

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO ANIMAL CARE; AMENDING VARIOUS
3 SECTIONS OF CHAPTER 4 OF THE BROWARD COUNTY CODE OF ORDINANCES
4 ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND
5 AN EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)

7
8 WHEREAS, it is in the interest of Broward County to update its animal care
9 regulations to better protect the health, safety, and welfare of animals and the public and
10 to streamline operational processes within the Animal Care Division to reflect best
11 practices from the animal welfare community; and

12 WHEREAS, the proposed amendments to Chapter 4 of the Broward County Code
13 of Ordinances would also improve readability and enhance the efficiency of the Animal
14 Care Division's programs, operations, and ability to effectively enforce this chapter,

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

17 Section 1. Chapter 4 of the Broward County Code of Ordinances is hereby
18 amended to read as follows:

Chapter 4

DOGS AND CATS

Sec. 4-1. Short title and intent.

This chapter shall be known and may be cited as the Broward County Animal Care and Adoption Ordinance and shall serve to define the requirements and regulate the care and adoption of animals in Broward County.

Sec. 4-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated. No attempt is made to define any words that are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstandings.

1

Animal shall mean every living vertebrate other than a human being.

Animal fighting shall mean fighting between dogs or any other wild or domestic animals.

Animal rescue organization shall mean a humane society or other ~~non-profit~~ nonprofit organization that is dedicated to the protection of domestic animals, duly registered with the Florida Department of State, and properly organized as a charitable organization under Section 501(c)(3) of the Internal Revenue Code.

Animal shelter shall mean any facility maintained by the County, a nonprofit humane organization, or a municipal agency for the confinement, care, control, or disposition of animals that come into the custody of the facility, and that does not breed animals or obtain animals from a breeder in exchange for consideration of any kind. Commercial establishments are excluded from this definition.

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42 *At large* shall mean not on the owner's property, and not under restraint or the
43 direct control, custody, ~~charge~~, or possession of the owner or other responsible person.

44 *Baiting* shall mean to attack with violence, to provoke, or to harass an animal with
45 one (1) or more animals for the purpose of training an animal for, or causing an animal to
46 engage in, fighting with or among other animals, or as further defined in Section 828.122,
47 Florida Statutes, as amended.

48 ...
49 *Citation* shall mean a written notice ~~or an electronically-generated notice~~, issued
50 to a person ~~by an officer, or~~ by the Division, ~~with~~ based on probable cause to believe that
51 the person has committed a civil infraction in violation of this chapter.

52 ...
53 *Community cat* shall mean any free-roaming, ear-tipped, unowned cat living in an
54 outdoor environment that may or may not be a part of a cat colony. A community cat may
55 or may not be feral. Community cats shall be exempt from the rabies registration ~~license~~
56 requirements of Section 4-11 and the stray animal provisions of Section 4-23. Community
57 cats shall be subject to the rabies vaccination requirements of Section 4-10.

58 ...
59 ~~*Cruelty* shall mean action, omission to act, or neglect by which unnecessary or~~
60 ~~unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is~~
61 ~~reasonable remedy or relief, except when done in the interest of medical science and~~
62 ~~performed in compliance with applicable Florida Statutes, rules, and regulations have the~~
63 meaning provided by Section 828.27, Florida Statutes, as amended.

64 ...
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65 *Director* shall mean the Director of the Animal Care and Adoption Division for
66 Broward County.

67 *Division* shall mean the Broward County Animal Care and Adoption Division, or
68 any successor agency.

69 . . .

70 *Feral* shall mean a dog or cat that exists in an untamed state or that has returned
71 to an untamed state, generally not socialized to human contact, and is no longer
72 considered domesticated.

73 *Foster* shall mean to provide a transition from intake by the Division to an adoptable
74 age or status for dogs and cats by maintaining human contact with the fostered animal in
75 a home-like environment.

76 Guard dog shall mean any dog used to defend, patrol, or protect property or life at
77 a commercial establishment or that resides on commercial property. The term "guard dog"
78 shall exclude any stock dogs used primarily for handling and controlling livestock or farm
79 animals.

80 Guard dog registration shall mean the process of registering a guard dog with the
81 Division to document the dog's existence in Broward County.

82 Guard dog service shall mean any person, firm, or corporation that trains, sells,
83 rents, leases, or loans guard dogs for defending, patrolling, or protecting property or
84 persons.

85 Harborer shall mean someone who, without claiming ownership, keeps or provides
86 ongoing food, shelter, and/or protection to an animal.

87 . . .

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88 *Hoarding* shall mean the ~~intentional~~ accumulation of a group of animals ~~which that~~
89 has overwhelmed a person's ability to provide minimal standards of nutrition, sanitation,
90 ~~and care to the animals~~ shelter, veterinary care, and socialization, coupled with an
91 inability or refusal to acknowledge that the condition of the animals is deteriorating.

92 . . .
93 *Individual with a disability* shall mean a person who is visually impaired, blind,
94 hearing impaired, deaf, or physically challenged, or a similarly health impaired person
95 who by reason thereof is aided by a service animal have the meaning provided by
96 Section 413.08, Florida Statutes, as amended.

97 *Intact* shall mean any dog or cat that has not been surgically neutered or spayed,
98 meaning their reproductive organs are still present. For male dogs and cats, this means
99 they still have their testicles, and for female dogs and cats, it means they still have their
100 ovaries and uterus.

101 . . .
102 *Officer* shall mean any ~~"animal care specialist, field"~~ or "animal control officer" as
103 defined in Section 828.27, Florida Statutes, as amended.

104 *Owner* shall mean any natural person, firm, association, or corporation that owns,
105 ~~or keeps, or harbors~~ an animal. Animal shelters that keep or harbor animals on a
106 temporary basis shall not be deemed to be owners. For purposes of this chapter, the
107 knowledge and acts of agents and employees of business entities in regard to animals
108 transported, owned, employed by, or in the custody of a business entity shall be deemed
109 to be the knowledge and acts of such business entity. If the owner is a minor, as defined

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110 by statute, the minor's parent(s) or legal guardian(s) shall be deemed the owner for
111 purposes of this chapter.

112 *Pet trader* shall mean any person, firm, association, or corporation that exchanges
113 for consideration dogs or cats, including puppies and kittens, regardless of the age of the
114 dog or cat. This term does not include any animal welfare organization or shelter that
115 qualifies as a not-for-profit under Section 501(c)(3) of the Internal Revenue Code.

116 . . .

117 *Return-to-field* shall mean trapping, or otherwise obtaining a community cat, and
118 providing for the sterilization, rabies vaccination, and ear-tipping of the cat. Upon
119 determination that the cat is healthy and capable of living independently or in a managed
120 colony, the cat shall be returned and released in a suitable, safe location in close proximity
121 ~~to the original point of pick-up. In instances in which releasing to the original location is~~
122 ~~determined a nuisance by the Division, the cat shall be released to an alternate suitable~~
123 ~~outdoor location.~~

124 *Service animal* shall mean an animal individually trained to do work or perform
125 tasks for the benefit of an individual with a disability (as defined in the Americans with
126 Disabilities Act of 1990, 42 U.S.C. Section 12102), including without limitation, guiding
127 individuals with impaired vision, alerting individuals with impaired hearing to intruders or
128 sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching
129 dropped items. Additionally, "service animal" shall mean an animal used for medical
130 reasons, including without limitation, cancer, diabetes, and seizure detection, and any
131 animal used for emotional support pursuant to a doctor's prescription have the meaning
132 provided by Section 413.08, Florida Statutes, as amended.

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133 ~~Severe injury shall mean any physical injury to a human being or domestic animal~~
134 ~~that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or~~
135 ~~reconstructive surgery, or as further defined in Section 767.11, Florida Statutes.~~

136 *Severe injury, for purposes of aggressive dog investigations and proceedings and*
137 *investigations of dog and cat bites resulting in injury, shall mean any physical injury that*
138 *results in a broken bone, multiple bites, or disfiguring lacerations requiring sutures or*
139 *reconstructive surgery, or internal injuries that impair bodily function.*

140 *Severe injury, for purposes of dangerous dog investigations and proceedings, shall*
141 *have the meaning provided by Section 767.11, Florida Statutes, as amended.*

142 . . .

143 ~~Rescue Partnership, Animal Rescue Group, or Rescue Group Transfer Partner~~
144 *shall* means a group of persons who possess a current, valid Broward County ~~Rescue~~
145 ~~Transfer Partner~~ agreement, ~~hold~~ *represent* themselves ~~out~~ as an animal rescue group,
146 accept or solicit ~~dogs, cats, or other~~ animals with the intent of finding permanent adoptive
147 homes or providing lifelong care for such ~~dogs, cats, or other~~ animals, and ~~who~~ use *a*
148 *shelter or* foster homes as the primary means of housing animals; or a group of persons
149 formed for the prevention of cruelty to animals.

150 *Unprovoked* shall mean that the victim, ~~who~~ *whether a person or animal that has*
151 ~~been conducting himself or herself~~ *acting* peacefully and lawfully, has been bitten, ~~or~~
152 chased in a menacing fashion, ~~or~~ attacked by a dog or cat.

153 . . .

154 **Sec. 4-3. Dogs at large prohibited.**

155 . . .

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156 (c) Any dog that is on private property without the consent of the property owner
157 or resident may be captured in a humane trap or otherwise humanely confined. A person
158 capturing an ~~at large~~ at large dog will be responsible for the humane care of the dog until
159 the captured dog is turned over to the Division, or other humane organization, or licensed
160 wildlife trapper. A person shall not entice a dog to become at large for the purpose of
161 trapping or apprehending when that dog would otherwise not be at large.

162 . . .

163 (e) In order for a dog to be allowed on a public street, road, park, or other public
164 property, unless otherwise specifically permitted, the dog shall be under the direct
165 physical control of the owner or keeper, except while hunting, pursuant to a permit, or
166 during an obedience demonstration, ~~show~~, trial, training exercise, competition, show,
167 match, or an educational program, if sufficient precautions are taken by the owner of the
168 dog, or sponsor of the event to ensure the safety and protection of both the public and
169 other animals.

170 . . .

171 (h) Except as otherwise provided in Section 4-28, Aan officer shall issue a
172 citation for any dog found by the officer to be at large ~~as provided in Section 4-28.~~
173 Additionally, the officer may seize and impound the ~~at large~~ at large dog.

174 **Sec. 4-4. Nuisance dogs and cats.**

175 ~~Any dog or cat found to be a nuisance pursuant to Section 4-8, and removed to a~~
176 ~~designated County animal shelter facility, shall be impounded in accordance with~~
177 ~~Section 4-5.~~

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178 **Sec. 4-5. Impoundment and confinement of dogs and cats.**

179 (a) The Division may impound and keep a dog or cat at a place maintained or
180 designated for that purpose whenever:

181 . . .

182 (3) The dog or cat has been abandoned. ~~A dog or cat shall be deemed~~
183 ~~abandoned if it has been placed in the custody of a licensed veterinarian or~~
184 ~~kennel and it has not been redeemed after a period of more than ten (10)~~
185 ~~days after written notice is given to the owner or the owner's agent at the~~
186 ~~last known address. Any such dog or cat may be turned over to the Division~~
187 ~~for disposition in any lawful manner at the discretion of the Director or~~
188 ~~designee, as provided in Section 705.19, Florida Statutes, as amended, or~~
189 ~~as otherwise defined in this chapter.~~ Abandonment shall constitute the
190 relinquishment of all rights and claims by the owner to such dog or cat;

191 (4) An ~~animal care specialist~~ officer finds that the dog or cat is or will be without
192 proper care because the owner is unable to care for the dog or cat due to
193 injury, illness, incarceration, or other involuntary absence; or

194 . . .

195 (b) Prior to disposing of any dog or cat, the Division shall make reasonable
196 efforts to identify and notify the owner ~~of the dog or cat~~. The owner may redeem the dog
197 or cat upon payment of the redemption fees ~~provided for~~ established by the Commission
198 by resolution ~~of the Commission~~. Missing dogs or cats may be reported to the Division on
199 ~~forms prescribed for that purpose by the Director~~. A dog or cat voluntarily surrendered by

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200 its owner to the Division, however, shall become the immediate property of the Division
201 and may be immediately disposed of pursuant to this section.

