

ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO ANIMAL SERVICES; AMENDING AND REVISING SECTION 14-26, DEFINITIONS; AMENDING AND RENAMING SECTION 14-27, VIOLATIONS OF ARTICLE; CIVIL REMEDIES; AMENDING AND RENAMING SECTION 14-29, PET DEALERSHIPS AND KENNELS; DELETING SECTION 14-36, ANIMAL CONTROL OR CRUELTY SURCHARGE; AMENDING SECTION 14-37, TRAP-NEUTER-VACCINATE-RETURN; AMENDING SECTION 14-39, BITE INCIDENTS; AMENDING SECTION 14-46, ENFORCEMENT OF ARTICLE; AMENDING SECTION 14-47, FEES AND CHARGES; ADMINISTRATION OF ARTICLE; SECTION 14-48, IMPOUNDMENT; AMENDING SECTION 14-61, RABIES VACCINATIONS AND LICENSING; AMENDING SECTION 14-62, GUARD DOGS; AMENDING AND RENAMING SECTION 14-64, DANGEROUS ANIMALS; AND DELETING SECTION 14-68, STRIKING OR INTERFERING WITH A LAW ENFORCEMENT ANIMAL; AMENDING ALL SECTIONS FOR CLARITY, CONSISTENCY AND UNIFORMITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE AREA EMBRACED; AND PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY THAT:

**Section 1.** Chapter 14 Article II of the Pinellas County Code is amended to read as follows:

**Chapter 14 - ANIMALS**

ARTICLE II. - ANIMAL SERVICES

**DIVISION 1. - GENERALLY**

**Sec. 14-26. - Definitions.**

The following words, terms and phrases, when used in this ~~a~~Article, shall have the meanings ascribed to them in this ~~s~~Section, except where the context clearly indicates a different meaning:

Abandon means to forsake entirely or neglect or refuse to provide or perform the legal obligations for care and support of an ~~a~~Animal.

Animal means any living dumb creature.

Animal ~~e~~Control ~~e~~Code ~~e~~Enforcement ~~e~~Officer means all employees of the ~~e~~County ~~d~~Department of ~~a~~Animal ~~s~~Services who have successfully completed the minimum standards training course approved by the Florida Animal Control Association.

Animal **h**Hoarding means the activity of a person characterized by the following:

- (1) Failure to provide minimal standards of sanitation, space, nutrition and veterinary care for **a**Animals; and
- (2) Attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions.

Animal **s**Shelter means any facility maintained by the **e**County and any facility maintained by a nonprofit humane organization or municipal agency, as approved by the **b**Board of **e**County **e**Commissioners, for the confinement, care, control or disposition of **a**Animals that come into its custody.

At-large means any **d**Dog or **e**Cat on the **o**Owner's premises which is not within the unobstructed sight and in the control of the **o**Owner, or any **d**Dog or **e**Cat not confined by sufficient means to assure that it is maintained on the property of the **o**Owner; or any **d**Dog or **e**Cat off the **o**Owner's premises which is not controlled by an adequate leash or tether, or otherwise under the **o**Owner's physical control, as defined in this section.

~~Attack means the action of an animal, whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human being or domestic animal.~~

~~Baiting means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhoundsshall have the meaning provided by F.S. § 828.122, as may be amended.~~

Cat means the domestic cat, Felis catus.

~~Cruelty (also torture and torment) shall be held to include every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except in the interest of medical science, permitted, or allowed to continue when there is a reasonable remedy or reliefshall have the meaning provided by F.S. § 828.27, as may be amended.~~

~~Dangerous **D**Dog shall have the meaning provided by F.S. § 767.11, as may be amended. animal means any dog that according to the records of the department:~~

~~(1)Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;~~

~~(2)Has more than once severely injured or killed a domestic animal while off the owner's property; or~~

~~(3)Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the department.~~

Department of **a**Animal **s**Services or **d**Department means the animal services department of the **e**County.

Director means that person in charge of the administration of the **d**Department of **a**Animal **s**Services or anyone designated by him or her.

Dog means the domestic dog, Canis familiaris.

Guard ~~d~~Dog means any type of dog used ~~primarily~~ for the purpose of defending, patrolling or protecting property or life at any commercial establishment.

Harboring means the act of keeping and caring for an ~~a~~Animal, or providing food, shelter, or care for the ~~a~~Animal for a period of at least forty-eighty (48) hours, regardless of whether or not the person is acting alone or in concert with others.

Hobby Breeder means a person or entity that is a current member of a Dog, Cat or Kennel club at the national, state, or local level that is, or is affiliated with, a nationally recognized organization and that houses or breeds Dogs or Cats in or on the property of a private residence.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, or letting for hire ~~or training~~ for a fee, ~~d~~Dogs or ~~e~~Cats. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

Owner means any person possessing, harboring, keeping, or having control or custody of an ~~a~~Animal or, if the ~~a~~Animal is owned by a person under the age of eighteen (18) years, that person's parent or guardian.

Pet ~~d~~Dealer (or Pet Dealership) means any person who, ~~in the ordinary course of business, advertises or~~ engages in the sale of one (1) or more ~~than two~~ litters ~~or 20 of~~ ~~d~~Dogs or ~~e~~Cats per year, ~~whichever comes first~~, to the public. Such term includes breeders of ~~a~~Animals who sell such ~~a~~Animals directly to a consumer. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

Physical ~~e~~Control means the immediate, continuous physical control of a ~~d~~Dog or ~~e~~Cat at all times, such as by means of a leash, cord, or chain of such strength to restrain the ~~d~~Dog or ~~e~~Cat; or ~~in the case of specifically trained dogs,~~ "~~p~~Physical ~~e~~Control" shall also include visual signals or oral commands by the ~~e~~Owner of a ~~d~~Dog which has been trained to consistently and effectively responds to such signals or commands, if such ~~d~~Dog is at all times within the unobstructed sight of the ~~d~~Dog's ~~e~~Owner.

~~Proper eEnclosure of a Dangerous Dog for a dangerous animal means that while on the owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of anyone other than the owner or the owner's designee and designed to prevent the animal from escaping, Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure and shall also provide protection from the elements shall have the meaning provided by F.S. § 767.11, as may be amended.~~

Public ~~n~~Nuisance ~~a~~Animal means any ~~a~~Animal or combination of ~~a~~Animals that unreasonably annoys humans, endangers the life or health of other ~~a~~Animals or persons, or substantially interferes with the rights of citizens, other than their ~~e~~Owners, to the enjoyment of life or property. The term "~~p~~Public ~~n~~Nuisance ~~a~~Animal" shall mean and include, but is not limited to, any ~~a~~Animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its ~~e~~Owner;
- (3) Chases vehicles, bicycles, persons, or other ~~a~~Animals;

- (4) Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances; Noises that, on at least two (2) separate dates during a three (3) day period, are produced for more than one (1) sustained period of at least fifteen (15) minutes over the course of eight (8) hours, shall be considered excessive for the purpose of this definition.
- (5) Causes fouling of the air by odor;
- (6) Is offensive or dangerous to the public health, safety, or welfare; or
- (7) Repeatedly defecates on the property of another.

~~Severe iInjury means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery, regardless of the permanency of any disfigurements~~ shall have the meaning provided by F.S. § 767.11, as may be amended.

Shelter means provision of and access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof and made of durable material. At the minimum, the structure must:

- (1) Be sufficient in size to allow each sheltered ~~a~~Animal to stand up, turn around, lie down, and stretch comfortably;
- (2) Be designed to protect the sheltered ~~a~~Animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions;
- (3) Be free of standing water, accumulated waste and debris, protect the sheltered ~~a~~Animal from injury, and have adequate ventilation and, for ~~d~~Dogs and ~~e~~Cats, provide a solid surface, resting platform, pad, floormat or similar device that is large enough for the ~~a~~Animal to lie on in a normal manner; and
- (4) Be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a ~~v~~Veterinarian. Structures with wire, grid or slat floors which permit the ~~a~~Animal's feet to pass through the openings, sag under the ~~a~~Animal's weight or which otherwise do not protect the ~~a~~Animal's feet or toes from injury are prohibited except for birds where perches are provided.

~~Unprovoked means that the victim who has been conducting himself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by an animal~~ shall have the meaning provided by F.S. § 767.11, as may be amended.

~~Veterinarian means a person who has graduated from an accredited school of veterinary medicine and licensed by the state board of veterinary medicine. The term "veterinarian" shall not apply to any veterinarian employed full time by the county, and the county is specifically authorized to hire one or more veterinarians as full-time veterinarians who shall not be required to be licensed by the Florida Board of Veterinary Medicine, but shall be graduates of an accredited school of veterinary medicine.~~ shall have the meaning provided by F.S. § 474.202, as may be amended.

Water means provision of and access to clean, fresh potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at

suitable intervals to at all times maintain normal hydration for the age, species, condition, size and types of each ~~a~~Animal, except as otherwise prescribed by a ~~v~~Veterinarian or as dictated by naturally occurring states of hibernation. An ~~a~~Animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the ~~a~~Animal is under ~~the~~ direct supervision ~~of a responsible person at events such as dog or cat shows or field trials. In such cases, the responsible person shall ensure sufficient water is provided to the animal in order to maintain normal hydration for the species of animal.~~

**Sec. 14-27. - Violations of ~~a~~Article; ~~Penalties~~; ~~civil remedies~~.**

~~The provisions of this Article, other than provisions relating to the performance of duties by County officers, law enforcement officers or employees, may be enforced as provided in Sec. 1-8 of this Code, as well as by any other means legally available to the County.~~

- ~~(a) A violation of this article is a civil infraction.~~
- ~~(b) Any person convicted of violating any of the provisions of this article may be fined in a sum not to exceed \$500.00. If a violation is continued, each day of such violation shall constitute a separate offense.~~
- ~~(c) Any person who has committed a civil infraction under this article but does not contest the citation shall be fined in an amount not to exceed \$300.00.~~
- ~~(d) In addition to the penalties provided in this section, the board of county commissioners is hereby authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this article.~~

**Sec. 14-28. - Areas ~~e~~Embraced.**

All territory within the legal boundaries of Pinellas County, Florida, including all incorporated and unincorporated areas, shall be embraced by the provisions of this ~~article~~Article.

