



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 20, 2012

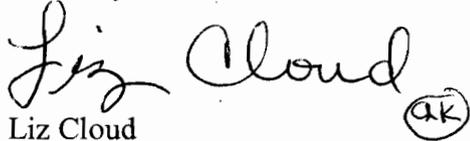
Mr. Bob Inzer
Clerk of the Circuit and County Courts
Leon County
Post Office Box 726
Tallahassee, Florida 32303

Attention: Rebecca L. Vause, Deputy Clerk

Dear Mr. Inzer:

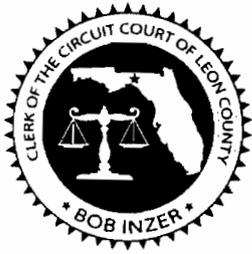
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 20, 2012 and certified copies of Leon County Ordinance No. 12-10, which was filed in this office on July 20, 2012.

Sincerely,

A handwritten signature in cursive that reads "Liz Cloud". To the right of the signature is a small circle containing the initials "ak".

Liz Cloud
Program Administrator

LC/elr



Bob Inzer
Clerk of Circuit Court
WWW.CLERK.LEON.FL.US

Clerk of Courts ❖ Clerk of County Commission ❖ Auditor ❖ Treasurer ❖ Recorder ❖ Custodian of County Funds

July 20, 2012

Florida Department of State
Bureau of Administrative Code
Room 701
The Capitol
Tallahassee, FL 32399-0250

This is to certify that the person signing below received a true certified copy of Leon County Ordinance 12-10.

Date Received:

July 20, 2012

Time Received:

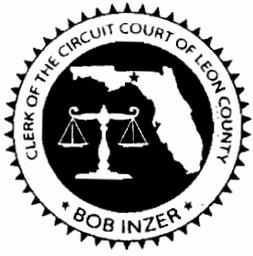
10:50 A.M.

Person Receiving:

E. Resnik

2012 JUL 20 AM 10:50
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED



Bob Inzer
Clerk of Circuit Court
WWW.CLERK.LEON.FL.US

Clerk of Courts ❖ Clerk of County Commission ❖ Auditor ❖ Treasurer ❖ Recorder ❖ Custodian of County Funds

July 20, 2012

Ms. Liz Cloud
Florida Department of State
Bureau of Administrative Code
Room 701
The Capitol
Tallahassee, FL 32399-0250

Re: Leon County Ordinance 12-10

Dear Ms. Cloud:

Pursuant to Section 125.66, Florida Statutes, attached please find a true certified copy of Ordinance 12-10, as adopted by the Board of County Commissioners of Leon County, at a regular meeting held on Tuesday, July 10, 2012.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Vause".

Rebecca L. Vause
Deputy Clerk

Attachments

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- (f) If a person to whom a citation is issued does not contest the citation and elects to pay the applicable civil penalty in lieu of appearing in county court, the civil penalty shall be less than the maximum civil penalty.
 - (g) A mandatory court appearance shall be required for any of the following:
 - (1) Third and subsequent violations of this article, except as provided in section 4-29(g) (4), (5), (6), and (7).
 - (2) Third and subsequent violations which result in the destruction or loss of personal property.
 - (3) Second and subsequent violations which result in the unprovoked biting, wounding, or attacking of a domestic animal or person.
 - (4) Second or subsequent violations of sections 4-37 and 4-38.
 - (5) Violations of Section 4-39.
 - (6) Second and subsequent violation of any provision pertaining to dangerous or aggressive animals which does not result in injury to a person or domestic animal.
 - (7) Violation of any provision pertaining to dangerous or aggressive animals which results in injury to a person or domestic animal.
 - (h) Minimum civil penalties for violations of the article not otherwise listed above are as follows:

