

ORDINANCE NO. ____ - ____

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY ANIMAL ORDINANCE 00-26 SECTIONS 2, 9, AND 26, CREATING AN ADDITIONAL DEFINITION; PROVIDING FOR ADDITIONAL REGULATIONS AND RESTRICTIONS ON VICIOUS ANIMALS AND DANGEROUS DOGS; PROVIDING FOR CONFISCATION OF DANGEROUS DOGS FOR EUTHANASIA BY THE DEPARTMENT OF ANIMAL SERVICES FOR NON-COMPLIANCE; PROVIDING FOR THE ESTABLISHMENT OF HEARING PROCEDURES FOR CONFISCATION OF DANGEROUS DOGS FOR EUTHANASIA; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the BOCC recognizes the need to protect citizens from dangerous and aggressive animals and to prevent animal bites and attacks on humans and other animals; and

WHEREAS, the BOCC, based on those concerns, directed a review of Animal Ordinance 00-26 to determine if revisions could be made to help reduce the number of animal bites in our community; and

WHEREAS, the Animal Advisory Committee conducted such a review and made proposals to amend Animal Ordinance 00-26, including additional restrictions or requirements on owners of dangerous dogs; and

WHEREAS, Section 767.11, Florida Statutes (2002), as may be amended, sets forth the criteria for classifying a dog as a dangerous dog; and

WHEREAS, Section 767.12, Florida Statutes (2002), as may be amended, sets forth the minimal requirements for keeping a dangerous dog; and

WHEREAS, Section 767.13, Florida Statutes (2002), as may be amended, provides for confiscation of dogs for euthanasia under certain conditions; and

WHEREAS, Section 767.14, Florida Statutes (2002), as may be amended, specifically authorizes counties to place further restrictions or additional requirements on the owners of dangerous dogs; and

WHEREAS, the BOCC has reviewed the proposed changes and finds them necessary and appropriate to prevent animal bites on humans and other animals in our community.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS _____ DAY OF _____, 2003, AS FOLLOWS:

1. AMENDMENTS TO SECTION 2 OF THE ANIMAL ORDINANCE

Section 2 of Hillsborough County Animal Ordinance 00-26 is hereby amended to read as follows:

SECTION 2. DEFINITIONS

The following terms shall have the meanings as indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words “shall”, “will” and “must” are mandatory and the word “may” is permissive.

1. **ABANDON** - shall mean to forsake an **ANIMAL** entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an **ANIMAL**.
2. **ANIMAL** - shall mean any living dumb creature that is a member of the mammalian, avian, reptilian or amphibian species, except that sections of this Ordinance controlled by statute shall be

governed by the statutory definition of **ANIMAL**.

3. **ANIMAL CONTROL OFFICER** - shall mean any individual employed, contracted with, or appointed by the **COUNTY** who is appropriately trained and authorized to investigate, on public or private property, civil infractions relating to **ANIMAL** control or **CRUELTY** and to issue **CITATIONS**. **ANIMAL CONTROL OFFICERS** are not authorized to bear arms or make arrests but are otherwise empowered as provided for in Section 828.27, Florida Statutes (2002), as may be amended.
4. **ANIMAL RESCUE ADOPTION ORGANIZATION** - shall mean a not-for-profit organization or individual that engages in placing homeless **ANIMALS** into homes to live the remainder of their lives in a humane and safe manner as **COMPANION ANIMALS** and that obtains a **PERMIT** from the **DEPARTMENT** to obtain **ANIMALS** from the **DEPARTMENT'S** adoption program. Such organizations may also foster **ANIMALS** or enlist others to foster **ANIMALS**.
5. **APPROVED GOVERNMENTAL AGENCY** - shall mean an agency of the federal, local or state government which owns **DOGS** trained for service in the government, and which registers with and is approved for exemption from certain **FEE** requirements by the **DEPARTMENT**.
6. **AT LARGE** - shall mean not on the **OWNER'S** property, and not under restraint or the **DIRECT CONTROL**, custody, charge or possession of the **OWNER**, or other responsible **PERSON**.
7. **AUTHORIZED SHELTER** - shall mean a society or association for the prevention of **CRUELTY** to **ANIMALS** organized under the laws of the state and authorized by the **DEPARTMENT** to own or operate a **SHELTER** for the humane **CONFINEMENT** and maintenance of **DOGS**, **CATS** and other **ANIMALS**.
8. **BAITING** - shall mean 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**.

