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**ORDINANCE
NUMBER 2020-_____**

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**AN ORDINANCE OF LEVY COUNTY, FLORIDA,
PROVIDING FOR REGULATIONS GOVERNING ANIMAL
SERVICVES ADMINISTRATION AND ANIMAL CONTROL;
PROVIDING FOR REPEAL OF EXISTING CHAPTER 14,
LEVY COUNTY CODE, AND ADOPTION OF NEW
CHAPTER 14, LEVY COUNTY CODE; PROVIDING FOR
ADMINISTRATION AND ENFORCEMENT OF ANIMAL
CONTROL, ANIMAL WELFARE, AND RELATED
REGULATIONS; PROVIDING FOR ADOPTION OF
ANIMAL CONTROL, ANIMAL WELFARE, AND RELATED
REGULATIONS; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.**

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WHEREAS, Chapters, 125, 767, 823, 828, Florida Statutes, and other chapters of the Florida Statutes regulating animals and animal control, authorize the Board of County Commissioners of Levy County, Florida (“the Board”), to enact ordinances to provide standards regulating control and treatment of animals, animal welfare, and related enforcement provisions; and

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WHEREAS, the Board finds that is in the best interest of the public health, safety, and welfare to adopt comprehensive, progressive, and updated regulations related to administration of animal services, control and treatment of animals, animal welfare, and related regulations; and

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WHEREAS, the Board desires to amend its current animal control regulations and adopt comprehensive and progressive regulations related to administration of animal services, animal control, animal welfare, and related regulations;

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BE IT ORDAINED, by the Board of County Commissioners of Levy County, Florida:

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Section 1. Amendment of Code. Chapter 14 of the Levy County Code is hereby deleted in its entirety and replaced with the following:

33 **CHAPTER 14**
34 **ANIMALS**

35 **ARTICLE I. IN GENERAL**

36 **Sec. 14-1. Purpose and intent.**

37 This chapter is enacted pursuant to Florida law and is intended to regulate the
38 possession, ownership, care and custody of animals in the interest of the health, safety
39 and welfare of both the citizens and animals of the county.
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41 **Sec. 14-2. Jurisdiction and scope.**

42 (a) This chapter shall apply to, and be effective within, the unincorporated areas of
43 the county, except as otherwise provided herein.

44 (b) In the event of emergency circumstances where the life or physical safety of a
45 person is at risk because of the actions of a domestic animal within the boundaries of a
46 municipality within the county, an animal control officer may, but will not be required to,
47 respond to a request for assistance within such municipal boundaries when such
48 request is submitted by an authorized representative of the applicable municipality
49 unless the ordinances or regulations of the municipality provide otherwise. The animal
50 control officer's actions in response to such a request will be limited to actions to
51 alleviate the threat to life or physical safety of a person, and will not involve issuance of
52 citations or other enforcement actions of any kind. An animal control officer is not
53 authorized to respond to a municipality's request for assistance with an animal control
54 matter unless the matter constitutes an emergency circumstance where the life or
55 physical safety of a person is at risk because of the actions of a domestic animal. Any
56 municipality submitting a request for an animal control officer to assist in response to a
57 threat to life or physical safety of a person due to actions of a domestic animal will be
58 responsible, and shall pay, for the county's costs incurred in responding to such
59 request.

60 (c) It shall be a violation of this code for a person or entity to fail to comply with, or
61 to violate, any provision or regulation contained in this chapter.
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63 **Sec. 14-3. Definitions and statutory references.**

64 (a) The following words, terms and phrases, when used in this chapter, shall have
65 the meanings ascribed to them in this section, except where the context clearly
66 indicates a different meaning:

67 *Abandon* means to forsake an animal entirely or to neglect or refuse to provide or
68 perform the legal obligations for care and support of an animal by its owner. An animal
69 will not be considered abandoned if the owner arranges for a person to feed, water, and
70 monitor the animal's condition on a scheduled or regular basis. For purposes of this
71 definition, intervals between monitoring, watering, and feeding of an animal shall not
72 exceed twenty-four (24) hours.

73 *Animal* means any living non-human creature.

74 *Animal abuse offense* means the commission of any act that constitutes the criminal
75 offense of:

- 76 (1) Cruelty to animals under § 828.12, Fla. Stat.;
- 77 (2) Fighting or baiting animals under § 828.122, Fla. Stat.;
- 78 (3) Killing a dog or cat with the intent to sell or give away its pelt under § 828.123,
79 Fla. Stat.;
- 80 (4) Killing or aggravated abuse of horse or cattle under § 828.125, Fla. Stat.;
- 81 (5) Sexual activities involving animals under § 828.126, Fla. Stat.;
- 82 (6) Confinement of animals without sufficient food, water, or exercise under §
83 828.13, Fla. Stat.

84 *Animal abuse offender* means any person eighteen (18) years of age or older
85 convicted of an animal abuse offense in the county for conduct that occurs on or after
86 , 2020, except youthful offenders whose convictions or adjudications
87 include sealed records.

88 *Animal abuser registry* means the on-line registry established by this chapter for
89 registering any animal abuse offender residing in the county.

90 *Animal control officer* means any person employed or appointed by the county to
91 investigate civil infractions relating to animal control or cruelty and to issue citations. An
92 *animal control officer* will also be considered a code enforcement officer, as that term is
93 defined in section 2-136, Levy County Code.

94 *Appropriate disposition* means an animal is adopted, sent to rescue, fostered,
95 transferred, reclaimed by the owner, or euthanized. Except as otherwise provided in this
96 chapter, this definition excludes disposition of any cat that qualifies as a community cat
97 under this chapter.

98 *At-large* means an animal, except a community cat as defined herein, that is off the
99 premises of its owner and not under the direct control of a competent adult by means of
100 a leash, cord, chain, bridle, rope, halter or other appropriate physical restraint. In the
101 case of dogs, in addition to the above, *at-large* means a dog that is on the premises of

102 its owner and is not under the direct control of a competent adult by the means
103 described above or confined to the property by a secure fence or other appropriate
104 enclosure or physical restraint designed to confine the dog to the property. An animal
105 engaged in hunting, agricultural tasks, ranching tasks, competition, trial or a show, or at
106 a recognized dog park, while being supervised in a manner which is necessary under
107 the circumstances, shall not be considered at-large.

108 *Commercial breeder* means any person or entity that engages in the breeding of
109 dogs or cats for the purpose of sale or transfer of such dogs or cats for compensation.
110 Hobby breeders are excluded from this definition.

111 *Community cat* means any free roaming cat that may be cared for by one (1) or
112 more residents in the area, known or unknown. Community cats that are ear-tipped
113 indicate the animal is sterilized and is vaccinated against rabies at least one time. A
114 *community cat* may also mean a cat that is found outside with no valid identification that
115 is brought to the county animal shelter and is not yet sterilized, ear-tipped, and rabies
116 vaccinated.

117 *Community cat caregiver* means a person who provides care to a community cat in
118 the form of food, water, shelter or veterinary care, while not being considered the owner,
119 custodian, harbinger, possessor, or keeper of the community cat.

120 *Complaint* means any verbal or written notification provided to the county or the
121 Levy County Sheriff.

122 *Convicted* or *conviction* means a determination of guilt which is the result of a trial
123 or the entry of a plea of guilty or nolo contendere, regardless of whether or not
124 adjudication is withheld.

125 *County* means Levy County.

126 *County coordinator* means the county coordinator or a designee thereof.

127 *Department* means the Levy County Animal Services Department.

128 *Director* means the director of the Levy County Animal Services Department or a
129 designee thereof.

130 *Ear-tipped* means the process of removing approximately a quarter-inch from the tip
131 of a cat's left ear in a straight line cut, or a descriptive term of a cat whose ear has been
132 cut in this manner.

133 *Hobby breeder* means any person or entity that breeds or raises on his/her/its
134 property dogs, cats or companion animals and who sells no more than two (2) litters, or
135 a total of twenty (20) dogs, cats or companion animals, per year, whichever is the
136 greater number of animals.

137 *Livestock* means grazing animals, such as cattle, horses, sheep, swine, goats, other
138 hoofed animals, ostriches, emus and rheas, raised for private or commercial use.

139 *Material error* means error that reasonably might have affected the outcome.

140 *Microchip* means an electronic animal identification device inserted into an animal
141 and used for positive identification of the animal.

142 *Owner* means any individual or entity owning, harboring or having control, custody
143 or possession of an animal; any individual or entity who feeds or shelters an animal for
144 a period of fourteen (14) days or more; or any individual or entity who knowingly permits
145 an animal to remain on the property of said individual or entity for a period of fourteen
146 (14) days or more, consecutive or not. If an animal is owned by an individual under the
147 age of eighteen (18), the parent or guardian of that individual is deemed to be the owner
148 of the animal. Community cat caregivers are not owners as defined in this chapter.

149 *Pet dealer* means a person or entity which, in the ordinary course of business,
150 engages in the sale of more than two (2) litters, or twenty (20) dogs or cats, per year,
151 whichever is greater, to the public. This definition includes breeders of animals who sell
152 such animals directly to a consumer.

153 *Service animal* means an animal that meets the definition as set forth in federal and
154 state law.

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

157 *Shelter* means a structure that includes a minimum of three (3) sides and a solid
158 roof. The term *shelter* will be considered in context and not used as interchangeable
159 with references to the county animal shelter. At a minimum, in order to qualify as a
160 *shelter*, the structure must meet all the following requirements:

161 (1) Sufficient in size to allow each sheltered animal freedom of movement to make
162 normal postural adjustments, including the ability to stand up, turn around and
163 lie down with its limbs outstretched in a normal posture and have an entryway
164 that the animal can easily enter and exit in a natural manner and protects the
165 animal from exposure to the elements.

166 (2) Weatherproof and structurally sound, with insulation and appropriate to local
167 climatic conditions and sufficient to protect each animal from inclement
168 weather, wind, rain, and the direct rays of the sun.

169 (3) Free of standing water, accumulated waste and debris, and be well ventilated
170 with fresh air by means of windows, doors, vents, or fans, and provide clean,

171 dry bedding, or shall have a clean, solid resting place that is appropriate for the
172 animal's size, age, health, and physical condition.

