

## PART II DANGEROUS DOGS

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**767.10 Legislative findings.**—The Legislature finds 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 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 owners.

**History.**—s. 1, ch. 90-180; s. 3, ch. 2025-61.

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

(1) “Animal control authority” means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. In those areas not served by an animal control authority, the sheriff shall carry out the duties of the animal control authority under this part.

(2) “Animal control officer” means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this part or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of an animal.

(3) “Dangerous dog” means a 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.

(4) “Owner” means a person, a firm, a corporation, or an organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person’s parent or guardian.

(5) “Proper enclosure” means, while on the owner’s property, a dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. The pen or structure must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and must also provide protection from the elements.

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

(7) “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.

**History.**—s. 2, ch. 90-180; s. 2, ch. 93-13; s. 1156, ch. 97-102; s. 1, ch. 2011-211; s. 4, ch. 2025-61.

#### **767.12 Classification of dogs as dangerous; owner requirements; penalty.—**

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

(a) An animal that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale must be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held. The animal must be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If the dog is to be destroyed, the dog may not

be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal.

(b) An animal that is the subject of any other dangerous dog investigation may be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held. An animal that is not impounded with the animal control authority must be confined by the owner in a proper enclosure pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The owner shall provide the address at which the animal resides to the animal control authority. A dog that is the subject of a dangerous dog investigation may not be relocated or have its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or have its ownership transferred.

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

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

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

(3) After the investigation, the animal control authority 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. The animal control authority shall afford the owner an opportunity for a hearing before 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 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 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 in conformance with the provisions of chapter 48 relating to service of process. The owner may appeal the classification or penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after 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 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 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 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 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 implantation of a microchip. Any person who knowingly and willfully removes a microchip implanted pursuant to this subparagraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 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. Before selling or giving away the dangerous dog, provide the name, address, and telephone number of the new owner to the animal control authority.
  - a. The new owner must comply with this section and any implementing local ordinances, even if the animal is moved from one local jurisdiction to another within this state, and must notify the animal control authority that the dog is in the authority's jurisdiction.
  - b. If a dangerous dog has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale and is surrendered to an animal control authority, the authority must humanely euthanize the dog.
  - c. For any other dangerous dog that is surrendered to an animal control authority, the authority may humanely euthanize the dog. If the animal control authority elects to place the animal for adoption, it 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. The animal control authority must provide a person who adopts a dangerous dog with a copy of the declaration and must require them to sign a contract with the authority agreeing to abide by the requirements of the declaration.
5. Not allow 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 without a muzzle or leash if the dog remains within the owner's 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 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 this section commits a noncriminal infraction, punishable by a fine not to exceed \$1,000 per violation. In addition, any person who resists or obstructs an animal control authority in enforcing this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—s. 3, ch. 90-180; s. 3, ch. 93-13; s. 3, ch. 94-339; s. 1157, ch. 97-102; s. 2, ch. 2016-16; s. 5, ch. 2025-61.

### **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 a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The dangerous dog must be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; 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. The owner may request a hearing under s. 767.12 during the 10 business days after such notification. The owner is 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.

(2) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The dog must be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; 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. The owner may request a hearing under s. 767.12 during the 10 business days after such notification. The owner is 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.

(3) If the owner files a written appeal under s. 767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending.

(4) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

**History.**—s. 4, ch. 90-180; s. 4, ch. 93-13; s. 4, ch. 94-339; s. 3, ch. 2016-16; s. 6, ch. 2025-61.

**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 be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; 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. The owner may 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 destroyed while the appeal is pending. The owner is 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.

**History.**—s. 4, ch. 90-180; s. 4, ch. 93-13; s. 4, ch. 94-339; s. 3, ch. 2016-16; s. 7, ch. 2025-61.

**Note.**—Former s. 767.13(2).

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

(1) If a dog that has not been declared dangerous attacks and causes severe injury to, or the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) If the dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner of the dog is not guilty of any crime under this section.

**History.**—s. 4, ch. 2016-16; s. 8, ch. 2025-61.

**767.14 Additional local restrictions authorized.**—This act does not limit any local government or public housing authority from adopting an ordinance or a policy, respectively, to address the safety and welfare concerns caused by attacks on persons or domestic animals; placing further restrictions or additional requirements on owners of dogs that have bitten or attacked persons or domestic animals; or developing procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed, weight, or size and that the provisions of this act are not lessened by such additional regulations or requirements.

**History.**—s. 5, ch. 90-180; s. 5, ch. 2016-16; s. 1, ch. 2023-253.

**767.15 Other provisions of chapter 767 not superseded.**—Nothing in this act shall supersede chapter 767, Florida Statutes 1989.

**History.**—s. 6, ch. 90-180.

**767.16 Police canine or service dog; exemption.**—

(1) Any canine that is owned, or the service of which is employed, by a law enforcement agency, is exempt from this part.

(2) Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered as provided in s. 828.30.

**History.**—s. 1, ch. 91-228; s. 6, ch. 2016-16; s. 2, ch. 2019-9; s. 3, ch. 2024-258.