Code Section	Description of Violation	1st Violation	2nd Violation	3rd Violation & thereafter
4-34	Obstructing Enforcement	\$50.00	\$100.00	\$250.00
4-35	Running at Large	\$50.00	\$100.00	\$250.00
4-36	Public Nuisance Prohibited	\$50.00	\$100.00	\$250.00
4-37	Humane Care Required	\$250.00	Thereafter \$500.00 and mandatory court appearance	
4-38	Animals in Motor Vehicles	\$250.00	Thereafter \$500.00 and mandatory court appearance	
4-39	Exploitation of Animals	\$500.00 and		

	prohibited	mandatory court appearance		
4-40	<u>Repeated Invalid Complaints</u>	<u>\$50.00</u>	<u>\$100.00</u>	<u>\$250.00</u>
4-43	Removal of animal waste.	\$50.00	\$100.00	\$250.00
4-44	Number of animals, acreage restrictions/excess animals habitats.	\$50.00	\$100.00	\$250.00
4-45	Permit required for multiple pets.	\$50.00	\$100.00	\$250.00
4-46	Prohibition on feeding feral animals	\$50.00	\$100.00	\$250.00
4-47	Dogs and cats offered for sale; health requirements	\$50.00	\$100.00	\$250.00
4-76	Rabies vaccination required	\$50.00	\$100.00	\$250.00
4-77	Animal Bites	\$50.00	\$100.00	\$250.00
4-78	Potential Rabies Carriers	\$50.00	\$100.00	\$250.00
4-35 4-36 4-37 4-38 4-43 4-47 4-77	Violations which result in the destruction or loss of personal property	\$100.00	\$250.00	\$500.00 and a mandatory court appearance.
4-35 4-36 4-37 4-38 4-43 4-47 4-77	Violations which result in the unprovoked, biting, wounding or attacking of a domestic animal or person	\$450.00 (person) \$250.00 (animal)	\$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to a dangerous animal which does not result in injury to a person or domestic animal.	\$250.00	\$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to aggressive animals which does not result in injury to a person or domestic animal	\$250.00	\$500.00 thereafter and mandatory court appearance.	
4-96 to 4-103	Violations of any provision pertaining to dangerous animals which does result injury to a person or domestic animal.	\$500.00 and mandatory court appearance.		
4-96 to	Violations of any provision	\$500.00 and		

4-103	pertaining to aggressive animals which does result in injury to a person or domestic animal.	mandatory court appearance.		
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(i) In addition to any penalties and/or court costs imposed by this Article or the Court, there shall be imposed and collected by the Clerk of the Court a \$5.00 surcharge upon each civil penalty imposed for all citations issued for violations of this Article. All funds collected as a direct result of this surcharge shall be placed in a fund by the County to be utilized for funding training of Leon County Animal Control Officers as required by Section 828.27(4)(b), Florida Statutes.

(j) All violations shall be recorded by owner, not by animal.

SECTION 2. Chapter 4, Article II, Division 1, Section 4-32 entitled “Enforcement Procedures” of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 4-32. Enforcement Procedures.

The procedures and guidelines used by the division of animal control in administration of this article shall be approved established by the Board of County Commissioners. The procedures and guidelines submitted to the Board shall take into consideration recommendations by interested parties such as ~~based upon recommendations from a citizen’s committee consisting of a licensed veterinarians, a persons knowledgeable in animal behavior, a law enforcement officers, and interested two citizens.~~

SECTION 3. Chapter 4, Article II, Division 1, Section 4-40 entitled “Repeated Invalid Complaints” of the Code of Laws of Leon County, Florida, is hereby added to read as follows:

Sec. 4-40. Repeated invalid complaints.

Upon determination that a complaint is invalid, the investigating officer may notify the complainant in writing of the determination and the reason for the determination. Any person who has received a third notice of an invalid complaint within a 365-day period shall be deemed to have committed a violation of this Chapter.

SECTION 4. Chapter 4, Article II, Division 1, Section 4-44 entitled “Number of animals, acreage restrictions/excess animals habitats” of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 4-44. Number of animals, acreage restrictions/excess animals habitats.

