

LEON COUNTY ORDINANCE NO. 23-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING ARTICLE II OF CHAPTER 4 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING ANIMAL CONTROL; AMENDING SECTION 4-26, DEFINITIONS; AMENDING SECTION 4-35, RUNNING AT LARGE; AMENDING SECTION 4-41, PROCEDURE UPON CITATION; AMENDING SECTION 4-46, PROHIBITION ON FEEDING FERAL ANIMALS; AMENDING SECTION 4-64, DISPOSAL OF ANIMALS; AMENDING SECTION 4-76, RABIES VACCINATION REQUIRED; AMENDING DIVISION 4. DANGEROUS AND AGGRESSIVE ANIMALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Article II of Chapter 4 of the Code of Laws of Leon County, regarding Animal Control; and

WHEREAS, the Board of County Commissioners desires to align its ordinance regarding Animal Control with the definitions and requirements of Chapter 767, Florida Statutes.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Amendments to Code.

Article II of Chapter 4 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

ARTICLE II. ANIMAL CONTROL

DIVISION 1. GENERALLY

Sec. 4-26. Definitions.

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

Abandon means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and/or without adequate food, water, ventilation or shelter, for a period in excess of 24 hours, regardless of where such animal may be found or kept. Such

1 abandonment shall constitute the relinquishment of all rights and claims by the owner to such animal,
2 in accordance with F.S. § 705.19.

3 *Affidavit* means a written statement of facts that are voluntarily made by a person who is under
4 oath to tell the truth about the facts and information contained in the statement. Additionally, the person
5 signing the affidavit, called the affiant, attests to ~~his or her~~ their identity. The statement must be
6 witnessed and signed by a person who is legally authorized to administer oaths, such as a law
7 enforcement officer or a notary public.

8 ~~*Aggressive animal* means any animal which has injured or killed a domestic animal in a first~~
9 ~~unprovoked attack while off of the premises of the owner.~~

10 *Animal* means any living domesticated creature or any captive wild creature, and/or as defined in
11 F.S. § 828.02.

12 *Animal control officer* means any person employed or appointed by the county who is authorized
13 to investigate, on public or private property, violations relating to animal control or cruelty to animals
14 pursuant to state law and this article.

15 *Animal shelter* means any facility designated by the county for the purpose of housing and caring
16 for animals held under the authority of this article or state law.

17 *At large* means any animal which is off of the premises of the owner, unless restrained by leash
18 or tether of appropriate length, or other electronic control device, such that the animal is under the
19 direct control of a responsible person, and the animal has entered upon the property of another person
20 without authorization of that person or the animal has entered onto public property, street or right-of-
21 way. If the owner's, leaser's, or renter's property is located within a community association or other
22 common-property arrangement, it shall also be considered off the owner's, leaser's, or renter's property
23 if the animal leaves the owner's curtilage and onto common property, unless such property is clearly
24 designated as an off-leash area.

25 *Attack* means the act by any animal of approaching a domestic animal or a person in such a manner
26 that hostile contact with the other animal or a person occurs.

27 *Attended tethering* means the confinement of an animal to a stationary or inanimate object as a
28 means of confinement or restraint when the owner is outside and within visible range of the animal.

29 *Bite* means that the skin has been penetrated by an animal's teeth.

30 *Cat* means the domestic cat, *Felis catus*.

31 *Citation* means a written notice issued to a person by an animal control officer stating that the
32 officer has probable cause to believe that the person has committed a civil infraction in violation of a
33 duly-enacted ordinance and that the county court will hear the charge.

34 *Community cat* means any unowned free-roaming cat that may or may not be feral. Any free-
35 roaming cat that does not have traceable identification through a currently registered microchip, rabies
36 tag, or private identification tag shall be considered a community cat. A community cat that has been
37 spayed or neutered and vaccinated against the rabies virus shall be distinguished from other cats by
38 having its ear tipped.

39 *Coop* means a covered house, structure, or room that will provide chickens with shelter from
40 weather and with a roosting area protected from predators. A coop typically includes an outside exercise
41 area to allow chickens access to foraging and sunlight.

1 *Dangerous animal* means an animal that has, when unprovoked:

- 2 (1) Aggressively bitten, attacked, endangered or inflicted severe injury on a human being on
3 public or private property;
- 4 (2) Has more than once severely injured or killed a domestic animal while off the owner's
5 property;
- 6 (3) Has chased or approached a person upon the streets, sidewalks, or any public grounds in a
7 menacing fashion, or an apparent attitude of attack; and
- 8 (4) Provided that such actions as set forth and described in subsections (1), (2) and (3) of this
9 definition are attested to in a sworn statement by one or more persons and dutifully
10 investigated by the appropriate authority.

11 *Direct control* means any animal that is controlled and is obedient to a competent person's
12 commands, is restrained by leash or tether of appropriate length or another ~~physical~~electronic control
13 device, or is within a secure enclosure.

14 *Director of animal control* means the person designated by the County Administrator to enforce
15 the ordinances and laws pertaining to animal control and cruelty to animals.

16 *Division of animal control* means the agency designated by the Board of County Commissioners
17 to enforce the ordinances and laws pertaining to animal control and cruelty to animals.

18 *Dog* means the domestic dog, *Canis familiaris*, or any of the various other animals of the family
19 *Canidae*.

20 *Domestic* means tame, usually by generations of breeding, and living in close association with
21 humans as a pet, work animal or farm animal in such a way that creates a dependency on humans so
22 that the animal loses its ability to live in the wild.

23 *Ear tip* means the universal sign to identify a community cat that has been spayed or neutered and
24 vaccinated against the rabies virus. The procedure involves removing approximately a quarter inch off
25 the tip of the cat's ear in a straight-line cut. It is customarily the left ear, and this is done while the cat
26 is anesthetized.

27 *Endanger* means risk of harm or imperil.

28 *Exposure to rabies* means contact by any person, domestic animal or captive wild animal with
29 saliva, brain tissue, or other potential infectious material of a rabid animal or of an animal suspected to
30 be rabid due to its apparent ill health, or which is of a species commonly recognized to be a carrier of
31 rabies, such as, but not limited to, raccoons, foxes, bats, skunks, and bobcats.

32 *Feral animal* means any wild cat or dog, whether it was born in the wild or reverted to a wild state
33 due to abandonment or lack of domestication.

34 *Impoundment* means the taking up and confining of an animal by the division of animal control in
35 a manner consistent with professionally-recognized standards of humane treatment.

36 *Inhumane care of animals* includes, but is not limited to, any act, omission, or neglect, which
37 causes unjustifiable injury, physical pain, suffering, or death to any living animal when there is
38 reasonable remedy or relief.

1 *Livestock* means all animals of the equine, bovine, Camillidae, Bovidae, Phasianidae or swine
2 family, including but not limited to, goats, sheep, mules, horses, hogs, cattle, ostriches, poultry, and
3 other grazing animals. This term does not include pets.

4 *Neutered or Spayed* means rendered permanently incapable of reproduction or permanently
5 incapable of reproduction because of physiological sterility, but only where the neutered or spayed
6 condition has been certified by a veterinarian licensed in any state.

7 *Owner* means any person, firm, corporation, or organization owning, possessing, harboring, or
8 having control, custody, and care of an animal. If the animal is owned by a person under 18 years, that
9 person's parent or guardian.

10 *Person* means any individual, firm, corporation, partnership, organization, or association.

11 *Pet* means a domestic animal normally considered as a household pet and which can be maintained
12 and cared for within the living space of a residence. Such animals may include dogs, cats, ferrets,
13 potbellied pigs (Vietnamese or Asian), rabbits, small rodents, small reptiles, fish, small birds, and other
14 similar animals. This term does not include livestock.

15 *Potential rabies carrier* means any species commonly recognized to be a carrier of rabies, such
16 as, but not limited to, raccoons, foxes, bobcats, and skunks.

17 *Premises* means an area of land with its appurtenances and buildings which, because of its unity
18 of use, may be regarded as the smallest conveyable unit of real estate.

19 *Proper shelter for an outdoor animal* (excluding livestock) means any structure with at least three
20 walls, a roof, and a floor in adequate condition as not to endanger the safety of the animal and as to
21 provide necessary protection of the animal from weather conditions. Examples of inadequate shelter
22 include, but are not limited to, lean-tos, cardboard boxes, plastic airline carriers unless sides are
23 modified to keep wind and rain out, abandoned vehicles or material that does not provide sufficient
24 protection from the elements.

- 25 (1) The structure must be made of durable materials, including, but not limited to, wood or
26 molded plastic.
- 27 (2) The structure shall have a waterproof roof, be structurally sound with waterproof and wind
28 resistant sides, with space for the animal to stand up, sit down, turn around and lie down in a
29 normal posture.
- 30 (3) The structure must be properly located so that it does not allow for standing water to pool
31 inside following any weather event or other water intrusion.
- 32 (4) The structure and surrounding area need to be free of trash or waste so as not to threaten the
33 physical well-being of the animal.
- 34 (5) The shelter must have clean bedding to provide insulation and protection against cold and
35 dampness and promote the retention of body heat. Acceptable bedding shall include, but not
36 be limited to, blankets, hay, straw, or cedar shavings.

37 *Public nuisance by animals* means, but is not necessarily limited to:

- 38 (1) Any animal which chases vehicles or persons;
- 39 ~~(2) Any animal which runs at large upon public or private property without permission from the~~
40 ~~property owner;~~

(23) Any animal that damages the property of anyone other than its owner, including but not limited to turning over garbage containers or damaging vehicles, gardens, flowers or other plant material, or which soils, defiles, or defecates on public or private property, other than the property of the owner, unless the owner immediately removes and properly disposes of it;

(34) Any animal which causes unsanitary or dangerous conditions to exist resulting in noxious odors, the attraction of rodents, insects, vermin, animal pests and parasites (i.e., ticks, fleas, worms, etc.);

(5) ~~Any feral animal;~~

(46) Any animal which meows, barks, howls, whines or makes other sounds common to the species, persistently or continuously for a period of 30 minutes or longer when the animal is not contained within an enclosure sufficient to baffle loud noises and render them reasonably unobjectionable. This subsection shall not apply to animals maintained on land zoned for agricultural purposes, nor shall it apply to a properly permitted animal shelter established for the care and/or placement of unwanted or stray animals, nor a properly zoned commercial boarding kennel or other animal facility;

(57) Failure to remove animal fecal matter such that adjacent property owners or inhabitants are unable to enjoy the use of ~~his or her~~ their property due to the odor or smell; or

(68) Failure to eradicate fleas, ticks and other animal pests and parasites from the animal owner's and/or caregiver's property which results in an infestation or proliferation of the same beyond the boundaries of the animal owner's and/or caregiver's property.

