



**ANIMAL SERVICES**

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October 11, 2023

TO: Mayor Jerry L. Demings  
– AND –  
County Commissioners

THRU: Raul Pino, MD, MPH, Director  
Health Services Department

*Raul Pino* MD. MPH.

THRU: John Goodrich, Deputy Director  
Health Services Department

FROM: Diane Summers, Manager  
Animal Services Division

SUBJECT: October 24, 2023 – Public Hearing Item  
Proposed Amendments to Chapter 5 (Dangerous Dogs)

On Tuesday, September 26, 2023, staff provided a work session to the Board related to a requested update to the Orange County Code of Ordinances, specifically Chapter 5, Sections 29, 31, 32, 32.1, and 50. The work session identified how the existing ordinance language is stricter than the Florida State Statute 767.12 for dangerous dog classification and why that discrepancy between the language has become challenging from a legal standpoint.

The work session proposed updating the ordinance language to mirror that of the Florida State Statute as well as an update to the appellate process, sunseting the existing Classification Committee and utilizing a special magistrate. This appeal process is in alignment with benchmark and neighboring counties.

Staff will be requesting Board approval for ordinance updates related to the dangerous dog program in an effort to standardize the language, streamline the process and strive for consistency in results for the benefit of our citizens and their pets.

**ACTION REQUESTED** Adoption of an ordinance amending Sections 5-29, 5-31, 5-32, 5-32.1, and 5-50 of the Orange County Code concerning Animal Services and Dangerous Dog proceedings.

ORDINANCE NO. 2023-\_\_\_\_\_

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**AN ORDINANCE CONCERNING ANIMAL SERVICES AND DANGEROUS DOG PROCEEDINGS IN ORANGE COUNTY, FLORIDA; AMENDING SECTIONS 5-29, 5-31, 5-32, 5-32.1, AND 5-50 OF ORANGE COUNTY CODE TO PROVIDE ADDITIONAL PROCEDURAL DUE PROCESS REQUIREMENTS FOR CLASSIFICATION OF DOGS AS DANGEROUS; AMENDING THE DEFINITION OF A DANGEROUS DOG AND PROPER ENCLOSURE OF A DANGEROUS DOG; REMOVING THE DEFINITION OF POTENTIALLY DANGEROUS DOG, AND ALL REFERENCES THEREIN; PROVIDING FOR AN APPOINTMENT OF A PRIMARY SPECIAL MAGISTRATE, AND TWO ALTERNATE SPECIAL MAGISTRATES; PROVIDING THE DEFINITION OF PRIMARY SPECIAL MAGISTRATE AND ALTERNATE SPECIAL MAGISTRATE; ESTABLISHING THE CONDUCT OF HEARINGS BEFORE THE SPECIAL MAGISTRATE; PROVIDING THE PROCEDURAL PROCESS FOR UNCLASSIFIED DOGS THAT CAUSE DEATH; PROVIDING FOR ALTERNATIVE CONFINEMENT AND QUARANTINE LOCATIONS OF DANGEROUS DOGS; EXEMPTIONS; APPEALS; UNLAWFUL ACTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

28       **WHEREAS**, Fla. Stat. § 767.11 provides the definitions of “dangerous dog” and “proper enclosure of a dangerous dog,”

30       **WHEREAS**, Fla. Stat. §767.12(2) outlines the circumstances when a dog may not be declared dangerous,

32       **WHEREAS**, Fla. Stat. §767.12(3) establishes the procedural due process requirements for dog owners prior to the “dangerous” declaration becoming final, and mandates that each applicable local governing authority establish provisions that conform to this section of the state statute;

34       **WHEREAS**, Fla. Stat. §767.14 grants a local government authorization to place additional restrictions or requirements on dangerous dogs and their owners, provided that such restrictions  
36 are not breed-specific and do not lessen the statutory requirements;

38       **WHEREAS**, Section 5-29 of Orange County Code contains the applicable definitions as used within Chapter 5 of the same;

40       **WHEREAS**, Section 5-32 of Orange County Code outlines the procedure and criteria used by the Animal Services Division Manager when considering whether to declare a dog as

42 dangerous; establishes the current process for challenging dangerous dog declarations, and sets the  
confinement and quarantine requirements for dogs under investigation;