202 (c) Dogs or cats impounded pursuant to this section and not claimed by their
203 owners shall be held by the Division for a period of at least three (3) full business days
204 after impoundment and prior to disposition, except as provided herein:

205 (1) The confinement period before disposition shall be at least five (5) full
206 business days for any dog or cat that is wearing a rabies registration ~~license~~
207 tag or other traceable identification.

208 . . .

209 (5) In the event that the Mayor declares a ~~S~~state of ~~E~~mergency in Broward
210 County, the Director, taking into account the number of animals in the
211 custody of the Division at that time, may increase or decrease the holding
212 periods ~~contained~~ in this section ~~as circumstances may require~~.

213 . . .

214 (d) Any ~~D~~ogs or cats impounded by the Division shall be released to ~~their~~ its
215 owners upon presentation of proof of ownership, ~~and, if~~ proof of proper vaccination and
216 ~~licensing~~ rabies registration is not provided, the dog or cat shall only be released after
217 proper vaccination ~~and~~ licensing, purchase of a rabies registration tag, and payment of
218 the impoundment fees and redemption charges established by the Commission by
219 ~~resolution of the Commission~~. An owner's agent may redeem a dog or cat upon
220 presentation of the foregoing information, as well as written proof of agency.

221 . . .

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222 (2) Additional fees or redemption charges established by the Commission by
223 resolution ~~of the Commission~~ shall be assessed upon the release of the
224 impounded dog or cat if the dog or cat is not ~~either~~ spayed or neutered, or
225 if, within a twelve (12) month period, ~~an~~ the owner has redeemed more than
226 one (1) dog or cat ~~or the, including the same~~ dog or cat on more than one (1)
227 occasion.

228 (e) Those dogs or cats not redeemed by an owner within the confinement
229 periods described in Section (c) above may, at the discretion of the Director or designee,
230 be put up for adoption, released to approved animal rescue organizations, humanely
231 euthanized, or disposed of in such other humane manner as the Director or designee
232 shall deem appropriate. ~~It is provided, h~~However, that such animals may not be released
233 to any medical school, college, university, person, firm, association, corporation, or
234 individual for experimentation or vivisection purposes, or to any person, firm, association,
235 corporation, or individual providing, selling, or supplying animals to any medical school,
236 college, university, person, firm, association, corporation, or individual for
237 experimentation or vivisection purposes.

238 (f) Found stray animals. The Division, at its sole discretion, may permit
239 residents of Broward County who came into possession of a stray dog or cat and wish to
240 provide it with a permanent home to legally become the owner of such animal by adhering
241 to the following procedures. The finder must:

242 (1) Take the stray dog or cat to the Division to be scanned for an electronic
243 animal identification device ("microchip") and checked for a tattoo. In the
244 alternative, the finder may take the dog or cat to a local veterinarian or

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another animal shelter to be scanned for a microchip and checked for a tattoo, and provide proof to the Division that this requirement was met;

(2) Provide the Division with clear identifying color photographs showing the animal from a side view and a front view;

(3) Post a publicly accessible found advertisement on at least one (1) social media platform for at least thirty (30) consecutive days;

(4) Complete the Division's found form, which provides all appropriate identifying information for the animal; and

(5) Pay all necessary veterinary expenses if the animal becomes injured or sick while under the finder's care. If the finder is unable or unwilling to pay the veterinary expenses, the animal must be relinquished to the Division, and the finder will lose all rights and claims to the animal.

(g) The finder must relinquish the animal to the owner upon presentation of ownership within thirty (30) days of the animal being found, or until the Division takes and releases the animal to the finder. The finder must also relinquish the found animal to the Division upon request.

(h) The finder must notify the Division if the animal is placed with another person.

(i) The finder may become the owner of the animal pursuant to this section by complying with the above procedures and ensuring that the animal has been vaccinated, has a rabies registration tag, has been sterilized, and has been implanted with a microchip.

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(j) The requirements in Section (i) must be completed by the finder at his or her expense, no earlier than thirty (30) days and no later than forty-five (45) days after the Division receives the found form. Extensions may be granted by the Division for reasonable requests.

(k) At its discretion, the Division may decline to approve the transfer of ownership of the animal if the Division determines that the transfer is not in the best interest of the animal or the health, safety, and general welfare of the public.

(f) (1) Nothing contained in this section shall restrict the ability of an officer to take custody of a neglected or mistreated animal as provided in Section 828.073, Florida Statutes, as amended.

Sec. 4-6. Care of dogs and cats; manner of keeping.

(d) It shall be unlawful for any person keeping a dog or cat to fail to provide shelter for that animal. Outdoor shelters for dogs and cats must be of sound construction and provide adequate protection from ~~rain, wind, sun, and all elements~~ weather conditions, at all times. The following elements standards shall be provided as essential components apply to the provision of shelter:

(1) When the outdoor temperature falls below forty-five (45) degrees Fahrenheit, all cats and those dogs that cannot tolerate such temperatures without stress or undue discomfort (i.e., short-haired breeds, sick, aged, young, or infirm) must be protected from the cold and heat by being moved indoors or provided adequate heating to maintain the air temperature above forty-five (45) degrees Fahrenheit. ~~When the outdoor temperature rises~~

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290 ~~above eighty-five (85) degrees Fahrenheit, all dogs and cats must be~~
291 ~~provided air conditioning, a fan, or another cooling source to maintain the~~
292 ~~temperature in the shelter at or below eighty-five (85) degrees Fahrenheit.~~

293 (2) Dogs shall not be housed in temperatures above eighty-five (85) degrees
294 Fahrenheit for more than four (4) consecutive hours. If the temperature rises
295 above eighty-five (85) degrees Fahrenheit for any length of time, additional
296 ventilation such as fans, blowers, or air conditioning must be provided.

297 (2) (3) Clean and dry bedding material.

298 (3) (4) Sufficient space for each dog or cat to comfortably stand up, sit down, lie
299 down, and turn around in the shelter, without touching the top or sides of
300 the shelter. If the shelter is used for more than one (1) dog or cat at the
301 same time, it must provide enough space for both animals to comfortably
302 stand up, sit down, lie down, and turn around simultaneously.

303 (4) (5) A solid weatherproof roof, a solid sanitary floor, and adequate ventilation.

304 (5) (6) All areas where dogs and cats are kept must be cleaned and the fecal
305 matter disposed of in a sealed trash receptacle so as not to attract insects
306 or rodents, become unsightly, or cause objectionable odor.

307 (e) Any dog weighing twenty (20) pounds or less that is maintained outdoors
308 for all or part of the day in a fenced yard or other type of enclosure shall be provided a
309 minimum of one hundred (100) square feet of open space. Any dog weighing more than
310 twenty (20) pounds that is maintained outdoors for all or part of the day in a fenced yard
311 or other type of enclosure shall be provided a minimum of two hundred (200) square feet
312 of open space. An additional forty (40) square feet shall be required for each additional

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313 dog kept in the same enclosed area. The enclosed area shall be large enough to provide
314 each dog sufficient shelter within the required open space. Any enclosed area where a
315 dog is confined shall be kept free of objects that may injure the dog. Dogs shall not be
316 maintained outdoors during periods of extreme weather, including, but not limited to,
317 hurricanes, tropical storms, and tornadoes.

318 (f) ~~Dogs shall be given appropriate daily exercise~~ Any cat that is maintained
319 outdoors for all or part of the day in an enclosure that provides protection from predators
320 shall be provided with a minimum of twenty-one and a half (21.5) square feet of floor area
321 and a minimum enclosure height of six (6) feet. An additional twenty-one and a half (21.5)
322 square feet is required for each additional cat kept in the same enclosed area. The
323 enclosed area shall be large enough to provide each cat with sufficient shelter, climbing
324 structures, and properly maintained litter pans. Any enclosed area where cats are
325 confined shall be kept free of objects that may injure the cats. Cats shall not be maintained
326 in an outdoor enclosure during periods of extreme weather, including, but not limited to,
327 heat and cold weather advisories, hurricanes, tropical storms, and tornadoes. Caution
328 should be exercised with elderly, infant, or disabled cats.

329 (g) Dogs or cats kept in indoor crates must be maintained in a clean and
330 sanitary condition and may not be maintained in such a manner that exposes them to the
331 excrement from other animals.

332 (g) (h) Housing of dogs or cats is not permitted and shall be deemed cruelty to
333 animals pursuant to Section 4-17.

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334 **Sec. 4-6.5. Breeder and pet trader permits and requirements.**

335 (a) No breeder or pet trader shall, regardless of intent, cause or allow the
336 breeding or studding of a dog or cat, sell trade a dog or cat for consideration, or offer a
337 dog or cat for sale, breeding, or studding purposes, without first obtaining a breeder or
338 pet trader permit issued by the Division. The cost of the permit and other related fees
339 shall be established by the Commission by resolution.

340 (b) A breeder or pet trader permit is valid for a period of one (1) year from the
341 date of issuance and must be renewed annually. Renewal applications for permits shall
342 be made at least thirty (30) days prior to expiration.

343 (c) No permit shall be issued or renewed hereunder to any applicant that has
344 outstanding and unsatisfied civil penalties imposed due to violations of this chapter,
345 except that the applicable portion of the civil penalty for a first-time violation of
346 Section 4-6.5(a) may be applied by the violator toward the fees for obtaining the breeder
347 or pet trader permit, provided the violator submits a completed application and complies
348 with all conditions for obtaining the breeder or pet trader permit within fifteen (15) calendar
349 days after the Division issues the violation notice.

350 (d) A breeder or pet trader permit is not transferable, assignable, or refundable.

351 (e) Breeders and pet traders shall comply with the following:

352 (1) Keep records, for the duration of the breeder or pet trader permit and all
353 permit renewals, of the birth of each litter of puppies or kittens, or receipt of
354 any dog, cat, puppy, or kitten, and make such records available for review
355 by the Division upon request;

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356 (2) For a period of at least three (3) years, keep ~~veterinary~~ records of: rabies
357 vaccinations, and all other inoculations, ~~and~~; any medical condition(s) of
358 each dog, cat, puppy, or kitten bred or acquired to be sold, given away, or
359 otherwise conveyed; and deaths that occurred during the duration of the
360 breeder or pet trader permit;

361 (3) ~~On a yearly basis~~ Within thirty (30) days after conveyance, provide to the
362 Division the name, address, and telephone number of the new owner of
363 each dog, cat, puppy, or kitten sold, given away, or conveyed that remains
364 within Broward County;

365 (4) Furnish to each new owner of a dog, cat, puppy, or kitten the breeder or pet
366 trader permit number, providing proof and assurance that the animal was
367 legally bred or obtained for the conveyance, the microchip number of the
368 animal, and a copy of the OCVI Health Certificate;

369 . . .

370 (8) List the breeder or pet trader permit number on all social media posts,
371 advertisements, and literature concerning the sale or gift of any dog, cat,
372 puppy, or kitten ~~of the breeder~~. For purposes of this section, advertise (or
373 advertisement) includes, but is not limited to, announcements, listings,
374 displays, entries, or other written statements containing the name of the
375 permit holder or identifying the services offered by the permit holder or by a
376 person or entity subject to this section and that are placed in a magazine or
377 periodical, newspaper or inserts, direct mail pieces, audio broadcasting or
378 telephone directory, on the internet, or on vehicles or equipment;

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379 (9) Adhere to minimum standards regarding the care and manner of keeping of
380 animals, as provided in Section 4-6 of this article Code;

381 . . .

382 (12) Present a copy of a valid, current OCVI Health Certificate to any ~~animal care~~
383 ~~specialist officer~~ upon demand for review, provided, however, that animal
384 shelters and rescue groups offering animals for adoption are exempt from
385 this requirement; ~~and~~

386 (13) Allow an ~~animal care specialist~~ officer to view each animal that is the subject
387 of a breeder or pet trader permit and to inspect the premises unannounced
388 and unscheduled where the animal is maintained. Such inspection will be
389 limited to that necessary to ascertain compliance with Section 4-6. If a
390 breeder or pet trader refuses to allow the ~~animal care specialist~~ officer to
391 perform such inspection, the Division may apply for a warrant pursuant to
392 applicable provisions of Chapter 933, Florida Statutes, as amended; ~~and~~

393 (14) Conduct sales only in locations authorized in the permit and not in any
394 public thoroughfare, public common area, parking lots open to the public, or
395 flea markets.

396 (f) *Obtaining a breeder or pet trader permit.*

397 (1) A person seeking a breeder or pet trader permit shall apply to the Division
398 on a form approved by the Division.

