
COMMISSION DISTRICT: All **FILE NO.:** AS24-0003 **DATE:** 4/23/2024

SUBJECT: Introduction Of An Ordinance Of The Pasco County Code Of Ordinances Amending Chapter 14, Section 14-27 Definitions, Section 14-36 Disposition Of Animals, Section 14-42 Dangerous Dogs, Division 2 Animal Services Advisory Committee, Section 14-76 Vaccination Of Dogs, Cats, And Ferrets Against Rabies, Section 14-100 Microchip Required, Section 14-103 Impoundment, Section 14-106 Appeal Of Revocation, Suspension, Or Denial Of Permit, Section 14-108 Prohibition On The Retail Sale Of Dogs, Cats, And Rabbits, Providing For Applicability; Providing For Repealer; Providing For Severability; Providing For Inclusion Into The Code; And Providing For An Effective Date.

REFERENCES: Pasco County Code of Ordinances

AGENDA SECTION: Regular Agenda

THRU: Catherine Pearson, Assistant County Administrator

FROM: Michael Shumate, Animal Services Director

RECOMMENDED BOARD ACTION:

Accept proposed amendments to Pasco County Code of Ordinances Chapter 14, Sections 14-27, 14-36, 14-42, Division 2, 14-76, 14-100, 14-103, 14-106, and 14-108. Direct Board Records to advertise the proposed revisions for public hearing before the Board of County Commissioners (BCC) meeting on May 21, 2024 at the West Pasco Government Center Board Room, 8731 Citizens Drive, New Port Richey, Florida at 1:30 p.m. or as soon thereafter as same may be heard.

BACKGROUND SUMMARY/ALTERNATIVE ANALYSIS:

After reviewing Pasco County Code of Ordinances Chapter 14 - Animals, Animal Services determined that due to changing circumstances in the Animal Services Division and the general public, amendments were required.

These amendments to Chapter 14 - Animals of the Pasco County Code of Ordinances serve to remove certain definitions that are no longer used in the ordinance, amended for clarity, or amended to coincide with other ordinance requirements. Other amendments include the reduction of time animals are held at the shelter (hold times) for animals with known owners who abandon their dogs or cats from 240 hours to 144 hours. Since owners are known, notifications are expedited and require less hold time for disposition. Currently, the Dangerous Dog section provides that the appeals of the Dangerous Dog Hearing Board's determination be appealed to the County court within 10 business days. For consistency with F.S. § 767.12, this section is amended to require that these appeals are filed in the circuit court within 30 days of the order. This section is also amended to add the additional requirement of sterilization of the dog once declaration is finalized. Applicable exemptions may apply. This prevents the breeding of future dangerous traits. Division 2 of the Code of Ordinances establishes an Advisory Committee for the Board of County Commissioners and the Animal Services Department of Pasco County. For the last five (5) years, the advisory committee has struggled to maintain a quorum for voting or establishing any effective guidance. Animal Services is requesting the Board of County Commissioners to sunset the committee

until such time it requires additional guidance on animal related matters.

Amendment to Section 14-76 is to provide area veterinarians who administer rabies vaccinations with a required deadline to submit rabies certificates to Animal Services for the purpose of rabies verification and compliance and as a prerequisite for the purchase of County animal licenses. As the County experiences an increase in stray pets, the need for identification through licensing and microchips continues to be paramount for the quick return of pets to their homes. Section 14-100 is amended to require pets received as strays at Animal Services to receive microchips prior to the return to pet owners. Microchips will be registered to the pet owner at the time of return.

Section 14-103 is amended to exclude litters of puppies and kittens from hold times and exclude evictions from the involuntary abandonment hold times when the pet owner is known. This would set hold times consistent with stray or lost animals in Section 14-103 (a) (1). Section 14-103 is also amended to allow Animal Services to sterilize owned pets as an option for pet owners whose dogs go stray in lieu of paying certain reclaim fees. Section 14-106 is amended to reassign the duties of the Animal Services Appeal Board from the Animal Service Advisory Committee to the Dangerous Dog Hearing Board. Section 14-108 is amended to include retail establishment to the pet store exclusion from the sale of dogs, cats, or rabbits.

FISCAL IMPACT/COST/REVENUE STATEMENT:

No funding is required.

DISTRIBUTION:

Not applicable.

ATTACHMENT(S):

1. AS24-0003 - Resolution for Ordinance Amendment - Redline

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE PASCO COUNTY CODE RELATING TO ANIMALS; PROVIDING FOR REMOVAL OF CERTAIN DEFINITION OF TERMS NO LONGER USED IN THE ORDINANCE SUCH AS ADOPTION BASED BUSINESS MODEL AND RESCUE TAGS; CLARIFYING THE TERM HARBORER; ADDING RETAIL ESTABLISHMENT TO THE RETAIL SALE DEFINITION; AMENDING THE TERM DISPOSAL TO DISPOSTIONS IN SECTION HEADING; REDUCING THE HOLD TIME WHEN OWNERS OF ABANDONED ANIMALS ARE KNOWN; ADDING STERILIZATION TO THE LIST OF REQUIREMENT FOR DOGS CLASSIFIED AS DANGEROUS; REMOVAL OF ARTICLE II- DIVISION 2 CONTAINING THE ANIMAL SERVICES ADVISORY COMMITTEE; ADDING SPECIFIC TIMELINE FOR VETERINARIANS TO PROVIDE RABIES VACCINAITONS TO THE DEPARTMENT; REQUIRING MICROCHIPS FOR IMPOUNDED DOGS AND CATS AT THE SHELTER AND PROVIDING A STERILIZATION OPTION PRIOR TO RECLAIM AFTER STRAY HOLDS; REMOVING HOLD PERIODS FOR LITTERS OF PUPPIES OR KITTENS BROUGHT TO THE SHELTER; REMOVING EVICTION AS AN 240 HOUR QUALIFIED ABANDONMENT AND REDUCING HOLD PERIOD FOR HOLD TIMES; ADDING RELEASE TO COMMUNITY AS AN OUTCOME FOR ANIMALS SURRENDERED BY OWNERS; ASSIGNING PERMIT APPEAL TO THE DANGEROUS DOG HEARING BOARD; INCLUDE RETAIL ESTABLISHMENT TO THE PET STORE EXCLUSION FROM THE SALE OF DOGS, CATS, OR RABBITS, PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 14 of the Pasco County Code pertaining to Animal Control requires updating terminology for clarification, internal consistency, consistency with current practices of the Animal Services Division, and consistency with state law; and

WHEREAS, amendments to Chapter 14 are necessary due to changing circumstances in Animal Services Division and the general public; and

WHEREAS, it is necessary to remove the no longer used terminology for “adoption-based business model” and “rescue tags”; and

WHEREAS, terms such as “harborer” will be clarified under the definition of “Harbor” and the number animals to define a large kennel will be reduced from 15 to 10 in keeping with zoning definitions found elsewhere in the code; and

WHEREAS, the term “retail establishment” will be added under the definition “Retail Sale” to clarify prohibited locations for of the sale of dogs and cats. Rabbits will be added to this definition as banned by previously adopted ordinance 22-55 as mentioned elsewhere in this chapter; and