173 (4) Properly lighted to provide a regular lighting cycle of either natural or artificial
174 light corresponding to the natural period of daylight unless otherwise directed
175 by a veterinarian.

176 (5) Free of wire, grid or slat floors which permit the animal's feet to pass through
177 the openings, sag under the animal's weight or which otherwise do not protect
178 the animal's feet or toes from injury.

179 In addition, examples of items which do not qualify as a *shelter* include, but are not
180 limited to, lean-tos, metal drums, wire or airline carrier crates, cardboard boxes,
181 abandoned vehicles, porches, decks or material that does not provide sufficient
182 protection from the elements.

183 *Sterilize* means rendering an animal permanently incapable of reproduction.

184 *Tether* means a cord, rope, cable or chain, not exceeding 1/16th of an animal's
185 weight, with a length that is at least the greater of either five (5) times the length of the
186 animal measured from the nose to the tip of its tail, or ten (10) feet, whichever is
187 greater, attached with a swivel hook to the animal's buckle-type nylon or leather collar,
188 harness or halter on one end and attached to a stationary object with a swivel hook or
189 trolley assembly on the other end. The trolley cable must not be elevated more than
190 seven (7) feet above ground surface.

191 *Tethering* means the restraining of an animal by the means of any type of tether, to
192 any fixed object or structure, including, but not limited to, a house, garage, shed, other
193 building, fence, post, motor vehicle, trailer, weight, ground anchor, or boat. Tethering
194 shall not include the use of a leash to walk an animal or to forms of restraint used in the
195 transportation of an animal.

196 *Valid identification* means any form of identification that is found on an animal which
197 provides current owner contact information.

198 *Veterinarian* means an individual licensed to practice veterinary medicine in the
199 State of Florida. In the event the context indicates, *veterinarian* means an individual
200 licensed to practice veterinary medicine in the state in which such person performs that
201 practice, and who is also accredited by the United States Department of Agriculture.

202 *Working day* means any day the county animal shelter is open for business.

203 (b) Any references within this chapter to any county, state or federal statute, code,
204 ordinance, rule or regulation will mean such statute, code, ordinance, rule or regulation
205 as the same may be amended from time to time.

206 **Sec. 14-4. Director of animal control.**

207 The county coordinator is authorized to employ a suitable individual to serve as the
208 director of the county animal services department.

209 (1) The director will generally supervise and administer the department including all
210 aspects of the county animal shelter and will be responsible for the
211 administration and enforcement of this chapter, as well as developing
212 procedures for implementing the purpose and intent of this chapter.

213 (2) The director may voluntarily dismiss citations issued or waive fees and costs if
214 the director determines that the dismissal or waiver of same is in the best
215 interest of the county.

216 (3) The director may execute stipulated agreements with animal owners, on behalf
217 of the county, regarding the future care and custody of animals. It shall be a
218 violation of this chapter for any animal owner entering into a stipulated
219 agreement to fail to comply, in whole or part, with the provisions of that
220 agreement.

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222 **Sec. 14-5. Animal control officers.**

223 (a) Animal control officers will be trained and certified in accordance with Florida
224 law.

225 (b) Animal control officers will be responsible to investigate complaints relating to
226 animals and take appropriate action as is reasonably necessary to enforce the
227 provisions and accomplish the purposes of this chapter.

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229 **Sec. 14-6. County animal shelter.**

230 (a) The county may construct, operate and maintain a county animal shelter or
231 sub-shelters for the purpose of impounding and maintaining dogs and cats, at the
232 county's discretion.

233 (b) The county animal shelter may be used for impounding and maintaining dogs
234 and cats that were found in or brought from either the unincorporated or incorporated
235 areas of the county. In the event that a dog or cat that is brought to the county animal
236 shelter was found in or brought from within the boundaries of an incorporated area of
237 the county, and is brought by a representative of an incorporated area of the county, the
238 applicable municipality shall pay any impoundment and kennel, boarding or
239 maintenance fees for maintaining the dog or cat at the county animal shelter, which fees
240 will be set by resolution.

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(c) Under no circumstances will the county be obligated to accept any animal at the county animal shelter.

Sec. 14-7. Impounding authority of officers.

Animal control officers will have the full and complete authority under the provisions of this chapter to pick up, catch, seize or procure, and impound animals under circumstances which include but are not limited to the following:

- (1) At-large animals;
- (2) Aggressive animals;
- (3) Dogs subject to a dangerous dog investigation;
- (4) Animals which are voluntarily surrendered;
- (5) Animals which are not properly secured or restrained;
- (6) Animals which are creating a nuisance;
- (7) Animals which have or are believed to have rabies, or another infectious or contagious disease;
- (8) Rabies susceptible animals which are not licensed or rabies inoculated, as required herein;
- (9) Animals found in distress, neglected, mistreated or abused;
- (10) Any female dog or cat in heat and not properly confined;
- (11) Animals being maintained or kept in violation of this chapter or any other rule, regulation, law, court order or stipulated agreement;
- (12) Animals that have bitten a person or come into contact with a known or suspected rabid animal;
- (13) Animals that need impoundment because the owner is unable to care for the animal due to injury, illness, incarceration, or other involuntary absence, or that have been received from a law enforcement agency where there is a known owner; and
- (14) A community cat that is ill, injured, meets any of the circumstances for impoundment contained herein, or has bitten or otherwise exposed a person or has come into contact with a known or suspected rabid animal.

275 **Sec. 14-8. Owner responsibility; holding periods for impounded animals.**

276 (a) It shall be the responsibility of an animal owner to come to the county animal
277 shelter to look for and identify their animal which may have been impounded. The
278 department may not be held responsible for locating an owner of an animal which has
279 been impounded, or for the inability to locate such owner after a reasonable attempt is
280 made under the circumstances.

281 (b) An animal not exhibiting valid identification, other than a cat that reasonably
282 appears to be a community cat based on examination, shall be held for a minimum of
283 three (3) working days after a reasonable attempt is made to locate the owner.

284 (c) A cat that reasonably appears to be a community cat based on examination,
285 which is not exhibiting valid identification, will not be subject to a minimum holding
286 period.

287 (d) An animal exhibiting valid identification, which is not in an injured state
288 necessitating either treatment beyond the county animal shelter's capabilities or
289 euthanasia in the best interests of the animal, will be held for a minimum of five (5)
290 working days from the earlier of the date notice is received by the owner that he/she is
291 the owner of the animal or the time reasonable efforts have been made to notify the
292 owner. In no event will the county be required to hold an animal more than the five (5)
293 working day period, regardless of whether contact has been made with the owner within
294 that five (5) working day period.

295 (e) An animal that is impounded because the owner is unable to care for the
296 animal due to injury, illness, incarceration, or other involuntary absence, or an animal
297 received from a law enforcement agency where there is a known owner, will be held for
298 a minimum of five (5) working days.

299 (f) In the event an animal exhibiting valid identification has been found in an
300 injured state which necessitates either treatment beyond the county animal shelter's
301 capabilities or euthanasia in the best interest of the animal, then no minimum holding
302 period will be required. In such event, the county will make a reasonable attempt to
303 contact the owner prior to transferring the animal to a rescue agency or similar entity for
304 treatment, euthanizing the animal, or other appropriate disposition.

305 (g) An animal that is voluntarily surrendered by its owner or agent of the owner is
306 not subject to a minimum holding period. In the case of voluntary surrender, the
307 department will not be responsible for animals brought to the county animal shelter by
308 persons misrepresenting themselves as the owner or owner's agent who are not, in fact,
309 the owner or owner's agent.

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312 **Sec. 14-9. Disposition of impounded animals.**

313 (a) After any holding requirements have been met, the department may provide for
314 appropriate disposition of any impounded animal. No compensation will be paid to any
315 owner of an impounded animal for any reason, regardless of disposition of the animal.
316 Any community cat is exempted from this subsection.

317 (b) A cat that reasonably appears to be a community cat based on examination,
318 which is not exhibiting valid identification, may be sterilized, ear-tipped, rabies
319 vaccinated, and returned to the general location from which it came within a reasonable
320 amount of time, or may be subject to appropriate disposition as defined in this chapter.
321 An ear-tipped cat that is not exhibiting valid identification and is otherwise not a
322 candidate for euthanasia or other humane disposition will be returned to the general
323 location from which it came within a reasonable amount of time.

324 (c) In the event the animal is appropriate for adoption or for transfer to an adoption
325 entity, rescue entity, humane entity, foster entity, or similar entity, the animal will be
326 vaccinated against rabies, licensed, sterilized prior to relinquishing custody of the
327 animal, or as otherwise provided in § 823.15, Fla. Stat., and implanted with a
328 microchip.

329 (d) Any entity operating as an adoption entity, foster entity, rescue entity, humane
330 entity, or similar entity, must be pre-approved for adoptions by the department prior to
331 adopting any animal. In any event, the department may refuse to adopt or transfer any
332 animal in its custody to any person or entity at any time.

333 (e) Any person who adopts or claims an animal from the department for any
334 reason must be at least eighteen (18) years of age, and must complete an adoption
335 screening review by the department.

336 (f) If any person or entity adopting or claiming an animal from the department has
337 other animals at the location where the animal being adopted or claimed will be taken or
338 reside, that person must provide proof of rabies vaccination for those other animals in
339 the location.

340 (g) When appropriate, an animal may be euthanized by the department.
341 Euthanasia will be performed in accordance with § 828.058, Fla. Stat. The county will,
342 by way of a licensed veterinarian, have its euthanasia procedures examined yearly to
343 ensure that euthanasia is being carried out humanely and, thereafter, the animals are
344 being disposed of in an appropriate manner.

