

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**ORDINANCE 11-**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 72. ANIMALS; AMENDING SEC. 72.02. DEFINITIONS; AMENDING SEC. 72.07. ENFORCEMENT OFFICER'S IMMUNITY; AMENDING SEC. 72.08. - ENFORCEMENT PROCEDURES; AMENDING SEC. 72.09. OBSTRUCTION OF ENFORCEMENT; AMENDING SEC. 72.10. HUMANE TREATMENT FOR COMPANION ANIMALS; AMENDING SEC. 72.11. CONFINEMENT OF DOMESTIC ANIMALS IN HEAT (ESTRUS); AMENDING SEC. 72.12. - PHYSICAL CONTROL OF DOGS; AMENDING SEC. 72.13. REMOVAL OF DOG EXCRETA; AMENDING SEC. 72.14. PROCEDURE TO CLASSIFY A DOG AS AGGRESSIVE OR DANGEROUS; AMENDING SEC. 72.15. HEARING PROCEDURE; AMENDING SEC. 72.16 REQUIREMENTS FOR AGGRESSIVE DOGS; AMENDING SEC. 72.17. REQUIREMENTS FOR DOGS DECLARED DANGEROUS PRIOR TO FEBRUARY 1, 2006; AMENDING SEC. 72.17.5. REQUIREMENTS FOR DOGS DECLARED DANGEROUS AFTER AUGUST 23, 2011; AMENDING SEC. 72.18. CONSEQUENCES TO DOG'S OWNER AFTER A DOG ATTACK; AMENDING SEC. 72.19, PROCEDURES AFTER POSSIBLE RABIES EXPOSURE; AMENDING SEC. 72.20, PROCEDURES AFTER VIOLENT DOG ATTACK; AMENDING SEC. 72.21, COMPANION ANIMALS CREATING A PUBLIC NUISANCE; AMENDING SEC. 72.22, RABIES VACCINATION FOR DOMESTIC ANIMALS; AMENDING SEC. 72.23, LICENSING DOMESTIC ANIMALS; AMENDING SEC. 72.24, EXCEPTIONS TO WEARING LICENSE TAG; AMENDING SEC. 72.25, REMOVAL OF FERAL CAT COLONIES; AMENDING SEC. 72.26, OWNING PRIMARY VECTORS OF RABIES; AMENDING SEC. 72.27, KEEPING A STRAY DOMESTIC ANIMAL; AMENDING SEC. 72.28, IMPOUNDMENT AND CONFISCATION OF AN ANIMAL; AMENDING SEC. 72.29, REDEMPTION OF IMPOUNDED COMPANION ANIMALS; AMENDING SEC. 72.30, ADOPTION OF ANIMAL; AMENDING SEC. 72.31, HUMANE EUTHANASIA; AMENDING SEC. 72.32, DISPOSAL OF ANIMAL CARCASS BY OWNERS; AMENDING SEC. 72.33, DUTIES OF PERSON INJURING AN ANIMAL; AMENDING SEC. 72.34, COMPANION ANIMALS IN MOTOR VEHICLE; AMENDING SEC. 72.35, ANIMAL EXPLOITATION; AMENDING SEC. 72.36, SALE OR DONATION OF IMPOUNDED ANIMALS FOR PURPOSE OF SCIENTIFIC RESEARCH; AMENDING SEC. 72.37, INSPECTION OF ANIMAL ESTABLISHMENTS; AMENDING SEC. 72.38, AUTHORITY OF ANIMAL SERVICES TO ASSIST WITH CERTAIN ANIMALS; AMENDING SEC. 72.39, TRAPPING ANIMALS; AMENDING SEC. 72.40, FEES; AMENDING SEC. 72.41, WAIVER OF FEES; AMENDING

1 SEC. 72.42, CHAPTER TO BE LIBERALLY CONSTRUED; PROVIDING FOR  
2 REPEAL; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR  
3 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;  
4 PROVIDING AN EFFECTIVE DATE.  
5

6 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

7 ALACHUA COUNTY, FLORIDA:

8 **SECTION 1.** Section 72.01 remains unchanged but is included for continuity:  
9

10 **Sec. 72.01. Short title.**

11 This Chapter shall be known and cited as the "Alachua County Animal Services Ordinance."  
12

13 **SECTION 2.** Section 72.02 is amended to read as follows:  
14

15 **Sec. 72.02. Definitions.**

16 As used in this chapter, the following words and phrases are defined as follows:  
17

18 *Aggressive dog* means any dog that has been declared aggressive as a result of an  
19 investigation and determination from Animal Services because the dog has severely injured or  
20 killed a companion animal while off the owner's property.  
21

22 *Animal* means any living nonhuman vertebrate.  
23

24 *Animal Services* means the Alachua County Office of Animal Services, the director, and  
25 any enforcement officers.  
26

27 *Animal welfare organization* means any 501(c)(3) not-for-profit organization established  
28 for the purpose of animal welfare.  
29

30 *Attack* means to bite, to scratch, to chase, or to approach in a menacing fashion.  
31

32 *Bite* means a penetration of skin with teeth and with blood appearing in the wound.  
33

34 *Cat* means a domestic feline, felis catus.  
35

36 *Companion animal* means any animal that lives with and about the habitat of a human  
37 and that is dependent upon that human for its survival.  
38

39 *County* means the unincorporated area of Alachua County and the municipal areas  
40 included within the jurisdiction of this chapter.  
41

42 *Dangerous dog* means any dog that has been declared dangerous as a result of an  
43 investigation and determination from Animal Services because the dog  
44

1 (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a  
2 human being or caused death of a human being on public or private property; or  
3

4 (2) Has more than once severely injured or killed a companion animal while off of  
5 the owner's property; or  
6

7  
8 (3) Has, when unprovoked, chased or approached a person upon the streets,  
9 sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided  
10 that such actions are attested to in a sworn statement by one or more persons and dutifully  
11 investigated by Animal Services.  
12

13 *Director* means the person in charge of the administration of Animal Services.  
14

15 *Dog* means a domestic canine, *canis familiaris*.  
16

17 *Domestic animal* means a dog, cat or ferret. Domestic animals are subject to the rabies  
18 vaccination and license mandate.  
19

20 *Enforcement officer* means an Animal Services enforcement officer.  
21

22 *Excreta* means feces.  
23

24 *Feral cat* means any cat which behaves as though it was born wild or has reverted to the  
25 wild by displaying unsocialized or, untamed behavior, including but not limited to, the inability  
26 to be approached or handled.  
27

28 *Ferret* means a domestic ferret, *mustela putorius furo*.  
29

30 *Harbor* means to provide care, shelter, protection, refuge, food or nourishment to an  
31 animal.  
32

33 *Humane euthanasia* means an injection that causes immediate and painless death, as  
34 mandated by Florida Statutes and the Board of Veterinary Medicine.  
35

36 *Humane trap* means a trap designed to capture an animal alive and in a manner that does  
37 not injure the animal.  
38

39 *Leash* means a restraint such as a rope, cord, chain, or device that is mobile and no longer  
40 than ten feet.  
41

42 *Livestock* means an animal of the bovine, equine, ovine, or porcine class, not kept as  
43 companion animal, including but not limited to a cow, calf, sheep, swine, horse, mule, goat,  
44 ostrich, or any other animal that can or may be used in and for the commercial preparation of  
45 meat or any meat products.  
46

1           *Motor vehicle operator* means any person who owns or operates a self-propelled vehicle,  
2 including a vehicle propelled by electric power.

3  
4           *Owner* means any competent person, firm, corporation, or organization, possessing,  
5 owning, harboring, keeping, or having control or custody over any animal, or if the animal is  
6 owned by a person under the age of 18, that person's parent or guardian.

7  
8           *Physical control* means:

9  
10           (1) Immediate and continuous control of a dog by a competent person, through the  
11 use of a leash; or

12  
13           (2) Continuous control of a dog through the use of an enclosure, which prevents the  
14 escape of the dog. An electrical device for the purpose of confining an animal does not meet the  
15 definition of physical control.

16  
17           *Proper enclosure for an aggressive dog* means an enclosed structure that prevents the  
18 entry of a child and prevents the aggressive dog from escaping. Such structure shall have sides to  
19 securely confine and prevent the dog from escaping over, under, or through it and also provides  
20 adequate shelter in accordance with 72.10 herein.

21  
22           *Proper enclosure for a dangerous dog* means securely confined indoors in a manner that  
23 prevents escape or securely enclosed in a locked pen or structure that prevents the entry of a  
24 child and prevents the dangerous dog from escaping. Such pen or structure shall have secure  
25 sides and a secure top to prevent the dog from escaping over, under, or through the structure and  
26 also provide adequate shelter in accordance with 72.10 herein.

27  
28           *Quarantine* means the isolation of an animal in a substantial, properly ventilated  
29 enclosure that does not harm or endanger the animal, so that it may not contact another animal or  
30 unauthorized person.

31  
32           *Scratch* means a penetration of skin from something other than teeth and blood being  
33 present in the wound.

34  
35           *Severe injury* means any physical injury that results in a broken bone, multiple bites, or a  
36 disfiguring laceration requiring sutures or reconstructive surgery.

37  
38           *Shelter business day* means a day that the Animal Control shelter is open for business.

39  
40           *Stationary object* means any object natural or manmade that is of sufficient weight or  
41 construction to inhibit the free movement of a dog when tethered, fastened, chained or tied.

42  
43           *Stray* means any non-feral domestic animals found off of its owner's property without the  
44 owner's consent and without the consent to be on the property where the animal is found.

45  
46           *Tether* means a leash, cord, or chain that is anchored to a stationary object on one end.