44 **WHEREAS**, the Orange County Board of County Commissioners desires to amend  
Sections 5-32 and 5-32.1 of Orange County Code to clarify the Division’s procedures, to ensure  
equal due process of law to the dog owners as well as the County;

46 **WHEREAS**, an amendment of this Chapter and the applicable definitions herein is  
necessary to comply with state law; and

48 **WHEREAS**, the Orange County Board of County Commissioners finds that the  
appointment of a neutral Special Magistrate and two alternates to preside over Dangerous Dog  
50 proceedings in the County is necessary to further the County’s objective of providing additional  
due process safeguards for owners of dangerous dogs;

52 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE  
COUNTY, FLORIDA:

54 **Section 1. Amendment to Section 5-29.** Section 5-29 (“Definitions”) is amended to  
read as follows, with additions being shown by underlines and deletions being shown by  
56 strikethrough:

**Section 5-29.- Definitions.**

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

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

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

72

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

76 (4) ~~(3) Has, when unprovoked, chased or approached a~~  
78 ~~person upon the streets, sidewalks or any public~~  
80 ~~grounds in a menacing fashion or apparent attitude~~  
82 ~~of attack; provided that such actions are attested to~~  
84 ~~in a sworn statement by one (1) or more persons~~  
~~and dutifully investigated by the animal services~~  
~~division.~~

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

86 ~~*Dangerous dog registration Certificate of registration* shall~~  
88 ~~mean a county division issued registration form~~  
~~acknowledging that the owner has properly registered a~~  
~~dangerous dog in Orange County. dangerous or potentially~~  
~~dangerous dog registration issued pursuant to this article.~~

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

- 94 a. ~~Causing injury to a person or domestic animal that is less than a~~  
96 ~~severe injury; or~~  
98 b. ~~Without provocation, chasing or menacing a person or a domestic~~  
100 ~~animal that is less than a severe injury; or~~  
102 c. ~~Without provocation, repeatedly acting in a highly aggressive~~  
~~manner within a fenced yard/ enclosure and appears to a~~  
~~reasonable person able to jump over or escape.~~  
d. ~~Dogs used by law enforcement officials for law enforcement~~  
~~work are exempt from potentially dangerous dog classification.~~

104 ~~*Proper enclosure of a dangerous dog* shall mean that while on~~  
106 ~~the owner's property a dangerous dog is securely confined~~  
~~indoors either indoor or outdoor. When confined indoor, the dog~~  
108 ~~shall be, or in a securely enclosed and locked pen or structure~~  
110 ~~suitable to prevent the entry of young children and designed to~~  
112 ~~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~~



114 within a fenced or gated area that is in good repair and condition.  
116 Such pen or structure shall have secure sides, top, and flooring to  
118 prevent the dog from escaping over, under or through the  
120 structure and shall also provide adequate ventilation and  
122 protection from the elements. The dog must be unable to climb  
124 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.

126 ~~*Proper enclosure of a potentially dangerous dog shall mean a*~~  
128 ~~*securely constructed fence area, in good repair and condition, that*~~  
130 ~~*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.*~~

132 ~~*Provoked shall mean to tease, molest, torment, abuse, or assault a*~~  
134 ~~*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.*~~

136 ~~*Special magistrate means a person authorized to hold hearings*~~  
138 ~~*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.*~~

140

*Section 2. Amendment to Section 5-31.* Section 5-31 ("Animal Services Division  
142 Manager") is amended to read as follows, with additions being shown by underlines and deletions  
being shown by strikethrough:

144 ***Sec. 5-31. – Animal Services Division Manager.***

(f) The division manager and animal services officers may capture, seize or pick up:

146 (3) Any dangerous ~~or potentially dangerous~~ dog not in compliance with the  
written notification of their classification;

148 (4) Any dog being considered for dangerous ~~or potentially dangerous~~  
classification;

150 **Section 3. Amendment to Section 5-32.** Section 5-32 (“Classification of dogs as  
dangerous or potentially dangerous; confinement and quarantine of animals; exemption; appeals;  
152 unlawful acts”) is amended to read as follows, with additions being shown by underlines and  
deletions being shown by strikethrough:

154 **Sec. 5-32. Classification of dogs as dangerous; ~~or potentially~~**  
155 **dangerous; confinement and quarantine requirements of**  
156 **dangerous dogs; animals; exemptions; exemption;**  
158 **requirements for owners of dangerous dogs; conduct of special**  
**magistrate hearings; and appeals. ~~unlawful acts.~~**

160 (a) The animal services division shall investigate incidents  
involving any dog that may be dangerous ~~or potentially~~  
162 ~~dangerous~~ and shall, if possible, interview the owner and  
require a sworn affidavit from ~~any person,~~ all interested parties,  
164 including any animal control officer or law enforcement  
officer, desiring to have a dog classified as dangerous. ~~or~~  
166 ~~potentially dangerous.~~ The discretion to classify a dog as  
dangerous lies with the division manager or in the event of  
168 their unavailability, their designee. An animal that is subject to  
a dangerous ~~or potentially dangerous~~ dog investigation will be  
impounded at animal services pending the outcome of the  
170 investigation. If the division manager or designee classifies a  
dog as dangerous, it shall not be released to its owner until the  
172 requirements in subsection (h)1-8 are met, and resolution of  
any hearings related to the dangerous or potentially dangerous  
174 dog classification. Alternative impoundment locations will  
only be considered for extenuating circumstances and are  
176 subject to the division manager or designee’s discretion and  
approval. An alternative impoundment location will not be  
178 considered for a dog that is already subject to dangerous dog  
restrictions and offends a second time. A dog that is the subject  
180 of a dangerous dog investigation shall not be relocated or have  
its ownership transferred until the conclusion of the  
182 investigation or any legal or quasi-judicial proceedings related  
to the classification of a dangerous dog. Before ownership of a



184 dangerous dog is transferred, the new owner shall comply with  
186 all dangerous dog requirements, including payment of any  
188 outstanding fees, and provide the name, address, and telephone  
190 number of the new owner to the division. The new owner must  
192 comply with all dangerous dog restrictions and requirements in  
194 this section, even if the animal is moved from one local  
196 jurisdiction to another within the state. A dog that is facing a  
humane euthanasia penalty because of reoffending shall not be  
relocated or have its ownership transferred. No dog that is the  
subject of a dangerous dog investigation may be relocated or  
ownership transferred pending the outcome of an investigation  
or any hearings related to the determination of a dangerous dog  
or potentially dangerous classification.

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

204 (c) The division manager or designee shall make an initial  
206 determination as to whether there is sufficient cause to classify  
208 the dog as dangerous. The division manager or designee shall  
210 classify any dog as dangerous if he or she determines that the  
212 dog meets the requirements for a dangerous dog as specified in  
214 section 5-29 of this article. A dog shall not be classified as  
216 dangerous if the threat, injury or damage was sustained by a  
218 person who, at the time, was unlawfully on the property, or  
220 while lawfully on the property, provoked the dog or its owner  
222 or a family member or a guest of the owner. No dog may be  
224 classified as dangerous if the dog was protecting or defending  
226 the human being within the immediate vicinity of the dog from  
228 an unjustified attack or assault. Any dog that is owned, or the  
service of which is employed by a law enforcement agency, is  
exempt from the dangerous dog classification. 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 by a licensed  
veterinarian. The division manager shall make an initial  
determination as to whether there is sufficient cause to classify  
the dog as dangerous or potentially dangerous. The division  
manager shall classify any dog as a dangerous or potentially  
dangerous dog in the event he/she determines that the dog  
meets the requirements for dangerous or potentially dangerous  
dog as specified in section 5-29, Orange County Code. A dog  
shall not be classified as dangerous or potentially dangerous if