Running stride means the ability to run or trot in a forward motion with ease and efficiency of movement and without obstruction to provide exercise during ~~the course of~~ confinement.

Service animal shall have the same meaning as ascribed to it in F.S. § 413.08.

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

Severe weather means any dangerous meteorological phenomena with the potential to cause damage, serious social disruption, or loss of human life.

Tethering means a rope, leash, pulley run or other means of constraint, which must be attached to the animal by a properly applied commercially available buckle-type collar, halter or harness and configured so as to protect the animal from injury and prevent entanglement with other objects and/or animals. This shall not apply to an owner who is walking or exercising their animal.

Unprovoked means that the victim who has been conducting their self ~~himself~~ peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by an animal.

Veterinarian means a person who is licensed to engage in the practice of veterinary medicine as provided for in F.S. ch. 474.

Veterinary hospital or clinic means any place or facility owned or operated by a licensed veterinarian and used for the practice of veterinary medicine in the diagnosis, treatment, and care of diseases of and injuries to animals, or used for the boarding of animals during such diagnosis, treatment or care, or used for the temporary boarding of animals belonging to the veterinarian's clients.

Sec. 4-27. Statutory authority.

This article is an exercise of authority under state law.

Sec. 4-28. Area of enforcement.

This article shall be effective throughout the unincorporated area of the county and within any incorporated area of the county upon execution of an interlocal agreement with the incorporated area specifying the terms for implementation and enforcement of this article within the incorporated area. However, this article shall not be applicable to research and instructional programs conducted in the interest of medical science by universities registered with the United States Department of Agriculture and operated under federal statutes and rules.

Sec. 4-29. Enforcement generally; penalties.

- (a) In addition to or in lieu of impounding an animal which any animal control officer or any law enforcement officer has probable cause to believe is in violation of this article, the officer may issue a citation to the owner or keeper of the animal.
- (b) Any person to whom a citation is issued shall pay the fine by the designated date or elect to appear to contest the citation or appear at the designated date and time on the notice to appear for mandatory appearances in county court.
- (c) Any person who fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, shall be deemed to have waived ~~his or her~~ their right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (d) Any person electing to appear or required so to appear waives the right to pay the minimum civil penalties.
- (e) Penalties shall be in addition to court costs as established by the county court.
- (f) The maximum civil penalty for each violation shall be \$500.00.
- (g) If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.
- (h) A mandatory court appearance does not have the option of paying the fine instead of appearing in court and shall be required for any of the following:
 - (1) Third and subsequent violations of this article, except as provided in subsections (h)(4), (h)(5), (h)(6), and (h)(7) of this section.
 - (2) Third and subsequent violations which result in the destruction or loss of personal property.
 - (3) Second and subsequent violations which result in the unprovoked biting, wounding, or attacking of a domestic animal or person.
 - (4) Second or subsequent violations of sections 4-37, 44-38 and 4-201.
 - (5) Violations of section 4-46.
 - (6) Second and subsequent violation of any provision pertaining to dangerous ~~or aggressive~~ animals which does not result in injury to a person or domestic animal.

(7) Violation of any provision pertaining to dangerous or aggressive animals which results in injury to a person or domestic animal.

(i) Minimum civil penalties for violations of the article not otherwise listed above are as follows:

Code Section	Description of Violation	1st Violation	2nd Violation	3rd Violation and thereafter
4-34	Obstructing enforcement	\$50.00	\$100.00	\$250.00
4-35	Running at large	\$50.00	\$100.00	\$250.00
4-4235	Running at large with the destruction or loss of personal property	\$100.00	\$250.00	\$500.00 and a mandatory court appearance.
4-35	Running at large with the unprovoked, biting, wounding or attacking of a domestic animal or person	\$450.00 (person) \$250.00 (animal)	\$500.00 thereafter and mandatory court appearance.	
4-36	Public nuisance prohibited	\$50.00	\$100.00	\$250.00
4-37	Humane care required	\$250.00	Thereafter \$500.00 and mandatory court appearance	
4-38	Animals in motor vehicles	\$250.00	Thereafter \$500.00 and mandatory court appearance	
4-39	Exploitation of animals prohibited	\$500.00 and mandatory court appearance		
4-40	Repeated invalid complaints	\$50.00	\$100.00	\$250.00
4-43	Removal of animal waste	\$50.00	\$100.00	\$250.00
4-44	Number of animals, acreage restrictions/excess animals habitats	\$50.00	\$100.00	\$250.00
4-45	Permit required for multiple pets	\$50.00	\$100.00	\$250.00
	Prohibition on feeding feral animals	\$50.00	\$100.00	\$250.00

4-47	Dogs and cats offered for sale; health requirements	\$50.00	\$100.00	\$250.00
4-76	Rabies vaccination required	\$50.00	\$100.00	\$250.00
4-77	Animal bites	\$50.00	\$100.00	\$250.00
4-78	Potential rabies carriers	\$50.00	\$100.00	\$250.00
4-95 to 4-103	Violations which does not result in injury to a person or domestic animal	\$250.00	\$500.00 thereafter and mandatory court appearance.	
4-95 to 4-103	Violations which results in injury to a person or domestic animal.	\$500.00 and mandatory court appearance.		
4-201	Animal abuser registry	\$250.00	Thereafter \$500.00 and mandatory court appearance.	

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- 2 (j) In addition to any penalties and/or court costs imposed by this article or the court, there shall be
- 3 imposed and collected by the clerk of the court a \$5.00 surcharge upon each civil penalty imposed
- 4 for all citations issued for violations of this article. All funds collected as a direct result of this
- 5 surcharge shall be placed in a fund by the county to be utilized for funding training of county
- 6 animal control officers ~~as required by~~ pursuant to F.S. § 828.27(4)(b).
- 7 (k) Any person who fails to pay the civil penalty, fails to appear in court to contest the citation, or
- 8 fails to appear in court as required by subsection (g) of this section, the court may issue an order
- 9 to show cause upon the request of the Board of County Commissioners. This order shall require
- 10 such persons to appear before the court to explain why action on the citation has not been taken.
- 11 If any person who is issued such order fails to appear in response to the court's directive, that
- 12 person may be held in contempt of court.
- 13 (l) All violations shall be accrued by owner, not by the individual animal. Adjudication withheld
- 14 notwithstanding.
- 15 (m) Community service hours may be substituted for fines and fees at the request of the violator or the
- 16 county at the discretion of the court.
- 17 (1) No individual may participate in community service activities unless such individual has
- 18 executed a waiver and release in favor of the county, on a form approved by the County
- 19 Attorney's Office, from any liability which may accrue or arise during such community
- 20 service work.
- 21 (2) Once an individual has completed the necessary hours equal to the fine entered on the final
- 22 judgment, the final judgment shall be satisfied.

(3) Such service must be completed within a prescribed time or the maximum fine and/or all fees shall be entered as a final judgment.

(n) Unpaid citations may be referred to a private collection agency prior to the county seeking a civil judgment against the violator.

(o) In addition to the penalties otherwise provided in this article, the ~~board~~ Board of County Commissioners shall have the right to enforce by injunction, writ of garnishment, or any other appropriate legal means, compliance with the regulations and requirements of this article.

Sec. 4-30. Rules and regulations.

The Board of County Commissioners may, by resolution, enact reasonable rules and regulations to implement and carry out the provisions of this article and state law. Any County enforcement officer who acts in good faith and in substantial compliance with the requirements of this chapter shall be immune from any criminal or civil liability.

Sec. 4-31. Designation of enforcement officers.

(a) The Board of County Commissioners is hereby authorized to designate certain of its employees in the animal control division as enforcement officers, herein referred to as "animal control officers." The training and qualifications of the employees for such designation shall be determined by the board.

(b) The director of animal control or any animal control officer shall have the authority to enforce this article. The director of animal control and each person designated as an animal control officer pursuant to F.S. ch. 828 may issue to the known owner or keeper of such animal a warning notice or citation as defined in section 4-29.

Sec. 4-32. Enforcement procedures.

The procedures and guidelines used by the division of animal control in administration of this article shall be approved by the Board of County Commissioners. The procedures and guidelines submitted to the board shall take into consideration recommendations by interested parties such as licensed veterinarians, persons knowledgeable in animal behavior, law enforcement officers, and interested citizens.

Sec. 4-33. Right of entry.

The director of animal control and/or any animal control officer is authorized to enter upon any private property that is unfenced, or that is fenced but with a gap, opening or indentation, or with a gate that is not ~~closed and~~ locked for the purpose of investigating a complaint of violation of this chapter, for the purpose of seizing and impounding any animal that is stray or at-large, for the purpose of taking possession of any animal found neglected or cruelly treated, or as otherwise authorized by this chapter; however, an animal control officer is not authorized to enter a dwelling without the owner's or the resident's permission, or without a warrant or under other authority. Leon County Animal Control employees and agents shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property as authorized by this chapter.

Sec. 4-34. Obstructing enforcement.

No person shall:

- (1) Refuse to surrender an animal upon lawful demand by the director of animal control or any animal control officer.
- (2) Interfere with the director of animal control ~~or~~for any animal control officer who is lawfully performing his or her duties.
- (3) Hold, hide, or conceal any animal which the director of animal control or an animal control officer has deemed to be in violation of this article.
- (4) Take or attempt to take any animal from the director of animal control or an animal control officer or from any vehicle used by ~~him~~them to transport animals in the legal performance of ~~his or her~~ their duties.
- (5) Take or attempt to take any animal from an animal control shelter, a humane live trap, or an animal carrier, without ~~proper~~legal authority.

Sec. 4-35. Running at large.

