

Sec. 10-14. - Dangerous dogs.

(a) Dangerous Dog Investigation.

1. The animal control authority shall investigate all reported incidents involving any dog that may be classified as dangerous and, if possible, shall interview the owner, and shall require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.
2. A dog that is the subject of a dangerous dog investigation may be immediately impounded by the animal control authority and, if deemed necessary to protect the public for quarantine purposes or otherwise, shall remain impounded pending final outcome of the investigation and any appeal. If the dog is confiscated, the animal control officer shall provide the owner a written statement of the confiscation including the owner's right, within 10 days of impoundment, to petition for custody of the dog pending the final outcome of the investigation and any appeal.
3. Within 10 days from the date of impoundment, an owner seeking to retain custody of the dog pending final outcome of the investigation and any appeal shall file a written petition with the Animal Services Division Manager requesting such custody. The petition shall be granted or denied at the sole discretion of the Animal Services Division Manager and if custody is granted, it shall be subject to the owner's compliance with the requirements for retaining custody as provided in subsection (a)5.
4. The owner shall be responsible for payment of all boarding and other costs and fees required to humanely and safely keep a dog impounded by the animal control authority under this section 10-14.
5. A dog subject to investigation hereunder which is not impounded because of a successful petition for custody under Section (a)3. must be humanely and safely confined by the owner according to the requirements in subsections (d)1.a., b., and c., (d)2., and (d)3. pending final outcome of the investigation and any appeal. The address where the dog resides shall be provided to the animal control authority. During such time, the dog may not be relocated or its ownership transferred, and the owner shall immediately notify the animal control authority if the dog becomes loose or unconfined, bites a human being, attacks another animal, or dies.
6. A dog may not be declared dangerous if:
 - a. The threat, injury, or damage from the dog was sustained by a person who, at the time, was unlawfully on the dog owner's property or who, while lawfully on

the property, was tormenting, abusing, or assaulting the dog, its owner, or a family member of the dog's owner.

- b. The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(b) Initial Determination.

1. An animal control authority investigation panel 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 appropriate penalty under subsection (b)8.
2. The animal control authority shall notify the owner of the date, time, and place the investigation panel will convene and that the owner may attend for purposes of providing information relevant to the panel's determination as to sufficient cause and penalty.
3. If the investigation panel finds sufficient cause to classify the dog as dangerous, the animal control authority shall notify the owner of such initial determination and associated penalty, and that the owner may, within 7 days after receipt of such notice, file a written request with the animal control authority for a hearing with the county special magistrate to challenge such initial determination, penalty, or both. The notice shall also advise that the owner shall be responsible for all costs associated with the hearing if the special magistrate affirms the initial determination and penalty.
4. If a hearing is not timely requested, an initial determination of sufficient cause and the associated penalty shall become final and the animal control authority shall send the owner a written final order according to the notice provisions in section (h). Such final order shall be deemed a final determination of a dangerous dog classification here under and the owner will have thereby forfeited the right to appeal the classification.
5. If the investigation panel finds no sufficient cause, custody of the dog shall be returned to the owner.
6. If a hearing is timely requested, it shall be held as soon as possible but not later than 21 days and not earlier than 5 days from the date the request is received. The hearing shall be a quasi-judicial hearing conducted before the county special magistrate, who shall timely provide the owner notice of the hearing. In hearings before the county special magistrate, formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern all proceedings. The special magistrate shall decide the issues based upon the preponderance of the evidence, issue a final determination order, and send the owner a copy thereof according to the notice provisions in section (h).

7. If the owner cannot appear at a hearing scheduled by the county special magistrate, the owner shall contact the animal control authority as soon as possible but no later than 24 hours prior to the hearing, requesting a continuance to the next available hearing date. If the owner fails to appear at the rescheduled classification hearing, the owner shall be deemed to have waived his or her right to appear at the hearing, and the special magistrate shall proceed with the hearing in the owner's absence.
8. A dog classified as dangerous due to an incident that causes severe injury to a human being may, at the sole discretion of the Animal Services Division Manager and based upon the nature and circumstances of the injury and the likelihood of a future threat to public safety, health, and welfare, be destroyed in an expeditious and humane manner; provided, however, a dog may not be destroyed before a final determination order is issued or while an appeal is pending.

(c) Final Determination.

