

PROPOSED

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO DOGS AND CATS; AMENDING SECTION 4-2 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING FOR DEFINITIONS; AMENDING SECTION 4-6.5, ESTABLISHING REQUIREMENTS FOR BREEDER PERMITS; AMENDING SECTION 4-11, PROVIDING FOR REGISTRATION OF DOGS AND CATS; AMENDING SECTION 4-14, REQUIRING REPORTING OF DOG, CAT, OR FERRET BITES; AMENDING SECTION 4-14.5, RELATING TO DOG OR CAT BITES WITH INJURIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 4-2 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 4-2. Definitions.

...

(b) *Aggressive dog* shall mean any dog that, according to the records of the Division, has killed or severely injured a domestic animal while unprovoked and off the owner's property.

...

Section 2. Section 4-6.5 of the Broward County Code of Ordinances is hereby amended to read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.

1 **Sec. 4-6.5. Breeder permits and requirements.**

2 (a) No breeder shall cause or allow the breeding or studding of a dog or cat,
3 sell a dog or cat, or offer a dog or cat for sale, breeding, or studding purposes, without
4 first obtaining a breeder permit issued by the Division. The cost of the permit and other
5 related fees shall be established by the Commission by resolution.

6 . . .

7 (c) No permit shall be issued or renewed hereunder to any applicant that has
8 outstanding and unsatisfied civil penalties imposed due to violations of this ~~article~~ chapter.

9 . . .

10 (j) *Permit denial, revocation, and suspension.*

11 (1) The Division may deny, revoke, or suspend any permit if it is determined
12 that:

13 a. There has been a material misstatement or misrepresentation in the
14 permit application;

15 b. The applicant or permit holder has ~~been held in violation for at least~~
16 pled guilty or no contest to, or has been found by a Hearing Officer
17 to have violated, any three (3) ~~violations~~ provisions of this ~~article~~
18 chapter within the preceding ~~two-year~~ twenty-four (24) month
19 period;

20 c. The applicant or permit holder has failed to pay a fine within
21 thirty (30) days, or to request a hearing as provided in this ~~article~~
22 chapter within ~~thirty (30)~~ ten (10) days, after issuance of a ~~violation~~
23 citation;

24 . . .

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underscored type are additions.

1 (3) If a permit is ~~either denied, or the Division intends to revoke,~~ or
2 ~~suspended~~ an existing breeder permit, the Division shall provide written
3 notification of the denial, or intended revocation, or suspension to the
4 applicant or permit holder ~~by certified mail, return receipt requested; hand~~
5 ~~delivery by an officer evidenced by an affidavit of delivery; or service in~~
6 ~~conformance with the provisions of Chapter 48, in writing, and in~~
7 accordance with the notice provisions of Section 162.12, Florida Statutes,
8 ~~relating to service of process.~~ The denial or notice of intent to revoke or
9 suspend a breeder permit shall state the following:

10 YOU HAVE TWENTY (20) DAYS FROM THE DATE OF THIS
11 NOTIFICATION TO APPEAL THE ACTION, IN WRITING, BEFORE A
12 BROWARD COUNTY HEARING OFFICER. IF NO WRITTEN NOTICE OF
13 APPEAL IS RECEIVED BY THE DIRECTOR OF THE ANIMAL CARE AND
14 ADOPTION DIVISION WITHIN TWENTY (20) DAYS AFTER THE DATE
15 OF THIS NOTIFICATION, YOUR BREEDER PERMIT APPLICATION OR
16 BREEDER PERMIT WILL STAND DENIED OR BE
17 REVOKED/SUSPENDED, AS APPLICABLE.

18 (4) *Appeal process.*

19 a. Any permit applicant or holder who has been denied a permit or
20 whose ~~permit has been~~ received notice of an intent to ~~revoke~~ or
21 ~~suspended~~ a breeder permit may appeal this action to a Hearing
22 Officer pursuant to Section 4-12.5, within ~~ten (10)~~ twenty (20) days
23 after the ~~mailing of~~ date of the notice ~~by~~ from the Division to the
24 permit applicant or holder ~~of the adverse action.~~ A To be timely, a

1 written notice of appeal and ~~Hearing Officer deposit~~ must be filed
2 with the Division within ~~ten (10)~~ twenty (20) days after the
3 notification of the denial, ~~revocation, or suspension of~~ or intent to
4 revoke or suspend the permit.