399 (2) The permit application shall include, but not be limited to, the following
400 information:

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401 a. The name, physical address, and telephone number of the applicant
402 and/or owner;

403 b. A statement as to whether the applicant or owner has ever been
404 found to have violated the prohibitions against cruelty to animals in
405 this article section, ~~or~~ has been convicted of the offense of cruelty to
406 animals, under State law, or ~~has~~ been the subject of a final judgment
407 entered under Section 828.073, Florida Statutes, as amended, or
408 under any other Florida statute prohibiting animal neglect or
409 mistreatment;

410 c. A description (species, breed, sex, age, coloration) of each animal to
411 be bred or used for studding under the permit for breeders;

412 d. A description of each species to be sold or traded for consideration
413 under the permit for pet traders;

414 d. e. A description of the activity for which the permit is requested; and
415 e. f. Verifiable proof that all required animals are current on rabies
416 vaccination and registration, if applicable; and
417 g. Verifiable proof that all required animals are microchipped and
418 provide the microchip number with each animal description.

419 . . .

420 (4) No person previously found by a Hearing Officer to be in violation of the
421 cruelty section of this chapter, ~~or~~ convicted of cruelty to animals pursuant to
422 Section 828.073, Florida Statutes, or ~~who has been~~ previously the subject
423 of a final judgment pursuant to Section 828.073, Florida Statutes, or any

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424 other Florida statute prohibiting animal neglect or mistreatment, shall be
425 issued a breeder or pet trader permit.

426 (g) *Permit procedures.*

427 . . .

428 (3) All permit holders and applicants shall provide an update to the Division
429 within fifteen (15) days after any change to the physical address or the
430 location(s) of all animals being bred or offered for sale.

431 (4) All locations identified by the permit applicant shall be subject to an
432 inspection to determine compliance with the Division's applicable published
433 standards.

434 (5) The Division will conduct an annual inspection prior to issuing or renewing
435 a permit. The renewal inspection period shall extend from sixty (60) days
436 prior to the end of the current permit period until the last day of the current
437 permit period. Notice of the renewal inspection, including a description of
438 the scope and criteria of the inspection, shall be provided by the Division no
439 later than ten (10) days prior to a renewal inspection. Any appeal of the
440 intended inspection must be initiated by submitting a written request to the
441 Division before the renewal period begins. The renewal inspection shall be
442 unannounced and may be conducted at any reasonable hour by any officer,
443 who shall act in accordance with the renewal inspection period notice and,
444 at a minimum, shall be given access to and the opportunity to investigate
445 the animals, premises, and records of a permit holder to determine

compliance with Chapters 767 and 828, Florida Statutes, as amended, and this section.

3

(i) *Violations.*

(1) Failure by a breeder or pet trader to obtain a permit prior to using or offering to use an animal for trading, breeding, or studding shall constitute a violation.

(2) Reapplication by a breeder or pet trader for a permit less than thirty (30) days before the expiration of the existing permit shall constitute a violation.

(3) Refusal by a breeder or pet trader to allow an ~~animal care specialist~~ officer to inspect an animal or the premises, as provided in this ~~article~~ section, shall constitute a violation.

(4) Counterfeiting a breeder or pet trader permit or OCVI Health Certificate or maliciously destroying a breeder or pet trader permit shall constitute a violation.

(5) Failure to obtain a breeder or pet trader permit prior to the sale or trade of an animal for consideration shall constitute a violation.

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

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

■ ■ ■

d. The applicant or permit holder has either: (1) been found by a Hearing Officer to be in violation of the cruelty section of this chapter,

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or (2) been convicted of a violation of law involving cruelty to animals, or has (3) been subject to a final judgment pursuant to Section 828.073, Florida Statutes;

— 3 —

f. A breeder or pet trader has exceeded the maximum number of litters permitted per calendar year.

(2) If a permit holder under this section receives an unsatisfactory inspection, the permit may be suspended or revoked. Upon correction of violations and completion of a satisfactory reinspection, a permit may be reinstated for the duration of the permit period for a reinstatement fee, as established by the Commission by resolution.

(2) (3) No permit fee shall be refunded for a permit that is revoked or suspended.

(3) (4) If a permit application is denied or the Division intends to revoke or suspend an existing breeder or pet trader permit, the Division shall provide written notification of the denial or intended revocation or suspension to the applicant or permit holder, in writing, and in accordance with the notice provisions of Section 162.12, Florida Statutes. The denial or notice of intent to revoke or suspend a breeder or pet trader permit shall state be in substantially the following form:

YOU HAVE TWENTY (20) DAYS FROM THE DATE OF RECEIPT OF THIS
NOTIFICATION TO APPEAL THE ACTION, IN WRITING, BEFORE A
BROWARD COUNTY HEARING OFFICER. IF NO WRITTEN NOTICE OF
APPEAL IS RECEIVED BY THE DIRECTOR OF THE ANIMAL CARE AND

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492 ADOPTION DIVISION WITHIN TWENTY (20) DAYS AFTER THE DATE
493 OF THIS NOTIFICATION, THE DIVISION'S DECISION TO DENY,
494 REVOKE, OR SUSPEND YOUR BREEDER OR PET TRADER PERMIT
495 APPLICATION OR BREEDER PERMIT WILL STAND DENIED OR BE
496 REVOKED/SUSPENDED, AS APPLICABLE BECOMES FINAL.

497 (4) (5) *Appeal process.*

498 a. Any permit applicant or holder who ~~has been~~ is denied a permit, or
499 ~~who has received~~s ~~a~~ notice of ~~an~~ intent to revoke or suspend a
500 breeder or pet trader permit, may appeal this action to a Hearing
501 Officer pursuant to Section 4-12.5, within twenty (20) days after ~~the~~
502 ~~date~~ receipt of the notice from the Division to the permit applicant or
503 holder. ~~To be timely, a written notice of appeal must be filed with the~~
504 ~~Division within twenty (20) days after the notification of the denial or~~
505 ~~intent to revoke or suspend the permit.~~

506 . . .

507 c. The denial, revocation, or suspension of the permit shall be upheld
508 or reversed by the Hearing Officer.
509 d. ~~All final decisions to uphold or reverse shall be reviewable in~~
510 ~~accordance with applicable court rules~~ A Hearing Officer's order may
511 be reviewable by the Seventeenth Judicial Circuit as provided by the
512 Florida Rules of Appellate Procedure.

513 (5) (6) *Owner requirements following notice of adverse action or appeal process.*

514 a. If the notice of adverse action of denial or revocation of a breeder or
515 pet trader permit is not appealed, the permit applicant or holder shall
516 not operate as a breeder or pet trader or shall cease to operate as a
517 breeder or pet trader. If the notice of adverse action of suspension of
518 a breeder or pet trader permit is not appealed, the permit applicant
519 or holder shall not operate as a breeder or pet trader or shall cease
520 to operate as a breeder or pet trader pending the Division's
521 determination of compliance.

522 b. Any person whose breeder or pet trader permit has been revoked
523 may not reapply for a period of one (1) year after the revocation of
524 the permit. Each reapplication for a permit shall be accompanied by
525 a fee ~~to be~~ established by the Commission by resolution.

526 (k) Violations of this ~~article~~ section are subject to a fine as established by the
527 Commission by resolution. Each violation ~~of this article~~ shall be considered a separate
528 infraction ~~of this article~~.

529 . . .

530 **Sec. 4-7. Adoption, rescue, and redemption of dogs and cats.**

531 . . .

532 (b) Dogs and cats that have been impounded shall be released to their owners
533 upon presentation of proof of ownership, as outlined in Section 4-5, and upon payment of
534 fees, including a redemption fee, rabies vaccination fee, rabies registration ~~license~~ fee,
535 and boarding fees, if applicable. Said fees shall be established by the Commission by

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536 resolution of the Commission. If the dog or cat does not have a rabies registration tag or
537 microchip, the owner shall obtain a rabies registration tag and have the animal
538 microchipped before redemption.

539 (c) Dogs and cats that are impounded on more than one (1) occasion shall be
540 sterilized before the animal may be redeemed, except when the Division's staff
541 veterinarian determines that sterilization would endanger the animal's health due to the
542 animal's age, infirmity, or illness as outlined in Section 4-33(b).

543 (e) (d) Dogs and cats placed for adoption or rescue shall be vaccinated for rabies,
544 registered by ~~Broward County~~ the Division, microchipped, and sterilized before custody
545 is relinquished.

546 (d) (e) Any individual interested in adopting a dog or cat ~~which that~~ is still
547 impounded for the required confinement period may indicate his or her interest ~~by~~
548 ~~completing an adoption application and paying an adoption fee deposit in the amount set~~
549 ~~by resolution through an adoption process administered by the Division. The prospective~~
550 ~~adopter must have his or her adoption application approved by staff prior to paying the~~
551 ~~adoption fee deposit.~~

552 (1) ~~In the event the County veterinarian or designee determines that the dog or~~
553 ~~cat is not adoptable, the adoption fee deposit will be returned to the~~
554 ~~prospective adopter.~~

555 (2) ~~In the event the County veterinarian or designee determines that the dog or~~
556 ~~cat is adoptable and the prospective adopter adopts the dog or cat, the~~
557 ~~adoption fee deposit shall be deducted from the adoption fee.~~

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558 (3) ~~In the event the County veterinarian or designee determines that the dog or~~
559 ~~cat is adoptable and the prospective adopter does not adopt the dog or cat,~~
560 ~~the Division shall retain the adoption fee deposit.~~

561 (f) The Division may permit a person who is interested in adopting a dog or cat
562 that has been impounded pursuant to Section 4-5(c) to take temporary possession of the
563 dog or cat prior to the expiration of the confinement period. A dog or cat released pursuant
564 to this section must be returned to the Division immediately upon request by the Division,
565 and for any reason, prior to any transfer of ownership. If the dog or cat's owner has not
566 reclaimed the animal by the expiration of the confinement period, the interested person
567 may be permitted to adopt the dog or cat, subject to compliance with all requirements for
568 adopting an animal in this chapter, including, but not limited to, registration and
569 sterilization requirements.

570 (g) Failure to return a dog or cat upon the Division's request under Sections (d)
571 or (e) above constitutes a violation of this section, and the potential adopter may be issued
572 a citation and be subject to a civil penalty in an amount established by the Commission
573 by resolution.

574 **Sec. 4-7.5. Programs.**

575 (a) In keeping with the desire of the County to enact programs that are essential
576 to reducing the number of animals entering the custody of Broward County's Animal Care
577 ~~and Adoption Center~~, increasing the save rate of healthy, adoptable animals, and
578 reducing pet overpopulation, programs shall be enacted and provided to promote these
579 goals, including, but not limited to, programs that promote the spaying and neutering of

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580 dogs and cats, adoption, foster care, and other initiatives that advance the welfare of
581 animals.

582 (b) The Director shall be responsible for the development and implementation
583 of programs for adoption and sterilization of dogs and cats. The Director, with the prior
584 approval of the County Administrator, shall have the authority to revise ongoing programs
585 in order to decrease shelter intake and increase live outcome of animals, including, but
586 not limited to, expanding the trap, neuter, and release program to include a
587 “rReturn-to-field” or similar components; creating a sterilization program targeting

588 hard-to-adopt animals; and collaborating with other animal welfare organizations to
589 increase public access to low-cost spay and neuter services. All augmented existing
590 programs shall be approved by the County Administrator prior to implementation.

591 (c) Funding for such programs shall be provided through grants, donations, and
592 previously approved funding from the Animal Care Trust Fund, rabies registration tag
593 sales, breeder or pet trader permit fees and fines, and unsterilized intact impound fees as
594 set forth in this chapter.

595 (d) The Director shall be responsible for the development and implementation
596 of programs designed to support and increase donations to the Animal Care Trust Fund
597 and the Animal Care Sterilization Trust Fund in accordance with the goals established in
598 Section (a). Funding for such programs shall be provided through grants, donations, or
599 third-party funds. All programs established under this section shall be approved by the
600 County Administrator prior to implementation.

601 **Sec. 4-8. Permitting dogs or cats to commit a nuisance.**

602 . . .

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603 (c) Any dog or cat determined to be a nuisance pursuant to this section may be
604 removed and impounded in accordance with Section 4-5.

605 **Sec. 4-8.5. Tethering of dogs.**

606 . . .