1  
2           *Unprovoked attack* means an attack that occurs even though a person is acting peacefully  
3 and lawfully.

4  
5           *Violent dog attack* means an attack by a dog that:

- 6  
7           (1)     Has previously been declared dangerous; or  
8  
9           (2)     Causes severe injury or death to a human being.

10  
11           *Veterinarian* means a person who is licensed to engage in the practice of veterinary  
12 medicine in Florida under the authority of F.S. ch. 474.

13  
14           **SECTION 3.** Sections 72.03, 72.04, 72.05 and 72.06 remain unchanged but are  
15 included for continuity:

16  
17 **Sec. 72.03. Adoption of state statutes by reference.**

18 The board adopts by reference as a part of this chapter, all laws of the State of Florida relating to  
19 animal control, animal welfare, and animal cruelty.

20  
21 **Sec. 72.04. Territorial jurisdiction.**

22 This chapter shall be applicable in the unincorporated area of the county and within the corporate  
23 limits of the cities of Alachua, Archer, Gainesville, Hawthorne, High Springs, LaCrosse,  
24 Micanopy, Newberry, and Waldo.

25  
26 **Sec. 72.05. Enforcement agency designation and empowerment.**

27 Animal Services is designated as the county agency responsible for the proper enforcement of  
28 this chapter and is assigned the administrative functions of carrying out the provisions of this  
29 chapter and other authorized duties. In carrying out the duties of this chapter, Animal Services  
30 may employ equipment, including but not limited to control poles, nets, leashes of any  
31 construction, chemical capture devices, snake tongs, oleoresin capsicum aerosols, snake hooks,  
32 humane traps, collapsible batons, and metal carrying cages.

33  
34 **Sec. 72.06. Humane education.**

35 It is considered to be a valid public purpose to educate the population of the county concerning  
36 the law and proper care and respect for animals. In accordance with this duty, Animal Services  
37 shall make adequate provision for conducting appropriate educational programs.

38  
39           **SECTION 4.** Section 72.07 is amended to read as follows:

40  
41 **Sec. 72.07. Reserved.**

42  
43           **SECTION 5.** Section 72.08 is amended to read as follows:

44  
45 **Sec. 72.08. - Enforcement procedures.**

1 (a) When an enforcement officer has probable cause to believe that a person has  
2 violated a provision of this chapter, the enforcement officer may issue a citation to the person.  
3 The citation shall contain:

- 4
- 5 (1) The date and time of issuance;
  - 6
  - 7 (2) The name and address of the person;
  - 8
  - 9 (3) The date and time the violation was committed;
  - 10
  - 11 (4) The facts constituting probable cause;
  - 12
  - 13 (5) The section of the chapter that was violated;
  - 14
  - 15 (6) The name and authority of the officer;
  - 16
  - 17 (7) The procedure for the person to follow in order to pay the civil penalty, to  
18 contest the citation, or to appear in court as may be required;
  - 19
  - 20 (8) The applicable civil penalty if the person elects to contest the citation;
  - 21
  - 22 (9) The applicable civil penalty if the person elects not to contest the citation;
  - 23
  - 24 (10) A conspicuous statement that, if the person fails to pay the civil penalty  
25 within the time allowed, or fails to appear in court to contest the citation, he or she shall be  
26 deemed to have waived his or her right to contest the citation and that, in such case, judgment  
27 may be entered against the person for an amount up to the maximum civil penalty; and  
28
  - 29 (11) A conspicuous statement that if the person is required to appear in court,  
30 that an option to pay a fine in lieu of appearing in court does not exist.

31

32 (b) An enforcement officer may, but shall not be required to, issue a written warning  
33 prior to the issuance of a citation for a violation of this chapter. Failure to comply with the  
34 provisions of a written warning may result in issuance of a citation or impoundment of the  
35 animal, or both.

36

37 (c) Pursuant to F.S. § 828.073, an enforcement officer may issue to an owner an order  
38 to provide care.

39

40 (d) Pursuant to F.S. § 828.27(4)(b), \$5.00 of each civil penalty imposed for a  
41 violation of this chapter shall be used by the county to pay the costs of a 40-hour minimum  
42 standards training course for the enforcement officers, which course is mandated by F.S. §  
43 828.27(4)(a)1.

44

45 **SECTION 6.** Section 72.09 is amended to read as follows:

46

1 **Sec. 72.09. Obstruction of enforcement.**

2 (a) A person shall not refuse to surrender an animal upon lawful demand by the  
3 director or an enforcement officer.

4  
5 (b) A person shall not interfere with the director or an enforcement officer who is  
6 lawfully performing authorized duties.

7  
8 (c) A person shall not hold, hide, or conceal any animal which the director or an  
9 enforcement officer is investigating or deems to be in violation of this chapter.

10  
11 (d) A person shall not take or attempt to take any animal from the director or an  
12 enforcement officer or from any vehicle that is used by the enforcement officer to transport  
13 animals.

14  
15 (e) Without proper authority, a person shall not take or attempt to take any animal  
16 from the Animal Services' shelter, an Animal Services animal carrier, or a trap .

17  
18 (f) A person shall not willfully refuse to sign and accept a citation issued by an  
19 enforcement officer. If a person violates this subsection, the person shall be guilty of a  
20 misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083 or  
21 775.084.

22  
23 (g) A person shall not willfully make any false statement in an affidavit or sworn  
24 testimony taken as part of an investigation of a violation of this chapter.

25  
26 **SECTION 7.** Section 72.10 is amended to read as follows:

27  
28 **Sec. 72.10. Humane treatment for companion animals.**

29 (a) An owner shall treat a companion animal in a humane manner and shall provide  
30 humane care for an animal. Humane care includes but is not limited to providing adequate food,  
31 adequate water, adequate shelter, adequate space, and adequate veterinary care to maintain health  
32 and to prevent or cure diseases.

33  
34 (1) Adequate food means food which is of sufficient quantity and nutritive  
35 value to maintain each companion animal in good health. The owner shall ensure that adequate  
36 food is accessible to each companion animal, is prepared so as to permit ease of consumption for  
37 the age, species, condition, size, and type of each companion animal, is provided in a clean and  
38 sanitary manner, is placed so as to minimize contamination by excrement and pests, and is  
39 provided at suitable intervals for the species, age, and condition of the companion animal, which  
40 is at least once daily except as prescribed by a veterinarian.

41  
42 (2) Adequate water means clean, fresh, potable water of a drinkable  
43 temperature. The owner shall ensure that adequate water is provided at all times in a suitable  
44 manner, in sufficient volume, and refreshed at suitable intervals to maintain normal hydration for  
45 the age, species, condition, size, and type of each companion animal, except as prescribed by a  
46 veterinarian, and that the water is provided in a clean, durable receptacle, which is accessible to

1 each companion animal and is placed so as to prevent contamination of the water by excrement  
2 and pests.

3  
4 (3) Adequate shelter means a shelter that is suitable for the species, age,  
5 condition, size, and type of each companion animal, and provides adequate space for each  
6 companion animal, is safe and protects each companion animal from injury, direct sunlight, other  
7 weather elements, adverse effects of heat or cold, physical suffering, and impairment of health.  
8 The owner shall ensure that the shelter is properly lighted, is properly cleaned, enables each  
9 companion animal to be clean and dry, except when detrimental to the species, and for dogs and  
10 cats provides a solid surface and resting platform, pad, floor mat, or similar device that is large  
11 enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary  
12 manner.

13  
14 (4) Adequate space means space that allows a companion animal to easily sit,  
15 stand, lie, turn about, and make other normal body movements in a comfortable, normal position  
16 for a companion animal. The owner shall ensure adequate space exists so a companion animal  
17 can interact safely with other animals in the enclosure, unless specified by veterinarian care.  
18 Nothing in this subsection precludes veterinary care that temporarily restricts movement if it  
19 would endanger a companion animal.

20  
21 (5) Veterinary care may include humane euthanasia if a companion animal is  
22 beyond the abilities of veterinary medicine to treat or cure and the animal is suffering.

23  
24 (b) Livestock animals, raised for food under acceptable husbandry standards and  
25 government regulations, are exempt from this section.

26  
27 (c) Except as provided herein and in section 72.34(b) no person shall restrain a dog  
28 by means of tethering, fastening, chaining, or tying the dog to a stationary object for more than 3  
29 hours in a 24 hour period. If a dog is tethered the owner shall use a tether that weights less than  
30 1/8 the total weight of the dog and that is at least three times the body length of the dog from  
31 nose to the end of the body excluding the tail. The tether may be attached to a running line,  
32 pulley, or trolley system provided (a) that the length of the running line, pulley, or trolley system  
33 be no shorter than 10 feet and (b) that a choke or pinch collar is not used.

34  
35 (d) An owner shall use a collar or harness which is appropriate for the age and size of  
36 a companion animal.

37  
38 (e) A person shall not crop the ears or dock the tail of any dog, unless the person  
39 employs a veterinarian to perform the cropping and docking. If a person possesses a dog with an  
40 ear or ears cut off or cropped, or tail docked, and with the unhealed wound, then that possession  
41 is prima facie evidence of a violation of this section, unless the cropping or docking was  
42 performed by a veterinarian.

43  
44 (f) A person shall not castrate a companion animal, unless that person employs a  
45 veterinarian to perform the castration.