230 ~~the threat, injury, or damage was sustained by a person who, at~~  
232 ~~the time, was unlawfully on the property, or while lawfully on~~  
234 ~~the property, tormented, abused or assaulted the animal or its~~  
236 ~~owner or a family member or a guest of the owner. No dog~~  
238 ~~may be classified as dangerous or potentially dangerous if the~~  
240 ~~dog was protecting or defending a human being within the~~  
242 ~~immediate vicinity of the dog from an unjustified attack or~~  
244 ~~assault. The division manager shall provide written notice to~~  
246 ~~the owner or keeper of such animal by registered mail, certified~~  
248 ~~hand delivery, or service in conformance with the provisions of~~  
250 ~~F.S. ch. 48, relating to service of process. The written notice~~  
252 ~~shall include the basis for declaring the dog dangerous or~~  
254 ~~potentially dangerous, a description of the dog, and the~~  
256 ~~responsibility of the owner or keeper for maintenance of the~~  
258 ~~dog. If the owner decides to appeal the initial determination of~~  
260 ~~dangerous or potentially dangerous, they may request a hearing~~  
262 ~~before the animal services classification committee to show~~  
~~cause why such dog should not be declared dangerous or~~  
~~potentially dangerous. The request for a hearing must be filed,~~  
~~in writing, with the division manager within seven (7) working~~  
~~days after receipt of written notice of the division manager's~~  
~~determination or action. The written hearing request must~~  
~~briefly state the grounds therefore and list the names and~~  
~~addresses of any witnesses the owner intends to call at the~~  
~~hearing. If the division manager receives a timely written~~  
~~request for a hearing regarding a dangerous or potentially~~  
~~dangerous dog classification, he/she shall immediately refer the~~  
~~request, completed investigation, and initial determination to~~  
~~the classification committee. The classification committee shall~~  
~~schedule a hearing to be held not more than twenty-one (21)~~  
~~working days and no sooner than five (5) working days after~~  
~~the division manager's receipt of the request from the owner.~~

264 (d) The division manager or designee shall provide written notice  
266 of the initial determination and sufficient cause finding to the  
268 owner or keeper of such animal by certified mail, hand  
270 delivery, or service in conformance with the provisions of F.S.  
272 ch. 48, relating to service of process. The written notice shall  
274 include the basis for declaring the dog dangerous, a description  
of the dog, the responsibility of the owner or keeper for  
maintenance of the dog, and a notice informing the owner that  
they may contest the division manager's decision. If the  
classification committee upholds the division manager's  
determination that a dog is dangerous or potentially dangerous,  
the division manager shall send a written notice of such



276 classification, by registered mail or certified hand delivery, to  
the owner of the animal classified as dangerous or potentially  
278 dangerous. If the classification committee upholds the division  
manager's determination that the dog is dangerous or  
potentially dangerous, or if the classification committee is  
280 unable to meet the time frames set forth in this section, or is  
unable to make a decision, the owner may file a written request  
282 with the clerk of the court for a de novo evidentiary hearing in  
the county court, pursuant to F.S. § 767.12, to appeal the  
284 classification within ten (10) business days after receipt of the  
classification committee's determination of dangerous or  
286 potentially dangerous dog classification. The owner must  
confine the dog in accordance with subsection 5-32(e) as  
288 defined pending a resolution of the appeal.

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

298 1. All evidence intended to be used by the dog  
owner at the hearing, including the names and  
300 addresses of all witnesses the owner intends to  
call to testify, must be submitted to the division  
302 at least three (3) business days prior to the  
hearing. Evidence that is submitted outside of  
304 that timeframe may be excluded at the  
discretion of the special magistrate. The animal  
306 services division shall present evidence to  
support the initial determination of dangerous  
308 and sufficient cause finding. The owner may  
present evidence to show cause why such dog  
310 should not be declared dangerous. The special  
magistrate shall consider all relevant evidence  
312 that is presented at the hearing and shall make a  
final decision, by preponderance of the  
314 evidence, to determine if the dog shall continue  
its classification as dangerous or if the defenses  
316 outlined in subsection (c) preclude such  
classification. Formal rules of evidence shall not  
318 apply, but fundamental due process shall be  
observed and shall govern the proceedings.  
320

322 2. The special magistrate, county attorney or their  
324 designee, animal services staff, attorney for the  
326 dog owner, or the dog owner may inquire of any  
328 witness that testifies. Third party attendees will  
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.