- (a) *Generally prohibited.* It shall be unlawful for any animal to run or remain at large on any street, road, alley, park or other public place. A street, road, alley, or other place shall be considered a public place, without respect to maintenance authority or ownership, if the area is under common ownership or control, or is generally accessible to the public.
- (b) *Private property.* It shall be unlawful for any animal to be on private property without the consent of the property owner whether or not the animal is under direct control.
- (c) *Tethering.* It shall be a violation of this article for the owner or keeper of any animal to tie, chain or otherwise tether such animal in such a manner that it has access to public property or the property of another without consent of that property owner.
- (d) *Responsibility.* The owner or keeper of any animal found running or remaining at large shall be responsible for any violation of this article.
- (e) *Dogs and cats in estrus (heat).* The owner of any female dog or cat in estrus shall keep such dog or cat confined in a building or secure enclosure, veterinary hospital, or boarding kennel in such manner that such female dog or cat cannot come in contact with a male dog or cat, except for intentional breeding purposes.
- (f) *Enhancements.* Minimum civil penalties for violations of this section are enhanced as described in section 4-29 when the violation results in the following:
 - (1) The destruction or loss of personal property; or
 - (2) The unprovoked biting, wounding, or attacking of a domestic animal or person.
- (g) *Exceptions.* This section shall not apply to:
 - (1) Any dog ~~actually~~ engaged in a legal sport, including supervised hunting within authorized areas.
 - (2) Any dog or cat being officially showed or trained.
 - (3) Any animal that is especially trained to assist or provide personal services for a disabled person, as defined under the American with Disabilities Act.

- 1 (4) ~~Government police dogs~~Any law enforcement, rescue, or emergency dogs conducting official
2 business.
- 3 (5) Dogs in a designated or established "off-leash" dog park while under the supervision of the
4 owner or a responsible person and fully complying with all posted rules.
- 5 (6) Community cats as defined in section 4-26, or owned cats when they are spayed or neutered,
6 implanted with a microchip for permanent identification, and complying with all other
7 provisions of this chapter.

8 **Sec. 4-36. Public nuisance prohibited.**

- 9 (a) It shall be unlawful for any person to allow his or her animal to become a public nuisance.
- 10 (b) The owner of any domestic or captive wild animal which is a public nuisance shall be subject to
11 the procedures and penalties set forth in section 4-29.
- 12 (c) Any animal which is feral ~~shall~~may be classified as a public nuisance and may be impounded ~~and~~
13 ~~humanely euthanized. Feral animals may not be required to be held for a minimum period of time~~
14 ~~as is required for other stray animals (as provided in this division).~~
- 15 (d) Any nuisance complaint may be investigated by animal control or law enforcement. The owner
16 shall first be given written notification by the county of the public nuisance, that the owner is
17 required to make reasonable effort to abate the nuisance within seven calendar days of the written
18 notice of violation, and that subsequent violations or failure to abate the nuisance may result in
19 the issuance of a citation to the owner for allowing ~~his or her~~ their animal to become a nuisance.
- 20 (e) Subsequent violations, after warning, shall be based on the following:
- 21 (1) An animal control officer or law enforcement having personal knowledge of the nuisance;
- 22 (2) Sworn affidavits of complaint signed by two unrelated residents living in separate dwellings
23 in the close proximity of the alleged violation; or
- 24 (3) Sworn affidavit of complaint signed by a resident living in the close vicinity of the alleged
25 violation together with a videotape of the activity complained of recorded by, or recorded in
26 the physical presence of, such resident.
- 27 (f) For the purposes of this section, close proximity shall mean residing within a radius of 200 feet
28 from the residence or location of the offending animal or property but shall not preclude the
29 consideration of evidence and testimony of persons living more than 200 feet from the residence
30 or location of the offending animal. One affidavit may be sufficient to warrant an investigation
31 where there is only one party in close proximity to the alleged nuisance.
- 32 (g) The affidavit shall specify the following:
- 33 (1) Address or location of the alleged violation.
- 34 (2) The nature, time, and date of the act.
- 35 (3) The name and address of the owner or custodian of the animal, if known.
- 36 (4) Description of the animal, if known.
- 37 (5) The videotape shall include the date and time of the event being recorded and shall provide
38 evidence of the nature and extent of the violation.

1 (h) Affidavits received by animal control within ten business days of the alleged violation will result
2 in an investigation of the complaint. If the complaint is valid and probable cause exists that a
3 violation of this section has occurred, a citation may be issued.

4 (i) Nothing in this section shall be construed to give authority or authorization to any person to
5 trespass on private property.

6 **Sec. 4-37. Humane care required.**

7 (a) No owner shall fail to provide ~~their~~ ~~his or her~~ animal with sufficient and wholesome food, proper
8 shelter and protection from the weather at all times, veterinary care when needed to prevent
9 suffering, sufficient exercise space, and humane care and treatment, including clean, sanitary, safe,
10 humane conditions. The owner of an animal shall provide clean water for the animal in a sufficient
11 quantity to maintain the animal in a healthy condition. Water shall be provided at all times in a
12 stable container which is sized appropriately for the animal's species and breed. Animals kept
13 outdoors shall be in a secure enclosure to include a fenced yard, kennel or run and the animal shall
14 be provided with proper shelter within such enclosed area. The enclosure shall be large enough
15 for each animal to achieve a running stride. It shall include a shaded area, either by natural or
16 artificial means, that is large enough to shade all animals in the enclosure without crowding
17 throughout the day.

18 (b) No person shall overload, overwork, torture, or torment, deprive of necessary sustenance, beat,
19 mutilate, or inhumanely kill, or otherwise abuse any animal or cause or permit the same to be
20 done.

21 (c) No person shall abandon any animal by forsaking the animal entirely or by neglecting or refusing
22 to provide or perform the legal obligations for care and support of the animal.

23 (d) Any person who, as the operator of a motor vehicle, strikes a domesticated animal should
24 immediately report such incident to any law enforcement agency or to the division of animal
25 control.

26 (e) Tethering. No person shall tether an animal ~~to a stationary or inanimate object~~ as a means of
27 confinement or restraint unless such person is outside with the animal and the animal is at all times
28 visible to such person. No person shall, under any circumstances, tether any animal in a manner
29 that is injurious to the animal's health, safety and well-being. Proper and humane tethering
30 includes, but is not limited to, the following:

31 (1) Collars used to attach an animal should be comfortable and properly fitted. The use of choker
32 collar or chain is prohibited.

33 (2) The tether shall not extend over an object or edge in such a manner that could result in
34 strangulation of or injury to the animal. The length of the tether must be a minimum of six
35 feet, or at least three times the length of the animal measured from the animal's nose to the
36 base of its tail, whichever is greater, ~~unless the tether is being used to secure the animal to~~
37 ~~the bed of an open vehicle or pick-up truck.~~ The tether must have a swivel at both ends to
38 prevent entanglement. Restraints should allow the animal to move about and lie down
39 comfortably. Pulley, running line, or trolley systems must be at least 15 feet in length and at
40 an adequate height to prevent entanglement less than seven feet above the ground.

41 (3) Tethering of an animal is prohibited during severe weather events and natural disasters,
42 including but not limited to such as floods, fires, tornadoes, hurricanes or blizzards.

1 (4) No animal shall be confined to a vacant or abandoned structure or vacant property.

2 (5) The weight or gauge of any tether or chain shall not be more than one-eighth of the animal's
3 weight. Logging chains and vehicle tow chains are prohibited. No person shall add any
4 weight to an animal collar, harness, chain or tether.

5 (6) The animal tethered must be at least six months of age. Puppies and kittens shall not be
6 tethered.

7 (7) The animal tethered must not be sick or injured.

8 (f) Exceptions. Attended tethering is required except under the following circumstances:

9 (1) When actively engaging in conduct that is directly related to the business of shepherding or
10 herding cattle or livestock or related to the business of cultivating agricultural products, as
11 long as the restraint is reasonably necessary for the safety of the dog/animal.

12 (2) When participating in lawful activities such as hunting with a valid license issued by the state,
13 or sporting events, field obedience training, field or water training, law enforcement training,
14 veterinary treatment and or the pursuit of working or competing in these legal endeavors.

15 (3) When the animal is restrained in compliance with the requirements of a camping or
16 recreational area.

17 (4) When the animal is restrained temporarily at a training facility, grooming facility,
18 commercial boarding facility, animal shelter or veterinary facility.

19 (5) When using the dog at a dog training or performance event, including, but not limited to,
20 field trials and obedience trials where tethering does not occur for a period exceeding, seven
21 consecutive days.

22 (6) When being cared for as part of a rescue operation during a natural or manmade disaster or
23 during a state of emergency.

24 (7) After taking possession of a stray and having notified animal control.

25 (8) When being transported in a vehicle.

26 (g) Any person who commits any of the following acts shall be in violation of this section:

27 (1) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or
28 domestic animal for the purpose of animal fighting or baiting;

29 (2) Betting or wagering any money or other valuable consideration on the fighting or baiting of
30 animals;

31 (3) Attending the fighting or baiting of animals;

32 (4) Owning, possessing, or selling equipment for the purpose of animal fighting or baiting;

33 (5) Providing or allowing property for use in the housing, training, transport, fighting or baiting
34 of animals.

35 (h) Equines.

36 (1) Hooves on each equine shall be maintained on a regular basis to avoid malformation. Animals
37 with specific hoof conditions requiring specialized treatment shall be provided with such
38 treatment on a regular basis.

(2) In the event that it is determined that the equine can no longer live a productive, pain-free life, it is the responsibility of the owner to ensure that the animal is disposed of or euthanized in a humane manner.

(3) If the equine is humanely destroyed on the owner's property, it is the responsibility of the owner to dispose of the carcass by burning, or by burying the animal at least two feet below the surface of the ground and at least 100 feet away from any water source, and insuring that the carcass is covered with at least two to three feet of earth. The provisions of F.S. § 823.041, as may be amended from time to time, also apply to the disposal of the carcass.

(i) Chickens and other fowl.

(1) Compliance with the urban agriculture requirements of section 10-6.816 of the Leon County Land Development Code is required.

(2) Chickens shall be kept within a coop at all times. The coop shall be ventilated. The coop must be of sufficient size to afford the free movement of chickens.

(3) Any coop must be kept in a clean sanitary manner, free of rodents, offensive odors, excessive noise, or any other condition which could potentially cause a nuisance.