**Sec. 14-29. - Pet ~~d~~Dealerships; ~~and~~ ~~k~~Kennels; ~~and~~ ~~Hobby Breeders~~.**

**I. Activities Requiring Permits**

- ~~(a) No ~~pet dealership~~ or ~~k~~Kennel shall operate without having a valid ~~pet dealer~~ and ~~k~~Kennel permit issued by the ~~d~~Department.~~
- ~~(b) Pet Dealers shall be required to obtain a Pet Dealer's permit within the time period prescribed by the Department, or, alternatively, rather than obtain a Pet Dealer's permit, the Pet Dealer may elect to have the Dog or Cat that gave birth to the litter(s) sterilized. Failure to obtain a Pet Dealer's permit within the time period prescribed by the Department or to have the Dog or Cat that gave birth to the litter(s) sterilized within the time period prescribed by the Department, shall result in the issuance of a citation by the Department.~~
- ~~(c) Hobby Breeders are exempt from the provisions of Section 14-29 I. (b), and may instead operate under a Hobby Breeder permit, provided that:~~
  - ~~(1) they sell no more than two (2) litters, or twenty (20) Animals per year, whichever is greater, per household; and~~
  - ~~(2) they are in compliance with all other provisions of this Article and applicable laws relating to animals.~~

**II. Permit Procedures**

The following provisions shall apply to permits required by this Section:

- ~~(ba)~~ Any person or entity desiring to operate as a Pet Dealership, or Kennel or Hobby Breeder shall file a permit application with the ~~d~~Department ~~a permit application~~ on such form as provided by the ~~d~~Department and within the timeframe required by the Department.
- ~~(b)~~ All permit holders and applicants shall provide an update within fifteen (15) calendar days of any addition or change of the physical address of the location(s) of all Animals being bred or offered for sale.
- ~~(c)~~ All permits issued under this section shall be annual permits, which shall remain in effect from the date the permit is issued until the same month and day of the following year.
- ~~(d)~~ In order to cover administrative and enforcement costs associated with this section, there are hereby levied annual permitting fees for pet dealers and kennels in amounts set by resolution of the board of county commissioners.
- ~~(ec)~~ A permit issued under this Ssection is nontransferable from one entity or person to another or from one location to another.
- ~~(d)~~ All permits issued under this Section shall be valid for one (1) year.
- ~~(e)~~ In order to cover administrative and enforcement costs associated with this Section, the Board of County Commissioners will establish by resolution annual permitting application fees for Pet Dealers, Kennels and Hobby Breeders. Annual application fees are non-refundable.
- ~~(f)~~ Any animal control code enforcement officer shall, at any reasonable hour, have access to and shall have the right to inspect the premises and records of a pet dealer or kennel to determine compliance with F.S. chs. 585, 767 and 828 and this article.
- ~~(gf)~~ It shall be a violation of this aArticle if the Pet Dealership, Kennel or Hobby Breeder fails to meet the standards set forth for basic animal care and facility sanitation as established by the ~~d~~Department, which standards shall be available on the Department's website. A permit holder is responsible for remaining familiar with the most recent standards.
- ~~(g)~~ All locations identified by the Pet Dealer, Kennel and/or Hobby Breeder permit applicants shall be subject to an initial inspection to determine compliance with the Department's applicable published standards.
- ~~(h)~~ An annual inspection shall be required prior to any Pet Dealer, Kennel and/or Hobby Breeder permit issuance or renewal. The renewal inspection period shall extend from sixty (60) days prior to the end of a current permit period until the last day of the current permit period. Notice of the renewal inspection period, including a description of the scope and criteria of the inspection, shall be provided no later than ten (10) days prior to a renewal inspection period, and any effort to seek review by a competent jurisdiction of the intended inspection must be initiated before the renewal period begins. The renewal inspection shall be unscheduled, and may be conducted at any reasonable hour by any Animal Control Code Enforcement Officer, who shall act in accordance with the renewal inspection period notice and at a minimum shall be given access to and the opportunity to investigate the Animals, premises and records of a Pet Dealer, Kennel and/or Hobby Breeder to determine compliance with F.S. 767 and 828, as may be amended, and this Article.



(i) If a permit holder under this Section receives an unsatisfactory inspection or an ordinance violation, a permit may be suspended or revoked. Upon correction of violations and, provided a satisfactory reinspection is completed, a permit may be reinstated for the duration of the permit period for a reinstatement fee, as established by the Board of County Commissioners.

### **III. Additional Restrictions Pertaining to Animal Sales**

(a) Sales subject to this Section shall only take place in locations authorized in permits and in no event shall such sale locations be permitted in a public thoroughfare, public common area, parking lots open to the public or flea market.

(b) No person or entity may advertise for the sale of Animals, unless such advertisement includes the permit number issued by the Department.

For purposes of this Section, advertise (or advertisement) includes, but is not limited to, announcements, listings, displays, entries, or other written statements containing the name of the permit holder or identifying the services offered by the permit holder or by a person or entity subject to this Section and that are placed in a magazine or periodical, newspaper or inserts, direct mail pieces, audio broadcasting or telephone directory, on the internet, or on vehicles or equipment.

(c) After each sale, Pet Dealers and Hobby Breeders shall submit point of sale certificates provided by the Department.

### **Sec. 14-30. - Public ~~n~~Nuisance ~~a~~Animals.**

(a) The ~~e~~Owner of any ~~p~~Public ~~n~~Nuisance ~~a~~Animal, ~~as defined under this article~~, shall be deemed to be in violation of this ~~a~~Article, regardless of the knowledge, intent or culpability of the ~~e~~Owner.

(b) A citation for a violation of this ~~S~~ection may be issued based upon:

(1) Receipt of affidavit(s) of complaint signed by two (2) or more residents of the ~~e~~County, each residing in separate dwellings in the vicinity of the ~~a~~Animal(s) or incident(s), setting forth the nature and the time(s) and date(s) of the act(s), the ~~e~~Owner of the ~~a~~Animal(s), the address of the ~~e~~Owner and a description of the ~~a~~Animal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through ~~an animal services the Department's~~ investigation; or

(2) The observance of noncompliance made by an ~~a~~Animal ~~e~~Control ~~e~~Code ~~e~~Enforcement ~~e~~Officer, or any other such law enforcement officer authorized to enforce the provisions of this ~~a~~Article, during the investigation of a complaint(s) from a resident(s) of the ~~e~~County residing in the vicinity of the ~~a~~Animal(s), setting forth the address, the nature and time(s) and date(s) of the act(s), the ~~e~~Owner of the ~~a~~Animal(s) and/or the address of the ~~e~~Owner, and a description of the ~~a~~Animal(s) doing such act(s) and observance of such act(s) by an ~~a~~Animal ~~e~~Control ~~e~~Code ~~e~~Enforcement ~~e~~Officer or any other such law enforcement officer; or

(3) The personal observance of noncompliance made by an ~~a~~Animal ~~e~~Control ~~e~~Code ~~e~~Enforcement ~~e~~Officer, or any other such law enforcement officer authorized to enforce the provisions of this ~~a~~Article, made during the course of the lawful performance of his/her duties in the vicinity of the place of the offense; or

- (4) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts cats, dogs, raccoons, coyotes or other wildlife, thereby creating a ~~p~~Public ~~n~~Nuisance ~~a~~Animal.
- (c) The ~~d~~Department is also authorized to investigate for violations under this ~~S~~ection arising under other circumstances and may issue citations for noncompliance based upon that investigation.

**Sec. 14-31. - Unlawful ~~r~~Restraint of ~~d~~Dogs and ~~e~~Cats.**

- (a) No person shall tether, fasten, chain, tie, or restrain a ~~d~~Dog or ~~e~~Cat, or cause a ~~d~~Dog or ~~e~~Cat to be tethered, fastened, chained, tied, or restrained, to a ~~d~~Dog house, tree, fence, or any other stationary object.
- (b) Notwithstanding subsection (a), a person may do the following:
  - (1) A ~~d~~Dog or ~~e~~Cat may be tethered when it is in visual range of the ~~e~~Owner, and the ~~e~~Owner is located outside with the tethered ~~a~~Animal.
  - (2) Tether, fasten, chain, tie, or otherwise restrain a ~~d~~Dog or ~~e~~Cat pursuant to the requirements of a camping or recreational area.
- (c) ~~In all cases where~~ When tethering is permissible, ~~pursuant to Sec. 14-31(b)(1)~~, the following conditions must be met:
  - (1) The ~~d~~Dog or ~~e~~Cat must be attached to the tether by a buckle-type collar or a body harness. A ~~d~~Dog or ~~e~~Cat shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
  - (2) The tether has the following properties: it is at least five (5) times the length of the tethered ~~a~~Animal's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth (1/8) of the tethered ~~a~~Animal's weight; and it is free of tangles;
  - (3) The ~~d~~Dog or ~~e~~Cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;
  - (4) If there are multiple ~~d~~Dogs or ~~e~~Cats, each ~~d~~Dog or ~~e~~Cat must be tethered separately. The tethering of each ~~d~~Dog or ~~e~~Cat must be in accordance with the requirements of this Code;
  - (5) The ~~d~~Dog or ~~e~~Cat is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
  - (6) The ~~d~~Dog or ~~e~~Cat has access to ~~w~~Water, ~~adequate s~~Shelter, and dry ground;
  - (7) The ~~d~~Dog or ~~e~~Cat is at least six (6) months of age. Puppies or kittens shall not be tethered; and
  - (8) The ~~d~~Dog or ~~e~~Cat is not sick or injured.

