

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO DANGEROUS DOGS AND CONFINING OF
3 ANIMALS; AMENDING SECTIONS 4-2, 4-6, 4-12, AND 4-19 OF THE BROWARD
4 COUNTY CODE OF ORDINANCES ("CODE"); REQUIRING THAT OWNERS CONFINE
5 CERTAIN DOGS IN A PROPER ENCLOSURE; REQUIRING THAT CERTAIN DOGS BE
6 CONFISCATED DURING A DANGEROUS DOG INVESTIGATION; REQUIRING
7 DANGEROUS DOG OWNERS TO OBTAIN LIABILITY INSURANCE; REVISING CIVIL
8 PENALTIES FOR VIOLATIONS; MAKING IT A VIOLATION TO RESTRAIN AND
9 ABANDON A DOG DURING A NATURAL DISASTER; AND PROVIDING FOR
10 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

11 (Sponsored by the Board of County Commissioners)
12

13 WHEREAS, Sections 767.01, 767.10, 767.11, 767.12, and 767.13, Florida
14 Statutes, governing dangerous dogs and the corresponding proceedings, and
15 Section 828.13, Florida Statutes, relating to the confinement of animals, have been
16 amended by the Florida Legislature; and

17 WHEREAS, amendments to Sections 4-2, 4-6, 4-12, and 4-19 of the Code are
18 required to align with the statutory changes,

19 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
20 BROWARD COUNTY, FLORIDA:

Section 1. Section 4-2 of the Broward County Code of Ordinances is hereby amended to create new definitions and to revise existing definitions as follows, and all new and remaining definitions shall be reordered alphabetically without sequential lettering:

Sec. 4-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated. No attempt is made to define any words ~~which~~ that are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstandings.

...

~~(d) *Animal care specialist* shall mean any person employed by the County, or such agents or employees as are lawfully designated by such animal care specialist to perform the duties of such animal care specialist, who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided herein. An animal care specialist is not authorized to bear arms or make arrests.~~

...

~~(f) *At large* shall mean not on the owner's property, and not under restraint or the direct control, custody, charge, or possession of the owner or other responsible person.~~

Business days shall mean any day from Sunday through Saturday that is not a County holiday and on which the County has not otherwise closed its offices. Unless otherwise expressly stated, any reference to "days" or "calendar days" shall mean calendar days.

...

(m) *Dangerous dog* means any dog that according to the records of the Division:

- (1) ~~Has aggressively bitten, attacked, endangered, or inflicted severe injury on, a human being on public or private property;~~
- (2) ~~Has more than once severely injured or killed a domestic animal while off the owner's property; or~~
- (3) ~~Has, when not under the direct control of any person and, 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 appropriate authority.~~

~~Notwithstanding anything else contained in this chapter, a dog shall not be classified by the Division or a Hearing Officer as dangerous if the threat, injury, or damage sustained by a person was sustained at a time when the person was unlawfully on the property of the dog's owner, or while a person was lawfully on the property of the dog's owner but was tormenting, abusing, or assaulting the dog, its owner, or a family member or guest of the owner; or if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault shall have the meaning provided by Section 767.11, Florida Statutes, as amended.~~

...

(q) *Domestic animal* shall mean any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea, or other tamed, raised, or kept beast or bird.

Dunbar bite scale shall mean an assessment of the severity of a bite based on an objective evaluation of wound pathology, which is a method also referred to as Dr. Ian Dunbar's Dog Bite Scale.

...

~~(z) Officer shall mean any law enforcement officer as defined in Section 943.10, Florida Statutes, or any "animal care specialist, field" or animal control officer as defined in Section 828.27, Florida Statutes, as amended.~~

...

~~(bb) Proper enclosure of a dangerous dog~~ shall mean that, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and adequately designed to prevent the animal dog from escaping. Such pen or structure shall must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure, shall must provide access to clean water and food, and shall must also provide protection from the elements.

...

~~(nn) Business day shall mean any day that the animal shelter is open to the public.~~

...

Section 2. Section 4-6 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 4-6. Care of dogs and cats; manner of keeping.

...

(c) ~~Dogs or cats with a known history of fighting should not be confined together or be allowed to be accessible to each other~~ dangerous propensities, according to the records of the Division, must be securely confined in a proper enclosure.

...