9. **BITE** - shall mean any cut, puncture or breakage of skin or tissue made with the teeth or fangs of any **ANIMAL**.
10. **BOCC** - shall mean the Board of County Commissioners of Hillsborough County, Florida.
11. **CAT** - means but is expressly not limited to domestic **CATS**, *Felis catus*, and any genetic hybridization thereof, including but expressly not limited to ocelot hybrids and bobcat hybrids, that is not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.
12. **CATTERY** - shall mean any premises wherein 6 or more **CATS** are kept for the purposes of boarding, training, or any other similar business purposes. **COUNTY**-operated or city-operated **ANIMAL** control agencies and registered nonprofit humane organizations are not included.
13. **CITATION** - shall mean a written notice, issued to a **PERSON** by an **OFFICER** that the **OFFICER** has probable cause to believe the **PERSON** has committed a civil infraction in violation of this Ordinance, and that the Hillsborough County Court System will hear the charge.
14. **CIVIL PENALTY** - shall mean a sum of money assessed as a pecuniary penalty for a violation of any provision of this Ordinance.
15. **COMPANION ANIMAL** - shall mean any **DOG**, **CAT** or other **ANIMAL** that is legally owned, **HARBORED** or kept for companionship or pleasure on or about the habitat or environment of a **PERSON** and such **DOG**, **CAT**, or other **ANIMAL** is dependent upon a **PERSON** for **SUSTENANCE** or survival, including all **ANIMALS** except indigenous and non-indigenous wildlife under the exclusive jurisdiction of the state and **ANIMALS** used in

connection with pari-mutual wagering, horses, or **ANIMALS** raised in connection with food or fiber industries.

16. **CONFINE OR CONFINEMENT** - shall mean to **HUMANELY**, safely and securely hold or restrict an **ANIMAL** in a designated area or to keep an **ANIMAL** within certain parameters.
17. **COUNTY** - shall mean Hillsborough County, a political subdivision of the State of Florida.
18. **CRUELTY** - shall mean every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief, unless excepted by law.
19. **DANGEROUS DOG** - shall be defined in accordance with Section 767.11, Florida Statutes (2002), as may be amended.
20. **DEPARTMENT** - shall mean the **COUNTY'S** Department of Animal Services.
21. **DIRECT CONTROL** - shall mean immediate, continuous physical control of an **ANIMAL** at all times such as by means of a fence, leash, cord or chain of such strength to restrain the **ANIMAL**.
22. **DIRECTOR** - shall mean the **PERSON** in charge of the day to day administration of the **DEPARTMENT** or his or her authorized designee.
23. **DOG** - means but is expressly not limited to domestic **DOG**, *Canis familiaris*, and any genetic hybridization thereof, including but expressly not limited to wolf hybrids and coyote hybrids, that is not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.
24. **EXPOSURE TO RABIES** - shall mean an action whereby a potentially rabid **ANIMAL** has bitten, scratched or put its saliva in contact with the mucous membrane or an open lesion of another **ANIMAL** or human being.

25. **FEE** - shall mean money chargeable pursuant to this Ordinance that is not assessed as a pecuniary penalty for violation of this Ordinance.
26. **FERAL CAT** - shall mean a **CAT** that: (i) has an uncared for condition, such as rough haircoat, underweight, or poor general health; (ii) cannot be handled without injury to the **CAT** or a **PERSON**; (iii) displays violent or aggressive behavior; and (iv) has no observable indication of ownership or identification, such as a **TAG**, ear **TAG**, microchip, or **TATTOO**.
27. **FERRET** - shall mean any member of the domestic **FERRET** species *Mustela putorius furo* regardless of age.
28. **GUARD DOG** - shall mean any type of **DOG** used primarily for the purpose of defending, patrolling or protecting individuals or property at any commercial establishment. It does not include any stock **DOGS** used primarily for handling and controlling livestock or farm **ANIMALS**.
29. **HANDLING EQUIPMENT** - shall mean equipment used for training or handling fighting **ANIMALS**, including but not limited to sparring muffs, gaffs, harnesses, treadmills, **CAT** mill cages, decoys, feeding apparatuses, training pens and related devices and equipment.
30. **HARBOR** - shall mean to perform any of the acts of providing care, **SHELTER**, protection, refuge, food or nourishment in such a manner as to control the **ANIMAL'S** actions.
31. **HUMANE MANNER or HUMANELY** - shall mean the responsible practice of good **ANIMAL** husbandry, management and care in regard to feeding, **WATERING**, ventilation, space and **CONFINEMENT**, exercise, lighting, **SHELTER** with protection from the elements, handling and treatment in a manner consistent with the physical and behavioral needs of the species as more particularly described in the **COUNTY'S ANIMAL** Care Standards promulgated by the **DEPARTMENT**. The definition also includes the provision of euthanasia consistent with lawful

