



32 *Dangerous dog* shall mean any dog that, according to the animal  
services division records; other animal control or law  
34 enforcement authorities; or as attested to by sworn affidavit:

(1) Has aggressively bitten, attacked or endangered; or  
36 has inflicted severe injury on a human being on  
public or private property; ~~or including the~~  
38 ~~owner's property other than in defense of the~~  
owner, or the owner's home, in response to an  
40 action of the person injured or attacked;

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

44 ~~(3) Has been used primarily for the purpose of dog~~  
~~fighting or is a dog trained for dog fighting; or~~

46 ~~(4)~~ (3) Has, when unprovoked, chased or approached a  
person upon the streets, sidewalks or any public  
48 grounds in a menacing fashion or apparent attitude  
of attack; provided that such actions are attested to  
50 in a sworn statement by one (1) or more persons  
and dutifully investigated by the animal services  
52 division.

54 ~~(5) Dogs used by law enforcement officials for law~~  
~~enforcement work are exempt from dangerous dog~~  
~~classification.~~

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58 ~~*Potentially dangerous* shall mean any dog that, according to~~  
~~animal services division records, other animal control or law~~  
~~enforcement authorities, or as attested to by sworn affidavit, has~~  
60 ~~posed a threat to public safety by:~~

a. ~~Causing injury to a person or domestic animal that is less~~  
62 ~~than a severe injury; or~~

b. ~~Without provocation, chasing or menacing a person or a~~  
64 ~~domestic animal that is less than a severe injury; or~~

c. ~~Without provocation, repeatedly acting in a highly~~  
66 ~~aggressive manner within a fenced yard/ enclosure and~~  
~~appears to a reasonable person able to jump over or~~  
68 ~~escape.~~

d. ~~Dogs used by law enforcement officials for law~~  
70 ~~enforcement work are exempt from potentially dangerous~~  
~~dog classification.~~

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*Proper enclosure of a dangerous dog* shall mean that while on the owner's property a dangerous dog is securely confined ~~indoors~~ either indoor or outdoor. When confined indoor, the dog shall be secure at all times to prevent escape from the owner's property. or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, top, and flooring to prevent the dog from escaping over, under or through the structure and shall also provide adequate ventilation and protection from the elements. When confined outdoor, the dog shall be confined within a securely constructed locked pen or structure, and contained within a fenced or gated area that is in good repair and condition. Such pen or structure shall have secure sides, top, and flooring to prevent the dog from escaping over, under or through the structure and shall also provide adequate ventilation and protection from the elements. The dog must be unable to climb over, dig under, or in any way pass or reach through the structure and fenced area. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household are allowed in the enclosure when the dog is present. Exercise of the dog in this manner shall only occur within the owner's property boundaries.

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*Proper enclosure for a potentially dangerous dog* shall mean a securely constructed fence area, in good repair and condition, that the dog is unable to climb over, dig under, or in any way pass or reach through if the dog is to be allowed off leash outside the owner's residence. This area must have secure gates that are to be locked at all times when the animal is present.

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*Provoked* shall mean to tease, molest, torment, abuse, or assault a domestic animal. ~~or to instigate behavior in a dog or cat that may lead to the animal attacking or biting a person or another domestic animal.~~

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*Special magistrate* means a person authorized to hold hearings for the purpose of determining whether the division manager's initial determination of a dog as dangerous shall be upheld. This definition shall also apply to *alternate special magistrate*.