**Sec. 14-32. - Cruelty to ~~a~~Animals.**

- (a) Whoever tortures, torments or cruelly treats an ~~a~~Animal shall be in violation of this ~~a~~Article.



- (b) Whoever impounds or confines any aAnimal in any place and fails to supply the aAnimal during such confinement with a sufficient quantity of good and wholesome food and water, shall be in violation of this aArticle.
- (c) Whoever keeps any aAnimal in any enclosure without wholesome exercise and change of air, shall be in violation of this aArticle.
- (d) Whoever aAbandons to die any aAnimal that is maimed, sick, infirm, or diseased, shall be in violation of this aArticle.
- (e) A person who unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any aAnimal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any aAnimal in a cruel or inhumane manner, shall be in violation of this aArticle.
- (f) Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be in violation of this aArticle.
- (g) Any person who commits any of the following acts, shall be in violation of this aArticle:
  - (1) Betting or wagering any money or other valuable consideration on the fighting or baiting of aAnimals.
  - (2) Attending the fighting or baiting of aAnimals.

**Sec. 14-33. - Abandonment of aAnimals.**

- (a) Any person who is the eOwner or possessor, or has charge or custody, of any aAnimal and who aAbandons such aAnimal to suffer injury or malnutrition or who aAbandons any aAnimal in a street, road, private property or public place without providing for the care, sustenance, protection, and shelter of such aAnimal, shall be in violation of this aArticle.
- (b) Any person who releases within the eCounty any non-native species ~~of the animal kingdom not indigenous~~ to Florida without having obtained a permit to do so from the Florida Fish and Wildlife Conservation Commission, shall be in violation of this aArticle.
- (c) Upon receipt of affidavits from two (2) citizens who are not residents of the same household, or upon the report of a law enforcement officer, stating that an aAnimal appears to have been aAbandoned, or upon receipt of a report that a nonindigenous aAnimal has been released, the dDepartment may investigate the matter and thereupon is authorized to impound the Animal and ~~dispose-disposition~~ of the aAnimal shall be in the manner provided by this aArticle, with the assistance of a law enforcement officer, if necessary. The dDepartment shall cause written notice, bearing the address where the aAnimal may be claimed by the eOwner thereof and the time by which the aAnimal must be claimed, to be sent to the eOwner, if known, at the eOwner's last known address.

**Sec. 14-34. - Animals in vVehicles.**

- (a) No vehicle owner, passenger, or operator shall place or confine an aAnimal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under

conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such ~~a~~Animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, disability or death.

- (b) No operator of a motor vehicle shall transport or keep an ~~a~~Animal in or on any motor vehicle unless the ~~a~~Animal is safely enclosed within the vehicle or protected by a container, cage, cross tethering or other device that will prevent the ~~a~~Animal from falling, being thrown or jumping from the motor vehicle.
- (c) Nothing in this ~~S~~Section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

**Sec. 14-35. - Neglect.**

- (a) No person who is the ~~e~~Owner or possessor or who has charge or custody of any ~~a~~Animal shall fail to provide shelter for the ~~a~~Animal.
- (b) No person who is the ~~e~~Owner or possessor or who has charge or custody of any ~~a~~Animal shall fail to provide water for the ~~a~~Animal.
- (c) No person shall engage in ~~a~~Animal ~~h~~Hoarding.
- (d) No person who is the ~~e~~Owner or possessor or has charge or custody of any ~~a~~Animal shall fail to provide adequate veterinary care to a suffering ~~a~~Animal.
- (e) No person who is the ~~e~~Owner or possessor or has charge or custody of any ~~a~~Animal shall fail to provide proper or adequate food to any ~~a~~Animal.
- (f) No person who is the ~~e~~Owner or possessor or has charge or custody of an ~~a~~Animal shall fail to provide humane care and treatment.

**Sec. 14-36. - ~~Animal control or cruelty surcharge.~~**

~~(a) — The clerk of the court is hereby authorized to collect the maximum surcharge provided for by F.S. § 828.27(4)(b), as may be subsequently amended, upon each civil penalty imposed for violation of this article.~~

~~(b) — The surcharge provided for herein shall be used by the county to pay the cost of a 40-hour minimum standards training course for animal control code enforcement officers, approved by the Florida Animal Control Association. Reserved.~~

**Sec. 14-37. - ~~Trap-n~~Neuter-~~v~~Vaccinate-~~r~~Return.**

- (a) Trap-neuter-vaccinate-return (TNVR) activities and programs shall be authorized in Pinellas County in accordance with the provisions of this ~~S~~Section. For the purposes of applying this ~~S~~Section, the term "community cat" shall mean any feral or free-roaming cat that is cared for by one or more individual caregivers, provided that such cat shall be sterilized, vaccinated for rabies, and distinguished from other cats by being ear-tipped and tattooed.

- (b) A community cat cared for in accordance with this ~~S~~section shall not be subject to the license requirements of this Code, and shall not be considered in violation of ~~section~~Sec. 14-33(b) or ~~section~~Sec. 14-63, regarding ~~a~~Abandonment or ~~e~~Cats ~~a~~At-large.
- (c) If a community cat is impounded, it shall be held for at least seven (7) days including the day of impoundment. A caregiver may redeem a community cat within the holding period upon paying the fees and costs as established by the ~~d~~Department in accordance with the requirements of this Code. The first time a community cat is impounded, the community cat shall be microchipped and vaccinated for rabies in accordance with applicable law.
- (d) The following minimum standards and requirements shall apply to anyone providing care to a community cat:
- (1) All community cat locations must be maintained on the private property of the caregiver or on property belonging to another landowner with the landowner's permission. A community cat must not be released within one hundred and fifty (150) yards of any park, conservation land, beach, wildlife area, day care center, or elementary school.
  - (2) A person providing care to a community cat must provide the community cat with necessities on a regular and ongoing basis, including, but not limited to, proper nutrition and medical care. Food must be provided in a quantity adequate for the number of community cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers and placed in a manner ~~and for a duration~~ that will not attract wildlife or other ~~a~~Animals. The duration of the food placed must not exceed three (3) hours within a twenty-four (24) hour period. Water must be provided and must be clean, potable, and free from debris and algae. Any person caring for a community cat must comply with applicable law, including laws governing ~~a~~Animal neglect and cruelty, and the caregiver must not allow a community cat to suffer.
- (e) Any organization desiring to conduct a county-wide or targeted TNVR program ("TNVR Program") shall submit a proposal for the review of the ~~d~~Director, who shall have the authority to approve or deny such proposal. Any TNVR program shall consist of an effort to control and reduce feral and free-roaming cat populations in Pinellas County by establishing and responsibly managing community cat populations in accordance with the requirements of this Code and applicable law. If approved, the organization may conduct a TNVR program in accordance with the requirements of this Code, other applicable law, and the terms of their proposal. Any training provided as part of an approved TNVR program should include training on:
- (1) Educating other citizens about community cats;
  - (2) Maintaining a relationship with a veterinary provider to best address community cat needs;
  - (3) Proper care and common diseases, including procedures for monitoring and managing zoonotic diseases and other infections in community cats; and
  - (4) Best practices for management of individual community cats or colonies.
- (f) Ordinance No. 14-41, creating ~~section~~Sec. 14-37, shall stand repealed and shall be of no further force or effect on January 1, 2018, unless reviewed and saved from repeal by ordinance of the ~~b~~Board of ~~e~~County ~~e~~Commissioners.

**Sec. 14-38. - Irresponsible pPet eOwner.**

The purpose of this Ssection is to protect the citizens and animals of Pinellas County from the risks and expenses resulting from individuals who repeatedly fail to care responsibly for their domestic aAnimals.

- (1) For the purposes of this Ssection, the following terms shall be defined as follows:

Animal sSafety and wWelfare vViolation means a violation of any of the following provisions of this Code: ~~section Secs.~~ 14-30 (except for violations based on excessive noise), 14-31, 14-32, 14-33, 14-34, 14-35, 14-39, 14-61, 14-63, 14-64.

Conviction includes a finding of guilt in an adversarial proceeding or a plea of "guilty" or "no contest."

- (2) Irresponsible pPet eOwner eClass I. A person with two (2) previous convictions for aAnimal sSafety and wWelfare vViolations occurring on separate dates, who commits a third aAnimal sSafety and wWelfare vViolation within twenty-four (24) months of the date of offense of the earliest of the (three) 3 violations, may be charged with a violation of this Ssection, punishable by a minimum fine of \$300.00.
- (3) Irresponsible pPet eOwner eClass II. When a person meets the conditions for an irresponsible pet owner class I violation, and the circumstances of the most recent violation evidence a knowing refusal to comply with this Code or to take corrective actions, he or she may be charged as an irresponsible pet owner class II under this paragraph, punishable by a minimum fine of \$400.00.
- (4) Upon conclusion of any appeal, or the expiration of any right to an appeal, a person who has a eConviction for an irresponsible pet owner class II violation shall, for a period of three (3) years after the date of the most recent eConviction, be subject to the following regulations:
- a. Any owned dDogs or eCats shall be spayed/neutered and microchipped within thirty (30) days.
  - b. Any owned dDogs or eCats shall be subject to an irresponsible pet owner license fee established in accordance with this Code and applicable law.
  - c. The eOwner shall not become the eOwner of any new dDogs or eCats, and no licenses will be issued for newly acquired dDogs or eCats.