345 (h) Unless otherwise stated herein, no animal impounded pursuant to this chapter
346 will be released to its owner or other person claiming it until after all of the following
347 occur:

- 348 (1) The owner of the impounded animal shall provide evidence of ownership. If
349 another person is claiming the animal on behalf of the owner, that person shall
350 provide evidence of authority to claim the animal;
- 351 (2) All dogs and cats which are four (4) months of age and older will be vaccinated
352 by the department against rabies, unless the owner or other person claiming
353 the animal can provide proof of current rabies vaccination;
- 354 (3) All animals will be implanted with a microchip by the department prior to being
355 released. The microchip procedure shall be done by, or under the direct
356 supervision of, a veterinarian;
- 357 (4) The owner of the impounded animal or other person claiming the animal shall
358 pay all expenses incurred by the county for impoundment, veterinary care,
359 vaccination, microchipping, daily maintenance, and any other costs for the
360 animal's care; and
- 361 (5) The owner of the impounded animal or other person claiming the animal shall
362 pay any outstanding fees, penalties or citations for violations of this chapter.
- 363 (i) Any fertile dog or cat impounded on three (3) or more occasions shall be
364 sterilized by the department, upon the director's determination, prior to the release of
365 the dog or cat to the owner. If the ownership of the dog or cat is discoverable upon
366 reasonable investigation, written notification by hand-delivery, prominent placement on
367 the door or other location on the owner's property, or U.S. First Class mail of the
368 county's intent to sterilize the animal will be given to the owner or keeper of the animal.
369 The owner may appeal the determination to sterilize by petitioning the department in
370 writing for a hearing. Such petition must be made within three (3) working days after
371 delivery or placement of the notice of intent to sterilize. This three working-day period
372 shall allow the owner to request the hearing in accordance with section 14-46 hereof,
373 and with the procedures set forth in a resolution adopted by the board for such purpose.
374 If a hearing is properly requested, the procedures set forth in section 14-46 hereof and
375 any such resolution shall apply. If the owner files for a hearing as provided in this
376 subsection and section 14-46 and any applicable resolution, the dog or cat must be held
377 and may not be sterilized while the appeal is pending. Sterilization may occur
378 immediately following the three working-day period unless a hearing is property
379 requested or the director determines that good cause exists for not mandating
380 sterilization.

381

382 **Sec. 14-10. Veterinary care.**

383 The director may utilize the services of a veterinarian to sterilize any impounded
384 fertile dog or cat, treat any sick or injured animal, inoculate rabies-susceptible animals

385 and perform any and all other services for which a veterinarian might be required. The
386 animal control staff may administer medication and veterinary care as prescribed or
387 directed by the veterinarian. If the owner of a sterilized or treated animal can be
388 identified, such owner shall be liable for payment of all veterinary expenses. The county,
389 its employees, agents, veterinarians, representatives, volunteers and the like shall not
390 be liable for any act or omission in rendering any care, treatment or medication.
391

392 **Sec. 14-11. Voluntary surrender.**

393 (a) Any person surrendering an animal to the department or an animal control
394 officer must sign a voluntary surrender statement. The department may immediately
395 provide for appropriate disposition of any such animal. The county will not be
396 responsible for investigating or determining whether a person surrendering an animal is
397 the owner or the owner's agent beyond basic inquiry at the time of surrender. In any
398 event, the owner of the animal shall not be entitled to compensation.

399 (b) A community cat caregiver who voluntarily surrenders a community cat to the
400 department for any reason other than to participate in a department trap/neuter/release
401 program, will be assessed a fee for each community cat surrendered.

402 (c) It is a violation of this chapter for any person who voluntarily surrenders an
403 animal by leaving it unattended outside of the county animal shelter, whether during or
404 outside of normal operating hours of the shelter.
405

406 **Sec.14-12. Unclaimed animal.**

407 (a) Failure of an owner to claim an animal from the department and satisfy all
408 conditions of removal of the animal from the county animal shelter within five (5)
409 working days of written or verbal notification that the animal is at the county animal
410 shelter and may be claimed from the department, will result in the department
411 considering the animal unclaimed. In such an event, the department may provide for
412 appropriate disposition of the animal.

413 (b) Failure of the owner to claim and remove an animal that has been held for
414 rabies quarantine within three (3) working days post quarantine will result in the
415 department considering the animal unclaimed and at its sole discretion will provide for
416 appropriate disposition of the animal.

417 (c) Regardless of disposition of an unclaimed animal, the owner will still be
418 responsible for payment of any fees related to the animal's stay at the county animal
419 shelter.
420

421 **Sec. 14-13. Fees and enforcement.**

422 (a) By resolution, the board of county commissioners may establish reasonable
423 fees for administration of the provisions and procedures of this chapter. All such fees
424 shall remain valid until modified by a new resolution.

425 (b) In addition to any other ordinance enforcement and civil penalties provided in
426 this code, an animal control officer may issue an order to provide care pursuant to the
427 provisions of § 828.073, Fla. Stat.

428 (c) In the event an animal control officer investigates a complaint and finds
429 evidence of a violation of the criminal provisions of Florida law relating to animals, the
430 department shall notify the applicable law enforcement agency and, if requested by the
431 state attorney, will assist the state attorney in prosecuting any such criminal violation.

432 (d) In the event a person is assessed a civil penalty for a violation of this chapter,
433 in addition to such civil penalty, the person shall also be required to pay all costs
434 incurred by the department or any code enforcement officer for prosecution of the
435 violation.

436 (e) In addition to any other options available to the county for enforcement of, or
437 compliance with, the provisions of this chapter, the general code enforcement
438 provisions and civil penalties as set forth in Chapter 2, Levy County Code, are
439 applicable to violations of this chapter.

440

441 **Sec. 14-14. Animal abuser registry.**

442 (a) The department shall establish and maintain a publicly-accessible on-line
443 animal abuser registry that shall contain the names and residence information of all
444 registered animal abuse offenders in the unincorporated areas of the county, who have
445 been convicted of an animal abuse offense in the county, as defined herein, on or after
446 the effective date of this section. The on-line registry will be administered and
447 maintained on the county web page or some other such similar place as the county
448 coordinator deems appropriate. However, as an alternative to county administration and
449 maintenance of the registry, the county coordinator is authorized to develop an
450 agreement with a responsible third-party administrator for on-going administration and
451 maintenance of the registry, to be approved by the board. The entity responsible for
452 maintenance of the registry will be referred to herein as the maintaining agency.

453 The on-line animal abuser registry may also contain links to other county animal
454 abuser registries that are available, or as they become available in the future, in the
455 State of Florida, with such other county registries to be used as informational resources
456 by animal shelters, pet sellers, pet dealers, hobby breeders, or other persons or entities

457 located in the unincorporated areas of the county who sell, exchange, or otherwise
458 transfer the ownership or possession of any animal.

459 (b) The registry shall contain the required information about each animal abuse
460 offender for the following periods which will start immediately following his/her release
461 from incarceration or, if not incarcerated, from the date of the judgment of conviction: for
462 a first conviction of a misdemeanor animal abuse offense, a period of three (3) years;
463 for a first conviction of a felony animal abuse offense, for a period of five (5) years; for a
464 subsequent conviction of either a misdemeanor or felony animal abuse offense, for a
465 period of ten (10) years. Upon notification to the maintaining agency of a successful
466 appeal of a conviction of an animal abuse offense by an individual that has been
467 required to register pursuant to this section, the registration information for that
468 individual shall be removed from the animal abuser registry within ten (10) business
469 days following notification. It shall be the responsibility of the offender to initiate removal
470 of his or her name from the registry by providing verified documentation to the
471 maintaining agency of grounds for removal.

472 (c) When a person is convicted of an animal abuse offense in the unincorporated
473 areas of the county, the prosecuting agency shall forward to the Levy County Sheriff's
474 Office and to maintaining agency the name and address of the convicted person, along
475 with the name of the animal abuse offense the person was convicted of, thereby
476 notifying the sheriff's office and the maintaining agency that the person is required to be
477 placed on the animal abuser registry. The role of the sheriff's office is to photograph the
478 offender, and to obtain and record the following information, and to transmit such
479 information to the maintaining agency for inclusion in the animal abuser registry:

- 480 (1) Their name and any aliases or other legal names they have been, or may be
481 known by;
- 482 (2) Their residence address;
- 483 (3) Their date of birth;
- 484 (4) A photograph of the front of their head and shoulders not less than two (2)
485 inches by three (3) inches or a digital image commonly known as a digital
486 photograph of the front of their head and shoulders; and
- 487 (5) A written description of any visible tattoos on the face, neck or arms of the
488 animal abuse offender.

489 By agreement with the clerk of the court, the sentencing judge, and the sheriff's
490 office, the forgoing information may be obtained from the animal abuse offender in
491 court, at the conclusion of the sentencing hearing. Otherwise, the animal abuse offender
492 shall be required to report to the Levy County Sheriff's Office within ten (10) days from
493 the date of sentencing, to be photographed and provide the above-required information.

494 (d) Every person placed on the animal abuser registry shall annually report to the
495 maintaining agency whether their residence address has changed, and if so, the new
496 address. This report shall be submitted on a form to be provided by the maintaining
497 agency, along with a check or money order payable to the maintaining agency in the
498 amount of ten dollars (\$10.00). Every animal abuse offender shall also be required to
499 contact the maintaining agency to update their animal abuser registry information within
500 ten (10) calendar days of any change of residential address and/or upon any official
501 change of name.

502 (e) If not required by the judgment of the court adjudicating the offender guilty of
503 an animal abuse offense, every person placed on the animal abuser registry shall pay a
504 one-time fee of one hundred twenty-five dollars (\$125.00) to the maintaining agency. All
505 such fees shall be used to help pay the administrative and maintenance costs of
506 maintaining the registry.

507 (f) Any person placed on the animal abuser registry shall be subject to the
508 following prohibitions while on the registry:

509 (1) The animal abuse offender shall not be allowed to own, or possess, or live in
510 the same home with any animal, including any companion animal, unless
511 otherwise provided in a court order.

512 (2) The animal abuse offender shall not be allowed to work with animals, including
513 companion animals, with or without compensation, unless otherwise provided
514 by court order.

