



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** January 28, 2014

**AGENDA ITEM NO.** 27

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Public Hearing and Approval of Proposed Amendments to the Pinellas County Animal Services Ordinance.

**Department:**

Safety and Emergency Services

**Staff Member Responsible:**

Maureen Freaney, Director, Animal Services

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) ADOPT, AFTER RECEIVING PUBLIC COMMENT, THE AMENDED PINELLAS COUNTY ANIMAL SERVICES ORDINANCE CHANGING RULES APPLICABLE TO DANGEROUS ANIMALS TO BE CONSISTENT WITH STATE LAW, TO PROVIDE CLARIFICATION OF DEFINITIONS FOR CRUELTY AND NEGLECT, TO ADJUST RECLAIM HOLD TIMES FOR STRAYS, TO REQUIRE MANDATORY STERILIZATION AT OWNER'S EXPENSE FOR ANY ANIMAL IMPOUNDED AT LARGE A SECOND TIME IN A 24 MONTH PERIOD AND OTHER HOUSEKEEPING CHANGES.

**Summary Explanation/Background:**

On December 10, 2013, the Board granted authority to advertise for and schedule a public hearing on the attached proposed ordinance on January 28, 2014.

The proposed changes modify the rules for Dangerous Animals for consistency with State Law. The Pinellas County Code is more restrictive than State Law. This was challenged in Brevard County where a judge ruled that County Ordinances cannot be more restrictive than State Law. In addition, the proposed changes include a clarification of Cruelty and Neglect. The addition of a neglect standard, which will include a definition of shelter and water and penalties for not providing such, will add clarification to the definitions of Cruelty and Neglect. Changes are also being proposed in the reclaim hold times for animals. The reclaim hold time adjustments are being proposed to ensure that owners have adequate time to reclaim their animals but also to ensure animal welfare consideration. When animals are held longer in a shelter environment, this increases their chances for disease. It is important to move them through the shelter system as quickly as possible so that they are either reclaimed or adopted. Lastly, Mandatory Sterilization at owner's expense for any animal impounded at large a second time within a 24 month period is being proposed. Some shelters around the country do mandatory sterilization on the first at large impound. In discussions with the County Attorney's Office, it was felt that an appropriate warning at the time of the first impound was both reasonable and fair. Other proposed changes have been made for housekeeping purposes.

**Fiscal Impact/Cost/Revenue Summary:**

None

**Exhibits/Attachments Attached:**

Ordinance / Strikethrough  
Proposed Ordinance / Clean Copy

**ORDINANCE NO. 13-\_\_\_\_\_**

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO ANIMAL SERVICES; AMENDING SECTION 14-26 DEFINITIONS; REVISING THE DEFINITION OF DANGEROUS ANIMAL; REVISING THE DEFINITION OF PROPER ENCLOSURE; ADDING THE DEFINITION OF SHELTER; ADDING A DEFINITION OF WATER; REVISING SECTION 14-30 TO CLARIFY VIOLATIONS OF THE SECTION; ADDING A NEW SECTION 14-35 REQUIRING THE PROVISION OF SHELTER AND WATER AS PREVIOUSLY DEFINED AND RENUMBERING SUBSEQUENT SECTIONS; REVISING SECTION 14-48 MODIFYING RULES FOR IMPOUNDMENT OF ANIMALS; ADDING A NEW SECTION 14-50 CLARIFYING THE STERILIZATION POLICIES OF PINELLAS COUNTY ANIMAL SERVICES; REVISING SECTION 14-61 CLARIFYING THE ISSUANCE OF REGISTRATION TAGS AND EXEMPTIONS FROM RABIES VACCINATION; REVISING SECTION 14-64 MAKING THE PINELLAS COUNTY CODE, WITH RESPECT TO DANGEROUS ANIMALS, CONSISTENT WITH STATE LAW; REVISING SECTION 14-67 WHICH MAKES HEARINGS, WITH RESPECT TO DANGEROUS ANIMALS, SIMPLER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE AREA EMBRACED; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES.

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

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

**Chapter 14 - ANIMALS**

**ARTICLE II. - ANIMAL SERVICES**

**DIVISION 1. – GENERALLY**

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

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

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

*Animal* means any living dumb creature.

*Animal control code enforcement officer* means all employees of the county department of animal services.

*Animal hoarding* is the activity of a person characterized by the following:

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

*Animal shelter* means any facility maintained by the county and any facility maintained by a nonprofit humane organization or municipal agency as approved by the board of county commissioners for the confinement, care, control or disposition of animals that come into its custody.

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

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

*Baiting* means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds.

*Cat* means the domestic cat, *felis catus*. *Cruelty (also torture and torment)* shall be held to include every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except in the interest of medical science, permitted, or allowed to continue when there is a reasonable remedy or relief.

*Dangerous animal* means any dog that according to the records of the department:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property; or

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

*Department of animal services* or *department* means the animal services department of the county.

*Director* means that person in charge of the administration of the department of animal services or anyone designated by him.

*Dog* means the domestic dog, *canis familiaris*.

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

*Harboring* means the act of keeping and caring for an animal, or providing food, shelter, or care for the animal for a period of at least 48 hours, regardless of whether or not the person is acting alone or in concert with others.

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

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

*Pet dealer* means any person who, in the ordinary course of business, engages in the sale of more than two litters or 20 dogs or cats per year, whichever comes first, to the public. Such term includes breeders of animals who sell such animals directly to a consumer. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

*Physical control* means the immediate, continuous physical control of a dog or cat at all times, such as by means of a leash, cord, or chain of such strength to restrain the dog or cat; or in the case of specifically trained dogs, "physical control" shall also include visual signals or oral commands by the owner of a dog which effectively responds to

such signals or commands, if such dog is at all times within the unobstructed sight of the dog's owner.

*Proper enclosure for a dangerous animal* means that while on the owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of anyone other than the owner or the owner's designee and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure and shall also provide protection from the elements.

*Public nuisance animal* means any animal or combination of animals that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Chases vehicles, bicycles, persons, or other animals;
- (4) Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances;
- (5) Causes fouling of the air by odor;
- (6) Is offensive or dangerous to the public health, safety, or welfare; or
- (7) Repeatedly defecates on the property of another.

*Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery, regardless of the permanency of any disfigurement.

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

- (1) Be sufficient in size to allow each sheltered animal to stand up, turn around, lie down, and stretch comfortably;
- (2) Be designed to protect the sheltered animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions;
- (3) Be free of standing water, accumulated waste and debris, protect the sheltered animal from injury, and have adequate ventilation and, for dogs and cats, provide a solid surface, resting platform, pad, floormat or similar

device that is large enough for the animal to lie on in a normal manner;  
and

- (4) Be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian. Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited except for birds where perches are provided.

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

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

*Water* shall mean provision of and access to clean, fresh potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at suitable intervals to at all times maintain normal hydration for the age, species, condition, size and types of each animal except as otherwise prescribed by a veterinarian or as dictated by naturally occurring states of hibernation. An animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the animal is under the direct supervision of a responsible person at events such as dog or cat shows or field trials. In such cases, the responsible person shall ensure sufficient water is provided to the animal in order to maintain normal hydration for the species of animal.

#### **Sec. 14-27. - Violations of article; civil remedies.**

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

proceeding, including suit for injunctive relief, in order to prevent or abate violations of this article.

**Sec. 14-28. - Areas embraced.**

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

**Sec. 14-29. - Pet dealerships and kennels.**

- (a) No pet dealership or kennel shall operate without having a valid pet dealer and kennel permit issued by the department.
- (b) Any person or entity desiring to operate a pet dealership or kennel shall file with the department a permit application on such form as provided by the department.
- (c) All permits issued under this section shall be annual permits, which shall remain in effect from the date the permit is issued until the same month and day of the following year.
- (d) In order to cover administrative and enforcement costs associated with this section, there are hereby levied annual permitting fees for pet dealers and kennels in amounts set by resolution of the board of county commissioners.
- (e) A permit issued under this section is nontransferable from one entity or person to another or from one location to another.
- (f) Any animal control code enforcement officer shall, at any reasonable hour, have access to and shall have the right to inspect the premises and records of a pet dealer or kennel to determine compliance with F.S. chs. 585, 767 and 828 and this article.
- (g) It shall be a violation of this article if the dealership or kennel fails to meet the standards set forth for basic animal care and facility sanitation as established by the department.

**Sec. 14-30. - Public nuisance animals.**

- (a) The owner of any public nuisance animal, as defined under this article, shall be deemed to be in violation of this article, regardless of the knowledge, intent or culpability of the owner.
- (b) A citation for a violation of this section may be issued based upon:
  - (1) Receipt of affidavit(s) of complaint signed by two or more residents of the county, each residing in separate dwellings in the vicinity of the animal(s) or incident(s), setting forth the nature and the time(s) and date(s) of the act(s), the owner of the animal(s), the address of the owner and a

- description of the animal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through an animal services investigation; or
- (2) The observance of noncompliance made by an animal control code enforcement officer, or any other such law enforcement officer authorized to enforce the provisions of this article, during the investigation of a complaint(s) from a resident(s) of the county residing in the vicinity of the animal(s), setting forth the address, the nature and time(s) and date(s) of the act(s), the owner of the animal(s) and/or the address of the owner, and a description of the animal(s) doing such act(s) and observance of such act(s) by an animal control code enforcement officer or any other such law enforcement officer; or
  - (3) The personal observance of noncompliance made by an animal control code enforcement officer, or any other such law enforcement officer authorized to enforce the provisions of this article made during the course of the lawful performance of his/her duties in the vicinity of the place of the offense; or
  - (4) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts cats, dogs, raccoons, coyotes or other wildlife thereby creating a public nuisance animal.
- (c) The department is also authorized to investigate for violations under this section arising under other circumstances and may issue citations for noncompliance based upon that investigation.

**Sec. 14-31. - Unlawful restraint of dogs.**

- (a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object.
- (b) Notwithstanding subsection (a), a person may do any of the following:
  - (1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
  - (2) Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a camping or recreational area; or
  - (3) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.
- (c) In all cases where tethering is permissible the following conditions must be met:
  - (1) The tether has the following properties: it is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the



- tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth of the dog's weight; and it is free of tangles;
- (2) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement;
  - (3) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
  - (4) The dog has access to water, adequate shelter, and dry ground;
  - (5) The dog is at least six months of age. Puppies shall not be tethered; and
  - (6) The dog is not sick or injured.

**Sec. 14-32. - Cruelty to animals.**

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

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

- (a) Any person who is the owner or possessor, or has charge or custody, of any animal and who abandons such animal to suffer injury or malnutrition or who

abandons any animal in a street, road, private property or public place without providing for the care, sustenance, protection, and shelter of such animal shall be in violation of this article.

- (b) Any person who releases within the county any species of the animal kingdom not indigenous to Florida without having obtained a permit to do so from the Florida Fish and Wildlife Conservation Commission shall be in violation of this article.
- (c) Upon receipt of affidavits from two citizens who are not residents of the same household, or upon the report of a law enforcement officer, stating that an animal appears to have been abandoned, or upon receipt of a report that a non indigenous animal has been released, the department may investigate the matter and thereupon is authorized to impound and dispose of the animal in the manner provided by this article, with the assistance of a law enforcement officer if necessary. The department shall cause written notice, bearing the address where the animal may be claimed by the owner thereof and the time by which the animal must be claimed, to be sent to the owner, if known, at the owner's last known address.

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

- (a) No vehicle owner, passenger, or operator shall place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, disability or death.
- (b) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the vehicle or protected by a container, cage, cross tethering or other device that will prevent the animal from falling, being thrown or jumping from the motor vehicle.
- (c) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

**Sec. 14-35. – Neglect.**

- (a) No person who is the owner or possessor or who has charge or custody of any animal shall fail to provide shelter for the animal.
- (b) No person who is the owner or possessor or who has charge or custody of any animal shall fail to provide water for the animal.
- (c) No person shall engage in animal hoarding.