1 (a) A person convicted of his or her second violation of sections 4-35, 4-36, 4-37 or 4-76
 2 within a two-year period shall be subject to the provisions of sections 4-44 and 4-45. The second
 3 conviction may be of the same section as the initial violation or a subsequent conviction of another
 4 listed section. Thereafter, it is a violation of this section if the person harbors a greater number of
 5 dogs and/or cats than allowed in the chart below without obtaining a multiple pet permit. ~~If a citation~~
 6 ~~is issued for violation of this section, the person will then have 14 days from the issue date to comply~~
 7 ~~with this section. Failure to comply within the stated time will result in a subsequent violation. The~~
 8 owner must comply with all animal care standards as required in section 4-45 of this chapter.

If you have:	Less than 1.5 acres	1.5 to less than 3 acres	3 to less than 5 acres	5 acres or more
1-10 dogs and/or cats	No permit required	No permit required	No permit required	No permit required
11-20 dogs and/or cats	Prohibited without valid permit	No permit required	No permit required	No permit required
21-30 dogs and/or cats	Prohibited without valid permit	Prohibited without valid permit	No permit required	No permit required
31 plus dogs and/or cats	Prohibited without valid permit	Prohibited without valid permit	Prohibited without valid permit	*

10 * For each additional 1.5 acres over five (5) acres, up to ten (10) dogs and/or cats shall be
 11 allowed without a permit.

12
 13 Acreage determination excludes easements for roads or other areas that must allow public
 14 egress and ingress. All property must be contiguous.

15
 16 (b) References to dogs and cats in this section only refer to dogs and cats older than
 17 four (4) months. There are no restrictions on the number of dogs and cats younger than four (4)
 18 months old that can be on the premises.

19
 20 (c) A person subject to this section must apply for a permit within fifteen (15) days of
 21 being convicted of a second violation as defined in Section 4-44 (a), above.

22
 23 ~~(d)(e)~~ If it is determined that a person is in violation of this section, such person shall be
 24 allowed thirty (30) days from the notice of violation to come in to compliance. Failure to timely
 25 comply will result in subsequent violation.

26
 27 ~~(d)~~ Any person desiring to keep more dogs and/or cats than allowed in this section may
 28 apply with the animal control division for a multiple pet permit.

1 ~~(e) Excluded: The Division of Animal Control, city-operated animal control agencies,~~
2 ~~boarding kennels, veterinarian facilities, or university institutes shall be exempt from the provisions~~
3 ~~of this section.~~
4
5
6

7 **SECTION 5.** Chapter 4, Article II, Division 4, Section 4-93 entitled “Petition for
8 classification-Generally” of the Code of Laws of Leon County, Florida, is hereby amended to read as
9 follows:
10

11 **Section 4-93. Petition for classification--Generally.**
12

13 (a) The division of animal control or any adult person may request under oath that an
14 animal be classified as dangerous or aggressive as defined in this article by
15 submitting a “petition for classification of a dangerous or aggressive animal,”
16 hereinafter called the “petition,” to the division of animal control.
17

18 (b) The matter may be referred to mediation at the request of the complainant and with
19 the consent of the owner of the animal subject to classification. Pending petitions for
20 classification will be placed in abeyance until the resolution of the mediation process.
21 Mediation must be held no later than thirty (30) days after receipt of the referral to
22 mediation. Subsequent to receipt of a referral to mediation, the County will initiate
23 an investigation into the matter. Such investigation shall be completed prior to the
24 start of mediation. The parties to the mediation shall be the complainant, the owner
25 of the allegedly dangerous or aggressive animal, and the County. The County shall
26 be responsible for enforcing any agreement reached during mediation. Classification
27 proceedings may be initiated by the County or the complainant upon failure to reach
28 agreement or in the event of a violation of the terms of an agreement.
29

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

38 (d)(e) Any animal that is the subject of a dangerous or aggressive animal investigation must
39 be humanely and safely confined by the owner in a securely fenced or enclosed area
40 approved by county animal control pending the outcome of the investigation. If the
41 owner is unable to comply with this requirement, the animal that is the subject of a
42 dangerous or aggressive animal investigation shall be impounded at the owner’s
43 expense pending the outcome of the investigation and resolution of any hearings
44 related to the dangerous or aggressive animal classification.