(4) The provisions of F.S. § 823.041, as may be amended from time to time, apply to the disposal of a carcass.

Sec. 4-38. Animals in motor vehicles.

(a) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the cab of the vehicle or protected by a container, cage, ~~cross tethering~~, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle. Tethering is prohibited.

(b) No person shall transport, place or confine an animal or allow it to be placed or confined in the enclosed trunk of a vehicle.

(c) It shall be unlawful for a motor vehicle owner or operator to place or confine an animal or allow it to be placed or confined or to remain in an unattended motor vehicle without sufficient ventilation or under conditions for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may reasonably be expected to cause suffering, disability or death of the animal.

(d) Officers finding an animal under the conditions referenced above may rescue such animal from the vehicle following the policy established by animal control.

(e) Any officer who acts in substantial compliance with the requirements of this section shall make the officer and/or the county immune from any criminal or civil liability.

(f) A person who enters a motor vehicle, by force or otherwise, for the purpose of rescuing and removing a domestic animal is immune from civil liability for damage to the motor vehicle as outlined in F.S. § 768.139, as may be amended from time to time.

Sec. 4-39. Exploitation of animals prohibited.

It is unlawful for any person to promote, conduct or permit exploitive animal contests, performances, or exhibitions, in which animals are encouraged, forced, or trained to perform

unnaturally, including, but not limited to, greased pig contests, equine basketball, diving equine acts, or roadside zoos or menageries.

Sec. 4-40. Repeated invalid complaints.

It is unlawful for a person to ~~willfully and knowingly provide false or misleading information~~ provide false or misleading information willfully and knowingly to animal control on matters pertaining to the enforcement of this chapter or state law.

- (1) Upon determination that a complaint is invalid, the investigating officer shall notify the complainant, in writing, of the determination and the reason for the determination.
- (2) Any person who receives a second notice of an invalid complaint or any subsequent notices thereafter may be issued a citation for a violation of this section and subject to the fines as outlined in section 4-29, as may be amended from time to time.
- (3) Any person who has been convicted of more than three citations for an invalid complaint within a three-year period may be subjected to penalties pursuant to F.S. §§ 125.69 and 162.21. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

Sec. 4-41. Procedure upon citation.

(a) Any person cited for violation of the animal control ordinance shall be deemed to be charged with a civil infraction ~~and cited to appear in county court.~~

(b) Any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear in county court or, in lieu of appearing, pay the applicable civil penalty within the timeframe noted on the citation.

Exception. No person to whom a citation has been issued which requires a mandatory court appearance may pay the civil penalty in lieu of appearing in county court.

(c) Whenever possible, a citation issued by an animal control officer shall be hand-delivered to the violator (or the violator's representative having custodial responsibilities at the location of the violation). If the animal control officer is unable to hand deliver the citation, the animal control division shall send the citation by certified mail to the violator. Failure to accept delivery of the certified letter shall be considered a willful refusal to sign for and accept issuance of the citation.

(d) Any person who willfully refuses to accept and sign the citation shall be in violation of state law and this article and shall be punished in accordance with F.S. §§ 775.082, or 775.083, ~~or 775.084~~, as provided by F.S. ch. 828.

(e) If the person cited pays the applicable civil penalty in lieu of appearing in county court, ~~he she or they~~ shall be deemed to have admitted the infraction and to have waived their ~~his or her~~ right to a hearing on the issue of commission of the infraction.

(f) Any person electing to appear in court or who is required ~~so to appear~~ in court shall be deemed to have waived their ~~his or her~~ right to pay the minimum civil penalty.

(1) Contested citations shall be heard in County Court.

(2) All trials shall be conducted by a traffic court hearing officer under the procedural rules for the enforcement and hearing of traffic infractions as set forth in the Rules of Practice and Procedures for Traffic Courts. However, either party may request the matter be heard by a county court judge in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code.

(3) Trials shall be conducted in an informal manner to the extent practicable. Each party shall be afforded the following rights:

a. To be accompanied, represented, and advised by counsel;

b. To offer the testimony of witnesses and examine opposing witnesses on relevant matters; and

c. To present their case by oral or documentary evidence.

(4) The division has the burden to prove the validity of the citation by the preponderance of the evidence.

(5) In cases where a citation is found valid, persons challenging the validity of the citation shall be assessed the maximum fine amount in addition to court costs as established by the county court.

(6) Appeals from decisions of a traffic hearing officer shall be made to the circuit court pursuant to the relevant provisions of the Florida Rules of Appellate Procedure in the same manner as appeals from the county court.

Sec. 4-42. Fees.

The Board of County Commissioners may, by resolution, establish and subsequently amend a fee schedule for the division of animal control which shall be administered by the division. All fees collected under this section that are not expended in the current fiscal year, shall be carried over to the succeeding fiscal year for expenditure in the division of animal control.

Sec. 4-43. Removal of animal waste.

(a) It shall be unlawful for any owner of an animal to fail to remove any feces deposited by ~~his or her~~ their animal on public walks, recreation areas, public streets, or private property other than the premises of the owner of the animal.

(b) This section shall not apply to disabled persons accompanied by a service animal used for assistance in accordance with the law.

Sec. 4-44. Animal ownership limitations.

(a) *Applicability.* The provisions of this section do not apply to properties in zoning districts which allow agriculture uses as a principal use, or to properties that have a bona-fide farm operation on land classified as agricultural land pursuant to F.S. § 193.461, where animals are being raised as livestock.

(b) *General.* Pets are permitted, subject to the limitations below. No livestock shall be maintained, raised, or housed except as authorized in this section or the Leon County Land Development Code.

(1) As used in this section, acreage determination excludes easements for roads or other areas within the public rights-of-way. All property must be contiguous.

(2) As used in this section, references to pets refer to pets older than four months. There are no restrictions on the number of pets younger than four months that are allowed on a premises.

(c) *Exception.* This section shall be not be construed to limit the use or keeping of service animals.

(d) *Limitation on total number of pets.* Except as otherwise provided in sections 10-6.816 and 10-6.821 of the land development code, there shall be no restrictions on the total number of pets allowed on a premises, unless the owner has two prior convictions of this chapter as described in this subsection (d).

(1) Prior convictions. An owner convicted of ~~their~~ ~~his or her~~ second violation of sections 4-35, 4-36, 4-37 or 4-76 within a two-year period shall be subject to a limitation on the total number of pets. The second conviction may be of the same section as the initial conviction or a subsequent conviction of another listed section. Upon a second conviction, an owner shall have 30 days to come into compliance with this section.

(2) Restrictions. An owner with two convictions for violations of sections 4-35, 4-36, 4-37 or 4-76 shall not harbor a greater number of pets than allowed in the following chart without obtaining a multiple pet permit.

If you have:	Less than 1.5 acres	1.5 to less than 3 acres	3 to less than 5 acres	5 acres or more
1—10 total pets	No permit required	No permit required	No permit required	No permit required
11—20 total pets	Prohibited without valid permit	No permit required	No permit required	No permit required
21—30 total pets	Prohibited without valid permit	Prohibited without valid permit	No permit required	No permit required
More than 30 total pets	Prohibited without valid permit	Prohibited without valid permit	Prohibited without valid permit	*

*For each additional 1.5 acres over five acres, up to ten additional total pets shall be allowed without a permit.

(3) The owner must comply with all regulations and requirements of this chapter.

Sec. 4-45. Permit required for multiple pets.

(a) *Requirements.*

(1) Any owner subject to these provisions who is in possession of more pets than authorized in section 4-44 without a multiple pets permit shall be in violation of this section.

(2) A permit shall be issued only after the division of animal control completes an inspection and determines that the minimum requirements and standards, as set forth in this chapter, have been met. After approval, a permit shall be issued upon payment of the applicable fee. The applicant shall pay an application fee, as established from time to time by the Board of County

Commissioners, at the time of filing. The permit shall be prominently displayed on the premises where pets are located.

(3) The permit is valid for a period of one year from the date of issuance, unless otherwise stated or revoked. The permit shall be renewed annually. Said permit is not transferable, assignable or refundable and shall be valid only to the applicant and location for which it was originally issued. Renewal applications for permits shall be made within 30 days prior to the expiration date.

(4) A permit holder shall use the initial permit issue date as the anniversary date for the purposes of permit expiration and renewal.

(5) It shall be a condition of the issuance of any permit that the division of animal control shall be allowed, with the owner present, to inspect all pets and all premises where pets are kept.

(6) No permit shall be issued or renewed hereunder if an applicant has had their ~~his or her~~ permit revoked within two years of the date of application; or has outstanding and unsatisfied civil penalties imposed due to violations of this chapter.

(b) *Inspection procedures.*

(1) Applicants shall submit to an in-home, property, and ~~out-building~~ outbuilding inspection (wherever the pets will be housed) by a county animal control officer prior to the issuance of a permit.

(2) Inspections of multiple pet facilities will be made with advance notice, during normal business hours. All inspections will be made in the presence of the owner whenever possible.

(3) Whenever deficiencies are noted or the division of animal control receives a complaint from the public, a follow-up inspection of the establishment may be initiated by the division of animal control.

(4) A permit shall not be issued if the inspection determines:

- a. That the requested number of pets cannot be maintained without creating noise or odor nuisances;
- b. That the requested number of pets cannot be maintained in a healthy and sanitary environment; or
- c. That any pets at the location are not in compliance with all provisions of this chapter.

(5) The owner shall correct or initiate corrections within seven days of the initial inspection, unless otherwise stated by the inspecting officer. Subsequent inspection is required to confirm corrections.

(6) By notice of adverse action, the division of animal control shall deny or revoke any permit if it is determined that:

- a. There has been a material misstatement or misrepresentation in the permit application;
- b. The owner has been convicted of ~~his or her~~ their fifth violation of sections 4-35, 4-36, 4-37 or 4-76 within a two-year period of filing an application or renewal. The convictions may be for violations of the same section or any combination of violations of the listed sections;

- 1 c. That the applicant/permit holder or any member of the household has outstanding animal
2 control fines or has failed to pay a fine or to request a hearing in county court to answer the
3 charges of any violations pending at the time of application or renewal;
4 d. The permit holder or any of ~~his or her~~ their agents have been convicted of a violation of law
5 involving cruelty to animals;
6 e. An animal under the care and responsibility of a permit holder has been found to be in need
7 of immediate veterinary care that, if not treated, would result in unnecessary suffering, pain
8 or death; or
9 f. The permit holder and/or ~~his or her~~ their employees/agents is convicted of a violation of any
10 part of subsection (d) of this section.