- (d) No person who is the owner or possessor or has charge or custody of any animal shall fail to provide adequate veterinary care to a suffering animal.
- (e) No person who is the owner or possessor or has charge or custody of any animal shall fail to provide proper or adequate food to any animal.
- (f) No person who is the owner or possessor or has charge or custody of an animal shall fail to provide humane care and treatment.

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

- (a) The clerk of the court is hereby authorized to collect the maximum surcharge provided for by F.S. § 828.27(4)(b), as may be subsequently amended, upon each civil penalty imposed for violation of this article.
- (b) The surcharge provided for herein shall be used by the county to pay the cost of a 40-hour minimum standards training course for animal control code enforcement officers, approved by the Florida Animal Control Association.

**Secs. 14-37—14-45. - Reserved.**

**DIVISION 2. - ADMINISTRATION AND ENFORCEMENT**

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

- (a) The department of animal services is designated as the agency of the board of county commissioners to implement and administer the provisions of this article, except as otherwise provided by this article. Animal control code enforcement officers are authorized by the board of county commissioners to conduct investigations pursuant to F.S. ch. 828. Animal control code enforcement officers are also authorized to conduct investigations and issue citations for violations of this article upon probable cause to believe that a person has committed an act in violation of this article.
- (b) It shall be a violation of this article to resist, obstruct, or oppose an animal control code enforcement officer while in the lawful performance of his duties, or with anyone who may be assisting in the performance of such duties.
- (c) Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer or animal control code enforcement officer shall be in violation of this article.
- (d) The board of county commissioners may contract with any state chartered nonprofit humane organization to carry out the duties in this article or any part thereof. Such organizations shall carry out the duties pursuant to the provisions prescribed in this article; failure to do so shall result in the board of county

commissioners assuming such duties or contracting with another organization to assume such duties. Compensation may be provided in an amount adequate to fulfill the prescribed duties.

**Sec. 14-47. - Fees and charges; administration of article.**

- (a) The board of county commissioners is authorized, by resolution, to establish reasonable fees and charges relating to licensing, adoption, impoundment, service fees and such other fees deemed necessary to accomplish the purposes of this article. The director is authorized to waive or modify fees in extreme hardship cases, as set forth by procedures implemented by the director pursuant to this section.
- (b) Dependent upon the availability of funds, the board of county commissioners may appropriate funds, in such amounts and under such conditions as deemed by resolution of the board, for rebates to be provided to residents of the county who are owners of dogs or cats which are sterilized within the county by licensed veterinarians.
- (c) In the administration and enforcement of this article, the board of county commissioners is authorized to appropriate such sums of money, and the use of such county property, as in the judgment of the board shall be necessary and proper.
- (d) The director is authorized to establish programs and procedures as are deemed necessary to accomplish the purposes of this article. These include, but are not limited to, enforcement actions, vaccination programs, measures to deal with kennel hazards, education programs, population control programs, licensing procedures, and the implementation of emergency procedures in the event of a disease outbreak or a state of emergency as defined by section 34-36 of the Pinellas County Code.

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

- (a) The department of animal services and its animal control code enforcement officers, law enforcement officers and humane officers of state chartered nonprofit humane organizations shall have authority to pick up, catch or procure and impound any animal found to be in violation of this article, any animal infected or believed to be infected with rabies or other contagious or infectious disease to humans or animals, or any animal suspected of biting a human, in such manner as is reasonably necessary to effectuate its capture. Impounded animals shall be confined in a humane manner at an animal shelter. Animals impounded at an animal shelter shall be made available for public inspection in order to allow the owner to reclaim their animal. An animal impounded for the purpose of rabies observation shall not be moved or released from the place of quarantine

unless permission is first obtained from the director of animal services. The director may approve an exception as to the above-required place of confinement for dogs, ferrets, or cats having a current rabies vaccination administered by a licensed veterinarian.

(b) Unless otherwise provided by this article:

- (1) An impounded animal with a license or other owner identification shall be held for at least seven (7) days including the day of impoundment;
- (2) Impounded dogs of 16 weeks in age without such identification shall be held for four (4) days including the day of impoundment.
- (3) Impounded individual puppies under 16 weeks in age without such identification shall be held for two (2) days including the day of impoundment;
- (4) Impounded litters of puppies under 16 weeks in age shall be held for one (1) day including the day of impoundment.
- (5) Impounded cats over 16 weeks of age without such identification shall be held for three (3) days including the day of impoundment.
- (6) Impounded kittens under 16 weeks of age without such identification shall be held for one (1) day including the day of impoundment.

Dogs, ferrets or cats impounded for the observation of rabies shall be held at least ten days. The depositing of a letter of notification by first class U.S. mail shall constitute adequate notification of impoundment. The owner shall also be notified by telephone, if possible. This section shall not apply to animals surrendered by the owner or an agent of the owner, in which case disposition may be made as provided in this article without notification or a holding period. At the expiration of the holding period, during which time a diligent attempt has been made to locate and contact the owner, the animal may be disposed of in the manner provided in this article.

(c) A thirty (30) day holding period may be imposed upon all animal shelters, humane organizations, rescue groups or foster homes for domestic animals with owner information or that bear positive owner identification in the form of an identification tag, license tag, microchip, rabies tag, or tattoo, which are impounded during a state of emergency within Pinellas County or those animals which are transferred to Pinellas County from any area where a state of emergency has been declared by competent authority. The holding period will be ten (10) days for domestic animals that do not bear any of the aforementioned forms of positive owner identification which are impounded during a state of emergency within Pinellas County, or those animals which are transferred to Pinellas County from any area where a state of emergency has been declared by competent authority. Adoption or transfer of animals impounded during a state of emergency in Pinellas County, or of those animals which are transferred to Pinellas County from any area where a state of emergency has been declared by competent authority that are not redeemed within the holding period, will be conditional and the animals will be subject to reclaim by the owner for one hundred twenty (120) days from the date of the state of emergency declaration in the area of origin, except where the owner has relinquished all rights to the

animal. These requirements may be invoked by the director based on the nature of the state of emergency and its aftermath.

- (d) A registry shall be maintained by the impounding agency or rescue group. The registry shall contain any identification and identifying characteristics of each animal impounded along with the location, date, reason for each pickup, any owner information, name of person surrendering the animal, if applicable, and final disposition, to include name and address of the reclaimant or adopter. A copy of the registry shall be provided to department of animal services monthly, and be made available for inspection by the department at the impounding agency, at any time, upon the department's request. The records shall be maintained by the impounding agency for two (2) years.
- (e) If an animal bites and causes injury to any human, the animal shall be immediately impounded for rabies observation and quarantine, if necessary, for the proper length of time or held for ten (10) days. Thereafter the animal shall either be returned to the owner or destroyed in an expeditious and humane manner in accordance with the provisions of this article and F.S. ch. 767, when applicable.
- (f) Any owner or person having custody of an animal suspected of biting a human, who fails to surrender the animal to the department of animal services for impoundment or inspection when requested by an animal control code enforcement office shall be in violation of this article.
- (g) For violations of this article, an owner may be subject to a written warning or such penalties as prescribed in this article, in addition to or in lieu of impoundment of the animal.
- (h) Every owner who voluntarily surrenders an animal must provide photo identification and sign a form acknowledging that the surrender is voluntary and acknowledging the discretion of the department to dispose of the animal. The department shall not be liable for the disposition of any voluntarily surrendered animal after receipt of the animal from its owner. The animal shall be immediately available for adoption, placement or other appropriate disposition once surrendered. Owners surrendering animals shall be responsible for paying an intake fee, and should the animal(s) not be current on vaccination required by the County, rabies vaccination fees shall also be paid by the owner wishing to surrender his/her animal(s). Owners wishing to surrender an animal with the request for euthanasia shall be allowed to do so at the discretion of the department. It is not the policy or practice of the department to supply "on-demand" euthanasia procedures, but in the interest of relieving a suffering animal, the department may provide the service for a fee or at no charge, at its sole discretion. Notwithstanding the foregoing, such fees shall not apply to any animal surrendered to the department by a licensed veterinarian or boarding kennel pursuant to F.S. § 705.19. No owner surrendered or stray animals from outside the department jurisdiction shall be accepted except for humane reasons; such

animals shall be referred to another agency. The photo identification of the owner/person wishing to surrender an animal that shows an address outside of the department jurisdiction shall be used as the origin of the animal. If an animal is accepted for humane reasons from an owner or person living outside of the department's jurisdiction, a fee equal to the average cost(s) of all services provided shall be charged.

**Sec. 14-49. - Adoption, redemption and disposition of animals.**

- (a) All animals, which have been impounded or rescued in accordance with the provisions of this article, may be disposed of as provided below:
  - (1) Within the holding period, animals may be redeemed by the owner or his/her agent upon the payment of any fees or costs associated with the impoundment. If the animal is a dog or cat which is unlicensed, it is necessary for the owner to obtain a license before redeeming the animal. Owners or agents of dogs or cats which have no positive identification shall be required to submit a statement of ownership in addition to obtaining a license and paying all associated fees and costs prior to the animal being redeemed.
  - (2) If not redeemed within the holding period, animals may be disposed of by humane euthanasia or offered for adoption to any qualified person, upon payment of the adoption fee and, if applicable, such other costs associated with the impoundment. Animals that appear to be severely diseased or injured and suffering, and those animals medically determined to be suffering from a contagious or infectious disease that could constitute a hazard to other animals or humans may be euthanized at the discretion of the director, or his or her designee, at any time.
  - (3) All dogs and cats placed for adoption shall be vaccinated, licensed, and sterilized before custody is relinquished to the new owner.
  - (4) Those animals which have passed medical and behavior screening, but have not been adopted, may be offered to state chartered nonprofit humane organizations for the purpose of providing adoptions of such animals. Fees and costs may be waived for the disposition of animals in this manner.
- (b) No animal may be disposed of to any medical school, college, university or person for experimentation or vivisection purposes, or to any person providing, selling, or supplying animals to any medical school, college, university or person for experimentation or vivisection purposes.

**Sec. 14-50. – Sterilization.**

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

**Secs. 14-51—14-60. – Reserve**

**DIVISION 3. - DOGS AND CATS**

**Sec. 14-61. - Rabies vaccinations and licensing.**

- (a) Every person possessing, harboring, keeping, or having control or custody of a dog or cat over the age of four months within the county shall secure a county license from a veterinarian or from the department of animal services and, as a part of such license, shall show proof of a current rabies vaccination which shall have been administered by, or under the supervision of, a veterinarian. Evidence of circulating rabies virus antibodies shall not be used as a substitute for obtaining a license, current vaccination in managing rabies exposure or the need for a booster vaccination.
  - (1) The duration of immunity of the vaccine shall be recognized in accordance with the current Compendium of Animal Rabies Prevention and Control developed by the National Association of State Public Health Veterinarians.
  - (2) Animals not meeting the definition of "currently vaccinated" include:
    - a. Dog, cat, ferret, horse, cattle or sheep whose first vaccination was given less than 28 days before exposure to a known or suspected rabid animal;



- b. Dog, cat, ferret, horse, cattle or sheep whose previous vaccination expired;
  - c. Dog, cat, ferret, horse, cattle or sheep not vaccinated by, or under the supervision of, a veterinarian;
  - d. Any wild animal, or wild and domestic animal hybrids.
- (3) Veterinarians or authorized entities shall distribute the county license tags and rabies vaccination certificates to dog or cat owners according to the most recent procedure promulgated by the department.
  - (4) Licenses may be issued without the administration of a rabies vaccination provided a veterinarian has examined the dog or cat and has certified in writing that a rabies vaccination could endanger its health because of infirmity, debility, illness, or other medical consideration. The dog or cat must be vaccinated as soon as its health improves sufficiently to tolerate the vaccine. An exemption that extends beyond 12 months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one year from the date it was written.
  - (5) The certificate and tag shall be approved and supplied by the board of county commissioners. No other license and rabies certificate or tag shall be valid in the county, except as otherwise provided under this article. The certificate shall provide space for pertinent data for identification of the animal. The license tag shall consist of a serially numbered piece of metal or other material bearing the same number as the certificate. All dogs and cats shall be required to wear a tag, except as otherwise provided under this section. The person to whom a dog or cat license has been issued shall cause the tag to be securely fastened by a substantial device about the animal's neck so as to be clearly visible at all times. If a license tag is lost or destroyed, a duplicate shall be issued by the department upon presentation of the certificate and upon payment of a fee as established by the board of county commissioners. In lieu of the tag, owners of cats may choose a breakaway collar or an alternate form of identification, as approved by the department.
  - (6) Failure to comply with the provisions of subsections (1) through (5) above or the current procedures promulgated by the department may result in loss of licensing and tag issuing authority.
- (b) Licenses, either certificate or tag, shall not be transferable from one dog or cat to another.
  - (c) Licenses under this article expire when the rabies vaccination expires. A license shall be renewed on or before the date of expiration.
  - (d) Those persons who relocate their dogs or cats, which are over the age of four months, to the county shall secure a license within 30 days of relocation.