515 (3) The county reserves the right and may exercise its right at any time it deems
516 necessary to enforce, or, notwithstanding any other court order, to seek a court
517 order enjoining an animal abuse offender from owning or possessing or living
518 with an animal or working with a companion animal while on the registry.
519

520 **Secs. 14-15—14-30. - Reserved.**

521

522 **ARTICLE II. ANIMAL CONTROL**

523 **Sec. 14-31. Unlawful interference.**

524 It shall be a violation of this code for any person to:

525 (1) Interfere with, hinder, obstruct, resist, oppose or threaten bodily harm to any
526 animal control officer, law enforcement officer or any person authorized to
527 assist an officer.

- 528 (2) Mislead, give false or misleading information, or provide a false or misleading
529 report or statement to an animal control officer or other county employee
530 regarding any animal.
- 531 (3) Without proper authorization, remove or attempt to remove any animal from an
532 animal control officer, remove or attempt to remove any animal from any vehicle
533 used by the animal control officer or remove or attempt to remove any animal
534 from the county animal shelter.
- 535 (4) Without proper authorization, remove, disengage, release, relocate, harm or
536 destroy any animal confined in a trap placed by an animal control officer or
537 tamper with, disengage, release, relocate, alter, damage or destroy a trap
538 placed by an animal control officer.

539

540 **Sec. 14-32. Dogs and cats offered for sale; age and health requirements.**

541 (a) The provisions of § 828.29, Fla. Stat., apply within the county as to the
542 transport of dogs or cats into the county, and as to the sale of dogs or cats within the
543 county. A violation of the provisions of § 828.29, Fla. Stat., applied to transport of dogs
544 or cats into the county or the sale of dogs or cats within the county will constitute a
545 violation of this chapter.

546 (b) In addition to the provisions of § 828.29, Fla. Stat., the provisions of this section
547 apply to sales, exchanges or other transfers of ownership by persons or entities in the
548 county. In the event of any conflict between the provisions of this section and § 828.29,
549 Fla. Stat., the provisions of such § 828.29, Fla. Stat., will prevail.

550 (c) Any dog or cat offered for sale in the county must be at least eight (8) weeks of
551 age.

552 (d) Any dog or cat offered for sale in the county must be accompanied by a
553 certificate of veterinary inspection indicating the date and types of vaccines,
554 anthelmintics, and tests administered to the animal. The certificate must also indicate
555 that the animal has been examined by a veterinarian and that the veterinarian certifies,
556 to the best of his/her knowledge, that the animal was found to be healthy at the time of
557 examination. The certificate shall be made available to the county upon request, and a
558 copy of the certificate shall be provided to the purchaser of the animal. It shall be a
559 violation of this chapter to possess, provide or use a stolen, invalid, counterfeit or forged
560 certificate of veterinary inspection or other document required by or issued pursuant to
561 this section.

562 (e) Any dog or cat offered for sale in the county must have all current vaccinations
563 and anthelmintics as provided in § 828.29, Fla. Stat.

564 (f) Any dog offered for sale in the county that are six (6) months of age or older
565 must be tested for heartworm disease and the result of the test must be provided on the
566 certificate of veterinary inspection.

567 (g) Any cat offered for sale in the county shall be tested for feline leukemia and
568 feline immunodeficiency virus and the results of the tests must be provided on the
569 certificate of veterinary inspection.

570 (h) Prior to the sale, exchange, or other transfer of ownership of any animal, all
571 persons or entities making the sale, exchange or other transfer to another person or
572 entity are required to examine the animal abuser registry to confirm that the name of the
573 person or entity to whom the animal is being sold, exchanged or transferred is not listed,
574 as well as to confirm that such person does not reside at a listed address for any
575 individual on the animal abuser registry.

576

577 **Sec. 14-33. Rabies vaccination.**

578 (a) The owner of any dog, cat or ferret, which is four (4) months of age or older,
579 shall have the owner's animal vaccinated against rabies by a veterinarian of his/her
580 choice with a modified live virus, rabies vaccine, inactivated rabies vaccine or other
581 vaccine which is approved by the U.S. Department of Agriculture for use in the
582 applicable species.

583 (b) The following will be exemptions to the requirement that an owner provide a
584 rabies vaccination and rabies vaccination certificate for his/her its animal as contained
585 in this section:

586 (1) Community cats; however a community cat caregiver shall make his/her best
587 effort to ensure that rabies vaccinations for the community cat are current.

588 (2) When a veterinarian has examined the animal and certified in writing that at the
589 time vaccination would endanger the health of the animal because of its age,
590 infirmity, debility, illness or other physiological considerations, and such
591 certificate is presented to the department within five (5) days of a request. No
592 veterinarian certification issued pursuant to this subsection will be valid for
593 more than twelve (12) months from the date of issuance. Notwithstanding the
594 foregoing, any animal that qualifies for this exemption must be vaccinated
595 against rabies, and the appropriate vaccination certificate must be obtained, as
596 soon as the animal's health permits.

597 (c) Upon vaccination against rabies as provided herein, the veterinarian performing
598 the vaccination shall provide the owner a "Rabies Vaccination Certificate", in a form
599 approved by the National Association of State Public Health Veterinarians (NASPHV),

600 or other form approved by the county, which certificate shall contain at least the
601 following information:

- 602 (1) The license number of the administering veterinarian;
- 603 (2) The name, address, and phone number of the veterinarian and owner;
- 604 (3) The date of the vaccination;
- 605 (4) The expiration of the vaccination;
- 606 (5) The species, age, sex, color, breed, weight, and name of the animal
607 vaccinated;
- 608 (6) The rabies vaccine manufacturer;
- 609 (7) The vaccine lot number and expiration date;
- 610 (8) The type and brand of vaccine used and the duration of immunity;
- 611 (9) The route of administration of the vaccine;
- 612 (10) The signature or signature stamp of the licensed veterinarian.

613 (d) It shall be a violation to possess or use a stolen, invalid, counterfeit or forged
614 certificate or other document required by or issued pursuant to this chapter.

615 (e) Any person who brings a dog, cat or ferret into the county with the intent to
616 reside in the county permanently, or temporarily for a minimum of six (6) months, shall
617 comply with this section no later than thirty (30) days after arrival.

618 (f) The department or county health department may mandate revaccination of
619 currently vaccinated animals in instances involving post-exposure treatment for rabies,
620 regardless of the immunity period of the rabies inoculation. In such event, the owner
621 shall have the applicable animal revaccinated as mandated.

622

623 **Sec. 14-34. Mandatory spay and neuter for cats.**

624 (a) *Purpose.* The board has determined that the unintended or uncontrolled
625 breeding of cats within the county leads to many cats and kittens being unwanted,
626 becoming strays, suffering privation and death, being impounded or euthanized at great
627 expense to the community, and constituting a public nuisance and public health hazard.
628 It is, therefore, declared to be the public policy of the county to encourage every feasible
629 means of reducing the number of unwanted cats and kittens in the county.

630 (b) *Spaying, neutering of cats.* Every cat four (4) months of age or older within the
631 county, shall be spayed or neutered, unless proof of one of the following exemptions is
632 provided to the department:

633 (1) The cat is registered with a national or international club or association and the
634 owner certifies in writing to the county that the animal is being used, trained, or
635 considered for use in a show(s), sporting competition(s), or other similar
636 competitive event(s) held by one (1) or more national or international clubs or
637 associations.

638 (2) A veterinarian certifies in writing that the cat is medically unfit to undergo the
639 required spay or neuter procedure because of a medical condition, including
640 but not limited to age, that would be substantially aggravated by such
641 procedure or would likely cause the cat's death. The writing must state the date
642 by which the cat may be safely spayed or neutered. The county may extend the
643 time for spaying or neutering a cat or may exempt such cat from the
644 spay/neuter requirement based upon the written medical recommendation of
645 veterinarian. As soon as the medical condition that prevents a cat from being
646 spayed or neutered ceases to exist, it shall be the duty of the owner of such cat
647 to promptly comply with this section.

648 (3) The cat is used for breeding purposes by a hobby breeder, commercial
649 breeder, or pet dealer, and is registered as a pedigreed cat with the Cat Fancier
650 Association, the International Cat Association, or some other nationally
651 recognized similar association.

652 (4) The cat is being harbored by a shelter, adoption entity, foster entity, rescue
653 entity, humane entity, animal nonprofit organization, or other similar entity,
654 whether public or private, recognized and authorized by the department to
655 receive animals from the county animal shelter for appropriate placement,
656 adoption, or care, whose principal purpose is securing the adoption of cats or
657 offering sanctuary for cats, provided that the cat is spayed or neutered prior to
658 being placed for adoption.

659 (c) *Outside cats.* It shall be a violation of this code for any person who owns,
660 harbors or keeps a cat that has not been spayed or neutered that is three (3) months of
661 age or older to allow or permit such unsprayed or unneutered cat to be or remain
662 outdoors, regardless of whether such cat is exempt from the spay or neuter
663 requirements of this section.

664 (d) *Veterinarian required.* No person other than a veterinarian shall spay or neuter
665 a domestic dog or cat.

666

667 **Sec. 14-35. Confinement of cats or dogs in heat (estrus).**

668 (a) The owner, harborer or caretaker of a cat or dog in heat (estrus) shall humanely
669 and securely confine the cat or dog indoors or in an enclosed and locked structure that

670 prevents the entry of a male cat or dog, respectively, and prevents the female in heat
671 from escaping. Confinement solely by a leash, tether or other similar restraint, or within
672 a fence, open kennel, open cage or run, is not considered compliance with this section.

673 (b) If a female cat or dog in heat is to be released for an acceptable reason from
674 the secured enclosure, then the owner of the female cat or dog in heat shall have
675 physical control over the animal at a distance of six (6) feet or less and be able to
676 physically restrain the animal from coming into contact with a male cat or dog,
677 respectively.

678 (c) An owner of a male cat or dog which has not been neutered shall confine
679 his/her male cat or dog which may be seeking to breed a female cat or dog,
680 respectively, in heat (estrus) so that such male cat or dog is not able to access such
681 female cat or dog that is in heat, except for controlled and intentional breeding
682 purposes.