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

340 ~~(1) A current certificate of rabies vaccination for the dog. The current~~  
342 ~~rabies vaccination tag shall be displayed on the dog at all times.~~

344 ~~(2) An approved enclosure to confine a dangerous or potentially~~  
346 ~~dangerous dog and the posting of the premises with a clearly~~  
348 ~~visible warning sign at all entry points that informs both children~~  
~~and adults of the presence of a dangerous or potentially dangerous~~  
~~dog on the property.~~

350 ~~(3) Permanent identification of the dog, such as a tattoo on the inside~~  
~~thigh or electronic implantation.~~

352 ~~(4) Landlord's written acknowledgment that a dangerous or potentially~~  
354 ~~dangerous dog will be housed on property owned by landlord.~~

~~(5) Completion of the county's responsible pet ownership class.~~

356 (f) If the division manager or their designee receives a timely  
358 written request for a hearing regarding a dangerous dog  
360 classification, he or she shall immediately refer the request,  
362 completed investigation, and initial determination to the county  
364 attorney or their designee for presentation to the special magistrate.  
The division manager or designee shall schedule a hearing to be  
held before the special magistrate not more than twenty-one (21)  
calendar days and no sooner than five (5) calendar days after the  
division manager or designee's receipt of the request from the  
owner.



366 1. If the owner fails to timely request a hearing  
368 before the special magistrate to contest the  
dangerous dog classification or proposed penalty,  
370 the initial determination of the division manager  
shall become final. The owner shall have thirty (30)  
372 calendar days to comply with the requirements  
outlined in subsection (h)1-8. If compliance within  
374 that timeframe is not met, the dog shall be deemed  
abandoned, as defined in section 5-29 and F.S.  
376 §705.19. There shall be no exceptions to this  
provision.

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

~~A dog classified as dangerous or potentially dangerous must be~~  
396 ~~permanently sterilized within fourteen (14) calendar days~~  
~~following such classification by the division manager, or in the~~  
398 ~~event of a timely appeal of such classification, within fourteen (14)~~  
~~calendar days following affirmation of the dangerous or potentially~~  
400 ~~dangerous dog classification by the classification committee or~~  
~~within fourteen (14) calendar days of the classification as a~~  
402 ~~dangerous or potentially dangerous dog being upheld by a county~~  
~~court.~~

404 (g) If the special magistrate upholds the division manager's  
determination that the dog is dangerous, the special magistrate  
406 shall prepare a written final order within five (5) business days to  
be given to the division manager or designee, and the division  
408 manager or designee shall send a copy of said order by certified



410 mail with return receipt requested, to the owner of the dog  
412 classified as dangerous. The dog owner may appeal a final  
414 administrative order to the circuit court within thirty (30) days  
416 from receipt of the final order in accordance with F.S. §767.12(4)  
418 and the Florida Rules of Appellate Procedure. The owner must  
420 comply with all dangerous dog requirements and restrictions  
outlined in subsection (h)1-8 of this article, including confinement  
to a proper enclosure for a dangerous dog as defined in section 5-  
29 while any legal or quasi-judicial proceeding regarding the dog's  
classification is pending. No dog impounded pursuant to a  
dangerous or potentially dangerous dog investigation or  
classification shall be released to its owner or keeper until all  
requirements in subsections 5-32(e) and (f) are met.

422 (h) The owner of a dog declared as dangerous must sign a  
424 registration form, pay all impoundment, registration and quarantine  
426 fees, and obtain a dangerous dog identification tag for the dog from  
428 the animal services division. The dog shall wear the identification  
430 tag at all times. The registration shall be renewed annually upon a  
satisfactory home inspection and payment of all renewal fees.  
Registration shall only be issued to the dog owner, provided that  
the individual is at least eighteen (18) years of age. The  
requirements and restrictions to keep and maintain a dangerous  
dog are:

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

436 2. An approved enclosure to confine a dangerous  
438 dog and the posting of the premises with clearly  
440 visible "bad dog" signs, to be obtained from the  
division, at all entry points that informs both  
children and adults of the presence of a dangerous  
dog.

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

4. Permanent sterilization of the dog.

444 5. Landlord's written and notarized  
446 acknowledgement that a dangerous dog is permitted  
448 to be housed on the property owner by the  
Landlord. This form shall be obtained from the  
animal services division. This requirement will not

450 apply if the property where the dangerous dog is to  
451 be confined is owned by the owner of the dog.

452 6. Completion of the division's responsible pet  
453 ownership class.

454 7. Possession and use of a muzzle that is made in a  
455 manner that will not cause injury to the dog or  
456 interfere with its vision or respiration but will  
457 prevent it from biting a person or animal. The dog  
458 must wear the muzzle at all times when outside of  
459 an approved enclosure and off of the owner's  
460 property.