607 (b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog
608 to be tethered, fastened, chained, tied, or restrained, to a ~~dog house~~ doghouse, tree,
609 fence, or any other stationary object; rather, a tethered dog shall be tethered only on a
610 running line, pulley, trolley system, or spiral stake, whereby the tether is connected to the
611 dog by a buckle-type collar or a body harness constructed of nylon, leather, or similar
612 material specifically designed to be used for a dog. The tether shall be at least five (5)
613 times the length of the dog's body, as measured from the tip of the nose to the base of
614 the tail; shall terminate at both ends with a swivel; shall not weigh more than 1/8th of the
615 dog's weight; and shall be maintained free of tangles. The running line, pulley, or trolley
616 system shall be at least fifteen (15) feet in length and no higher than seven (7) feet above
617 the ground. A tethered dog must have convenient access to ~~food~~, visibly clean water, and
618 shade. Adequate shelter providing protection from the elements shall be provided
619 available at all times. A tethered dog shall be tethered in such a manner as to prevent
620 injury, strangulation, or entanglement. No dog shall be tethered in a location in which the
621 tether would allow such dog to reach a potentially dangerous object or area, including,
622 but not limited to, a ~~window sill~~ windowsill, edge of a pool or canal, fence, porch, tree,
623 post, terrace railing, or other object or area that poses a substantial risk of injury or
624 strangulation to such dog if such dog jumps over, goes into, or goes around the object or
625 area. No dog shall be tethered in an area where it may be approached by and attacked

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626 by other dogs, or animals, or people, without the ~~chance~~ ability to escape to a protected
627 area such as a ~~dog house~~ doghouse. No dog shall be tethered outdoors during extreme
628 temperatures or severe inclement weather, nor shall a dog be tethered unless the owner,
629 caretaker, or other responsible party is located at all times within the area where the dog
630 is located, so as to be able to observe and hear and attend to the dog if necessary. ~~Choke-~~
631 ~~type collars or prong/pinch type collars shall be permitted to be used only while a dog is~~
632 ~~under a handler's direct control on a leash.~~ Heavy chains, cords, wires, or any other
633 material not commonly intended to be used as a dog collar shall not be used as a restraint,
634 a tether, or a substitute for a dog collar. Any tethering of a dog in violation of this section
635 shall be deemed cruelty to animals pursuant to Section 4-17 of this chapter.

636 **Sec. 4-9. Unwanted dogs or cats.**

637 Owners of an unwanted dog or cat may bring such dog or cat to a designated
638 County animal shelter facility and, with proof of ownership and payment of the appropriate
639 fee, ~~if applicable~~, as established by the Commission by resolution, release the dog or cat
640 to the Division. The fee will be charged to any owner that is surrendering an unwanted
641 dog or cat ~~and is not a resident of Broward~~. At the discretion of the Division, said dog or
642 cat may be made available for adoption or humanely euthanized in accordance with
643 Chapter 828, Florida Statutes. This service is only available to residents of Broward
644 County.

645 **Sec. 4-10. Rabies vaccination required for dogs, cats, and ferrets.**

646 . . .

647 (c) Evidence of a rabies vaccination shall consist of a fully completed rabies
648 vaccination certificate, in conformance with Florida Statutes, in a format provided by the

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649 Division, and signed by the veterinarian administering the vaccine. One (1) copy of the
650 certificate shall be retained by the veterinarian for at least one (1) year after the
651 vaccination expires, and the other copies shall be distributed to the owner and to the
652 Division. In the event a rabies registration tag is not provided or a pet owner declines to
653 purchase a rabies registration tag from the veterinarian pursuant to Section 4-11, the
654 veterinarian shall write "NOT APPLICABLE" in the space on the rabies vaccination
655 certificate where the pet license number is normally entered, prior to delivering the
656 certificate to the Division. All veterinarians shall deliver completed rabies vaccination
657 certificates to the Division as follows:

658 ...

659 (3) *Violations.* Any Broward County veterinarian who fails to deliver rabies
660 vaccination certificates to the Division as prescribed in the methods above
661 ~~shall be deemed to be in violation of~~ violates this section and may be issued
662 a citation and subject to a civil penalty ~~in an amount set as established by~~
663 the Commission by ~~resolution of the~~ Commission. Upon written request, the
664 Director or the Director's designee may grant a submission extension not to
665 exceed thirty (30) days from the original due date.

666 (d) Vaccination is excused where a licensed veterinarian certifies in writing that
667 a vaccination would be injurious to the animal's health. However, such animal shall be
668 vaccinated against rabies as soon as its health permits, and said dog, cat, or ferret shall
669 wear a registration tag as required by Section 4-11. An exemption that extends beyond
670 one (1) year must be renewed annually through submission of a new exemption letter

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671 from the attending veterinarian. No exemption letter shall be deemed valid after one (1)
672 year from the date it was written.

673 . . .

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

675 (a) Any owner who owns or keeps, ~~in Broward County~~, a dog or cat four (4)
676 months of age or older in Broward County shall ~~have register~~ such dog or cat ~~registered~~
677 ~~by and in Broward County with the Division~~ and shall obtain and keep a current rabies
678 registration tag. The Division shall provide suitable dog and cat rabies registration tags
679 for sale through veterinarians providing services in Broward County, authorized
680 representatives, or the Division. Each owner of a dog or cat shall obtain a Broward County
681 rabies registration tag within thirty (30) days after the dog or cat has been vaccinated
682 against rabies. A separate rabies registration tag shall be issued for each dog or cat, and
683 a rabies registration tag issued for one (1) dog or one (1) cat is not valid for any other dog
684 or cat. Failure to obtain the rabies registration tag within the time frame provided herein
685 shall be a violation of this section, and the owner of the dog or cat may be issued a citation
686 and subject to a civil penalty ~~in an amount set as established by the Commission~~ by
687 resolution of the Commission; provided, however, that dog or cat owners who fail to obtain
688 a rabies registration tag for their dog or cat within the time frame provided herein, and
689 who have not already been issued a citation for such failure, shall not be issued a citation
690 for such failure when a new rabies registration tag is obtained.

691 . . .

692 (c) The rabies registration tag required by this section shall be renewed
693 annually in accordance with the following schedule by the owner of the dog or cat, by

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694 paying the applicable fee, and by providing documentation that said dog or cat has a
695 current rabies vaccination or is exempt from such vaccination under the terms of this
696 chapter.:

697 (1) If a one-year rabies registration tag is issued for a one-year rabies
698 vaccination or a three-year rabies registration tag is issued for a three-year
699 rabies vaccination, the registration expires when the rabies vaccination
700 expires.

701 (2) If a one-year rabies registration tag is issued for a three-year rabies
702 vaccination, the registration expires one (1) year from the date the rabies
703 registration tag was issued. The registration shall be renewed annually, and
704 the registration for year three (3) shall expire on the date the rabies
705 vaccination expires.

706 (3) All rabies registration tags shall be renewed on or before the date of
707 expiration.

708 (d) The Commission shall establish by resolution the fees to be charged for
709 rabies registration tags. ~~This may include discount fees for sterilized dogs or cats. Any~~
710 ~~such discount shall be allowed only upon presentation of a certificate of sterilization~~
711 ~~signed by a veterinarian licensed in any state or other documentation of the dog's or cat's~~
712 ~~inability to reproduce, or upon presentation of proof of prior issuance of a rabies~~
713 ~~registration tag for the dog or cat at a similarly discounted fee. Dogs and cats that are~~
714 ~~sterilized and vaccinated in connection with County programs to encourage sterilization~~
715 ~~may also be eligible for a discount rabies registration tag fee. The Division shall provide~~
716 ~~free rabies registration tags to all individuals with disabilities for animals that the Division~~

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717 has recognized as official service animals. The Director shall establish the guidelines for
718 approving and denying free or discounted rabies registration tags. This includes a
719 discounted rabies registration tag fee for dogs or cats with a microchip, provided that the
720 owner presents proof of microchip implantation. Sterilization status shall not be a basis
721 for eligibility for reduced tag fees. The rabies registration tag fee shall be waived for a
722 service animal when an individual with a disability submits the required information using
723 the form approved by the Division; waivers are not available for emotional support,
724 comfort, or companion animals. Rabies registration tags previously issued under a
725 specialized program or at a different rate shall not be eligible for reissuance, renewal, or
726 substitution under any previous rate category or discount program. The fees collected for
727 rabies registration tag sales, over the baseline of one hundred thousand (100,000) tags
728 per fiscal year, shall be deposited in the Animal Care Sterilization Trust Fund to be used
729 for sterilization programs, as determined by the Director.

730 (e) In the event a rabies registration tag distributed under the provisions of this
731 section is lost, stolen, or destroyed, a replacement tag shall be distributed by the Director
732 or designee upon presentation of the corresponding rabies registration license and
733 payment of the appropriate fee.

734 (f) The Broward County rabies registration tag required by this section shall be
735 worn by the dog or cat at all times, subject to the exceptions in this subsection. It shall be
736 a violation of this chapter for any person to remove the tag of any registered dog or cat
737 within Broward County except:

738 . . .

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739 (h) ~~It shall be a violation of this chapter for owners to fail to register an implanted~~
740 ~~microchip with the manufacturer of the microchip. The owner shall have thirty (30) days~~
741 ~~to cure and register the microchip without penalty after notice by the Division.~~

742 **Sec. 4-11.5. Aggressive dog classification procedures, requirements, owner**
743 **responsibilities, and penalties.**

744 (a) *Procedures to classify a dog aggressive.* The investigation, initial
745 determination, and hearing-related provisions contained in Section 4-12(a)(1)-(6)
746 (1) through (6) and Section 4-12.5, and the inspection rights contained in Section 4-12(d),
747 shall be applicable to classifications of animals as aggressive dogs.

748 (b) ~~Within fourteen (14) calendar days after a dog has been classified~~ Upon
749 issuance of the final order classifying a dog as aggressive or, if any appeal is filed, within
750 fourteen (14) calendar days after upon the conclusion of any appeal where such
751 classification has been upheld in the appeal (dismissal of the appeal shall be deemed to
752 uphold the classification), the owner of the aggressive dog shall comply with the following
753 requirements and responsibilities:

754 . . .

755 (2) The dog shall be spayed/neutered unless a licensed veterinarian has
756 examined the dog and certifies, in writing (with a copy provided to the
757 Division within such fourteen (14) days period after entry of the final order
758 or conclusion of the appeal), that ~~at such time~~ spaying/neutering the dog
759 would endanger its health. Under that circumstance, the dog shall be
760 spayed/neutered as soon as its health permits.

761 . . .

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762 (5) The owner shall register the dog as an aggressive dog with the Division,
763 and obtain an aggressive dog license rabies registration tag, which must be
764 renewed annually. The fees for registration and licenses rabies registration
765 tags (including renewals) shall be as established by the Commission by
766 resolution.

767 . . .

768 (7) If the owner has not demonstrated full compliance with the aggressive dog
769 requirements and owner responsibilities within fourteen (14) days following
770 the issuance of the final order classifying the dog as aggressive, or the
771 conclusion of any appeal, the Division may confiscate and impound the dog
772 and subsequently dispose of the dog in a humane manner at the owner's
773 expense.

774 (c) Each failure to comply with a requirement or responsibility contained in
775 Subsection (b) ~~immediately~~ above shall constitute a noncriminal infraction punishable by
776 a fine of ~~two hundred fifty dollars (\$250)~~ payable to the County established by the
777 Commission by resolution. The owner may contest the fine and citation as provided in
778 Section 4-28.

779 **Sec. 4-12. Dangerous dog classification procedures, owner requirements and**
780 **responsibilities, and penalties.**

781 (a) *Procedures to classify a dog as dangerous.*

782 (1) *Investigation.* The Division shall investigate reported incidents involving any
783 dog whose actions may result in the dog being classified as dangerous. As
784 part of the investigation, the Division shall, if possible, interview the dog's

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785 owner and require a sworn affidavit from any person, including any ~~animal~~
786 ~~care specialist~~ officer or law enforcement officer, who may have information
787 relating to whether the dog might be dangerous.

788 . . .

789 (7) *Timing for Compliance with Dangerous Dog Owner Requirements.*

790 a. Except as provided in Section (7)b. herein, upon issuance of the final
791 order classifying a dog as dangerous under Section (4) or (5) above,
792 or upon the conclusion of any appeal where such order has been
793 upheld (dismissal of the appeal shall be deemed to uphold the
794 classification), the owner of the dog must comply with all of the
795 Dangerous Dog Owner Requirements referenced in Section (b)
796 below. If the owner has not demonstrated full compliance with those
797 requirements within fourteen (14) days following the issuance of the
798 final order classifying a dog as dangerous, or the conclusion of any
799 appeal, the Division may confiscate and impound the dog and
800 subsequently dispose of the dog in a humane manner at the owner's
801 expense.