1. If the special magistrate's final determination order affirms the initial determination and penalty, the owner shall pay all costs associated with the hearing notwithstanding the owner's failure to appear. If the special magistrate's final determination order reverses the initial determination and penalty:
 - a. Where the owner successfully petitioned for custody under Section (a)3. and retained custody of the dog pending final determination, custody of the dog shall remain with the owner.
 - b. In all other cases, custody of the dog shall be returned to the owner upon the owner's payment of all boarding and other costs and fees required to humanely and safely keep the dog impounded by the animal control authority pursuant to subsection (a)4.
2. Either party may appeal the special magistrate's final determination to the circuit court in accordance with the Florida Rules of Appellate Procedure; each party shall be responsible for its own fees and costs associated with the appeal.

(d) Dangerous Dog Registration and Renewals; Requirements. Except as otherwise provided herein, the owner of a dog classified as dangerous after final determination and any appeal upholding same shall have and retain custody of such dog upon obtaining a certificate of registration and annual renewal thereof. Such owner shall:

1. Within 14 days after a final determination order is issued, or the conclusion of any appeal that affirms such final order, obtain a certificate of registration from the animal control authority and renew the certificate annually. Certificates of registration and annual renewals may be issued only to persons who are at least

18 years of age and who present to the animal control authority sufficient evidence of:

- a. A current certificate of rabies vaccination, current animal license tag, and proof of sterilization from a certified veterinarian licensed in any state;
 - b. A proper enclosure to confine the dog and the posting of the premises with a clearly visible warning sign at all entry points of the premises which informs both children and adults of the presence of a dangerous dog on the property;
 - c. Permanent identification of the dog, such as an electronic implantation; and
 - d. Payment of an annual dangerous dog registration fee to the animal control authority.
2. Not permit the dog to be outside a proper enclosure unless the dog is muzzled, restrained by a substantial hand-held chain or leash, and under the direct control of a competent person. 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 prevent it from biting a person or animal. When being transported, the dog shall be safely and securely restrained within the vehicle.
3. Immediately notify the animal control authority when the dog:
- a. Is loose or unconfined;
 - b. Has bitten a human being or attacked another animal;
 - c. Is sold or given away;
 - d. Is moved to another address; and/or
 - e. Dies.
4. For subsections 3.c. and 3.d., prior to the dog's transfer or relocation, the owner shall provide written notice to the animal control authority setting forth the name, address, and telephone number of the new owner or the dog's new address. A new owner must comply with all requirements of this section, even if the animal is relocated to another jurisdiction within the state. The owner shall notify the appropriate animal control agency in the new jurisdiction that the dog has been relocated to that jurisdiction.
- (e) Failure to Comply with Dangerous Dog Requirements.

1. Should the owner of a dog classified dangerous fail to timely comply with the registration requirements, the animal control authority shall retain custody of the dog and the dog shall be destroyed in an expeditious and humane manner.
2. If an owner with custody of a dangerous dog after final determination and any appeal fails to comply or remain in compliance with all dangerous dog ownership and care requirements, including but not limited to annual registration renewal, the animal control authority may immediately impound the dog and the owner shall be in violation of this section and subject to the penalties provided in section 10-23. Should the owner's noncompliance continue through the 14th day after the dog is impounded, the animal control authority shall retain custody of the dog and the dog shall be destroyed in an expeditious and humane manner.

(f) Attacks or Injuries by Dogs.

1. If a dog that has been classified as dangerous after final determination and any appeal attacks or bites a human or a domestic animal without provocation, the owner shall be in violation of this section and subject to the penalties provided in section 10-23. In addition, the dog shall be immediately impounded by the animal control authority and shall remain impounded under quarantine pending resolution of all proceedings set forth in subsections (c) - (e) hereof.
2. If a dog that has *not* been classified as dangerous attacks and causes the death of a human being, the dog shall be immediately confiscated by an animal control officer, placed in quarantine, if necessary, for the proper length of time, and impounded. The animal control authority shall notify the owner that the dog has been impounded and will be expeditiously and humanely destroyed 7 days after the owner's receipt of the notice unless the owner files a written request with the animal control authority for a hearing with the county special magistrate within such 7-day period. If a hearing is timely requested, the provisions in this section 10-14 for hearings and appeals shall apply. If a hearing is not timely requested, the animal control authority shall destroy the dog in an expeditious and humane manner.

(g) Exemptions.

1. Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in such legal procedures but are at all other times and in all respects subject to this section. Dogs that have been classified as dangerous may not be used for hunting purposes.
2. Dogs that are owned, or the service of which are employed, by a law enforcement agency, are exempt from this section.

3. 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.

(h) Notices. All notices to the dog owner under this section shall be in writing and delivered by certified mail or by service of process pursuant to F.S. Chapter 48.

(i) Penalties. A violation of any provision of this section shall be a civil infraction punishable pursuant to section 10-23.