- (e) When ownership of a dog or cat is transferred from one party to another, the transferor shall report the change of ownership to the department on such form as provided by the department, whether such change is effectuated by sale, barter, gift, or otherwise, within 30 days of such transfer. The new owner shall maintain a record of the date of transfer, the name and address of the transferor, and proof of previous vaccination and license. Such records shall be maintained by the new owner for a minimum period of one year from the date of transfer and shall be subject to inspection upon demand by any animal control code enforcement officer. All owners of dogs or cats over four months shall obtain a county license within 30 days of the date that they became the owner as defined in this article.
- (f) Every person selling or transferring ownership of a dog or cat shall keep records of the most recent proof of vaccination, license, and, when applicable pursuant to F.S. ch. 828, certificate of veterinary inspection. The previous owner shall maintain such records for a minimum period of one year from the date of transfer. All dogs and cats offered for sale, and copies of vaccination or license records, or certificates of veterinary inspection, held by the seller and veterinarian shall be subject to inspection by any animal control officer.
- (g) Every person owning, possessing, harboring, keeping or having control or custody of a dog or a cat shall keep records of proof of vaccination, license, and when applicable pursuant to F.S. ch. 828, certificates of veterinary inspection. Every person owning, possession, harboring, keeping or having control or custody of a ferret shall keep records of proof of vaccination. Such records shall be subject to inspection upon demand by any animal control code enforcement officer.
- (h) The board of county commissioners is authorized to establish reasonable fees for the issuance and renewal of dog or cat licenses. License fees shall be waived for the following:
  - (1) Those persons who are legally blind and whose dogs are registered Seeing Eye dogs; or those persons who are legally deaf and whose dogs are certified "hearing" dogs; or such other physically handicapped persons whose dogs are certified and trained to assist the physically handicapped.
  - (2) Dogs owned by a law enforcement agency and used for law enforcement purposes.
  - (3) The initial license issued to dogs or cats adopted from state chartered nonprofit humane organizations based upon registry data provided in accordance with subsection 14-48(c).
- (i) The provisions of this section shall not apply to racing greyhounds.

**Sec. 14-62. - Guard dogs.**

- (a) Registration.

- (1) Guard dog owners or services shall register all dogs used in their business, whether housed or used in the county, with the department. The registration shall include: Name, address and telephone number of the service's manager; the breed, sex, weight, age, color, registration number of the guard dog, and other distinguishing physical features of the dog; a county rabies vaccination and license certificate; and a tag that is highly visible and conspicuously different from ordinary dog tags, as approved and supplied by the board of county commissioners. As a condition to registration, proof of ownership must be presented by either a notarized bill of sale or a notarized affidavit.
- (2) Guard dogs which are newly acquired by guard dog services shall be vaccinated against rabies and registered with the department within 72 hours of acquisition.
- (3) The fee for registration of a guard dog with the department shall be established by the board of county commissioners and shall be a one-time charge for each individual dog.
- (4) Such registration shall not constitute a waiver of the annual license or other requirements of this article.
- (b) Each guard dog shall be permanently identified by microchip implantation.
- (c) Reporting requirements. Any person possessing, harboring, keeping or having control or custody of a guard dog shall immediately notify the department when such guard dog:
  - (1) Is loose or unconfined;
  - (2) Has bitten a human being or attacked another animal; or
  - (3) Is sold or given away, or dies. Prior to a guard dog being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the department.
- (d) Inspection. As a condition to possessing, harboring, keeping, or having control or custody of a guard dog, any animal control code enforcement officer shall, at any reasonable hour, have access to and shall have the right to inspect any premises housing the guard dog to determine compliance with F.S. chs. 828 and 767 and this article.
- (e) It shall be unlawful for any person to own, harbor, keep, maintain, use or otherwise have custody of any guard dog in the county which has not been vaccinated, registered, and microchipped as provided by this article.
- (f) Transportation of guard dog.
  - (1) Any vehicle transporting a guard dog must be clearly marked showing that it is transporting a dangerous dog. A compartment separate from the driver is required which shall allow adequate ventilation for the animal.
  - (2) No guard dog shall be transported in the trunk of a car or on open-bed trucks.

- (3) Guard dogs must be muzzled and leashed, or maintained in a proper enclosure, as defined in this article, when not on guard duty at a commercial establishment.
- (g) Requirements for businesses using guard dogs.
  - (1) Each business which hires or uses a guard dog must provide proper fencing to keep the guard dog from digging or jumping out, or must otherwise properly confine the animal within a secure enclosure.
  - (2) At each appropriate location and entry point, and at 50-foot intervals along the fence perimeter, a sign shall be posted including the words "Bad Dog."
  - (3) Entry points shall have a sign posted with the telephone number of the dog's trainer or handler in case of an emergency.

**Sec. 14-63. - Dogs or cats at large.**

- (a) No dog or cat shall run at large within the county, as defined under this article. Any person who possesses, harbors, keeps, or has control or custody of any dog or cat which is running at large shall be in violation of this article, regardless of the knowledge, intent or culpability of the owner.
- (b) This section shall not apply to police dogs as defined in F.S. § 843.19 when such dogs are engaged by a law enforcement agency in an official capacity, or to any dog which is actually engaged in or being trained for the sport of hunting during a legal hunting season within authorized areas and supervised by the owner.
- (c) The owner of any female dog or cat in heat (estrus) which is not kept confined in a secure enclosure, such as a building, veterinary hospital, boarding kennel or closed kennel, such that the female dog or cat cannot come in contact with any male dog or cat, except when the owners of both animals intend to breed such animals, shall be deemed in violation of this article. A fenced area is not sufficient enclosure for the purpose and intent of this subsection.

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

- (a) *Procedures to classify an animal dangerous.*
  - (1) *Investigation.* The department shall investigate reported incidents involving any animal whose actions may result in the animal being classified as dangerous. As part of the investigation, the department shall, if possible, interview the animal's owner and require a notarized affidavit from any person, including any animal care officer or enforcement officer, who may have information relating to whether the animal might be dangerous.
  - (2) *Initial Determination.* Upon completing its investigation, the department shall make an initial determination as to whether there is sufficient cause

to classify the animal as dangerous. If the department determines that there is sufficient cause, the department shall provide written notification of its initial determination to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.

- (3) *Availability of Hearing to Challenge the Initial Determination.* The written notification referenced in paragraph (2) shall inform the owner that, notwithstanding any other provisions of this article, if the owner wishes to challenge the initial determination, the owner must file a request for a hearing with the department within seven (7) calendar days after the owner receives notice of the department's initial determination.
- (4) *Effect of Not Timely Requesting Hearing.* If the owner fails to timely request a hearing pursuant to paragraph (3) above, the animal shall be classified as dangerous. The department shall provide written notice of this classification to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten (10) business days after receipt of the notice, file a petition for writ of certiorari review in county court, to appeal the classification.
- (5) *Effect of Timely Requesting Hearing.* If the owner timely requests a hearing pursuant to paragraph (3) above, the hearing shall be held no sooner than five (5) calendar days after filing of the request and no later than twenty-one (21) calendar days after the filing. The hearing shall be conducted in accordance with Section 14-67 below. If the Hearing Officer determines that the animal should be classified as dangerous, the department shall provide written notice of such classification (along with a copy of the Hearing Officer's decision) to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten (10) business days after receipt of the notice, file a petition for writ of certiorari review in county court, to appeal the classification.
- (6) *Confinement of Animal Pending Investigation, Hearing and Appeal.* Any animal that is the subject of a dangerous animal investigation, that is not impounded with animal services, shall be maintained by the owner in a proper enclosure as that term is defined in section 14-26. The owner shall post the premises with clearly visible warning signs at all entry points that inform both children and adults of the presence of a dangerous animal on the property. Furthermore, it is unlawful for the owner of the animal to permit the animal to be outside a proper enclosure unless the animal is

muzzled and restrained by a substantial chain or leash and under the control of a competent person over the age of 18. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal. When being transported, such animals shall be safely and securely restrained within a vehicle. The provisions of this section shall apply pending the outcome of the investigation and resolution of any hearing or appeals related to the dangerous animal classification. The address of where the animal resides shall be provided to animal services. No animal that is the subject of a dangerous animal investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearings or appeals related to the determination of the dangerous animal classification.

- (7) *Failure to securely confine an animal during investigation.* In the event that any animal control code enforcement office has sufficient cause to believe that an animal is or may be dangerous and that the owner is unable or unwilling to securely confine the animal pending a final determination, the animal control code enforcement officer may impound the animal pending the investigation or any hearing or appeals regarding the dangerous animal classification, if deemed necessary to protect the public. If the animal is subsequently classified as dangerous by the animal control authority and such classification is appealed, it shall remain impounded pending final resolution. The owner shall be responsible for boarding fees, veterinary and other costs incurred by the county to maintain the animal during such investigation, classification and appeals.
- (8) *Timing for Compliance with Dangerous Animal Requirements.* Within fourteen (14) calendar days after an animal has been classified as dangerous under paragraphs (4) or (5) above, or within fourteen (14) calendar days after such classification has been upheld in any appeal (dismissal of the appeal by the owner shall be deemed to uphold the classification), the owner of the animal must comply with all the Dangerous Animal Requirements referenced in subpart (b) below.

