

ORDINANCE NO. 26-_____

AN ORDINANCE OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II, ANIMAL CONTROL, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING SECTIONS 14-36, 14-49, 14-50 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, RELATING TO DANGEROUS DOG INVESTIGATIONS; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida enacted the “Pam Rock Act,” effective July 1, 2025, amending Chapter 767, Florida Statutes to make changes relating to dangerous dogs and dangerous dog investigations; and

WHEREAS, pursuant to Chapters 767 and 828, Florida Statutes, the County is authorized to develop procedures and criteria for the implementation of Chapter 767, Part II, Florida Statutes, pertaining to dangerous dogs, and Section 828.27, Florida Statutes, pertaining to animal control regulations; and

WHEREAS, it is the desire of the Board of County Commissioners of Brevard County, Florida to amend Chapter 14, Article II of the Brevard County Code of Ordinances so it is aligned with the recent amendments to the Florida Statutes; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Brevard County, Florida as follows:

Section 1. Legislative Findings and Intent. The foregoing Recitals are hereby incorporated by reference into this ordinance.

Section 2. Amendments to Code.
The provisions of Chapter 14 – Animals, Article II – Animal Control, of the Code of Ordinances of Brevard County, Florida are hereby amended to read as follows:

ARTICLE II. – ANIMAL CONTROL

Section 14-36. - Definitions.

For the purposes of this article, the following words, terms and phrases, shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender. The word "shall" is always mandatory and not merely supervisory.

Abandon or *abandonment* means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

Aggressive dog means any dog that, according to the records of the animal control authority, has severely injured or killed a domestic animal while unprovoked and off the owner's property which does not otherwise meet the definition of a dangerous dog.

Allow or permit, in addition to their common meanings, shall also include any failure to take reasonable, proactive measures to restrict the animal from engaging in any activity prohibited by this chapter.

Animal shall have the meaning set forth in F.S. § 828.27, as may be amended from time to time.

Animal control authority means the entity tasked with animal control and animal services for the county. The animal control authority shall be designated by the board and authorized to enforce this article and the animal control laws of the state.

Animal control officer or animal enforcement officer shall have the meaning ascribed to "animal control officer" in F.S. § 828.27, as may be amended from time to time. The terms animal control officer and animal enforcement officer may be used interchangeably herein.

Animal shelter means any public or private organization existing for the purpose of the prevention of cruelty to animals and/or for the sheltering of animals and that is incorporated or chartered under the laws of the state, or established by legislation. This definition also includes a person who rescues, shelters or provides a foster home facility, any of which places animals for adoption, whether for a fee, a donation, or free of charge.

Applicable civil penalty means the civil penalty established by the board for violating a certain provision of this article.

At large means not on the owner's property, and not under the direct control, custody, charge, or possession of the owner or other responsible person.

Baiting means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds.

Board means the board of county commissioners of Brevard County, Florida.

Caregiver means any person who provides care, shelter, protection, refuge, or nourishment to any animal or undertakes the responsibility to do so, whether of their own volition or by request of the owner of that animal.

Citation means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of this article and that the county court will hear the charge. Pursuant to F.S. § 828.27, the citation shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The Code section violated.
- (6) The name and authority of the officer.

- (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court if a mandatory court appearance is required for the violation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (11) A conspicuous statement that if the person is required to appear in court, he or she does not have the option of paying a fine in lieu of appearing in court.

Community cat means any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats shall be distinguished from other cats by being sterilized and ear tipped; qualified community cats are exempt from the licensing, stray, and at large provisions of this article and may be exempt from other provisions directed toward owned animals.

Community standards means the minimum accepted standards of care for animals based upon the overall county community of pet owners and established guidelines of professional animal associations and/or groups.

County means Brevard County, Florida.

Cruelty or cruel treatment means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

Dangerous dog means a dog that, according to the records of the animal control authority:

- (1) Has aggressively bitten, attacked, or endangered or has 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 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 animal control authority.

Domestic animal means any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea, or other domesticated beast or bird.

