maintain the database and may need an additional FTE to take phone calls, process public records requests, monitor, and input data into the database.

Animal control authorities may be required to destroy an increased number of dogs and therefore may incur additional costs. Counties will also incur costs to confiscate and impound dangerous dogs during investigations.

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.

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.