(b) *Dangerous Animal Requirements.*

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

- (2) *Conditions Precedent to Registration.* No dangerous animal may be registered with the Department unless and until all of the following requirements have been met:
- a. The owner shall, at the owner's expense, have the dangerous animal implanted with a department-approved electronic animal identification device (microchip), and shall provide the department with the microchip manufacturer and number. The owner may obtain microchips from the Department, if available, at the fee set by resolution. The microchip number will become the dangerous animal registration number.
  - b. The animal shall be spayed/neutered unless a licensed veterinarian has examined the animal and certifies, in writing (with a copy provided to the Department within such fourteen (14) day period), that at such time spaying/neutering the animal would endanger its health. Under the circumstance, the animal shall be spayed/neutered as soon as its health permits.
  - c. The owner shall display a sign on his or her property warning that there is a dangerous animal on the premises. Said sign shall be clearly visible from all entry points and inform both children and adults of the presence of a dangerous animal on the property. The sign shall read "Dangerous Animal" or "Beware of Animal."
  - d. The owner of a dangerous animal must have in place, on the property where the dangerous animal will be kept, the proper enclosure of a dangerous animal as defined above in this article, if said property allows.
  - e. The owner of a dangerous animal must provide department with two (2) color photos displaying full body, head and face of the animal.
  - f. The owner shall provide evidence of a current Pinellas County license and rabies vaccination for the animal.
  - g. The owner shall execute a document consenting to the department entering the exterior of the owner's property, with or without prior notice, for the sole purpose of conducting inspections to ensure that the animal's owner is meeting his or her responsibilities, as applicable, under section (c) below.
- (c) *Responsibilities of Dangerous Animal Owners.* The owner (or keeper, if other than owner) of a dangerous animal shall:
- (1) Renew the dangerous animal registration annually.
  - (2) Ensure that the animal, while on the owner's property, is securely confined indoors, or securely confined in a proper enclosure of a dangerous animal as defined above. At any time that a dangerous animal

is not so confined, the animal shall be muzzled and restrained in such a manner as to prevent it from biting or injuring any person or animal, and kept on a substantial chain or leash by a person able to exercise control over the animal. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but will prevent it from biting any person or animal. However, the foregoing requirements of the paragraph do not apply:

- a. When the animal is in attendance at and participating in any animal show, contest, or exhibition not prohibited under Section 828.122, Florida Statutes, as amended, and sponsored by an animal club, association, society, or similar organization.
  - b. While the animal is being transported within the cab or passenger portion of any motor vehicle, provided the vehicle has a roof, and the animal cannot escape through an open window.
  - c. When the owner is exercising the animal in a securely fenced or enclosed area that does not have a top, provided that the animal remains within the owner's sight and only member of the immediately household or persons eighteen (18) years of age or older are allowed in the enclosed or fenced area when the animal is present.
- (3) Notify the department immediately if the dangerous animal becomes loose, unconfined, attacks, or bites a human being or another animal, dies, is sold, or is given away. In the event of the animal's death, the owner shall provide to the department satisfactory evidence (as determined by the department) of the animal's death. If the dangerous animal is sold or given away, the owner shall provide to the department the name, address, and telephone number of the new owner of the dangerous animal. The new owner shall, within fourteen (14) calendar days after receiving the animal, execute a new document to be supplied by the department, acknowledging that he or she is aware of the dangerous animal classification, and agreeing that the new owner shall comply with all of the requirements of this article.
  - (4) Notify the department immediately if the owner believes that the dangerous animal has been stolen. The owner must, concurrently with that notification, report the theft to the appropriate local law enforcement authority and provide the official police report to the department.
  - (5) Notify the department immediately if the owner moves to another address with the dangerous animal, which notification shall identify such address.
  - (6) Have the dangerous animal destroyed in a humane manner at his or her sole expense by the department or a licensed veterinarian if the owner is



unable or unwilling to comply with all applicable requirements and mandates contained in this article.

- (7) Meet the obligation under any agreement executed as referenced in Subsection 14-64(b)(2)(g).
- (d) The department shall have the authority to make whatever inspections are deemed necessary to ensure that the provisions of this article are complied with.
- (e) The owner of a dangerous animal may surrender the dangerous animal to the department if the owner is unable or unwilling to comply with the requirements of this article.
- (f) This article shall not apply to animals owned and used by a law enforcement agency.
- (g) *Violations of Dangerous Animal Requirements or Responsibilities of Dangerous Animal Owners.* Each failure to comply with a dangerous animal requirement or responsibility of a dangerous animal owner contained in this article shall constitute a noncriminal infraction, punishable by a fine.
- (h) *Impoundment, Confiscation, and Destruction of Dangerous Animals.*
  - (1) If an animal that has previously been classified as dangerous attacks or bites a person or a domestic animal without provocation, the department shall immediately confiscate and impound the animal and, after written notice to the owner and expiration of ten (10) business days from the date the owner receives the notice, destroy such dangerous animal in an expeditious and humane manner. This ten (10) day time period shall allow the owner to request a hearing under Section 14-67.
  - (2) If an animal attacks and causes severe injury to or death of any human, the animal shall be immediately confiscated by the department, placed in quarantine, if necessary, for the proper length of time, or otherwise impounded, and held for ten (10) business days after the owner is given written notice, and thereafter destroyed in an expeditious and humane manner. This ten (10) day time period shall allow the owner to request a hearing under Section 14-67.
  - (3) For any period of impoundment or quarantine referenced in paragraphs (1) or (2) above, or referenced elsewhere in this article, the owner shall be responsible for payment of all boarding costs and other fees associated therewith.
  - (4) Notice under Section (h) shall be effected by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.
  - (5) If the owner requests a hearing or files an appeal under paragraph (1), (2) or (3) above, the animal must be held by the department, at the owner's expense, and may not be destroyed while the hearing or appeal is pending.

If any owner or keeper of a dangerous animal is a minor, the parent or guardian of such minor shall be responsible for complying with the provisions of this article.

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

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

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

- (a) *Hearing officer.* There is hereby created for the purposes of this article the position of hearing officer. Said hearing officer shall be the director of the health department, or his/her designee, or alternatively a member in good standing of the Florida Bar.
- (b) *Burden of Proof.* The department shall bear the burden of establishing that an animal is dangerous by a preponderance of evidence. The owner shall bear the burden of establishing any factual or legal defense to the classification of dangerousness by a preponderance of evidence.
- (c) *Hearing Procedures.*

These procedures govern hearings before a Hearing Officer as provided in this article. Such hearings shall provide an opportunity for the owner to be heard. All hearings shall be conducted in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code, except as otherwise stated herein. However, the hearing shall be conducted in an informal manner to the extent practicable. Each party shall be afforded the following rights:

  - (1) To be accompanied, represented, and advised by counsel;
  - (2) To offer the testimony of witnesses and examine opposing witnesses on relevant matters; and
  - (3) To present his or her case by oral or documentary evidence.
- (d) *Evidence.*
  - (1) In any hearing before a Hearing Officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of 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.

- (2) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.
- (3) The rules of privilege shall be effective to the same extent that they are recognized under Florida law.
- (e) *Written Determinations of the Hearing Officer.*
  - (1) After conducting a hearing, the Hearing Officer shall issue a determination within twenty (20) calendar days of the hearing.
  - (2) All determinations of the Hearing Officer shall be in writing, signed, and dated by the Hearing Officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.
- (f) *Obligation to Pay Hearing Officer's Fee: Deposit.* The non-prevailing party shall be responsible for paying the Hearing Officer's fee in full. When filing a written request for a hearing, the owner shall provide a deposit in the amount established by resolution as security for payment of the Hearing Officer's fee. If the owner prevails in the hearing, the deposit shall be returned in full. If the owner does not prevail, and the Hearing Officer's fee exceeds the deposit, the owner shall pay the difference within ten (10) business days after written demand is made by the Hearing Officer or department. If the owner does not prevail, and the deposit exceed the Hearing Officer's fee, the department shall return the excess deposit to the owner within ten (10) business days after paying the Hearing Officer's fee.
- (g) Once a hearing is scheduled, failure to appear before the Hearing Officer may, at the discretion of the Hearing Officer, result in dismissal of the hearing with prejudice, in which case the initial classification by the department shall stand and the animal shall be classified as aggressive or dangerous.

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

- (a) For the purpose of this ordinance, the following terms shall have the meaning indicated in this section. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.
  - (1) *Law enforcement animal* means an animal that is owned or leased by a law enforcement agency for the principal purposes of:
    - a. Aiding in:
      - 1. The detention of criminal activity;
      - 2. The enforcement of the laws; and
      - 3. The apprehension of offenders.

- b. Ensuring the public welfare.
  - c. The term includes, but is not limited to, the following:
    - 1. A horse:
      - i. Full-time mounted patrol;
      - ii. Part-time mounted patrol;
      - iii. Posse.
    - 2. A dog:
      - i. Arson investigation;
      - ii. Bomb detection;
      - iii. Narcotic detection;
      - iv. Patrol;
      - v. Search and rescue;
      - vi. Tracking;
      - vii. Cadaver.
- (b) Striking or interfering with a law enforcement animal.
- (1) It shall be unlawful and punishable as provided by law for any person to knowingly or intentionally:
    - a. Strike, torment, bait, injure, or otherwise mistreat a law enforcement animal; or
    - b. Interfere with the actions of a law enforcement animal or harass or bait a law enforcement animal while the animal/handler is:
      - 1. On duty working for his/her respective agency; or
      - 2. In an off-duty capacity working at an approved off duty/extra duty event for a contracted entity being paid for law enforcement services; or
      - 3. An approved non-pay volunteer event.
  - (2) It is a defense that the accused person:
    - a. Engaged in training activity or discipline; and
    - b. Acted as an employee or agent of a law enforcement agency.
  - (3) In addition to any sentence or fine imposed for the conviction of an offense under this section, the court may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of:
    - a. Veterinary bills; and
    - b. Cost of retraining and temporary loss of use; and
    - c. Replacement cost if the animal is disabled, unable to perform its duty, or is killed.
- (c) In addition to any other law enforcement or code enforcement officer authorized to issue citations under this chapter, the Sheriff of Pinellas County, his deputies, the Florida Highway Patrol, and police officers in municipalities without

conflicting ordinance, shall have the duty and authority to enforce the provisions of this section.

**Secs. 14-69—14-85. - Reserved.**

**Section 2. Severability.**

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

**Section 3. Effective Date.**

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

**Section 4. Areas Embraced.**

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

**Section 5. Codification.**

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

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

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

**APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY**

By Joseph A. Monahan  
Attorney

**ORDINANCE NO. 13-\_\_\_\_\_**

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO ANIMAL SERVICES; AMENDING SECTION 14-26 DEFINITIONS; REVISING THE DEFINITION OF DANGEROUS ANIMAL; REVISING THE DEFINITION OF PROPER ENCLOSURE; ADDING THE DEFINITION OF SHELTER; ADDING A DEFINITION OF WATER; REVISING SECTION 14-30 TO CLARIFY VIOLATIONS OF THE SECTION; ADDING A NEW SECTION 14-35 REQUIRING THE PROVISION OF SHELTER AND WATER AS PREVIOUSLY DEFINED AND RENUMBERING SUBSEQUENT SECTIONS; REVISING SECTION 14-48 MODIFYING RULES FOR IMPOUNDMENT OF ANIMALS; ADDING A NEW SECTION 14-50 CLARIFYING THE STERILIZATION POLICIES OF PINELLAS COUNTY ANIMAL SERVICES; REVISING SECTION 14-61 CLARIFYING THE ISSUANCE OF REGISTRATION TAGS AND EXEMPTIONS FROM RABIES VACCINATION; REVISING SECTION 14-64 MAKING THE PINELLAS COUNTY CODE, WITH RESPECT TO DANGEROUS ANIMALS, CONSISTENT WITH STATE LAW; REVISING SECTION 14-67 WHICH MAKES HEARINGS, WITH RESPECT TO DANGEROUS ANIMALS, SIMPLER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR THE AREA EMBRACED; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES.

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

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

**Chapter 14 - ANIMALS**

**ARTICLE II. - ANIMAL SERVICES**

**DIVISION 1. – GENERALLY**

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

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

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

*Animal* means any living dumb creature.

*Animal control code enforcement officer* means all employees of the county department of animal services.

*Animal hoarding* ~~er~~ is the activity of a person ~~a person whose behavior is~~ characterized by the following:

- (1) ~~•~~ Failure to provide minimal standards of sanitation, space, nutrition and veterinary care for animals; and
- (2) ~~•~~ ~~Inability to recognize the effects of this failure on the welfare of the animals, human members of the household and the environment~~
- ~~•~~ Obsessive Attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions
- ~~•~~ Denial or minimization of problems and living conditions for people and animals.

*Animal shelter* means any facility maintained by the county and any facility maintained by a nonprofit humane organization or municipal agency as approved by the board of county commissioners for the confinement, care, control or disposition of animals that come into its custody.

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

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

*Baiting* means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, "baiting" means the use of live animals in the training of racing greyhounds.

*Cat* means the domestic cat, *felis catus*.