683 (d) A person intentionally breeding a female cat or dog in a controlled environment,
684 with the consent of the owner of the male cat or dog, respectively, is exempt from this
685 section during breeding.
686

687 **Sec. 14-36. Miscellaneous violations.**

688 Any of the following occurrences shall constitute a violation of this code:

689 (a) Every animal owner, the operator of any kennel, adoption entity, foster entity,
690 rescue entity, humane entity, cattery, or any other similar entity or operation, or the
691 operator of any commercial animal facility, excluding commercial livestock operations,
692 shall exercise due care and control so as to maintain the animals, or the premises upon
693 which the animals are kept, in such a manner as to prevent the emission of offensive
694 odors which disturb the comfort, peace or repose of any person residing in the vicinity.

695 (b) The owner of an animal shall be responsible for the removal of any solid
696 excreta deposited by his/her animal on public walks, in sinkholes, in recreational areas
697 or on private property other than his or her own.

698 (c) The owner of a dog or cat shall not allow or permit the dog or cat to run at large
699 on any public or private property without the consent of the property owner or resident.
700 All dogs and cats, when not on the premises of the owner or on the premises of another
701 person who consents thereto, shall remain under the direct control of a person
702 competent to control such dog or cat, at all times, or shall be kept within a suitable
703 enclosure sufficient to prevent escape. Police dogs, as defined by § 843.19, Fla. Stat.,
704 shall be exempt from the requirements regarding direct control when such dogs are
705 performing services for a law enforcement agency in an official capacity.

706 (d) No person shall leave food outside during hours of darkness for pets or
707 community cats due to the potential to attract other animals including wildlife that may
708 carry and transmit rabies, except in cases where the food is placed inside a trap in an
709 effort to capture an animal. Any outdoor feeding areas must be kept free of debris.
710 Community cat caregivers must make every effort to minimize the impact on local
711 wildlife and feed an appropriate amount of food given the number of community cats
712 being fed. Community cat caregivers must take measures to mitigate problems with
713 other residents including, but not limited to, discarding food that is left over to prevent it
714 from becoming rancid and attracting pests. If community cat caregivers are providing
715 food on someone else's property, consent must be obtained from the property owner.

716 (e) A community cat caregiver shall make every effort to spay or neuter and to
717 provide rabies vaccinations to each community cat to which the community cat
718 caregiver provides care. Spay or neuter services may be acquired through a
719 trap/neuter/release program provided by the department, or through a licensed
720 veterinarian. In the event that a community cat caregiver does not make every effort to
721 provide the spay or neuter services and rabies vaccinations for a community cat, the
722 community cat caregiver shall not provide food for such cat under any circumstances.

723 (f) The owner of an animal shall not allow the animal to damage, harm, or destroy
724 the property of another.

725 (g) The owner of an animal shall not allow the animal to create a danger to public
726 health or safety.

727 (h) The owner of an animal shall not allow the animal to chase or molest a vehicle,
728 bicycle, person or other animal.

729 (i) When an animal dies or is killed on public or private property or right-of-way, it
730 shall be the responsibility of the animal owner or the property/right-of-way owner to
731 remove and dispose of the animal immediately. If the owner is not aware of the
732 presence of the deceased animal, the following procedures should be followed.

733 (1) When a dead animal is found on public property or right-of-way, the animal
734 owner shall remove and dispose of same upon notification by the
735 department, agent of the county or any law enforcement officer. It shall be a
736 violation of this section if the owner of the animal should fail to remove
737 same within twenty-four (24) hours of notification. In such an event, the
738 county may remove and dispose of the animal and charge the owner, if
739 known, with the cost of removal and disposal.

740 (2) When a dead animal is found on private property or right-of-way, the owner
741 of said animal, or the owner of the property or right-of-way, shall remove
742 and dispose of same upon notification by the department, an agent of the

743 county or any law enforcement officer. It shall be a violation of this section if
744 the owner of said animal, or the owner of the property or right-of-way,
745 should fail to remove same within a reasonable amount of time.

746 (j) An owner shall not confine an animal with a rope, cable or other restraint that
747 does not meet the definition of a tether as provided herein. An owner shall provide
748 access to adequate food, adequate water and adequate shelter to his/her tethered
749 animal at all times. An owner shall keep the area in which the owner's tethered animal
750 is confined clean and free of trash, standing water, waste material, junk, discarded
751 material or vegetation, or any item that can entangle the animal. An owner shall
752 regularly clean the area where the owner's animal is tethered to remove animal waste
753 and parasites, including but not limited to ticks, fleas, and rodents.

754

755 **Sec. 14-37. Humane treatment of animals.**

756 (a) *Failure to provide humane care.* It shall be a violation of this code for any
757 owner, caretaker, or harbinger of any companion animal to fail to treat said animal in a
758 humane manner or fail to provide humane care for such animal. Humane care includes,
759 but is not limited to, providing veterinary care to maintain health and to prevent or cure
760 diseases, and adequate food, adequate water, adequate shelter, and adequate space,
761 which are further described as follows:

762 (1) *Adequate food* means food that is of sufficient quantity and nutritive value to
763 maintain each companion animal in good health. The owner shall ensure that
764 adequate food is accessible to each companion animal, is prepared so as to
765 permit ease of consumption for the age, species, condition, size and type of
766 each companion animal, is provided in a clean and sanitary manner, is placed
767 so as to minimize contamination by excrement and pests, and is provided at
768 suitable intervals for the species, and condition of the companion animal, which
769 is at least once daily except as prescribed by a veterinarian.

770 (2) *Adequate water* means clean, fresh, potable water of a drinkable temperature.
771 Adequate water shall be provided in a suitable manner, in sufficient volume,
772 and at suitable intervals, at all times to maintain normal hydration for the age,
773 species, condition, size and type of each companion animal, except as
774 prescribed by a veterinarian, and that the water is provided in a clean, durable
775 receptacle, which is accessible to each companion animal and is placed so as
776 to prevent contamination of the water by excrement and pests.

777 (3) *Adequate shelter* means a structure that meets the definition of the term shelter
778 contained in this chapter, and this subsection. An adequate shelter must be
779 suitable for the species, age, condition, size, and type of each companion

780 animal, and provides adequate space for each companion animal, is safe and
781 protects each companion animal from injury, direct sunlight, other weather
782 elements, adverse effects of heat or cold, physical suffering, and impairment of
783 health. The owner shall ensure that the shelter is properly lighted, is properly
784 cleaned, enables each companion animal to be clean and dry, except when
785 detrimental to the species, and for dogs and cats provides a solid surface and
786 resting platform, pad, floor, mat or similar device that is large enough for the
787 dog or cat to lie on in a normal manner and can be maintained in a sanitary
788 manner. Examples of inadequate shelter include, but are not limited to, lean-
789 tos, metal drums, wire or airline carrier crates, rabbit hutches, cardboard boxes,
790 abandoned vehicles, or material that does not provide sufficient protection from
791 the elements. The area in and around an adequate shelter shall be free of any
792 accumulated waste or external parasites, so that the animal shall be free to
793 walk or lay down without coming into contact with any such waste or parasites.
794 Livestock are exempt from shelter requirements.

795 (4) *Adequate space* means a space that allows a companion animal to easily sit,
796 stand, lie down, turnabout and make other normal body movements in a
797 comfortable normal position for a companion animal. An enclosure shall provide
798 each animal a minimum of 80 square feet of open space and shall be suitable
799 to prevent the escape of the animal or the entry of young children.

800 (b) *Abandonment of animals*. It shall be a violation of this article to abandon any
801 animal, to dispose of any animal on public property or the property of another, or to
802 leave behind any animal when relocating to a new residence, all regardless of whether
803 healthy, maimed, sick, infirm, or diseased.

804 (c) *Community cat caregiver*. In addition to other limitations and requirements for
805 care of community cats contained in this chapter, community cat caregivers should
806 provide certain necessities on a regular, ongoing basis, including but not limited to,
807 proper nutrition and medical care as needed.

808 (d) *Veterinarian required to crop or dock*. No person other than a veterinarian shall
809 crop the ears or dock the tail of any dog. If a person possesses a dog with an ear or
810 ears cut off or cropped, or tail docked, and with the related wound unhealed, then that
811 possession shall be prima facie evidence of violation of this section, unless the cropping
812 or docking was performed by a veterinarian and the animal is under such veterinarian's
813 care for the unhealed wound.

814

815

816

817 **Sec. 14-38. Cruel treatment of animals.**

818 It shall be a violation for any person to abuse, neglect or mistreat any animal. Such
819 conduct shall include but is not limited to any of the following:

820 (a) Fail to supply an animal with a continuous supply of fresh water and a sufficient
821 quantity of good and wholesome food.

822 (b) Keep an animal in an enclosure without wholesome exercise, proper
823 ventilation, or lighting, whether natural or artificial.

824 (c) Keep, house or maintain an animal in unsanitary conditions or conditions
825 inconsistent with acceptable standards of care for the particular species.

826 (d) Entice or lure an animal off the property of its owner to molest or tease the
827 animal.

828 (e) Abuse, torture, torment or commit cruel acts on any animal, causing pain or
829 suffering.

830 (f) Crop or dock the ears or tail of a dog, except through the services of a
831 veterinarian.

832 (g) Tie, chain, fasten or otherwise secure any animal to a dog house, tree, fence or
833 other stationary object, on any property, in such a manner that does not qualify as
834 adequate tethering pursuant to this chapter, or in such a manner the animal could
835 become entangled, injured or hung. Only nylon or leather buckle type collars and
836 harnesses are permitted for tethering. The tether must not be of a weight and size that
837 places excessive strain on the animal.

838 (h) Fail to provide proper veterinary care allowing an animal to suffer from illness or
839 injury unnecessarily.

840 (i) Place or confine an animal, or allow it to be placed or confined or to remain, in
841 an unattended vehicle under conditions that may reasonably be expected to endanger
842 the health or well-being of the animal due to heat, cold, lack of water, lack of ventilation
843 or other circumstances as may reasonably be expected to cause suffering, pain,
844 distress, debility or death.

