

By the Committee on Judiciary; and Senators Collins and Wright

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A bill to be entitled

An act relating to dangerous dogs; providing a short title; amending s. 767.01, F.S.; requiring certain dog owners to securely confine their dogs in a proper enclosure; amending s. 767.10, F.S.; revising legislative findings relating to dangerous dogs; reordering and amending s. 767.11, F.S.; revising definitions; amending s. 767.12, F.S.; requiring, rather than authorizing, that dogs subject to certain dangerous dog investigations be confiscated, impounded, and held; requiring, rather than authorizing, that such dogs be held until the completion of certain actions; revising the circumstances under which an owner is responsible for paying certain costs and fees; requiring that certain dogs not impounded be confined in a proper enclosure by the owner; revising the information that the owner of a dog classified as a dangerous dog is required to provide to an animal control authority; requiring microchipping of a dog classified as a dangerous dog; providing a penalty for knowingly and willfully removing a microchip; authorizing animal control authority to issue certain certificates of registration to certain persons if certain conditions have been met, including spaying or neutering the dog; requiring the owner of a dog classified as a dangerous dog to obtain dangerous dog liability insurance coverage; providing requirements for such insurance; requiring an animal shelter, a humane organization, or

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certain animal control agencies to provide specified information to potential adopters; revising exercise requirements; revising the civil penalty for violations; amending ss. 767.13 and 767.135, F.S.; making technical changes; conforming provisions to changes made by the act; amending s. 767.136, F.S.; revising the circumstances under which the owner of a dog that has not been declared dangerous is liable for such dog's severe injury to, or the death of, a human; providing an effective date.

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

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

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

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

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

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

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

767.10 Legislative findings.—The Legislature finds that dangerous dogs are an increasingly serious and widespread threat

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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 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 for dog ~~the owners of dangerous dogs~~.

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

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

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

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

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

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

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

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

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88 (5)~~(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 (4)~~(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; 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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shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate penalty ~~under subsection (5)~~. The animal control authority shall afford the owner an opportunity for a hearing before ~~prior to~~ making a final determination regarding the classification or penalty. The animal control authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail or, certified hand delivery, or service in conformance with the provisions of chapter 48 relating to service of process. The owner may file a written request for a hearing regarding the dangerous dog classification, penalty, or both, within 7 calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing must ~~shall~~ be held as soon as possible, but not later than 21 calendar days and not sooner than 5 days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the animal control authority as to such matter is ~~shall become~~ final. Each applicable local governing authority shall establish hearing procedures that conform to this subsection.

(4) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), the animal control authority shall provide a written final order to the owner by registered mail or, certified hand delivery or service. The owner may appeal the classification or, penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after

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

(5)(a) Except as otherwise provided in paragraph (b), the owner of a dog classified as a dangerous dog shall do all of the following:

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

a. A current certificate of rabies vaccination for the dog.

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

c. Permanent identification of the dog by, ~~such as a tattoo on the inside thigh or electronic~~ implantation of a microchip. Any person who knowingly and willfully removes a microchip implanted pursuant to this sub-subparagraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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d. The dog having been spayed or neutered.

e. Liability insurance as required by subparagraph 2.

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

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

3. Immediately notify the appropriate animal control authority when the dog:

a. Is loose or unconfined;;

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

c. Is sold, given away, or dies; or;

d. Is moved to another address.

4.a. Before selling or giving away the ~~a dangerous dog is sold or given away,~~ the owner shall provide the name, address, and telephone number of the new owner to the animal control authority. The new owner must comply with ~~all of the requirements of~~ this section and any implementing local ordinances, even if the animal is moved from one local jurisdiction to another within this ~~the~~ state, and. ~~The animal control officer~~ must notify the animal control authority ~~be notified by the owner of a dog classified as dangerous~~ that the dog is in the authority's ~~his or her~~ jurisdiction.

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b. If the dangerous dog is surrendered to a public or private animal shelter, a humane organization, or an animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision, the entity must post signage on the dog's enclosure to inform potential adopters that the dog has been declared dangerous and inform any adopter of the dog owner's requirements under this section.

~~5.3. Not allow permit~~ the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or an animal. The owner may exercise the dog on the owner's property in a proper enclosure ~~securely fenced or enclosed area that does not have a top,~~ without a muzzle or leash, ~~if the dog remains within the~~ owner's ~~his or her~~ sight and only members of the immediate household or persons 18 years of age or older, if applicable, are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

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

(6) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in

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training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this and local laws. Dogs that have been classified as dangerous may not be used for hunting purposes.

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

Section 6. Subsections (1) and (2) of section 767.13, Florida Statutes, are amended to read:

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

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

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(2) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~In addition,~~ The dog must ~~shall~~ be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and ~~or~~ held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. The owner is ~~shall be~~ responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

Section 7. Section 767.135, Florida Statutes, is amended to read:

767.135 Attack or bite by unclassified dog that causes death; confiscation; destruction.—If a dog that has not been declared dangerous attacks and causes the death of a human, the dog must ~~shall~~ be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and ~~or~~ held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. ~~This 10-day time period shall allow~~ The owner may ~~to~~ request a hearing under s. 767.12 during the 10 business days after such notification. If the owner files a written appeal under s. 767.12 or this section, the dog must be held and may not be

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349 destroyed while the appeal is pending. The owner is responsible
350 for payment of all boarding costs and other fees as may be
351 required to humanely and safely keep the animal during any
352 appeal procedure.

353 Section 8. Subsection (1) of section 767.136, Florida
354 Statutes, is amended to read:

355 767.136 Attack or bite by unclassified dog that causes
356 severe injury or death; penalties.—

357 (1) If a dog that has not been declared dangerous attacks
358 and causes severe injury to, or the death of, a human, and the
359 owner of the dog had knowledge of the dog's dangerous
360 propensities, yet failed to secure the dog in a proper enclosure
361 pursuant to s. 767.01(2) ~~demonstrated a reckless disregard for~~
362 ~~such propensities under the circumstances,~~ the owner of the dog
363 commits a misdemeanor of the second degree, punishable as
364 provided in s. 775.082 or s. 775.083.

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