144 dangerous is the responsibility of the division manager. An  
145 animal that is subject to a dangerous ~~or potentially dangerous~~  
146 dog investigation will be impounded at animal services  
147 pending the outcome of the investigation. ~~and resolution of any~~  
148 ~~hearings related to the dangerous or potentially dangerous dog~~  
149 ~~classification.~~ Alternative impoundment locations will only be  
150 considered for extenuating circumstances and are subject to the  
151 division manager's discretion and approval. An alternative  
152 impoundment location will not be considered for a dog that is  
153 already subject to dangerous dog restrictions and offends a  
154 second time. No dog that is the subject of a dangerous dog  
155 investigation may be relocated or ownership transferred  
156 pending the outcome of an investigation or any hearings related  
157 to the determination of a dangerous dog or potentially  
158 dangerous classification. A dog that is the subject of a  
159 dangerous dog investigation shall not be relocated or have its  
160 ownership transferred until the conclusion of the investigation  
161 or any legal or quasi-judicial proceedings related to the  
162 classification of a dangerous dog. Before ownership of a  
163 dangerous dog is transferred, the new owner shall comply with  
164 all dangerous dog requirements, including payment of any  
165 outstanding fees, and provide the name, address, and telephone  
166 number of the new owner to the division. The new owner must  
167 comply with all dangerous dog restrictions and requirements in  
168 this section, even if the animal is moved from one local  
169 jurisdiction to another within the state. A dog that is facing a  
170 humane euthanasia penalty because of reoffending shall not be  
171 relocated or have its ownership transferred.

172 (b) By resolution, the board of county commissioners will appoint  
173 ~~an animal services classification committee~~ a primary special  
174 magistrate and two alternate special magistrates, and delineate  
175 its ~~their~~ duties and responsibilities.

176 (c) The division manager shall make an initial determination as to  
177 whether there is sufficient cause to classify any dog as  
178 ~~dangerous, or potentially dangerous.~~ The division manager  
179 shall classify any dog as a dangerous ~~or potentially dangerous~~  
180 ~~dog in the event he/she determines~~ if it is determined that the  
181 dog meets the requirements for a dangerous ~~or potentially~~  
182 dangerous dog as specified in section 5-29, Orange County  
183 Code. A dog shall not be classified as dangerous ~~or potentially~~  
184 dangerous if the threat, injury, or damage was sustained by a  
185 person who, at the time, was unlawfully on the property, or  
186 while lawfully on the property, ~~tormented, abused or assaulted~~  
187 ~~provoked~~ the animal or its owner or a family member. ~~or a~~  
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190 ~~guest of the owner. No dog may be classified as dangerous or~~  
191 ~~potentially dangerous if the dog was protecting or defending a~~  
192 ~~human being within the immediate vicinity of the dog from an~~  
193 ~~unjustified attack or assault. Any dog that is owned, or the~~  
194 ~~service of which is employed by a law enforcement agency, is~~  
195 ~~exempt from the dangerous dog classification. Any dog used as~~  
196 ~~a service dog for blind, hearing impaired, or disabled persons~~  
197 ~~that bites another animal or a human is exempt from any~~  
198 ~~quarantine requirement following such bite if the dog is up to~~  
199 ~~date on its annual rabies vaccination, and the vaccination was~~  
200 ~~administered by a licensed veterinarian. The division manager~~  
201 ~~shall provide written notice to the owner or keeper of such~~  
202 ~~animal by registered mail, certified hand delivery, or service in~~  
203 ~~conformance with the provisions of F.S. ch. 48, relating to~~  
204 ~~service of process. The written notice shall include the basis for~~  
205 ~~declaring the dog dangerous or potentially dangerous, a~~  
206 ~~description of the dog, and the responsibility of the owner or~~  
207 ~~keeper for maintenance of the dog. If the owner decides to~~  
208 ~~appeal the initial determination of dangerous or potentially~~  
209 ~~dangerous, they may request a hearing before the animal~~  
210 ~~services classification committee to show cause why such dog~~  
211 ~~should not be declared dangerous or potentially dangerous. The~~  
212 ~~request for a hearing must be filed, in writing, with the division~~  
213 ~~manager within seven (7) working days after receipt of written~~  
214 ~~notice of the division manager's determination or action. The~~  
215 ~~written hearing request must briefly state the grounds therefore~~  
216 ~~and list the names and addresses of any witnesses the owner~~  
217 ~~intends to call at the hearing. If the division manager receives a~~  
218 ~~timely written request for a hearing regarding a dangerous or~~  
219 ~~potentially dangerous dog classification, he/she shall~~  
220 ~~immediately refer the request, completed investigation, and~~  
221 ~~initial determination to the classification committee. The~~  
222 ~~classification committee shall schedule a hearing to be held not~~  
223 ~~more than twenty one (21) working days and no sooner than~~  
224 ~~five (5) working days after the division manager's receipt of the~~  
~~request from the owner.~~