Dunbar bite scale is an assessment of the severity of an animal bite based on objective evaluation of the wound. A level 1 on the bite scale is obnoxious or aggressive behavior but no skin-contact by teeth. A level 2 on the bite scale is skin-contact by teeth but no skin-puncture. However, there may be skin nicks less than one-tenth of an inch

deep and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures. A level 3 on the bite scale is one to four punctures from a single bite with no puncture deeper than half length of the dog's canine teeth. There may be lacerations in a single direction caused by the victim pulling their hand away, the owner pulling the dog away, or gravity. A level 4 on the bite scale is one to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. There may also be deep bruising around the wound or lacerations in both directions. A level 5 on the bite scale is a multiple bite incident with at least two level 4 bites, or a multiple-attack incident with at least one level 4 bite in each. A level 6 on the bite scale is when a bite results in the death of the victim.

Enclosure or outdoor enclosure means any structure with at least three walls, a roof, and floor in adequate condition as not to endanger the safety of the animal and as to provide necessary protection of the animal from weather conditions. An enclosure must be properly located so that it does not allow for standing water to pool inside the enclosure following any weather event or other water intrusion. For pets not declared dangerous a residence may be considered a proper enclosure; different rules as specified as in this chapter apply to a "proper enclosure of a dangerous dog" as defined in this article.

Farm animal means any animal that customarily is raised or bred on farms including grazing animals, such as cattle, horses, goats, or sheep, swine, other hooved animals, bees, fowl or other animals commonly referred to as livestock.

Feral animal means an animal that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication and has no known owner.

Harborer means any person or entity which provides care, shelter, protection, restraint, refuge, food or nourishment in such a manner as to control an animal's activities.

Inhumane treatment means acts which are physically cruel to an animal, or which expose an animal to unusual, unnecessary, and otherwise avoidable physical harm.

Licensed veterinarian or veterinarian means any person who is licensed to engage in the practice of veterinary medicine in this state under the authority of F.S. ch. 474.

Notice means written notice by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48, relating to service of process.

Nuisance means:

- (1) Any domestic animal that disturbs the peace and quiet of any person by habitually or continually barking, howling, crying, screaming, or making other bothersome noises; or
- (2) Any domestic animal that disturbs the peace of any person by habitually or repeatedly destroying, desecrating, or soiling public or private property, chasing persons, livestock, cars or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of the property.

Officer means any law enforcement officer defined in F.S. § 943.10, or any animal control officer or animal enforcement officer, as defined in this section.

Owner means any person, firm, corporation, partnership, association, trust, estate or any other legal entity, business unit or organization possessing, harboring, keeping or having control or custody of an animal temporarily or permanently, or, if the animal is owned by a person under the age of 18 years, that person's parent or legal guardian. This definition shall include any harbinger or caregiver.

Physical control means adequate domination or power to influence/restrict the actions of the animal to prevent the animal from engaging in biting, aggression towards people or animals, straying, being at large or other behaviors regulated by this article or state law by the use of a proper leash or similar device attached to an appropriate collar or harness. To maintain physical control the animal must be on a leash not to exceed six feet at its maximum extension. Animals on longer leashes or similar devices may be considered not under physical control and, therefore, could be subject to being treated as at large in accordance with this article. Nothing in this definition is intended to prevent dogs from being on training leashes or while engaged in other lawful activities.

Police dog means any dog that is owned, or the service of which is employed, by a law enforcement agency.

Probable cause means reasonable grounds, based on personal knowledge of facts and circumstances or trustworthy information, sufficient to warrant a belief that a violation of this article has been or is being committed.

Proper enclosure for a dangerous dog means, 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 designed to prevent the animal from escaping. Such pen or structure shall have secure sides, top, and floor to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Rabies vaccination means inoculation with a United States Government-approved vaccine recognized to prevent and reduce the possibility of rabies in the animal vaccinated administered by a licensed veterinarian in good standing.

Registration tag means a county animal tag issued pursuant to this chapter.

Secure enclosure means, while on the owner's property, the animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, top, and floor to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Service animal means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, alerting and protecting a person who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an

individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Severe injury means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

Special magistrate means the individual authorized by the board to hold hearings, assess fines, and issue rulings against violators of the county codes and ordinances.

Sufficient food or sustenance means access to proper food for the species of animal on a regular, ongoing basis in quantities sufficient to maintain a regular body weight as designated by objective measurement tools such as "Body Condition Score (BCS)" systems. As an example, regular body weight would be the "ideal" level (four or five) on the internationally recognized veterinary and animal welfare Purina Body Score System Chart. Animals under active, current veterinary care may deviate from the scale based upon the expertise of a licensed veterinarian.