**Sec. 14-39. - Bite iIncidents.**

It shall be a violation of this Code, punishable by a minimum fine of \$300.00, for an eOwner to fail to prevent their domestic aAnimal ("eOwner's aAnimal") from severely injuring or killing another domestic aAnimal ("vVictim aAnimal") while the eOwner's aAnimal is aAt-large, provided that the vVictim aAnimal did not instigate the incident and was not ~~in violation of any provision of this Code~~ aAt-large at the time of the incident.

**Secs. 14-40—14-45. - Reserved.**

**DIVISION 2. - ADMINISTRATION AND ENFORCEMENT**

**Sec. 14-46. - Enforcement of aArticle.**

- (a) The dDepartment of aAnimal sServices is designated as the agency of the bBoard of eCounty eCommissioners to implement, enforce, and administer the provisions of this aArticle, except as otherwise provided by this aArticle.

~~Animal control code enforcement officers are authorized by the board of county commissioners to conduct investigations pursuant to F.S. ch. 828. Animal control code enforcement officers are also authorized to conduct investigations and issue citations for violations of this article upon probable cause to believe that a person has committed an act in violation of this article.~~

- (b) It shall be a violation of this aArticle to resist, obstruct, or oppose an aAnimal eControl eCode eEnforcement eOfficer while in the lawful performance of his duties, or with anyone who may be assisting in the performance of such duties.
- (c) Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer or aAnimal eControl eCode eEnforcement eOfficer, shall be in violation of this aArticle.
- (d) The bBoard of eCounty eCommissioners may contract with any state chartered nonprofit humane organization to carry out the duties in this aArticle or any part thereof. Such organizations shall carry out the duties pursuant to the provisions prescribed in this aArticle; failure to do so shall result in the bBoard of eCounty eCommissioners assuming such duties or contracting with another organization to assume such duties. Compensation may be provided in an amount adequate to fulfill the prescribed duties.

**Sec. 14-47. - Fees and eCharges; aAdministration of aArticle.**

~~(a)The board of county commissioners is authorized, by resolution, to establish reasonable fees Fees and charges relating to licensing, adoption, impoundment, service fees and such other fees deemed necessary to accomplish the purposes of this aArticle will be established from time to time by the Board of County Commissioners. The Director is authorized to establish programs and procedures as are deemed necessary to accomplish the purposes of this Article. These include, but are not limited to, enforcement actions, vaccination programs, measures to deal with Kennel hazards, education programs, population control programs, licensing procedures, and the implementation of emergency procedures in the event of a disease outbreak or a state of emergency, as defined by Sec. 34-36 of this Code. The ~~director~~ Director, with approval from the County administrator or designee, is authorized to waive or modify, but not to increase, the fees established by the Board of County Commissioners, in connection with such programs in order to promote the success or participation in those programs, or as specifically directed by the Board of County Commissioners. in extreme hardship cases, as set forth by procedures implemented by the director pursuant to this section.~~

- ~~(b) Dependent upon the availability of funds, the board of county commissioners may appropriate funds, in such amounts and under such conditions as deemed by resolution of the board, for rebates to be provided to residents of the county who are owners of dogs or cats which are sterilized within the county by licensed veterinarians.~~

- ~~(c) In the administration and enforcement of this article, the board of county commissioners is authorized to appropriate such sums of money, and the use of such county property, as in the judgment of the board shall be necessary and proper.~~
- ~~(d) The director is authorized to establish programs and procedures as are deemed necessary to accomplish the purposes of this article. These include, but are not limited to, enforcement actions, vaccination programs, measures to deal with kennel hazards, education programs, population control programs, licensing procedures, and the implementation of emergency procedures in the event of a disease outbreak or a state of emergency as defined by section 34-36 of this Code.~~

#### **Sec. 14-48. - Impoundment.**

- (a) The ~~d~~Department of ~~a~~Animal ~~s~~Services and its ~~a~~Animal ~~e~~Control ~~e~~Code ~~e~~Enforcement ~~e~~Officers, law enforcement officers and humane officers of state chartered nonprofit humane organizations having been lawfully appointed, shall have authority to pick up, catch or procure and impound any ~~a~~Animal found to be in violation of this ~~a~~Article, any ~~a~~Animal infected or believed to be infected with rabies or other contagious or infectious disease to humans or ~~a~~Animals, or any ~~a~~Animal suspected of biting a human, in such manner as is reasonably necessary to effectuate its capture. Impounded ~~a~~Animals shall be confined in a humane manner at an ~~a~~Animal ~~s~~Shelter. Animals impounded at an ~~a~~Animal ~~s~~Shelter shall be made available for public inspection in order to allow the ~~e~~Owner to reclaim their ~~a~~Animal. An ~~a~~Animal impounded for the purpose of rabies observation shall not be moved or released from the place of quarantine unless permission is first obtained from the ~~d~~Director ~~of animal services~~. The ~~d~~Director may approve an exception as to the above-required place of confinement for ~~d~~Dogs, ferrets, or ~~e~~Cats having a current rabies vaccination administered by a ~~licensed v~~Veterinarian.
- (b) Unless otherwise provided by this ~~a~~Article:
- (1) An impounded ~~a~~Animal with a license or other ~~e~~Owner identification shall be held for at least seven (7) days, including the day of impoundment;
  - (2) Impounded ~~d~~Dogs of sixteen (16) weeks in age without such identification shall be held for four (4) days, including the day of impoundment.
  - (3) Impounded individual puppies under sixteen (16) weeks in age without such identification shall be held for two (2) days, including the day of impoundment;
  - (4) Impounded litters of puppies under sixteen (16) weeks in age shall be held for one (1) day, including the day of impoundment.
  - (5) Impounded ~~e~~Cats over sixteen (16) weeks of age without such identification shall be held for three (3) days, including the day of impoundment.
  - (6) Impounded kittens under sixteen (16) weeks of age without such identification shall be held for one (1) day, including the day of impoundment.
- (7) Dogs, ferrets or ~~e~~Cats impounded for the observation of rabies shall be held at least ten (10) days.



The depositing of a letter of notification by first class U.S. mail shall constitute adequate notification of impoundment. The ~~o~~Owner shall also be notified by telephone, if possible. This ~~S~~section shall not apply to animals surrendered by the owner or an agent of the owner, in which case disposition may be made as provided in this article without notification or a holding period. At the expiration of the holding period, during which time a diligent attempt has been made to locate and contact the ~~o~~Owner, ~~disposition of the a~~Animal may be ~~disposed of in accordance in the manner provided in with~~ this ~~a~~Article.

- (c) A ~~thirty (30)-~~day holding period may be imposed upon all ~~a~~Animal ~~s~~Shelters, humane organizations, rescue groups or foster homes for domestic ~~a~~Animals with ~~o~~Owner information or that bear positive ~~o~~Owner identification in the form of an identification tag, license tag, microchip, rabies tag, or tattoo, which are impounded during a state of emergency within the ~~e~~County or those ~~a~~Animals which are transferred to the ~~e~~County from any area where a state of emergency has been declared by competent authority. The holding period will be ten ~~(10)~~ days for domestic ~~a~~Animals that do not bear any of the aforementioned forms of positive ~~o~~Owner identification which are impounded during a state of emergency within the ~~e~~County, or those ~~a~~Animals which are transferred to the ~~e~~County from any area where a state of emergency has been declared by competent authority. Adoption or transfer of ~~a~~Animals impounded during a state of emergency in the ~~e~~County, or of those ~~a~~Animals which are transferred to the ~~e~~County from any area where a state of emergency has been declared by competent authority that are not redeemed within the holding period will be conditional and the ~~a~~Animals will be subject to reclaim by the ~~o~~Owner for ~~one hundred and twenty (120)~~ days from the date of the state of emergency declaration in the area of origin, except where the ~~o~~Owner has relinquished all rights to the ~~a~~Animal. These requirements may be invoked by the ~~d~~Director based on the nature of the state of emergency and its aftermath.
- ~~(d) A registry shall be maintained by the impounding agency or rescue group. The registry shall contain any identification and identifying characteristics of each animal impounded along with the location, date, reason for each pickup, any owner information, name of person surrendering the animal, if applicable, and final disposition, to include name and address of the claimant or adopter. A copy of the registry shall be provided to department of animal services monthly, and be made available for inspection by the department at the impounding agency, at any time, upon the department's request. The records shall be maintained by the impounding agency for two years.~~
- (~~e~~d) If an ~~a~~Animal bites and causes injury to any human, the ~~a~~Animal shall be immediately impounded for rabies observation and quarantined, if necessary, for the proper length of time or held for ten ~~(10)~~ days. Thereafter, the ~~a~~Animal shall either be returned to the ~~o~~Owner or destroyed in an expeditious and humane manner in accordance with the provisions of this ~~a~~Article and F.S. ch. 767, ~~as may be amended~~, when applicable.
- (~~f~~e) Any ~~o~~Owner or person having custody of an ~~a~~Animal suspected of biting a human who fails to surrender the ~~a~~Animal to the ~~d~~Department of ~~a~~Animal ~~s~~Services for impoundment or inspection when requested by an ~~a~~Animal ~~e~~Control ~~e~~Code ~~e~~Enforcement ~~o~~Officer, shall be in violation of this ~~a~~Article.
- (~~g~~f) For violations of this ~~a~~Article, an ~~o~~Owner may be subject to a written warning or such penalties as prescribed in this ~~a~~Article, in addition to or in lieu of impoundment of the ~~a~~Animal.