WHEREAS, the title for Section 14-36 “Disposal of impounded animals” will be change to “Disposition of impounded animals” to better describe outcomes for impounded animals and the hold times of animals with known owners will be reduced from 240 hours to 144 hours; and

WHEREAS, for public safety and welfare, additional requirements are needed for ownership of dogs declared dangerous in Pasco County) in accordance with F.S. § 767.14 ; and

WHEREAS, the animal services advisory committee created and established by ordinance 16-29 to serve in an advisory capacity under the board of county commissioners on matters relating to the animal population with the county is hereby sunset by the board until such time as their advisement and services may be needed. The permit revocation, suspension, or denial appeal process previously assigned to the members of the animal services advisory committee under Section 14-106 (a) will be assigned to the members of the dangerous dog hearing board as the designated appeals board; and

WHEREAS, all veterinarians and veterinary clinics issuing rabies vaccinations and rabies certificates in accordance with F.S. § 828.30 and Section 14-76 of this chapter shall provide such proof of rabies vaccination to the department postmarked or transmitted by the 10th day of each month following the administration of the rabies vaccine; and

WHEREAS, currently Section 14-100 requires microchips to be implanted in all dogs and cats adopted in the county. To aid Animal Services in locating and returning pets to their owners, Animal Services will now require mandatory microchips for all dogs or cats being returned to pet owners after stray impound by the department. Possible exemptions are noted in the amended section; and

WHEREAS, Section 14-103 dealing with impoundment times for stray pets is amended to reflect a no-hold period for puppies or kittens less than eight weeks of age. This prevents unnecessary hold time in the shelter environment without proper vaccinations and expedites their likelihood of survival by adoption or rescue; also amended is this section is the abandonment of animals during legal eviction as the animals have a known owner and therefore the hold period is amended to 144 hours as in keeping with other sections of this chapter for known owners; and

WHEREAS, in an effort to help reduce pet overpopulation in the county and at the discretion of the Director, if at the time of impoundment a dog or cat is not sterilized the owner may be offered the option to have the transportation, care, feeding and maintenance fees waived if they opt for sterilization of their animal prior to release from the shelter. The pet owner must sign a liability release to have the sterilization performed.

WHEREAS, the Board of County Commissioners finds the adoption of the Ordinance will further the interest of the health, safety, and general welfare of the public.

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

SECTION 1. AUTHORITY.

This Ordinance is enacted pursuant to Chapter 125, Florida Statutes (2021), and under the home rule powers of the County.

SECTION 2. LEGISLATIVE FINDINGS OF FACT.

The foregoing WHEREAS clauses are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 3. AMENDMENT.

The Pasco County Code of Ordinances Chapter 14 is hereby amended as follows:

Chapter 14 - ANIMALS

Sec. 14-27. Definitions.

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

~~*Adoption-based business model shall mean a business model whereby all dogs and cats offered for retail sale at a pet store shall only be sourced from stray and unwanted pets that have been taken in by an animal shelter or an animal rescue organization established in accordance with Section 501(c)(3) of the United States Internal Revenue Code to rehome stray and other unwanted pets. It also means that no dogs and cats may be offered for sale in a pet store that are sourced from a breeder or from some other intermediary such as a broker or wholesaler. Adoption-based business model shall mean a business model whereby all dogs and cats offered for retail sale at a pet store shall only be sourced from stray and unwanted pets that have been taken in by an animal shelter or an animal rescue organization established in accordance with Section 501(c)(3) of the United States Internal Revenue Code to rehome stray and other unwanted pets. It also means that no dogs and cats may be offered for sale in a pet store that are sourced from a breeder or from some other intermediary such as a broker or wholesaler.*~~

Aggressive animal or aggressive behavior means any animal that, without provocation, constitutes a physical threat to human beings or other animals. Aggressive behavior also includes, but is not limited to, the following:

- (1) A loose, unconfined animal, when unprovoked, chasing or approaching a person in a menacing fashion or apparent attitude of attack.
- (2) Chasing vehicles.
- (3) Molesting livestock or other domestic animals.

Animal means any living creature, other than a human being.

Animal abuse offense shall mean the commission of any act that constitutes the criminal offense of:

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

Animal abuser means any person 18 years of age or older (including a person who was under 18 when the conduct resulting in conviction occurred but who is tried and convicted as an adult) convicted of an animal abuse offense for conduct that occurs on or after March 1, 2017.

Animal abuser link shall mean the online link at Pascoclerk.com identifying persons convicted in Pasco County of an animal abuse offense that occurs on or after March 1, 2017.

Animal control officer means any person employed or appointed by the board of county commissioners as an animal control officer. An animal control officer is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations. An animal control officer is not authorized to bear arms or make arrests.

Animal rescue organization means any not-for-profit organization which has tax-exemption status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker; an entity that is affiliated with or housed on the premises of a breeder or broker; an entity that obtains dogs, cats, or rabbits from a breeder or broker in exchange for payment or compensation or resells dogs, cats, or rabbits obtained from a breeder or broker and provides payment or compensation to a breeder or broker.

Animal shelter shall mean any public or privately owned organization, including, but not limited to, any incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.

At large means an animal which is not under the actual control, custody, charge or possession of the owner or other responsible person either by leash, cord, chain, enclosure or as otherwise provided in this chapter.

Breeder means any person that owns, harbors, or keeps dogs, cats, or rabbits that reproduce more than 20 animals in any rolling (consecutive) 12-month period for any purpose.

Broker means any person that transfers dogs, cats, or rabbits for resale by another person.

Cat means, but is expressly not limited to, domestic cat, *Felis catus*, and any genetic hybridization thereof, including, but expressly not limited to, ocelot hybrids and bobcat hybrids, that is not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Certificate of source means a document declaring the source of origin of a dog, cat, or rabbit on the premises offered for adoption. The certificate of source must include at a minimum: (1) a brief description of the dog, cat, or rabbit including breed, color, age, sex, and approximate weight; (2) the name, address, telephone number and email address of the sponsoring source of the dog, cat, or rabbit; (3) the signature of the sponsoring source certifying the accuracy of the certificate upon adoption; (4) the signature of the adopter or transferee of the dog, cat, or rabbit acknowledging receipt of the certificate of source.

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

County health officer means the person appointed, pursuant to law, as director of the county health department and his designated agents.

Department means the Pasco County Animal Services Department.

Direct control means immediate, continuous physical control of an animal at all times such as by means of a fence, leash, cord or chain of such strength to restrain the animal.

Director means that person in charge of the administration of the Department of Animal Services or anyone designated by that person.

Dog means, but is expressly not limited to, domestic dog, *Canis familiaris*, and any genetic hybridization thereof, including, but expressly not limited to, wolf hybrids and coyote hybrids.

Domestic means those animals trained to live with and be of use to man; tame.

Ear-tip means a mark identifying a community or feral cat as being in a Trap-Neuter-Return program, specifically the removal of approximately three-eighths of an inch off the tip of the cat's left ear in a straight line, while the cat is anesthetized. Ear-tipping is the universal sign of a feral cat symbolizing the cat has been spayed/neutered and rabies vaccinated.

Farm animal shall mean animals used in the production of human or animal food, feed or fiber, regardless of whether or not the animal is actually being used or raised for such purposes.