226 (d) ~~If the classification committee upholds the division manager's~~  
227 ~~determination that a dog is dangerous or potentially dangerous,~~  
228 ~~the division manager shall send a written notice of such~~  
229 ~~classification, by registered mail or certified hand delivery, to~~  
230 ~~the owner of the animal classified as dangerous or potentially~~  
231 ~~dangerous. If the classification committee upholds the division~~  
232 ~~manager's determination that the dog is dangerous or~~  
~~potentially dangerous, or if the classification committee is~~

234 ~~unable to meet the time frames set forth in this section, or is~~  
236 ~~unable to make a decision, the owner may file a written request~~  
~~with the clerk of the court for a de novo evidentiary hearing in~~  
238 ~~the county court, pursuant to F.S. § 767.12, to appeal the~~  
~~classification within ten (10) business days after receipt of the~~  
240 ~~classification committee's determination of dangerous or~~  
~~potentially dangerous dog classification. The owner must~~  
242 ~~confine the dog in accordance with subsection 5-32(e) as~~  
~~defined pending a resolution of the appeal. The division~~  
244 ~~manager shall provide written notice of the initial~~  
~~determination and sufficient cause finding to the owner by~~  
246 ~~certified mail, hand delivery, or service in conformance with~~  
~~the provisions of Chapter 48, Florida Statutes relating to~~  
248 ~~service of process. The written notice shall include the basis for~~  
~~declaring the dog dangerous, a description of the dog, the~~  
250 ~~responsibility of the owner for maintenance of the dog, and a~~  
~~notice informing the owner that they may contest the division~~  
252 ~~manager's decision.~~

254 (e) ~~Within fourteen (14) calendar days after a dog has been~~  
~~classified as dangerous or potentially dangerous, the owner of~~  
256 ~~the dog must obtain a certificate of registration and dangerous~~  
~~or potentially dangerous dog identification tag for the dog from~~  
258 ~~the animal services division. The dog shall wear the~~  
~~identification tag at all times. The certificate of registration~~  
260 ~~shall be renewed annually. Certificates of registration shall~~  
~~only be issued to persons who are at least eighteen (18) years~~  
262 ~~of age and who present to the animal services division~~  
~~sufficient evidence of:~~

- 264 (1) ~~A current certificate of rabies vaccination for the dog.~~  
266 ~~The current rabies vaccination shall be displayed on the~~  
~~dog at all times.~~
- 268 (2) ~~An approved enclosure to confine a dangerous or~~  
~~potentially dangerous dog and the posting of the~~  
270 ~~premises with a clearly visible warning sign at all entry~~  
~~points that informs both children and adults of the~~  
272 ~~presence of a dangerous or potentially dangerous on the~~  
~~property.~~
- 274 (3) ~~Permanent identification of the dog, such as tattoo on~~  
~~the inside thigh or electronic implantation.~~
- 276 (4) ~~Landlord's written acknowledgement that a dangerous~~  
~~or potentially dangerous dog will be housed on property~~  
~~owned by landlord.~~
- 278 (5) ~~Completion of the county's responsible pet ownership~~  
~~class.~~

280 If the owner decides to contest the initial determination of  
282 dangerous, they may request a hearing before the special  
284 magistrate to show cause why such dog should not be declared  
286 dangerous. The request for a hearing must be filed, in writing, with  
the division manager within seven (7) calendar days after receipt of  
written notice of the division manager's initial determination and  
sufficient cause finding.