Section 3. Section 4-12 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 4-12. Dangerous dog classification procedures, requirements, owner requirements and responsibilities, and penalties.

(a) *Procedures to classify a dog as dangerous.*

...

(2) *Initial Determination.* Upon completing its investigation, the Division shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the proposed provisions for maintaining the dog pursuant to Sections (b) and (c) herein ("Provisions"). If the Division determines that there is sufficient cause, the Division shall provide written notification of its initial determination of sufficient cause finding and proposed Provisions to the owner by certified mail, return receipt requested; hand delivery by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process.

(3) *Availability of Hearing to Challenge the Initial Determination.* The written notification referenced in Section (2) above shall inform the owner that, notwithstanding any other provisions of this chapter, if the owner wishes to

challenge the initial determination of sufficient cause regarding the dangerous dog classification, proposed Provisions, or both, the owner must file a request for a hearing with the Division within ~~seven (7) calendar~~ ten (10) business days after the owner receives notice of the Division's initial determination and proposed Provisions.

(4) *Effect of Not Timely Requesting Hearing.* If the owner fails to timely request a hearing pursuant to Section (3) above regarding the dangerous dog classification or proposed Provisions, the Division's determination as to such matter ~~shall become~~ is final. Upon a dangerous dog classification and Provisions becoming final after a hearing or by operation of law pursuant to this section, the Division shall provide a written final order to the owner by registered mail; certified mail, return receipt requested; hand delivery by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process.

(5) *Effect of Timely Requesting Hearing.* If the owner timely requests a hearing pursuant to Section (3) above, the hearing shall be held no sooner than five (5) calendar days after filing the owner files the request and no later than twenty-one (21) calendar days after the filing. The hearing shall be conducted in accordance with Section 4-12.5. If the Hearing Officer determines that the dog should be classified as dangerous, the Division shall provide written notice of such classification (along with a copy of the Hearing Officer's order) to the owner by registered mail; certified mail, return receipt requested; hand delivery by an officer evidenced by an affidavit of

135 delivery; or service in conformance with the provisions of Chapter 48,
136 Florida Statutes, relating to service of process. A Hearing Officer's order
137 may be appealed to the Seventeenth Judicial Circuit as provided by the
138 Florida Rules of Appellate Procedure.

139 (6) *Confinement of Dog Pending Investigation, Hearing, and Appeal.*

140 a. A dog that is the subject of a dangerous dog investigation ~~because~~
141 ~~of severe injury to~~ and that has killed a human being ~~may or has~~
142 bitten a human being and left a bite mark that scores five (5) or higher
143 on the Dunbar bite scale must be immediately confiscated by the
144 Division, placed in quarantine, if necessary, for the proper length of
145 time, or impounded and held. The dog ~~may~~ must be held pending the
146 outcome of the investigation and any hearings or appeals related to
147 the dangerous dog classification or any Provisions imposed pursuant
148 to this section. If the dog is to be destroyed, the dog may not be
149 destroyed while an appeal is pending. The owner is responsible for
150 payment of all boarding costs and other fees as may be required to
151 humanely and safely keep the dog pending any hearing or appeal.

152 b. During any investigation as to whether a dog is dangerous, and until
153 the resolution of any subsequent hearing or appeal (as applicable),
154 the owner of the dog, if allowed to maintain possession of the dog,
155 must keep the dog in a ~~humane and safe manner in a securely~~
156 ~~fenced or enclosed area from which the dog may not escape (over,~~
157 ~~under, or through)~~ proper enclosure. The dog must be muzzled,

158 leashed, and under the control of a person capable of controlling the
159 dog whenever the dog is not within ~~such securely fenced or enclosed~~
160 ~~area~~ the proper enclosure to prevent it from coming into contact with
161 any person or domestic animal other than a person or domestic
162 animal in the immediate household of the owner. The owner shall
163 provide to the Division the address where the dog is kept. No dog
164 that is the subject of a dangerous dog investigation or that is to be
165 destroyed may be relocated, nor may ownership of the dog be
166 transferred, pending the outcome of an investigation or any hearing
167 or appeal related to the determination of a dangerous dog
168 classification or any proposed Provisions imposed pursuant to this
169 section.

170 Except for the prohibition on transferring ownership, the
171 requirements in this ~~(6)b.~~ section are inapplicable while a dog is
172 impounded by the Division.

173 . . .