(hg) Every Owner who voluntarily surrenders an Animal must provide photo identification and sign a form acknowledging that the surrender is voluntary and acknowledging ~~the that~~ disposition of the Animal is in the discretion of the Department ~~to dispose of the animal~~. The Department shall not be liable for the disposition of any voluntarily surrendered Animal after receipt of the Animal from its Owner. The Animal shall be immediately available for adoption, placement or other appropriate disposition once surrendered. Owners surrendering Animals shall be responsible for paying an intake fee, and should the Animal(s) not be current on vaccination required by the County, rabies vaccination fees shall also be paid by the Owner wishing to surrender his/her Animal(s). Owners wishing to surrender an Animal with the request for euthanasia shall be allowed to do so at the discretion of the Department. It is not the policy or practice of the Department to supply "on-demand" euthanasia procedures, but in the interest of relieving a suffering Animal, the Department may provide the service for a fee or at no charge, at its sole discretion. Notwithstanding the foregoing, such fees shall not apply to any Animal surrendered to the Department by a ~~licensed~~ Veterinarian or boarding Kennel, pursuant to F.S. § 705.19, as may be amended. No Owner-surrendered or stray Animals from outside the Department's jurisdiction shall be accepted except for humane reasons; such Animals shall be referred to another agency. The photo identification of the Owner/person wishing to surrender an Animal that shows an address outside of the Department's jurisdiction shall be used as the origin of the Animal. If an Animal is accepted for humane reasons from an Owner or person living outside of the Department's jurisdiction, a fee equal to the average cost(s) of all services provided shall be charged.

**Sec. 14-49. - Adoption, Redemption and Disposition of Animals.**

- (a) The disposition of All Animals, which have been impounded or rescued by the Department shall be determined in accordance with the provisions of this Article, ~~may be disposed of~~ as provided below:
- (1) Within the holding period, Animals may be redeemed by the Owner or his/her agent upon the payment of any fees or costs associated with the impoundment. If the Animal is a Dog or Cat which is unlicensed, it is necessary for the Owner to obtain a license before redeeming the Animal. Owners or agents of Dogs or Cats which have no positive identification shall be required to submit a statement of ownership in addition to obtaining a license and paying all associated fees and costs prior to the Animal being redeemed.
  - (2) If not redeemed within the holding period, disposition of Animals may be ~~disposed of~~ by humane euthanasia or offered for adoption to any qualified person, upon payment of the adoption fee and, if applicable, such other costs associated with the impoundment. Animals that appear to be severely diseased or injured and suffering, and those Animals medically determined to be suffering from a contagious or infectious disease that could constitute a hazard to other Animals or humans may be euthanized at the discretion of the Director, or his or her designee, at any time.
  - (3) All Dogs and Cats placed for adoption shall be vaccinated, licensed, and sterilized before custody is relinquished to the new Owner.

- (4) Those ~~a~~Animals which have passed medical and behavior screening, but have not been adopted, may be offered to state chartered nonprofit humane organizations for the purpose of providing adoptions of such ~~a~~Animals. Fees and costs may be waived for the disposition of ~~a~~Animals in this manner.
- (b) ~~The disposition Noof an a~~Animal may ~~be disposed ofnot be~~ to any medical school, college, university or person for experimentation or vivisection purposes, or to any person providing, selling, or supplying ~~a~~Animals to any medical school, college, university or person for experimentation or vivisection purposes.

#### **Sec. 14-50. - Sterilization.**

- (a) All ~~d~~Dogs and ~~e~~Cats adopted from the ~~e~~County shall be sterilized by a ~~v~~Veterinarian before adoption, except when a ~~v~~Veterinarian determines that sterilization would endanger the ~~a~~Animal's health due to its age, infirmity or illness.
- (b) A ~~d~~Dog which is impounded two (2) times within a twenty-four (24)-month period shall be sterilized before it may be redeemed for the second time, except when a ~~v~~Veterinarian determines that the sterilization would endanger the ~~a~~Animal's health due to its age, infirmity or illness.
- (c) For the purposes of controlling pet overpopulation and ensuring all ~~a~~Animals adopted from the ~~e~~County are sterilized in an expeditious manner, the ~~e~~County shall be considered the legal ~~e~~Owner of: all stray ~~d~~Dogs that remain in the shelter three (3) days after intake/impound (i.e., on the third day sterilization may take place) unless positive, traceable ownership may be indicated by a registered microchip, city tag or private id tag; and all stray ~~e~~Cats upon intake/impound unless positive, traceable ownership may be indicated by a registered microchip, city tag, other form of traceable permanent identification, or private identification tag. The ~~e~~County is hereby authorized to perform sterilization procedures on any ~~a~~Animal any time after it becomes ~~e~~County property. Such ownership provisions shall not affect the holding periods established in ~~section-Sec.~~ 14-48.

#### **Secs. 14-51—14-60. - Reserved.**

### **DIVISION 3. - DOGS AND CATS**

#### **Sec. 14-61. - Rabies ~~v~~Vaccinations and ~~H~~Licensing.**

- (a) Every person possessing, harboring, keeping, or having control or custody of a ~~d~~Dog or ~~e~~Cat over the age of four (4) months within the ~~e~~County shall secure a ~~e~~County license from a ~~v~~Veterinarian or from the ~~d~~Department of ~~a~~Animal ~~s~~Services and, as a part of such license, shall show proof of a current rabies vaccination which shall have been administered by, or under the supervision of, a ~~v~~Veterinarian. Evidence of circulating rabies virus antibodies shall not be used as a substitute for obtaining a license, current vaccination in managing rabies exposure or the need for a booster vaccination.
- (1) The duration of immunity of the vaccine shall be recognized in accordance with the current Compendium of ~~Animal~~ Rabies Prevention and Control in Florida and F.S. § 828.30, as may be amendeddeveloped by the National Association of State Public Health Veterinarians.

~~(2) Animals not meeting the definition of "currently vaccinated" include:~~

- ~~a. Dog, cat, ferret, horse, cattle or sheep whose first vaccination was given less than 28 days before exposure to a known or suspected rabid animal;~~
- ~~b. Dog, cat, ferret, horse, cattle or sheep whose previous vaccination expired;~~
- ~~c. Dog, cat, ferret, horse, cattle or sheep not vaccinated by, or under the supervision of, a veterinarian;~~
- ~~d. Any wild animal, or wild and domestic animal hybrids.~~

(32) Veterinarians or authorized entities shall distribute the eCounty license tags and rabies vaccination certificates to dDog or eCat oOwners according to the most recent procedure promulgated by the dDepartment. Veterinarians and authorized entities must return required documentation related to licensure and rabies vaccination certificates to the Department within thirty (30) days.

(43) Licenses may be issued without the administration of a rabies vaccination provided a vVeterinarian has examined the dDog or eCat and has certified in writing that a rabies vaccination could endanger its health because of infirmity, debility, illness, or other medical consideration. The dDog or eCat must be vaccinated as soon as its health improves sufficiently to tolerate the vaccine. An exemption that extends beyond twelve (12) months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one (1) year from the date it was written.

(54) The certificate ~~and tag~~ shall be approved and supplied by the bBoard of eCounty eCommissioners. The Department will establish, from time to time, an official tag for licensed Animals. No other license and rabies certificate or tag shall be valid in the eCounty, except as otherwise provided under this aArticle. The certificate shall provide space for pertinent data for identification of the aAnimal. The license tag shall consist of a serially numbered piece of metal or other material bearing the same number as the certificate. All dDogs and eCats shall be required to wear a tag, except as otherwise provided under this Ssection. The person to whom a dDog or eCat license has been issued shall cause the tag to be securely fastened by a substantial device about the aAnimal's neck so as to be clearly visible at all times. If a license tag is lost or destroyed, a duplicate shall be issued by the dDepartment upon presentation of the certificate and upon payment of a fee as established by the bBoard of eCounty eCommissioners. In lieu of the tag, oOwners of eCats may choose a breakaway collar or an alternate form of identification, as approved by the dDepartment.

(65) Failure to comply with the provisions of subsections (a)(1) through (54) above or the current procedures promulgated by the dDepartment may result in loss of licensing and tag issuing authority.