288 1. All evidence intended to be used by the dog  
290 owner at the hearing, including the names and  
292 addresses of all witnesses the owner intends to  
294 call to testify, must be submitted to the division  
296 at least three (3) working days prior to the  
298 hearing. Evidence that is submitted outside of  
300 that timeframe may be excluded at the  
302 discretion of the special magistrate. The animal  
304 services division shall present evidence to  
306 support the initial determination of dangerous  
308 and sufficient cause finding. The owner may  
present evidence to show cause why such dog  
should not be declared dangerous. The special  
magistrate shall consider all relevant evidence  
that is presented at the hearing and shall make a  
final decision, by preponderance of the  
evidence, to determine if the dog shall continue  
its classification as dangerous or if the defenses  
outlined in subsection (c) preclude such  
classification. Formal rules of evidence shall not  
apply, but fundamental due process shall be  
observed and shall govern the proceedings.

310 2. The special magistrate, county attorney or their  
312 designee, animal services staff, attorney for the  
314 dog owner, or the dog owner may inquire of any  
316 witness that testifies. Third party attendees will  
318 be allotted three (3) minutes to speak at the  
hearing if they wish to do so. The special  
magistrate may lessen the time at his or her  
discretion if the testimony is repetitive or  
irrelevant.

320 ~~(f) A dog classified as dangerous or potentially dangerous must be~~  
322 ~~permanently sterilized within fourteen (14) calendar days~~  
~~following such classification by the division manager, or in the~~  
~~event of a timely appeal of such classification, within fourteen (14)~~



324 ~~calendar days following affirmation of the dangerous or potentially~~  
326 ~~dangerous dog classification by the classification committee or~~  
~~within fourteen (14) calendar days of the classification as a~~  
328 ~~dangerous or potentially dangerous dog being upheld by a county~~  
~~court.~~ If the division manager receives a timely written request for  
330 a hearing regarding a dangerous dog classification, they shall  
immediately refer the request, completed investigation, and initial  
332 determination to the county attorney or designee for presentation to  
the special magistrate. The division manager shall schedule a  
334 hearing to be held before the special magistrate not more than  
twenty-one (21) calendar days and no sooner than five (5) calendar  
336 days after the division manager receipt of the request from the  
owner.

338 1. If the owner fails to timely request a hearing  
before the special magistrate to contest the  
340 dangerous dog classification or proposed penalty,  
the initial determination of the division manager  
342 shall become final. The owner shall have fourteen  
(14) calendar days to comply with the requirements  
344 outlined in subsection (h). If compliance within that  
timeframe is not met, the dog shall be deemed  
346 abandoned, as defined in section 5-29 of this article  
and section 705.19, Florida Statutes. There shall be  
no exceptions to this provision.

348 2. The hearing may be continued by the special  
magistrate one (1) time, for good cause, by written  
350 request from the dog owner. If the dog owner  
requests to continue the hearing, the owner  
352 voluntarily waives their right to have the case heard  
within the timeframe outlined above. In the unlikely  
354 event that the primary special magistrate or the  
alternate special magistrates are unavailable to hear  
356 the case within the timeframe outlined above, the  
initial determination shall be rescinded by the  
358 division manager, and all fees paid, excluding  
quarantine fees and fees for any medical services  
360 rendered, shall be refunded to the dog owner. A  
copy of an order of continuance shall be made  
362 available to all parties and witnesses. A continuance  
shall not occur if the hearing requested before the  
364 special magistrate is one to contest the penalty of  
eutanasia.