174 (7) *Timing for Compliance with Dangerous Dog Owner Requirements.*

- 175 a. Except as provided in Section (7)b. herein, ~~within fourteen (14)~~
176 ~~calendar days after an order has been issued~~ upon issuance of the
177 final order classifying a dog as dangerous under Section (4) or (5)
178 above, or ~~within fourteen (14) calendar days after~~ upon the
179 conclusion of any appeal where such order has been upheld in any
180 ~~appeal~~ (dismissal of the appeal shall be deemed to uphold the

classification), the owner of the dog must comply with all of the Dangerous Dog Owner Requirements referenced in Section (b) below. If the owner has not demonstrated full compliance with those requirements within ~~such~~ fourteen (14) calendar days ~~period~~ following the issuance of the final order classifying a dog as dangerous, or the conclusion of any appeal, the Division may confiscate and impound the dog and subsequently dispose of the dog in a humane manner at the owner's expense.

...

(b) *Dangerous Dog Owner Requirements.*

...

(2) *Conditions Precedent to Registration.* No dangerous dog may be registered with the Division unless and until all of the following requirements have been met:

- a. The owner, who is at least 18 years of age, shall, at the owner's expense, have the dangerous dog implanted with a Division-approved electronic animal identification device (microchip) and sterilized, unless a licensed veterinarian certifies, in writing, that spaying or neutering the dog would endanger the dog's health. However, if the health condition of the dog is of a temporary nature, the dog shall be spayed or neutered immediately after the health condition has been corrected. The owner shall provide the Division with the microchip manufacturer and number and evidence of

sterilization. The time period for sterilization of the dog may be extended by the Division Director upon demonstration by the owner of circumstances that prevent sterilization of the dog ~~within the required fourteen (14) day period~~. The owner may obtain microchips from the Division, if available, at the fee set by resolution. The microchip number will become the dangerous dog registration number.

...

e. The owner shall execute a document consenting to the Division staff entering the property or any buildings or structures on the owner's property, with or without prior notice, for the sole purpose of conducting inspections to ensure that the dog's owner is meeting his or her responsibilities, as applicable, under ~~Sub~~section (c) below.

~~f. The owner shall, at the owner's expense, have the dog evaluated by a credentialed animal behavior specialist, provide a copy of the written evaluation to the Division, and agree in writing to comply in full with all recommendations made by the specialist.~~

~~g.~~ The owner shall be required to sign an agreement provided by the Division to pay the documented, reasonable veterinary expenses and disposal costs, if applicable, of the victim of the attack that resulted in the dog's classification as dangerous. The owner of the dangerous dog shall deliver a check, payable to the victim, or other form of payment acceptable to the Division within fifteen (15) days

after being provided with the documented, reasonable veterinary expenses and disposal costs.

g. The owner shall obtain liability insurance coverage for at least one hundred thousand dollars (\$100,000) to cover damages resulting from an attack caused by the dangerous dog causing bodily injury to a person, and provide proof of such coverage to the Division.

(3) *Hunting.* Dogs that have been classified as dangerous may not be used for hunting purposes.

(c) *Responsibilities of Owners of Dangerous Dogs.* The owner (or keeper, if other than the owner) of a dangerous dog shall:

...

(2) Ensure that the dog, while on the owner's property, is securely confined indoors, or securely confined in a proper enclosure ~~of a dangerous dog as defined in Subsection 4-12(a)(6).~~ At any time that a dangerous dog is not so confined, the dog shall be muzzled and restrained in such a manner as to prevent it from biting or injuring any person or animal, and kept on a substantial chain or leash by a person able to exercise control over the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. However, the foregoing requirements of this subsection do not apply:

a. When the dog is in attendance at and participating in any dog show, contest, or exhibition not prohibited under Section 828.122, Florida

Statutes, and that is sponsored by a dog club, association, society, or similar organization.

...

(3) Safely and securely restrain the dog while the dog is being transported in a vehicle.

~~(3)~~ (4) Notify the Division immediately if the dangerous dog becomes loose, unconfined, attacks, or bites a human being or another animal, dies, is sold, or is given away. In the event of the dog's death, the owner shall provide to the Division satisfactory evidence (as determined by the Division) of the dog's death. If Before the dangerous dog is sold or given away, the owner shall provide to the Division the name, address, and telephone number of the proposed new owner of the dangerous dog. The new owner shall, if located in Broward County, within fourteen (14) calendar days after receiving the dog, execute a new document to be supplied by the Division, acknowledging that he or she is aware of the dangerous dog classification, and agreeing that the new owner shall comply with all of the requirements of this chapter.

