

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.~~

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

86 ~~*Dangerous dog registration Certificate of registration* shall
mean a county division issued registration form
88 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
services division records, other animal control or law
92 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
severe injury; or~~
96 ~~b. Without provocation, chasing or menacing a person or a domestic
animal that is less than a severe injury; or~~
98 ~~c. Without provocation, repeatedly acting in a highly aggressive
manner within a fenced yard/ enclosure and appears to a
100 reasonable person able to jump over or escape.~~
102 ~~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
the owner's property a dangerous dog is securely confined
106 indoors either indoor or outdoor. When confined indoor, the dog
shall be, ~~or~~ in a securely enclosed and locked pen or structure
108 suitable to prevent the entry of young children and designed to
prevent the animal from escaping. Such pen or structure shall
110 have secure sides, top, and flooring to prevent the dog from
escaping over, under or through the structure and shall also
112 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
prevent the dog from escaping over, under or through the
118 structure and shall also provide adequate ventilation and
protection from the elements. The dog must be unable to climb
120 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
122 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
124 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*~~
~~securely constructed fence area, in good repair and condition, that~~
128 ~~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~~
130 ~~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*~~
~~domestic animal. or to instigate behavior in a dog or cat that may~~
134 ~~lead to the animal attacking or biting a person or another~~
~~domestic animal.~~

136 *Special magistrate means a person authorized to hold hearings*
for the purpose of determining whether the division manager’s
138 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~~***
156 ***dangerous; confinement and quarantine requirements of***
157 ***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~~
161 ~~dangerous~~ and shall, if possible, interview the owner and
162 require a sworn affidavit from ~~any person,~~ all interested parties,
including any animal control officer or law enforcement
164 officer, desiring to have a dog classified as dangerous. ~~or~~
~~potentially dangerous.~~ The discretion to classify a dog as
166 dangerous lies with the division manager or in the event of
their unavailability, their designee. An animal that is subject to
168 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
outstanding fees, and provide the name, address, and telephone
188 number of the new owner to the division. The new owner must
comply with all dangerous dog restrictions and requirements in
190 this section, even if the animal is moved from one local
jurisdiction to another within the state. A dog that is facing a
192 humane euthanasia penalty because of reoffending shall not be
relocated or have its ownership transferred. No dog that is the
194 subject of a dangerous dog investigation may be relocated or
ownership transferred pending the outcome of an investigation
196 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
an animal services classification committee a primary special
200 magistrate and two alternate special magistrates, and delineate
its their duties and responsibilities.

202 (c) The division manager or designee shall make an initial
204 determination as to whether there is sufficient cause to classify
the dog as dangerous. The division manager or designee shall
206 classify any dog as dangerous if he or she determines that the
dog meets the requirements for a dangerous dog as specified in
208 section 5-29 of this article. A dog shall not be classified as
dangerous if the threat, injury or damage was sustained by a
210 person who, at the time, was unlawfully on the property, or
while lawfully on the property, provoked the dog or its owner
212 or a family member or a guest of the owner. No dog may be
classified as dangerous if the dog was protecting or defending
214 the human being within the immediate vicinity of the dog from
an unjustified attack or assault. Any dog that is owned, or the
216 service of which is employed by a law enforcement agency, is
exempt from the dangerous dog classification. Any dog used as
218 a service dog for blind, hearing impaired, or disabled persons
that bites another animal or a human is exempt from any
220 quarantine requirement following such bite if the dog has a
current rabies vaccination that was administered by a licensed
222 veterinarian. The division manager shall make an initial
determination as to whether there is sufficient cause to classify
224 the dog as dangerous or potentially dangerous. The division
manager shall classify any dog as a dangerous or potentially
226 dangerous dog in the event he/she determines that the dog
meets the requirements for dangerous or potentially dangerous
228 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
the property, tormented, abused or assaulted the animal or its
owner or a family member or a guest of the owner. No dog
234 may be classified as dangerous or potentially dangerous if the
dog was protecting or defending a human being within the
236 immediate vicinity of the dog from an unjustified attack or
assault. The division manager shall provide written notice to
238 the owner or keeper of such animal by registered mail, certified
hand delivery, or service in conformance with the provisions of
240 F.S. ch. 48, relating to service of process. The written notice
shall include the basis for declaring the dog dangerous or
242 potentially dangerous, a description of the dog, and the
responsibility of the owner or keeper for maintenance of the
244 dog. If the owner decides to appeal the initial determination of
dangerous or potentially dangerous, they may request a hearing
246 before the animal services classification committee to show
cause why such dog should not be declared dangerous or
248 potentially dangerous. The request for a hearing must be filed,
in writing, with the division manager within seven (7) working
250 days after receipt of written notice of the division manager's
determination or action. The written hearing request must
252 briefly state the grounds therefore and list the names and
addresses of any witnesses the owner intends to call at the
254 hearing. If the division manager receives a timely written
request for a hearing regarding a dangerous or potentially
256 dangerous dog classification, he/she shall immediately refer the
request, completed investigation, and initial determination to
258 the classification committee. The classification committee shall
schedule a hearing to be held not more than twenty one (21)
260 working days and no sooner than five (5) working days after
the division manager's receipt of the request from the owner.