11 (c) *Application review.* Within ten days of an inspection or receipt of an application for a multiple pet
12 permit, the division of animal control shall issue a written notice of approval or denial.

13 (d) *Violations.*

- 14 (1) A person commits an offense if the person is a holder of a permit and harbors more pets than
15 authorized in the permit.
16 (2) A person commits an offense if the person is a holder of a permit and the person refuses,
17 upon request by a county animal control officer or law enforcement during reasonable hours,
18 to make ~~his or her~~ their pets, premises, facilities, equipment, or any necessary registrations
19 or permits available for inspection.
20 (3) A person commits an offense after an inspection has revealed noncompliance with this
21 chapter.
22 (4) For a violation of this section or section 4-44, the owner may be provided up to 30 days to
23 correct the violation.
24 (5) All animals ~~in excess of~~ more than those listed on the permit must be humanely disposed of
25 by the permit holder by means of returning to the owner, sale, gift, or euthanasia performed
26 by a licensed veterinarian. The permit holder shall provide the division of animal control with
27 written notification of the disposition and location of each animal, including the name,
28 address, and telephone number of each new owner if the animal has not been euthanized as
29 described above.

30 (e) *Appeal process.* Any permit holder or applicant who has been denied a permit or whose permit
31 has been revoked may appeal this action to a court of competent jurisdiction within 30 days of the
32 notice of adverse action. Otherwise, the denial or revocation of the permit shall become final.

33 **Sec. 4-46. ~~Prohibition on f~~Feeding feral animals.**

34 (a) ~~*Prohibited Generally.* Feral animals constitute health and environmental risks to domesticated~~
35 ~~animals, wildlife, and persons. It is a violation of this article for any person to feed or harbor feral~~
36 ~~animals. The division recognizes that there are feral animals living outdoors and discourages~~
37 ~~citizens from feeding feral animals.~~

38 (b) *Fine.* Any person found in violation of this article shall be fined.

39 (c) *Exceptions.*

(1) A person may feed or harbor a feral animal if the animal is spayed or neutered to prevent overpopulation; and

~~(2) A person may feed or harbor a feral animal if they accept legal responsibility for the animal, which includes ensuring compliance with all provisions of this chapter; and~~

~~(3)~~ (3) A person may feed or harbor a spayed or neutered feral animal while on private property and with the expressed written approval of the property owner.

(d) *Animal control.* Animal control ~~has the right to~~ may impound a feral animal if:

(1) The animal creates public health and safety concerns (including rabies, other zoonotic diseases, and certain animal-to-animal disease); or

(2) The animal creates a public nuisance as defined in section 4-326.

Sec. 4-47. Dogs and cats offered for sale; health requirements.

(a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten without first obtaining an official certificate of veterinary inspection pursuant to F.S. § 828.29. Dogs, cats, puppies or kittens offered for sale must be at least eight weeks old, free of internal and external parasites, and have proper vaccines and anthelmintics pursuant to F.S. § 828.29, as may be amended from time to time.

(b) The official certificate of veterinary inspection shall document that all inoculations, tests and treatments required by F.S. § 828.29 have been administered. Appropriate treatment for all positive findings must be documented.

(c) The veterinarian shall date the official certificate of veterinary inspection upon the actual examination and administration of the inoculations and/or treatments. The sale of all dogs and cats must take place no more than 30 days after the official certificate of veterinary inspection has been issued. If a dog or cat is not sold within 30 days of the issuance of the official certificate of veterinary inspection, then a new examination and inspection certificate must be obtained.

(d) No person shall display, give away, or offer for sale any live animal on private property without consent of the owner.

(e) No person shall display, give away, or offer for sale any living animal on public land, rights-of-way, or easements except in areas that have been authorized and permitted by the county for such use.

(f) The division of animal control, city-operated animal control agencies and registered nonprofit humane organizations shall be exempt from the provisions of this section. However, registered nonprofit humane organizations may be required to provide health records upon request.

Secs. 4-48 - 4-60. Reserved.

DIVISION 2. IMPOUNDMENT, REDEMPTION, ETC.

Sec. 4-61. Authority of county.

The director of animal control or any animal control officer may pick up~~pickup~~, catch or confine any animal in violation of this article.

Sec. 4-62. Restraint by property owner.

A property owner or tenant may restrain in a humane manner any animal found in violation of this article on ~~his or her~~ their property. When such restraint is made, the property owner or tenant shall immediately notify the division of animal control. The property owner or tenant shall treat the animal humanely and shall exercise due care to ensure the animal's safety and well-being. The director of animal control or any animal control officer may impound any animal delivered by its owner, or may pick up and impound any animal restrained by a property owner as described above, and shall dispose of the animal pursuant to this article.

Sec. 4-63. Redemption.

~~Tallahassee Leon Community~~ The Animal Service Center ("ASC") shall keep healthy, stray, and confiscated impounded animals for a time period to be established in the center's standard operating procedures. In instances when the owner of an impounded animal can be determined, the ASC shall make a reasonable attempt to contact the owner before the disposition of the animal. No animals may be redeemed if the owner has not satisfied all unpaid animal control citations with the clerk of courts.

Sec. 4-64. Disposal of animals.

- (a) ~~The ASC shall determine the disposition of all impounded animals. Feral or unweaned animals may be euthanized immediately upon impoundment. Other animals not claimed at the end of the holding period or after the quarantine period shall become the property of the county.~~
- (b) Before any animal may be adopted from the ASC ~~animal shelter~~, provision shall be made for such animal to be neutered with the following exceptions:
- (1) A dog or cat claimed by the owner before the end of the holding period or at the end of the quarantine period shall not be required to be neutered before its release to the owner, except as required under section 4-67.
 - (2) Upon the request of a licensed veterinarian, and for a valid medical reason, such as the relative immaturity of a particular animal or breed at the required age of sterilization or the presence of a medical problem or condition in a particular animal which makes surgery at the time inadvisable, the director of animal control shall extend the time limits within which the animal must be sterilized.
- (c) No animal from the unincorporated area of the county which has been classified as dangerous or which has been involved in an unprovoked bite or attack on a person ~~or domestic animal~~, shall be placed for adoption from the ASC ~~animal shelter~~ if the owner does not redeem the animal. ~~An animal involved in a bite or attack on a person or domestic animal shall be placed for adoption into the unincorporated area of the county only with prior approval of the director of animal control, to be determined on a case by case basis.~~
- (d) The outcome of any animal not redeemed by its owner or adopted as a personal pet shall be determined by the ~~Tallahassee Leon Community Animal Service Center~~ ASC which may include humane euthanasia~~ization~~.

Sec. 4-65. Fees.

Impoundment and board fees for animals under this division shall be as follows: fees for each animal shall be established by the ~~Tallahassee Leon Community Animal Service Center~~ ASC.

Sec. 4-66. Microchip implant.

All animals that are reclaimed shall be implanted with a microchip. The cost of the microchip may be assessed to the owner at the time the animal is redeemed.

Sec. 4-67. Spayed or neutered on reclaim.

All animals that are reclaimed, upon the second offense, shall be spayed or neutered upon reclaim. The costs of spaying or neutering shall be the responsibility of the owner. A deposit, determined by the ~~Tallahassee Leon Community Animal Service Center~~ASC, may be required prior to release of the animal to the owner. The deposit will be refunded after receipt of proof of spay or neuter in a manner and time frame determined by the ~~Tallahassee Leon Community Animal Service Center~~ASC.

Secs. 4-68 - 4-75. Reserved.

DIVISION 3. RABIES CONTROL

Sec. 4-76. Rabies vaccination of dogs, cats, and ferrets required.

(a) ~~*Generally. Frequency; exception.*~~ Every ferret, dog and cat four months of age or older shall be vaccinated against rabies with a U.S. Government approved vaccine. Each animal shall be required to be vaccinated no more frequently than the effective period of the approved vaccine used. ~~Such vaccination is excused only if a licensed veterinarian certifies, in writing, that a vaccination would be injurious to the ferret's, dog's or cat's health. In such case, the ferret, dog or cat shall be confined in an enclosed building or kennel until the ferret, dog or cat can be safely vaccinated.~~ All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species.

(b) *Frequency.* The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination must be borne by the animal's owner. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

(~~c~~b) *Proof of vaccination; tags.* Proof of vaccination shall consist of a rabies vaccination certificate signed by the licensed veterinarian administering the vaccination and a rabies vaccination tag. The rabies vaccination tag shall be displayed around the ferret's, dog's or cat's neck at all times. A rabies vaccination certificate and a rabies vaccination tag issued for one ferret, dog or cat shall ~~be~~ not be valid for any other ferret, dog or cat. Rabies vaccinations by a licensed veterinarian outside of the county shall be recognized as current rabies vaccinations in the county throughout the duration of the vaccine used.

(~~d~~e) *Removal of tag.* It is unlawful for any person to remove the rabies vaccination tag of any currently vaccinated ferret, dog or cat unless:

- (1) The ferret, dog or cat is participating in any organized exhibition or field trial, or is training for these events, or is engaged in a legal sport under competent supervision;
- (2) A licensed veterinarian directs, in writing, that the rabies vaccination tag be removed for reasons of the ferret's, dog's or cat's health. In such event, the ferret, dog, or cat shall be confined until the veterinarian permits the tag again to be placed on the ferret, dog, or cat; or

1 (3) The animal is securely confined.

2 (~~ed~~) *Display of proof.* It is unlawful for the owner of a ferret, dog or cat to refuse to show proof of
3 current vaccination of such ferret, dog or cat by the end of the next business day if such information
4 is requested by the director of animal control, any animal control officer or the department of
5 health or its designee.

6 (~~fe~~) *Rabies information to go to county.* Any veterinarian administering a rabies vaccination to a ferret,
7 dog or cat within the county shall furnish the information contained therein to the division of
8 animal control or to the department of health or its designee upon request.