5 . . .

6
7 Section 3. Section 4-11 of the Broward County Code of Ordinances is hereby
8 amended to read as follows:

9 **Sec. 4-11. Registration of dogs and cats.**

10 (a) Any owner who owns or keeps, in Broward County, a dog or cat four (4)
11 months of age or older shall have such dog or cat registered by and in Broward County
12 and shall obtain and keep a current rabies registration tag. The Division shall provide
13 suitable dog and cat rabies registration tags for sale through veterinarians providing
14 services in Broward County, authorized representatives, or the Division. Each owner of
15 a dog or cat shall obtain a Broward County rabies registration tag within thirty (30) days
16 after the dog or cat has been vaccinated against rabies. A separate rabies registration
17 tag shall be issued for each dog or cat, and a rabies registration tag issued for one (1)
18 dog or one (1) cat is not valid for any other dog or cat. Failure to obtain the rabies
19 registration tag within the ~~timeframe~~ time frame provided herein shall be a violation of
20 this section, and the owner of the dog or cat may be issued a citation and subject to a
21 civil penalty in an amount set by resolution of the Commission; provided, however, that
22 dog or cat owners who fail to obtain a rabies registration tag for their dog or cat within
23 the time frame provided herein, and who have not already been issued a citation for
24

1 such failure, shall not be issued a citation for such failure when a new rabies registration
2 tag is obtained.

3 . . .

4
5 Section 4. Section 4-14 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 4-14. ~~Reporting~~ Bites from dogs, cats, or ferrets.**

8 (a) It shall be a violation of this section for the owner, possessor, or harborer
9 of a dog, cat, or ferret to negligently allow the animal to bite a human being who does
10 not ordinarily reside on the premises. An owner, possessor, or harborer of a dog, cat,
11 or ferret shall not be deemed to have negligently allowed the animal to bite a human
12 being if the animal was subject to provocation or if the victim was trespassing, as defined
13 in Section 4-2.

14 (b) The owner, possessor, or harborer of a dog, cat, or ferret that has bitten a
15 human being; Any person who has been bitten by a dog, cat, or ferret; or any person
16 who has knowledge of or treats any person bitten by any dog, cat, or ferret shall report
17 the incident to the Florida Department of Health and to the Division within twelve (12)
18 hours ~~of~~ after the earlier of the occurrence ~~of~~, or learning of, the incident.

19 (a) (1) Owners of dogs, cats, or ferrets ~~which~~ that have been reported to have
20 bitten any person shall be charged an animal bite investigation fee, as set
21 by resolution, when Division staff investigates an animal bite by telephone
22 or by review of correspondence or records to determine the vaccination
23 status and quarantine requirements for the animal, and it has been proven
24 by clear and convincing evidence that the dog, cat, or ferret has bitten any

1 person. Such fee shall not be assessed in those instances where the
2 owner and the victim are the same, ~~or~~ are within the immediate family, or
3 are living in the same household, ~~and the dog, cat, or ferret has a current~~
4 ~~rabies vaccination.~~

5 ~~(b)~~ (2) Owners of dogs, cats, or ferrets ~~which~~ that have been reported to have
6 bitten any person shall be charged a field investigation fee in the amount
7 set by resolution when Division staff is not able to obtain all necessary
8 information pursuant to Subsection ~~(a)~~ (1) above and an animal care
9 specialist is dispatched to conduct a field investigation. If the animal care
10 specialist is required to make a visit to the victim of the animal bite to verify
11 the dog, cat, or ferret bite or wound and obtain copies of all medical
12 treatment provided by a hospital or doctor treating the bite victim, an
13 additional field investigation fee will be charged, as set by resolution.

14 ~~(c)~~ (3) If a quarantine is required at a quarantine facility and the owner of the dog,
15 cat, or ferret has failed to submit the dog, cat, or ferret to the facility after
16 a period of twenty-four (24) hours after notice of a quarantine requirement
17 at a quarantine facility, the Division shall have the right to pick up the dog,
18 cat, or ferret and transport said animal to the quarantine facility. The
19 owners of animals shall be charged a transportation fee in the amount set
20 by resolution when the Division transports the dog, cat, or ferret after the
21 owner has failed to transport said animal to a quarantine facility within
22 twenty-four (24) hours after notification of said requirement.