845 (j) Abandon any animal.
846

847 **Sec.14-39. Animals found in distress.**

848 (a) Through its animal control officers, the county shall have all the powers to
849 lawfully take an animal that is found neglected or treated cruelly into custody by
850 removing the animal from its location, or to order the owner of such animal to provide
851 certain care to the animal without removing it from its location, as provided in § 828.073,

852 Fla. Stat. All applicable procedures and requirements of § 828.073, Fla. Stat., shall
853 apply to any actions by county animal control officers in removal of an animal from its
854 present custody or providing an order to an owner to provide care to an animal in
855 accordance with such § 828.073, Fla. Stat..

856 (b) The county shall provide for an animal taken into custody pursuant to §
857 828.073, Fla. Stat., until either:

858 (1) The owner is adjudged by a court to be able to adequately provide for and have
859 custody of the animal, in which case the animal shall be returned to the owner
860 upon payment of all costs associated with the care and provision of the animal
861 while in the custody of the county; or

862 (2) The animal is turned over to the county by court order and the animal is
863 adopted, sent to rescue, fostered, transferred or disposed of in a humane and
864 appropriate manner.

865 (c) If the court determines that the owner is able to provide adequately for and
866 have custody of the animal in a process governed by § 828.073, Fla. Stat., and if the
867 order provides that the animal be claimed and removed by the owner, and all fees and
868 costs associated with the care of the animal while in the custody of the county shall be
869 paid within seven (7) days after the date of the order, prior to the animal being claimed
870 and removed by the owner. Failure to claim or remove the animal from the animal
871 control shelter within the seven-day period stated above, without providing the
872 department with a reasonable explanation for the delay, shall constitute abandonment
873 of the animal, and shall constitute a waiver of the holding periods of section 14-8 hereof,
874 which will enable the department to permit adoption or dispose of the animal in a
875 humane and appropriate manner.

876

877 **Sec. 14-40. Aggressive animal; failure to properly confine or control.**

878 It shall be a violation for an owner to fail to exercise due care and control over
879 his/her animal so as to prevent the animal from causing physical injury to any person or,
880 while off the premises of its owner, from causing severe injury to or killing livestock or a
881 domesticated animal. It shall not be a violation of this section if an animal is reacting to
882 a person unlawfully on its owner's property or is protecting its owner from an
883 unprovoked attack or assault.

884

885 **Sec. 14-41. Bite reporting, quarantine, treatment and destruction.**

886 (a) It shall be the duty of every attending practitioner licensed to practice medicine,
887 osteopathic medicine, veterinary medicine or any other person knowing of or in

888 attendance on a case in which a rabies-susceptible animal has bitten or its saliva has
889 come in contact with the mucous membrane or an open lesion of a human, to promptly
890 report same to the county health department. All reporting requirements set forth in the
891 Florida Administrative Code shall remain in full force.

892 (b) When an animal, regardless of its vaccination status, has bitten or potentially
893 exposed a person, or if after proper investigation by the department is believed to have
894 bitten or potentially exposed a person it shall be held in quarantine for a period no less
895 than ten (10) days from the date of exposure or, if applicable, until such time as a final
896 determination has been made in a pending dangerous dog investigation. Quarantine
897 may be at a veterinary clinic in the county, the county animal shelter, or other location
898 approved by the county health department or animal department including home
899 quarantine when certain conditions are met.

900 (c) When an animal that is positive for rabies or is suspected or likely to have
901 rabies has bitten or attacked a dog, cat or ferret, the dog, cat, or ferret, if current on
902 rabies vaccination, shall be quarantined for a minimum of forty-five (45) days. Upon
903 initial quarantine, the dog, cat, or ferret shall be re-vaccinated against rabies using a
904 vaccine as approved by the USDA.

905 (d) When an animal that is positive for rabies or is suspected or likely to have
906 rabies has bitten or attacked a dog, cat, or ferret, the dog, cat, or ferret, if not current on
907 rabies vaccination, shall either be immediately euthanized or held in quarantine at a
908 location approved by the public health department and/or animal services for a
909 minimum of six (6) months. Upon initial quarantine, the dog, cat or ferret shall be
910 vaccinated against rabies using a vaccine approved by the USDA or vaccinated thirty
911 (30) days prior to conclusion of the quarantine period in accordance with the provisions
912 of the Florida Department of Health Rabies Prevention and Control compendium. The
913 owner is wholly and solely responsible for payment of all fees and costs associated with
914 this quarantine period. In situations where an animal is quarantined at the county animal
915 shelter, payment for the first thirty (30) days of quarantine services must be paid upon
916 admission to the county animal shelter. For each subsequent thirty (30) day period,
917 payment must be received seven (7) days in advance of the next thirty (30) day period.
918 Failure of the owner to provide payment shall constitute abandonment of the animal and
919 waiver of the holding periods of section 14-8 hereof, enabling the department to provide
920 for appropriate disposition of the animal.

921 (e) The county will work closely with the county health department in accordance
922 with their established rules and guidelines and the Florida Administrative Code for
923 quarantine restrictions for all other animal types not covered in this section.

924 (f) It shall be a violation of this section if any person fails to surrender an animal for
925 quarantine when demand is made by the county health department or an animal control
926 officer.

927 (g) Any animal impounded because it is infected or carrying, or believed to be
928 infected or carrying, an infectious or contagious disease, or if an animal is impounded in
929 an injured condition, the director shall have authority to procure the services of a
930 veterinarian to treat the animal if, in the opinion of the director or the veterinarian, the
931 animal can be treated successfully.

932 (h) Animals that are ill or injured may be euthanized prior to the expiration of the
933 holding period set forth in section 14-8 in accordance with § 828.05, Fla. Stat. In
934 instances when the owner of an impounded animal can be determined, the director of
935 animal services or any animal control officer shall make a reasonable attempt to locate
936 the owner, the owner's agent, or a veterinarian before the disposition of the animal. In
937 the event an owner is identified after the fact, the owner shall be due no compensation.

938 (i) Any dog used as a service dog that bites another animal or a human is exempt
939 from any quarantine requirement following such bite if the dog has a current rabies
940 vaccination that was administered by a veterinarian.

941

942 **Sec. 14-42. Dangerous dog classification or destruction.**

943 (a) The department shall investigate reported incidents involving any dog that may
944 be dangerous and, if possible, shall interview the owner and require a sworn affidavit
945 from any person, including any animal control officer or law enforcement officer, desiring
946 to have a dog classified as dangerous.

947 (b) After the investigation, the director shall make an initial determination as to
948 whether there is sufficient cause to classify the dog as dangerous, and if sufficient
949 cause is found, as to the appropriate penalty. The department shall afford the owner an
950 opportunity for a hearing prior to making a final determination regarding the
951 classification or penalty. The director shall provide written notification of the sufficient
952 cause finding and proposed penalty to the owner by registered mail, certified mail,
953 certified hand delivery or service in conformance with the provisions of Chapter 48, Fla.
954 Stat., relating to service of process. The owner may file a written request for a hearing
955 regarding the dangerous dog classification, penalty, or both, within seven (7) calendar
956 days after receipt of the notification of the sufficient cause finding and proposed penalty.
957 This seven (7) day period shall allow the owner to request a hearing in accordance with
958 section 14-46 hereof, and with the procedures set forth in a resolution adopted by the
959 board for such purpose. If a hearing is properly requested, the procedures set forth in
960 section 14-46 and any such resolution shall apply. If the owner files an appeal under
961 section 14-46 and any applicable resolution, the dog must be held and may not be
962 destroyed while the appeal is pending

963 (c) If the owner does not request a hearing or the Animal Services Committee
964 upholds the initial determination of the director, the dog shall be classified as a

965 dangerous dog and a penalty imposed. The county shall provide a written final order to
966 the owner by registered mail, certified mail, certified hand delivery, or service. The
967 owner may appeal the classification, penalty, or both, to the circuit court in accordance
968 with the Florida Rules of Appellate Procedure after receipt of the final order, or as
969 otherwise provided by general law.

970 (d) Any dog that is the subject of a dangerous dog investigation because of
971 severe injury to a human being may be immediately confiscated by the department,
972 placed in quarantine, if necessary, for the proper length of time, or impounded and held.
973 The animal may be held pending the outcome of the investigation and any hearings or
974 appeals related to the dangerous dog classification or any penalty imposed under this
975 chapter. If the dog is to be destroyed, the dog may not be destroyed while an appeal is
976 pending. The owner is responsible for payment of all boarding costs and other fees as
977 may be required to humanely and safely keep the animal pending any hearing or
978 appeal.

979 (e) Any dog that is the subject of a dangerous dog investigation which is not
980 impounded by the department must be humanely and safely confined by the owner in a
981 securely fenced or enclosed area. The animal shall be confined in such manner pending
982 the outcome of the investigation and the resolution of any hearings or appeals related to
983 the dangerous dog classification or any penalty imposed under this chapter. The
984 address at which the animal resides shall be provided to the department. A dog that is
985 the subject of a dangerous dog investigation may not be relocated or its ownership
986 transferred pending the outcome of the investigation and any hearings or appeals
987 related to the dangerous dog classification or any penalty imposed under this chapter. If
988 the dog is to be destroyed, the dog may not be relocated or its ownership transferred.

989 (f) The owner of a dog confiscated pursuant to this section shall be responsible for
990 the cost of impoundment and all other fees and costs incurred by the department for the
991 care of the animal, regardless of the final determination or subsequent court order. All
992 such fees and costs shall be paid prior to the release of the dog. In the event custody of
993 the animal is relinquished to the department, the fees and costs may be waived at the
994 discretion of the director.

995 (g) A dog may not be declared dangerous if:

996 (1) The threat, injury or damage was sustained by a person who, at the time, was
997 unlawfully on the property or who, while lawfully on the property, was
998 tormenting, abusing or assaulting the dog or its owner or a family member.

999 (2) The dog was protecting or defending a human being within the immediate
1000 vicinity of the dog from an unjustified attack or assault.

1001 (h) Hunting dogs are exempt from this section when engaged in any legal hunt or
1002 training procedure. Dogs engaged in training or exhibiting in legal sports such as

1003 obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding
1004 trials are exempt from this section when engaged in any legal procedures. However,
1005 such dogs at all other times in all other respects are subject to this section. Dogs that
1006 have been classified as dangerous may not be used for hunting purposes.