366 ~~(g) No dog impounded pursuant to a dangerous or potentially~~  
368 ~~dangerous dog investigation or classification shall be released to its~~  
370 ~~owner or keeper until all requirements in subsections 5-32(e) and~~  
372 ~~(f) are met. If the special magistrate upholds the division~~  
374 ~~manager's determination that the dog is dangerous, the special~~  
376 ~~magistrate shall prepare a written final order within five (5)~~  
378 ~~working days to be given to the division manager and the division~~  
380 ~~manager shall send a copy of said order by certified mail with~~  
382 ~~return receipt requested, to the owner of the dog classified as~~  
384 ~~dangerous. The dog owner may appeal the special magistrate's~~  
386 ~~order to the circuit court within thirty (30) calendar days from~~  
388 ~~receipt of the final order in accordance with section 767.12(4),~~  
390 ~~Florida Statutes and the Florida Rules of Appellate Procedure.~~  
392 ~~Within fourteen (14) calendar days of receipt of the special~~  
394 ~~magistrate's final order or the conclusion of any appeal that affirms~~  
396 ~~such order, the owner must present to the division a current rabies~~  
398 ~~certificate showing that the dog is up to date on its annual rabies~~  
~~vaccine. Within fourteen (14) calendar days of receipt of the~~  
~~special magistrate's final order or the conclusion of any appeal that~~  
~~affirms such order, the owner must comply with or show existing~~  
~~compliance with, the requirements outlined in 1-6 of subsection (h)~~  
~~of this article. Within thirty (30) calendar days of receipt of the~~  
~~special magistrate's final order or the conclusion of any appeal that~~  
~~affirms such order, the owner must comply with the remaining~~  
~~requirements outlined in subsection (h). These timeframes shall~~  
~~run concurrently with one another; however, no dog shall be~~  
~~released to its owner until compliance with all requirements~~  
~~outlined in subsection (h) are satisfied. If the owner appeals the~~  
~~special magistrate's order but has met full compliance with~~  
~~subsection (h) resulting in the release of the dog, the owner must~~  
~~comply with all dangerous dog requirements and restrictions~~  
~~outlined in subsection (h) of this article while any appeal is~~  
~~pending.~~

400 (h) ~~The owner shall notify the animal services division within~~  
~~twenty-four (24) hours when a dog that has been classified as~~  
~~dangerous or potentially dangerous:~~

- 402 ~~(1) Is loose or unconfined;~~  
~~(2) has bitten a human being or attacked another animal;~~
- 404 ~~(3) Is sold, or given away, or dies; or~~  
~~(4) Is moved to another address.~~

406 ~~Prior to a dangerous or potentially dangerous dog being sold or~~  
407 ~~given away, the owner shall provide the name, address and~~  
408 ~~telephone number of the new owner to the animal services~~  
409 ~~division. The new owner must comply with all of the requirements~~  
410 ~~of this article and F.S. §§ 767.10 through 767.15, even if the dog is~~  
411 ~~moved from one (1) local jurisdiction to another within the state.~~  
412 ~~An animal control authority must be notified by the owner of a dog~~  
413 ~~classified as dangerous or potentially dangerous that the dog is in~~  
414 ~~its jurisdiction. The owner of a dog declared as dangerous must~~  
415 ~~sign the dangerous dog registration form, pay all impoundment,~~  
416 ~~registration and quarantine fees, obtain a dangerous dog~~  
417 ~~identification tag for the dog from the animal services division, and~~  
418 ~~pass a satisfactory home inspection. The dog shall wear the~~  
419 ~~identification tag at all times. The registration shall be renewed~~  
420 ~~annually upon a satisfactory home inspection and payment of all~~  
421 ~~renewal fees. Registration shall only be issued to the dog owner,~~  
422 ~~provided that the individual is at least eighteen (18) years of age.~~  
423 ~~The requirements and restrictions to keep and maintain a~~  
424 ~~dangerous dog are:~~

425 1. A current certificate of rabies vaccination for the  
426 dog. The current rabies vaccination tag shall be  
427 displayed on the dog at all times.

428 2. An approved enclosure to confine a dangerous  
429 dog and the posting of the premises with clearly  
430 visible “bad dog” signs at all entry points that  
431 inform both children and adults of the presence of a  
432 dangerous dog.

433 3. Permanent identification of the dog, such as  
434 electronic implantation.

435 4. Possession and use of a muzzle that is made in a  
436 manner that will not cause injury to the dog or  
437 interfere with its vision or respiration but will  
438 prevent it from biting a person or animal. The dog  
439 must wear the muzzle at all times when outside of  
440 an approved enclosure and off of the owner’s  
441 property.

442 5. Possession and use of a non-retractable leash  
443 with a maximum length of 4 (four) feet, that is  
444 controlled by a competent adult when the dog is  
445 outside of an approved enclosure and off of the  
446 owner’s property.