- (b) Licenses, either certificate or tag, shall not be transferable from one dDog or eCat to another.
- (c) Licenses under this aArticle expire ~~when the rabies vaccination expires. A licensed shall be renewed on or before the date of expiration.~~ in accordance with the following schedule:

- (1) If a one (1) year license is issued for a one (1) year rabies vaccination or a three (3) year license is issued for a three (3) year rabies vaccination, licenses expires when the rabies vaccination expire.
- (2) If a one (1) year license is issued for a (3) year rabies vaccination, the license expires one (1) year from the date of issuance. The expiration date of licenses for year three (3) shall expire on the date the rabies vaccination expire.
- (3) All licenses shall be renewed on or before the date of expiration.
- (d) Those persons who relocate their ~~d~~Dogs or ~~e~~Cats, which are over the age of four (4) months, to the ~~e~~County shall secure a license within thirty (30) days of relocation.
- (e) When ownership of a ~~d~~Dog or ~~e~~Cat is transferred from one party to another, the transferor shall report the change of ownership to the ~~d~~Department on such form as provided by the ~~d~~Department, whether such change is effectuated by sale, barter, gift, or otherwise, within thirty (30) days of such transfer. The new ~~e~~Owner shall maintain a record of the date of transfer, the name and address of the transferor, and proof of previous vaccination and license. Such records shall be maintained by the new ~~e~~Owner for a minimum period of one (1) year from the date of transfer ~~and shall be subject to inspection upon demand by any animal control code enforcement officer.~~ All ~~e~~Owners of ~~d~~Dogs or ~~e~~Cats over (four) 4 months shall obtain a ~~e~~County license within thirty (30) days of the date that they became the ~~e~~Owner as defined in this ~~a~~Article.
- (f) Every person selling or transferring ownership of a ~~d~~Dog or ~~e~~Cat shall keep records of the most recent proof of vaccination, license, and, when applicable pursuant to F.S. ch. 828, as may be amended, certificate of veterinary inspection. The previous ~~e~~Owner shall maintain such records for a minimum period of one (1) year from the date of transfer. All ~~d~~Dogs and ~~e~~Cats offered for sale, and copies of vaccination or license records, or certificates of veterinary inspection, held by the seller and ~~v~~Veterinarian shall be subject to inspection by any ~~a~~Animal ~~e~~Control Code Enforcement ~~e~~Officer.
- (g) Every person owning, possessing, harboring, keeping or having control or custody of a ~~d~~Dog or a ~~e~~Cat shall keep records of proof of vaccination, license, and when applicable pursuant to F.S. ch. 828, as may be amended, certificates of veterinary inspection. Every person owning, possess[ing], harboring, keeping or having control or custody of a ferret, shall keep records of proof of vaccination. ~~Such records shall be subject to inspection upon demand by any animal control code enforcement officer.~~
- (h) The ~~b~~Board of ~~e~~County ~~e~~Commissioners ~~is~~are authorized to establish reasonable fees for the issuance and renewal of ~~d~~Dog or ~~e~~Cat licenses. License fees shall be waived for the following:
- ~~(1) Those persons who are legally blind and whose dogs are registered seeing eye dogs; or those persons who are legally deaf and whose dogs are certified "hearing" dogs; or such other physically handicapped persons whose dogs are certified and trained to assist the physically handicapped.~~
- (2) Dogs owned by a law enforcement agency and used for law enforcement purposes.

(32) The initial license issued to ~~d~~Dogs or ~~e~~Cats adopted from state chartered nonprofit humane organizations ~~based upon registry data provided in accordance with subsection 14-48(e).~~

- (i) The provisions of this ~~S~~section shall not apply to active racing greyhounds licensed and regulated by the Florida Department of Business and Professional Regulation.

**Sec. 14-62. - Guard ~~d~~Dogs.**

- (a) Registration.

(1) Guard ~~d~~Dog ~~e~~Owners or services shall register all ~~d~~Dogs used in their business, whether housed or used in the ~~e~~County, with the ~~d~~Department. The registration shall include: ~~N~~name, address and telephone number of the service's manager; the breed, sex, weight, age, color, registration number of the ~~G~~guard ~~d~~Dog, and other distinguishing physical features of the ~~d~~Dog; a ~~e~~County rabies vaccination and license certificate; and a tag that is highly visible and conspicuously different from ordinary ~~d~~Dog tags, as approved and supplied by the ~~board of county commissioners~~Department. As a condition to registration, proof of ownership must be presented by either a notarized bill of sale or a notarized affidavit.

(2) Guard ~~d~~Dogs which are newly acquired by ~~G~~guard ~~d~~Dog services shall be vaccinated against rabies, if needed, and registered with the ~~d~~Department within seventy-two (72) hours of acquisition.

(3) The fee for registration of a ~~G~~guard ~~d~~Dog with the ~~d~~Department shall be established by the ~~b~~Board of ~~e~~County ~~e~~Commissioners and shall be ~~a one-time charge~~an annual charge for each individual ~~d~~Dog.

(4) Such registration shall not constitute a waiver of the annual license or other requirements of this ~~a~~Article.

- (b) ~~I~~dentification. Each ~~G~~guard ~~d~~Dog shall be permanently identified by microchip implantation.

- (c) Reporting ~~r~~Requirements. Any person possessing, harboring, keeping or having control or custody of a ~~G~~guard ~~d~~Dog shall immediately notify the ~~d~~Department when such ~~G~~guard ~~d~~Dog:

(1) Is loose or unconfined;

(2) Has bitten a human being or attacked another ~~a~~Animal; or

(3) Is sold or given away, or dies. Prior to a ~~G~~guard ~~d~~Dog being sold or given away, the ~~e~~Owner shall provide the name, address and telephone number of the new ~~e~~Owner to the ~~d~~Department.

- (d) An inspection shall be required prior to any registration issuance or renewal. The renewal inspection period shall extend from sixty (60) days prior to the end of a current registration period until the last day of the current registration period. Notice of the renewal inspection period, including a description of the scope and criteria of the inspection, shall be provided no later than ten (10) days prior to a renewal inspection period, and any effort to seek review by a competent jurisdiction of the intended inspection must be initiated before the renewal period begins. The renewal inspection shall be unscheduled, and may be conducted at any reasonable



hour by any Animal Control Code Enforcement Officer, who shall act in accordance with the renewal inspection period notice and at a minimum, shall be given access to and the opportunity to investigate the Animals, premises and records of the Guard Dog Owner, to determine compliance with F.S. chs. 767 and 828, as may be amended, and this Article.~~Inspection. As a condition to possessing, harboring, keeping, or having control or custody of a guard dog, any animal control code enforcement officer shall, at any reasonable hour, have access to and shall have the right to inspect any premises housing the guard dog to determine compliance with F.S. chs. 828 and 767 and this article.~~

- (e) ~~{Unlawful eCustody.}~~ It shall be unlawful for any person to own, harbor, keep, maintain, use or otherwise have custody of any Guard ~~d~~Dog in the eCounty which has not been vaccinated, registered, and microchipped as provided by this aArticle.
- (f) Transportation of gGuard ~~d~~Dog.
  - (1) Any vehicle transporting a Guard ~~d~~Dog must be clearly marked showing that it is transporting a dangerous-registered Guard ~~d~~Dog. A compartment separate from the driver is required which shall allow adequate ventilation for the aAnimal.
  - (2) No Guard ~~d~~Dog shall be transported in the trunk of a car or on open-bed trucks.
  - (3) Guard ~~d~~Dogs must be muzzled and leashed, or maintained in a proper enclosure, as defined in this aArticle, when not on guard duty at a commercial establishment.
- (g) Requirements for bBusinesses uUsing gGuard ~~d~~Dogs.
  - (1) Each business which hires or uses a Guard ~~d~~Dog must provide proper fencing to keep the Guard ~~d~~Dog from digging or jumping out, or must otherwise properly confine the aAnimal within a secure enclosure.
  - (2) At each appropriate location and entry point, and at fifty (50)-foot intervals along the fence perimeter, a sign shall be posted including the words "Bad-Guard Dog."
  - (3) Entry points shall have a sign posted with the telephone number of the ~~d~~Dog's trainer or handler in case of an emergency.

**Sec. 14-63. - Dogs or eCats aAt-large.**

- (a) No ~~d~~Dog or eCat shall run aAt-large within the eCounty, as defined under this aArticle. Any person who possesses, harbors, keeps, or has control or custody of any ~~d~~Dog or eCat which is running aAt-large shall be in violation of this aArticle, regardless of the knowledge, intent or culpability of the eOwner.
- (b) This Section shall not apply to police ~~d~~Dogs as defined in F.S. § 843.19, as may be amended, when such ~~d~~Dogs are engaged by a law enforcement agency in an official capacity, or to any ~~d~~Dog which is actually engaged in or being trained for the sport of hunting during a legal hunting season within authorized areas and supervised by the eOwner.
- (c) The eOwner of any female ~~d~~Dog or eCat in heat (estrus) which is not kept confined in a secure enclosure, such as a building, veterinary hospital, boarding kKennel or closed kKennel, such that the female ~~d~~Dog or eCat cannot come in contact with any male ~~d~~Dog or eCat, except when the eOwners of both aAnimals intend to breed such aAnimals, shall be deemed in

violation of this ~~a~~Article. A fenced area is not sufficient enclosure for the purpose and intent of this subsection.

**Sec. 14-64. - Dangerous ~~animals~~Dogs.**

- (a) The purpose of this Section is to implement the provisions of F.S. ch. 767 Part II Dangerous Dogs, as may be amended, and the definitions and provisions of which are incorporated herein, as may be amended. Consistent with F.S. § 767.14, as may be amended, any additional, inconsistent, or conflicting provisions stated in this Code shall control to the extent they do not lessen the statutory provisions.

Procedures to classify an animal dangerous.

- ~~(1) Investigation. Dangerous Dog investigations, determinations, classifications, and other actions, including related hearings and appeals, shall be conducted in accordance with the provisions of F.S. ch. 767 Part II Dangerous Dogs, as may be amended. Hearings, if requested, shall be conducted in accordance with F.S. ch. 767 Part II Dangerous Dogs, as may be amended, and Sec. 14-67 of this Code. The department shall investigate reported incidents involving any animal whose actions may result in the animal being classified as dangerous. As part of the investigation, the department shall, if possible, interview the animal's owner and require a notarized affidavit from any person, including any animal care officer or enforcement officer, who may have information relating to whether the animal might be dangerous.~~
- ~~(2) Initial determination. Upon completing its investigation, the department shall make an initial determination as to whether there is sufficient cause to classify the animal as dangerous. If the department determines that there is sufficient cause, the department shall provide written notification of its initial determination to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of F.S. ch. 48, as amended, relating to service of process.~~
- ~~(3) Availability of hearing to challenge the initial determination. The written notification referenced in subsection (a)(2) shall inform the owner that, notwithstanding any other provisions of this article, if the owner wishes to challenge the initial determination, the owner must file a request for a hearing with the department within seven calendar days after the owner receives notice of the department's initial determination.~~
- ~~(4) Effect of not timely requesting hearing. If the owner fails to timely request a hearing pursuant to subsection (a)(3) above, the animal shall be classified as dangerous. The department shall provide written notice of this classification to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of F.S. ch. 48, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten business days after receipt of the notice, file a petition for writ of certiorari review in county court, to appeal the classification.~~
- ~~(5) Effect of timely requesting hearing. If the owner timely requests a hearing pursuant to subsection (a)(3) above, the hearing shall be held no sooner than five calendar days after filing of the request and no later than 21 calendar days after the filing. The hearing shall be conducted in accordance with section 14-67. If the hearing officer determines that the animal should be classified as dangerous, the department shall provide written notice of~~

such classification (along with a copy of the hearing officer's decision) to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of F.S. ch. 48, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten business days after receipt of the notice, file a petition for writ of certiorari review in county court, to appeal the classification.