*Cruelty (also torture and torment)* shall be held to include every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except in the interest of medical science, permitted, or allowed to continue when there is a reasonable remedy or relief.

*Dangerous animal* means any dog that according to the records of the department:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property; or
- (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the department.

*Dangerous animal* means any animal that according to the records of county animal services:

- ~~(1) Has aggressively bitten, attacked or endangered or has inflicted severe injury on a human being on public or private property;~~
- ~~(2) Has more than once severely injured or killed a domestic animal while off the owner's property; or has once severely injured or killed a domestic animal while off the owner's property provided that the victim animal was not in violation of any of the relevant provisions of the animal control code and did not instigate the altercation;~~
- ~~(3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or~~
- ~~(4) Has, when unprovoked, chased or approached a person 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.~~

*Department of animal services or department* means the animal services department of the county.

*Director* means that person in charge of the administration of the department of animal services or anyone designated by him.

*Dog* means the domestic dog, canis familiaris.

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



*Harboring* means the act of keeping and caring for an animal, or providing food, shelter, or care for the animal for a period of at least 48 hours, regardless of whether or not the person is acting alone or in concert with others.

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

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

*Pet dealer* means any person who, in the ordinary course of business, engages in the sale of more than two litters or 20 dogs or cats per year, whichever comes first, to the public. Such term includes breeders of animals who sell such animals directly to a consumer. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

*Physical control* means the immediate, continuous physical control of a dog or cat at all times, such as by means of a leash, cord, or chain of such strength to restrain the dog or cat; or in the case of specifically trained dogs, "physical control" shall also include visual signals or oral commands by the owner of a dog which effectively responds to such signals or commands, if such dog is at all times within the unobstructed sight of the dog's owner.

~~*Proper enclosure* means that, while on the owner's property, a dangerous animal is securely confined indoors, away from exposure to anyone other than members of the immediate household, or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure and shall also provide protection from the elements.~~ *Proper enclosure for a dangerous animal* means that while on the owner's property, a dangerous animal is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of anyone other than the owner or the owner's designee and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure and shall also provide protection from the elements.

*Public nuisance animal* means any animal or combination of animals that unreasonably annoys humans, endangers the life or health of other animals or persons, or

substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Chases vehicles, bicycles, persons, or other animals;
- (4) Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances;
- (5) Causes fouling of the air by odor;
- (6) Is offensive or dangerous to the public health, safety, or welfare; or
- (7) Repeatedly defecates on the property of another.

*Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery, regardless of the permanency of any disfigurement.

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

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

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

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

Water shall mean provision of and access to clean, fresh potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at suitable intervals to at all times maintain normal hydration for the age, species, condition, size and types of each animal except as otherwise prescribed by a veterinarian or as dictated by naturally occurring states of hibernation. An animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the animal is under the direct supervision of a responsible person at events such as dog or cat shows or field trials. In such cases, the responsible person shall ensure sufficient water is provided to the animal in order to maintain normal hydration for the species of animal.

**Sec. 14-27. - Violations of article; civil remedies.**

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

**Sec. 14-28. - Areas embraced.**

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

**Sec. 14-29. - Pet dealerships and kennels.**

- (a) No pet dealership or kennel shall operate without having a valid pet dealer and kennel permit issued by the department.
- (b) Any person or entity desiring to operate a pet dealership or kennel shall file with the department a permit application on such form as provided by the department.
- (c) All permits issued under this section shall be annual permits, which shall remain in effect from the date the permit is issued until the same month and day of the following year.
- (d) In order to cover administrative and enforcement costs associated with this section, there are hereby levied annual permitting fees for pet dealers and kennels in amounts set by resolution of the board of county commissioners.
- (e) A permit issued under this section is nontransferable from one entity or person to another or from one location to another.
- (f) Any animal control code enforcement officer shall, at any reasonable hour, have access to and shall have the right to inspect the premises and records of a pet dealer or kennel to determine compliance with F.S. chs. 585, 767 and 828 and this article.
- (g) It shall be a violation of this article if the dealership or kennel fails to meet the standards set forth for basic animal care and facility sanitation as established by the department.

**Sec. 14-30. - Public nuisance animals.**

- (a) The owner of any public nuisance animal, as defined under this article, shall be deemed to be in violation of this article, regardless of the knowledge, intent or culpability of the owner.
- (b) A citation for a violation of this section may be issued based upon:
  - (1) Receipt of ~~verified~~ affidavit(s) of complaint signed by two or more residents of the county, each residing in separate dwellings in the vicinity of the animal(s) or incident(s), setting forth the nature and the time(s) and date(s) of the act(s), the owner of the animal(s), the address of the owner and a description of the animal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through an animal services investigation; or
  - (2) The observance of noncompliance made by an animal control code enforcement officer, or any other such law enforcement officer authorized to enforce the provisions of this article, during the investigation of a complaint(s) from a resident(s) of the county residing in the vicinity of the animal(s), setting forth the address, the nature and time(s) and date(s) of the act(s), the owner of the animal(s) and/or the address of the owner, and a description of the animal(s) doing such act(s) and observance of such

- act(s) by an animal control code enforcement officer or any other such law enforcement officer; or
- (3) The personal observance of noncompliance made by an animal control code enforcement officer, or any other such law enforcement officer authorized to enforce the provisions of this article made during the course of the lawful performance of his/her duties in the vicinity of the place of the offense; or
  - (4) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts cats, dogs, raccoons, coyotes or other wildlife ~~and thereby creates~~ creating a public nuisance animal.
- (c) The department is also authorized to investigate for violations under this section arising under other circumstances and may issue citations for noncompliance based upon that investigation.

**Sec. 14-31. - Unlawful restraint of dogs.**

- (a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause ~~an~~ a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object.
- (b) Notwithstanding subsection (a), a person may do any of the following:
  - (1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
  - (2) Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a camping or recreational area; or
  - (3) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.
- (c) In all cases where tethering is permissible the following conditions must be met:
  - (1) The tether has the following properties: it is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth of the dog's weight; and it is free of tangles;
  - (2) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement;
  - (3) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
  - (4) The dog has access to water, adequate shelter, and dry ground;
  - (5) The dog is at least six months of age. Puppies shall not be tethered; and

- (6) The dog is not sick or injured.

**Sec. 14-32. - Cruelty to animals.**

- (a) Whoever tortures, torments or cruelly treats an animal shall be in violation of this article.
- (b) Whoever impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water shall be in violation of this article.
- (c) Whoever keeps any animal in any enclosure without wholesome exercise and change of air shall be in violation of this article.
- (d) Whoever abandons to die any animal that is maimed, sick, infirm, or diseased shall be in violation of this article.
- (e) A person who unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, shall be in violation of this article.
- (f) Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be in violation of this article.
- (g) Any person who commits any of the following acts shall be in violation of this article:
  - (1) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals.
  - (2) Attending the fighting or baiting of animals.
  - ~~(3) Hoarding animals.~~
- ~~(h) In addition to any other penalty provided by law, upon conviction for animal hoarding, the court may order the convicted person to undergo a psychological or psychiatric evaluation and any treatment that the court determines to be appropriate after due consideration of the evaluation.~~

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

- (a) Any person who is the owner or possessor, or has charge or custody, of any animal and who abandons such animal to suffer injury or malnutrition or who abandons any animal in a street, road, private property or public place without providing for the care, sustenance, protection, and shelter of such animal shall be in violation of this article.

- (b) Any person who releases within the county any species of the animal kingdom not indigenous to Florida without having obtained a permit to do so from the Florida Fish and Wildlife Conservation Commission shall be in violation of this article.
- (c) Upon receipt of affidavits from two citizens who are not residents of the same household, or upon the report of a law enforcement officer, stating that an animal appears to have been abandoned, or upon receipt of a report that a non indigenous animal has been released, the department may investigate the matter and thereupon is authorized to impound and dispose of the animal in the manner provided by this article, with the assistance of a law enforcement officer if necessary. The department shall cause written notice, bearing the address where the animal may be claimed by the owner thereof and the time by which the animal must be claimed, to be sent to the owner, if known, at the owner's last known address.

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

- (a) No vehicle owner, passenger, or operator shall place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, disability or death.
- (b) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the vehicle or protected by a container, cage, cross tethering or other device that will prevent the animal from falling, being thrown or jumping from the motor vehicle.
- (c) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

**Sec. 14-35. – Neglect.**

- (a) No person who is the owner or possessor or who has charge or custody of any animal shall fail to provide shelter for the animal.
- (b) No person who is the owner or possessor or who has charge or custody of any animal shall fail to provide water for the animal.
- (c) No person shall engage in animal hoarding.
- (d) No person who is the owner or possessor or has charge or custody of any animal shall fail to provide adequate veterinary care to a suffering animal.

- (e) No person who is the owner or possessor or has charge or custody of any animal shall fail to provide proper or adequate food to any animal.
- (f) No person who is the owner or possessor or has charge or custody of an animal shall fail to provide humane care and treatment.

**Sec. 14-365. - Animal control or cruelty surcharge.**

- (a) The clerk of the court is hereby authorized to collect the maximum surcharge provided for by F.S. § 828.27(4)(b), as may be subsequently amended, upon each civil penalty imposed for violation of this article.
- (b) The surcharge provided for herein shall be used by the county to pay the cost of a 40-hour minimum standards training course for animal control code enforcement officers, approved by the Florida Animal Control Association.

**Secs. 14-376—14-45. - Reserved.**

**DIVISION 2. - ADMINISTRATION AND ENFORCEMENT**

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

- (a) The department of animal services is designated as the agency of the board of county commissioners to implement and administer the provisions of this article, except as otherwise provided by this article. Animal control code enforcement officers are authorized by the board of county commissioners to conduct investigations pursuant to F.S. ch. 828. Animal control code enforcement officers are also authorized to conduct investigations and issue citations for violations of this article upon probable cause to believe that a person has committed an act in violation of this article.
- (b) It shall be a violation of this article to resist, obstruct, or oppose an animal control code enforcement officer while in the lawful performance of his duties, or with anyone who may be assisting in the performance of such duties.
- (c) Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer or animal control code enforcement officer shall be in violation of this article.
- (d) The board of county commissioners may contract with any state chartered nonprofit humane organization to carry out the duties in this article or any part thereof. Such organizations shall carry out the duties pursuant to the provisions prescribed in this article; failure to do so shall result in the board of county commissioners assuming such duties or contracting with another organization to



assume such duties. Compensation may be provided in an amount adequate to fulfill the prescribed duties.

**Sec. 14-47. - Fees and charges; administration of article.**

- (a) The board of county commissioners is authorized, by resolution, to establish reasonable fees and charges relating to licensing, adoption, impoundment, service fees and such other fees deemed necessary to accomplish the purposes of this article. The director is authorized to waive or modify fees in extreme hardship cases, as set forth by procedures implemented by the director pursuant to this section.
- (b) Dependent upon the availability of funds, the board of county commissioners may appropriate funds, in such amounts and under such conditions as deemed by resolution of the board, for rebates to be provided to residents of the county who are owners of dogs or cats which are sterilized within the county by licensed veterinarians.
- (c) In the administration and enforcement of this article, the board of county commissioners is authorized to appropriate such sums of money, and the use of such county property, as in the judgment of the board shall be necessary and proper.
- (d) The director is authorized to establish programs and procedures as are deemed necessary to accomplish the purposes of this article. These include, but are not limited to, enforcement actions, vaccination programs, measures to deal with kennel hazards, education programs, population control programs, licensing procedures, and the implementation of emergency procedures in the event of a disease outbreak or a state of emergency as defined by section 34-36 of the Pinellas County Code.