Feral means a dog or cat that exists in an untamed state or that has returned to an untamed state, generally not socialized to human contact, and is no longer considered domesticated.

Flea market means any premises where the principal use is the sale or offer of goods by five or more individuals, in an open area or partly enclosed booths or stalls, or within an enclosed building, of new and used household goods, personal effects, tools, ~~art work~~ artwork, small household appliances, and other similar merchandise, objects or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser.

Good and wholesome food means palatable nutriment appropriate for the type of animal it is fed to, free from contamination, and of sufficient nutritive value to maintain such animal in good health.

Harbor means to own, feed, shelter, keep, maintain, or control an animal and includes permanent and temporary harboring of animals. Harborer, as used in this chapter, means one who harbors as defined herein.

Hybrid means, but is expressly not limited to, a mixture of one or more types of wild animals crossed with any combination of domestic animals.

Large kennel means any person or entity who owns, harbors, or keeps ~~more than 15~~ 10 or more dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to, housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use. Large kennel does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by F.S. ch. 474, or any property or structure used as a veterinary hospital, medical research laboratory, ~~pari-mutuel dog racing establishment or~~ any governmental agency, or to any boarding kennel operated in conjunction with any of the foregoing.

Mandatory court appearance means that a person shall not have the option to pay the fine instead of appearing in court.

Pet means any animal kept for pleasure rather than utility.

Pet dealer means any person that offers for sale, has sold, or intends to sell, either concurrently or in aggregate, more than 20 dogs, cats, or rabbits in any rolling (consecutive) 12-month period. This definition includes breeders of dogs or cats who sell such animals directly to a consumer. Animal shelters or animal rescue organizations are excluded.

Pet seller shall mean any individual or person, partnership, firm, corporation, retail establishment or other entity which offers dogs, cats, or rabbits for sale, exchange, barter or is engaged in the sale, exchange, or other transfer of ownership of animals.

Pet store means a retail establishment where dogs, cats, or rabbits are sold, exchanged, bartered, or offered for sale or transfer, regardless of the age of the dog, cat, or rabbit or the

physical location of the animal. Such establishment may be a permanent, temporary, or virtual establishment. An animal shelter or animal rescue organizations are not considered a pet store as defined herein.

Premises means land and all structures and articles appurtenant or attached thereto which are owned, leased, occupied, or controlled by a person.

Rabbit means all members of the classification, *Oryctolagus cuniculus*.

~~*Rescue Tag* means current animal tag or tags issued by the division for a humane organization. Such tags shall have one serial number unique to that humane organization.~~

Retail sale means a sale, regardless of any exchange of consideration for the animal, or animal services, that takes place at the same time or same location. This term also includes any combination of the following: offer for sale; auction; barter; display for sale; adoption; re-home; exchange for compensation; or otherwise, give away; trade; deliver; lease; rent; include as part of a package deal; advertise for sale; or otherwise dispose of dogs, cats, or rabbits to a person in a retail establishment or pet store or in association with a retail establishment or pet store.

Serious physical injury or severe physical injury or damage means any physical injury that results in any of the following injuries:

- (a) Broken bones;
- (b) Muscle, ligament, or tendon tears;
- (c) Skin lacerations, puncture wounds, or other injuries that require sutures, or surgery, or for which the victim seeks emergency treatment;
- (d) The transmission of an infectious or contagious disease; or
- (e) Any physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of function of any bodily organ, or plastic surgery.

Service animal shall mean any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the Americans with Disabilities Act (ADA). This definition shall incorporate any future legislative, administrative, or judicial changes to the definition of service animal within the Americans with Disabilities Act.

Shelter, minimally defined, means a three-sided roofed and floored structure that is a secure weather-resistant structure which protects an animal from exposure to the elements including, but not limited to, rain, cold, wind and heat, and in size is a minimum of six inches higher than the animal's height at full stand with head erect, one and one-half the animal's full body length, and sufficient in width to permit the animal to turn around. Shelter shall not include a lean-to, drums or barrels, spaces underneath mobile or prefabricated homes or spaces underneath porches or decks.

Tag means a current department animal license tag.

Unprovoked means that the victim has been conducting himself peacefully and lawfully.

Veterinarian means a veterinarian duly licensed and registered by the state.

Vicious animal or *vicious behavior* means any animal that, without provocation:

- (1) Causes severe physical injury to a human being, or
- (2) Severely injures or kills a domestic animal while off the owner, harbinger or keeper's property.

Vicious animal or *vicious behavior* shall not be interpreted to include an animal that at the time of causing physical injury, was being tormented, abused, assaulted, or was protecting a human being from an unjustified attack, or if the injury caused was while the person injured was unlawfully on the property of the animal.

Water means potable water free from contamination.

Wild animal means every living creature belonging to a species which will normally be found in the wild state, meaning found primarily in a natural state or a wild environment.

Sec. 14-36. Disposal-Disposition of impounded animals.

- (a) All animals which have been impounded in accordance with this chapter may be disposed of in a humane manner if not claimed as provided by this chapter. Animals may be released to any humane organization or any reputable and responsible person. If the impounded animal is released to the owner, the owner shall pay all applicable fees. The payment of such fees shall be in addition to the payment of any civil fine imposed for violation of this chapter.
- (b) Notwithstanding any other sections of this chapter, impounded animals may be disposed of at any time, after making a reasonable effort to provide notice to the owner, upon certification by a licensed veterinarian that such action is necessary and humane due to the physical condition of the animal, pursuant to F.S. § 828.05.
- (c) Any animal impounded under quarantine at the department with traceable identification or with a known owner, shall be held for a period of at least 72 hours following the end of the quarantine period. The department shall make reasonable effort to contact the owner during the impoundment time. The animal will be considered abandoned if not claimed on or before the end of the third day following quarantine. Any animal impounded under quarantine at the department with no identification or no known owner shall be held for at least the quarantine period. The animal will be considered abandoned if not claimed on or before the end of the quarantine period.
- (d) Any animals impounded as abandoned under section 14-38 shall be held for a period of at least 240 following the day of impoundment. For any animal with traceable identification or with a known owner shall be held for a period of at least 144 hours. ; ~~¶~~The department shall make a reasonable effort to contact the owner during the impoundment time. The animal will be considered abandoned if not claimed on or before the end of the impoundment period.

Sec. 14-42. Dangerous dogs.