448 6. Landlord's written and notarized  
acknowledgment that a dangerous dog is permitted  
450 to be housed on the property owned by the  
Landlord. This form shall be obtained from the  
452 animal services division. This requirement does not  
apply if the property where the dangerous dog is to  
be confined is owned by the owner of the dog.

454 7. Permanent sterilization of the dog.

456 8. Completion of the division's responsible pet  
ownership class.

458 If compliance with these requirements are not satisfied within the  
above timeframe, the dog shall be deemed abandoned as defined in  
section 5-29 of this article and section 705.19, Florida Statutes.

460 ~~(i) It is a violation for the owner of a dangerous dog to permit the~~  
~~dog to be outside an approved enclosure unless the dog is muzzled~~  
462 ~~and restrained by a substantial chain or leash, not to exceed four~~  
464 ~~(4) feet in length, and under the control of a competent adult. The~~  
~~muzzle shall be made in a manner that will not cause injury to the~~  
466 ~~dog or interfere with its vision or respiration, but shall prevent it~~  
~~from biting any person or animal. When being transported, such~~  
468 ~~dogs shall be safely and securely restrained within a vehicle. The~~  
~~owner shall notify the animal services division within twenty-four~~  
~~(24) hours when a dog that has been classified as dangerous:~~

470 1. Is loose or unconfined;

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

472 3. Is sold, or given away, or dies; or

4. Is moved to another address;

474 An animal control authority must be notified by the owner of a dog  
classified as dangerous that the dog is in its jurisdiction. When a  
476 dog has been declared dangerous in another jurisdiction and is  
relocated to Orange County, the owner of the dangerous dog or  
478 dogs shall have thirty (30) calendar days from receipt of written  
notification from the division to comply with all restrictions and  
480 requirements outlined in subsection (h). Failure to comply within  
that timeframe is a violation of this article.

482 ~~(j) This section does not apply to dogs used by law enforcement~~  
483 ~~officials for law enforcement work. It is a violation of this article~~  
484 ~~for the owner of a dangerous dog to allow the dog to be off leash~~  
485 ~~and unmuzzled when off of the owner's property boundaries. It is a~~  
486 ~~violation of this article for the owner of a dangerous dog to allow~~  
487 ~~the dog to be left alone and unsupervised outside an approved~~  
488 ~~enclosure. When being transported, a dangerous dog shall be safely~~  
~~and securely confined within a vehicle.~~

490 ~~(k) It is a violation of this article for the owner of a potentially~~  
491 ~~dangerous dog to allow the potentially dangerous dog to be off~~  
492 ~~leash when not kept inside the owner's residence or within a~~  
493 ~~securely fenced area. It is a violation for the owner of a potentially~~  
494 ~~dangerous dog to allow the dog to be left alone and unsupervised~~  
495 ~~outside the owner's residence. When being transported, such dogs~~  
496 ~~shall be safely and securely restrained within a vehicle, using an~~  
497 ~~approved tether system. If any dog is not declared dangerous by~~  
498 ~~the division manager or if the initial determination of dangerous~~  
499 ~~made by the division manager is not upheld in further legal or~~  
500 ~~quasi-judicial proceedings, the dog will be released to the custody~~  
501 ~~of the owner. In such event, the owner shall not be liable for~~  
502 ~~impoundment costs of the dog; but shall be responsible for all~~  
503 ~~quarantine fees and any additional fees arising from any veterinary~~  
504 ~~services that were rendered to the dog either at the request of the~~  
505 ~~owner, or if immediate medical care was necessary while the dog~~  
506 ~~was in the care of the animal services division. These fees may be~~  
~~waived at the division manager's discretion.~~