802 . . .

803 (b) *Dangerous Dog Owner Requirements.*

804 (1) *Registration and Licensure.* Any person who owns (or keeps, if a person
805 other than the owner) a dog that has been classified as a dangerous dog
806 within Broward County must register the dog as dangerous with the Division
807 and obtain a dangerous dog ~~license~~ rabies registration tag. Any person who

808 brings ~~a dog~~ into Broward County ~~a dog~~ that has been declared dangerous
809 by another jurisdiction, and who intends to reside in Broward County with
810 such dog, shall register the dangerous dog and obtain a dangerous dog
811 license rabies registration tag within fourteen (14) calendar days after
812 establishing residency in the County. Failure to timely register or ~~license~~
813 renew the registration of a dangerous dog ~~and renew said registration, or to~~
814 obtain or renew a dangerous dog rabies registration tag ~~will~~ shall subject an
815 owner to a citation for noncompliance ~~of~~ with this ordinance. The fees for
816 registration and ~~licenses~~ rabies registration tags shall be as established by
817 the Commission by resolution. Financial penalties ~~as set~~ established by the
818 Commission by resolution shall be imposed if a dangerous dog is not timely
819 registered and ~~licensed~~ a rabies registration tag has not been obtained, or
820 if the registration or ~~license~~ rabies registration tag is not timely renewed.
821 The Division may issue dangerous dog registrations, ~~licenses~~ rabies
822 registration tags, and ~~license~~ renewals only to owners at least eighteen (18)
823 years of age.

824 (2) *Conditions Precedent to Registration.* No dangerous dog may be registered
825 with the Division unless and until all of the following requirements have been
826 met:

827 . . .

828 c. The owner of a dangerous dog must have in place, on the property
829 where the dangerous dog will be kept, the proper enclosure of a
830 dangerous dog as defined above in this ~~C~~chapter.

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831 ...

832 (c) *Responsibilities of Owners of Dangerous Dogs.* The owner (or keeper, if
833 other than the owner) of a dangerous dog shall:

834 ...

835 (2) Ensure that the dog, while on the owner's property, is securely confined
836 indoors, or securely confined in a proper enclosure. At any time that a
837 dangerous dog is not so confined, the dog shall be muzzled and restrained
838 in such a manner as to prevent it from biting or injuring any person or animal,
839 and kept on a substantial chain or leash by a person able to exercise control
840 over the dog. The muzzle must be made in a manner that will not cause
841 injury to the dog or interfere with its vision or respiration, but will prevent it
842 from biting any person or animal. However, the foregoing requirements of
843 this section do not apply:

844 ...

845 (d) The Division shall have the authority to make whatever reasonable
846 inspections are deemed necessary to ensure that the provisions of this chapter are
847 complied with. The Division may impound a dangerous dog if the owner fails to comply in
848 full with the dangerous dog requirements provided herein. A dangerous dog impounded
849 for the owner's failure to comply may be redeemed by the owner upon the owner's
850 demonstration of full compliance and payment of any boarding fees, impound fees, and
851 other applicable fees established by the Commission by resolution. If the owner ~~does not~~
852 fails to comply with the dangerous dog requirements ~~and or to~~ redeem the dangerous dog

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853 within fourteen (14) days of the date the dog was impounded pursuant to the terms of this
854 subsection, the dog shall be disposed of in an expeditious and humane manner.

855 . . .

856 (g) *Violations of Dangerous Dog Requirements or Responsibilities of Owners*
857 *of Dangerous Dogs.* Each failure to comply with a dangerous dog requirement or
858 responsibility of a dangerous dog owner contained in this chapter shall constitute a
859 noncriminal infraction, punishable by a fine ~~of one thousand dollars (\$1,000)~~ payable to
860 the County as established by the Commission by resolution. The owner may contest the
861 fine and citation as provided in Section 4-28.

862 . . .

863 **Sec. 4-12.5. Hearings.**

864 . . .

865 (c) *Hearing Procedures.*

866 . . .

867 (2) Any interested person or entity may make an application to intervene and
868 appear at a hearing. Such application may be granted at the discretion of
869 the Hearing Officer based on good cause shown.

870 (d) *Subpoenas.*

871 . . .

872 (4) A party may seek enforcement of a subpoena issued by a Hearing Officer
873 under the authority of this ~~Chapter~~ by filing a petition for enforcement of
874 such subpoena in a court of competent jurisdiction.

875 . . .

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

876 (g) *Obligation to Pay the Hearing Officer's Fee; Deposit.*

877 . . .

878 (3) Notwithstanding Subsections (1) and (2) ~~immediately~~ above, if the ~~appellant~~
879 owner submits documentation to the Division demonstrating that the owner
880 meets the applicable federal ~~low-income~~ guidelines, the Division shall not
881 require the ~~appellant~~ owner to pay a deposit or the Hearing Officer's fee in
882 connection with the hearing.

883 . . .

884 **Sec. 4-13. Guard dogs.**

885 (a) ~~For purposes of this section, the following terms shall have the meanings~~
886 ~~indicated:~~

887 (1) ~~Guard dog:~~ The term "guard dog" as used in this section shall mean any
888 ~~type of dog used for the purpose of defending, patrolling, or protecting~~
889 ~~property or life at any commercial establishment or which resides on the~~
890 ~~commercial property. The term "guard dog" shall exclude any stock dogs~~
891 ~~used primarily for handling and controlling livestock or farm animals.~~

892 (2) ~~Guard dog service:~~ Any person, firm or corporation which trains, sells, rents,
893 leases or loans guard dogs for the purpose of defending, patrolling or
894 protecting property or persons.

895 (3) ~~Kennel:~~ An establishment where guard dogs are lodged.

896 (4) ~~Registration:~~ The process of presenting a guard dog to the Division for
897 purposes of registering and documenting the existence of the guard dog in
898 ~~Brevard County.~~

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899 (b) No owner of a guard dog ~~service or individual~~ shall own or keep a the guard
900 dog without ~~registering~~ completing the guard dog registration with the Division and
901 obtaining a guard dog registration tag. A late registration penalty, as ~~set~~ established by
902 the Commission by resolution, shall be imposed if the guard dog is not registered within
903 the time period specified in Subsection (c) (b) below. The procedures and requirements
904 for ~~registering~~ the guard dog registration are as follows:
905 . . .
906 (2) The ~~guard dog~~ ~~service~~ or owner of the guard dog shall complete a guard
907 dog registration form for each guard dog and pay a one-time guard dog
908 registration fee ~~as set~~ established by the Commission by resolution, for
909 each guard dog being registered.
910 . . .
911 (4) A guard dog registration tag shall be obtained at the fee ~~set~~ established by
912 the Commission by resolution. The guard dog registration tag must be
913 renewed annually. Failure to renew the guard dog registration tag within
914 thirty (30) calendar days ~~from~~ after the expiration of the previous tag will
915 result in the assessment of a late renewal penalty ~~as set~~ established by the
916 Commission by resolution and will subject the ~~owner of the guard dog~~
917 ~~service~~ or owner of the guard dog to a citation for ~~non-compliance~~ noncompliance of
918 noncompliance with this Ordinance. In the event a current guard dog
919 registration tag is lost, destroyed, misplaced, or otherwise missing, a
920 replacement guard dog registration tag must be obtained at the fee ~~set~~

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established by the Commission by resolution for replacement guard dog registration tags.

• • •

(6) At least ~~every six (6) months~~, Each guard dog shall be examined annually by a veterinarian who is licensed in Florida to determine whether the dog is healthy and physically fit to perform service as a guard dog. The owner shall obtain the certification form from the Division, shall provide it to the examining veterinarian for completion, and, upon completion, shall provide it to the Division.

(c) (b) Guard dogs newly acquired by guard dog services shall be registered with the Division and either be vaccinated for rabies or the owner shall have submitted proof of vaccination to the Division no later than seventy-two (72) hours after acquisition.

(d) (c) The owner of the guard dog service or the owner of a guard dog shall comply with Sections 4-10 and 4-11 of this chapter, to the extent such sections do not conflict with this section. The guard dog is not required to wear a rabies registration tag in addition to the guard dog registration tag.

(e) (d) The Director shall maintain records of all guard dogs registered with the Division. Immediately upon transfer of ownership, death, or disappearance of a guard dog, each guard dog service or owner shall notify the Division. Upon receipt of the information, ~~the~~ an appropriate entry shall be made to the guard dog registration record. If the guard dog has disappeared, an entry should be made to reflect the locale and the circumstances resulting in such disappearance.

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943 (f) (e) An ~~animal care specialist~~ officer shall, at any reasonable time,
944 ~~unannounced~~, upon presentation of proper credentials, have the right to enter
945 unannounced and inspect all kennels housing guard dogs and other nonresidential
946 premises where ~~such~~ guard dogs are in use, being trained, or kept. All records for each
947 guard dog, including vaccination, veterinary, and medical treatment records, and all
948 records concerning the training, sale, or use of a guard dog, shall be accessible for the
949 determination of compliance with this section. Refusal to allow inspection of a guard dog,
950 premises, or records shall be a violation of this chapter.

951 (1) Guard dog services shall require any customer ~~that~~ who procures the use
952 of a guard dog to sign an agreement authorizing officers of the Division to
953 perform unannounced inspections of any guard dog and premises where
954 the guard dog is being used as a guard dog.

955 . . .

956 (g) (f) It shall be unlawful for any person, firm, or corporation to own or harbor any
957 guard dog in the County that has not been inoculated, registered, and implanted with an
958 electronic animal identification device as provided by this section.

959 (h) (g) *Transportation of Guard Dogs.*

960 . . .

961 (i) (h) *Use of Guard Dogs.*

962 (1) Each business ~~which~~ that hires or uses a guard dog shall provide adequate
963 fencing or some other confining structure to keep the guard dog within the
964 guarded area. The business owner or person responsible for managing
965 each business that hires or uses a guard dog is responsible for each guard

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dog hired or used. The guard dog shall wear a current guard dog registration tag with proof of rabies inoculation available for inspection by the Division and shall be implanted with an electronic animal identification device as required by this section.

(2) Each business which that hires or uses a guard dog that is on the premises during that business's operating hours shall have the dog confined or restrained in such a manner so as not to have access to those areas open to the public or to otherwise pose a danger to the public.

■ ■ ■

(5) Guard dogs shall be given a humane existence, and shall at all times be maintained in accordance with the requirements of Section 4.6 4-6. Guard dogs that are confined in a cage shall have at least one-half (½) hour of exercise within each eight (8) hours of confinement. It shall be unlawful for any person, owner, or manager keeping a guard dog to fail to provide clean, sanitary, safe, and humane conditions; sufficient quantities of wholesome food daily; adequate quantities of visible, clean, and fresh water available at all times; proper air ventilation and circulation; if located outside, full protection and shelter from the elements; and medical attention and necessary veterinary care when it is sick, diseased, or injured.

1

(7) Any person who uses the service of a guard dog shall be responsible to assure that for providing the guard dog is provided a humane existence in

988 accordance with Section 4-6, and shall immediately contact the Division to
989 report any guard dog that is sick, diseased, lame, ~~or~~ injured, or deceased.

990 (8) The Division shall impound any guard dog owned by a person that is cited
991 and found to be in violation of Section 4-6, or 4-13(i)(5) ~~herein~~. The guard
992 dog may be redeemed in accordance with Section 4.5 4-5, upon submittal
993 of evidence satisfactory to the Division, that the cause of the violation has
994 been remedied. The guard dog shall only be released after a satisfactory
995 review of the living conditions of the guard dog by an ~~animal care specialist~~
996 officer.

997 . . .

998 (f) (i) *Guard Dog Permits Required for Operators of Guard Dog Services and*
999 *Owners of Guard Dogs.*

1000 . . .

1001 (f) (ii) *Obtaining a Guard Dog Permit.*

1002 . . .

1003 (2) The permit application shall include, but is not limited to, the following
1004 information:

1005 a. The name, address, and telephone number of the applicant and a
1006 description of the location(s) at which guard dog(s) will be
1007 maintained;

1008 . . .

1009 g. If applicable, proof of business tax receipt from the Broward County
1010 ~~Tax e~~Collector.

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1011 ...

