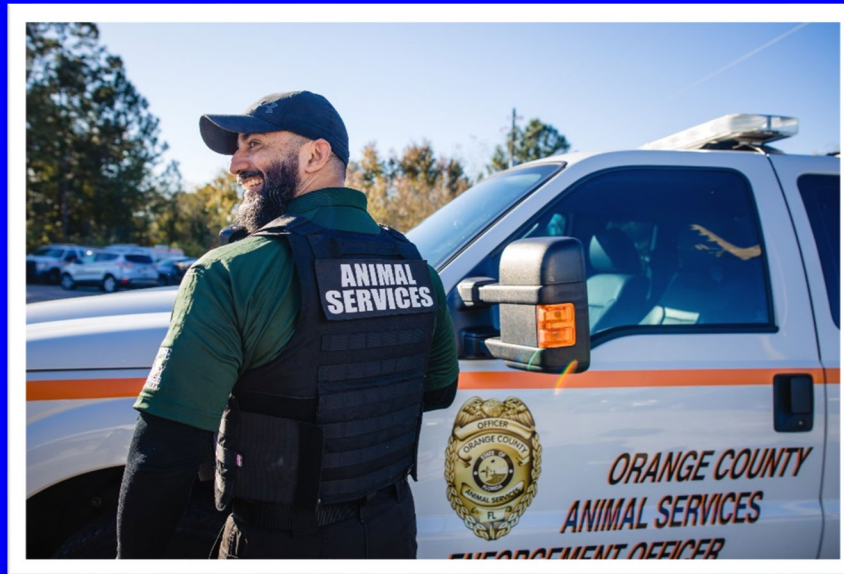
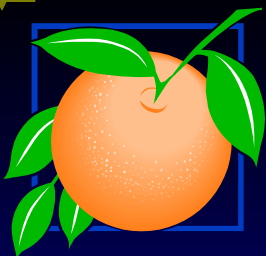


Orange County Animal Services

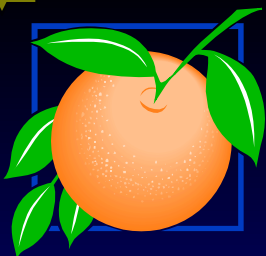
“Dangerous Dog” Ordinance Revision Proposal





Introduction

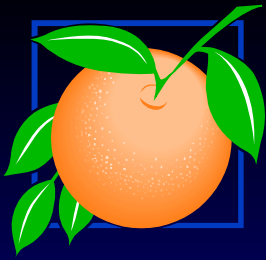
- **Introduction**
- **Current Dangerous Dog Program**
- **Program Concerns**
- **Proposed Changes**
- **Summary**



Introduction

Dangerous Dog Program

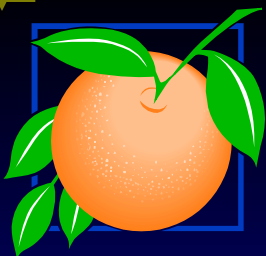
- Investigates serious bite incidents in accordance with the Animal Services Ordinance and F.S. 767.12.
- Administers dangerous dog registration process.
 - Annual fee
 - Home inspection
 - Transfer of ownership paperwork
- Only 30 dogs declared dangerous out of 1,505 dog bite reports in FY22.



Introduction

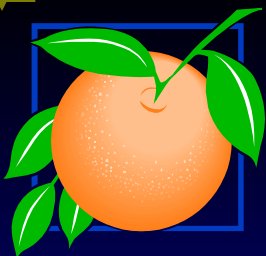
Current Dangerous Dog Ordinance

- **Approved in 2005.**
- **Created dangerous dog classification in code.**
 - **Classification is in state statute.**
 - **Ordinance uses different definition.**
- **Created potentially dangerous dog classification in code.**
 - **Dog attacks that don't rise to the level of a dangerous dog classification.**
 - **Classification is not in state statute.**



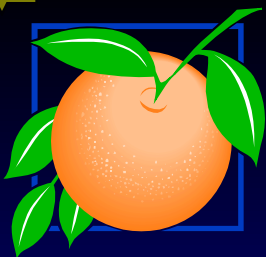
Introduction

Orange County Ordinance	Florida Statute
<p>Has aggressively bitten, attacked or endangered or has inflicted severe injury on a human being on public or private property, including the owner's property other than in defense of the owner, or the owner's home, in response to an action of the person injured or attacked.</p>	<p>Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property.</p> <p>Exceptions if: (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.</p>



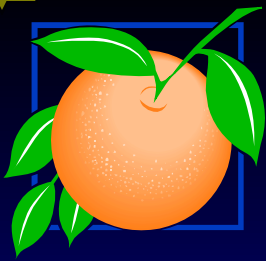
Introduction

Orange County Ordinance	Florida Statute
<p>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 (1) or more persons and dutifully investigated by the animal services division.</p>	<p>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.</p>



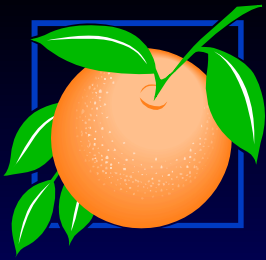
Introduction

Orange County Ordinance	Florida Statute
Has severely injured or killed a domestic animal while off the owner's property.	Has <u>more than once</u> severely injured or killed a domestic animal while off the owner's property.
Has been used primarily for the purpose of dog fighting or is a dog trained for dog fighting.	Not mentioned in statute.



Introduction

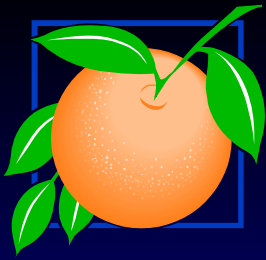
Orange County Ordinance	Florida Statute
Allows for dogs to be declared “potentially dangerous” for menacing or “less than severe” injury to a person or domestic animal without provocation.	Not mentioned in statute.