508 ~~(l) Owners of previously declared dangerous or potentially~~  
509 ~~dangerous dogs shall have sixty (60) calendar days from the~~  
510 ~~adoption of this article to comply with all requirements for the~~  
511 ~~registration of a dangerous or potentially dangerous dog as stated~~  
512 ~~in subsection 5-21(d). Failure to comply within sixty (60) days will~~  
513 ~~result in the issuance of a Category I violation, pursuant to section~~  
514 ~~5-50. In addition, the dangerous or potentially dangerous dog shall~~  
515 ~~be impounded and held for ten (10) calendar days after the owner~~  
516 ~~is given written notification under section 5-32, and thereafter~~  
517 ~~destroyed in an expeditious and humane manner. This ten-day time~~  
518 ~~period shall allow the owner to request a hearing under section 5-~~  
519 ~~32. The owner shall be responsible for payment of all boarding~~  
520 ~~costs and other fees as may be required to humanely and safely~~  
521 ~~keep the dog during any appeal procedure. The division manager~~  
522 ~~or an animal services officer may issue notice of propensity letters~~  
523 ~~to dog owners subsequent to an initial bite or documented~~  
524 ~~aggressive behavior toward a person or domestic animal.~~

526 ~~(m) The victim of any dog bite or attack may appeal the decision  
of the division or the classification committee if the dog is not  
declared dangerous.~~

528 ~~(n) If any dog is not declared dangerous or potentially dangerous  
or if the classification determined by the division manager is not  
530 upheld in further appeal procedures, the dog will be released to the  
custody of the owner. In such event, the owner shall not be liable  
532 for costs of impoundment of the dog and the quarantine fees.~~

534 ~~(o) The division manager may issue notice of propensity letters to  
owners of dogs, subsequent to an initial bite or documented  
aggressive behavior toward a person or domestic animal.~~

536 *Section 4. Amendments to Section 5-32.1.* Section 5-32.1 (“Attack or bite by dangerous dog;  
penalties; confiscation; destruction”) is amended to read as follows, with additions being shown  
538 by underlines and deletions being shown by strikethrough:

**Sec. 5-32.1. - Attack or bite by dangerous dog; attack by unclassified dog that causes  
540 death; penalties; appeals; confiscation; destruction.**

542 (a) If a dog that has previously been declared dangerous ~~under~~  
~~this article~~ attacks or bites a person or domestic animal without  
provocation, the owner of the dog, upon conviction, is guilty of a  
544 misdemeanor of the first degree, punishable as provided in F.S. §  
sections 775.082 or F.S. § 775.083, Florida Statutes. In addition,  
546 the dangerous dog shall be immediately confiscated by the animal  
services division, placed in quarantine, if necessary, for the  
548 proper length of time, ~~or~~ impounded and held for ten (10)  
~~calendar~~ working days after the owner is given written  
550 notification under section 5-32(d) of this article and section  
767.12, Florida Statutes and thereafter destroyed in an  
552 expeditious and humane manner. This ten-day time period shall  
allow the owner to request a hearing before the special magistrate  
554 under section 5-32(e) and section 767.12, Florida Statutes. The  
owner shall be responsible for payment of all boarding costs and  
556 other fees as may be required to humanely and safely keep the  
dog until the conclusion of any legal or quasi-judicial  
558 proceedings. ~~during any appeal procedure.~~

560 (b) Pursuant to F.S. § section 767.13, Florida Statutes if a dog  
that has been previously declared dangerous ~~under this article~~  
aggressively attacks and causes severe injury to or death of any

562 human ~~or domestic animal~~, the owner of the dog, upon  
conviction, is guilty of a felony of the third degree, punishable as  
564 provided in F.S. §§ sections 775.082, 775.083 or 775.084, Florida  
Statutes. In addition, the dog shall be immediately confiscated by  
566 the animal services division, placed in quarantine, if necessary,  
for the proper length of time or held for ten (10) ~~calendar~~ working  
568 days after the owner is given written notification under section 5-  
32(d) and section 767.12, Florida Statutes, and thereafter  
570 destroyed in an expeditious and humane manner. This ten-day  
time period shall allow the owner to request a hearing  
572 under section 5-32(e). The owner shall be responsible for  
payment of all boarding costs and such other fees as may be  
574 required to humanely and safely keep the dog until the conclusion  
of any legal or quasi-judicial proceedings. ~~during any appeal~~  
576 ~~procedure.~~