1012 (f) (k) *Permit Denial, Revocation, and Suspension.*

1013 (1) The Division may deny, revoke, or suspend any permit if it is determined by
1014 the Division that:

1015 ...

1016 b. The applicant or permit holder has been cited for at least two (2)
1017 violations of this ~~Chapter~~ within a one-year period, each resulting in
1018 the imposition of a fine;

1019 c. The applicant or permit holder has failed to either pay a fine or to
1020 request a hearing ~~in compliance with this Chapter to answer the~~
1021 ~~charges of a citation within thirty (30) ten (10) days after issuance~~
1022 receipt of the a citation, as required by this chapter;

1023 ...

1024 (m) (l) *Appeal Process.*

1025 (1) Any applicant or permit holder who has been denied a permit or whose
1026 permit has been revoked or suspended may appeal the adverse action to a
1027 hearing officer by filing a written notice of appeal with the Division within
1028 ten (10) days after issuance receipt of the notice of adverse action.

1029 ...

1030 (n) (m) *Requirements Following Notice of Adverse Action and/or Appeal Process.*

1031 ...

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1032 (4) Any person with a guilty adjudication of animal cruelty within the past five
1033 (5) years may not hold a permit to operate a guard dog service in the
1034 Broward County.

1035 **Sec. 4-14. Bites from dogs, cats, or ferrets.**

1036 (a) It shall be a violation of this section for the owner, possessor, or harborer of
1037 a dog, cat, or ferret to ~~not fail to~~ prevent the animal from biting a human being who does
1038 not ordinarily reside on the premises. An owner, possessor, or harborer of a dog, cat, or
1039 ferret shall not be deemed to be in violation if the animal was subject to provocation or if
1040 the victim was trespassing, ~~as defined in Section 4-2.~~

1041 (b) ~~The owner, possessor, or harborer of a dog, cat, or ferret that has bitten a~~
1042 ~~human being; any person who has been bitten by a dog, cat, or ferret; or any person who~~
1043 ~~has knowledge of or treats any person bitten by any dog, cat, or ferret shall report the~~
1044 ~~incident to the Florida Department of Health and to the Division within twelve (12) hours~~
1045 ~~after the earlier of the occurrence or learning of the incident.~~

1046 (1) ~~Owners of dogs, cats, or ferrets that have been reported to have bitten any~~
1047 ~~person shall be charged an animal bite investigation fee, as set by~~
1048 ~~resolution, when Division staff investigates an animal bite by telephone or~~
1049 ~~by review of correspondence or records to determine the vaccination status~~
1050 ~~and quarantine requirements for the animal, and it has been proven by clear~~
1051 ~~and convincing evidence that the dog, cat, or ferret has bitten any person.~~
1052 ~~Such fee shall not be assessed in those instances where the owner and the~~
1053 ~~victim are the same, are within the immediate family, or are living in the~~
1054 ~~same household.~~

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1055 (2) Owners of dogs, cats, or ferrets that have been reported to have bitten any
1056 person shall be charged a field investigation fee in the amount set by
1057 resolution when Division staff is not able to obtain all necessary information
1058 pursuant to Subsection (1) above and an animal care specialist is
1059 dispatched to conduct a field investigation. If the animal care specialist is
1060 required to make a visit to the victim of the animal bite to verify the dog, cat,
1061 or ferret bite or wound and obtain copies of all medical treatment provided
1062 by a hospital or doctor treating the bite victim, an additional field
1063 investigation fee will be charged, as set by resolution.

1064 (3) If a quarantine is required at a quarantine facility and the owner of the dog,
1065 cat, or ferret has failed to submit the dog, cat, or ferret to the facility after a
1066 period of twenty four (24) hours after notice of a quarantine requirement at
1067 a quarantine facility, the Division shall have the right to pick up the dog, cat,
1068 or ferret and transport said animal to the quarantine facility. The owners of
1069 animals shall be charged a transportation fee in the amount set by
1070 resolution when the Division transports the dog, cat, or ferret after the owner
1071 has failed to transport said animal to a quarantine facility within twenty four
1072 (24) hours after notification of said requirement.

1073 (4) At the end of each quarantine period for rabies observation, owners of a
1074 dog, cat, or ferret that has been reported to have bitten any person are
1075 required to call the Division to verify that the dog, cat, or ferret reported to
1076 have bitten any person is alive and healthy to assure that it is free of a rabies
1077 infection. A quarantine release fee in the amount set by resolution shall be

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1078 charged when the owner fails to call and the Division was unsuccessful in
1079 reaching the owner by telephone within forty eight (48) hours following the
1080 expiration of the quarantine period, thereby requiring the dispatch of an
1081 animal care specialist to observe the dog, cat, or ferret.

1082 (5) An invoice reflecting the fees imposed pursuant to this Ordinance shall be
1083 sent to the owner of the dog, cat, or ferret. Payment shall be made by the
1084 owner within thirty (30) calendar days after the date of said invoice. Any
1085 person who fails to pay the invoice is subject to a civil action by Broward
1086 County to collect the fees.

1087 (b) Any stray dog that has bitten, or stray cat that has bitten or scratched, a
1088 human may be impounded by the Division and held in quarantine for a minimum period
1089 of ten (10) days from the date of the bite or scratch for rabies observation. After the
1090 expiration of the stray holding period, the animal may be humanely euthanized and sent
1091 to the Florida Department of Health for pathological examination.

1092 (c) At the Division's discretion, any owned dog that has bitten, or owned cat
1093 that has bitten or scratched, a human may be quarantined at home for a minimum period
1094 of ten (10) days from the date of the bite or scratch for rabies observation, subject to the
1095 owner signing a home quarantine agreement. The following information will be reported
1096 to the Florida Department of Health: the animal's physical description; current rabies
1097 vaccination date; the owner's name, address, and telephone number; the animal's name;
1098 the address and telephone number of the person bitten or scratched; and the location of
1099 the wounds. An owner whose animal has bitten or scratched a human shall comply fully

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1100 with Chapter 64D-3, Florida Administrative Code (Control of Communicable Diseases &
1101 Conditions Which May Significantly Affect Public Health), as amended.

1102 (d) It shall be a violation of this section for any person to refuse to produce or
1103 surrender any animal for quarantine.

1104 (e) Any dog or cat that dies or is humanely euthanized while under quarantine
1105 shall undergo a pathological examination performed by the Florida Department of Health.
1106 It shall be a violation of this section for any person to refuse to surrender the body of a
1107 deceased animal while under quarantine.

1108 (f) It is a violation of this section for anyone to kill or remove from Broward
1109 County, without the express written consent of the Division or the Florida Department of
1110 Health, any of the following:

- 1111 (1) A rabid animal;
- 1112 (2) An animal suspected of having rabies or any other infectious or contagious
1113 disease;
- 1114 (3) An animal exhibiting unusual behavior;
- 1115 (4) An animal that scratches or bites a person; or
- 1116 (5) An animal under quarantine.

1117 (g) It shall be the duty of any person having knowledge that an animal has bitten
1118 or otherwise exposed a person or animal to rabies to report the incident immediately to
1119 the Florida Department of Health.

1120 **Sec. 4-14.5. Dog and cat bites with injuries.**

1121 (a) It shall be a violation of this section for the owner or keeper of any dog or
1122 cat to not fail to prevent the dog or cat from inflicting severe injuries, as defined in

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1123 Section 4-2, or attacking or killing a domestic animal while unprovoked. The owner or
1124 keeper of such dog or cat shall be subject to the provisions of Section 4-14 ~~above~~. If the
1125 Division concludes, following an animal bite investigation, that the dog or cat inflicted
1126 severe injuries while unprovoked, the owner or keeper shall, at all times that the dog or
1127 cat is not securely confined indoors or confined in an enclosure:

1128 . . .

1129 (b) Failure to comply with the requirements above shall constitute a violation of
1130 this section. Any person cited for an infraction ~~for~~ involving a dog or cat bites ~~and~~ or
1131 unmuzzled dog(s) or cat(s) shall be assessed ~~the~~ a civil penalty ~~or penalties in the amount~~
1132 ~~set~~ established by the Commission by resolution. A dog or cat owner or keeper cited for
1133 a dog or cat bite may elect to pay the victim's medical expenses. If such expenses are
1134 paid within fifteen (15) calendar days after the bite, and the dog or cat owner or keeper
1135 complies with all applicable provisions of ~~this Chapter 4 of the Broward County Code of~~
1136 ~~Ordinances, the fine~~ civil penalty to be assessed pursuant to Chapter 40 of the Broward
1137 County Administrative Code shall be reduced by the amount of medical expenses paid,
1138 up to a maximum of three hundred dollars (\$300).

1139 (c) The owner of any animal subject to a muzzle order issued by an officer may
1140 submit a written request to the Division Director for review of the muzzle order within
1141 ten (10) days after receipt of the muzzle order. The Division Director's decision regarding
1142 the muzzle order is final.

1143 . . .

1144 **Sec. 4-20. Fighting or baiting animals prohibited.**

1145 (a) ~~As used in this section:~~

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1146 (1) ~~Animal fighting shall mean fighting between dogs or any other wild or~~
1147 ~~domestic animals.~~

1148 (2) ~~Baiting shall mean to attack with violence, to provoke, or to harass an~~
1149 ~~animal with one (1) or more animals for the purpose of training an animal~~
1150 ~~for, or to cause an animal to engage in, fights with or among other animals~~
1151 ~~or as further defined in Section 828.122, Florida Statutes.~~

1152 (3) ~~Person shall mean every natural person, firm, partnership, association,~~
1153 ~~corporation, or other legal entity.~~

1154 (b) Any natural person, firm, partnership, association, corporation, or other
1155 legal entity who that commits any of the following acts shall be in violation of this section:

1156 ...

1157 (3) Owning, possessing, or selling equipment with intent to use it in any activity
1158 described in ~~sub~~Section (b) (a)(1) above.

1159 ...

1160 (c) (b) The provisions of this section shall not apply to:

1161 ...

1162 (d) (c) Any person violating this section shall be issued a citation by an officer.

1163 Pursuant to Section 4-28, a citation may be appealed by filing a written request for an
1164 administrative hearing with the Division within ten (10) days after receiving the citation.

1165 The Division may, pursuant to Section 828.073, Florida Statutes, as amended, impound
1166 any dogs or, cats, or equipment used in committing the violation and shall provide for
1167 appropriate and humane care or disposition of the dogs or cats.

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1168 (e) (d) When any wild animal, used for the purpose of fighting or baiting, appears
1169 to be injured or otherwise in need of human intervention, an appropriate wildlife
1170 rehabilitation center shall be notified for proper care, handling, and disposition.

1171 . . .

1172 **Sec. 4-24. Dogs and cats in state of pain and suffering.**

1173 (a) In the event any untagged, ~~non-registered~~ nonregistered dog or cat ~~shall be~~
1174 is found in a state of pain and suffering that cannot be alleviated or managed in the opinion
1175 of the County veterinarian, or becomes so during confinement, the Division is authorized
1176 to dispose of such dog or cat in a humane manner without complying with the
1177 seventy-two (72) hour waiting period set forth in Section 4-5 of ~~this chapter~~.

1178 (b) Notwithstanding Section 4-5 of ~~this chapter~~, in the event any registered dog
1179 or cat shall be found in a state of pain and suffering that cannot be alleviated or managed
1180 in the opinion of the County veterinarian, or becomes so during confinement, the Division
1181 is authorized to dispose of such dog or cat in a humane manner after a reasonable and
1182 diligent effort to contact the owner.

1183 **Sec. 4-25. Interference with officer prohibited.**

1184 . . .

1185 Nothing contained herein shall be construed to authorize an ~~animal care specialist~~
1186 officer to enter upon private property without consent of the property owner or without a
1187 valid warrant where such warrant is required; provided, however, that an ~~animal care~~
1188 ~~specialist~~ officer or law enforcement officer may take custody of a neglected or mistreated
1189 animal as provided in Section 828.073, Florida Statutes, as amended.

1190 . . .

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1191 **Sec. 4-27. Dogs or cats prohibited in parks and on beaches.**

1192 ~~No person owning or having charge, care, custody, or control of any dog or cat~~
1193 ~~shall permit or allow the dog or cat into or upon any public park or beach in the County;~~
1194 ~~however, this section shall not apply to parkways, wayside parks, beach areas, or other~~
1195 ~~park areas in which dogs or cats are specifically authorized, provided said dog or cat has~~
1196 ~~been registered pursuant to Section 4-11 and the owner, or designee, is present with~~
1197 ~~proof of said pet registration.~~

1198 **Sec. 4-28. Enforcement of violations; liens.**

1199 . . .