1
2 (e)(d) Any animal that continues to violate the county ordinance while under a dangerous or
3 aggressive animal investigation may be impounded pending the animal control
4 director's *initial* determination at the owner's expense.
5

6 (f)(e) *Initial determination of classification.* Upon completion of the investigation, the
7 director of Animal Control or his/her designee shall make an *initial* determination as
8 to whether there is sufficient cause to classify an animal as dangerous or aggressive
9 and shall afford the owner an opportunity for a hearing prior to making a final
10 determination.
11

12 (1) The animal control director shall provide written notification of the sufficient
13 cause finding to the owner, by registered mail, certified hand delivery, or
14 service in conformance with the provisions of F.S. ch. 48, relating to service
15 of process.
16

17 (2) The animal *initially* determined to be dangerous or aggressive shall be
18 impounded by the county at the owner's expense, pending the disposition of
19 the hearing and/or compliance with harboring a dangerous or aggressive
20 animal.
21

22 (g)(f) Owner's Right to Contest the Initial Determination of Classification and Final
23 Determination by the Animal Classification Committee. Upon receiving written
24 notification of the animal control director's *initial* determination of classification, the
25 owner may contest the *initial* determination by filing a written request to the animal
26 control division for a hearing within seven (7) calendar days from the date of receipt
27 of the notification of the *initial* determination finding. Otherwise, the animal control
28 director's initial determination shall become final. Such hearing shall be convened
29 by the Leon County Animal Classification Committee. The Leon County Animal
30 Classification Committee shall consist of a licensed veterinarian, the Leon County
31 Sheriff or his/her designee, and an informed citizen appointed by the Leon County
32 Board of County Commissioners.
33

34 (1) If requested, the *Final* Determination hearing shall be held as soon as
35 possible, but not more than 21 calendar days and no sooner than five (5) days
36 after receipt of the request from the owner.
37

38 (2) If the animal classification committee finds sufficient cause to classify the
39 animal dangerous or aggressive the classification committee shall determine
40 the classification and disposition of the animal based upon the guidelines
41 adopted by the Board.
42

43 (3) In hearings before the animal classification committee, formal rules of
44 evidence shall not apply, but fundamental due process shall be observed and

1 govern the proceedings. The classification committee shall decide the issues
2 based upon the preponderance of the evidence, and its decision shall be final.
3

4 (4) Where a disposition of permanent confinement has been determined by the
5 animal classification committee, the committee shall reserve jurisdiction to
6 alter the disposition should the classified animal, subsequent to the
7 determination by the committee, bite, wound, attack or kill or assist in biting,
8 wounding, attacking, or killing a person or domestic animal. Thereafter, the
9 director of animal control shall notify the animal's owner and the petitioner in
10 writing by registered mail or certified hand delivery of the findings of the
11 investigation, the proposed disposition of the animal and the review process.
12

13 (5) If the animal classification committee finds that animal is not dangerous or
14 aggressive as defined in this chapter, the animal shall be released to the
15 custody of the owner or keeper. In such case, the county shall reimburse the
16 owner or keeper for costs of impoundment or of otherwise harboring the
17 animal. of the animal from the date of service of the owner or keeper until the
18 date of the committee's finding denying the classification. The amount
19 reimbursed shall be limited to the lesser of the cost of boarding at the county's
20 animal control facility or the actual cost incurred at a private facility or at the
21 owner's residence, and shall be calculated from the date that the initial
22 determination was rendered by the Animal Control Director until the date that
23 the Classification Committee decision is rendered.
24

25 ~~(h)~~(g) *Request for Continuance.* If the owner, or Petitioner cannot appear at any hearing
26 scheduled by the animal classification committee, he or she shall contact the division
27 of animal control no later than 48 hours prior to the hearing, requesting a continuance
28 to the next available date.
29

