

By Senator Collins

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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 such dogs be held until the
13 completion of certain actions; revising the
14 circumstances under which an owner is responsible for
15 paying certain costs and fees; requiring that certain
16 dogs not impounded be confined in a proper enclosure
17 by the owner; requiring animal control authorities to
18 provide certain information to the Department of
19 Agriculture and Consumer Services and to destroy
20 certain dogs; revising the information that the owner
21 of a dog classified as a dangerous dog is required to
22 provide to an animal control authority; requiring such
23 owner to obtain dangerous dog liability insurance
24 coverage; providing requirements for such insurance;
25 revising the civil penalty for violations; creating s.
26 767.125, F.S.; requiring the department to create and
27 maintain a statewide Dangerous Dog Registry; providing
28 the purpose of the registry; requiring animal control
29 authorities to provide the department with certain

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

39 Be It Enacted by the Legislature of the State of Florida:
40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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88 (6)~~(4)~~ "Proper enclosure of a dangerous dog" means, while
89 on the owner's property, a ~~dangerous~~ dog is securely confined:

90 (a) Indoors;

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

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

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

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

115 (5)~~(7)~~ "Owner" means a ~~any~~ person, a firm, a corporation,
116 or an organization possessing, harboring, keeping, or having

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

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

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

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

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

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

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

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

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

174 (3) After the investigation, the animal control authority

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

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

201 (a) Provide a written final order to the owner by
202 registered mail or certified hand delivery or service. The
203 owner may appeal the classification or penalty, or both, to the

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

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

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

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

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

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

232 2.b. A proper enclosure to confine the ~~a~~ dangerous dog and

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233 the posting of the premises with a clearly visible warning sign
 234 at all entry points which informs both children and adults of
 235 the presence of a dangerous dog on the property.

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

239 4. The dog having been spayed or neutered.

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

241

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

301 767.125 Statewide Dangerous Dog Registry.-

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

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

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

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

317 (c) Evidence of permanent identification, such as a tattoo
318 on the inside thigh of the dog or implantation of a 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 business days after such notification. The
 343 owner is ~~shall be~~ responsible for payment of all boarding costs
 344 and other fees as may be required to humanely and safely keep
 345 the animal during 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;~~;~~ 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 business days
357 after such notification. The owner is ~~shall be~~ responsible for
358 payment of all boarding costs and other fees as may be required
359 to humanely and safely keep the animal during any appeal
360 procedure.

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

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

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378 appeal procedure.

379 Section 9. 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 10. This act shall take effect July 1, 2025.