- (a) Florida Statutes §§ 767.10 through ~~767.15~~ 767.16, as may be amended, are incorporated into this section. In the event of any conflict such Florida Statutes shall control.
- (b) The department shall investigate complaints of dangerous dogs and carry out any classification of a dog as dangerous in the following manner:
 - (1) The department shall investigate reported incidents involving any dog that may be dangerous as defined herein, and shall, if possible, interview the owner. A sworn affidavit from any person, including any animal control officer or law enforcement officer desiring to have a dog classified as dangerous, shall be required as part of the investigation.
 - (2) "Dangerous dog" means any dog that according to the records of the department, or any authority with jurisdiction in the state:
 - a. Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
 - b. Has more than once severely injured or killed a domestic animal while off the owner's property; or
 - c. Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.
 - (3) Any animal that is the subject of an investigation under this section that is not impounded with the department shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcomes of the investigation and resolution of any hearings related to the dangerous dog classification. Regardless of where a dog is impounded or confined, the owner shall supply the department the address where the dog resides. The owner shall also provide the department, in writing, with an address for where notifications are to be sent regarding this section. No dog that is the subject of an investigation under this section shall be relocated or ownership of such dog transferred while the outcome of an investigation or any hearings or appeals are pending related to the determination of a dangerous dog classification.
 - (4) After the investigation, the department shall make an initial determination whether there is sufficient cause to classify the dog as dangerous based upon the totality of the reported circumstances and shall afford the owner an opportunity for a hearing prior to final classification of the dog as "dangerous." Upon making an initial determination, the department shall provide written notification to the owner by registered mail, hand delivery or service in conformance with the provisions of F.S. ch. 48, as may be amended.

- (c) The owner may file a written request with the department for a hearing within seven calendar days from the date of receipt of the notice of the department's initial determination, and, if requested, a hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than five days after receipt of the request by the department from the owner. The written request must include an address to which future notices to the owner are to be delivered. The owner shall be responsible for updating the address, in writing, to the department, if necessary. A hearing shall be conducted by a dangerous dog hearing board, an administrative body, as appointed by the county administrator, or his designee. Procedures governing the hearing shall be established by resolution duly adopted by the board of county commissioners after the effective date of the ordinance from which this chapter derived and prior to any action by the department to determine whether a dog is dangerous.
- (d) The dangerous dog hearing board shall either agree or disagree with the department's initial determination regarding a dangerous dog classification and may consider the following, but not be limited to:
- (1) Volume of complaints;
 - (2) Nature of complaints;
 - (3) Any unprovoked threat, chase or attack on a person which is attested to in a sworn statement;
 - (4) Multiple attacks on domestic animals while off the owner's property;
 - (5) Testimony or other evidence as to the physical condition of the animal;
 - (6) A physician's medical report(s), summaries and/or testimony related to injuries sustained;
 - (7) Testimony or other evidence from the investigating agent(s) or officer(s);
 - (8) Testimony or other evidence that the dog has been used for the purpose of, or is a dog trained for, dog fighting; and/or
 - (9) Any other evidence it deems relevant.
- (e) The decision of the dangerous dog hearing board to classify the dog as dangerous shall be provided to the owner by the department at the address provided by the owner, by registered mail, hand delivery or service consistent with F.S. ch. 48, as may be amended, within 14 calendar days of the conclusion of the dangerous dog hearing. Any such decision shall be considered a final action by both the board and the department that a dog is classified as dangerous.
- (f) If the owner of the dog wishes to appeal the dangerous dog hearing board's decision to classify a dog as dangerous, he or she may file an appeal in the [circuit](#) court within thirty days after the hearing board's written decision upon payment of any applicable filing fees and/or administrative fees. Any person who decides to appeal the decision of the department as a result of the hearing will need a record of the proceedings, and, for such

purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

- (g) Any animal that is the subject of an appeal that is not impounded with the department shall be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the appeal. Regardless of where a dog is impounded or confined, the owner shall supply the department the address where the dog resides. No dog that is the subject of an appeal shall be relocated or ownership of such dog transferred while the outcome of any appeal is pending related to the determination of a dangerous dog classification.
- (h) ~~The owner of a dangerous dog must also pay to the department a registration fee set forth by resolution. The owner of a dangerous dog must also pay to the department a registration fee set forth by resolution. On or before the fourteenth day after the date of notification of the classification of a dog as dangerous or a classification is upheld on appeal as provided in this section, the owner of the dog shall obtain a certificate of registration and a dangerous dog tag from Animal Services. The owner of a dangerous dog must also pay to the department a registration fee set forth by resolution. The owner shall renew the certificate annually. Animal Services is authorized to issue such certificates of registration and renewals only to persons who have attained at least 18 years of age and who present to Animal Services sufficient evidence of:~~
- ~~(1) A current certificate of rabies vaccination and license for the dog;~~
 - ~~(2) A proper enclosure for a dangerous dog;~~
 - ~~(3) Warning signs that are clearly visible from all entry points and inform both children and adults of the presence of a dangerous dog on the property;~~
 - ~~(4) Permanent identification of the dog by microchip;~~
 - ~~(5) Surgical sterilization of the dog, unless a veterinarian certifies in writing that sterilizing the animal would be injurious to the animal's health. If the health condition of the animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal immediately after the health condition has been corrected;~~
 - ~~(6) Two color photos of the dog in two different poses showing the color and size of the animal;~~
 - ~~(7) Fee simple ownership of the property upon which the dangerous dog and enclosure are located or, alternatively, permission to locate the dangerous dog and enclosure on the property from the fee simple owner of the property.~~
- (i) 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 shall be subject to this section. Dogs that have been classified as

dangerous shall not be used for hunting purposes. This section does not apply to dogs used by law enforcement officials for law enforcement work.

Secs. 14-45—14-55. Reserved.

DIVISION 2. ANIMAL SERVICES ADVISORY COMMITTEE Reserved.

~~Sec. 14-56. Created.~~

~~————— There is created and established in the county an animal services advisory committee which shall serve in an advisory capacity under the board of county commissioners on matters relating to the animal population within the county.~~

~~(Ord. No. 16-29, § 3, 10-11-16)~~

~~Sec. 14-57. Legislative intent.~~

~~————— It is the purpose and intent of the board of county commissioners to create and establish an animal services advisory committee to act in an advisory capacity on matters involving the animal population within the county, and as specifically otherwise provided for in this chapter. This committee shall be composed of citizens of representative interest who are dedicated to the purpose of providing a sound animal services policy. The committee shall furnish information, advice, and counsel to the board of county commissioners in respect to the appropriate means and methods by which the county may adequately provide for protection of its animal population, while at the same time protecting the citizens of the county from unwarranted intrusions by uncontrolled animals. This section shall not be construed as delegating to such committee or any of its members any power or authority of a governmental, legislative or administrative nature, except as specifically provided for in this chapter, but merely is the establishment of an official instrumentality by which the board of county commissioners may claim the benefit of accurate, comprehensive information, advice and counsel concerning all matters relating to animal service programs which may be necessary for appropriate action by the board of county commissioners.~~

~~(Ord. No. 16-29, § 3, 10-11-16)~~

~~Sec. 14-58. Appointment and qualifications of members.~~

~~(a) ——— The animal services advisory committee shall be composed of 13 members, appointed by the board of county commissioners by resolution or by letter of recommendation with appointment by the board of county commissioners. In order to reflect the interest involved in animal services, the committee members shall be selected according to the following:~~

~~————— (1) Two members, or their designated alternates, shall be from a companion animal group, such as a PCA or humane society;~~

~~————— (2) Two members, or their designated alternates, shall be from county spay/neuter group;~~

~~————— (3) One member, or their designated alternate, shall be from the county sheriff's office;~~

~~————— (4) Two members, or their designated alternates, shall be licensed veterinarians, one of whom is actively engaged in business within that part of the county lying east of Highway 41 and the other of whom is actively engaged in a business lying west of Highway 41;~~