practices.

32. **IMPOUND or IMPOUNDMENT** - shall mean the taking of an **ANIMAL** into custody through lawful means by the **DEPARTMENT**.
33. **INTACT** - shall mean any **DOG** or **CAT** that has not been spayed or neutered.
34. **KENNEL** - shall mean any premises wherein 6 or more **DOGS** are kept for the purpose(s) of boarding, training, or any other similar business purposes. **COUNTY**-operated or city-operated **ANIMAL** control agencies and registered nonprofit humane organizations are not included.
35. **NUISANCE ANIMAL** - shall mean any **COMPANION ANIMAL** that unreasonably annoys humans, endangers the life or health of other **ANIMALS** or individuals, or substantially interferes with the rights of citizens, other than its **OWNER**, thereby interfering with the reasonable use and enjoyment of property, and as further defined in Section 15 of this Ordinance.
36. **OFFICER** - shall mean any law enforcement **OFFICER** in the **COUNTY** as defined in Section 943.10, Florida Statutes (2002), as may be amended, or any **ANIMAL CONTROL OFFICER**.
37. **OFFICIAL CERTIFICATE OF VETERINARY INSPECTION** - shall be defined in accordance with Section 828.29(3)(b), Florida Statutes (2002), as may be amended.
38. **OWNER** - shall mean any **PERSON**, owning, **HARBORING**, possessing or otherwise keeping or exercising control or custody of any **ANIMAL**, or if the **ANIMAL** is owned by an individual under the age of 18, that individual's parent or guardian. Knowledge and acts of agents and employees of the **OWNER** in regards to **ANIMAL** transportation, employment or custody shall be held to be the knowledge and acts of the **OWNER**.
39. **OWNER RELEASE AND SURRENDER STATEMENT** - shall mean an **ANIMAL** release

form or statement signed by the **OWNER** or his or her authorized agent which relinquishes and vests all ownership and possessory rights to the **COUNTY**.

40. **PERMIT** - shall mean a formal authorization from the **COUNTY** which allows an **OWNER** to engage in a regulated business involving **ANIMALS** as provided for by this Ordinance.
41. **PERMITTEE** - shall mean any **PERSON** to which a **PERMIT** is issued.
42. **PERSON** - shall mean any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, entity or any group or combination thereof.
43. **PET DEALER** - shall mean any **PERSON** who engages in the sale of more than 20 **DOGS** or **CATS** per year. This definition includes breeders of **DOGS** or **CATS** who sell such **ANIMALS** directly to a consumer. **COUNTY** or city operated **ANIMAL** control agencies and registered nonprofit humane organizations are not included.
44. **PET PIG** - shall mean any member of the domestic pig species *Sus scrofa* regardless of age, that is raised or intended to be raised as a **COMPANION ANIMAL**, for personal use or enjoyment, or if it is raised or intended to be raised for non-commercial or non-agricultural purposes.
45. **PROPER ENCLOSURE** - shall mean for a **DANGEROUS DOG** or a female **DOG** or **CAT** in heat, that while on the **OWNER'S** property, the **DOG** or **CAT** is securely **CONFINED** indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of other **DOGS, CATS,** or young children and designed to prevent the **DOG** or **CAT** from escaping over, under, or through the structure and shall also provide protection from the elements in a **HUMANE MANNER**.
46. **QUARANTINE** - shall mean the strict, humane, **CONFINEMENT**, isolation and observation of an **ANIMAL** suspected of carrying or being infected with rabies or some other contagious disease

or dangerous condition.