1                   **SECTION 8.** Section 72.11 is amended to read as follows:  
2

3 **Sec. 72.11. Confinement of domestic animals in heat (estrus).**

4           (a)     An owner shall humanely and securely confine a domestic animal in heat (estrus)  
5 indoors or in an enclosed and locked structure which prevents the entry of a male domestic  
6 animal and prevents the female in heat from escaping. Confinement solely by a leash, tether or  
7 other similar restraint, or within a fence, open kennel, open cage or run, is not presumed to be in  
8 compliance with this section.  
9

10          (b)     If a female domestic animal is to be released for an acceptable reason from the  
11 secured enclosure, then the owner of the female domestic animal in heat must have physical  
12 control over the domestic animal at a distance of six feet or less, and be able to physically  
13 restrain the animal from coming into contact with a male domestic animal. Acceptable reasons  
14 for release from confinement are limited to excretion and veterinary visits.  
15

16          (c)     A person intentionally breeding a female domestic animal in a controlled  
17 environment, with the consent of the owner of the male domestic animal, is exempt from this  
18 section during breeding.  
19

20          (d)     For purposes of this section, the definition of domestic animal excludes ferret.  
21

22                   **SECTION 9.** Section 72.12 is amended to read as follows:  
23

24 **Sec. 72.12. Physical control of dogs.**

25           (a)     An owner shall maintain physical control of a dog at all times when the dog is off  
26 the owner's property, unless the property owner or designee or lessee consents to the removal of  
27 the physical control and the dog is under immediate adult supervision. Off the owner's property  
28 means on any public or private property including but not limited to streets, sidewalks, schools,  
29 parks, or private property of others. For property owned or controlled by a government entity, it  
30 is presumed that consent is not given unless posted.  
31

32           (b)     Dogs which are exempt from this section include:  
33

34                   (1)     A police dog, fire dog, or SAR dog, as defined in F.S. § 843.19, when the  
35 dog is operating in its official capacity, as defined in said section; or  
36

37                   (2)     A dog that is a trained and certified animal service dog used to assist  
38 persons with disabilities when it is performing those services; or  
39

40                   (3)     A dog involved in organized training or exhibiting including obedience  
41 trials, conformation shows, field trials, hunting trials, and herding trials; or  
42

43                   (4)     A dog involved in any legal hunt in an authorized area, when the owner  
44 possesses a valid hunting license.  
45

46                   **SECTION 10.** Section 72.13 is amended to read as follows:

1  
2 **Sec. 72.13. Removal of dog excreta.**

3 The owner of a dog shall immediately remove any excreta deposited by the dog on any  
4 property other than the owner's, including but not limited to public property, streets, sidewalks,  
5 schools, parks, and private property. The owner of a dog shall carry adequate waste removal  
6 devices or disposal bags while the dog is off of the owner's property, unless the waste removal  
7 devices are provided.  
8

9 **SECTION 11.** Section 72.14 is amended to read as follows:  
10

11 **Sec. 72.14. Procedure to classify a dog as aggressive or dangerous.**

12 (a) Animal Services shall investigate reported incidents involving any dog that may  
13 be aggressive or dangerous. Animal Services shall, if possible, interview the owner and  
14 witnesses, and attempt to obtain a sworn affidavit from any person, including any enforcement  
15 officer, desiring to have the dog classified as aggressive or dangerous.  
16

17 (b) After the investigation, Animal Services shall make an initial determination as to  
18 whether there is sufficient cause to classify a dog as aggressive or dangerous. If Animal Services  
19 does find sufficient cause, Animal Services shall provide to the owner of the dog written  
20 notification of the sufficient cause finding. Such notification shall be provided by registered  
21 mail, certified hand delivery, or in accordance with F.S. ch. 48.  
22

23 (c) If Animal Services finds sufficient cause to classify a dog as aggressive or  
24 dangerous, the owner may request a hearing, as provided in Sec. 72.15 of this code, before a final  
25 determination is made.  
26

27 (d) Animal Services shall not declare a dog dangerous if the threat, injury, or damage  
28 was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on  
29 the property, was tormenting, abusing, or assaulting the dog, its owner, or a family member.  
30 Animal Services shall not declare a dog dangerous if the dog was protecting or defending a  
31 human being from an unjustified attack or assault and the protected or defended human being  
32 was within the immediate vicinity of the dog.  
33

34 (e) Any animal that is the subject of an investigation under this section may be  
35 impounded by Animal Services until the conclusion of the case if Animal Services believes that  
36 the animal represents a threat to the community. The owner of any animal that is the subject of  
37 an investigation under this section and that is not impounded with Animal Services shall confine  
38 the animal in either a proper enclosure for an aggressive dog or a proper enclosure for a  
39 dangerous dog, depending upon the initial classification made by Animal Services, pending the  
40 outcome of the investigation and any hearings or appeals. The owner shall provide to Animal  
41 Services the address of where the animal resides. The owner of a dog that is the subject of an  
42 investigation under this section shall not relocate or transfer ownership of the dog pending the  
43 outcome of the investigation or any hearings or appeals. In the event that a dog is ordered to be  
44 destroyed, the owner shall not relocate or transfer ownership of the dog.  
45

1                   **SECTION 12.** Section 72.15 is renumbered to 72.16, and new 72.15 is added as  
2 follows:

3 **Sec. 72.15. Hearing procedure.**

4           (a)     On or before the following dates, an owner may file a written request for hearing  
5 with Animal Services. The County Manager shall designate an individual or the Codes  
6 Enforcement Board to act as a Hearing Officer to hold a hearing on or before:

7  
8                   (1)     The seventh calendar day after the date of service of written notification of  
9 an initial determination of a sufficient cause finding under Sec. 72.14 of this code; or

10  
11                   (2)     The tenth calendar day after the date of service of written notification that  
12 an aggressive dog was confiscated under Sec. 72.16 of this code; or

13  
14                   (3)     The tenth calendar day after the date of service of written notification that  
15 a dog declared dangerous prior to February 1, 2006 was confiscated under Sec. 72.17 of this  
16 code; or

17  
18                   (4)     The tenth business day after the date of service of written notification that  
19 a dog involved in a violent dog attack was confiscated under Sec. 72.20.

20  
21           (b)     No less than five calendar days and no more than twenty-one calendar days after  
22 the date of receipt of the written request, the County shall provide for the requested hearing.  
23 Upon the owner's consent, the hearing time may be extended, but in no case may the hearing be  
24 held more than sixty calendar days after the date of receipt of the written request.

25  
26           (c)     Hearing procedures

27  
28                   (1)     Each party shall have the following rights:

29  
30                           a.     To be represented by counsel;

31  
32                           b.     To compel the attendance of witnesses;

33  
34                           c.     To examine witnesses;

35  
36                           d.     To introduce exhibits;

37  
38                           e.     To examine opposing witnesses on any relevant matter, even  
39 though the matter was not covered under direct examination;

40  
41                           f.     To impeach any witness regardless of which party first called the  
42 witness to testify.

43                   (2)     Any interested party or person may make application and, upon good  
44 cause shown, may be allowed within the discretion of the Hearing Officer to intervene or appear  
45 in a proceeding pending before the Hearing Officer.

1 (d) Subpoenas.

2  
3 (1) The Hearing Officer has the power to issue subpoenas to compel the  
4 attendance of witnesses at a hearing upon the written request of any party or upon the Hearing  
5 Officer's own motion.

6  
7 (2) A subpoena may be served by any person authorized by law to serve  
8 process. Service shall be made as provided by law.

9  
10 (3) Any person subject to a subpoena may, before compliance and on timely  
11 petition, request the Hearing Officer having jurisdiction of the dispute to invalidate the subpoena.

12  
13 (4) A party may seek enforcement of a subpoena issued under the authority of  
14 this chapter by filing a petition for enforcement in the county court. Failure to comply with an  
15 order of the court shall result in a finding of contempt of court. However, no person shall be in  
16 contempt while a subpoena is being challenged under subsection (d)(3).

17  
18 (5) If a party willfully fails to testify when duly subpoenaed, the Hearing  
19 Officer may:

20  
21 a. Order that the matters regarding which the questions were asked or  
22 any other designated facts shall be taken to be established for the purposes of the action in  
23 accordance with the claim of the party obtaining the order;

24  
25 b. Render a judgment by default against the disobedient party.

26  
27 (6) Witness fees shall be paid as provided by law.

28  
29 (e) Evidence.

30  
31 (1) All hearings shall be conducted, insofar as practicable, in accordance with  
32 the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an  
33 informal manner.

34  
35 (2) In any hearing before the Hearing Officer, irrelevant, immaterial, or  
36 unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied  
37 upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether  
38 such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence  
39 may be received in written form, and all testimony of parties and witnesses shall be made under  
40 oath. Hearsay evidence may be used for the purpose of supplementing or explaining other  
41 evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible  
42 over objection in civil actions.

1  
2 (3) Documentary evidence may be received in the form of a copy or excerpt if  
3 the original is not readily available. Upon request, parties shall be given an opportunity to  
4 compare the copy with the original.

5  
6 (4) A party shall be permitted to conduct cross-examination when testimony is  
7 taken or documents are made a part of the record.

8  
9 (5) The rules of privilege shall be effective to the same extent that they are  
10 now or hereafter may be recognized in civil actions.

11  
12 (6) The Hearing Officer shall work with the County to ensure that an audio  
13 and documentary record of the hearing is preserved, which record shall be public and open to  
14 inspection and transcription or copying by any person.

15  
16 (f) Written determinations of the Hearing Officer.

17  
18 (1) After due public hearing, the Hearing Officer shall issue a determination  
19 based upon the preponderance of the evidence. The Division shall bear the burden of establishing  
20 the dangerousness or aggressiveness of the dog, or that a violent dog attack occurred; and the  
21 owner shall bear the burden of establishing any legal defenses.