(c) Pursuant to F.S. § 767.13, if a dog that has not been declared  
578 dangerous under this article attacks and causes severe injury to or  
death of any human, the dog shall be immediately confiscated by  
580 the animal services division, placed in quarantine, if necessary,  
for the proper length of time or held for ten (10) calendar days  
582 after the owner has been given written notification under section  
5-32, and thereafter shall be destroyed in an expeditious and  
584 humane manner. This ten-day time period shall allow the owner  
to request a hearing under section 5-32. The owner shall be  
586 responsible for payment of all boarding costs and any other fees  
as may be required to humanely and safely keep the dog during  
588 any appeal procedure. In addition if the owner of the dog had  
prior knowledge of the dog's dangerous propensities, yet  
590 demonstrated a reckless disregard for such propensities under the  
circumstances, the owner of the dog is guilty of a misdemeanor of  
592 the second degree, punishable as provided in F.S. § 775.082 or  
775.083. If the owner files a written appeal to the circuit court  
594 under section 767.12(4), Florida Statutes to contest the proposed  
penalty of humane euthanasia, the dog must be held and may not  
596 be destroyed while the appeal is pending.

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

(e) Pursuant to section 767.135, Florida Statutes if a dog that has  
602 not been declared dangerous under section 5-32 of this article  
attacks and causes the death of any human, the dog shall be  
604 immediately confiscated by the animal services division, placed

606 in quarantine, if necessary, for the proper length of time or held  
607 for ten (10) working days after the owner has been given written  
608 notification under section 5-32(d), and thereafter shall be  
609 destroyed in an expeditious and humane manner. This ten-day  
610 time period shall allow the owner to request a hearing before the  
611 special magistrate. under section 5-32(e). If the owner files an  
612 appeal to the circuit court to contest the decision of the special  
613 magistrate, the dog must be held by animal services and may not  
614 be destroyed while the appeal is pending. The owner shall be  
615 responsible for payment of all boarding costs and any other fees  
616 as may be required to humanely and safely keep the dog during  
any appeal procedure.

617 (f) Pursuant to section 767.136(1), Florida Statutes, If the owner  
618 of the dog had prior knowledge of the dog's dangerous  
619 propensities, yet demonstrated a reckless disregard for such  
620 propensities under the circumstances, the owner of the dog is  
621 guilty of a misdemeanor of the second degree, punishable as  
622 provided in sections 775.082 or 775.083, Florida Statutes.

*Section 5. Amendment to Section 5-34.* Section 5-34 (“Impoundment of animals; compulsory  
624 sterilization.) is amended to read as follows, with additions being shown by underlines and  
deletions being shown by strikethrough:

625 **Sec. 5-34. – Impoundment of animals; compulsory sterilization**

626 (a) The county may purchase, construct, lease, operate, and maintain county  
627 shelters to retain:

\*\*\*

628 (4) Any animal under investigation for classification as dangerous. ~~or~~  
629 ~~potentially dangerous.~~

630 \*\*\*

*Section 6. Amendment to Section 5-50.* Section 5-50 (“Violations; construction of article) is  
631 amended to read as follows, with additions being shown by underlines and deletions being shown  
632 by strikethrough:

633 **Sec. 5-50. – Violations; construction of article.**



(a) It is a Category I violation of this article for any person to:

638 \*\*\*

640 (2) Fail to comply with the provisions or requirements of any written  
notification of classification for a dangerous dog; ~~or a potentially dangerous  
dog.~~

642 (3) Fail to notify the animal services division that a dangerous ~~or potentially  
dangerous~~ dog has been brought into the county.

644 (4) Fail to control a previously declared dangerous dog ~~or potentially  
dangerous dog~~, resulting in an unprovoked attack or bite.

646 \*\*\*

*Section 7. Filing of Ordinance and Effective Date.* This ordinance shall take effect pursuant to  
648 general law.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

650 ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

652  
By: \_\_\_\_\_  
654 Jerry L. Demings  
Orange County Mayor  
656

658 ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

660 By: \_\_\_\_\_  
Deputy Clerk