~~(4)~~ (5) Notify the Division immediately if the owner believes that the dangerous dog has been stolen. The owner must, concurrently with that notification, report the theft to the appropriate local law enforcement authority and provide the official police report to the Division.

~~(5)~~ (6) Notify the Division immediately if the owner moves to another address with the dangerous dog, which notification shall identify such address.

(6) (7) Have the dangerous dog disposed of in a humane manner at the owner's sole expense by the Division or a licensed veterinarian if the owner is unable or unwilling to comply with all applicable requirements and mandates contained in this chapter.

~~(7) Be and remain in full compliance with all recommendations made by the animal behavior specialist referenced above in Subsection 4-12(b)(2)f.~~

(8) Meet the obligation under any agreement executed as referenced in Subsection 4-12(b)(2) g.

...

(g) *Violations of Dangerous Dog Requirements or Responsibilities of Owners of Dangerous Dogs.* Each failure to comply with a dangerous dog requirement or responsibility of a dangerous dog owner contained in this chapter shall constitute a noncriminal infraction, punishable by a fine of ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) payable to the County. The owner may contest the fine and citation as provided in Section 4-28.

(h) *Impoundment, Confiscation, and Disposition of Dangerous Dogs.*

(1) In the event that any ~~animal care specialist~~ officer has sufficient cause to believe that a dog is dangerous and that the owner is unable or unwilling to securely confine the animal, the ~~animal care specialist~~ officer may, if deemed by such ~~animal care specialist~~ officer to be necessary to protect the public, impound the dog pending completion of any investigation, hearing, or appeal. An owner's refusal to surrender a dog for such impoundment shall constitute a violation of this chapter.

(2) ~~If a~~ A dog that has previously been classified as dangerous ~~attacks or bites~~
a person or a domestic animal without provocation, the Division shall and is
the subject of any other dangerous dog investigation may be immediately
confiscated, placed in quarantine, if necessary, for the proper length of time,
and impounded, ~~the dog and held~~. The Division shall provide ~~ten (10) days'~~
written notice to the owner ~~to allow the owner to,~~ and the owner may request
a hearing under Section 4-12.5 within ten (10) business days after such
notice is received. If the owner has not requested a hearing prior to the
expiration of ten (10) business days after the date the owner receives the
notice, the Division is authorized to dispose of such dangerous dog in an
expeditious and humane manner.

...

Section 4. Section 4-19 of the Broward County Code of Ordinances is hereby
amended to read as follows:

Sec. 4-19. Abandonment of dogs and cats.

(a) It shall be deemed a violation of this section for any person to willfully
abandon any dog or cat. A dog or cat locked unattended in a vacant house, trailer, or
other similar structure, or stored unattended in a secured enclosure or boarding facility in
excess of twenty-four (24) hours shall be considered abandoned.

(b) It shall be deemed a violation of this section for any person to restrain a dog
or cat to a stationary object by leash, cord, cable, or other device, and thereafter abandon
the dog or cat during a natural disaster as defined under Section 828.13, Florida Statutes,
as amended.

319 Section 5. Severability.

320 If any portion of this Ordinance is determined by any court to be invalid, the invalid
321 portion will be stricken, and such striking will not affect the validity of the remainder of this
322 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
323 legally applied to any individual, group, entity, property, or circumstance, such
324 determination will not affect the applicability of this Ordinance to any other individual,
325 group, entity, property, or circumstance.

326 Section 6. Inclusion in the Broward County Code of Ordinances.

327 It is the intention of the Board of County Commissioners that the provisions of this
328 Ordinance become part of the Broward County Code of Ordinances as of the effective
329 date. The sections of this Ordinance may be renumbered or relettered and the word
330 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
331 phrase to the extent necessary to accomplish such intention.

332 Section 7. Effective Date.

333 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ De'Anne A. Jackson 08/01/2025
De'Anne A. Jackson (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 08/01/2025
Maite Azcoitia (date)
Deputy County Attorney

DAJ/cv
Dangerous Dog Legislative Changes
08/01/2025
#:1171201v11

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.