23 ~~(d)~~ (4) At the end of each quarantine period for rabies observation, owners of a
24 dog, cat, or ferret ~~which~~ that has been reported to have bitten any person

1 are required to call the Division to verify that the dog, cat, or ferret reported
2 to have bitten any person is alive and healthy to assure that it is free of a
3 rabies infection. A quarantine release fee in the amount set by resolution
4 shall be charged when the owner fails to call and the Division was
5 unsuccessful in reaching the owner by telephone within forty-eight (48)
6 hours following the expiration of the quarantine period, thereby requiring
7 the dispatch of an animal care specialist to observe the dog, cat, or ferret.

8 (e) (5) An invoice reflecting the fees imposed pursuant to this Ordinance shall be
9 sent to the owner of the dog, cat, or ferret. Payment shall be made by the
10 owner within thirty (30) calendar days ~~of~~ after the date of said invoice. Any
11 person who fails to pay the invoice is subject to a civil action by Broward
12 County to collect the fees.

13
14 Section 5. Section 4-14.5 of the Broward County Code of Ordinances is
15 hereby amended to read as follows:

16 **Sec. 4-14.5. Dog and cat bites with injuries.**

17 (a) It shall be a violation of this section for ~~The owner or keeper of any dog~~
18 ~~or cat that~~ to negligently allow the dog or cat to ~~inflicts severe injuries,~~ as defined in
19 ~~Section 4-2, or attacks or kills a domestic animal as described in Section 4-2. The owner~~
20 or keeper of such dog or cat shall be subject to the provisions of Section 4-14 above. If
21 the Division concludes, following an animal bite investigation, that the dog or cat inflicted
22 severe injuries while unprovoked, the owner or keeper shall, at all times that the dog or
23 cat is not securely confined indoors or confined in an enclosure:

1 (1) Muzzle the dog or cat in such a manner as to prevent it from biting or
2 injuring any person or other ~~animal~~ dog or cat; and
3 (2) Keep the dog or cat on a leash with the owner or keeper in attendance.
4 (b) Failure to comply with the requirements above shall constitute a violation
5 of this section. Any person cited for an infraction for bites and unmuzzled dog(s) or
6 cat(s) shall be assessed the civil penalty or penalties in the amount set by resolution. A
7 dog or cat owner or keeper cited for a dog or cat bite may elect to pay the victim's
8 medical expenses. If such expenses are paid within fifteen (15) calendar days after the
9 bite and the dog or cat owner or keeper complies with all applicable provisions of
10 Chapter 4 of the Broward County Code of Ordinances, the fine to be assessed pursuant
11 to Chapter 40 of the Broward County Administrative Code shall be reduced by three
12 hundred dollars (\$300).

13
14 Section 6. Severability.

15 If any portion of this Ordinance is determined by any court to be invalid, the invalid
16 portion will be stricken, and such striking will not affect the validity of the remainder of
17 this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot
18 be legally applied to any individual, group, entity, property, or circumstance, such
19 determination will not affect the applicability of this Ordinance to any other individual,
20 group, entity, property, or circumstance.

21
22 Section 7. Inclusion in the Broward County Code of Ordinances.

23 It is the intention of the Board of County Commissioners that the provisions of
24 this Ordinance become part of the Broward County Code of Ordinances as of the

1 effective date. The sections of this Ordinance may be renumbered or relettered and the
2 word "ordinance" may be changed to "section," "article," or such other appropriate word
3 or phrase to the extent necessary in order to accomplish such intention.

4
5 Section 8. Effective Date.

6 This Ordinance is effective as of the date provided by law.

7
8 ENACTED

9 FILED WITH THE DEPARTMENT OF STATE

10 EFFECTIVE

PROPOSED

11
12 Approved as to form and legal sufficiency:
13 Andrew J. Meyers, County Attorney

14 By /s/ Maite Azcoitia 09/11/2020
15 Maite Azcoitia (date)
16 Deputy County Attorney

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21
22 MA/gmb
23 Ch4 Update Ordinance
24 09/30/2020
#60107-0001

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