47. **RABIES VACCINATION** - shall mean inoculation with a United States Government approved vaccine for the prevention of rabies.
48. **REBATE** - shall mean an incentive payment made to a **PERSON** residing in the **COUNTY** who has had their **DOG** or **CAT** surgically **STERILIZED** under the conditions specified in this Ordinance, which shall be funded from the **TAG FEE** differential assessed for **INTACT DOGS** and **CATS** versus **STERILIZED DOGS** and **CATS** and such other funds as deemed appropriate by the **COUNTY**.
49. **REGISTRATION** - shall mean filing a **COUNTY REGISTRATION CERTIFICATE** for an **ANIMAL** with the **DEPARTMENT** informing them of ownership and for **TAG** purposes.
50. **REGISTRATION CERTIFICATE** - shall mean a document evidencing **REGISTRATION** and **VACCINATION** for rabies of a **DOG**, **CAT**, or **FERRET** residing in the **COUNTY** which contains at a minimum the information required by Section 828.30, Florida Statutes (2002), as may be amended.
51. **RESOLUTION** - shall mean an expression of the **BOCC**, concerning some matter of administration within its official competence.
52. **SERVICE ANIMAL** - shall mean any guide or signal **DOG** or other **ANIMAL** that is individually trained to provide assistance to an individual with a disability.
53. **SERVICE ANIMAL USER** - shall mean a **PERSON** who is visually impaired, blind, hearing impaired, deaf, physically challenged or similarly health impaired **PERSON** whom by reason thereof is aided by a **SERVICE ANIMAL**.
54. **SEVERE INJURY** - shall mean any physical injury that results in broken bones,

multiple **BITES**, or disfiguring lacerations requiring sutures or reconstructive surgery or as further defined in Section 767.11(3), Florida Statutes (2002), as may be amended.

55. **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 a minimum, the structure must: (i) be sufficient in size to allow each sheltered **ANIMAL** to stand up, turn around, lie down, and stretch comfortably; (ii) 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; (iii) 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 (iv) 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.
56. **STERILIZED** - shall mean rendered permanently incapable of reproduction such as by surgical or chemical means.
57. **SUSTENANCE** - shall mean access to and the provision of palatable nourishment appropriate for the type of **ANIMAL** which is to eat it, free from contamination and provided in a clean and sanitary manner. Food shall be of sufficient nutritional value to maintain the **ANIMAL** in good health and shall be provided at suitable intervals for the species, age and condition of the **ANIMAL** but not less than once daily except as otherwise prescribed by a **VETERINARIAN** or

as dictated by naturally occurring states of hibernation or fasting normal to the species.

58. **TAG** - shall mean a current **COUNTY ANIMAL** license **TAG**.
59. **TATTOO** - shall mean an indelible mark made on a designated part of an **ANIMAL'S** body for the purpose of identification and **REGISTRATION**.
60. **TETHER** - shall mean a rope, leash, or other means of constraint, which must be attached to the **ANIMAL** by a properly applied collar, halter or harness and configured so as to protect the **ANIMAL** from injury and prevent entanglement with other objects and/or **ANIMALS**.
The **TETHER** shall not extend over an object or edge in such manner that could result in the strangulation of or injury to the **ANIMAL**. The length of the **TETHER** must be at least three times the length of the **ANIMAL** measured from the nose to the base of its tail, unless the **TETHER** is being used to secure the **ANIMAL** to the bed of an open vehicle.
61. **TIME COMPUTATIONS** - Except as otherwise provided in Section 28, unless the time period specifies "business days", all days shall be calendar days that exclude: (i) the day the act, event, or default occurred, and (ii) the last day of the time period whenever it falls on a Saturday, Sunday, or legal holiday (in which case the last day shall be the next calendar day that is not a Saturday, Sunday or holiday).
62. **TORMENT** - shall mean every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief; except when done in the interest of medical science pursuant to and in compliance with the applicable law.
63. **TRANSFER** - shall mean to convey or shift ownership from one **PERSON** to another, with or without the exchange of money or other consideration.
64. **UNJUSTIFIABLE PAIN OR SUFFERING** - shall mean the character of an act which can not

reasonably be excused, defended or vindicated (such as in connection with the practice of veterinary medicine, law enforcement activities, to end needless suffering, or in defense of **PERSONS** or other **ANIMALS**).