30 ~~(i)~~(h) *Waiver.* If the owner, keeper or Petitioner fails to appear at the rescheduled
31 classification hearing, the owner, keeper or Petitioner of such animal shall be deemed
32 to have waived his or her right to appear at such hearing. In such case, the division
33 of animal control shall proceed with the hearing and shall notify the owner, keeper or
34 Petitioner in writing of the findings of the committee.
35

36 **SECTION 6.** Chapter 4, Article II, Division 4, Section 4-94(g) entitled "Same-Owner's
37 right to contest final determination in the county court" is hereby amended to read as follows:
38

39 **Sec. 4-94. Same-Owner's right to contest final determination in the county court.**
40

41 * * *

42
43 (g) If the county court finds that the animal is not dangerous or aggressive as defined in
44 this chapter, the animal shall be released to the custody of the owner or keeper. In such case, the

1 county shall be liable for costs of impoundment of the animal from the date of service of the owner
2 or keeper's legal action of the county until the date of the county court's finding denying the
3 classification. The amount reimbursed shall be limited to the lesser of the cost of boarding at the
4 county's animal control facility or the actual cost incurred at a private facility or at the owner's
5 residence, and shall be calculated from the date that the initial determination was rendered by the
6 Animal Control Director until the date that the Classification Committee decision is rendered.
7

8 **SECTION 7. Conflicts.** All ordinances or parts of ordinances in conflict with the
9 provisions of this ordinance are hereby repealed to the extent of such conflict.
10

11 **SECTION 8. Severability.** If any word, phrase, clause, section or portion of this Ordinance
12 shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words
13 shall be deemed a separate and independent provision and such holding shall not affect the validity
14 of the remaining portions thereof.
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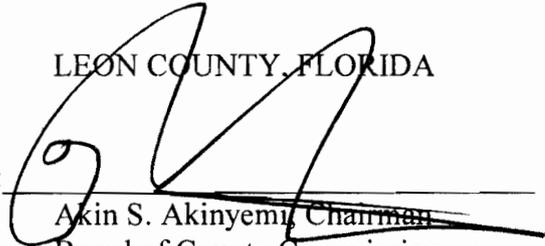
16 **SECTION 9. Effective date.** This Ordinance shall have effect upon becoming law.
17

18 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
19 County, Florida this 10th day of July, 2012.
20



21 LEON COUNTY, FLORIDA

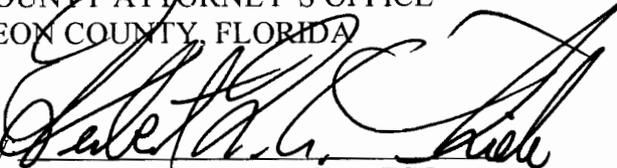
22
23
24 By:

25 
26 Akin S. Akinyemi, Chairman
27 Board of County Commissioners

28 ATTESTED BY:
29 BOB INZER, CLERK OF THE COURT
30

31
32 By: 
33 CLERK

34
35
36 APPROVED AS TO FORM:
37 COUNTY ATTORNEY'S OFFICE
38 LEON COUNTY, FLORIDA

39
40
41 By: 
42 HERBERT W.A. THIELE, ESQ.
43 COUNTY ATTORNEY
44

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (<u>LEON</u>)	COUNTY ORDINANCE # (<u>12-10</u>) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (<u>ANIMAL CONTROL</u>)	
SECONDARY KEYFIELD DESCRIPTOR: (<u>ANIMALS</u>)	
OTHER KEYFIELD DESCRIPTOR: (_____)	
ORDINANCE DESCRIPTION: (<u>ANIMAL CONTROL</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>4-29</u>)	AMENDMENT # 2: (<u>4-32</u>)
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____)	REPEAL # 3: (_____)
REPEAL # 2: (_____)	REPEAL # 4: (_____)
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (_____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	Rev. 4/10/01