9 (~~g~~) *Exemption.* A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian
10 has examined the animal and has certified in writing that at the time vaccination would endanger
11 the animal's health because of its age, infirmity, disability, illness, or other medical considerations.
12 An exempt animal must be vaccinated against rabies as soon as its health permits.

13 (~~h~~) *Community cats.* Community cats shall be subject to the rabies vaccination requirements of section
14 4-76 (a). Community cats shall be exempt from the rabies tags requirements of this section.

15 **Sec. 4-77. Animal bites.**

16 (a) Bite exposure and nonbite exposure shall be defined according to F.A.C. ch. 64D-3 ("Control of
17 Communicable Diseases & Conditions which May Significantly Affect Public Health").

18 (b) When any animal bites or wounds a human or when a human or domestic or captive wild animal
19 is bitten by or exposed to rabies by a suspected or known rabid animal, the owner shall comply
20 fully with F.A.C. ch. 64D-3 ("Control of Communicable Diseases & Conditions which May
21 Significantly Affect Public Health").

22 (c) It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed
23 a person or domestic or captive wild animal to rabies, to report the incident immediately to the
24 division of animal control or to the department of health or its designee for examination, or for
25 supervised quarantine of the animal at the expense of the owner.

26 (d) Any ferret, cat or dog which has bitten or exposed a human to rabies shall be quarantined for a
27 period of not less than ten days from the date of exposure.

28 (e) The procedures for the investigation of animal bites inflicted by animals other than ferrets, dogs
29 and cats shall be followed in accordance with the provisions set forth in F.A.C. ch. 64D-3.

30 (f) The location and conditions of examination or quarantine of animals which have bitten or
31 otherwise exposed a person to rabies shall be established by the department of health or its
32 designee (F.A.C. ch. 64D-3).

33 (g) It shall be unlawful for any person to hide, conceal, or refuse to surrender any animal for
34 examination or quarantine upon lawful demand to do so by the department of health or its
35 designee.

36 (h) Any person having knowledge that a domestic animal has been bitten by or otherwise exposed to
37 rabies by a wild animal of a species commonly recognized to be a carrier of rabies, such as, but
38 not limited to, raccoons, foxes, skunks, bats, and bobcats, shall immediately report such bite or
39 exposure to the department of health or its designee for the investigation of such bite or exposure.

Sec. 4-78. Potential rabies carriers.

No person shall keep, own, possess, or harbor any potential rabies carriers as defined in this article as a personal pet within the county. Owners of potential rabies carriers obtained prior to June 1, 1988, shall be allowed to keep, own, possess, or harbor the animal, provided that they are properly permitted through state or federal agencies, and further provided that the animal was not obtained from the wild. Adequate living quarters and confinement must be provided for the animal which is consistent with the species' normal requirements for size, shelter, exercise area, heat, ventilation, light, and safety. All areas for the animal must be maintained in a sanitary manner. Owners of animals which were obtained prior to June 1, 1988, shall not replace a wild animal with another prohibited potential rabies carrier if the animal owned prior to June 1, 1988, becomes lost, is stolen, is given away, or dies. The prohibition on the ownership of potential rabies carriers shall not apply to properly licensed or permitted museums, wildlife rehabilitators, zoological parks, or research facilities. It shall be the responsibility of the owner of any potential rabies carrier animal to provide proof of the acquisition date and the animal's source if requested to do so by the division of animal control.

Secs. 4-79 - 4-90. Reserved.

DIVISION 4. DANGEROUS AND AGGRESSIVE ANIMALS

Sec. 4-91. Disposition, generally.

~~(a) *Aggressive classification.* Any animal classified as aggressive according to the definitions in this article shall be, at the time of being so classified, confined permanently to the owner's premises.~~

~~(b) *Dangerous classification.* _____ Any animal classified as dangerous according to the definitions in this article shall be, at the time of being so classified, either confined permanently to the owner's premises, or humanely destroyed.~~

Sec. 4-92. Exceptions and exemptions.

(a) No animal shall be classified as dangerous ~~or aggressive~~ because of injuries it has inflicted upon another domestic animal which at the time was teasing, tormenting, abusing, or assaulting the animal.

(b) No animal shall be classified as dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property, or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or family member. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(c) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs, at all other times in all other respects, are subject to this and local laws. Dogs that have been classified as dangerous may not be used for hunting purposes.

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

- (e) Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

Sec. 4-93. Petition for classification; generally.

- (a) ~~The division of animal control or a~~Any adult person or animal control officer may request under oath that an animal be classified as dangerous ~~or aggressive~~, as defined in this article, by submitting a petition for classification of a dangerous ~~or aggressive~~ animal, hereinafter called the petition, to the division of animal control.

- ~~(b) The matter may be referred to mediation at the request of the complainant and with the consent of the owner of the animal subject to classification. Pending petitions for classification will be placed in abeyance until the resolution of the mediation process. Mediation must be held no later than 30 days after receipt of the referral to mediation. Subsequent to receipt of a referral to mediation, the county will initiate an investigation into the matter. Such investigation shall be completed prior to the start of mediation. The parties to the mediation shall be the complainant, the owner of the allegedly dangerous or aggressive animal, and the county. The county shall be responsible for enforcing any agreement reached during mediation. Classification proceedings may be initiated by the county or the complainant upon failure to reach agreement or in the event of a violation of the terms of an agreement.~~

- (be) Upon receipt of a petition, the director of animal control shall notify the owner of the animal that a petition has been filed with the division of animal control, and that an investigation in the allegations as set forth in the petition will be conducted. No animal that is the subject of a dangerous ~~or aggressive~~ animal investigation may be re-located or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous ~~or aggressive~~ animal classification. In the event that an animal is to be humanely destroyed, the animal shall not be re-located or ownership transferred prior to euthanasia.

- ~~(cd)~~ Any animal that is the subject of a dangerous ~~or aggressive~~ animal investigation must be humanely and safely confined by the owner in a securely fenced or enclosed area approved by county animal control pending the outcome of the investigation and resolution of any hearings or appeals. The requirements set forth in sections 4-101 and 4-102 of this chapter are applicable to any animal that is the subject of a dangerous animal investigation. If the owner is unable to comply with this requirement, the animal that is the subject of a dangerous ~~or aggressive~~ animal investigation shall be impounded at the owner's expense pending the outcome of the investigation and resolution of any hearings or appeals related to the dangerous ~~or aggressive~~ animal classification.

- (de) Any animal that continues to violate this chapter while under a dangerous ~~or aggressive~~ animal investigation may be impounded pending the animal control director's initial determination at the owner's expense.

- (ef) Initial determination of classification. Upon completion of the investigation, the director of animal control or designee shall make an initial determination as to whether there is sufficient cause to classify an animal as dangerous ~~or aggressive~~ and, if sufficient cause is found, as to the appropriate penalty. The owner shall be afforded an opportunity for a hearing prior to making a final determination regarding the classification or penalty.

1 (1) The animal control director shall provide written notification of the sufficient cause finding
2 and proposed penalty to the owner, by registered mail, certified hand delivery, or service in
3 conformance with the provisions of F.S. ch. 48, relating to service of process.

4 (2) The animal initially determined to be dangerous ~~or aggressive~~ may be impounded by the
5 county at the owner's expense, pending the disposition of the hearing and/or compliance with
6 harboring a dangerous ~~or aggressive~~ animal.

7 (fg) Owner's right to contest the initial determination of classification, the penalty, or both. Upon
8 receiving written notification of the animal control director's initial determination of classification
9 and proposed penalty, the owner may contest the initial determination, the penalty, or both, by
10 filing a written request to the division of animal control for a hearing within seven calendar days
11 after receipt of the notification of the initial determination finding and proposed penalty.
12 Otherwise, the animal control director's initial determination and proposed penalty shall become
13 final. Such hearing shall be convened by the county animal classification committee. The county
14 animal classification committee shall consist of a licensed veterinarian, the county sheriff or
15 designee, and an informed citizen appointed by the Board of County Commissioners.

16 (1) If the owner timely requests a hearing, the hearing shall be held as soon as possible but not
17 later than 21 calendar days and not sooner than five days after receipt of the request from the
18 owner.

19 (2) If the animal classification committee finds sufficient cause to classify the animal as
20 ~~dangerous or aggressive~~, the classification committee shall determine the classification and
21 disposition of the animal based upon the guidelines adopted by the board.

22 (3) In hearings before the county animal classification committee, formal rules of evidence shall
23 not apply, but fundamental due process shall be observed and govern the proceedings. The
24 classification committee shall decide the issues based upon the preponderance of the evidence
25 and its decision shall be final. Hearing procedures shall be as follows:

26 a. The division shall bear the burden of establishing the dangerousness of the animal by
27 the preponderance of the evidence; and the owner shall bear the burden of establishing
28 any legal defenses.

29 b. Each party shall have the following rights:

30 i. To be represented by counsel.

31 ii. To present witnesses. Each party is responsible for securing its own witnesses.

32 iii. To examine witnesses.

33 iv. To introduce exhibits.

34 v. To examine opposing witnesses on any relevant matter, even though the matter
35 was not covered under direct examination.

36 vi. To impeach any witness regardless of which party first called the witness to testify.

37 c. In any hearing before the committee, irrelevant, immaterial, or unduly repetitious
38 evidence shall be excluded. All other evidence of a type commonly relied upon by
39 reasonably prudent persons in the conduct of their affairs shall be admissible, whether
40 such evidence would be admissible in a trial in the courts of Florida. 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.

d. Any party wishing to have a written record of the hearing will be responsible for securing its own court reporter and will bear financial cost for the same.

(4) Where a disposition of permanent confinement has been determined by the county animal classification committee, the committee shall reserve jurisdiction to alter the disposition should the classified animal, subsequent to the determination by the committee, bite, wound, attack or kill or assist in biting, wounding, attacking, or killing a person or domestic animal. Thereafter, the director of animal control shall notify the animal's owner and the petitioner, in writing, by registered mail or certified hand delivery of the findings of the investigation, the proposed disposition of the animal and the review process.