1007 (i) Any dog that is owned, or the service of which is employed, by a law
1008 enforcement agency is exempt from this section.

1009

1010 **Sec. 14-43. Registration and maintenance of a dangerous dog.**

1011 (a) Except as otherwise provided in paragraph (b) of this section, the owner of a
1012 dog classified as dangerous shall:

1013 (1) Within fourteen (14) days after issuance of the final order classifying the dog as
1014 dangerous or the conclusion of any appeal that affirms such final order, in order
1015 to maintain such an animal in the county, the owner of the dog shall be required
1016 to obtain a certificate of registration, renewable annually, and pay a registration
1017 fee as established by the board through a duly adopted resolution. Failure to
1018 pay all costs associated with maintaining the dog and the registration fee within
1019 the required fourteen-day period, without providing the department with a
1020 reasonable explanation for the delay, shall constitute abandonment of the dog
1021 and waiver of the holding periods of section 14-8 hereof, which will enable the
1022 department to provide appropriate disposition of the animal. Prior to being
1023 issued a certificate of registration of dangerous dog, or any renewal thereof, the
1024 owner, who must be at least eighteen (18) years of age, must provide sufficient
1025 evidence of all of the following:

- 1026 a. A current certificate of rabies vaccination for the dog;
- 1027 b. The construction of a proper enclosure, approved by the director to confine
1028 the dangerous dog and the posting of the premises with a clearly visible
1029 warning sign at all entry and exit points which informs both children and
1030 adults of the presence of a dangerous dog on the property;
- 1031 c. Permanent identification on the dog in the form of electronic implantation
1032 referred to as a microchip;
- 1033 d. The owner has procured liability insurance or surety bond in the amount of
1034 not less than one hundred thousand dollars (\$100,000.00), covering any
1035 damage or injury which may be caused by the dangerous dog. Such
1036 insurance policy shall contain a provision requiring that the county be
1037 notified immediately by the agent issuing the policy in the event that the
1038 insurance policy is canceled, modified, terminated or expires; and
- 1039 e. The animal has been sterilized.

- 1040 (2) The owner of a dog which has been classified as dangerous must not permit
1041 the dog to be outside of the proper enclosure unless the dog is muzzled and
1042 restrained by a substantial chain or leash and under control of a competent
1043 person. The muzzle must be made in a manner that will not cause injury to the
1044 dog or interfere with its vision or respiration but will prevent it from biting any
1045 person or animal. The owner may exercise the dog in a securely fenced or
1046 enclosed area that does not have a top, without a muzzle or leash, if the dog
1047 remains within his or her sight and only members of the immediate household
1048 or persons eighteen (18) years of age or older are allowed in the enclosure
1049 when the dog is present. When being transported, such dogs must be safely
1050 and securely restrained within a vehicle.
- 1051 (3) The owner of a dangerous dog shall immediately notify the department in the
1052 event such a dog:
- 1053 a. Is loose or unconfined;
 - 1054 b. Has attacked or bitten a human being or attacked or bitten another animal;
 - 1055 c. Is sold, given away, or dies;
 - 1056 d. Is moved to another address;
 - 1057 e. Is stolen, in which case a police report must be filed.
- 1058 (4) In the event the owner of a dangerous dog wishes to sell or give the dog away,
1059 the owner must provide the name, address, and telephone number of the new
1060 owner to the department. The new owner must comply with all of the
1061 requirements herein and the final determination or order issued by the director
1062 or the Animal Services Committee.
- 1063 (5) A dangerous dog certificate will be issued upon payment of the registration fee
1064 and renewed annually thereafter. Failure to pay the dangerous dog fee or
1065 obtain a dangerous dog certificate for a dog which has been deemed
1066 dangerous is a violation. It is a violation to remove, destroy, or deface a
1067 dangerous dog certificate, and if the dangerous dog certificate is lost, it shall be
1068 immediately replaced at the expense of the owner.
- 1069 (6) If a dog which has been classified as dangerous in another jurisdiction is
1070 brought into the county, the owner must immediately register the dangerous
1071 dog with the department and obtain a dangerous dog certificate. Such owner
1072 will be required to pay all fees set forth hereunder, comply with the
1073 requirements set forth herein for maintaining a dangerous dog in the county
1074 and the order from the jurisdiction which classified the dog as dangerous, to the
1075 extent that same is not inconsistent with the requirements hereof.

1076 (7) A violation of any of the provisions in the section for registering or maintaining a
1077 dangerous dog shall result in a civil citation and immediate confiscation of the
1078 dangerous dog.

1079 (b) If a dog is classified as a dangerous dog due to an incident that causes severe
1080 injury to a human being, based upon the nature and circumstances of the injury and the
1081 likelihood of a future threat to the public safety, health, and welfare, the dog may be
1082 destroyed in an expeditious and humane manner in accordance with the provisions of
1083 this section and § 767.12, Fla. Stat.
1084

1085 **Sec. 14-44. Attack or bite by a dangerous dog; attack or bite by an unclassified**
1086 **dog.**

1087 (a) If a dog that has previously been declared dangerous attacks or bites a person
1088 or a domestic animal without provocation, the dangerous dog shall be confiscated by
1089 the department immediately and, if necessary, placed in quarantine for the proper
1090 length of time or held for ten (10) business days after the owner is given written
1091 notification of the director's initial determination that the subject dog should be
1092 euthanized. Thereafter the dog may be destroyed in an expeditious and humane
1093 manner. This ten-day period shall allow the owner to request a hearing in accordance
1094 with section 14-46 hereof, and with the procedures set forth in a resolution adopted by
1095 the board for such purpose. If a hearing is properly requested, the procedures set forth
1096 in section 14-46 hereof and any such resolution shall apply. If the owner files a written
1097 appeal under section 14-46 and any applicable resolution, the dog must be held and
1098 may not be destroyed while the appeal is pending.

1099 (b) If a dog that has previously been declared dangerous attacks and causes
1100 severe injury to or the death of any human, the dangerous dog shall be confiscated by
1101 the department immediately and, if necessary, placed in quarantine for the proper
1102 length of time or held for ten (10) business days after the owner is given written
1103 notification of the director's initial determination that the subject dog should be
1104 euthanized. Thereafter the dog may be destroyed in an expeditious and humane
1105 manner. This ten-day period shall allow the owner to request a hearing in accordance
1106 with section 14-46 hereof, and with the procedures set forth in a resolution adopted by
1107 the board for such purpose. If a hearing is properly requested, the procedures set forth
1108 in section 14-46 hereof and any such resolution shall apply. If the owner files a written
1109 appeal under section 14-46 and any applicable resolution, the dog must be held and
1110 may not be destroyed while the appeal is pending.

1111 (c) If a dog that has not been declared dangerous attacks and causes the death
1112 of a human, the dog shall be immediately confiscated by the department and, if
1113 necessary, placed in quarantine for the proper length of time or held for ten (10)

1114 business days after the owner is given written notification of the director's initial
1115 determination that the subject dog should be euthanized. Thereafter the dog may be
1116 destroyed in an expeditious and humane manner. This ten-day period shall allow the
1117 owner to request a hearing in accordance with section 14-46 hereof, and with the
1118 procedures set forth in a resolution adopted by the board for such purpose. If a hearing
1119 is properly requested, the procedures set forth in section 14-46 hereof and any such
1120 resolution shall apply. If the owner files a written appeal under section 14-46 and any
1121 applicable resolution, the dog must be held and may not be destroyed while the appeal
1122 is pending.

1123 (d) If a dog that has not been previously declared dangerous attacks and causes
1124 severe injury to, or the death of, a human, and the owner of the dog had knowledge of
1125 the dog's dangerous propensities, yet demonstrated a reckless disregard for such
1126 propensities under the circumstances, the owner of the dog commits a misdemeanor of
1127 the second degree, as provided in § 767.136, Fla. Stat., punishable as provided in the
1128 Florida Statutes. If the dog attacks or bites a person who is engaged in or attempting to
1129 engage in a criminal activity at the time of the attack, the owner of the dog is not guilty
1130 of any crime under this paragraph.

1131 (e) The owner of a dog confiscated pursuant to this section is responsible for the
1132 cost of impoundment, and all other fees incurred by the department for the care of the
1133 animal during any appeal procedure, regardless of the final determination or a
1134 subsequent court order. All such fees and costs shall be paid prior to the release of the
1135 dog. In the event custody of the animal is relinquished to the department, the fees and
1136 costs may be waived at the discretion of the director.

1137

1138 **Sec. 14-45. List of dogs classified as dangerous.**

1139 (a) A publicly accessible list of all dogs classified as dangerous shall be maintained
1140 by the department.

1141 (b) The list of all dogs classified as dangerous shall include the following:

1142 (1) The dog's name;

1143 (2) The address at which the dog resides;

1144 (3) The dog's breed;

1145 (4) The dog's identification or dangerous dog certificate number assigned by the
1146 department;

1147 (5) Any other information the department determines will protect the public safety
1148 and allow for easier identification of dogs classified as dangerous.

1149 (c) The department shall update information on the list of dogs classified as
1150 dangerous when a dog on the list moves into or out of the county, or to a new location
1151 within the county.
1152

1153 **Sec. 14-46. Hearings of appeals of determinations by director.**

1154 (a) In the event the owner of a dog or cat properly requests a hearing of a
1155 determination by the director made pursuant to the provisions of section 14-9(g), section
1156 14-42, or sections 14-44(a), 14-44(b) or 14-44(c), the following procedures shall apply:

1157 (1) The director shall set a date and time for the hearing to occur, not later than
1158 twenty-one (21) calendar days and not sooner than five (5) calendar days after
1159 receipt of such request. If a hearing is not timely requested pursuant to the
1160 times frame set out in the applicable section of this code, the determination of
1161 the director as to such matter shall become final. The hearing may be
1162 continued to a date outside of the above stated time schedule at the request of
1163 either party if circumstances arise which necessitate same.