22  
23 (2) All determinations of the Hearing Officer shall be in writing, signed and  
24 dated by the Hearing Officer, shall contain findings of fact and conclusions of law, and shall be  
25 served upon the owner by registered mail, certified hand delivery, or service in conformance  
26 with Chapter 48, Florida Statutes. If the Hearing Officer upholds the initial determination of  
27 dangerousness, the owner shall comply with the provisions of subsection 72.17.5 within fourteen  
28 (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said  
29 determination to a court of competent jurisdiction, within fourteen (14) calendar days of a  
30 decision adverse to the owner. If the Hearing Officer upholds the initial determination of  
31 aggressiveness, the owner shall comply with the provisions of subsection 72.16 within fourteen  
32 (14) calendar days of the Hearing Officer's determination; or in the event of any appeal of said  
33 determination to a court of competent jurisdiction, within fourteen (14) calendar days of a  
34 decision adverse to the owner.

35  
36 (3) On or before the tenth business day after the date of service of a final  
37 decision, the owner may appeal to the proper court the decision regarding any aggressive,  
38 dangerous or violent dog. The appeal shall be a review of the record, not de novo.

39  
40 (g) Payment of Hearing Officer. The cost of the Hearing Officer shall be paid by the  
41 losing party. If more than one item is in dispute, and if there are mixed results, a party shall only  
42 be responsible for the cost of the Hearing Officer's time that was applied to the losing item or  
43 items, which percentage of time shall be determined by the Hearing Officer.

1                   **SECTION 13.** Section 72.15 is renumbered 72.16 and amended to read as  
2 follows:

3  
4 **Sec. 72.16. - Requirements for aggressive dogs.**

5           (a) On or before the fourteenth day after the date of notification of the classification  
6 of a dog as aggressive, the owner of the dog shall obtain a certificate of registration from Animal  
7 Services. The owner shall renew the certificate annually. Animal Services is authorized to issue  
8 such certificates of registration and renewals only to persons who have attained at least 18 years  
9 of age and who present to Animal Services sufficient evidence of:

10                   (1) A current certificate of rabies vaccination for the dog;

11  
12                   (2) A proper enclosure for an aggressive dog;

13  
14                   (3) Warning signs that are clearly visible from all entry points and inform  
15 both children and adults of the presence of an aggressive dog on the property;

16  
17                   (4) Permanent identification of the dog by electronic implantation;

18  
19                   (5) Two color photos of the dog in two different poses showing the color and  
20 size of the animal; and

21  
22                   (6) Surgical sterilization of the dog, unless a veterinarian certifies in writing  
23 that the sterilization of the animal would be injurious to the animal's health.

24  
25           (b) If an owner does not comply with the requirements of subsection (a) of this  
26 section, then Animal Services may confiscate the aggressive dog. On or before the tenth calendar  
27 day after the date the aggressive dog is confiscated, Animal Services shall give the owner written  
28 notification by certified mail, certified hand delivery, or service in accordance with F.S. ch. 48,  
29 that the aggressive dog was confiscated and that the owner may request a hearing. If no hearing  
30 is requested, then permanent custody vests with Animal Services. If the owner desires to be  
31 heard, the owner may request a hearing as provided in Sec. 72.15. If the Hearing Officer  
32 determines that the owner was in compliance at the time of the confiscation or has since come  
33 into compliance with the requirements for aggressive dogs, then Animal Services shall release  
34 the aggressive dog back to the owner. The owner of an aggressive dog who was not in  
35 compliance at the time of the confiscation but came into compliance before the hearing must pay  
36 all fees due to Animal Services, including board for the days leading up to the hearing, before the  
37 dog will be returned to the owner. If the Hearing Officer determines that the owner has not  
38 complied with the requirements for aggressive dogs, then permanent custody vests with Animal  
39 Services on the tenth calendar day after the date of service of the ruling on the owner.

40  
41           (c) The owner shall immediately notify Animal Services when a dog that has been  
42 classified as aggressive:

43                   (1) Becomes loose or unconfined;

44  
45                   (2) Attacks a human being or another companion animal; or  
46

1 (3) Dies.

2  
3 (d) The owner shall immediately notify Animal Services if the owner moves to  
4 another address with the aggressive dog.

5  
6 (e) The owner shall immediately notify Animal Services if the owner is going to sell  
7 or give away the aggressive dog . Prior to an aggressive dog being sold or given away, the owner  
8 shall provide to Animal Services the name, address, and telephone number of the new owner .  
9 While residing in Alachua County, the new owner shall comply with all of the requirements of  
10 this chapter that relate to aggressive dogs.

11  
12 (f) The owner shall immediately notify Animal Services if the owner believes that  
13 the aggressive dog has been stolen.

14  
15 (g) The owner of an aggressive dog shall not permit the dog to be outside of the  
16 proper enclosure for an aggressive dog, unless the dog is under physical control of a competent  
17 person.

18  
19 (h) An owner of an aggressive dog shall not use the dog for hunting purposes.

20  
21 (i) The provisions of this chapter relating to aggressive dogs do not apply to dogs  
22 used by law enforcement officials for law enforcement work.

23  
24 (j) If a dog has been declared dangerous, the provisions of this section do not apply.  
25

26  
27 **SECTION 14.** Section 72.17 is amended to read as follows:  
28

29 **Sec. 72.17. Requirements for dogs declared dangerous prior to February 1, 2006.**

30 (a) On or before the fourteenth day after the date of notification of the classification  
31 of a dog as dangerous, the owner of the dog shall obtain a certificate of registration and a  
32 dangerous dog tag or collar from Animal Services. The owner shall renew the certificate  
33 annually. Animal Services is authorized to issue such certificates of registration and renewals  
34 only to persons who have attained at least 18 years of age and who present to Animal Services  
35 sufficient evidence of:

36  
37 (1) A current certificate of rabies vaccination for the dog;

38  
39 (2) A proper enclosure for a dangerous dog;

40  
41 (3) Warning signs that are clearly visible from all entry points and inform  
42 both children and adults of the presence of a dangerous dog on the property;

43  
44 (4) Permanent identification of the dog by either a tattoo on the inside thigh or  
45 electronic implantation;  
46

1           (5) Surgical sterilization of the dog, unless a veterinarian certifies in writing  
2 that sterilizing the animal would be injurious to the animal's health. If the health condition of the  
3 animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal  
4 immediately after the health condition has been corrected; and  
5

6           (6) Two color photos of the dog in two different poses showing the color and  
7 size of the animal.  
8

9           (b) The owner shall secure the dangerous dog collar or tag around the dog's neck so  
10 that it is clearly visible at all times.  
11

12           (c) If an owner does not comply with the requirements of subsection (a) of this  
13 section, then Animal Services may confiscate the dangerous dog. On or before the tenth calendar  
14 day after the date the dangerous dog is confiscated, Animal Services shall give the owner written  
15 notification by certified mail, certified hand delivery, or service in accordance with F.S. Ch. 48,  
16 that the dangerous dog was confiscated and that the owner may request a hearing provided by  
17 72.15. If no hearing is requested, then permanent custody vests with Animal Services. If the  
18 Hearing Officer determines that the owner was in compliance at the time of the confiscation or  
19 has since come into compliance with the requirements for dangerous dogs, then Animal Services  
20 shall release the dangerous dog back to the owner. The owner of a dangerous dog who was not in  
21 compliance at the time of the confiscation but came into compliance before the hearing must pay  
22 all fees due to Animal Services, including board for the days leading up to the hearing, before the  
23 dog will be returned to the owner. If the Hearing Officer determines that the owner has not  
24 complied with the requirements for dangerous dogs, then permanent custody vests with Animal  
25 Services ten days after the date of service of the ruling on the owner.  
26

27           (d) The owner shall immediately notify Animal Services when a dog that has been  
28 classified as dangerous:  
29

30           (1) Becomes loose or unconfined;

31           (2) Attacks a human being or another companion animal; or  
32

33           (3) Dies.  
34  
35

36           (e) The owner shall immediately notify Animal Services if the owner moves to  
37 another address with the dangerous dog. If the owner moves to a different jurisdiction, then the  
38 owner shall notify the enforcement officer of the new jurisdiction that the dog has been classified  
39 as dangerous.  
40

41           (f) The owner shall immediately notify Animal Services if the owner is going to sell  
42 or give away the dangerous dog . Prior to a dangerous dog being sold or given away, the owner  
43 shall provide the name, address, and telephone number of the new owner to Animal Services.  
44 The new owner shall comply with all of the requirements of this chapter that relate to dangerous  
45 dogs, even if the animal is moved from the jurisdiction of this chapter to another local  
46 government jurisdiction within the state.

