

RESOLUTION NO. R08-126

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY ("BOCC") AMENDING RESOLUTION NO. R03-118 TO ESTABLISH AN ADMINISTRATIVE HEARING FILING FEE FOR DANGEROUS DOG CLASSIFICATION HEARINGS, CONFISCATION FOR EUTHANASIA APPEAL HEARINGS, AND PERMIT APPEAL HEARINGS AND PROVIDING FOR AN EFFECTIVE DATE

Upon Motion by Commissioner Norman, seconded by Commissioner White, the following Resolution was adopted by a vote of 7 to 0; Commissioner(s) voting "No".

WHEREAS, the BOCC recognizes that certain costs are attendant to administrative hearings in connection with dangerous dog classification, confiscation for euthanasia, and permit appeal hearings, initiated pursuant to Hillsborough County Ordinance No. 00-26, as amended; and

WHEREAS, currently there is no recovery mechanism for the costs incurred by the County; and

WHEREAS, the projected reduction in general fund revenues occurring in FY 2008-2009 necessitates recovery of costs associated with the enforcement of laws by the County to the greatest extent possible; and

WHEREAS, the Animal Advisory Committee, supports the filing fee requirements for administrative hearings conducted to enforce and implement provisions of dangerous dogs, confiscation for euthanasia and permits; and

WHEREAS, this filing fee will help pay for costs incurred in connection with administrative hearings conducted to enforce and implement provisions Hillsborough County Ordinance No. 00-26.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AT A REGULAR MEETING ASSEMBLED THIS 4TH DAY OF SEPTEMBER, 2008.

Section 1. Paragraph (1) is amended to add:

Any filing request to appeal a dangerous dog classification decision must be accompanied by a \$150.00 administrative filing fee. This filing fee is payable to Hillsborough County. The Clerk shall deposit the filing fee in the county's general fund. The administrative filing fee may be waived by the Director of Animal

Services upon submission of proof of indigency by the dog owner.

Section 2. Paragraph (2) is hereby deleted and replaced as follows:

The procedures for notifying a dog owner of the Department's decision to confiscate his or her dog for euthanasia pursuant to Florida Statutes Section 767.13, (2006), as may be amended, are the same as required for classification of a dog as dangerous and as set forth by Florida Statutes Section 767.12, (2006), as may be amended, and in Paragraph (1) above. The owner has ten (10) business days from the date of the said notification to request a hearing challenging the Department's decision to confiscate the dog for euthanasia. The request shall be in writing and delivered to the Director of Animal Services along with a \$150.00 administrative hearing filing fee; payable to Hillsborough County and deposited by the Clerk in the general fund. The administrative filing fee may be waived by the Director of Animal Services upon submission of proof of indigency by the dog owner. The hearing shall be held as soon as possible, but not more than twenty-one (21) calendar days and no sooner than five (5) days after receipt of the request for hearing by the Department. In accordance with state law, 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 hearing process and any appeals process.

Section 3. Paragraph 3(b) is amended to add:

Any filing request to appeal a permit matter must be accompanied by a \$150.00 administrative filing fee. This filing fee is payable to the Hillsborough County. The Clerk shall deposit the filing fee in the county's general fund. The administrative filing fee may be waived by the Director of Animal Services upon submission of proof of indigency by the dog owner.

Section 4. This Resolution shall become effective October 1, 2008, and shall continue in effect until rescinded by subsequent resolution of the BOCC.

Section 5. The remainder of Resolution No. R03-118 shall remain the same.

PASSED AND ADOPTED this 4th day of September, 2008.

STATE OF FLORIDA            )  
COUNTY OF HILLSBOROUGH )

I, Pat Frank, 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 a Resolution adopted by the Board at its regular meeting of September 4, 2008, as the same appears of record in Minute Book 388 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 8th day of September, 2008.

PAT FRANK, CLERK

By: Travis OK. Dill  
Deputy Clerk



Approved as to form and legal sufficiency:

BY: [Signature]  
County Attorney