1200 (b) An officer who has probable cause to believe that a person ~~has committed~~
1201 ~~an act in violation of~~ violated this chapter shall issue a citation for a civil penalty as
1202 specified in Section 4-29 in an amount set established by the Commission by resolution.
1203 Notwithstanding any provision to the contrary in this chapter, before issuing a citation for
1204 a violation of Sections 4-10 or 4-11, an officer may provide a warning notice to the violator
1205 identifying the violation ~~of this chapter~~ and establishing a thirty (30) day time period within
1206 which ~~time~~ the violation must be corrected. If, upon investigation, ~~it is determined that the~~ the
1207 violator has not corrected the violation within the time specified, a citation may be issued
1208 to the violator. Additional warning notices ~~need not be provided to the violator are not~~
1209 required for the same violation prior to the issuance of additional citations. In addition,
1210 notwithstanding any provision to the contrary in this chapter, before issuing a citation for
1211 a violation of Section 4-3, an officer may provide a one-time warning notice to the violator.

1212 (c) The citation form shall include, but not be limited to, the following:

1213 . . .

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1214 (2) Name of the officer and division or department issuing the citation;

1215 ...

1216 (7) Procedure to either to pay the civil penalty or contest the citation;

1217 ...

1218 (9) Notice that failure to pay the civil penalty ~~and failure~~ or to request an
1219 administrative hearing within ten (10) days after ~~service~~ receipt of the
1220 citation shall constitute a waiver of the alleged violator's right to an
1221 administrative hearing and may result in the entry of an order against the
1222 violator and the imposition of a civil penalty ~~for an amount~~ not to exceed the
1223 maximum civil penalty of one thousand dollars (\$1,000) for each violation
1224 involving the requirements or responsibilities of a dangerous dog owner,
1225 and five hundred dollars (\$500.00) each, for all other violations.

1226 ...

1227 (e) Any person cited with a violation of this chapter may, within ten (10)
1228 calendar days of the date of ~~receiving~~ receipt of the citation, correct the violation and pay
1229 the civil penalty in the manner indicated on the citation or request an administrative
1230 hearing before a Hearing Officer to appeal the ~~decision of the officer to issue~~ the citation.
1231 If the person cited pays the civil penalty, ~~said person shall be deemed to have waived~~
1232 ~~said person's~~ he or she waives the right to an administrative hearing on ~~the issue of~~
1233 ~~commission of~~ whether the violation was committed. A person pleading "no contest" and
1234 paying the civil penalty neither admits nor denies the charges but waives ~~said person's~~
1235 ~~right to an administrative hearing on the issue of whether~~ ~~said person committed the~~
1236 ~~alleged violation. A person pleading "no contest" shall not be subject to fines as a repeat~~

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1237 or subsequent violator; however, a plea of "no contest" need not be accepted by the
1238 County, Court, or the Hearing Officer.

1239 . . .

1240 (g) Any person who fails to pay the civil penalty or fails to request an
1241 administrative hearing to contest the citation within the time period allowed, shall be
1242 deemed to have waived such person's right to contest the citation and judgment may be
1243 entered against the person for an amount not to exceed the maximum civil penalty of five
1244 hundred dollars (\$500.00).

1245 (h) Contested citations issued by the Division shall be processed in the Civil
1246 Division of the County Court of the Seventeenth Judicial Circuit and heard by the
1247 Division's Hearing Officer. Hearings shall be governed ~~as provided in~~ by Section 4-12.5.

1248 (h) If a Hearing Officer finds a citation valid, enters an order imposing a civil
1249 penalty, and the violator fails to pay the civil penalty as required, a certified copy of the
1250 Hearing Officer's order may be recorded in the Official Records of Broward County and
1251 shall thereafter, to the full extent permissible under applicable law, constitute a lien
1252 against the real and personal property of the violator. All procedures for the creation,
1253 enforcement, and foreclosure of such liens shall be governed by Chapter 8½ of this Code,
1254 as amended.

1255 . . .

1256 (k) Notwithstanding any provision to the contrary in this chapter and in order to
1257 quickly reunite pets with their owners, the Division may set up a payment plan for
1258 individuals who are unable to pay the entire amount of their fees and civil penalties due
1259 pursuant to Section 40-38, Broward County Administrative Code. Upon the full execution

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1260 of a payment plan agreement between the Division and the pet owner, the pet may be
1261 released to the owner. The form of the payment plan agreement shall be approved by the
1262 Director.

1263 (1) Notwithstanding any provision to the contrary in this chapter, applicable
1264 fees, as set forth in Section 40-38 (except Subsection 40-38(n)), Broward County
1265 Administrative Code, may be waived or reduced by the Division for individuals who meet
1266 federal low income guidelines.

1267 **Sec. 4-29. Amount of civil penalties.**

1268 (a) Any person cited for an infraction under this chapter shall pay the civil
1269 penalty specified for such infraction as set established by the Commission by resolution.

1270 (b) Any person cited for an infraction under this chapter, for which no amount
1271 has been specified in Chapter 40 of the Broward County Administrative Code, shall pay
1272 the general civil penalty amount as established by the Commission by resolution.

1273 (b) (c) If a citation is contested and the court Hearing Officer finds, by clear and
1274 convincing evidence, that a violation occurred, the court Hearing Officer shall impose a
1275 civil penalty of no less than the amount that would have been due under Subsection (a)
1276 or Section (b) had the citation been uncontested, and no more than one thousand dollars
1277 (\$1,000) for each citation related to the requirements or responsibilities of a dangerous
1278 dog owner, and five hundred dollars (\$500.00) each, for all other citations.

1279 (c) In addition to any civil penalties, any person who fails to pay all penalties
1280 imposed within the ten (10) calendar day payment period shall pay a delinquency fee as
1281 set by resolution.

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1282 (d) Any person who fails to pay the civil penalty or fails to request an
1283 administrative hearing to contest the citation within the time period allowed shall be
1284 deemed to have waived his or her right to contest the citation, and judgment may be
1285 entered against the person for an amount not to exceed the maximum civil penalty of one
1286 thousand dollars (\$1,000) for each failure to comply with the requirements or
1287 responsibilities of a dangerous dog owner, and five hundred dollars (\$500) each, for all
1288 other violations.

1289 (d) (e) Any person who, within ten (10) calendar days after receipt of the citation,
1290 fails to either come into compliance with any the section of this chapter for which he or
1291 she is in violation within the ten (10) calendar day payment period or request a hearing,
1292 shall be subject to additional citations for second and subsequent offense violations of
1293 the same sections of this chapter.

1294 (e) (f) Any person upon whom a civil penalty is imposed shall also pay a surcharge
1295 ~~in the amount set as established by the Commission by resolution upon each civil penalty~~
1296 ~~so imposed.~~

1297 **Sec. 4-30. Animal Care General Trust Fund.**

1298 (a) There is hereby created an Animal Care General Trust Fund (~~Trust Fund~~)
1299 for the purpose of accepting and disbursing gifts, grants, and awards of money paid to
1300 Broward County for the use and benefit of dogs and cats in Broward County.

1301 . . .

1302 (d) Eligible recipients of Animal Care General Trust Fund monies must be
1303 Broward County residents or must have provided or paid for professional services for
1304 animals adopted or transferred from the Division.

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1305 (d) (e) There is hereby created an Animal Care General Trust Fund Subcommittee
1306 (the "Subcommittee") consisting of six (6) members, five (5) of whom shall be members
1307 of the Broward County Animal Care Advisory Committee (the "Committee") appointed by
1308 the Chair of the Committee. The Director, or designee, shall serve as the sixth (6th)
1309 member but shall be a nonvoting member. A quorum shall consist of a majority of the
1310 voting members of the Subcommittee. The affirmative vote of the majority of the voting
1311 members is required for approval of a motion. With the exception of accrued interest as
1312 provided in Section (g) below, no Animal Care General Trust Fund monies, shall be
1313 disbursed from the Animal Care General Trust Fund unless such expenditures have been
1314 authorized by a majority of the Subcommittee at a meeting called upon proper notice.

1315 (f) Members of the Subcommittee shall serve for ~~one~~ (1) a two (2) year term
1316 and may be reappointed for one (1) additional two (2) year term. No member shall serve
1317 for ~~greater~~ more than two (2) consecutive terms, except as necessary until a qualified
1318 individual can be appointed to the position. Before incurring an obligation or liability that
1319 is anticipated to be paid from the Animal Care General Trust Fund, authorized members
1320 of the ~~C~~Subcommittee shall obtain authorization confirmation from the Director ~~and~~
1321 assurance that sufficient funds are available to pay such obligation or liability.

1322 All expenditures shall be in accordance with the criteria set forth below and shall
1323 be subject to the availability of funds from the Animal Care General Trust Fund. In keeping
1324 with the humanitarian philosophy underlying the creation of the Animal Care General
1325 Trust Fund, the broadest possible application shall be given to the following principles.
1326 The expenditure of ~~the~~ Animal Care General Trust ~~f~~Funds monies shall be subject to the
1327 following criteria set forth by the Committee, ~~which shall include:~~

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1328 (1) The Animal Care General Trust Fund shall provide reimburse persons who
1329 fund necessary emergency medical or surgical treatment and care ~~to~~ for
1330 sick or injured dogs and cats in Broward County ~~described in Subsection~~
1331 ~~(1)a or (1)b, below, who that~~ come to the attention of the Committee, or any
1332 of its members, thereof, or the Division, including:
1333 . . .
1334 (2) In all cases involving the provision of necessary medical or surgical
1335 treatment or care to dogs or cats described in Subsection (1)a. or (1)b.,
1336 above, ~~it shall be the policy of the Committee that the following procedures~~
1337 must be followed:
1338 a. Any member of the Committee or the Division is empowered to act
1339 immediately on behalf of an afflicted or endangered dog or cat ~~in the~~
1340 ~~exercise of sound judgment, independent of any other Committee~~
1341 ~~member and without a consensus of the Committee or notice to any~~
1342 ~~other Committee member, in an emergency,~~
1343 b. ~~A dog or cat qualifying under Subsections (1)a or (1)b, above, may~~
1344 ~~be taken by a member of the Committee or by Division staff to any~~
1345 ~~by taking the dog or cat to a licensed veterinarian in Broward County,~~
1346 who shall be instructed to provide such veterinary services as ~~in the~~
1347 ~~veterinarian's, in sound discretion, are deemed~~ necessary to alleviate
1348 pain and suffering and to stabilize the dog or cat. In such an
1349 emergency, up to ~~five hundred dollars (\$500.00) may be expended~~

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one thousand dollars (\$1,000) may be reimbursed from the Animal Care General Trust Fund.

c. b. Such veterinarian shall forward his or her statement to the Subcommittee for reimbursement, describing in detail the condition of the dog or cat upon admission to the veterinary facility. Approval for payment of such veterinary statements shall be by a majority of the Subcommittee at a meeting called upon proper notice. Any request for reimbursement for the provision of necessary medical or surgical treatment or care to dogs or cats described in Subsection (1)a or (1)b, above, arising from a Committee member taking a dog or cat in for veterinary services, shall be reimbursed provided the Subcommittee deems the costs for the services reasonable. In the event the Subcommittee deems the costs for the services to be unreasonable, the Subcommittee shall reimburse the veterinary services at an amount the Subcommittee deems reasonable. The veterinarian's invoice shall be provided to the Subcommittee for review of the reimbursement to ensure compliance with the requirements of this section.

d. c. No person who finds a dog or cat in distress and in need of medical or surgical treatment and who subsequently decides to adopt such dog or cat shall be precluded from receiving, on behalf of the dog or cat, the benefits of the Animal Care General Trust Fund simply because the dog or cat is adopted by the finder.

e. d. Nothing contained herein shall preclude the Subcommittee from carrying out the specific intent of a devise from a donor even if said amount exceeds the scope of the foregoing criteria.

f. e. In keeping with the humanitarian philosophy underlying the creation of the trust fund, the broadest possible application shall be given to the foregoing principles.

g. Extraordinary expenses, including costs of radiological services and other services not provided at the County's animal clinic that are incurred by the Division in treatment and care of dogs and cats, shall be eligible for reimbursement to the Division upon approval of a majority of the Subcommittee.