~~————— (5) One member, or their designated alternate, shall be from the county health department;~~

~~————— (6) Each commissioner shall appoint one member from the citizenry at large.~~

~~(b) ——— Each member of the animal services advisory committee shall be a resident of the county and a registered voter in the county. All members are to be chosen for their interest in animal services programs conducted by the county.~~

~~(c) ——— The board of county commissioners may repeal an appointment to such committee at any time.~~

~~(Ord. No. 16-29, § 3, 10-11-16)~~

~~Sec. 14-59. Organization; meetings.~~

- ~~(a) — The animal services advisory committee shall select its chairman and such other officers as may be deemed necessary or desirable and shall establish a time and procedure for the election of such officers. The presence of seven members is required to constitute a quorum sufficient to the holding of a meeting or a taking of any action. A majority vote of the quorum at any meeting shall be sufficient to enable the taking of any action.~~
- ~~(b) — Special meetings of the committee may be called by the chairman, or by action of the animal services advisory committee at a meeting, general or special, or by the department director. The committee shall keep adequate records of its meetings, including the minutes, attendance records and records of formal committee action regarding animal services program review and monitoring. The department director shall be responsible for providing an agenda and the scheduling of business to be heard by the committee. Additional procedures for the conduct of meetings, bylaws and regulations shall be developed by the committee.~~

~~(Ord. No. 16-29, § 3, 10-11-16)~~

~~Sec. 14-60. Duties and functions.~~

~~The animal services advisory committee shall have the duties, functions, and responsibilities to:~~

- ~~(1) — Serve in an advisory capacity to the board of county commissioners, county administrator and the department director in respect to all matters pertaining to animal services policies and programs conducted within the county;~~
- ~~(2) — Make periodic reports and recommendations to the board of county commissioners on animal service matters;~~
- ~~(3) — Make a continuing study of all animal service facilities and services in the county and the needs of the county in respect to animal service facilities and services;~~
- ~~(4) — Formulate plans and programs for the coordination of the activities of all the governmental entities and nongovernmental agencies, as well as corporations for profit or not for profit and individuals, relating to animal service programs, facilities, and services within the county;~~
- ~~(5) — Formulate comprehensive, feasible plans or programs for providing adequate animal service to the unincorporated areas of the county and to those municipalities who have entered into any local agreements with the county to provide animal services;~~
- ~~(6) — Devise means and methods by which animal service facilities and services may be improved and more fully utilized to provide better service and availability to the general public;~~
- ~~(7) — Make a continuing study and periodic reports and recommendations for a sound, feasible program for financing the cost of improving animal service facilities and services;~~
- ~~(8) — Review all laws, ordinances, resolutions, and regulations governing animal service programs and services and make recommendations concerning appropriate action that may be taken to improve such;~~
- ~~(9) — Perform and carry out such other duties and functions of an advisory nature as may be assigned to the animal services advisory committee by the board of county commissioners; and~~
- ~~(10) — Act in a quasi-judicial capacity to hear appeals of department director decisions regarding department permits.~~

~~(Ord. No. 16-29, § 3, 10-11-16)~~

~~Sec. 14-61. Staff assistance.~~

~~— Department staff shall provide technical assistance and information to the animal services advisory committee, and the department director shall serve as secretary to the committee and be responsible for the orderly presentation of business before the committee.
(Ord. No. 16-29, § 3, 10-11-16)~~

~~Sec. 14-62. Limitation on powers.~~

~~— The animal services advisory committee shall have no power or authority to commit the county government to any policies or to incur any financial obligation or to create any liability on the part of the county. No actions or recommendations of the advisory committee shall be binding on the county until approved or adopted by the board of county commissioners unless as specifically provided for in this chapter.~~

Sec. 14-76. Vaccination of dogs, cats, and ferrets against rabies required.

- (a) All dogs, cats and ferrets that are four months of age or older must be vaccinated for rabies in accordance with F.S. § 828.30, as may be amended. Dogs, cats and ferrets shall be vaccinated by a licensed veterinarian, or as otherwise provided by law. The duration of immunity of the vaccine shall be recognized in accordance with the current Compendium of Rabies Control developed by the National Association of State Public Health Veterinarians, as may be amended.
- (b) No person may directly or indirectly provide false information or otherwise mislead members of the public concerning the propriety or legality of administering vaccinations to dogs, cats, or ferrets for rabies by someone other than a veterinarian. The retail seller of dog, cat or ferret rabies vaccine shall advise the buyer of such vaccine that Florida law required that all dogs, cats, and ferrets four months of age or older be vaccinated in accordance with state law by a licensed veterinarian.
- (c) Proof of rabies vaccination in a form containing the information required by the registration certificate, shall be provided to the owner and the department by the vaccinating veterinarian. If not submitted concurrent with the sale of the county license, the vaccinating veterinarian shall provide such vaccination information postmarked or transmitted to the department by the 10th day of each month and continue to report monthly. Upon request, such certificate shall be made available to any officer or representative of any enforcement agency.
- (d) In the event the vaccinating veterinarian does not practice in Florida, other verifiable evidence of a current rabies vaccination as deemed acceptable by the department may be substituted.
- (e) Medical exemption.

- (1) A medical exemption from any vaccination requirement of this article may be granted by the department if the following requirements are satisfied:
 - a. A veterinarian examines the animal and certifies in writing that at the time of such examination, in his or her professional opinion, administering the vaccination would endanger the health or life of the animal. The veterinarian's certification must include the basis for his or her opinion (i.e. age, infirmity, disability, illness, or other injurious condition), the anticipated duration of this condition, and the dates of administration for the last occurring series of vaccinations or a statement that this information was not available;
 - b. The animal is securely and humanely confined.
 - (2) In no event shall any exemption granted pursuant to this section be in effect for more than one year without re-certification by a veterinarian. As soon as the animal's condition permits, it must be vaccinated and otherwise come into full compliance with this article.
 - (3) The owner must contact animal services upon expiration or termination of the exemption and/or the animal's condition and provide proof of compliance with all vaccination requirements within ten days.
- (f) Animal services shall have the authority to cause the owners of other species of animals to have them vaccinated against rabies at such times and in such areas within the county upon recommendation of the department of public health to prevent and bring under control any outbreak of disease which might occur that poses a threat to the citizens of the county.

DIVISION 4. DOGS AND CATS

Sec. 14-96. License tags required.

- (a) *Requirements.*
- (1) Every person possessing, harboring, keeping, or having control or custody of a dog and/or cat over the age of four months shall secure a county license from a veterinarian or from the department and, as a condition of obtaining the license, shall show proof of a current rabies vaccination which shall have been administered by a licensed veterinarian.
 - (2) Except as provided for in subsection (c) of this section, all dogs and cats at least four months of age or older must have a current license tag. A license tag may be issued by the department for any period of time up to three years, coinciding with duration of the current rabies vaccination as documented on the rabies certificate. A license tag is not valid during any time period when the animal is unvaccinated or for which the rabies vaccination has expired.