1  
2 (g) The owner shall immediately notify Animal Services if the owner believes that  
3 the dangerous dog has been stolen.  
4

5 (h) The owner of a dangerous dog shall not permit the dog to be outside of the proper  
6 enclosure for a dangerous dog, unless the dog is muzzled and restrained by a substantial leash  
7 and under physical control of a competent person. The owner shall use a muzzle that is made in a  
8 manner that will not cause injury to the dog or interfere with its vision or respiration, but  
9 prevents the dog from biting any person or animal. The owner may exercise the dog on the  
10 owner's property in a securely fenced or enclosed area that does not have a top, without a muzzle  
11 or leash on the dog, if the dog remains within the owner's sight and only members of his  
12 immediate household or persons 18 years of age or older are allowed in the enclosure when the  
13 dog is present. While transporting the dangerous dog, the owner shall restrain the dog safely and  
14 securely within a vehicle.  
15

16 (i) An owner of a dangerous dog shall not use the dog for hunting purposes.  
17

18 (j) The provisions of this chapter relating to dangerous dogs do not apply to dogs  
19 used by law enforcement officials for law enforcement work.  
20

21 (k) The provisions of this section shall be applicable to dogs declared dangerous by  
22 Animal Services prior to February 1, 2006, and also to dogs declared dangerous by another  
23 Florida county in accordance with Chapter 767, Florida Statutes, prior to February 1, 2006.  
24

25 **SECTION 15.** Section 72.17.5 is deleted and replaced with the following:  
26

27 **Sec. 72.17.5. Requirements for dogs declared dangerous after August 23, 2011.**  
28

29 (a) On or before the fourteenth day after the date of notification of the classification  
30 of a dog as dangerous, the owner of the dog shall obtain a certificate of registration and a  
31 dangerous dog tag or collar from Animal Services. The owner shall renew the certificate  
32 annually. Animal Services is authorized to issue such certificates of registration and renewals  
33 only to persons who have attained at least 18 years of age and who present to Animal Services  
34 sufficient evidence of:  
35

36 (1) A current certificate of rabies vaccination for the dog;  
37

38 (2) A proper enclosure for a dangerous dog;  
39

40 (3) Warning signs that are clearly visible from all entry points and inform both  
41 children and adults of the presence of a dangerous dog on the property;  
42

43 (4) Permanent identification of the dog, such as a tattoo on the inside thigh or  
44 electronic implantation;  
45

1 (5) Surgical sterilization of the dog, unless a veterinarian certifies in writing that  
2 sterilizing the animal would be injurious to the animal's health. If the health condition of the  
3 animal is of a temporary nature, then the owner shall employ a veterinarian to sterilize the animal  
4 immediately after the health condition has been corrected; and

5  
6 (6) Two color photos of the dog in two different poses showing the color and size of  
7 the animal; and

8  
9 (7) Fee simple ownership of the property upon which the dangerous dog and  
10 enclosure are located or, alternatively, permission to locate the dangerous dog and enclosure on  
11 the property from the fee simple owner of the property; and

12  
13 (8) Liability insurance maintained in a minimum amount of \$500,000 aggregate/  
14 \$250,000 per incident, for each dangerous dog, for damage or injury caused by the dangerous  
15 dog. Owner shall provide a Certificate of Insurance to the County with a 30 day notice of  
16 cancellation. Certificate holder: Alachua County Board of County Commissioners, Alachua  
17 County Animal Services, 3400 N.E. 53rd Avenue, Gainesville, Florida, 32609.

18  
19 (b) The owner shall secure the dangerous dog collar or tag around the dog's neck so  
20 that it is clearly visible at all times.

21  
22 (c) If an owner does not comply with the requirements of subsection (a) of this  
23 section, then Animal Services may confiscate the dangerous dog. On or before the tenth  
24 calendar day after the date the dangerous dog is confiscated, Animal Services shall give the  
25 owner written notification by certified mail, certified hand delivery, or service in accordance  
26 with F.S. Ch. 48, that the dangerous dog was confiscated and that the owner may request a  
27 hearing provided by 72.15. If no hearing is requested, then permanent custody vests with  
28 Animal Services. If the Hearing Officer determines that the owner was in compliance at the time  
29 of the confiscation or has since come into compliance with the requirements for dangerous dogs,  
30 then Animal Services shall release the dangerous dog back to the owner. The owner of a  
31 dangerous dog who was not in compliance at the time of the confiscation but came into  
32 compliance before the hearing must pay all fees due to Animal Services, including board for the  
33 days leading up to the hearing, before the dog will be returned to the owner. If the Hearing  
34 Officer determines that the owner has not complied with the requirements for dangerous dogs,  
35 then permanent custody vests with Animal Services ten days after the date of service of the  
36 ruling on the owner.

37  
38 (d) The owner shall immediately notify Animal Services when a dog that has been  
39 classified as dangerous:

40  
41 (1) Becomes loose or unconfined;

42  
43 (2) Attacks a human being or another companion animal; or

44  
45 (3) Dies.  
46

1 (e) The owner shall immediately notify Animal Services if the owner moves to  
2 another address with the dangerous dog. If the owner moves to a different jurisdiction, then the  
3 owner shall notify the enforcement officer of the new jurisdiction that the dog has been classified  
4 as dangerous.

5  
6 (f) The owner shall immediately notify Animal Services if the owner is going to sell  
7 or give away the dangerous dog. Prior to a dangerous dog being sold or given away, the owner  
8 shall provide the name, address, and telephone number of the new owner to Animal Services.  
9 The new owner shall comply with all of the requirements of this chapter that relate to dangerous  
10 dogs, even if the animal is moved from the jurisdiction of this chapter to another local  
11 government jurisdiction within the state.

12  
13 (g) The owner shall immediately notify Animal Services if the owner believes that  
14 the dangerous dog has been stolen.

15  
16 (h) The owner of a dangerous dog shall not permit the dog to be outside of the proper  
17 enclosure for a dangerous dog, unless the dog is muzzled and restrained by a substantial leash  
18 and under physical control of a competent person. The owner shall use a muzzle that is made in a  
19 manner that will not cause injury to the dog or interfere with its vision or respiration, but  
20 prevents the dog from biting any person or animal. The owner may exercise the dog on the  
21 owner's property in a securely fenced or enclosed area that does not have a top, without a muzzle  
22 or leash on the dog, if the dog remains within the owner's sight and only members of his  
23 immediate household or persons 18 years of age or older are allowed in the enclosure when the  
24 dog is present. While transporting the dangerous dog, the owner shall restrain the dog safely and  
25 securely within a vehicle.

26  
27 (i) An owner of a dangerous dog shall not use the dog for hunting purposes.

28  
29 (j) The provisions of this chapter relating to dangerous dogs do not apply to dogs  
30 used by law enforcement officials for law enforcement work.

31  
32 (k) The provisions of this section shall be applicable to dogs declared dangerous by  
33 Animal Services on or after August 23, 2011, and also to dogs declared dangerous by another  
34 Florida county in accordance with Chapter 767, Florida Statutes, on or after August 23, , 2011.

35  
36 (l) Animal Services may impound a dog declared dangerous pursuant to this section  
37 at any time and may hold the dog until conclusion of all appeals. During this time, Animal  
38 Services may charge boarding and other fees for the care and maintenance of the dog while the  
39 owner appeals the dangerous dog classification. The owner will be billed monthly for the  
40 boarding costs. At the conclusion of all appeals, the owner has 14 calendar days to come into  
41 compliance with the dangerous dog requirements. If the owner is not in compliance, then  
42 custody shall vest with Animal Services in accordance with subsection (c) herein.

43  
44 (m) The county may seek an injunction from a court of competent jurisdiction to  
45 enforce the requirements of this section.

1  
2                   **SECTION 16.** Section 72.18 is amended to read as follows:  
3

4   **Sec. 72.18. Consequences to dog's owner after a dog attack.**

5           (a) If a dog that has not previously been declared aggressive or dangerous attacks and  
6 causes severe injury to or death of any human and the owner of the dog had prior knowledge of  
7 the dog's dangerous propensities, yet demonstrated a reckless disregard of such propensities  
8 under the circumstances, then the owner is guilty of a misdemeanor of the second degree,  
9 punishable as provided in F.S. § 775.082 or 775.083, unless the person attacked was engaged in  
10 criminal activity at the time of the attack.  
11

12           (b) If a dog that has previously been declared an aggressive or dangerous dog attacks  
13 or bites a person or a companion animal without provocation, then the owner is guilty of a  
14 misdemeanor of the first degree, punishable as provided in F.S. § 755.082 or 755.083, unless the  
15 person attacked was engaged in criminal activity at the time of the attack.  
16

17           (c) If a dog that has previously been declared a dangerous dog attacks and causes  
18 severe injury to or death of any human, then the owner is guilty of a felony of the third degree,  
19 punishable as provided in F.S. § 775.082, 775.083, or 775.084, unless the person attacked was  
20 engaged in criminal activity at the time of the attack.  
21

22           (d) The owner of any dog that bites any person while such person is on or in a public  
23 place, or lawfully on or in a private place, including the property of the owner of the dog, is  
24 liable for damages suffered by persons bitten, regardless of the former viciousness of the dog or  
25 the owners' knowledge of such viciousness. However, any negligence on the part of the person  
26 bitten that is a proximate cause of the biting incident reduces the liability of the owner of the dog  
27 by the percentage that the bitten person's negligence contributed to the biting incident. A person  
28 is lawfully upon private property of such owner within the meaning of this act when the person is  
29 on such property in the performance of any duty imposed upon him or her by the laws of this  
30 state or by the laws or postal regulations of the United States, or when the person is on such  
31 property upon invitation, expressed or implied, of the owner. However, the owner is not liable,  
32 except as to a person under the age of 6, or unless the damages are proximately caused by a  
33 negligent act or omission of the owner, if at the time of any such injury the owner had displayed  
34 in a prominent place on his or her premises a sign easily readable including the words "Bad  
35 Dog."  
36

37                   **SECTION 17.** Section 72.19 is amended to read as follows:  
38

39   **Sec. 72.19. Procedures after possible rabies exposure.**

40           (a) When an animal has allegedly bitten or scratched a person or is suspected or  
41 believed to be infected with rabies, the owner shall relinquish control of the animal to Animal  
42 Services upon request, or shall quarantine the animal at home or with a veterinarian, as directed  
43 by Animal Services.  
44