(5) If the county animal classification committee finds that animal is not dangerous or aggressive, as defined in this chapter, the animal shall be released to the custody of the owner or keeper. In such case, the county shall reimburse the owner or keeper for costs of impoundment or of otherwise harboring the animal. The amount reimbursed shall be limited to the lesser of the cost of boarding at the ~~Tallahassee Leon Community Animal Service Center ("ASC")~~ ASC or the actual cost incurred at a private facility or at the owner's residence and shall be calculated from the date that the initial determination was rendered by the animal control director until the date that the classification committee decision is rendered.

(6) If a dog that has not been declared dangerous attacks and causes the death of a human, the dog shall be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or held for ten business days after the owner is given written notification under this section, and thereafter destroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request a hearing. If the owner files a written appeal under this section or section 4-94 the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(gh) Request for continuance. If the owner or petitioner cannot appear at any hearing scheduled by the animal classification committee, ~~he or she~~ they shall contact the division of animal control no later than 48 hours prior to the hearing, requesting a continuance to the next available date.

(hg) Waiver. If the owner, keeper, or petitioner fails to appear at the rescheduled classification hearing, the owner, keeper or petitioner of such animal shall be deemed to have waived ~~his or her~~ their right to appear at such hearing. In such case, the division of animal control shall proceed with the hearing and shall notify the owner, keeper or petitioner, in writing, of the findings of the committee.

(i) Withdrawal of petition. At any time prior to the animal classification committee hearing, the complainant may request in writing to withdraw the complainant's petition. All requests must be made in writing and be signed by the complainant. Requests shall be submitted to the animal control director. All requests shall be reviewed by the animal control director or designee. Requests shall be granted or denied based on the specific facts of each complaint. If a request is

1 denied, the animal control director or designee shall state in writing to the complainant the reason
2 for denial.

3 **Sec. 4-94. Owner's right to appeal final determination.**

- 4 (a) Upon a dangerous dog classification and penalty becoming final after a hearing, the animal control
5 director shall provide a written final order of the committee to the owner by registered mail,
6 certified hand delivery or service.
- 7 (b) The owner may appeal the classification, penalty, or both, to the circuit court in accordance with
8 the Florida Rules of Appellate Procedure after receipt of the final order. The owner must timely
9 appeal in order to preserve their rights.
- 10 (c) If the dog is not held by the animal control authority, the owner must confine the dog in a securely
11 fenced or enclosed area according to section 4-100 pending resolution of the appeal.
- 12 (d) The complaint shall be served upon the chairman of the Board of County Commissioners in
13 accordance with F.S. ch. 48. A copy of the complaint seeking relief shall be served upon the
14 County Attorney's office.
- 15 (e) If the owner or keeper of the animal is unable to or fails to or refuses to confine the animal in a
16 securely enclosed area, complying with section 4-100, until the conclusion of the judicial
17 proceeding, the animal classified as dangerous ~~or aggressive~~ shall be impounded by the division
18 of animal control at the owner's expense pending the disposition of the hearing in accordance with
19 the rules and regulations established by the board.
- 20 (f) If no legal action has been served upon the county in accordance with the Florida Rules of
21 Appellate Procedure, or if the owner or keeper fails to appear at the judicial proceeding scheduled
22 pursuant to the foregoing subpart, the owner or keeper of such animal shall be deemed to have
23 waived ~~his or her~~ their right to protest such classification or order to permanently confine or to
24 destroy the animal. In such case, the division of animal control shall proceed with the disposition
25 of the animal.
- 26 (g) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human
27 being, based upon the nature and circumstances of the injury and the likelihood of a future threat
28 to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane
29 manner.
- 30 (h) If the circuit court finds that the animal is not dangerous ~~or aggressive~~ as defined in this chapter,
31 the animal shall be released to the custody of the owner or keeper. In such case, the county shall
32 be liable for costs of impoundment of the animal from the date of service of the owner or keeper's
33 legal action of the county until the date of the circuit court's finding denying the classification.
34 The amount reimbursed shall be limited to the lesser of the cost of boarding at the county's animal
35 control facility or the actual cost incurred at a private facility or at the owner's residence, and shall
36 be calculated from the date that the initial determination was rendered by the animal control
37 director until the date that the classification committee decision is rendered.

38 **Sec. 4-95. Citation.**

- 39 (a) An animal control officer shall issue a citation to any owner or keeper of a dangerous ~~or aggressive~~
40 animal found in violation of any of the provisions of this article. In addition to the issuance of a

1 citation, an animal control officer may impound the animal when it is found in violation of any of
2 the provisions of this article.

- 3 (b) A person who violates any provision of this section commits a noncriminal infraction, punishable
4 by a fine not to exceed \$500.00.

5 **Sec. 4-96. Impoundment; permit and tag required for dangerous~~or aggressive~~ animals.**

- 6 (a) An animal control officer shall impound any animal which, subsequent to its classification as a
7 dangerous~~or aggressive~~ animal, bites, wounds, attacks, causes severe injury or kills, or assists in
8 biting, wounding, attacking, causing severe injury, or killing, any person or domestic animal. Such
9 animal shall remain impounded pending a rehearing on the determination of the disposition of the
10 animal by the classification committee pursuant to section 4-93. If the owner elects to contest the
11 committee's disposition to the circuit court under section 4-94, section 4-94(e) will not apply. The
12 impoundment and care of the animal shall be at the owner's expense.

- 13 (b) The owner or keeper of an animal classified as dangerous~~or aggressive~~ shall, within 14 days after
14 issuance of the final order classifying the animal as dangerous or the conclusion of any appeal that
15 affirms such final order, obtain a permit from the division of animal control to harbor the animal.
16 No permit shall be issued until sections 4-100, 4-101, 4-102, 4-103, and subsection (g) of this
17 section have been completed. The fee for the permit shall be as established from time to time by
18 the Board of County Commissioners.

- 19 (c) At the time the permit is issued, a red circular tag shall be issued to the owner or keeper of the
20 dangerous~~or aggressive~~ animal. Such tag shall be worn at all times by the animal to clearly and
21 easily identify it as a dangerous~~or aggressive~~ animal.

- 22 (d) The permit for maintaining a dangerous~~or aggressive~~ animal shall be presented to any animal
23 control officer or to any law enforcement officer upon demand.

- 24 (e) The permit shall be valid for a period of one year from the date of classification.

- 25 (f) An animal that is the subject of a dangerous dog investigation because of severe injury to a human
26 being may be immediately confiscated by an animal control officer, placed in quarantine, if
27 necessary, for the proper length of time, or impounded and held. The animal may be held pending
28 the outcome of the investigation and any hearings or appeals related to the dangerous dog
29 classification or any penalty imposed pursuant to sections 4-93 and 4-94. If the dog is to be
30 destroyed, the dog may not be destroyed while an appeal is pending. The owner is responsible for
31 payment of all boarding costs and other fees as may be required to humanely and safely keep the
32 animal pending any hearing or appeal.

- 33 (g) The owner or keeper of a dangerous animal shall present to the county proof that they ~~he or she~~
34 ~~has~~ have procured liability insurance or surety bond in the amount of not less than \$100,000.00,
35 covering any damage or injury which may be caused by such dangerous animal. Such insurance
36 policy shall contain a provision requiring that the county be notified immediately by the agent
37 issuing the policy in the event that the insurance policy is canceled, terminated or expires. Liability
38 insurance or surety bond shall be obtained prior to the issuing of a permit to keep such dangerous
39 animal. The owner or keeper shall sign a statement attesting that ~~he or she~~ they will ~~shall~~ maintain
40 and not voluntarily cancel the liability insurance policy during the 12-month period for which a
41 permit is sought, unless ~~he or she~~ they ceases to own or keep the dangerous animal prior to the
42 expiration date of the permit period.

Sec. 4-97. Notification of change of status.

- (a) The owner or keeper of a dangerous ~~or aggressive~~ animal shall notify the division of animal control immediately if the animal escapes from its enclosure or restraint and is at large, or if it bites or attacks a person or domestic animal, or if it dies. If the animal dies, satisfactory proof of such death must be provided to the division of animal control within 24 hours. Satisfactory proof shall be either verification from an animal shelter or veterinary hospital that the animal was euthanized, or verification from an animal control officer that ~~he or she~~ they have ~~has~~ seen the dead body of the animal.
- (b) If the owner or keeper of a dangerous ~~or aggressive~~ animal intends to change ~~his or her~~ their address, or sell, give away, or trade any dangerous ~~or aggressive~~ animal, ~~he or she~~ they shall notify the division of animal control prior to such change of address, sale, transfer, or trade. The owner or keeper shall provide the division of animal control with the new name, address, and phone number of the person receiving the animal, as well as the location at which the animal will be maintained. Further, it shall be the responsibility of the owner to notify the person receiving the dangerous ~~or aggressive~~ animal, in writing, of the classification of the animal as dangerous ~~or aggressive~~.
- (c) If the owner or keeper of a dangerous animal or an animal subject to a dangerous animal investigation must for any reason temporarily leave the animal in the care of another person (i.e. travel, sickness, etc.), that person must attest on a form approved by the county that they will comply with sections 4-100, 4-101, and 4-102 this chapter. The owner or keeper shall notify animal control prior to the animal being temporarily relocated with the name, address, and telephone number of the person(s) who will be responsible for the care of the animal, as well as the location at which the animal will be maintained (if different).
- (~~d~~e) Any person receiving an animal classified as dangerous ~~or aggressive~~ must obtain the required permit, tag, and enclosure prior to the acquisition of the animal. Any person obtaining or relocating an animal classified as dangerous ~~or aggressive~~ shall comply fully with the provisions of this article pertaining to the maintenance, fee, control, and ownership of a dangerous ~~or aggressive~~ animal.

Sec. 4-98. Neutering.

Any animal classified as dangerous ~~or aggressive~~ shall not be used for breeding. Animals classified as dangerous ~~or aggressive~~ shall be neutered by a licensed veterinarian within 14 days of final classification unless:

- (1) A licensed veterinarian certifies, in writing, that the animal is incapable of reproduction; or
- (2) A licensed veterinarian certifies, in writing, that neutering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be neutered immediately after the health condition has been corrected.

Sec. 4-99. Permanent identification.

- (a) Any animal classified as dangerous ~~or aggressive~~ shall have a permanent identification by either a tattoo or microchip.