1164 (2) The hearing shall be conducted before the county Animal Services Committee,
1165 established by resolution of the board. Any provisions of such resolution
1166 regarding procedures or the conduct for any hearings will apply.

1167 (3) The purpose of the hearing is to provide the owner with an opportunity to
1168 contest the initial determination, penalty or both, whichever is applicable. The
1169 burden rests upon the owner to demonstrate material error in the findings of the
1170 director.

1171 (4) The format of the hearing shall be determined by the Animal Services
1172 Committee. An agenda, if any, will be released to the owner, or the owner's
1173 attorney, if represented, prior to the hearing.

1174 (5) The owner may appear in person or may be accompanied, represented and
1175 advised by counsel and although the hearing will not be conducted with judicial
1176 formality, the owner may present witness testimony and/or oral or documentary
1177 evidence.

1178 (6) The director may present witness testimony and/or oral or documentary
1179 evidence relating to the events surrounding the director's initial determination
1180 that is the subject of the hearing, or any other information which might indicate
1181 the dangerous propensity of a subject dog, or supporting a determination to
1182 euthanize a dog, or supporting a determination to sterilize a dog or cat,
1183 whichever is applicable.

1184 (7) Each party shall have the option to cross-examine any and all witnesses who
1185 present testimony.

1186 (8) Minutes shall be taken of the hearing.

1187 (b) In the event a hearing is requested pursuant to section 14-9(g), section 14-42,
1188 or sections 14-44(a), 14-44(b) or 14-44(c), the final determination shall be made by the
1189 Animal Services Committee in accordance with the following:

1190 (1) In making a final determination, both the evidence presented at the hearing and
1191 that gathered by the department during its initial investigation, will be
1192 considered.

1193 (2) The final order shall be made in writing and released to the owner, or the
1194 owner's attorney, if represented, as soon as practicable.

1195 (3) If the director has made the initial determination that a dog should be
1196 euthanized and, after a hearing regarding same, the Animal Services
1197 Committee determines that euthanasia is not warranted, the Animal Services
1198 Committee shall have the option of classifying the dog as dangerous and
1199 impose specific maintenance requirements upon the owner in lieu of
1200 euthanasia.

1201 (4) A final determination issued by the Animal Services Committee is final and shall
1202 be subject to review by the circuit court or as otherwise provided by general
1203 law. An owner who wishes to contest the decision of the Animal Services
1204 Committee may appeal the classification, penalty, or both, to the circuit court in
1205 accordance with the Florida Rules of Appellate Procedure after receipt of the
1206 final order, or as otherwise provided by general law.

1207

1208 **Sec. 14-47. Trapping of feral and domesticated cats.**

1209 Any company or individual that engages in the trapping of feral and/or domesticated
1210 cats within the unincorporated areas of the county must first notify the department of the
1211 location and duration of placement of any trap. Companies, individuals, and other
1212 entities must adhere to any guidelines for trapping of feral and/or domesticated cats as
1213 established by the department. It shall be a violation of this section to trap feral or
1214 domesticated cats without providing advanced notification to the department or without
1215 adhering to any guidelines established by the department.

1216

1217

1218

1219 **Sec. 14-48. Transfer of an animal to an animal abuse offender and possession of**
1220 **animal by animal abuse offender prohibited.**

1221 (a) No person or entity shall knowingly sell, exchange, or otherwise transfer the
1222 ownership or possession of any animal to any person they know to be listed on the
1223 animal abuser registry, nor to any individual residing at the address of a person listed on
1224 the registry.

1225 (b) Prior to the sale, exchange, or other transfer of possession of an animal, an
1226 animal shelter (including any operated by a privately owned organization, humane
1227 society, animal protective association or animal rescue group), pet seller, pet dealer,
1228 commercial breeder, hobby breeder, other type of breeder, humane organization,
1229 kennel, or rescue organization shall examine the animal abuser registry to confirm that
1230 the potential owner or transferee of the animal is not identified in the animal abuser
1231 registry as an animal abuse offender, or that the address of the transferee is not an
1232 address listed in the animal abuser registry for an animal abuse offender. If the animal
1233 abuser registry information is unavailable, then the person or entity selling, exchanging,
1234 or otherwise transferring the animal shall call the department to request the department
1235 to check the animal abuser registry on the person's or entity's behalf. If, after request,
1236 the department is unable to check the animal abuser registry for any reason, then the
1237 person or entity selling, exchanging, or otherwise transferring the animal shall prepare a
1238 record that shall state that an attempt was made, including the date and time of the
1239 attempt. Upon request from the animal control officer, the person or entity selling,
1240 exchanging or otherwise transferring the animal shall provide proof by affidavit or
1241 otherwise, that it verified the information on the animal abuser registry at the time of
1242 sale, exchange, or other transfer. The person or entity shall create records at or before
1243 the time of the sale, exchange or other transfer to show who examined the animal
1244 abuser registry, the date and time of the examination, and results of the examination of
1245 the animal abuser registry. Records prepared pursuant to this subsection shall be
1246 retained by the person or entity for five (5) years and shall be produced to the county for
1247 examination upon request. Failure to examine the animal abuser registry prior to the
1248 sale, exchange, or other transfer of an animal, to maintain required records, or to
1249 produce them upon request are violations of this code.

1250 (c) No animal abuse offender will be allowed to retain possession of any currently
1251 owned animals, as of the date of his or her conviction of an animal abuse offense.

1252 (d) This section does not apply to animal abuse offenders when their conviction
1253 has been successfully appealed, expunged, or has exceeded the time limit for being
1254 placed on the animal abuser registry.

1255

1256

1257 **Sec. 14-49. Irresponsible pet owner.**

1258 (a) The purpose of this section is to protect the citizens and animals of the county
1259 from the risks and expenses resulting from individuals who repeatedly fail to care
1260 responsibly for their animals. This section does not apply to livestock or livestock
1261 owners.

1262 (b) For the purpose of this section, the term *guilty* means a final determination of
1263 guilt in an adversarial proceeding, a plea of "guilty" or "no contest" or the equivalent
1264 thereof in an adversarial proceeding, an entry of an order removing custody of an
1265 animal or animals from a person or finding that the person is unable to adequately
1266 provide for an animal or animals pursuant to § 828.073, Fla. Stat. or section 14-39
1267 hereof, a finding that a violation has occurred in a citation proceeding, or an
1268 uncontested citation or an uncontested sufficient cause determinations for a dangerous
1269 or aggressive dog. Determining the number of times a person is found guilty shall be
1270 per incident and not based on the number of animals involved in each incident.

1271 (c) The department will establish and maintain an irresponsible pet owner registry
1272 consisting of individuals designated as irresponsible pet owners pursuant to this section,
1273 as well as all animals owned by those individuals. A determination of an individual as
1274 an irresponsible pet owner will last three years. Upon expiration of an individual's
1275 determination as an irresponsible pet owner, that individual's name and animals will be
1276 removed from the registry.

1277 (d) A person shall be designated as an irresponsible pet owner upon being found
1278 guilty more than once within a three year period of any combination of the following:

1279 (1) Owning a dog that, while under the person's ownership, custody, or control, is
1280 declared aggressive or dangerous as a result of an investigation and
1281 determination from the director pursuant to this chapter;

1282 (2) Owning a dog that, while under the person's ownership, custody, or control,
1283 commits an attack that causes severe injury or death to another human being,
1284 or owning a dog that has previously been declared dangerous and that, while
1285 under the person's ownership, custody, or control, commits an attack; or

1286 (3) Section 828.073, Fla. Stat., or section 14-39 hereof

1287 (e) A person shall be designated as an irresponsible pet owner upon being found
1288 guilty more than twice within a three-year period of any combination of violations of any
1289 provision of this chapter other than those set out in subsection (d) of this section.

1290 (f) For a period of three years from the date of designation as an irresponsible pet
1291 owner, a person must comply with the following requirements:

- 1292 (1) Any animals owned by the person must be spayed or neutered, as applicable,
1293 within 30 calendar days of the date of designation as an irresponsible pet
1294 owner;
- 1295 (2) Any animals owned by the person must be microchipped within 30 calendar
1296 days of the date of designation as an irresponsible pet owner;
- 1297 (3) The irresponsible pet owner and any animals owned by the person must be
1298 registered with the department, complete with full payment of the
1299 irresponsible pet owner registration fee and any applicable annual renewal for
1300 the duration of the irresponsible pet owner designation;
- 1301 (4) The irresponsible pet owner may not acquire, own, keep, control, or harbor
1302 domestic animals, beyond those that the person owns, keeps, controls, or
1303 harbors at the time of the designation.
- 1304 (g) This section does not prevent the county from seeking and enforcing any
1305 other remedy available at law or equity, including but not limited to a court-ordered
1306 injunction on ownership of animals, against any person.

1307

1308 **Section 2. Conflicts.** In the event of a conflict between any provision of this
1309 ordinance and any other ordinance or provision of law, the provision of this ordinance
1310 shall control to the extent of the conflict, as allowable under law.

1311 **Section 3. Severability.** It is declared to be the intent of the Board that if any
1312 section, subsection, sentence, clause, phrase, portion or provision of this ordinance is
1313 for any reason declared or held invalid or unconstitutional by any court of competent
1314 jurisdiction, such section, subsection, sentence, clause, phrase, portion or provision
1315 shall be deemed a separate, distinct and independent provision, and the remainder of
1316 this ordinance shall be not affected by such declaration or holding.

1317 **Section 4. Repealing Clause.** All ordinances or parts of ordinances and all
1318 resolutions or parts of resolutions of Levy County, including but not limited to
1319 Ordinances 89-5, 93-5, and 95-1, in conflict herewith are hereby repealed to the extent
1320 of such conflict.

1321 **Section 5. Effective Date.** This ordinance shall take effect upon its filing in
1322 the Office of the Secretary of State, State of Florida.

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PASSED AND DULY ADOPTED this ____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

Matt Brooks, Chair

ATTEST: Danny J. Shipp, Clerk of
the Circuit Court and Ex-Officio Clerk
to the Board of County Commissioners

Danny J. Shipp

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Anne Bast Brown, County Attorney

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LR2006-90