1 (b) In certain cases, home quarantine of a domestic animal, which has bitten or  
2 scratched a person, may be permitted at the discretion of Animal Services, if determined safe and  
3 appropriate, and the following criteria and conditions are met:  
4

5 (1) the animal involved is a domestic animal that has a current vaccination  
6 from a veterinarian and is wearing a current license tag;  
7

8 (2) the animal is a dog that attacked a person, the owner had the dog under  
9 physical control when the attack occurred or, if the dog attack occurred on the owner's property,  
10 Animal Services determined that the attack was provoked;  
11

12 (3) the owner of the domestic animal has a facility to contain within a cage,  
13 fenced yard, or house the domestic animal during the quarantine period, which facility has been  
14 deemed appropriate by Animal Services;  
15

16 (4) the owner agrees that at the end of the quarantine period, the owner allows  
17 a representative or designee of the county health department to visually check an animal  
18 quarantined at home; and  
19

20 (5) any other conditions or safeguards as Animal Services may deem  
21 necessary and appropriate.  
22

23 (c) at any time during the home quarantine period, if a domestic animal is reported or  
24 observed to not be confined or a dog is reported to not be under physical control, the home  
25 quarantine privilege is revoked immediately and the owner, at the owner's own expense, shall  
26 confine the domestic animal either with a veterinarian or at the county animal shelter for the  
27 duration of the quarantine period.  
28

29 (d) The investigating Animal Services officer shall decide whether to allow home  
30 quarantine of a domestic animal. In the event of any dispute regarding the appropriateness of  
31 home quarantine, the director has final decision-making authority in the matter.  
32

33 (e) If a police dog, as defined in F.S. § 843.319, has attacked a person while acting  
34 under the direction of a law enforcement agency in an official capacity, such as aiding in the  
35 detection of criminal activity, enforcement of laws, or apprehension of offenders, the director  
36 may exempt the dog from the quarantine and impoundment provisions of this chapter, upon  
37 proof of a current vaccination and licensing for the dog.  
38

39 **SECTION 18.** Section 72.20 is amended to read as follows:  
40

41 **Sec. 72.20. Procedures after violent dog attack.**

42 (a) If a violent dog attack occurs, then Animal Services shall confiscate the dog and,  
43 if necessary, immediately quarantine the dog.  
44

1 (b) Animal Services shall deliver to the owner written notification by certified mail,  
2 certified hand delivery, or service in accordance with F.S. ch. 48, that the dog was confiscated  
3 and that the owner may request a hearing as set out in Sec. 72.15 .  
4

5 (c) Animal Services shall confine the dog for a period of time as determined by  
6 Animal Services. The period may not end prior to the tenth day after the date of delivery  
7 notification of the confiscation.  
8

9 (d) Animal Services shall humanely euthanize the dog at the exhaustion of all  
10 appeals.  
11

12 (e) During the appeals, the owner shall pay all boarding costs and other fees as may  
13 be required to humanely and safely keep the dog .  
14

15 **SECTION 19.** Section 72.21 is amended to read as follows:  
16

17 **Sec. 72.21. Companion animals creating a public nuisance.**

18 (a) An owner shall prevent a companion animal from becoming a public nuisance. A  
19 public nuisance includes but is not limited to a companion animal that:  
20

21 (1) Trespasses on public or private property;  
22

23 (2) Causes damage to another person's property;  
24

25 (3) Creates a danger to the public health or safety;  
26

27 (4) Disturbs or turns over a garbage container;  
28

29 (5) Chases or molests a vehicle, bicycle, person, or animal;  
30

31 (6) Displays menacing or threatening behavior; or  
32

33 (7) Defecates on public or private property without the property owner's  
34 consent, unless it is removed immediately.  
35

36 (b) A companion animal that creates a noise disturbance in violation of chapter 110  
37 of this Code is a public nuisance. In the event of a public nuisance caused by noise, Animal  
38 Services may follow the procedures as outlined in chapter 110  
39

40 (c) Enforcement actions allowed by this section are cumulative and supplemental to  
41 actions outlined elsewhere in this Code.  
42  
43

44 **SECTION 20.** Section 72.22 is amended to read as follows:  
45

46 **Sec. 72.22. Rabies vaccination for domestic animals.**

1 (a) The owner of a domestic animal that is four months of age or older shall employ a  
2 veterinarian to vaccinate the domestic animal against rabies. The owner shall employ a  
3 veterinarian that uses a vaccine appropriate for the species of the animal, which vaccine must be  
4 recognized by the current Compendium on Animal Rabies Prevention and Control  
5 ("Compendium"). Twelve months after the initial vaccination, the owner of a dog shall have the  
6 dog vaccinated again and then annually, triennially, or quadrennially thereafter, as recommended  
7 by the Compendium. Twelve months after the initial vaccination, the owner of a cat shall have  
8 the cat vaccinated again, and then annually thereafter, if the veterinarian administers the one-year  
9 adjuvant free vaccine. If the veterinarian does not administer the one-year adjuvant free vaccine,  
10 then the owner of the cat shall have the cat vaccinated annually, triennially, or quadrennially, as  
11 recommended by the Compendium. Twelve months after the initial vaccination, the owner of a  
12 ferret shall have the ferret vaccinated again, and then annually thereafter, or as recommended by  
13 the Compendium.  
14

15 (b) If a veterinarian gives a written opinion that a vaccination would be injurious to  
16 the health of a domestic animal, then the owner may suspend the vaccination for the time period  
17 that the vaccination would be injurious. During the suspended time period, the owner shall  
18 confine the domestic animal in an enclosed building or kennel, or maintain the animal on a leash  
19 held by a human.  
20

21 (c) Any business that sells a rabies vaccine in Alachua County shall prominently  
22 display a sign, no smaller than eight inches by ten inches, with letters no smaller than 0.25  
23 inches, that states:  
24

25 FLORIDA STATUTES §828.30(1) STATES IN PART: "ALL DOGS AND  
26 CATS 4 MONTHS OF AGE OR OLDER MUST BE VACCINATED BY A  
27 LICENSED VETERINARIAN AGAINST RABIES WITH A UNITED STATES  
28 GOVERNMENT-APPROVED VACCINE."  
29

30 RABIES VACCINE ADMINISTERED BY ANYONE OTHER THAN A  
31 LICENSED VETERINARIAN IS NOT RECOGNIZED IN ALACHUA  
32 COUNTY FOR PURPOSES OF REQUIRED LICENSING OF DOGS, CATS  
33 OR FERRETS.  
34

35 (d) Upon vaccination against rabies of an animal, the licensed veterinarian shall  
36 provide the animal's owner and Animal Services with a rabies vaccination certificate which must  
37 contain at least the following information:  
38

- 39 (1) The license number of the administering veterinarian.
- 40
- 41 (2) The name, address, and phone number of the veterinarian and owner.
- 42
- 43 (3) The date of vaccination.
- 44
- 45 (4) The expiration date of the vaccination.
- 46

- 1                   (5)     The species, age, sex, color, breed, weight, and name of the animal  
2 vaccinated.  
3  
4                   (6)     The rabies vaccine manufacturer.  
5  
6                   (7)     The vaccine lot number and expiration date.  
7  
8                   (8)     The type and brand of vaccine used.  
9  
10                  (9)     The route of administration of the vaccine.  
11  
12                  (10)    The signature or signature stamp of the licensed veterinarian.  
13  
14

15                   **SECTION 21.** Section 72.23 is amended to read as follows:  
16

17 **Sec. 72.23. Licensing domestic animals.**

18                  (a)     The owner of a domestic animal that is four months of age or older, shall license  
19 the domestic animal for one year beginning at the time of the initial rabies vaccination.  
20

21                  (b)     After the expiration of the domestic animal's initial license, the owner shall re-  
22 license the animal, which license shall be valid for the period of effectiveness of each subsequent  
23 rabies vaccination.  
24

25                  (c)     A license shall consist of a rabies vaccination, a license certificate, and a license  
26 tag for the animal's collar. License certificates and license tags may only be issued by Animal  
27 Services or an authorized veterinarian. No other license certificate or license tag shall be valid in  
28 the county. A license or license tag issued for one animal is not valid for any other animal.  
29

30                  (d)     An owner, to whom a tag and license have been issued, shall use a substantial  
31 device to securely fasten the tag around the domestic animal's neck so the tag is clearly visible at  
32 all times.  
33

34                  (e)     In the event a license tag is lost or destroyed, Animal Services shall issue a  
35 replacement tag upon presentation of the corresponding license certificate and payment of the  
36 appropriate fee.  
37

38                  (f)     On or before the thirtieth day after the date a person moves to this county, the  
39 person shall comply with the licensing provisions of this section. A person who has had their  
40 domestic animal inoculated in another county or state and then relocates the animal to this  
41 county may obtain a county tag from Animal Services upon paying appropriate licensing fees  
42 and presenting written proof of proper rabies vaccination that meets the criteria for duration of  
43 immunity as provided for in this chapter.  
44

1 (g) Animal Services shall design the license certificate and a suitable license tag. The  
2 license tags must designate the name of the county and the year the tag was issued in addition to  
3 any other wording or identification as may be deemed practical or appropriate.  
4

5 (h) No later than the 15th day of each month, each veterinarian practicing in Alachua  
6 County shall provide to Animal Services a complete list of all domestic animals that they  
7 vaccinated against rabies during the previous month. The list shall be in accordance with §  
8 828.30, Florida Statutes.  
9

10 **SECTION 22.** Section 72.24 is amended to read as follows:  
11

12 **Sec. 72.24. Exceptions to wearing license tag.**

13 (a) An owner whose domestic animal is participating in any organized exhibition or  
14 field trial or organized training for such events, may remove the domestic animal's license tag  
15 during the activity.  
16