- (3) In order to obtain a license tag or renew a license tag for a dog or cat, a current complete rabies vaccine certification must be provided to the department along with any and all applicable fees for the license tag.
 - (4) The license tag may be obtained either from the department or a veterinarian. Only rabies certificates signed by a veterinarian and license tags approved for issuance by the department shall be valid.
 - (5) All dogs and cats shall be required to wear a current Pasco County license tag at all times unless specifically exempted by this chapter. Every person who keeps harbors or owns any dog or cat four months of age or older shall cause a current tag to be securely fastened, by chain or other substantial device, about the animal's neck so as to be clearly visible at all times.
 - (6) It shall be unlawful to transfer any tag, issued under this section, from the animal for which such tag was issued to another animal.
 - (7) Changes in owner information. The department must be notified within 30 days of any change in ownership or any other change in the information submitted in connection with a license tag, including the address or telephone number.
- (b) *Fees.*
- (1) The fee for obtaining license tags shall be established by the board of county commissioners. There shall be a higher fee charged for license tags for intact dogs or cats than for tags for sterilized animals.
- (c) *Exemptions to registration and license tag requirements.*
- (1) *Visiting dogs, cats, or ferrets.* The license tag requirements of this article shall not apply to any animal that remains in the county for a period of 30 days or less per calendar year, and for which the department has been provided proof of domicile outside of the county, a current, valid certificate of rabies vaccination, and proof of compliance with any applicable registration, required license or permit required by the laws of the jurisdiction of domicile.
 - (2) *Ear-tipped cats.* Ear-tipped cats shall be exempt from the license tag requirements of this section.
- (d) *Report and sale of license tags.*
- (1) Postmarked no later than the tenth day of each month, all veterinarians, whether at fixed or mobile clinics, administering rabies vaccinations shall, as to each dog and cat vaccinated, deliver to the department one copy of the certificate prescribed under section 14-76 as evidence of each vaccination administered the previous month.
 - (2) It shall be the duty of all veterinarians, upon vaccinating a dog and cat against rabies, to have Pasco County license tags required by section 14-76 available for purchase at the time and place of vaccination. All veterinarians shall also have Pasco County license tags available for purchase, at the time and place of presentation, by a responsible party who presents evidence to the veterinarian that the party's dog or

cat has current rabies vaccination. All pet dealers who sell dogs or cats shall have Pasco County license tags required by section 14-76 available for purchase at the time and place a dog or cat is sold. Veterinarians and pet dealers shall display, in a conspicuous place that can be seen and easily read by all customers, a sign indicating that county license tags are required and indicate where they can be purchased.

- (3) Postmarked or transmitted no later than the tenth day of each month, each veterinarian and pet dealer shall deliver to the department one payment containing the value of any and all license tags sold or lost, destroyed, or stolen the previous month. The department shall have the authority to assess interest for any payments received after the deadline established in this section.
- (4) Violations of the requirements of this section shall subject the veterinarian or pet dealer to civil penalties, except when such requirement would violate a confidential doctor-client relationship.

Sec. 14-100. Microchip required.

- (a) All dogs and cats over the age of four months sold, ~~or adopted in the county shall have a microchip implanted prior to sale or adoption.~~ adopted, transferred, or returned to owner after stray impound in the county shall have a radio frequency identification devise (RFID) (microchip) implanted prior to sale, adoption, transfer, or return to owner. The owner or custodian shall register the microchip with the national registry associated with the implanted microchip and shall provide the microchip number and other identifying information to the department.
- (b) Dogs and cats that have been impounded by the department shall be implanted with a microchip by the department at the owner's expense prior to being released to the owner. If the animal was impounded and subsequently released to the owner by the impounding officer prior to being transported to the county shelter, the owner will be issued a Notice to Comply to have the animal microchipped within fifteen (15) days. To be in compliance, the owner must submit a statement signed by a licensed veterinarian confirming that the animal has been so implanted and containing the microchip number.
- (c) Animals that are already microchipped when impounded, must have the information on the microchip recorded by the department. The information must be accurate and current. If the information is not current, the owner must come into compliance with this section prior to having the animal released.
- (d) An exemption to this section is allowed if a licensed veterinarian certifies in writing that microchipping would endanger the animal's health.

Sec. 14-103. Impoundment.

- (a) The department may catch, seize, humanely trap, accept for impound, or pick up and impound any:

- (1) Dog that is running at large on public or private property, including the private property of the owner, harborer, or keeper, in accordance with section 14-97 of this chapter. Dogs impounded under this subsection shall be held by the department for a period of not less than 72 hours. There is no hold period for litters of puppies less than eight (8) weeks of age. Any impounded dog or cat that is wearing a license tag or traceable identification shall be held for not less than 144 hours, and the department shall make a reasonable effort to notify the owner that the dog or cat has been impounded and may be picked up during the shelter's normal hours. The final responsibility for locating an impounded animal shall be that of the owner.
- (2) Animal not properly quarantined pursuant to section 14-79 shall be impounded, at the owner's expense, for the duration of the quarantine period established in section 14-79.
- (3) Animals not confined to an owner, harborer, or keeper's property during an area-wide rabies quarantine, as required by subsection 14-79(4) and shall be held for not less than 72 hours. Any impounded animal that is wearing a license tag or traceable identification shall be held not less than 144 hours, and the department shall make a reasonable effort to notify the owner that the animal has been impounded; such animals shall be held at the owner's expense and may, at the discretion of the department, be held for the duration of the area- wide quarantine.
- (4) Animal that has bitten or scratched a person or is carrying or suspected of having or showing suspicious symptoms of rabies or any other zoonotic disease and shall be held at the owner's expense, and may be held for a period of at least 240 hours from the date of the bite, scratch, or showing of suspicious symptoms.
- (5) Animal that is neglected, abused, cruelly treated, sick, injured, or at risk of disease, injury, or death, and for which the department has or will seek custody of the animal pursuant to F.S. ch. 828. If the county is awarded custody of the animal, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded animal. If the county is not awarded custody of the impounded animal, the owner shall be responsible only for necessary veterinary care provided to the animal during the impoundment. An owner awarded custody of an animal impounded under this subsection must redeem his or her animal and pay the costs of necessary veterinary care provided to the animal within 72 hours of the court's order, or the animal shall thereafter become the property of the county.
- (6) Animal which is or may be without proper care because of injury, illness, incarceration, or involuntary absence of the person responsible for the care of the animal. This includes, but is not limited to, situations where the owner is arrested, hospitalized, deceased or otherwise unable to care for the animal, or where the animal is abandoned within the meaning of section 14-38. Animals impounded pursuant to this subsection shall be held at the owner's expense for a period of at least ~~240~~144 hours and shall thereafter become the property of the county. Animals that are abandoned as part of a legal eviction do not qualify as per this subsection and

shall be held for the appropriate period as specified in subsection (a) (1) consistent with stray or lost animals.