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

~~Unless otherwise provided by this article, an impounded animal with license or other owner identification shall be held for at least seven days, including the day of impoundment. Impounded animals without such identification shall be held for four days including the day of impoundment. Dogs, ferrets or cats impounded for the observation of rabies shall be held at least ten days. The depositing of a letter of notification by first class U.S. mail shall constitute adequate notification of impoundment. The owner shall also be notified by telephone, if possible. This section shall not apply to animals surrendered by the owner or an agent of the owner, in which case disposition may be made as provided in this article without notification or a holding period. At the expiration of the holding period, during which time a diligent attempt has been~~

made to locate and contact the owner, the animal may be disposed of in the manner provided in this article.

- (a) The department of animal services and its animal control code enforcement officers, law enforcement officers and humane officers of state chartered nonprofit humane organizations shall have authority to pick up, catch or procure and impound any animal found to be in violation of this article, any animal infected or believed to be infected with rabies or other contagious or infectious disease to humans or animals, or any animal suspected of biting a human, in such manner as is reasonably necessary to effectuate its capture. Impounded animals shall be confined in a humane manner at an animal shelter. Animals impounded at an animal shelter shall be made available for public inspection in order to allow the owner to reclaim their animal. An animal impounded for the purpose of rabies observation shall not be moved or released from the place of quarantine unless permission is first obtained from the director of animal services. The director may approve an exception as to the above-required place of confinement for dogs, ferrets, or cats having a current rabies vaccination administered by a licensed veterinarian.
- (b) Unless otherwise provided by this article:
  - (1) An impounded animal with a license or other owner identification shall be held for at least seven (7) days including the day of impoundment;
  - (2) Impounded dogs of 16 weeks in age without such identification shall be held for four (4) days including the day of impoundment.
  - (3) Impounded individual puppies under 16 weeks in age without such identification shall be held for two (2) days including the day of impoundment;
  - (4) Impounded litters of puppies under 16 weeks in age shall be held for one (1) day including the day of impoundment.
  - (5) Impounded cats over 16 weeks of age without such identification shall be held for three (3) days including the day of impoundment.
  - (6) Impounded kittens under 16 weeks of age without such identification shall be held for one (1) day including the day of impoundment.Dogs, ferrets or cats impounded for the observation of rabies shall be held at least ten days. The depositing of a letter of notification by first class U.S. mail shall constitute adequate notification of impoundment. The owner shall also be notified by telephone, if possible. This section shall not apply to animals surrendered by the owner or an agent of the owner, in which case disposition may be made as provided in this article without notification or a holding period. At the expiration of the holding period, during which time a diligent attempt has been made to locate and contact the owner, the animal may be disposed of in the manner provided in this article.
- (c) A thirty (30) day holding period may be imposed upon all animal shelters, humane organizations, rescue groups or foster homes for domestic animals with owner information or that bear positive owner identification in the form of an identification tag, license tag, microchip, rabies tag, or tattoo, which are

impounded during a state of emergency within Pinellas County or those animals which are transferred to Pinellas County from any area where a state of emergency has been declared by competent authority. The holding period will be ten (10) days for domestic animals that do not bear any of the aforementioned forms of positive owner identification which are impounded during a state of emergency within Pinellas County, or those animals which are transferred to Pinellas County from any area where a state of emergency has been declared by competent authority. Adoption or transfer of animals impounded during a state of emergency in Pinellas County, or of those animals which are transferred to Pinellas County from any area where a state of emergency has been declared by competent authority that are not redeemed within the holding period, will be conditional and the animals will be subject to reclaim by the owner for one hundred twenty (120) days from the date of the state of emergency declaration in the area of origin, except where the owner has relinquished all rights to the animal. These requirements may be invoked by the director based on the nature of the state of emergency and its aftermath.

- (d) A registry shall be maintained by the impounding agency or rescue group. The registry shall contain any identification and identifying characteristics of each animal impounded along with the location, date, reason for each pickup, any owner information, name of person surrendering the animal, if applicable, and final disposition, to include name and address of the reclaimant or adopter. A copy of the registry shall be provided to department of animal services monthly, and be made available for inspection by the department at the impounding agency, at any time, upon the department's request. The records shall be maintained by the impounding agency for two (2) years.
- (e) If an animal bites and causes injury to any human, the animal shall be immediately impounded for rabies observation and quarantine, if necessary, for the proper length of time or held for ten (10) days. Thereafter the animal shall either be returned to the owner or destroyed in an expeditious and humane manner in accordance with the provisions of this article and F.S. ch. 767, when applicable.
- (f) Any owner or person having custody of an animal suspected of biting a human, who fails to surrender the animal to the department of animal services for impoundment or inspection when requested by an animal control code enforcement office shall be in violation of this article.
- (g) For violations of this article, an owner may be subject to a written warning or such penalties as prescribed in this article, in addition to or in lieu of impoundment of the animal.
- (a)(h) Every owner who voluntarily surrenders an animal must provide photo identification and sign a form acknowledging that the surrender is voluntary and acknowledging the discretion of the department to dispose of the animal. The department shall not be liable for the disposition of any voluntarily surrendered animal after receipt of the animal from its owner. The animal shall be immediately available for adoption, placement or other appropriate disposition

once surrendered. Owners surrendering animals shall be responsible for paying an intake fee, and should the animal(s) not be current on vaccination required by the County, rabies vaccination fees shall also be paid by the owner wishing to surrender his/her animal(s). Owners wishing to surrender an animal with the request for euthanasia shall be allowed to do so at the discretion of the department. It is not the policy or practice of the department to supply "on-demand" euthanasia procedures, but in the interest of relieving a suffering animal, the department may provide the service for a fee or at no charge, at its sole discretion. Notwithstanding the foregoing, such fees shall not apply to any animal surrendered to the department by a licensed veterinarian or boarding kennel pursuant to F.S. § 705.19. No owner surrendered or stray animals from outside the department jurisdiction shall be accepted except for humane reasons; such animals shall be referred to another agency. The photo identification of the owner/person wishing to surrender an animal that shows an address outside of the department jurisdiction shall be used as the origin of the animal. If an animal is accepted for humane reasons from an owner or person living outside of the department's jurisdiction, a fee equal to the average cost(s) of all services provided shall be charged.

**Sec. 14-49. - Adoption, redemption and disposition of animals.**

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

- (4) Those animals which have passed medical and behavior screening, but have not been adopted, may be offered to state chartered nonprofit humane organizations for the purpose of providing adoptions of such animals. Fees and costs may be waived for the disposition of animals in this manner.
- (b) No animal may be disposed of to any medical school, college, university or person for experimentation or vivisection purposes, or to any person providing, selling, or supplying animals to any medical school, college, university or person for experimentation or vivisection purposes.

**Sec. 14-50. – Sterilization.**

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

**Secs. 14-510—14-60. – Reserve**

**DIVISION 3. - DOGS AND CATS**

**Sec. 14-61. - Rabies vaccinations and licensing.**

- (a) Every person possessing, harboring, keeping, or having control or custody of a dog or cat over the age of four months within the county shall secure a county license from a veterinarian or from the department of animal services and, as a part of such license, shall show proof of a current rabies vaccination which shall have been administered by, or under the supervision of, a veterinarian. Evidence

of circulating rabies virus antibodies shall not be used as a substitute for obtaining a license, current vaccination in managing rabies exposure or the need for a booster vaccination.

- (1) The duration of immunity of the vaccine shall be recognized in accordance with the current Compendium of Animal Rabies Prevention and Control developed by the National Association of State Public Health Veterinarians.
- (2) Animals not meeting the definition of "currently vaccinated" include:
  - a. Dog, cat, ferret, horse, cattle or sheep whose first vaccination was given less than 28 days before exposure to a known or suspected rabid animal;
  - b. Dog, cat, ferret, horse, cattle or sheep whose previous vaccination expired;
  - c. Dog, cat, ferret, horse, cattle or sheep not vaccinated by, or under the supervision of, a veterinarian;
  - d. Any wild animal, or wild and domestic animal hybrids.
- (3) Veterinarians or authorized entities shall distribute the county license tags and rabies vaccination certificates ~~and tags~~ to dog or cat owners according to the most recent procedure promulgated by the department.
- (4) Licenses may be issued without the administration of a rabies vaccination provided a veterinarian has examined the dog or cat and has certified in writing that a rabies vaccination could endanger its health because of infirmity, debility, illness, or other medical consideration, ~~and states on the certificate, "Rabies vaccination not given for medical reasons."~~ The dog or cat must be vaccinated as soon as its health improves sufficiently to tolerate the vaccine. An exemption that extends beyond 12 months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one year from the date it was written.
- (5) The certificate and tag shall be approved and supplied by the board of county commissioners. No other license and rabies certificate or tag shall be valid in the county, except as otherwise provided under this article. The certificate shall provide space for pertinent data for identification of the animal. The license tag shall consist of a serially numbered piece of metal or other material bearing the same number as the certificate. All dogs and cats shall be required to wear a tag, except as otherwise provided under this section. The person to whom a dog or cat license has been issued shall cause the tag to be securely fastened by a substantial device about the animal's neck so as to be clearly visible at all times. If a license tag is lost or destroyed, a duplicate shall be issued by the department upon presentation of the certificate and upon payment of a fee as established by

the board of county commissioners. In lieu of the tag, owners of cats may choose a breakaway collar or an alternate form of identification, as approved by the department.

- (6) Failure to comply with the provisions of subsections (1) through (5) above or the current procedures promulgated by the department may result in loss of licensing and tag issuing authority.
- (b) Licenses, either certificate or tag, shall not be transferable from one dog or cat to another.
- (c) Licenses under this article expire when the rabies vaccination expires. A license shall be renewed on or before the date of expiration.
- (d) Those persons who relocate their dogs or cats, which are over the age of four months, to the county shall secure a license within 30 days of relocation.
- (e) When ownership of a dog or cat is transferred from one party to another, the transferor shall report the change of ownership to the department on such form as provided by the department, whether such change is effectuated by sale, barter, gift, or otherwise, within 30 days of such transfer. The new owner shall maintain a record of the date of transfer, the name and address of the transferor, and proof of previous vaccination and license. Such records shall be maintained by the new owner for a minimum period of one year from the date of transfer and shall be subject to inspection upon demand by any animal control code enforcement officer. All owners of dogs or cats over four months shall obtain a county license within 30 days of the date that they became the owner as defined in this article.
- (f) Every person selling or transferring ownership of a dog or cat shall keep records of the most recent proof of vaccination, license, and, when applicable pursuant to F.S. ch. 828, certificate of veterinary inspection. The previous owner shall maintain such records for a minimum period of one year from the date of transfer. All dogs and cats offered for sale, and copies of vaccination or license records, or certificates of veterinary inspection, held by the seller and veterinarian shall be subject to inspection by any animal control officer.
- (g) Every person owning, possessing, harboring, keeping or having control or custody of a dog or a cat shall keep records of proof of vaccination, license, and when applicable pursuant to F.S. ch. 828, certificates of veterinary inspection. Every person owning, possession, harboring, keeping or having control or custody of a ferret shall keep records of proof of vaccination. Such records shall be subject to inspection upon demand by any animal control code enforcement officer.
- (h) The board of county commissioners is authorized to establish reasonable fees for the issuance and renewal of dog or cat licenses. License fees shall be waived for the following:
  - (1) Those persons who are legally blind and whose dogs are registered Seeing Eye dogs; or those persons who are legally deaf and whose dogs are

- certified "hearing" dogs; or such other physically handicapped persons whose dogs are certified and trained to assist the physically handicapped.
- (2) Dogs owned by a law enforcement agency and used for law enforcement purposes.
  - (3) The initial license issued to dogs or cats adopted from state chartered nonprofit humane organizations based upon registry data provided in accordance with subsection 14-48(c).
  - (i) The provisions of this section shall not apply to racing greyhounds.

