

Date: 04/15/2025		AGENDA ITEM		Item: 08	
<input checked="" type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution	
<input type="checkbox"/> Other					
County Goals					
<input type="checkbox"/>	More Efficient Regulatory Framework	<input type="checkbox"/>	Increase Efficiency and Effectiveness of Government Operations	<input type="checkbox"/>	Implement a Plan for Expanded Recreation
<input type="checkbox"/>	Enhance Fiscal Stewardship	<input type="checkbox"/>	Support a Solution-Oriented Culture	<input checked="" type="checkbox"/>	NA
Department: Public Protection Division: Animal Services					
Subject: Ordinance 2025-11, amending Section 14-42, classification of dogs as dangerous to include minimum insurance coverage requirements, amending provisions regarding statement by landlord of a dangerous dog owner, and providing penalties.					
Randa Matusiak Interim Director Public Protection Approved by: <i>Randa Matusiak</i> Department Approval		Approved By: 		Legal Morgan Swenk Assistant County Attorney Approved By: <i>Morgan Swenk</i>	
Angela Miedema Director Animal Services Approved By: <i>Angela Miedema</i> Division Approval		Approved By: 		County Manager's Office Ryan Ossowski Chief Financial Officer Approved By: <i>Ryan Ossowski</i>	
Council Action:					
Modification:					
Account Number(s): NA Total Item Budget: NA					
Staff Contact(s): Angela Miedema Randa Matusiak				Phone: 386 248 1790 386 740 5120	Ext. 11398 12919
Summary/Highlights: During the July 16, 2024 meeting, County Council directed staff to update section 14-42(h) regarding insurance requirements for owners of dangerous dogs to reflect a \$100,000 minimum insurance requirement. In accordance with Section 14-42(h) of the county ordinances, current owner requirements for maintaining a dangerous dog include a requirement to obtain and provide proof of general					

liability insurance for the premises where the dog resides. The proposed ordinance will amend Section 14-42 regarding the classification of dogs as dangerous to include a minimum insurance coverage limit for the liability insurance required prior to issuance of a certificate of dangerous dog registration or renewal.

The ordinance balances any owner's responsibility for the care of their animal with safeguarding the health, safety, and welfare of the public who may come into contact with that dog.

Most other municipalities do not have minimum insurance requirements. Of those that do, the requirements are typically phrased as "not less than \$50,000" or "not less than \$100,000" liability coverage. The State of Florida is also considering legislative changes for insurance requirements.

The ordinance was advertised for County Council on April 1, 2025. A business impact estimate was posted on the County website.

Recommended Motion: Approval of Ordinance 2025-11.

ORDINANCE 2025 - 11

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING ARTICLE II OF CHAPTER 14 - ANIMALS; AMENDING SECTION 14-42, CLASSIFICATION OF DOGS AS DANGEROUS; AMENDING LIABILITY INSURANCE REQUIREMENT FOR DANGEROUS DOG OWNER; AMENDING PROVISION REQUIRING A STATEMENT BY LANDLORD OF DANGEROUS DOG OWNER; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1(g) of the Florida Constitution and Section 125.01, Florida Statutes, the Volusia County Council has broad home rule powers to govern the County, including the power to adopt ordinances as may be necessary to carry out both county and municipal powers and purposes; and

WHEREAS, Section 767.12, Florida Statutes, provides express authorization for an animal control authority to investigate incidents involving a dog that may be dangerous, classify a dog as dangerous where appropriate and issue a certificate of registration for any dog deemed dangerous; and

WHEREAS, Section 767.12, Florida Statutes, also provides express authorization for an animal control authority serving the area in which a dangerous dog resides to institute certain requirements from the owner of the dangerous dog prior to issuance of the certificate of registration; and

WHEREAS, the requirement that every person owning, keeping, harboring, caretaking, or controlling any dangerous dog in the unincorporated areas of the County maintain sufficient insurance coverage for his or her dog prior to the issuance of a

dangerous dog certificate of registration is the most efficient or effective method of advancing the public purpose of animal control and public safety; and

WHEREAS, Volusia County seeks to amend Article II, Chapter 14, Section 14-42 (h) of the Code of Ordinances, County of Volusia, pertaining to the registrations and restrictions for a dog classified as Dangerous; and

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION I: Incorporation of Recitals. The above recitals represent the legislative findings of the Volusia County Council supporting the need for this ordinance.

SECTION II: Chapter 14, Article II, Section 14-42(h) of the Code of Ordinances of the County of Volusia is hereby amended to read as follows:

Section 14-42. - Classification of dogs as dangerous; destruction.

...

(h) Registration and restrictions.

(1) Except as otherwise provided in Paragraph (2) below, the owner of a dog classified as a dangerous dog shall:

- a. Within fourteen (14) days after issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from the Animal Services Division. The initial registration fee for the dangerous dog shall be \$1,500.00. The owner shall be required to renew the certificate at an annual cost of \$500.00. To obtain a certificate of registration or a renewal thereof

the owner shall be at least eighteen (18) years of age and shall present to the Animal Services Division sufficient evidence of:

- i. A current certificate of rabies vaccination for the dog.
- ii. A proper enclosure to confine a dangerous dog as defined in section 14-42(b)(3).
- iii. The posting of the premises with a clearly visible warning sign measuring at least 8 1/2" x 11" in size conspicuously placed at all entry points that informs the public of the presence of a dangerous dog on the property.
- iv. Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- v. A certificate from a veterinarian that the dog has been spayed or neutered.
- vi. Proof of liability insurance for the premises where the dangerous dog shall be securely enclosed that includes coverage for dog bites or attacks 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.
- vii. If applicable, a notarized statement shall be submitted to the Animal Services Division by the landlord of the dog owner's premises where

77 the dangerous dog shall be securely enclosed, which states that the
78 landlord is aware of the dangerous dog classification and that the
79 tenant must adhere to additional requirements, including ~~—a~~
80 ~~statement confirming that the landlord shall adhere to all~~ posting
81 regulations and insurance requirements.

82 ...

83 (3) Violations of this Part.

- 84 a. A violation of any provision of this Part shall be a civil infraction punishable
85 by a fine of \$500.
- 86 b. An Animal Control Officer may immediately impound a dangerous dog and
87 after proper ten-day notification in accordance with Section 767.13, Florida
88 Statutes, as amended, or after appeal thereof, the dog may be euthanized
89 in an expeditious and humane manner.
- 90 c. Nothing contained in this Part prohibits the County from enforcing Chapter
91 14 – Animals, by any other action or remedy authorized by law or in equity.

92 **SECTION III: AUTHORIZING INCLUSION IN CODE** - The provisions of this
93 ordinance shall be included and incorporated into the Code of Ordinances of the County
94 of Volusia, as additions or amendments thereto, and shall be appropriately renumbered
95 to conform to the uniform numbering system of the code.

96 **SECTION IV: SEVERABILITY** - Should any word, phrase, sentence, subsection, or
97 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
98 unconstitutional, then that word, phrase, sentence, subsection, or section so held shall

be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION V: CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION VI: EFFECTIVE DATE – A certified copy of this Ordinance shall be filed with the Department of State by the County Manager within ten (10) days after enactment by the County Council and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 15TH DAY OF APRIL 2025 A.D.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

George Recktenwald
County Manager

Jeffrey S. Brower
County Chair