- (b) Tattoo. Any animal classified as dangerous ~~or aggressive~~ that is tattooed, the tattoo shall be administered by a licensed veterinarian or by a trained tattooist at the expense of the owner or keeper of such animal. The tattoo shall be placed on the inside rear thigh with a number corresponding to the number of the permit issued to the owner or keeper at the time of the animal's classification as dangerous ~~or aggressive~~. The tattoo shall be placed on the animal within 14 days of final classification.
- (c) Microchip. Any animal classified as dangerous ~~or aggressive~~ shall have a microchip implanted by, or under the supervision of, a licensed veterinarian at the expense of the owner or keeper of such animal. The microchip shall be implanted in the animal within 14 days of final classification. Microchips implanted in animals designated as dangerous shall be properly registered with a company or organization recognized by animal control as a legitimate pet data tracking service. Registration shall be at the owner's expense.

Sec. 4-100. Enclosure required.

- (a) All dangerous ~~or aggressive~~ animals that are not humanely destroyed shall be confined in an enclosure. As used in this section, the term "enclosure" means either the residence or other building owned or leased by the animal's owner, or any other secure enclosure which the division of animal control has approved as suitable for restraining the animal, for preventing it from escaping and/or entry of young children. The dangerous ~~or aggressive~~ animal shall not be permitted to come into contact with animals other than those which reside on the owner's premises. Dangerous animals shall not come into contact with persons other than the owner except as provided in section 4-102.
- (b) Outdoors enclosure. All dangerous ~~or aggressive~~ animals shall be securely confined in an enclosed and locked pen or kennel, except when leashed and muzzled as provided in section 4-102. Such pen, kennel or structure shall be at least 10 feet by 10 feet in size, must have a solid foundation, sides attached to the foundation and a secure top attached to the sides to prevent the dog from escaping over, under or through the structure. All structures used to confine dangerous ~~or aggressive~~ animals must be locked with a key or combination lock when such animal is within the structure. Such structure must not be positioned so that neighbors and passersby may have access to the animal and must be located no less than 20 feet from any adjoining property.
- (c) Indoors enclosure. No dangerous ~~or aggressive~~ animal may be kept on a porch, patio or in any portion of a house or structure that would allow the animal to exit such building on its own volition. In addition:
- (1) No such animal may be kept in a house or structure when screen doors or windows are the only obstacles preventing the animal from exiting the structure.
 - (2) Doors behind which a dangerous ~~or aggressive~~ animal is confined must be strong enough to contain the animal and must remain locked except to allow access and egress of the owner and their agents.
- (d) It shall be unlawful for any owner or keeper of a dangerous ~~or aggressive~~ animal to maintain said animal upon any premises which does not have an enclosure in which to confine the animal.
- (e) The enclosure shall include suitable shelter and protection from the elements, and shall provide adequate exercise room, light, ventilation, and sanitation.

- (f) The enclosure shall be approved by the division of animal control prior to its usage for confinement.

Sec. 4-101. Muzzle.

- (a) It shall be unlawful for any owner or keeper to allow any dangerous-or-aggressive animal to be outside of the enclosure unless it is necessary for the animal to receive veterinary care or exercise. The animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing.
- (b) However, it shall be lawful for an owner to exercise a dangerous-or-aggressive animal within a securely fenced or enclosed area that does not have a top, without a muzzle, if the animal remains within the owner's sight and only members of ~~his or her~~ their immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present.

Sec. 4-102. Restraint.

- (a) Whenever the dangerous-or-aggressive animal is outside of the enclosure, it shall be restrained by an adult capable of controlling the animal and shall be on a chain of sufficient tensile strength not more than four feet in length.
- (b) However, it shall be lawful for an owner to exercise a dangerous-or-aggressive animal within a securely fenced or enclosed area that does not have a top, without a leash, if the animal remains within the owner's sight and only members of ~~his or her~~ their immediate household, or persons 18 years of age or older, are allowed in the enclosure when the animal is present. When being transported, such animals must be safely and securely restrained within a vehicle.

Sec. 4-103. Signs.

The owner or keeper of a dangerous-or-aggressive animal shall display clearly visible warning signs on all entry points to the premises on which a dangerous-or-aggressive animal is maintained warning that a dangerous-or-aggressive animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the dangerous-or-aggressive animal is maintained. Signs must inform both children and adults of the presence of a dangerous-or-aggressive animal on the property.

Sec. 4-104. Public records exemption.

Pursuant to state law, the home addresses and home telephone numbers of county animal control officers are confidential and exempt from the provisions of F.S. § 119.07(1) and the Florida Constitution, article I, section 24(a).

~~Sec. 4-105. Retroactivity.~~

~~All appeals of determinations of classification and/or disposition on or after October 1, 1993, shall be subject to sections 4-93 and 4-94.~~

Secs. 4-106 - 4-200. Reserved.

DIVISION 5. ANIMAL ABUSER REGISTRY

1 **Sec. 4-201. Definitions.**

2 The following words, terms and phrases, when used in this division, shall have the meanings
3 ascribed to them in this section, except where the context clearly indicates a different meaning:

4 *Abuser* means any person 18 years of age, including a juvenile tried as an adult, who has been
5 adjudicated guilty or convicted of a criminal animal abuse offense in the county.

6 *Animal abuse offense* means conviction of one or more of the following offenses:

7 (1) Cruelty to animals under F.S. § 828.12.

8 (2) Fighting or baiting animals under F.S. § 828.122.

9 (3) Killing a dog or cat with the intent to sell or give away its pelt under F.S. § 828.123.

10 (4) Killing or aggravated abuse of horse or cattle under F.S. § 828.125.

11 (5) Sexual activities involving animals under F.S. § 828.126.

12 (6) Confinement of animals without sufficient food, water, or exercise or abandonment of
13 animals under F.S. § 828.13.

14 *Animal abuser registry* means the online or publicly available registry established by this division
15 for listing an abuser.

16 *Conviction* mean a determination of guilt, with regards to one or more of the applicable animal
17 abuse offenses, as the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of
18 whether adjudication is withheld.

19 *Pet dealer* means any person, firm, partnership, corporation, or other association which, in the
20 ordinary course of business, engages in the sale, exchange, adoption or transfer of ownership of
21 animals.

22 *Registrant* means a person who has committed specified crimes against animals qualifying them
23 to be listed on the animal abuse registry.

24 **Sec. 4-202. Animal abuser registry.**

25 (a) The county shall post a publicly accessible, online animal abuser registry. The animal abuser
26 registry shall be maintained by the county or its agent, shall be listed on the county website and
27 may contain links to other animal abuser registries to be used as an informational resource by pet
28 dealers. The county may promulgate internal policies and procedures from time to time, necessary
29 for the implementation or amendment of the animal abuser registry.

30 (b) The animal abuser registry shall include a photograph of the convicted abuser, the abuser's full
31 legal name, address, date of birth, offenses convicted of, conviction date, date the listing will
32 expire from the animal abuser registry, a photograph taken of the convicted abuser as part of the
33 booking process and any other identifying data necessary to properly identify the abuser and to
34 exclude innocent persons.

35 (1) The animal abuser registry shall not include the abuser's social security number, driver's
36 license number, or any other state or federal identification number.

37 (2) The animal abuser registry shall not include records that are protected under F.S. § 119.071.

- (c) The animal abuser registry shall contain the required information about each particular abuser for a period of five years following ~~his or her~~ their release from incarceration or, if not incarcerated, from the date of the judgment of conviction.
- (d) The county will make every effort to ensure that the information contained in the animal abuser registry is accurate and complete. However, the county may rely on other sources for the information. As a result, the county makes no express or implied guarantee concerning the accuracy or completeness of any of the data in the animal abuser registry.
- (1) It shall be the responsibility of the registrant to initiate removal of ~~his or her~~ their name or correct any other information listed in the animal abuser registry by providing verified documentation to the director of county animal control if the registrant believes ~~his or her~~ their information contained in the animal abuser registry is in error.
- (2) In order to appeal inclusion on the animal abuser registry, the registrant shall provide the director of county animal control with verified documentation of the record of the offense that has been sealed or expunged or of the successful appeal of conviction.
- (3) The director of county animal control shall review the information within 30 days of receipt and shall render a decision, in writing, on whether the information listed on the animal abuser registry shall be removed or revised.
- (4) If the director of county animal control determines the registrant or related information should not be listed on the animal abuser registry, the information for that individual shall be removed from the animal abuser registry within ten business days following notification.
- (e) Every registrant shall provide updated information within ten business days of any change in residential address and/or upon any official name change. Failure of the registrant to provide updated information may result in the issuance of a citation in accordance with section 4-29.
- (f) A person who has been determined by a court to be unfit to have custody of animals pursuant to F.S. § 828.073, shall also be bound by the determinations of the court if that determination was made pursuant to the same underlying facts resulting in the criminal conviction that requires them to be listed in the animal abuser registry.
- (g) Pet dealers located within the county are strongly encouraged to consult the animal abuser registry before transferring, selling or otherwise conveying ownership of an animal to determine if the prospective owner is listed on the animal abuser registry. If the prospective owner is listed on the animal abuser registry, pet dealers should exercise caution when evaluating whether to transfer, sell or otherwise convey an animal to an abuser and may voluntarily decline to transfer, sell or otherwise convey the animal to the abuser.

Section 2. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability.

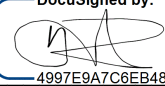
1 If any word, phrase, clause, section, or portion of this Ordinance is declared by any court of
2 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
3 portions of this Ordinance shall remain in full force and effect.
4

5 **Section 4. Effective Date.**

6
7 This ordinance shall have effect upon becoming law.
8

9 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
10 Florida, this 24th day of January, 2023.
11

12 LEON COUNTY, FLORIDA

13 DocuSigned by:
14 
15 By: 4997E9A7C6EB483...
16 Nick Maddox, Chair
17 Board of County Commissioners
18

19 ATTESTED BY:
20 Gwendolyn Marshall Knight, Clerk of Court
21 & Comptroller, Leon County, Florida
22

23 DocuSigned by:
24 By: Gwendolyn Marshall Knight
25 178D7F95C3774F4...
26 DS
27 

28 APPROVED AS TO FORM:
29 Chasity H. O'Steen, County Attorney
30 Leon County Attorney's Office
31

32 DocuSigned by:
33 By: Chasity H. O'Steen
34 BCE5E0EFD079484...