**Sec. 14-62. - Guard dogs.**

- (a) Registration.
  - (1) Guard dog owners or services shall register all dogs used in their business, whether housed or used in the county, with the department. The registration shall include: Name, address and telephone number of the service's manager; the breed, sex, weight, age, color, registration number of the guard dog, and other distinguishing physical features of the dog; a county rabies vaccination and license certificate; and a tag that is highly visible and conspicuously different from ordinary dog tags, as approved and supplied by the board of county commissioners. As a condition to registration, proof of ownership must be presented by either a notarized bill of sale or a notarized affidavit.
  - (2) Guard dogs which are newly acquired by guard dog services shall be vaccinated against rabies and registered with the department within 72 hours of acquisition.
  - (3) The fee for registration of a guard dog with the department shall be established by the board of county commissioners and shall be a one-time charge for each individual dog.
  - (4) Such registration shall not constitute a waiver of the annual license or other requirements of this article.
- (b) Each guard dog shall be permanently identified by microchip implantation.
- (c) Reporting requirements. Any person possessing, harboring, keeping or having control or custody of a guard dog shall immediately notify the department when such guard dog:
  - (1) Is loose or unconfined;
  - (2) Has bitten a human being or attacked another animal; or
  - (3) Is sold or given away, or dies. Prior to a guard dog being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the department.
- (d) Inspection. As a condition to possessing, harboring, keeping, or having control or custody of a guard dog, any animal control code enforcement officer shall, at any



reasonable hour, have access to and shall have the right to inspect any premises housing the guard dog to determine compliance with F.S. chs. 828 and 767 and this article.

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

**Sec. 14-63. - Dogs or cats at large.**

- (a) No dog or cat shall run at large within the county, as defined under this article. Any person who possesses, harbors, keeps, or has control or custody of any dog or cat which is running at large shall be in violation of this article, regardless of the knowledge, intent or culpability of the owner.
- (b) This section shall not apply to police dogs as defined in F.S. § 843.19 when such dogs are engaged by a law enforcement agency in an official capacity, or to any dog which is actually engaged in or being trained for the sport of hunting during a legal hunting season within authorized areas and supervised by the owner.
- (c) The owner of any female dog or cat in heat (estrus) which is not kept confined in a secure enclosure, such as a building, veterinary hospital, boarding kennel or closed kennel, such that the female dog or cat cannot come in contact with any male dog or cat, except when the owners of both animals intend to breed such animals, shall be deemed in violation of this article. A fenced area is not sufficient enclosure for the purpose and intent of this subsection.

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

- (a) ~~The department shall investigate reported incidents involving any animal that may be dangerous and shall, if possible, interview the owner and require a verified statement from any person, including any animal control code enforcement officer or law enforcement officer, desiring to have an animal classified as dangerous. Such verified statements shall be submitted to the department within 30 days of the incident, and shall include any photos, medical records, witness statements, etc.~~
- (b) ~~Any animal that is the subject of a dangerous animal investigation, that is not impounded with animal services, shall be maintained by the owner in a proper enclosure as that term is defined in section 14-26. The owner shall post the premises with clearly visible warning signs at all entry points that inform both children and adults of the presence of a dangerous animal on the property. Furthermore, it is unlawful for the owner of the animal to permit the animal to be outside a proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under the control of a competent person over the age of 18. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal. When being transported, such animals shall be safely and securely restrained within a vehicle. The provisions of this section shall apply pending the outcome of the investigation and resolution of any hearing or appeals related to the dangerous animal classification. The address of where the animal resides shall be provided to animal services. No animal that is the subject of a dangerous animal investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearings or appeals related to the determination of the dangerous animal classification.~~
- (c) ~~In the event that any animal control code enforcement officer has sufficient cause to believe that an animal is or may be dangerous and that the owner is unable or unwilling to securely confine the animal pending a final determination, the animal control code enforcement officer may impound the animal pending the investigation or any hearing or appeals regarding the dangerous animal classification, if deemed necessary to protect the public. If the animal is subsequently classified as dangerous by animal services or the animal control authority and such classification is appealed, it shall remain impounded pending final resolution. The owner shall be responsible for boarding fees, veterinary and other costs incurred by the county to maintain the animal during such investigation, classification and appeals.~~

- (d) — ~~After the investigation, the department shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing prior to making a final determination. Animal services shall provide written notification of the sufficient cause finding, to the owner, by registered mail, certified hand delivery, or service in conformance with the provisions of chapter F.S. ch. 48 relating to service of process. The owner may file a written request for a hearing containing any reasons why they dispute the determination within seven calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the 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 from the owner.~~
- (e) — ~~Upon a determination by the director that an animal is dangerous, the director shall make a summary of findings, which shall be incorporated in writing in the classification document.~~
- (f) — ~~Animal services shall provide written notification to the owner of the dangerous classification by registered mail, certified hand delivery, or service. The owner may file a written request for a hearing in the county court to appeal the classification within ten business days after receipt of a written determination of the dangerous animal classification. Pending a resolution of the appeal, the owner must continue to confine the animal in a proper enclosure or surrender the animal to animal services.~~
- (g) — ~~Within ten business days after receipt of notification that there is sufficient cause to classify the animal as dangerous pursuant to F.S. ch. 767, or this article, by animal services or after receipt of the decision of the animal control authority upholding the classification, or, if a dangerous dog classification is upheld by the county court on appeal, within one business day after rendition of the order upholding the classification, the owner of the animal must surrender the animal for immediate destruction by animal services.~~
- (h) — ~~This section shall not apply to animals owned and used by a law enforcement agency.~~
- (i) — ~~If an animal attacks and causes severe injury to or death of any human, the animal shall be immediately confiscated by animal services and placed in quarantine, if necessary, for the proper length of time. The animal will remain confined at animal services pending final resolution of a dangerous animal investigation pursuant to F.S. § 767.12, and this article. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during the confinement. Payment is due upon receipt of an invoice from animal services.~~
- (j) — ~~Upon final resolution of the finding that an animal is dangerous, the animal will be destroyed in a humane and expeditious manner. Upon the destruction of the animal:~~

- ~~(1) Animal services shall provide the owner of the animal written notice containing all costs and fees not previously collected by animal services in the confiscation, maintenance, quarantine and destruction of the animal, with a deadline of not less than 30 days from receipt of the notice of payment of the costs and fees.~~
- ~~(2) Pinellas County may thereafter institute proceedings in a court of competent jurisdiction to compel payment of the fees and costs incurred by animal services in the confiscation, maintenance, quarantine, and destruction of the animal. A certified copy of an order awarding the county its fees and costs may be recorded in the public records, and thereafter shall constitute a lien against the land of the animal owner or, if the violator does not own the land, upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one year from the filing of any such lien which remains unpaid, Pinellas County may foreclose, or otherwise execute on the lien.~~

~~(a) Procedures to classify an animal dangerous.~~

- ~~(1) Investigation. The department shall investigate reported incidents involving any animal whose actions may result in the animal being classified as dangerous. As part of the investigation, the department shall, if possible, interview the animal's owner and require a notarized affidavit from any person, including any animal care officer or enforcement officer, who may have information relating to whether the animal might be dangerous.~~
- ~~(2) Initial Determination. Upon completing its investigation, the department shall make an initial determination as to whether there is sufficient cause to classify the animal as dangerous. If the department determines that there is sufficient cause, the department shall provide written notification of its initial determination to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.~~
- ~~(3) Availability of Hearing to Challenge the Initial Determination. The written notification referenced in paragraph (2) shall inform the owner that, notwithstanding any other provisions of this article, if the owner wishes to challenge the initial determination, the owner must file a request for a hearing with the department within seven (7) calendar days after the owner receives notice of the department's initial determination.~~

- (4) *Effect of Not Timely Requesting Hearing.* If the owner fails to timely request a hearing pursuant to paragraph (3) above, the animal shall be classified as dangerous. The department shall provide written notice of this classification to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten (10) business days after receipt of the notice, file a petition for writ of certiorari review in county court, to appeal the classification.
- (5) *Effect of Timely Requesting Hearing.* If the owner timely requests a hearing pursuant to paragraph (3) above, the hearing shall be held no sooner than five (5) calendar days after filing of the request and no later than twenty-one (21) calendar days after the filing. The hearing shall be conducted in accordance with Section 14-67 below. If the Hearing Officer determines that the animal should be classified as dangerous, the department shall provide written notice of such classification (along with a copy of the Hearing Officer's decision) to the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process. The notice shall inform the owner that he or she may, within ten (10) business days after receipt of the notice, file a petition for writ of certiorari review in county court, to appeal the classification.
- (6) *Confinement of Animal Pending Investigation, Hearing and Appeal.* Any animal that is the subject of a dangerous animal investigation, that is not impounded with animal services, shall be maintained by the owner in a proper enclosure as that term is defined in section 14-26. The owner shall post the premises with clearly visible warning signs at all entry points that inform both children and adults of the presence of a dangerous animal on the property. Furthermore, it is unlawful for the owner of the animal to permit the animal to be outside a proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under the control of a competent person over the age of 18. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal. When being transported, such animals shall be safely and securely restrained within a vehicle. The provisions of this section shall apply pending the outcome of the investigation and resolution of any hearing or appeals related to the dangerous animal classification. The address of where the animal resides shall be provided to animal services. No animal that is the subject of a dangerous animal investigation may be relocated or ownership transferred pending the outcome of the

investigation or any hearings or appeals related to the determination of the dangerous animal classification.

(7) *Failure to securely confine an animal during investigation.* In the event that any animal control code enforcement office has sufficient cause to believe that an animal is or may be dangerous and that the owner is unable or unwilling to securely confine the animal pending a final determination, the animal control code enforcement officer may impound the animal pending the investigation or any hearing or appeals regarding the dangerous animal classification, if deemed necessary to protect the public. If the animal is subsequently classified as dangerous by the animal control authority and such classification is appealed, it shall remain impounded pending final resolution. The owner shall be responsible for boarding fees, veterinary and other costs incurred by the county to maintain the animal during such investigation, classification and appeals.

(8) *Timing for Compliance with Dangerous Animal Requirements.* Within fourteen (14) calendar days after an animal has been classified as dangerous under paragraphs (4) or (5) above, or within fourteen (14) calendar days after such classification has been upheld in any appeal (dismissal of the appeal by the owner shall be deemed to uphold the classification), the owner of the animal must comply with all the Dangerous Animal Requirements referenced in subpart (b) below.