Sufficient water means access to clean, potable water on a regular, ongoing basis in quantities to prevent the animal from exhibiting signs of dehydration.

Sutures means the process of joining two surfaces or edges together along a line by or as if by sewing. This definition shall include, but is not limited to, the use of stitches, staples, glue, and other mechanical, thermal, light-based, electromagnetic, or chemical means of closing wounds or lacerations.

Underground pet containment system means a device, which uses a buried wire along the perimeter of a premises that transmits a signal to a receiver attached to the collar of an animal, which gives the animal an electronic shock or other warning when the animal approaches the buried perimeter wire to prevent said animal from leaving the premises. This definition includes buried electrical fencing and invisible fencing.

Unprovoked means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

Zoonoses or zoonotic disease means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

Section 14-49. - Classification of dogs as dangerous.

- (a) The animal control authority shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any officer, desiring to have a dog classified as dangerous. The affidavit requesting the investigation must be presented to the animal control authority within 30 days of the incident leading to the request. The director of the animal control authority, or designee, may grant a deadline extension upon due cause and extenuating circumstances for a period not

to exceed an additional 30 days. Any animal that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that scores a level 5 or higher on the Dunbar bite scale must be immediately confiscated by the animal control authority, placed in quarantine, if necessary, for the proper length of time, impounded, and held. The animal must be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. In the event that a dog is to be destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal. An animal that is not impounded with the animal control authority must be confined by the owner in a secure enclosure pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The owner shall provide the address where the dog shall be so confined, and the manner of confinement, to the animal control authority. No dog that is the subject of a dangerous dog investigation may be relocated or have its ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, these same provisions shall apply and the dog shall not be relocated or ownership transferred.

(b) *Exemptions.*

- (1) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.
- (2) A dog may not be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (3) Any dog that is owned, or the service of which is employed, by a law enforcement agency, is exempt from these provisions.
- (4) 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.
- (5) A hunting dog engaged in any legal hunt or training procedure is exempt from this section.
- (6) 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 any legal procedures. However, such dogs at all other times in all other respects are subject to this article and other County Code provisions. Dogs that have been classified as dangerous may not be used for hunting purposes.

- (7) The dog attacks or bites a human who is engaged in or attempting to engage in criminal activity at the time of the attack.
 - (8) The dog attacks or bites another dog or domesticated animal that, at the time, is on the property of the attacking dog's owner without the owner's consent.
- (c) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing before making a final determination. The animal control authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of F.S. ch. 48 relating to service of process. The owner may file a written request for hearing regarding the dangerous dog classification, penalty, or both, at the address indicated on the sufficient cause finding within seven calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing must be held as soon as possible, but not more than 21 calendar days and no sooner than five days after receipt of the request from the owner. Such hearing shall be conducted according to the procedures set forth in subsection (e). If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the animal control authority as to such matter is final.
- (d) The board shall appoint a special magistrate to conduct dangerous dog classification hearings. The special magistrate must be an attorney in good standing to practice law in the state. A copy of the rules of procedure for dangerous dog classification hearings shall be made available to any person who requests a hearing. The special magistrate shall hear all relevant evidence from the animal owner, the animal control authority, and any witness with information relevant to the dangerous dog classification, including any victim, if applicable. The animal control authority shall provide notice of the special magistrate's determination to the owner by registered mail, certified hand delivery or service. If classified as dangerous, the notice shall include the basis for declaring the dog dangerous, a description of the dog, and describe the responsibility of the owner for maintenance of the dog under this article.
- (e) *Dangerous dog hearing procedure.* Pursuant to F.S. ch. 767, part II, the following procedure shall apply to dangerous dog hearings held before the special magistrate:
- (1) The purpose of the dangerous dog hearing is to provide an appeal procedure for the owner of a dog that has been deemed dangerous in accordance with F.S. ch. 767, part II, The dog owner has the opportunity to refute the animal control authority's findings of sufficient cause to classify the dog as dangerous. This hearing process shall afford the owner an opportunity for a hearing prior to making a final determination regarding the classification or penalty.
 - (2) The owner must file a written request for a hearing regarding the dangerous dog classification, penalty, or both, within seven calendar days after receipt of the notification of the sufficient cause finding and proposed penalty.