461 8. Possession and use of a non-retractable leash  
462 with a maximum length of 4 (four) feet, that is  
463 controlled by a competent adult when the dog is  
464 outside of an approved enclosure and off of the  
465 owner's property.

466 Owners of dangerous dogs shall have thirty (30) calendar days  
467 from receipt of the special magistrate's final order or the  
468 conclusion of an appeal to the circuit court to comply with these  
469 requirements. If compliance within that timeframe is not met, the  
470 dog shall be deemed abandoned, as defined in section 5-29 of this  
471 article and F.S. §705.19. No dog shall be released to its owner  
472 unless the above requirements are met within this timeframe.

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

~~(1) Is loose or unconfined;~~

476 ~~(2) Has bitten a human being or attacked another animal;~~

~~(3) Is sold, or given away, or dies; or~~

478 ~~(4) Is moved to another address.~~

480 ~~Prior to a dangerous or potentially dangerous dog being sold or~~  
481 ~~given away, the owner shall provide the name, address and~~  
482 ~~telephone number of the new owner to the animal services~~  
483 ~~division. The new owner must comply with all of the requirements~~  
484 ~~of this article and F.S. §§ 767.10 through 767.15, even if the dog is~~  
485 ~~moved from one (1) local jurisdiction to another within the state.~~

486 ~~An animal control authority must be notified by the owner of a dog~~  
~~classified as dangerous or potentially dangerous that the dog is in~~  
~~its jurisdiction.~~

488 (i) The owner shall notify the animal services division within  
490 twenty-four (24) hours when a dog has been classified as  
dangerous:

1. Is loose or unconfined;

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

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

494 4. Is moved to another address; or

496 Prior to a dangerous dog being sold or given away, the owner shall  
provide the name, address and telephone number of the new owner  
498 to the animal services division. The new owner must comply with  
all of the requirements of this article and F.S. §§ 767.12 and  
500 767.13, even if the dog is moved from one local jurisdiction to  
another within the state. An animal control authority must be  
502 notified by the owner of a dog classified as dangerous that the dog  
is in its jurisdiction. When a dog has been declared dangerous in  
504 another jurisdiction and is relocated to Orange County, the owner  
of the dangerous dog or dogs shall have thirty (30) calendar days  
506 from receipt of written notification from the division to comply  
with all restrictions and requirements outlined in subsection (h)1-8.  
508 Failure to comply within that timeframe is a violation of this  
article. It is a violation for the owner of a dangerous dog to permit  
510 the dog to be outside an approved enclosure unless the dog is  
muzzled and restrained by a substantial chain or leash, not to  
512 exceed four (4) feet in length, and under the control of a competent  
adult. The muzzle shall be made in a manner that will not cause  
514 injury to the dog or interfere with its vision or respiration, but shall  
prevent it from biting any person or animal. When being  
516 transported, such dogs shall be safely and securely restrained  
within a vehicle.

518 (j) It is a violation of this article for the owner of a dangerous dog  
to allow the dangerous dog to be off leash and unmuzzled when  
520 not kept inside an approved enclosure for a dangerous dog. It is a  
violation of this article for the owner of a dangerous dog to allow  
522 the dog to be left alone and unsupervised outside an approved  
enclosure for a dangerous dog. When being transported, such dog  
or dogs shall be safely and securely confined within a vehicle. This



524 ~~section does not apply to dogs used by law enforcement officials  
for law enforcement work.~~

526 (k) If any dog is not declared dangerous by the division manager or  
528 designee, or if the classification determined by the division  
manager or designee is not upheld in further legal or quasi-judicial  
530 proceedings, the dog will be released to the custody of the owner.  
In such event, the owner shall not be liable for impoundment costs  
532 of the dog; but shall be responsible for all quarantine fees, and any  
additional fees arising from any veterinary services that were  
534 rendered to the dog either at the request of the owner, or if  
immediate medical care was necessary while the dog was in the  
536 care of the animal services division. These fees may be waived at  
the division manager or designee's discretion. It is a violation of  
538 this article for the owner of a potentially dangerous dog to allow  
the potentially dangerous dog to be off leash when not kept inside  
540 the owner's residence or within a securely fenced area. It is a  
violation for the owner of a potentially dangerous dog to allow the  
542 dog to be left alone and unsupervised outside the owner's  
residence. When being transported, such dogs shall be safely and  
544 securely restrained within a vehicle, using an approved tether  
system.