262

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

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

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

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

322 2. The special magistrate, county attorney or their
323 designee, animal services staff, attorney for the
324 dog owner, or the dog owner may inquire of any
325 witness that testifies. Third party attendees will
326 be allotted three (3) minutes to speak at the
327 hearing if they wish to do so. The special
328 magistrate may lessen the time at his or her
329 discretion if the testimony is repetitive or
330 irrelevant.

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

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

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

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

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

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

352 (f) If the division manager or their designee receives a timely
353 written request for a hearing regarding a dangerous dog
354 classification, he or she shall immediately refer the request,
355 completed investigation, and initial determination to the county
356 attorney or their designee for presentation to the special magistrate.
357 The division manager or designee shall schedule a hearing to be
358 held before the special magistrate not more than twenty-one (21)
359 calendar days and no sooner than five (5) calendar days after the
360 division manager or designee's receipt of the request from the
361 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
386 the case within the timeframe outlined above, the
initial determination shall be rescinded by the
388 division manager or designee, and all fees paid,
excluding quarantine fees and fees for any medical
390 services rendered, shall be refunded to the dog
owner. A copy of an order of continuance shall be
392 made available to all parties and witnesses. A
394 continuance shall not occur if the hearing requested
before the special magistrate is one to contest the
penalty of euthanasia.

396 ~~A dog classified as dangerous or potentially dangerous must be~~
~~permanently sterilized within fourteen (14) calendar days~~
398 ~~following such classification by the division manager, or in the~~
~~event of a timely appeal of such classification, within fourteen (14)~~
400 ~~calendar days following affirmation of the dangerous or potentially~~
~~dangerous dog classification by the classification committee or~~
402 ~~within fourteen (14) calendar days of the classification as a~~
~~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
411 classified as dangerous. The dog owner may appeal a final
412 administrative order to the circuit court within thirty (30) days
413 from receipt of the final order in accordance with F.S. §767.12(4)
414 and the Florida Rules of Appellate Procedure. The owner must
415 comply with all dangerous dog requirements and restrictions
416 outlined in subsection (h)1-8 of this article, including confinement
417 to a proper enclosure for a dangerous dog as defined in section 5-
418 29 while any legal or quasi-judicial proceeding regarding the dog's
419 classification is pending. ~~No dog impounded pursuant to a~~
420 ~~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
423 registration form, pay all impoundment, registration and quarantine
424 fees, and obtain a dangerous dog identification tag for the dog from
425 the animal services division. The dog shall wear the identification
426 tag at all times. The registration shall be renewed annually upon a
427 satisfactory home inspection and payment of all renewal fees.
428 Registration shall only be issued to the dog owner, provided that
429 the individual is at least eighteen (18) years of age. The
430 requirements and restrictions to keep and maintain a dangerous
dog are:

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

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

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

443 4. Permanent sterilization of the dog.