- (3) This hearing shall be held no sooner than five days and no longer 21 days after the animal control authority receives the request from the owner. The animal control authority shall set a date for hearing upon receipt of the owner's written request.
 - (4) The special magistrate shall bring the hearing to order. The animal control authority will then present its case, including, but not limited to, witnesses; photographs of the dog(s) and/or victim(s); sworn affidavits; previously issued citations to the dog(s) subject to the dangerous dog hearing; and, other types of information that will be used to support the animal control authority's claims. Once the animal control authority has presented its case, the dog owner will present his/her case, including, but not limited to, witnesses; photographs of the dog(s) and/or victim(s); sworn affidavits; previously issued citations to the dog(s) subject to the dangerous dog hearing; and, other types of information that will be used to support the dog owner's claims. Irrelevant, immaterial and unduly repetitious evidence shall be excluded.
 - (5) The animal control authority must prove its case by clear and convincing evidence.
 - (6) The special magistrate shall render a decision at the same meeting.
 - (7) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law, the animal control authority shall provide a written final order to the owner by registered mail, certified mail, or service in accordance with F.S. ch. 48.
 - (8) The owner may appeal the determination, penalty, or both, to the Eighteenth Judicial Circuit Court in accordance with the Florida Rules of Appellate Procedure and F.S. § 767.12(4) after receipt of the final order. The owner must file a timely appeal in order to preserve his/her rights.
- (f) Upon issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, the owner of the dog must obtain a certificate of registration for the dog from the animal control authority, and the certificate shall be renewed annually. The animal control authority may issue such certificates of registration, and the renewals thereof, only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of all of the following:
- (1) A current certificate of rabies vaccination and animal registration tag for the dog.
 - (2) A proper enclosure for a dangerous dog as defined in section 14-36, and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
 - (3) Permanent identification of the dangerous dog, by implantation of a microchip, as specified by the animal control authority, within 24 hours of release. Any person who knowingly and willfully removes a microchip implanted pursuant to

this sub-subparagraph commits a felony of the third degree, punishable as provided in F.S. §§ 775.082, 775.083, or 775.084.

- (4) Payment of the applicable annual fee for the issuance of certificate of registration required by this section. The annual fee shall be established by the board.
 - (5) Payment of any boarding costs, impound fees, any and all current or outstanding civil citations, and any other fines or fees associated with, related to, or arising from the incident, investigation, and any hearing or appeal procedure under this section.
 - (6) Proof that the owner has procured liability insurance in the amount of at least \$100,000.00 covering any damage or injury which may be caused by the dangerous dog during the 12-month period for which licensing is sought. The owner shall name the animal control authority as a certificate holder and notify the animal control authority of any cancellation, modification, expiration or termination of the liability policy required by this section.
 - (7) The owner shall obtain a dangerous dog tag from the animal control authority which shall be worn by the dog at all times. The purpose of the tag shall be to provide immediate identification to the animal control authority and the public that the dog has been declared dangerous.
 - (8) The dog shall be spayed/neutered unless a licensed veterinarian has examined the dog and certifies, in writing (with a copy provided to the animal control authority within such 14 day period), that at such time spaying/neutering the dog would endanger its health. Under that circumstance, the dog shall be spayed/neutered as soon as its health permits.
 - (9) Five years after the date that the dog was declared dangerous, the owner may request a reduction of the annual dangerous dog certification fee. Any such request shall be granted in the event that there have been no violations of this article since the dog was declared dangerous. However, a dangerous dog declaration is permanent and shall never be removed from the dog once the determination has been finalized and the time for all appeals has passed.
- (g) The owner shall immediately notify the animal control authority when a dog that has been declared as dangerous is:
- (1) Loose, at large or unconfined.
 - (2) Has bitten a human being or attacked another animal.
 - (3) Is sold, given away, stolen or dies.
 - (4) Is moved to an address other than that stated in the certificate of registration.

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 control authority. The new owner must comply with all of the requirements of this article. The animal control authority must be notified by the owner of a dog classified as dangerous when that dog is moved into the county. When the animal control authority receives notice

that a dog classified as dangerous is to be moved out of the county, the animal control authority may provide a courtesy notice to the animal control authority of the receiving jurisdiction.