65. **UNPROVOKED** - means that the victim, who has been conducting himself or herself peacefully and lawfully, has been bitten, chased in a menacing fashion, or attacked by a **COMPANION ANIMAL**.
66. **VACCINATION** - shall mean an inoculation with a vaccine as a protection against disease.
67. **VEHICLE OR MOTOR VEHICLE** - shall mean any vehicle propelled by a means other than muscle power, including but not limited to mopeds, go-carts, motorcycles, dune buggies, boats, recreational vehicles, trucks, trailers, semi-trailers, truck-tractors, semi-trailer combinations, or any other attachment to such a vehicle, operated on the roads of the **COUNTY**.
68. **VETERINARIAN** - shall mean an individual who is licensed to engage in the practice of veterinary medicine in Florida or is exempt from the state licensure requirements under the authority of Chapter 474, Florida Statutes (2002), as may be amended, or who is licensed in the area in which the **VETERINARIAN** is practicing if outside of the State of Florida.
69. **VICIOUS ANIMAL** - shall mean a **DOG** or **CAT** that when **UNPROVOKED** has bitten, attacked, endangered, or inflicted injury on a human, or domestic **ANIMAL** while on public or private property; or has chased or approached a **PERSON** upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack.
70. **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.**”

2. **AMENDMENTS TO SECTION 9 OF THE ANIMAL ORDINANCE**

Section 9 of Hillsborough County Animal Ordinance 00-26 is hereby amended to read as follows:

SECTION 9. VIOIOUS ANIMALS AND DANGEROUS DOGS

(A) **VIOIOUS ANIMALS**

No **PERSON** shall allow a **COMPANION ANIMAL**, when **UNPROVOKED**, to **BITE**, attack, endanger, or inflict injury on a human, domestic **ANIMAL**, or livestock while on public or private property; or chase or approach an individual upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack. Violations of this Section may constitute proof of “prior knowledge of a **DOG’S** dangerous propensities” under Section 767.13(2), Florida Statutes (2002), as may be amended.

(B) **DANGEROUS DOGS**

The provisions of Chapter 767, Florida Statutes (2002), as may be amended, pertaining to **DANGEROUS DOGS** are adopted in their entirety as a part of this Ordinance. All procedures, regulations, requirements, and restrictions pertaining to **DANGEROUS DOGS** are applicable under this Ordinance, and a violation of the statute shall constitute a

violation of this Ordinance. Each day the **OWNER** of **DANGEROUS DOG** fails to comply with the requirements of this Section or requirements of Section 767.12, Florida Statutes (2002), as may be amended, shall constitute a separate and distinct offense.

(1) **DANGEROUS DOGS**

(a) If the **OWNER** wishes to appeal the initial decision of the **DEPARTMENT** to a hearing master, he or she must file a written request with the **DEPARTMENT DIRECTOR** for a hearing within 7 days from the date of receipt of the notice of intent to declare the **DOG** dangerous. If requested, a hearing shall be held as soon as possible but not more than 21 calendar days and no sooner than 5 days after the **DEPARTMENT'S** receipt of the request.

(b) After a **DOG** has been classified as dangerous or a **DANGEROUS DOG** classification is upheld on appeal, the **OWNER** of the **DOG** must obtain a certificate of **REGISTRATION** from the **DEPARTMENT** within 14 days, and the certificate must be renewed annually. The **DEPARTMENT** will only issue certificates of **REGISTRATION** and their renewals to individuals who are at least 18 years of age, pay the appropriate **FEE**, and present sufficient evidence of the requirements provided for in Section 767.12, Florida Statutes (2002), as may be amended. In addition to those requirements, the **DOG'S OWNER** must:

- (1) Sterilize the **DOG** within 30 days of being declared dangerous; and
- (2) Register for, and attend to completion, **DOG** obedience training from an instructor approved by the **DEPARTMENT**; and
- (3) Provide the **DEPARTMENT** proof of a current health certificate for the **DOG** issued by a **VETERINARIAN**; and