- (7) Dog that is suspected of being a vicious animal. Such animals shall be impounded by the department pending the filing by the department of a petition for custody of the animal pursuant to subsection 14-41(d). The animal shall be held during pending administrative proceedings, judicial proceedings, or appeals related to the petition for custody. If the county is awarded custody of the animal, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded animal. If the county is not awarded custody of the impounded animal, the owner shall be responsible only for necessary veterinary care provided to the animal during the impoundment. An owner awarded custody of a dog impounded under this subsection must redeem his or her animal and pay the costs of necessary veterinary care provided to the animal within 72 hours of the court's order, or notification by the department that it does not intend to file a petition for custody, within 72 hours of the court's order, or the animal will thereafter become the property of the county.
- (8) Dog that is suspected of being a dangerous dog. Dogs impounded pursuant to this section may be held pending an investigation into whether the dog may be dangerous. Upon a determination by the department that the dog is dangerous, the dog may be held pending any administrative proceedings, judicial proceedings, or appeals relating to the dangerous dog classification. If the dangerous dog classification is upheld, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded dog, and the dog shall not be released to the owner until the owner complies with the applicable provisions of section 14-42 and F.S. ch. 767. The owner of a dog classified as dangerous shall comply with the applicable provisions of section 14-42 and F.S. ch. 767 and redeem the animal within 240 hours of the determination by the department if no hearing is requested to challenge the determination, or the animal will thereafter become the property of the county. If the dangerous dog classification is challenged in an administrative or legal proceeding and not upheld or the department does not make a determination that the dog is dangerous or revokes such determination, the owner shall be responsible only for necessary veterinary care provided to the dog during the impoundment. When a dangerous dog classification is not made by the department after investigation, not upheld in an administrative or legal proceeding, or if the determination is revoked or withdrawn by the department, an owner must redeem his or her animal and pay the costs of necessary veterinary care provided to the animal within 72 hours of mailing, faxing, delivery, or posting of notice by animal services, or the animal shall thereafter become the property of the county.
- (9) Dog that has been declared a dangerous dog and the department determines the owner has not obtained a certificate of registration from the department; the owner has not renewed a certificate of registration on or before the anniversary date of the original registration of the dog as a dangerous dog; the owner does not have a

current certificate of rabies vaccination for the dog; the owner has failed to confine the dog in a proper enclosure pursuant to F.S. ch. 767; the owner has failed to post warning signs in conformance with the requirements in F.S. ch. 767; or the owner has failed to permanently identify the dog pursuant to F.S. ch. 767. During any judicial proceedings and appeals relating to the department's determination that the owner has failed to comply with the ordinances or statutes relating to ownership of a dog classified as dangerous, the dog may be held by the department. If the department's determination is upheld, the owner shall be responsible for all expenses associated with the impoundment, care, feeding, and maintenance of the impounded dog, and shall comply with the applicable provisions of section 14-42 and F.S. ch. 767, and redeem the animal within 14 days, or the animal will thereafter become the property of the county. If the department's determination is not upheld, the owner shall be responsible only for necessary veterinary care provided to the dog during the impoundment but must redeem his or her animal within 72 hours of the court's order, or the animal shall thereafter become the property of the county.

- (10) Animals owned, kept, or harbored in violation of any order of a court of competent jurisdiction may be impounded and shall be held or disposed of by the department in accordance with the terms of the court's order.
- (b) Pursuant to law, officers may enter upon public property and private property, except residential buildings, to administer and enforce the provisions of this article.
 - (c) It shall be a violation of this chapter for any person to refuse or fail to surrender an animal for impound upon lawful demand by an officer.
 - (d) Nothing in this section shall prevent the humane disposition of ill or injured animals as authorized by Florida Statutes.
 - (e) It shall be the final responsibility of the owner of an impounded animal to locate and redeem the animal at the department shelter.
 - (f) Any animal impounded under the provisions of this chapter and not redeemed as provided for herein, or any animal turned over to the custody of the department by the owner or owner's agent, shall become the property of the county. The department shall humanely euthanize such animal or place it in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with all provisions of this chapter.
 - (g) An eligible animal released to the department by its owner, keeper, or harborer shall be placed for adoption, transferred, fostered, released to the community (given proper conditions), returned to an owner, or humanely euthanized at the sole discretion of the department.
 - (h) No animal impounded pursuant to this chapter shall be released to its owner or the owner's agent until:
 - (1) Proof of ownership has been established by way of a license and rabies vaccination certificate, bill of sale, photographs, affidavits from neighbors or other reliable

documentary evidence may suffice for proof of ownership, at the discretion of the department. The department may also require a sworn statement of ownership.

- (2) Rabies vaccination and license tag. No dog or cat shall be released from the department without a current rabies vaccination and license tag, except as exempted by this chapter.
 - (3) Microchip implantation and registration. No dog or cat shall be released to the owner unless it has been implanted with a microchip and properly registered to the owner at the owner's expense.
 - (4) The owner, keeper, or harbored of an impounded animal signs and accepts any complaints, citations or warnings being issued with regard to the impounded animal.
 - (5) The owner, keeper, or harbored of an impounded animal pays fees due to the department for the transportation, care, feeding, maintenance, and licensing of the animal.
 - (6) The owner, keeper, or harbored of an impounded animal pays any expenses incurred by the county for veterinary treatment.
 - (7) At the discretion of the Director, if at the time of impoundment the animal is not sterilized the owner may have the option to have the transportation, care, feeding and maintenance fees waived if they opt for sterilization of their animal prior to release from the shelter. Owner must sign a liability release to have the sterilization performed.
- (i) Any animal that has become the property of the county may be placed for adoption, transferred, fostered, released to the community (given proper conditions), returned to an owner, or humanely euthanized at the sole discretion of the department. It is the sole discretion of the department to accept or refuse potential adopters or fosters. The department may, at its sole discretion, transfer animals to a humane organization, as defined in this chapter, for adoption.
 - (j) The department shall have the authority of final approval for the adoption and release of any animal in its custody or responsibility. At its discretion, the department may refuse an adoption or the release of an animal if it is determined that the adoption or release is not in the best interest of the animal or the health, safety and general welfare of the public. Factors to be considered may include, but are not limited to, the following:
 - (1) Property and/or lease restrictions.
 - (2) Insufficient personal identification or address verification.
 - (3) Previous or current reported animal offenses or citations.
 - (4) Failure to fulfill requirements of previous animal adoptions.
 - (5) Number of animals presently owned.
 - (6) Conditions under which animals are to be housed.
 - (7) Disposition/temperament of animal to be adopted.

- (8) Observations and determination of field investigator.
- (k) Any animal impounded pursuant to this chapter and held for the required amount of time may be released at the sole discretion of the department free of the normal adoption charge to any humane organization, any agency or organization which trains animals to assist handicapped or disabled persons or trains animals for police work, or any governmental agency.
- (l) The department may, in its discretion, require any animal to receive veterinary care or vaccination prior to release.
- (m) The county and its officers and employees shall not be liable for any injuries or illness sustained by an animal during the course of impoundment or while the animal is impounded.

Sec. 14-106. Appeal of revocation, suspension, or denial of permit.

- (a) The creation of the animal services appeal board is hereby established to hear appeals of denial, revocation or suspension of a permit and shall be comprised of citizens of Pasco County. Members of the ~~animal services advisory committee~~ dangerous dog hearing board shall serve as the members of the animal services appeals board.
- (b) Denial, revocation, or suspension of a permit may be appealed to the animal services appeals board by written notice to the department within ten business days of the date of denial, revocation or suspension. The notice of appeal shall include the title "Notice of Appeal Regarding Breeder/Pet Dealer/Large Kennel Permit" and shall have the complete written determination by the department director attached.
- (c) Within 45 days of receipt of the notice of appeal, the department director, or his designee, shall set an administrative hearing to be held with the animal services appeals board (hereinafter referred to as "appeals board") acting as a quasi-judicial administrative body to hear the appeal.
- (d) The rules governing the appeal hearing shall be as follows:

Rules of Procedure for Appeal Hearings Before the Appeals Board.