444 5. Landlord's written and notarized
445 acknowledgement that a dangerous dog is permitted
446 to be housed on the property owner by the
447 Landlord. This form shall be obtained from the
448 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~~

477 ~~(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
to the animal services division. The new owner must comply with
498 all of the requirements of this article and F.S. §§ 767.12 and
767.13, even if the dog is moved from one local jurisdiction to
500 another within the state. An animal control authority must be
notified by the owner of a dog classified as dangerous that the dog
502 is in its jurisdiction. When a dog has been declared dangerous in
another jurisdiction and is relocated to Orange County, the owner
504 of the dangerous dog or dogs shall have thirty (30) calendar days
from receipt of written notification from the division to comply
506 with all restrictions and requirements outlined in subsection (h)1-8.
Failure to comply within that timeframe is a violation of this
508 article. 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
510 muzzled and restrained by a substantial chain or leash, not to
exceed four (4) feet in length, and under the control of a competent
512 adult. The muzzle shall be made in a manner that will not cause
injury to the dog or interfere with its vision or respiration, but shall
514 prevent it from biting any person or animal. When being
transported, such dogs shall be safely and securely restrained
516 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
not kept inside an approved enclosure for a dangerous dog. It is a
520 violation of this article for the owner of a dangerous dog to allow
the dog to be left alone and unsupervised outside an approved
522 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
527 designee, or if the classification determined by the division
528 manager or designee is not upheld in further legal or quasi-judicial
529 proceedings, the dog will be released to the custody of the owner.
530 In such event, the owner shall not be liable for impoundment costs
531 of the dog; but shall be responsible for all quarantine fees, and any
532 additional fees arising from any veterinary services that were
533 rendered to the dog either at the request of the owner, or if
534 immediate medical care was necessary while the dog was in the
535 care of the animal services division. These fees may be waived at
536 the division manager or designee's discretion. It is a violation of
537 this article for the owner of a potentially dangerous dog to allow
538 the potentially dangerous dog to be off leash when not kept inside
539 the owner's residence or within a securely fenced area. It is a
540 violation for the owner of a potentially dangerous dog to allow the
541 dog to be left alone and unsupervised outside the owner's
542 residence. When being transported, such dogs shall be safely and
543 securely restrained within a vehicle, using an approved tether
544 system.

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

563 (m) The victim of any dog bite or attack may appeal the decision
564 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~~
~~upheld in further appeal procedures, the dog will be released to the~~
570 ~~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
provocation, the owner of the dog, upon conviction, is guilty of a
584 misdemeanor of the first degree, punishable as provided in F.S. §
775.082 or F.S. § 775.083. In addition, the dangerous dog shall
586 be immediately confiscated by the animal services division,
placed in quarantine, if necessary, for the proper length of time,
588 ~~or~~ impounded and held for ten (10) ~~calendar~~ working days after
the owner is given written notification under section 5-32(f) of
590 this article and F.S. §767.12, and thereafter destroyed in an
expeditious and humane manner. This ten-day time period shall
592 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
594 responsible for payment of all boarding costs and other fees as
may be required to humanely and safely keep the dog until the
596 conclusion of any legal or quasi-judicial proceedings. ~~during any~~
~~appeal procedure.~~

598 (b) Pursuant to F.S. § 767.13, if a dog that has been previously
declared dangerous ~~under this article~~ aggressively attacks and
600 causes severe injury to or death of any human ~~or domestic~~
animal, the owner of the dog, upon conviction, is guilty of a
602 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
under section 5-32(f) and F.S. §767.12. The owner shall be
610 responsible for payment of all boarding costs and such other fees
as may be required to humanely and safely keep the dog until the
612 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.

(e) Pursuant to F.S. § 767.135, if a dog that has not been declared
638 dangerous under section 5-32 of this article attacks and causes
the death of any human, the dog shall be immediately confiscated
640 by the animal services division, placed in quarantine, if
necessary, for the proper length of time or held for ten (10)
642 working days after the owner has been given written notification
under section 5-32(e), and thereafter shall be destroyed in an
644 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,
the dog must be held by animal services and may not be
650 destroyed while the appeal is pending. The owner shall be
responsible for payment of all boarding costs and any other fees
652 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