- (62) The Owner shall be responsible for boarding fees, veterinary and other costs incurred by the County to maintain the Dog during such investigation, classification and appeals.
- (3) Confinement of ~~animal~~Dog Pending ~~i~~nvestigation, ~~h~~earing and ~~a~~ppel. Any ~~animal~~Dog that is the subject of a ~~d~~Dangerous ~~animal~~Dog investigation, that is not impounded with ~~animal services~~ the Department, shall be maintained by the ~~o~~wner in a ~~p~~roper ~~e~~nclosure of a Dangerous Dog as that term is defined in section 14-26. The ~~o~~wner shall post the premises with clearly visible warning signs at all entry points that inform both children and adults of the presence of a ~~d~~Dangerous ~~animal~~Dog on the property. Furthermore, it is unlawful for the ~~o~~wner of the ~~animal~~Dog to permit the ~~animal~~Dog to be outside a ~~p~~roper ~~e~~nclosure of a Dangerous Dog unless the ~~animal~~Dog is muzzled and restrained by a substantial chain or leash and under the control of a competent person over the age of eighteen (18). The muzzle shall be made in a manner that will not cause injury to the ~~animal~~Dog or interfere with its vision or respiration, but shall prevent it from biting any person or ~~animal~~Dog. When being transported, such ~~animal~~Dogs shall be safely and securely restrained within a vehicle. The provisions of this ~~s~~ection shall apply pending the outcome of the investigation and resolution of any hearing or appeals related to the ~~d~~Dangerous ~~animal~~Dog classification. The address of where the ~~animal~~Dog resides shall be provided to ~~animal services~~ the Department. No ~~animal~~Dog that is the subject of a ~~d~~Dangerous ~~animal~~Dog investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearings or appeals related to the determination of the ~~d~~Dangerous ~~animal~~Dog classification.
- (74) Failure to ~~s~~ecurely ~~e~~confine an ~~animal~~Dog ~~d~~during ~~i~~nvestigation. In the event that any ~~a~~nimal ~~e~~control ~~e~~code ~~e~~enforcement ~~o~~fficer has sufficient cause to believe that ~~is~~ investigating whether an ~~animal~~Dog is or may be dangerous and has cause to believe that the ~~o~~wner is unable or unwilling to securely confine the ~~animal~~Dog pending a final determination, the ~~a~~nimal ~~e~~control ~~e~~code ~~e~~enforcement ~~o~~fficer may impound the ~~animal~~Dog pending the investigation, or any hearing or appeals regarding the ~~d~~Dangerous ~~animal~~Dog classification, if deemed necessary to protect the public. If the ~~animal~~Dog is subsequently classified as dangerous by the animal control authority and such classification is appealed, it shall remain impounded pending final resolution. ~~The owner shall be responsible for boarding fees, veterinary and other costs incurred by the county to maintain the animal og during such investigation, classification and appeals.~~
- (85) Timing for ~~e~~compliance with ~~d~~Dangerous ~~animal~~Dog ~~r~~requirements. The Owner of a Dog classified as a Dangerous Dog shall comply with all time frames and requirements provided by law. Within fourteen (14) calendar days after an animal ~~D~~ has been classified as dangerous under subsections (a)(4) or (5)(1) above, or within fourteen (14) calendar days after such classification has been upheld in any appeal (dismissal of the appeal by the ~~o~~wner shall be deemed to uphold the classification), the ~~o~~wner of the ~~animal~~Dog

~~must comply with all the dDangerous animalDog requirements referenced in subsection (b) below.~~

(b) Dangerous animalDog Requirements.

(1) Registration. Any person who owns (or keeps, if that person is someone other than the eOwner) a dDangerous animalDog within the eCounty must register the animalDog as dangerous with the dDepartment. Any person who brings an animalDog into the eCounty that has been declared dangerous by another jurisdiction, and who intends to reside in the eCounty with such animalDog, shall register the dDangerous animalDog within fourteen (14) calendar days of establishing residency in the eCounty. The fees for registration shall be as established by resolution.

(2) Conditions pPrecedent to rRegistration. No dDangerous animalDog may be registered with the dDepartment unless and until all of the following requirements have been met:

a. The eOwner shall, at the eOwner's expense, have the dDangerous animalDog implanted with a dDepartment-approved electronic animalDog identification device (microchip), and shall provide the dDepartment with the microchip manufacturer and number. The eOwner may obtain microchips from the dDepartment, if available, at the fee set by resolution. The microchip number will become the dDangerous animalDog registration number.

b. The animalDog shall be spayed/neutered unless a licensed vVeterinarian has examined the animalDog and certifies, in writing (with a copy provided to the dDepartment within such fourteen (14)-day period), that at such time spaying/neutering the animalDog would endanger its health. Under the circumstance, the animalDog shall be spayed/neutered as soon as its health permits.

c. The eOwner shall display a sign on his or her property warning that there is a dDangerous animalDog on the premises. Said sign shall be clearly visible from all entry points and inform both children and adults of the presence of a dDangerous animalDog on the property. The sign shall read "Dangerous Animal" or "Beware of Animal."

d. The eOwner of a dDangerous animalDog must have in place, on the property where the dDangerous animalDog will be kept, the pProper eEnclosure of a dDangerous animalDog ~~as defined above in this article~~, if said property allows.

e. The eOwner of a dDangerous animalDog must provide dDepartment with two (2) color photos displaying full body, head and face of the animalDog.

f. The eOwner shall provide evidence of a current Pinellas County license and rabies vaccination for the animalDog.

~~g. The owner shall execute a document consenting to the department entering the exterior of the owner's property, with or without prior notice, for the sole purpose of conducting inspections to ensure that the animalog's owner is meeting his or her responsibilities, as applicable, under subsection (c) below.~~

(c) Responsibilities of dDangerous animalDog eOwners. The eOwner (or keeper, if other than eOwner) of a dDangerous animalDog shall:

- (1) Renew the ~~d~~Dangerous ~~animal~~Dog registration annually.
- (2) Ensure that the ~~animal~~Dog, while on the ~~e~~Owner's property, is securely confined indoors, or securely confined in a ~~p~~Proper ~~e~~Enclosure of a ~~d~~Dangerous ~~animal~~Dog ~~as defined above~~. At any time that a ~~d~~Dangerous ~~animal~~Dog is not so confined, the ~~animal~~Dog shall be muzzled and restrained in such a manner as to prevent it from biting or injuring any person or ~~animal~~Dog, and kept on a substantial chain or leash by a person able to exercise control over the ~~animal~~Dog. The muzzle must be made in a manner that will not cause injury to the ~~animal~~Dog or interfere with its vision or respiration, but will prevent it from biting any person or ~~animal~~Dog. However, the foregoing requirements of this subsection do not apply:
  - a. When the ~~animal~~Dog is in attendance at and participating in any ~~animal~~Dog show, contest, or exhibition not prohibited under F.S. § 828.122, as may be amended, and sponsored by an ~~animal~~ Dog club, association, society, or similar organization.
  - b. While the ~~animal~~Dog is being transported within the cab or passenger portion of any motor vehicle, provided the vehicle has a roof, and the ~~animal~~Dog cannot escape through an open window.
  - c. When the ~~e~~Owner is exercising the ~~animal~~Dog in a securely fenced or enclosed area that does not have a top, provided that the ~~animal~~Dog remains within the ~~e~~Owner's sight and only member of the immediately household or persons eighteen (18) years of age or older are allowed in the enclosed or fenced area when the ~~animal~~Dog is present.
- (3) Notify the ~~d~~Department immediately if the ~~d~~Dangerous ~~animal~~Dog becomes loose, unconfined, attacks, or bites a human being or another ~~animal~~Dog, dies, is sold, or is given away. In the event of the ~~animal~~Dog's death, the ~~e~~Owner shall provide to the ~~d~~Department satisfactory evidence (as determined by the ~~d~~Department) of the ~~animal~~Dog's death. If the ~~d~~Dangerous ~~animal~~Dog is sold or given away, the ~~e~~Owner shall provide to the ~~d~~Department the name, address, and telephone number of the new ~~e~~Owner of the ~~d~~Dangerous ~~animal~~Dog. The new ~~e~~Owner shall, within fourteen (14) calendar days after receiving the ~~animal~~Dog, execute a new document to be supplied by the ~~d~~Department, acknowledging that he or she is aware of the ~~d~~Dangerous ~~animal~~Dog classification, and agreeing that the new ~~e~~Owner shall comply with all of the requirements of this ~~a~~Article.
- (4) Notify the ~~d~~Department immediately if the ~~e~~Owner believes that the ~~d~~Dangerous ~~animal~~Dog has been stolen. The ~~e~~Owner must, concurrently with that notification, report the theft to the appropriate local law enforcement authority and provide the official police report to the ~~d~~Department.
- (5) Notify the ~~d~~Department immediately if the ~~e~~Owner moves to another address with the ~~d~~Dangerous ~~animal~~Dog, which notification shall identify such address.
- (6) Have the ~~d~~Dangerous ~~animal~~Dog destroyed in a humane manner at his or her sole expense by the ~~d~~Department or a ~~licensed~~ ~~v~~Veterinarian, if the ~~e~~Owner is unable or unwilling to comply with all applicable requirements and mandates contained in this ~~a~~Article.