17 (b) When ferrets are on the owner's property, the owner may remove the license tag.  
18

19 (c) If an owner presents to Animal Services acceptable proof that a domestic animal  
20 participates in organized exhibiting, including a conformation show, or presents a written  
21 statement from a veterinarian describing a medical condition that prevents the fastening of a  
22 device around the domestic animal's neck, then the owner may register a microchip with Animal  
23 Services in lieu of placing a license tag on the domestic animal.  
24  
25

26 **SECTION 23.** Section 72.25 is amended to read as follows:  
27

28 **Sec. 72.25. Removal of a feral cat colony.**

29 Animal Services has the right to impound a feral cat colony if:  
30

31 (1) The colony or its members are creating a public health or safety concern. Such  
32 issues can include, but are not limited to, concerns about rabies or other zoonotic  
33 diseases, or animal to animal disease; or  
34

35 (2) The colony or its members create a public nuisance as defined in section 72.21.  
36  
37

38 **SECTION 24.** Section 72.26 is amended to read as follows:  
39

40 **Sec. 72.26. Owning a primary vector of rabies.**

41 A person shall not own, harbor, keep, display, exhibit, sell, or intentionally breed any  
42 animals that are a primary vector of rabies, including but not limited to a raccoon, fox, coyote, or  
43 skunk, unless permitted by the Florida Fish and Wildlife Conservation Commission.  
44

45 **SECTION 25.** Section 72.27 is amended to read as follows:  
46

1 **Sec. 72.27. Keeping a stray domestic animal.**

2 A person shall not harbor, feed or keep any stray domestic animal, unless Animal  
3 Services is notified on or before the 24<sup>th</sup> hour after the person came into possession of such  
4 animal. Upon receiving notice, an enforcement officer may impound the animal and place it in  
5 the animal shelter. A person shall surrender any stray domestic animal to an enforcement officer  
6 upon the officer's demand.

7  
8 **SECTION 26.** Section 72.28 is amended to read as follows:  
9

10 **Sec. 72.28. Impoundment and confiscation of an animal.**

11 (a) Animal Services may lawfully (a) take custody of any animal and remove it from its  
12 present location if it is found neglected or cruelly treated, or (b) without removing the animal  
13 from its present location, order the owner of any animal found neglected or cruelly treated to  
14 provide certain care to the animal at the owner's expense. After such removal or issuance of  
15 order to provide care, Animal Services shall petition the county court in accordance with Section  
16 828.073, F.S.

17  
18 (b) When removing an animal under this section without consent, Animal Services  
19 may not enter any area where the person occupying the property has a reasonable expectation of  
20 privacy.

21  
22 **SECTION 27.** Section 72.29 is amended to read as follows:  
23

24 **Sec. 72.29. Redemption of impounded companion animals.**

25 (a) Animal Services shall hold for redemption any companion animal which has been  
26 impounded at the shelter for:

27  
28 (1) no less than three shelter business days after the date of impoundment if  
29 the animal has no evidence of ownership,

30  
31 (2) no less than five shelter business days after the date of impoundment if the  
32 animal has some evidence of ownership or,

33  
34 (3) no less than seven shelter business days after the date of impoundment if  
35 the animal has a current Alachua County license.  
36

37 There is no minimum holding time for animals under the age of eight weeks.

38  
39 (b) If Animal Services allows an owner to redeem an injured animal or one suspected  
40 of carrying an infectious or contagious disease, the owner shall provide immediate veterinary  
41 care.  
42

43 (c) In addition to any other requirements set forth herein, an owner seeking to redeem  
44 a companion animal must present valid picture identification and acceptable proof of ownership,  
45 and must pay all fees. Acceptable proof of ownership includes but is not limited to, license  
46 receipt, veterinary records, affidavits from neighbors, photographs or other reliable, verifiable

1 documentary evidence. Fees include but are not limited to reclaim fees, vaccination and licensing  
2 fees, boarding fees, and veterinary charges.

3  
4 (d) If a companion animal is impounded because of inhumane treatment or held  
5 during dangerous dog proceedings, the owner shall be responsible for making monthly payments  
6 for fees accrued.

7  
8 (e) If the owner does not reclaim the animal within the specified time, then Animal  
9 Services may provide for the animal to be adopted, or dispose of the animal by humane  
10 euthanasia, or other humane methods as provided by the laws of Florida.

11  
12 **SECTION 28.** Section 72.30 is amended to read as follows:

13  
14 **Sec. 72.30. Adoption of an animal.**

15 (a) Animal Services shall not permit a person to adopt a companion animal from the  
16 shelter if Animal Services determines that adoption would not be in the best interest of the  
17 animal or the public because the animal shows any sign of aggression, because Animal Services  
18 has knowledge of previous aggression by the animal, or because the animal is suffering from an  
19 illness or an injury.

20  
21 (b) Any dog or cat adopted from Animal Services shall be sterilized, vaccinated, and  
22 licensed by Animal Services prior to release to the new owner. If the sterilization of the animal  
23 cannot be done at the time of adoption because of health reasons, then the person shall leave a  
24 deposit guaranteeing sterilization, as required by F.S. § 823.15. The person shall also license the  
25 domestic animal to be adopted.

26  
27 (c) To be eligible for the return of the required adoption deposit for any dog or cat ,  
28 the adopter shall:

29  
30 (1) On or before the thirtieth day after the date of adoption or sale, or prior to  
31 the animal's sexual maturity, employ a veterinarian to sterilize the animal; and

32  
33 (2) On or before the thirtieth day after the date of sterilization, present to  
34 Animal Services written documentation from the veterinarian who performed the sterilization ;  
35 and

36  
37 (3) On or before the thirtieth day after the date of disposition, present written  
38 documentation of any disposition of the dog or cat prior to sterilization.

39  
40 (d) If an adopter fails to comply with this section within the time specified, then the  
41 adopter shall forfeit the deposit and Animal Services may issue a citation. Pursuant to F.S. §  
42 823.15(2), an adopter who fails to comply with the provisions of this section, shall be liable for  
43 legal fees and court costs to enforce the provisions of this section.

44  
45 (e) In order to protect the health of every animal at the animal shelter, Animal  
46 Services is authorized to provide health screening of every animal that is impounded, which

1 screening includes but is not limited to a veterinary examination, temporary vaccination for  
2 common viruses, heartworm testing for dogs, and feline leukemia testing for cats.

3  
4 (f) An animal welfare organization may adopt a domestic animals without charge.  
5 The organization must sterilize the animal and vaccinate it for rabies prior to another owner  
6 readopting the animal. The organization shall provide to Animal Services, at a minimum, the  
7 following information:

- 8  
9 (1) The name, location address, and phone number of the adoptor;  
10  
11 (2) The date of sterilization and name and address of veterinarian; and  
12  
13 (3) The date of rabies vaccination and name and address of veterinarian.

14  
15 (g) Animal Services may suspend adoption to an animal welfare organization for  
16 failing to comply with the reporting requirements.

17  
18 **SECTION 29.** Section 72.31 is amended to read as follows:

19  
20 **Sec. 72.31. Humane euthanasia.**

21 (a) Animal Services shall attempt to contact the owner of any animal impounded and  
22 wearing a current tag before humane euthanasia of the animal.

23  
24 (b) A companion animals not claimed and not adopted from Animal Services within  
25 the relevant holding period established in 72.29(a) may be disposed of in a humane manner.

26  
27 (c) In the event any untagged animal is found in a state of pain and suffering or  
28 becomes so during confinement, Animal Services may euthanize the animal in a humane manner  
29 regardless of the relevant holding period established in 72.79(a) .

30  
31  
32 **SECTION 30.** Section 72.32 is amended to read as follows:

33  
34 **Sec. 72.32. Disposal of an animal carcass by owners.**

35 (a) Upon the death of an animal, the owner of the animal shall dispose of the carcass  
36 either by burying the carcass at a sufficient depth, of at least two feet, below the surface of the  
37 land in order to prevent predators from exhuming the carcass, or by recognized alternative  
38 methods of disposal such as cremation or rendering. An owner shall not dispose of any animal  
39 carcass by dumping such carcass on any public or private property.

40  
41 (b) A person who, upon demand, does not surrender to Animal Services the carcass  
42 of any dead animal exposed to rabies shall be guilty of a misdemeanor of the second degree.  
43 Each violation constitutes a separate offense.