- (4) Have the **DOG** micro-chipped and registered to the **OWNER** at his or her current address; and
 - (5) Post approved signage obtained from the **DEPARTMENT** at intervals determined by the **DEPARTMENT** and at all entrances to the property; and
 - (6) When outside its **PROPER ENCLOSURE, DANGEROUS DOGS** must be muzzled, restrained by a substantial chain or leash, and under control of a competent **PERSON**. In addition, the use of a physical control device such as a passive head restraint collar or harness recommended by the **DEPARTMENT** is required; and
 - (7) Provide access to property and the **DOG** for no less than two inspections annually by the **DEPARTMENT** to verify compliance with the provisions of this ordinance and Chapter 767, Florida Statutes (2002) as may be amended; and
 - (8) Receive training provided by the **DEPARTMENT** on responsible pet ownership of **DANGEROUS DOGS**.
- (c) The **DEPARTMENT** may provide notification to appropriate neighbors and the public advising them of the presence of a declared **DANGEROUS DOG**. Photographs of the **DOG** may be used in providing the public with internet access to **DANGEROUS DOG** information.
- (d) The **DEPARTMENT** may confiscate any **DOG** classified as dangerous for euthanasia as a result of the **OWNER'S** failure to comply with any or all requirements of Chapter 767, Florida Statutes (2002), as may be amended, or any

requirement of this Section. Should the **DEPARTMENT** confiscate any **DOG** under this Section, notice of sufficient cause to confiscate the **ANIMAL** shall be provided in writing to the **OWNER** in accordance with Section 767.12, Florida Statutes (2002), as may be amended. The **ANIMAL** shall be held for 10 business days after the **OWNER** is provided this written notice and thereafter destroyed in an expeditious and **HUMANE MANNER**. This 10 day time period shall allow the **OWNER** to request a hearing under Section 26 of this Ordinance.

(e) Any **DOG** that is exempted from the provisions of Chapter 767, Florida Statutes (2002), as may be amended, shall be exempt from the provision of this Section of the Ordinance.

(f) Any **PERSON** who owns, **HARBORS**, or otherwise provides custody for a **DANGEROUS DOG** shall be responsible for any damage or injury caused by that **DOG**, including, but not limited to, veterinary or medical bills or property damage.

(2) DANGEROUS DOG/SEVERE INJURY; SECOND ATTACK

(a) If a **DOG** previously declared dangerous attacks or **BITES** a human being or a domestic **ANIMAL** without provocation, in accordance with Section 767.13, Florida Statutes (2002), as may be amended, the **OWNER** is guilty of a criminal offense.

(b) The **OWNER** shall be responsible for payment of all boarding costs and other **FEES** as may be required to **HUMANELY** and safely keep the **DOG** during the pendency of any hearing or appeal procedure, as well as any and all investigative **FEES** accrued by the **DEPARTMENT**.

(c) If the **OWNER** files a timely written appeal, the **DEPARTMENT** may not destroy the **DOG** while the appeal is pending, except to prevent unnecessary suffering as determined by 2 **VETERINARIANS**.”

3. AMENDMENTS TO SECTION 26 OF THE ANIMAL ORDINANCE

Section 26 of Hillsborough County Animal Ordinance 00-26 is hereby amended to read as follows:

SECTION 26. HEARING PROCEDURES

Hearing procedures for any administrative hearing required pursuant to this Ordinance or Florida State Statute, including **PERMIT** appeals, **DANGEROUS DOG** determinations, and confiscations for euthanasia shall be established by **RESOLUTION**.”

4. APPLICABILITY

This Ordinance shall be applicable in all unincorporated areas of Hillsborough County and to all incorporated areas of Hillsborough County where there is no existing conflict of law or municipal ordinances. This Ordinance shall not apply to those **TATTOOED**/registered greyhound racing **DOGS**, that are actively being raced, and greyhound **KENNELS** which are regulated by Chapter 550, Florida Statutes (2002), as may be amended.

5. SEVERABILITY

If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this Ordinance.

6. EFFECTIVE DATE

This Ordinance shall become effective January 1, 2004.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of _____, 2003 as the same appears of record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ day of _____, 2003.

RICHARD AKE

CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

Approved as to form
and legal sufficiency:

BY: _____
County Attorney