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

564 (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.

566 ~~(n) If any dog is not declared dangerous or potentially dangerous~~  
568 ~~or if the classification determined by the division manager is not~~  
570 ~~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~~  
~~for costs of impoundment of the dog and the quarantine fees.~~

572 ~~(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.~~

574

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

578

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

580 (a) If a dog that has previously been declared dangerous ~~under this~~  
582 ~~article~~ attacks or bites a person or domestic animal without  
584 provocation, the owner of the dog, upon conviction, is guilty of a  
586 misdemeanor of the first degree, punishable as provided in F.S. §  
588 775.082 or F.S. § 775.083. In addition, the dangerous dog shall  
590 be immediately confiscated by the animal services division,  
592 placed in quarantine, if necessary, for the proper length of time,  
594 ~~or~~ impounded and held for ten (10) ~~calendar~~ working days after  
596 the owner is given written notification under section 5-32(f) of  
this article and F.S. §767.12, and thereafter destroyed in an  
expeditious and humane manner. This ten-day time period shall  
allow the owner to request a hearing before the special magistrate  
under section 5-32(f) and F.S. §767.12. The owner shall be  
responsible for payment of all boarding costs and other fees as  
may be required to humanely and safely keep the dog until the  
conclusion of any legal or quasi-judicial proceedings. ~~during any~~  
~~appeal procedure.~~

598

600

602

(b) Pursuant to F.S. § 767.13, if a dog that has been previously  
declared dangerous ~~under this article~~ aggressively attacks and  
causes severe injury to or death of any human ~~or domestic~~  
animal, the owner of the dog, upon conviction, is guilty of a  
felony of the third degree, punishable as provided in F.S. §§  
775.082, 775.083 or 775.084. In addition, the dog shall be



604 immediately confiscated by the animal services division, placed  
in quarantine, if necessary, for the proper length of time or held  
606 for ten (10) ~~calendar~~ working days after the owner is given  
written notification under ~~section 5-32(f)~~ and F.S. §767.12, and  
608 thereafter destroyed in an expeditious and humane manner. This  
ten-day time period shall allow the owner to request a hearing  
610 under ~~section 5-32(f)~~ and F.S. §767.12. The owner shall be  
responsible for payment of all boarding costs and such other fees  
612 as may be required to humanely and safely keep the dog until the  
conclusion of any legal or quasi-judicial proceedings, during any  
appeal procedure.

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

634 (d) 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  
636 is not guilty of any crime specified under this section.

638 (e) Pursuant to F.S. § 767.135, if a dog that has not been declared  
dangerous under section 5-32 of this article attacks and causes  
640 the death of any human, the dog shall be immediately confiscated  
by the animal services division, placed in quarantine, if  
642 necessary, for the proper length of time or held for ten (10)  
working days after the owner has been given written notification  
644 under section 5-32(e), and thereafter shall be destroyed in an  
expeditious and humane manner. This ten-day time period shall  
allow the owner to request a hearing before the special



646 magistrate, under section 5-32(f). If the owner files an appeal to  
648 the circuit court to contest the decision of the special magistrate,  
650 the dog must be held by animal services and may not be  
652 destroyed while the appeal is pending. The owner shall be  
responsible for payment of all boarding costs and any other fees  
as may be required to humanely and safely keep the dog during  
any appeal procedure.

654 (f) Pursuant to F.S. 767.136(1), If the owner of the dog had prior  
knowledge of the dog's dangerous propensities, yet demonstrated  
656 a reckless disregard for such propensities under the  
circumstances, the owner of the dog is guilty of a misdemeanor of  
658 the second degree, punishable as provided in F.S. § 775.082 or  
775.083.

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

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

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

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

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

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

672

***Section 6. Filing of Ordinance and Effective Date.***

674 This Ordinance shall take effect pursuant to general law.

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

676

ORANGE COUNTY, FLORIDA

678

By: Board of County Commissioners

680

By: \_\_\_\_\_

Jerry L. Demings

682

Orange County Mayor

684

ATTEST: Phil Diamond, CPA, County Comptroller

As Clerk of the Board of County Commissioners

686

By: \_\_\_\_\_

688

Deputy Clerk

690