44  
45  
46 **SECTION 31.** Section 72.33 is amended to read as follows:

1  
2 **Sec. 72.33. Duties of person who injures an animal.**

3 Any person who injures an animal shall immediately notify the owner of the animal if the  
4 owner is known. If the owner is not known, a person who injures an animal shall immediately  
5 notify Animal Services, the county sheriff's office, or a law enforcement agency that has  
6 jurisdiction over the location where the animal was injured .  
7

8 **SECTION 32.** Section 72.34 is amended to read as follows:  
9

10 **Sec. 72.34. Companion animals in motor vehicle.**

11 (a) A motor vehicle operator shall not place or confine a companion animal or allow  
12 it to be placed, confined, or remain in an unattended motor vehicle for such a period of time as  
13 may reasonably be expected to endanger the health or well-being of the animal, due to  
14 considerations such as insufficient ventilation, heat, or lack of water.  
15

16 (b) A motor vehicle operator, operating on a public right-of-way, shall not transport  
17 or keep a companion animal in or on any motor vehicle, unless the companion animal is in the  
18 passenger compartment of the vehicle, or protected by a container, cage, or other appropriate  
19 tethering device that will prevent the animal from falling from, being thrown from, or jumping  
20 from the motor vehicle.  
21

22 (c) Any enforcement officer who finds a companion animal in a motor vehicle under  
23 conditions violating section 72.34(a) shall make a reasonable attempt to notify the operator of the  
24 vehicle. In the event the operator of the vehicle cannot be located after a reasonable attempt, the  
25 enforcement officer may contact law enforcement and request assistance. If the animal is  
26 removed from the vehicle, then the enforcement officer shall leave a written notice bearing the  
27 name of the officer, his department's name and telephone number, and the address where the  
28 owner may claim the animal. Animal Services shall make reasonable efforts to contact the  
29 owner of the animal and give notice that the animal is in its custody. Within the relevant holding  
30 period established in 72.29(a), the owner may reclaim the animal upon payment of the  
31 reasonable maintenance charges, which may include veterinary fees, reclaim fees, boarding fees,  
32 licensing fees, and vaccination fees.  
33

34 **SECTION 33.** Section 72.35 is amended to read as follows:  
35

36 **Sec. 72.35. Animal exploitation.**

37 (a) A person shall not promote, operate, run, participate in, conduct, or allow any  
38 exploitative live animal contests, performances, or exhibitions, or other similar activity in which  
39 animals are encouraged, forced, or trained to perform in an exploitive manner. Prohibited,  
40 exploitative activities are limited to:  
41

- 42 (1) Equine diving;  
43  
44 (2) Any pig contests wherein the object is the capture of the pig;  
45  
46 (3) Any "hog dog" rodeos; and

1  
2 (4) Goldfish swallowing.  
3 (b) A person or organization whether for profit, nonprofit, charity, or any other  
4 purpose, shall not offer an animal as a prize in response to participation in a contest, drawing of  
5 chance, merchandising premiums, promotional giveaways, or any other similar event. Pet  
6 retailers that operate a cat adoption program are exempt from this provision if the program:

- 7  
8 (1) Limits cat intake to one litter per individual cat per lifetime;  
9  
10 (2) Maintains a veterinarian of record;  
11  
12 (3) Provides for spaying of the mother;  
13  
14 (4) Provides veterinary care to the kittens; and  
15  
16 (5) Provides for sterilization of the kittens, prior to the kitten reaching six  
17 months of age.  
18  
19  
20

21 **SECTION 34.** Section 72.36 is amended to read as follows:  
22

23 **Sec. 72.36. Sale or donation of impounded animals for purpose of scientific research.**

24 All animals in the custody of Animal Services shall be disposed of via adoption, owner  
25 reclamation, or euthanasia. Animal Services shall not release, sell, or give any live animal to any  
26 institution, private firm, or individual for the sole purpose of medical or scientific research.  
27

28 **SECTION 35.** Section 72.37 is amended to read as follows:  
29

30 **Sec. 72.37. Inspection of animal establishments.**

31 (a) Animal Services shall have authority to enter and inspect any animal  
32 establishment, including any records pertaining to the animals; any location where animals are  
33 boarded, sold, bred, trained, or groomed, including but not limited to pet dealerships, kennels,  
34 catteries, roadside zoos, zoological parks, flea markets, fairs, circuses or performing animal  
35 exhibitions; and any other premise or property where animals are kept as a business.  
36

37 (b) Animal Services shall not inspect any research and instructional program  
38 conducted in the interest of medical science by universities registered with the USDA and  
39 operated under federal statutes and rules, any establishments owned by a licensed veterinarian in  
40 private practice, the U.F. College of Veterinary Medicine, or any animal establishment where  
41 livestock is raised by a bona fide commercial enterprise regulated by another governmental  
42 agency.  
43

44 **SECTION 36.** Section 72.38 is amended to read as follows:  
45

46 **Sec. 72.38. Authority of Animal Services to assist with certain animals.**

1 Animal Services is authorized, by permit from the Florida Fish and Wildlife  
2 Conservation Commission, to humanely trap, transport, relocate, release, or euthanize indigenous  
3 or non-indigenous, nongame wildlife. Animal Services may also release indigenous wildlife to  
4 rehabilitators as permitted by the Florida Fish and Wildlife Conservation Commission. Animal  
5 Services is authorized to assist a law enforcement agency in any situation involving livestock,  
6 upon request of such agency. Animal Services may provide assistance to any citizen and law  
7 enforcement agency regarding any incidents involving any animal.

8  
9 **SECTION 37.** Section 72.39 is amended to read as follows:

10  
11 **Sec. 72.39. Trapping an animal.**

12 (a) Any person trapping an animal shall:

13  
14 (1) Use a humane trap;

15  
16 (2) Provide the trapped animal with protection from the direct rays of the sun  
17 and direct effects of any wind, rain, irrigation and sprinkler system;

18  
19 (3) Provide fresh water and fresh bait in the trap each time the trap is set;

20  
21 (4) Set the trap at dusk, never during daylight hours;

22  
23 (5) Check the trap in the morning and if the animal has not been trapped,  
24 spring the trap;

25  
26 (6) If an animal has been trapped, notify Animal Services by 10:00 a.m. the  
27 following morning so that an enforcement officer can remove any trapped animal, unless the  
28 traps were set pursuant to a trapping permit granted by the Florida Fish and Wildlife  
29 Conservation Commission;

30  
31 (7) Not remove an animal trapped or tamper with the trap or move the trap  
32 with an animal inside; and

33  
34 (8) Make every reasonable attempt to locate the offspring of any trapped  
35 lactating mother.

36  
37 **SECTION 38.** Section 72.40 is amended to read as follows:

38  
39 **Sec. 72.40. Fees.**

40 (a) The board shall establish by resolution the fees to be charged in connection with  
41 the provisions of this chapter, including boarding and reclaim fees, fees for vaccination and  
42 adoption, and fees for license certificates, license tags, and replacement tags.

43 (b) Any person with a disability who has a dog that is specially trained to assist the  
44 person, and any law-enforcement agency with a dog trained for assisting the agency is exempt  
45 from the cost of the license tag.

1 (c) No fees shall be assessed if an animal is improperly impounded.

2  
3 (d) The reclaim fee shall be waived for a first offender, once during the owner's life,  
4 when the owner elects to attend a humane education program presented by Animal Services.  
5

6  
7 **SECTION 39.** Section 72.41 is amended to read as follows:  
8

9 **Sec. 72.41. Waiver of fees.**

10 (a) The director may waive a required fee or charge, except a fee or charge for  
11 licensing, anytime the owner's animal has been impounded as a direct result of a crime  
12 committed against the owner and the owner has been referred to Animal Services by the Alachua  
13 County Office of Victim Services, Peaceful Paths, the Alachua County Sheriff's Office, or any  
14 other law enforcement office or victim assistance program.  
15

16 (b) The director may waive a required fee or charge, except a fee or charge for  
17 licensing, once during the owner's lifetime. In order to qualify for such waiver, the owner must  
18 meet the Alachua County Office of Social Services' economic screening guidelines, must not  
19 have violated Section 72.10 prior to the impoundment of the owner's animal and must not have  
20 had action under F.S. § 828.073 taken against them prior to the impoundment of the owner's  
21 animal. No waiver shall exceed \$100 per animal if the animal is fertile, and no waiver shall  
22 exceed \$200 per animal if the animal is sterile.  
23

24 (c) In the event that the Codes Enforcement Board is designated as a Hearing Officer  
25 and if an owner consents to a hearing extension under §72.15(b) so as to avoid the necessity of  
26 scheduling a special hearing of the codes enforcement board, the director shall waive all  
27 boarding fees and charges that accrue from the twenty-first day after the date of receipt of the  
28 owner's written request through the date of the hearing.  
29

30  
31 **SECTION 40.** Section 72.42 is amended to read as follows:  
32

33 **Sec. 72.42. Chapter to be liberally construed.**

34 This chapter is to be liberally construed in order to effectively carry out its purposes,  
35 which are deemed to be in the best interest of the public health, safety, and welfare of the citizens  
36 and residents of the county.  
37

38 **SECTION 41.** Inclusion in the Code, Scrivener's Error. It is the intention

39 of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided  
40 that the provisions of this ordinance shall become and be made a part of the Code of Laws and  
41 Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered  
42 or relettered to accomplish such intention; and that the word ordinance may be changed to

1 section, article, or other appropriate designation. The correction of typographical errors which  
2 do not affect the intent of the ordinance may be authorized by the County Manager or designee  
3 without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the  
4 Circuit Court.

5 **SECTION 42.** Severability. It is the declared intent of the Board of County  
6 Commissioners of Alachua County, Florida, that, if any section, subsection, sentence, clause,  
7 phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent  
8 jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or  
9 unconstitutional the remaining provisions of this ordinance.

10 **SECTION 43.** Repealing Clause. All ordinances or parts of ordinances in  
11 conflict herewith are, to the extent of such conflict, hereby repealed.

12 **SECTION 44.** Effective Date. A certified copy of this ordinance shall be filed  
13 with the Department of State by the Clerk of the Board of County Commissioners within ten (10)  
14 days after enactment by the Board of County Commissioners.

15 DULY ADOPTED in regular session, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

16 BOARD OF COUNTY COMMISSIONERS OF  
17 ALACHUA COUNTY, FLORIDA

18  
19 ATTEST:

20 By: \_\_\_\_\_  
21 Lee Pinkoson, Chair

22 \_\_\_\_\_  
23 J. K. Irby, Clerk

24 APPROVED AS TO FORM

25 \_\_\_\_\_  
26 County Attorney

27  
28 (SEAL)

1  
2  
3  
4

APPROVED AS TO CONTENT

---

Director, Animal Control