- (h) It is a violation of this article for the owner of a dangerous dog to permit, whether intentionally or negligently, the dog to be outside of the locked, secure enclosure described in subsection (f)(2), unless the dog is muzzled and restrained by a substantial, non-retractable chain or leash and under control of a competent person. 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. The owner may exercise the dog in a secure enclosure 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 owner's immediate household are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
- (i) Dogs declared dangerous shall not be allowed in any off-leash park or any dog beach within the county.
- (j) The owner of a dangerous dog shall permit unannounced inspections by the animal control authority to determine the owner's compliance with this section.
- (k) Any person who fails to comply with any provision of this section commits a violation of this article. In addition to any applicable civil penalty, if a violation results in an immediate and direct risk of harm to the general public, the animal control authority shall impound the dangerous dog, shall provide written notice to the owner, and require the owner comply with any requirements in the final order within ten days after receipt of such notice. If the owner of a dog impounded under this subsection believes that there has not been such a violation, the owner may file a petition for injunctive relief in the Eighteenth Judicial Circuit Court requesting that the impounded dog not be destroyed. The petition must be filed within ten business days of the owner's receipt of notice of impoundment of the dog, and notice of the petition must be timely served upon the animal control authority. If the circuit court finds that there has been no violation of this section, such dog shall be released to the custody of the owner. In the event that the circuit court denies the petition for injunction, the owner shall be responsible for all impoundment fees and maintenance costs incurred for such dog.

Section 14-50. – Attack or bite by dangerous dog; severe bite by any dog; confiscation; destruction.

- (a) Pursuant to F.S. § 767.13, if a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner commits a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083. The dangerous dog must be immediately confiscated by the animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten business days after the owner is given written notification under section 14-49, and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing under section 14-49 during the ten business days after such notification. The owner is responsible for payment of

all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. If, prior to the ten-day time period, the owner notifies the animal control authority in writing of the owner's intent to challenge the animal control authority's decision to euthanize the dog, the animal control authority shall continue to impound the dangerous dog so long as the owner either posts bond or pays in advance by certified check payable to the animal control authority the estimated costs associated with impounding the dangerous dog, as estimated by the animal control authority. This amount shall include medical costs. Should the animal have to be boarded beyond the original estimated time covered by the pre-payment of fees, the owner shall be required to pay in advance by certified check the estimated weekly costs of boarding and care until the final decision has been reached. If the dog is determined not to have been a danger or potential danger under the provisions of this article or state law at the time of impoundment, the animal control authority shall process a refund of boarding and intake fees. Pursuant to Florida law, if the 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 is not guilty of any crime under this section.

- (b) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner commits a felony of the second degree, punishable as provided in F.S. §§ 775.082, 775.083, or 775.084. The dog must be immediately confiscated by the animal control authority, placed in quarantine, if necessary, for the proper length of time or held for ten business days after the owner is given written notification under section 14-49, and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing under section 14-49 during the ten business days after such notification. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. Pursuant to Florida law, if the 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 is not guilty of any crime under this section.
- (c) If a dog that has not been declared dangerous attacks and causes the death of a human, the dog must be immediately confiscated by the animal control authority, placed in quarantine, if necessary, for the proper length of time, or held for ten business days after the owner is given written notification under section 14-49, and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing under section 14-49 during the ten business days after such notification. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- (d) If a dog that has not been declared dangerous attacks and causes severe injury to, or the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog commits a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 or 775.083. If the 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 of the dog is not guilty of any crime under this section.

- (e) If the owner files a written appeal under section 14-49 or this section, the dog must be impounded and held and may not be destroyed while any lawful appeal is pending or any time frame to appeal is still open.
- (f) In the event it is determined that humane destruction of a dog is justified pursuant to this section, the owner is guilty of a noncriminal violation of this article and subject to a civil penalty, in addition to any criminal charges.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall be made a part of the Brevard County Code of Ordinances, and that the sections of this ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption.

DONE, ORDERED, AND ADOPTED by the Board of County Commissioners of Brevard County, Florida, in regular session, this ___ day of _____, 2026.

Attest: BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: _____

Rachel Sadoff, Clerk

BY: _____

Thad Altman, Chair
(as approved by the Board on 3/17/2026)

(SEAL)