Current DD Program

Dangerous Dog Process

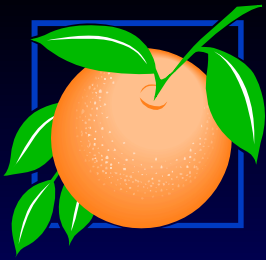
- Division receives a bite report and investigates.
- At the conclusion, an initial determination is made by the manager.
- If dog is determined dangerous an owner has three options.
 - Register dog as a dangerous dog and comply with code.
 - Transfer ownership of the dog to Animal Services.
 - Appeal determination to Classification Committee.



Current DD Program

Dangerous Dog Process

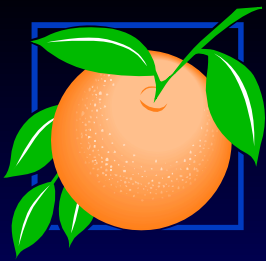
- **Classification Committee hears appeals of initial determination of dangerous.**
- **If Classification committee upholds the decision the owner may still appeal to circuit court.**



DD Program Concerns

4th DCA Hoesch vs Broward County - 2011

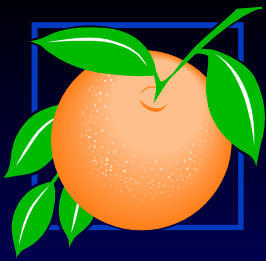
- Ruled against Broward County.**
- Counties could not make dangerous dog definition more restrictive than state statute.**
- Orange County ordinance has more restrictive definitions.**



DD Program Concerns

Impact of lawsuit on Orange County

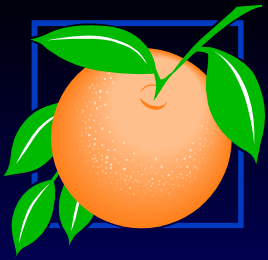
- **Stopped declaring dogs potentially dangerous.**
- **Utilized state statute definition for dangerous dog.**
 - **Stopped declaring dogs dangerous as a result of a single domestic animal attack.**
 - **Stopped declaring dogs dangerous that were used primarily for the purpose of dog fighting.**
- **However, these definitions remain in the ordinance.**



DD Program Concerns

Concerns with current Committee Process

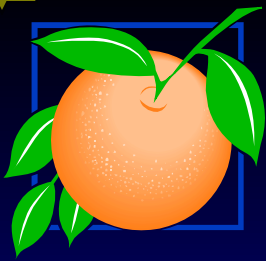
- Dog owners routinely have attorneys that make complicated legal arguments.**
- Board members have reached out to dog owners outside of meetings.**
- Increase in number of appeals to circuit court.**
- Overall variability in rulings from case to case.**
- Difficult to defend in court.**



Proposed Ordinance Changes

Proposed changes to comply with F.S. 767.12

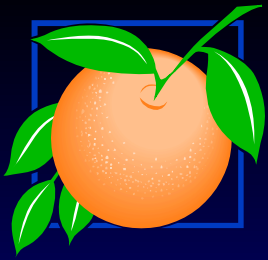
- Remove Potentially Dangerous language.**
- Remove language allowing declaration for a single domestic animal attack.**
- Remove language allowing declaration for animals utilized in dog fighting.**
- Remove language in ordinance that would allow a subversion of the classification process.**



Proposed Ordinance Changes

Proposed changes to appellate process.

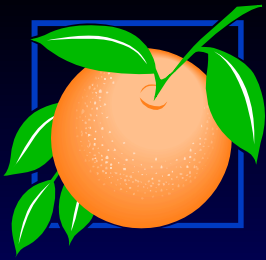
- Sunset Classification Committee.**
- Appeals heard before a special magistrate.**
- Similar to how code enforcement hearings function.**
- Ensure rulings are based on law and reduce variability of rulings.**



Proposed Ordinance Changes

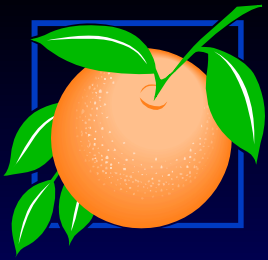
Proposed changes to appellate process.

- **Similar process in use by other counties.**
 - **Miami-Dade**
 - **Hillsborough**
 - **Palm Beach**
 - **Broward**
 - **Seminole**
 - **Volusia**
 - **Brevard**



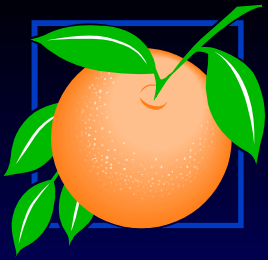
Proposed Ordinance Changes

- **Change deadline to take pet ownership class.**
 - **Currently 14 days from dog being declared dangerous.**
 - **Doesn't allow time for appeal process to play out.**
 - **Propose changing it to class must be completed within 30 days from final outcome of case.**



Proposed Resolution Changes

- **Update Animal Services resolution to reflect ordinance changes.**
 - **Remove Classification Committee.**
 - **Add special magistrate language.**
 - **Remove potentially dangerous dog fees.**



Summary

Ordinance

- **18 years old.**
- **Dangerous dog definition must match state statute.**
- **Change hearing process to special magistrate to mirror other counties.**
- **Modify resolution to match new ordinance language.**
- **Public hearing scheduled for Tuesday, October 24, 2024.**

Orange County Animal Services

"Dangerous Dog" Ordinance Revision Proposal