- (1) A hearing date before the board will be heard by a quorum of the appeals board within 180 days after the receipt of the notice of appeal unless a different date is agreed to by the county and the person requesting an appeal.
- (2) The chairman has the discretion to delay or continue any appeal hearing before the appeals board for good cause. A written request for continuance must be delivered to the appeals board's chairman with a copy to the county attorney at least 24 hours prior to the start of the scheduled hearing and it must state the specific reasons for the request unless the reason for the continuance arises during the course of the hearing.

- (3) During appeal hearings all parties will have an opportunity to present evidence and argument, to conduct cross-examination, and submit rebuttal evidence, subject to any time limitations imposed by the appeals board's chairman.
- (4) At the discretion of the appeals board, the general public or nonparty witnesses will have an opportunity to present oral testimony or written communications. If this evidence is considered by the appeals board, the opposing party will be given the opportunity to cross examine, challenge, or rebut it.
- (5) All testimony must be under oath or notarized if it is a written statement.
- (6) The standard of proof applicable to appeal hearings is "preponderance of the evidence."
- (7) Irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs will be admissible, whether or not the evidence would be admissible in civil court. Any part of the evidence may be received in written form.
- (8) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but will not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- (9) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties will be given an opportunity to compare the copy with the original.
- (10) All pleadings, motions or other papers filed in the proceedings must be signed by a party, the party's attorney, or the party's qualified representative.
- (11) Upon a party's request, the appeals board chairman can issue a subpoena for hearing. Any person subject to a subpoena may, before compliance and on a timely petition, request the appeals board to invalidate the subpoena on the ground that it was not lawfully issued, is unreasonable in scope, or requires the production of irrelevant material.
- (12) At the conclusion of the hearing, the appeals board will render an oral decision, which shall be reduced to written form and signed by the chairman within 60 days of the conclusion of the hearing. The written decision of the appeals board is the final order for the purposes of appeal to the courts.
- (13) All meetings will be conducted in accordance with Robert's Rules of Order.
- (14) Record of proceedings. The director of the animal services department or his/her designee will act as an ex officio secretary of the appeals board. The clerk and comptroller or her/his designee will keep minutes of all meetings. Any person desiring to appeal a decision of the appeals board with respect to any matter considered at the hearing will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made. The record of the appeals board's proceedings will consist of the following:

- a. All complaints, notices, pleadings, motions, and orders.
- b. All evidence received or considered by the appeals board.
- c. All staff memoranda or data submitted to the appeals board during the hearing or prior to its disposition except communications by advisory staff.
- d. All matters placed on the record after ex parte communication.
- e. The testimony and evidence which the appeal is to be based.

(15) Ex parte communications.

- a. Ex parte communication is prohibited. No ex parte communication relative to the merits of a case under the appeals board's jurisdiction may be made to a member of the appeals board by:
 - 1. Any county employee officially involved in prosecuting the matter under consideration.
 - 2. A party to the proceeding, including an authorized representative or counsel, or any person who, directly or indirectly, would have a substantial interest in the proposed action.
- b. An appeals board member who is involved in the decision process that receives an ex parte communication must place on the record of the proceedings all written communication received or a memorandum stating the substance of all oral communications received and all oral responses made and must also advise all parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication must be allowed to do so. A request for rebuttal must be made within ten days after notice of the communication is received.

(16) Rehearings. Any person who is the subject of an appeals board order, or the county, may request in writing that the appeals board reexamine the order based upon new evidence not available to the appeals board at the initial hearing of the appeal. The request must be made no later than 30 days after the appeals board's written decision on the appeal and must include a copy of or a statement setting forth the new evidence. Rehearings are granted at the appeals board's discretion. For purposes of this section, new evidence means evidence or documentation not considered at the time of the initial hearing that will substantially add to or clarify the appeal.

- (e) Appeals of the appeals board's final decision may be made by petition to the circuit court. The petition must be filed no later than 30 days after the date of the appeal board's written order. The appellant shall provide all parties to the hearing a copy of the notice of appeal. The hearing shall be a certiorari review of a final administrative action.

Sec. 14-108. Prohibition on the retail sale of dogs, cats and rabbits.

- (a) Any retail establishment, including a pet store, as defined in this chapter, shall not sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of a dog, cat, or rabbit.

(b) *Prohibition on retail sale in public places.*

- (1) Any sale, barter, auction, or giving away of dogs, cats, or rabbits, to include puppies and kittens, are prohibited on any public or private streets and rights-of-way, within 50 feet of any right-of-way, at any flea market, or private parking lots or any open-air venue, such as, but not limited to, parades, concerts, and festivals.
- (2) The sale of dogs, cats or rabbits by a breeder, pet dealer or large kennel as defined in this chapter shall only take place at the premises for which the license is issued for. This shall not prohibit delivery at an offsite location of an animal which has been sold from the licensed premises.

(c) *Exemptions.*

- (1) Animal rescue organizations and government agencies.
- (2) Nothing in this section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, or animal control authorities to offer space for such entities to showcase adoptable dogs, cat, and rabbits inside pet stores. However, all dogs, cats, and rabbits showcased for adoption shall not be younger than eight weeks old and the pet store must not have any ownership interest in any dog, cat, or rabbit displayed for adoption.

(d) *Certificate of Source.*

- (1) For animals that are showcased for adoption under subsection (c)(2), a pet store shall ensure that a Certificate of Source is posted and maintained in a conspicuous place on the cat, dog or rabbits kennel, cage or enclosure.
- (2) The following principles apply to Certificates of Source under this section:
 - a. The certificate of source must be provided to the adopter of any dog, cat, or rabbit.
 - b. The certificate of source must also be made available for review upon the request of a law enforcement or animal control officer.
 - c. Falsification of a certificate of source shall be deemed a violation of this section.

- (e) *Penalty.* A pet seller that violates this section shall be subject to penalties in accordance with Section 1-6 of this Code and a civil penalty of \$500.00 for each offense. Each dog, cat, or rabbit offered for sale in violation of this section shall constitute a separate offense. Each day a pet store is in violation of this section shall constitute a separate offense.

SECTION 4. APPLICABILITY.

For purposes of jurisdictional applicability, this Ordinance shall apply in unincorporated Pasco County and in the incorporated areas of Pasco County where, pursuant to an interlocal agreement, Pasco County enforces Chapter 14 of the Pasco County Code of Ordinances.

SECTION 5. REPEALER.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 6. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

SECTION 7. INCLUSION INTO THE CODE.

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect upon confirmation by the Department of State of its receipt.

ADOPTED with a quorum present and voting this ____ day of _____.

(S E A L)

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

By: _____
NIKKI ALVAREZ-SOWLES, ESQ
CLERK & COMPTROLLER

By: _____
RONALD E. OAKLEY, CHAIRMAN