(b) *Dangerous Animal Requirements.*

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

(2) *Conditions Precedent to Registration.* No dangerous animal may be registered with the Department unless and until all of the following requirements have been met:

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

- b. The animal shall be spayed/neutered unless a licensed veterinarian has examined the animal and certifies, in writing (with a copy provided to the Department within such fourteen (14) day period), that at such time spaying/neutering the animal would endanger its health. Under the circumstance, the animal shall be spayed/neutered as soon as its health permits.
- c. The owner shall display a sign on his or her property warning that there is a dangerous animal on the premises. Said sign shall be clearly visible from all entry points and inform both children and adults of the presence of a dangerous animal on the property. The sign shall read "Dangerous Animal" or "Beware of Animal."
- d. The owner of a dangerous animal must have in place, on the property where the dangerous animal will be kept, the proper enclosure of a dangerous animal as defined above in this article, if said property allows.
- e. The owner of a dangerous animal must provide department with two (2) color photos displaying full body, head and face of the animal.
- f. The owner shall provide evidence of a current Pinellas County license and rabies vaccination for the animal.
- g. The owner shall execute a document consenting to the department entering the exterior of the owner's property, with or without prior notice, for the sole purpose of conducting inspections to ensure that the animal's owner is meeting his or her responsibilities, as applicable, under section (c) below.
- (c) Responsibilities of Dangerous Animal Owners. The owner (or keeper, if other than owner) of a dangerous animal shall:
  - (1) Renew the dangerous animal registration annually.
  - (2) Ensure that the animal, while on the owner's property, is securely confined indoors, or securely confined in a proper enclosure of a dangerous animal as defined above. At any time that a dangerous animal is not so confined, the animal shall be muzzled and restrained in such a manner as to prevent it from biting or injuring any person or animal, and kept on a substantial chain or leash by a person able to exercise control over the animal. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but will prevent it from biting any person or animal. However, the foregoing requirements of the paragraph do not apply:
    - a. When the animal is in attendance at and participating in any animal show, contest, or exhibition not prohibited under Section 828.122,

- Florida Statutes, as amended, and sponsored by an animal club, association, society, or similar organization.
- b. While the animal is being transported within the cab or passenger portion of any motor vehicle, provided the vehicle has a roof, and the animal cannot escape through an open window.
  - c. When the owner is exercising the animal in a securely fenced or enclosed area that does not have a top, provided that the animal remains within the owner's sight and only member of the immediately household or persons eighteen (18) years of age or older are allowed in the enclosed or fenced area when the animal is present.
- (3) Notify the department immediately if the dangerous animal becomes loose, unconfined, attacks, or bites a human being or another animal, dies, is sold, or is given away. In the event of the animal's death, the owner shall provide to the department satisfactory evidence (as determined by the department) of the animal's death. If the dangerous animal is sold or given away, the owner shall provide to the department the name, address, and telephone number of the new owner of the dangerous animal. The new owner shall, within fourteen (14) calendar days after receiving the animal, execute a new document to be supplied by the department, acknowledging that he or she is aware of the dangerous animal classification, and agreeing that the new owner shall comply with all of the requirements of this article.
  - (4) Notify the department immediately if the owner believes that the dangerous animal has been stolen. The owner must, concurrently with that notification, report the theft to the appropriate local law enforcement authority and provide the official police report to the department.
  - (5) Notify the department immediately if the owner moves to another address with the dangerous animal, which notification shall identify such address.
  - (6) Have the dangerous animal destroyed in a humane manner at his or her sole expense by the department or a licensed veterinarian if the owner is unable or unwilling to comply with all applicable requirements and mandates contained in this article.
  - (7) Meet the obligation under any agreement executed as referenced in Subsection 14-64(b)(2)(g).
- (d) The department shall have the authority to make whatever inspections are deemed necessary to ensure that the provisions of this article are complied with.
  - (e) The owner of a dangerous animal may surrender the dangerous animal to the department if the owner is unable or unwilling to comply with the requirements of this article.



- (f) This article shall not apply to animals owned and used by a law enforcement agency.
- (g) Violations of Dangerous Animal Requirements or Responsibilities of Dangerous Animal Owners. Each failure to comply with a dangerous animal requirement or responsibility of a dangerous animal owner contained in this article shall constitute a noncriminal infraction, punishable by a fine.
- (h) Impoundment, Confiscation, and Destruction of Dangerous Animals.
- (1) If an animal that has previously been classified as dangerous attacks or bites a person or a domestic animal without provocation, the department shall immediately confiscate and impound the animal and, after written notice to the owner and expiration of ten (10) business days from the date the owner receives the notice, destroy such dangerous animal in an expeditious and humane manner. This ten (10) day time period shall allow the owner to request a hearing under Section 14-67.
- (2) If an animal attacks and causes severe injury to or death of any human, the animal shall be immediately confiscated by the department, placed in quarantine, if necessary, for the proper length of time, or otherwise impounded, and held for ten (10) business days after the owner is given written notice, and thereafter destroyed in an expeditious and humane manner. This ten (10) day time period shall allow the owner to request a hearing under Section 14-67.
- (3) For any period of impoundment or quarantine referenced in paragraphs (1) or (2) above, or referenced elsewhere in this article, the owner shall be responsible for payment of all boarding costs and other fees associated therewith.
- (4) Notice under Section (h) shall be effected by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.
- (5) If the owner requests a hearing or files an appeal under paragraph (1), (2) or (3) above, the animal must be held by the department, at the owner's expense, and may not be destroyed while the hearing or appeal is pending. If any owner or keeper of a dangerous animal is a minor, the parent or guardian of such minor shall be responsible for complying with the provisions of this article.

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

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

## Sec. 14-67. - Hearings.

- (a) ~~Hearing officer.~~ There is hereby created for the purposes of this chapter the position of hearing officer. Said hearing officer shall be the director of the health department, or his/her designee, or alternatively a retired judge who is a member in good standing of the Florida Bar and qualified to serve as a Senior Judge within the Sixth Judicial Circuit.
- (b) ~~Notice of hearing.~~ Upon receipt of a timely, written request for hearing, the director of the department shall schedule a hearing to be held as soon as possible and shall provide the owner of the animal initially classified as dangerous pursuant to F.S. § 767.12, or the owner of an animal confiscated pursuant to F.S. § 767.13, with no less than five calendar days' written notice of the time, date, and place of the hearing, which shall be held not more than 21 calendar days from the date the department receives the owner's request. The notice of hearing shall be sent to the owner by certified mail return receipt requested.
- (c) ~~Hearing procedures.~~
  - (1) ~~Each party shall have the following rights:~~
    - a. ~~To be represented by counsel;~~
    - b. ~~To call and examine witnesses;~~
    - c. ~~To introduce exhibits;~~
    - d. ~~To examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;~~
    - e. ~~To impeach any witness regardless of which party first called the witness to testify.~~
  - (2) ~~All hearings shall be conducted, insofar as is practicable, in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner.~~
  - (3) ~~Any interested party may be allowed, within the discretion of the hearing officer, to intervene and appear in a proceeding pending before the hearing officer.~~
  - (4) ~~Evidence.~~
    - a. ~~In any hearing before the hearing officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of 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.~~

- ~~b. Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.~~
- ~~c. A party shall be permitted to conduct cross examination when testimony is taken or documents are made a part of the record.~~
- ~~d. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.~~
- ~~e. The hearing officer shall ensure that a tape recording of the hearing is preserved, which record shall be public and open to inspection and transcription by any person. A party wishing to have a court reporter record the proceedings must retain and compensate the court reporter for his or her services.~~

~~(5) Written determinations of the hearing officer.~~

- ~~a. After the hearing, the hearing officer shall issue a determination based upon the preponderance of the evidence. The division shall bear the burden of establishing the elements sufficient to support a finding that the animal is dangerous or that the animal warrants imminent destruction; and the owner shall bear the burden of establishing any legal defense to the classification of dangerousness or the finding of imminent destruction.~~
- ~~b. All determinations of the hearing officer shall be in writing, signed and dated by the hearing officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by registered mail, certified hand delivery, or service in conformance with F.S. ch. 48. If the hearing officer upholds the initial classification of dangerousness or sufficient cause for imminent destruction, the owner shall comply with the applicable provisions this article and F.S. ch. 767; or in the event of any appeal of said determination to a court of competent jurisdiction, within 14 calendar days of a decision adverse to the owner. Any owner may file a written request for a county court certiorari review of the animal control authority hearing and the findings of the hearing officer to appeal the determination of the hearing officer within ten business days of receipt of the determination. If a court of competent jurisdiction makes a dispositive ruling regarding the appellate procedure for appeals taken pursuant to F.S. §§ 767.12 and 767.13, the appellate procedure set forth by the court shall be followed and, if that procedure is de novo, the provisions regarding~~

~~the hearing officer shall be automatically revoked in favor of an administrative review of the affidavits, records, and other such evidence by the director of animal services.~~

~~(6) Payment of hearing officer.~~

- ~~a. The cost of the hearing officer shall be paid by the department if an animal is cleared of all charges and released back to its owner; the cost of the hearing officer shall be paid by the owner if an animal is not cleared of all charges nor released back to its owner.~~
- ~~b. If the party who requested the hearing and subsequently became responsible for the cost of the hearing officer fails to pay the hearing officer within 30 days, the department or the county may pay the hearing officer and take action in civil court to obtain reimbursement from the liable party or a lien against the property of the liable party.~~

(a) Hearing officer. There is hereby created for the purposes of this article the position of hearing officer. Said hearing officer shall be the director of the health department, or his/her designee, or alternatively a member in good standing of the Florida Bar.

(b) Burden of Proof. The department shall bear the burden of establishing that an animal is dangerous by a preponderance of evidence. The owner shall bear the burden of establishing any factual or legal defense to the classification of dangerousness by a preponderance of evidence.

(c) Hearing Procedures.

These procedures govern hearings before a Hearing Officer as provided in this article. Such hearings shall provide an opportunity for the owner to be heard. All hearings shall be conducted in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code, except as otherwise stated herein. However, the hearing shall be conducted in an informal manner to the extent practicable. Each party shall be afforded the following rights:

- (1) To be accompanied, represented, and advised by counsel;
- (2) To offer the testimony of witnesses and examine opposing witnesses on relevant matters; and
- (3) To present his or her case by oral or documentary evidence.

(d) Evidence.

- (1) In any hearing before a Hearing Officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of 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.

(2) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.

(3) The rules of privilege shall be effective to the same extent that they are recognized under Florida law.

(e) *Written Determinations of the Hearing Officer.*

(1) After conducting a hearing, the Hearing Officer shall issue a determination within twenty (20) calendar days of the hearing.

(2) All determinations of the Hearing Officer shall be in writing, signed, and dated by the Hearing Officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of Chapter 48, Florida Statutes, as amended, relating to service of process.

(f) *Obligation to Pay Hearing Officer's Fee: Deposit.* The non-prevailing party shall be responsible for paying the Hearing Officer's fee in full. When filing a written request for a hearing, the owner shall provide a deposit in the amount established by resolution as security for payment of the Hearing Officer's fee. If the owner prevails in the hearing, the deposit shall be returned in full. If the owner does not prevail, and the Hearing Officer's fee exceeds the deposit, the owner shall pay the difference within ten (10) business days after written demand is made by the Hearing Officer or department. If the owner does not prevail, and the deposit exceed the Hearing Officer's fee, the department shall return the excess deposit to the owner within ten (10) business days after paying the Hearing Officer's fee.

(g) Once a hearing is scheduled, failure to appear before the Hearing Officer may, at the discretion of the Hearing Officer, result in dismissal of the hearing with prejudice, in which case the initial classification by the department shall stand and the animal shall be classified as aggressive or dangerous.

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

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

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

- a. Aiding in:
    - 1. The detention of criminal activity;
    - 2. The enforcement of the laws; and
    - 3. The apprehension of offenders.
  - b. Ensuring the public welfare.
  - c. The term includes, but is not limited to, the following:
    - 1. A horse:
      - i. Full-time mounted patrol;
      - ii. Part-time mounted patrol;
      - iii. Posse.
    - 2. A dog:
      - i. Arson investigation;
      - ii. Bomb detection;
      - iii. Narcotic detection;
      - iv. Patrol;
      - v. Search and rescue;
      - vi. Tracking;
      - vii. Cadaver.
- (b) Striking or interfering with a law enforcement animal.
- (1) It shall be unlawful and punishable as provided by law for any person to knowingly or intentionally:
    - a. Strike, torment, bait, injure, or otherwise mistreat a law enforcement animal; or
    - b. Interfere with the actions of a law enforcement animal or harass or bait a law enforcement animal while the animal/handler is:
      - 1. On duty working for his/her respective agency; or
      - 2. In an off-duty capacity working at an approved off duty/extra duty event for a contracted entity being paid for law enforcement services; or
      - 3. An approved non-pay volunteer event.
  - (2) It is a defense that the accused person:
    - a. Engaged in training activity or discipline; and
    - b. Acted as an employee or agent of a law enforcement agency.
  - (3) In addition to any sentence or fine imposed for the conviction of an offense under this section, the court may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of:
    - a. Veterinary bills; and
    - b. Cost of retraining and temporary loss of use; and
    - c. Replacement cost if the animal is disabled, unable to perform its duty, or is killed.

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

**Secs. 14-69—14-85. - Reserved.**

**Section 2. Severability.**

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

**Section 3. Effective Date.**

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

**Section 4. Areas Embraced.**

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

**Section 5. Codification.**

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

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

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