- ~~(7) Meet the obligation under any agreement executed as referenced in subsection (b)(2)g of this section.~~
- ~~(d) [Department authority.] The department shall have the authority to make whatever inspections are deemed necessary to ensure that the provisions of this article are complied with.~~
- ~~(ed) [Surrender of dDangerous animalDog.] The oOwner of a dDangerous animalDog may must surrender the dDangerous animalDog to the dDepartment if the oOwner is unable or unwilling to comply with the requirements of this aArticle.~~
- ~~(fe) [Inapplicability to HLaw eEnforcement animalDogs.] This aArticle shall not apply to animalDogs owned and used by a law enforcement agency.~~
- ~~(g) Violations of dangerous animal requirements or responsibilities of dangerous animal owners. Each failure to comply with a dangerous animal requirement or responsibility of a dangerous animal owner contained in this article shall constitute a noncriminal infraction, punishable by a fine.~~
- ~~(h) Impoundment, cConfiscation, and dDestruction of dDangerous animalDogs.~~
- ~~(1) If an animalDog that has previously been classified as dangerous attacks or bites a person or a domestic animalDog without provocation, the dDepartment shall immediately confiscate and impound the animalDog and, after written notice to the oOwner and expiration of ten (10) business days from the date the oOwner receives the notice, destroy such dDangerous animalDog in an expeditious and humane manner. This ten (10) day time period shall allow the oOwner to request a hearing under section Sec. 14-67.~~
- ~~(2) If an animalDog attacks and causes severe injury to or death of any human, the animalDog shall be immediately confiscated by the dDepartment, placed in quarantine, if necessary, for the proper length of time, or otherwise impounded, and held for ten (10) business days after the oOwner is given written notice, and thereafter destroyed in an expeditious and humane manner. This ten (10) day time period shall allow the oOwner to request a hearing under section Sec. 14-67.~~
- ~~(3) For any period of impoundment or quarantine referenced in subsections (h)(1) or (2) above, or referenced elsewhere in this aArticle, the oOwner shall be responsible for payment of all boarding costs and other fees associated therewith.~~
- ~~(4) Notice under this subsection shall be effected by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of F.S. ch. 48, as amended, relating to service of process.~~
- ~~(5) If the oOwner requests a hearing or files an appeal under subsection (h)(1), (2) or (3) above, the animalDog must be held by the dDepartment, at the oOwner's expense, and may not be destroyed while the hearing or appeal is pending. If any oOwner or keeper of a dDangerous animalDog is a minor, the parent or guardian of such minor shall be responsible for complying with the provisions of this aArticle.~~

**Sec. 14-65. - Reserved.**

**Sec. 14-66. - Reserved.**

**Sec. 14-67. - Hearings.**



- (a) Hearing ~~e~~O~~fficer~~. There is hereby created for the purposes of this ~~a~~A~~rticle~~ the position of hearing officer. Said hearing officer shall be the director of the health department, or his/her designee, or alternatively a member in good standing of the Florida Bar.
- (b) Burden of ~~p~~P~~roof~~. The ~~d~~D~~epartment~~ shall bear the burden of establishing that ~~a~~n ~~animal~~D~~og~~ is dangerous by a preponderance of evidence. The ~~e~~O~~wner~~ shall bear the burden of establishing any factual or legal defense to the classification of dangerousness by a preponderance of evidence.
- (c) Hearing ~~p~~P~~rocedures~~. These procedures govern hearings before a hearing officer as provided in this ~~a~~A~~rticle~~. Such hearings shall provide an opportunity for the ~~e~~O~~wner~~ to be heard. All hearings shall be conducted in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code, except as otherwise stated herein. However, the hearing shall be conducted in an informal manner to the extent practicable. Each party shall be afforded the following rights:
  - (1) To be accompanied, represented, and advised by counsel;
  - (2) To offer the testimony of witnesses and examine opposing witnesses on relevant matters; and
  - (3) To present his or her case by oral or documentary evidence.
- (d) Evidence.
  - (1) In any hearing before a hearing officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of the state. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
  - (2) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.
  - (3) The rules of privilege shall be effective to the same extent that they are recognized under state law.
- (e) Written ~~d~~D~~eterminations~~ of the ~~h~~H~~earing~~ ~~e~~O~~fficer~~.
  - (1) After conducting a hearing, the ~~H~~earing ~~O~~fficer shall issue a determination within twenty (20) calendar days of the hearing.
  - (2) All determinations of the hearing officer shall be in writing, signed, and dated by the hearing officer, shall contain findings of fact and conclusions of law, and shall be served upon the ~~e~~O~~wner~~ by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of F.S. ch. 48, as may be amended, relating to service of process.
- (f) Obligation to ~~p~~P~~ay~~ ~~h~~H~~earing~~ ~~e~~O~~fficer~~'s ~~f~~F~~ee~~; ~~d~~D~~eposit~~. The non-prevailing party shall be responsible for paying the hearing officer's fee in full. When filing a written request for a

hearing, the ~~e~~Owner shall provide a deposit in the amount established by resolution as security for payment of the hearing officer's fee. If the ~~e~~Owner prevails in the hearing, the deposit shall be returned in full. If the ~~e~~Owner does not prevail, and the hearing officer's fee exceeds the deposit, the ~~e~~Owner shall pay the difference within ten (10) business days after written demand is made by the hearing officer or ~~d~~Department. If the ~~e~~Owner does not prevail, and the deposit exceed the hearing officer's fee, the ~~d~~Department shall return the excess deposit to the ~~e~~Owner within ten (10) business days after paying the hearing officer's fee.

- (g) ~~{Failure to aAppear bBefore hHearing eOfficer.}~~ Once a hearing is scheduled, failure to appear before the hearing officer may, at the discretion of the hearing officer, result in dismissal of the hearing with prejudice, in which case the initial classification by the ~~d~~Department shall stand and the ~~animal~~Dog shall be classified as aggressive or dangerous.

**~~Sec. 14-68.—Striking or interfering with a law enforcement animal.~~**

- (a) ~~[Definitions.] For the purpose of this section, the following terms shall have the meaning indicated in this subsection. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.~~

~~Law enforcement animal means an animal that is owned or leased by a law enforcement agency for the principal purposes of:~~

~~a.—Aiding in:~~

- ~~1.—The detention of criminal activity;~~
- ~~2.—The enforcement of the laws; and~~
- ~~3.—The apprehension of offenders.~~

~~b.—Ensuring the public welfare.~~

~~c.—The term includes, but is not limited to, the following:~~

~~1.—A horse:~~

- ~~i.—Full time mounted patrol;~~
- ~~ii.—Part time mounted patrol;~~
- ~~iii.—Posse.~~

~~b.—A dog:~~

- ~~i.—Arson investigation;~~
- ~~ii.—Bomb detection;~~
- ~~iii.—Narcotic detection;~~
- ~~iv.—Patrol;~~
- ~~v.—Search and rescue;~~
- ~~vi.—Tracking;~~
- ~~vii.—Cadaver.~~

~~(b) Striking or interfering with a law enforcement animal.~~

~~(1) It shall be unlawful and punishable as provided by law for any person to knowingly or intentionally:~~

~~a. Strike, torment, bait, injure, or otherwise mistreat a law enforcement animal; or~~

~~b. Interfere with the actions of a law enforcement animal or harass or bait a law enforcement animal while the animal/handler is:~~

~~1. On duty working for his/her respective agency; or~~

~~2. In an off-duty capacity working at an approved off-duty/extra duty event for a contracted entity being paid for law enforcement services; or~~

~~3. An approved non-pay volunteer event.~~

~~(2) It is a defense that the accused person:~~

~~a. Engaged in training activity or discipline; and~~

~~b. Acted as an employee or agent of a law enforcement agency.~~

~~(3) In addition to any sentence or fine imposed for the conviction of an offense under this section, the court may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of:~~

~~a. Veterinary bills; and~~

~~b. Cost of retraining and temporary loss of use; and~~

~~c. Replacement cost if the animal is disabled, unable to perform its duty, or is killed.~~

~~(c) [Enforcement.] In addition to any other law enforcement or code enforcement officer authorized to issue citations under this chapter, the Sheriff of Pinellas County, his deputies, the Florida Highway Patrol, and police officers in municipalities without conflicting ordinance shall have the duty and authority to enforce the provisions of this section.~~

**Secs. 14-689—14-85. - Reserved.**

## **Section 2. Severability.**

In the event that any court having jurisdiction over any case arising under this Section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this Section and its subsections and other provisions to be severable.

## **Section 3. Effective Date.**

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

**Section 4. Areas Embraced.**

Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

**Section 5. Codification.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

**Section 6. Amendment of Proposed Ordinance at Public Hearing.**

Any section, subsection, sentence, clause, phrase, or provision of this Ordinance as proposed be amended, added, or deleted by majority vote of the Board of County Commissioners as a result of matters raised at the public hearing or in consultation with responsible authorities, and in such event, the amendments, additions or deletions shall be validly adopted without additional advertisement or hearing.