(3) A Persons who adopt a dog or cat adopted from the Division that, and whose dog or cat develops medical or surgical problems within a period of thirty (30) days from after the date of adoption, the cost of which exceeds the financial resources of the adoptive owner, shall also qualify to receive benefits from the Animal Care General Trust Fund. If the medical or surgical problems of such a dog or cat cannot be dealt with adequately by the County veterinarian and the owner wishes to keep the dog or cat but cannot afford treatment, and where such treatment is not the result of apparent abuse or neglect by the owner, the Animal Care General Trust Fund may provide for necessary additional treatment of the dog or cat by a licensed veterinarian in Broward County on a case-by-case basis and at the discretion of the Director of the Division. A cap of three hundred fifty dollars (\$350.00) three

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thousand dollars (\$3,000) shall be placed on such expenditures, which may be raised if necessary by a majority vote of the Subcommittee. In no event shall any expenditures of Animal Care General Trust f~~Funds~~ monies be guaranteed by any Committee member or made without approval of a majority of the Subcommittee members at a properly noticed meeting.

(4) A dog or cat that is sick or injured and is owned by an individual who is financially unable to be fully responsible for the dog's or cat's treatment shall also qualify to receive benefits from the Animal Care General Trust Fund. Such treatment benefits shall not exceed ~~three hundred fifty dollars (\$350.00), except that the Subcommittee shall have the discretion to raise the ceiling on the expenditures for such treatment when the circumstances of the case warrant increased reasonable expenditure. In the event the Director does not agree with the voting members of the Subcommittee, the Director may present the matter for consideration by the Commission at a properly scheduled meeting~~ three thousand dollars (\$3,000). Any expenditures from the trust fund not covered by the foregoing subsections shall be presented for consideration by the Commission at any properly scheduled meeting.

(5) Dogs and cats under the care of the Division, including those under the care of foster care providers, shall qualify the Division or a foster care provider to receive benefits from the Animal Care General Trust Fund. These benefits shall be recommended by the Director and approved by the Subcommittee and are strictly limited to reimbursement for the costs of

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1419 emergency stabilization procedures that the Division is unable to perform.
1420 This includes, but is not limited to, emergencies occurring outside of the
1421 Division's normal operating hours and in the absence of a contractual
1422 agreement between the Division and qualified veterinary clinics.
1423 Reimbursement for these stabilization procedures shall not exceed
1424 one thousand dollars (\$1,000).

1425 (6) For expenditures from the Animal Care General Trust Fund not covered by
1426 the foregoing sections, the Director may present to the Subcommittee
1427 requests to use a specific amount of money from the Animal Care General
1428 Trust Fund to pay for expenses incurred or to be incurred to implement a
1429 community outreach program or other program that benefits the dogs and/or
1430 cats of Broward County. A community outreach program includes activities
1431 such as entering communities or participating in public events to distribute
1432 dog- and cat-related goods and services to residents, including pet food,
1433 supplies, medications, sterilization vouchers, and veterinary services. For
1434 all programs funded under this section, the Director's request to the
1435 Subcommittee shall include a description of the program, the program's
1436 anticipated or actual benefits, and an itemization of the actual or planned
1437 expenditures. For actual expenditures made prior to the funding request,
1438 payment receipts must be presented to the Subcommittee at the time the
1439 funding is requested. For all programs funded through the Animal Care
1440 General Trust Fund under this section, an accounting of the benefits
1441 provided to residents during the program and the paid receipts for

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1442 expenditures must be presented to the Subcommittee at the next properly
1443 scheduled meeting following the conclusion of the program. The money
1444 requested may be funded through the Animal Care General Trust Fund
1445 upon approval of a majority of the Subcommittee members at a properly
1446 noticed meeting.

1447 (7) Any expenditure from the Animal Care General Trust Fund not covered by
1448 the foregoing sections shall be presented for consideration by the
1449 Committee at any properly scheduled meeting.

1450 (e) (g) The Animal Care General Trust Fund shall be a separate account
1451 established and maintained apart from the general revenue fund and accounts of Broward
1452 County.

1453 Monies obtained ~~hereunder~~ for the Animal Care General Trust Fund may be
1454 accepted on behalf of Broward County ~~by the Director or such other person or persons~~
1455 ~~as may be designated by resolution of the Commission and, upon receipt of said monies,~~
1456 ~~shall cause the same to be delivered to the Broward County Records, Taxes and Treasury~~
1457 ~~Division, which shall cause the same to be deposited into the Animal Care General Trust~~
1458 ~~Fund pursuant to Sections 18.63 (Donations) or 20.31 (Grants) of the Broward County~~
1459 Administrative Code, as applicable and as amended.

1460 Funds deposited or credited to the Animal Care General Trust Fund and not
1461 expended by the close of any fiscal year shall be carried forward to the next succeeding
1462 fiscal year.

1463 Any gifts, grants, donations, and awards received subject to a condition shall be
1464 deposited in a trust fund specifically designated for that purpose. Interest accrued on the

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1465 Animal Care General Trust Fund ~~monies~~ shall be ~~maintained apart from the general~~
1466 ~~revenue fund and other accounts of Broward County to provide and be deposited in the~~
1467 Animal Care Adoption Trust Fund and used for adoption programs, including training,
1468 marketing, and other necessary expenditures, as determined by the Director.

1469 (f) (h) To be eligible to receive funds pursuant to Subsections 4-30(d)(3) and
1470 (4), a dog or cat owner must prepare a request indicating why the owner cannot afford to
1471 pay the expenses. All requests indicating that an owner cannot afford to pay the expenses
1472 must be verified, and the information provided shall be reliable. Such information may
1473 include, but not be limited to, documentation demonstrating that the owner meets the
1474 applicable federal low-income guidelines, receives needs-based public benefits, or
1475 submission of an affidavit regarding the owner's inability to pay. In addition, the ~~dog or~~
1476 ~~cat~~ owner must agree to have the dog or cat sterilized to reduce dog or cat overpopulation,
1477 and ~~have or obtain~~ ensure that the dog or cat has a current rabies vaccination and a
1478 current Broward County rabies registration ~~license~~ tag. Any exemptions from these
1479 criteria must be made by the Subcommittee. The amount payable from the Animal Care
1480 General Trust Fund may be amended by the Subcommittee subject to the availability of
1481 funding.

1482 (g) (i) The Animal Care Advisory Committee, through its Subcommittee, shall
1483 administer the Animal Care General Trust Fund in accordance with this section. Any
1484 person or entity that meets the conditions prescribed above ("Claimant") may apply to the
1485 Subcommittee for disbursement from the Animal Care General Trust Fund of eligible
1486 expenditures. Such application shall be on a form provided by the Division. In addition to
1487 completing the form, the Claimant shall include documentation related to the claim

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1488 including, but not limited to, veterinary records, estimates, invoices, and receipts. Upon
1489 receipt of the application materials from the Claimant, the Division shall provide all
1490 documentation and information in its records relevant to the claim to the Subcommittee.
1491 The application form shall include the Claimant's notarized attestation of the information
1492 contained therein, including that the amount requested for disbursement has not been
1493 otherwise reimbursed from alternate sources such as insurance, donations, or funding
1494 solicitations.

1495 (h) ~~No Animal Care General Trust Fund monies, with the exception of accrued~~
1496 ~~interest as provided in Subsection (e) above, shall be disbursed from the Animal Care~~
1497 ~~General Trust Fund unless such expenditures have been authorized by a majority of the~~
1498 ~~Subcommittee at a meeting called upon proper notice.~~

1499 **Sec. 4-31. Rules, regulations, and fees.**

1500 . . .

1501 (c) The County may impose such fees necessary ~~to~~ for the implementation and
1502 administration of this chapter as ~~are approved~~ established by the Commission by
1503 resolution of the Commission.

1504 **Sec. 4-32. Dogs and cats in vehicles.**

1505 . . .

1506 (b) An officer may remove and impound a dog or cat from a vehicle if its safety
1507 appears to be in immediate danger from heat ~~or, cold,~~ or lack of adequate ventilation. The
1508 officer is authorized to take all steps reasonably necessary for the removal of such dog
1509 or cat, including, but not limited to, breaking into the vehicle. Neither the officer nor his or
1510 her agency shall bear civil liability for damage.

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1511 (c) No person shall transport any dog or cat in a motor vehicle unless the dog
1512 or cat is safely enclosed within the vehicle or, if travelling in an unenclosed vehicle
1513 (including, but not limited to, convertibles, pickup trucks, open-bed trucks, and flat-bed
1514 trucks), is confined by a container, cage, or other device that will prevent the dog or cat
1515 from falling from or jumping from the motor vehicle. Any such container or cage shall be
1516 securely anchored to the vehicle in order to prevent movement about the vehicle.

1517 **Sec. 4-33. Unsterilized Intact dogs and cats impound reclaim fee.**

1518 (a) An unsterilized intact dog or cat impound reclaim fee ~~in an amount set as~~
1519 ~~established by the Commission~~ by resolution of the Commission shall be imposed on the
1520 owner of every reclaimed, impounded, unsterilized intact dog or cat at the time the
1521 unsterilized intact dog or cat is reclaimed from the Division. ~~Payment of the unsterilized~~
1522 ~~dog or cat impound fee shall be waived if the owner has the dog or cat sterilized by a~~
1523 ~~licensed veterinarian and presents proof of such sterilization to the Division within thirty~~
1524 ~~(30) calendar days after reclaiming the dog or cat. The Division shall deposit all intact dog~~
1525 ~~or cat reclaim fees, collected pursuant to this section, into the Animal Care Sterilization~~
1526 ~~Trust Fund to be used for sterilization programs and other necessary expenditures, as~~
1527 ~~determined by the Director.~~

1528 (b) ~~If the dog or cat owner does not have the dog or cat sterilized, or does not~~
1529 ~~present proof of sterilization, within the thirty (30) calendar day period, the unsterilized~~
1530 ~~dog or cat impound fee shall become due and payable at that time. If the dog or cat is~~
1531 ~~sterilized and the owner does not present proof of such sterilization to the Division within~~
1532 ~~the thirty (30) calendar days allotted for presenting proof of sterilization, the owner~~
1533 ~~remains liable for the unsterilized dog or cat impound fee. Payment of the unsterilized~~

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1534 ~~dog or cat impound fee shall be made by the owner within thirty (30) calendar days after~~
1535 ~~the date the fee becomes due and payable. Any person who fails to pay the unsterilized~~
1536 ~~dog or cat impound fee is subject to a civil action by Broward County to collect the fee.~~
1537 ~~The Division shall deposit all such collected unsterilized dog or cat impound fees into the~~
1538 ~~Animal Care Sterilization Trust Fund to be used for sterilization programs and other~~
1539 ~~necessary expenditures, as determined by the Director.~~

1540 (e) (b) Any unsterilized intact dog or cat that is impounded on more than one (1)
1541 occasion shall be sterilized by the Broward County Division's veterinarian at the owner's
1542 expense at a fee set established by the Commission by resolution of the Commission.
1543 Such sterilizations shall be performed based upon the health, age, and general condition
1544 of the dog or cat.

1545 **Sec. 4-34. Animal Care and Adoption Victim Trust Fund.**

1546 (a) There is hereby created a Broward County Animal Care ~~and Adoption~~
1547 Victim Trust Fund for the purpose of accepting and disbursing a portion of dog or cat bite
1548 fees, gifts, grants, awards of money, and other revenue to pay the full or partial medical
1549 expenses of dog or cat bite victims.

1550 (b) The Broward County Animal Care ~~and Adoption~~ Victim Trust Fund shall be
1551 self-perpetuating from year to year unless specifically terminated by the Commission. In
1552 the event of termination, the Commission shall have sole discretion concerning the
1553 distribution of trust assets, provided, however, that any trust assets received and
1554 accepted subject to a condition shall be utilized and expended strictly in accordance with
1555 such condition.

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1556 (c) All fees, gifts, grants, awards of money, or property, and other revenue

1557 received hereunder from either public or private entities shall be deposited in the Broward

1558 County Animal Care ~~and Adoption~~ Victim Trust Fund, which shall be separately

1559 established and maintained apart from the general revenue funds and accounts of

1560 Broward County and held in trust and inure to Broward County, its successors and

1561 assigns, and shall be expended, utilized, and disbursed only for the use and benefit of

1562 Broward County dog or cat bite victims.

1563 (d) Three hundred dollars (\$300.00) of every first bite fine paid shall be

1564 deposited into the Broward County Animal Care ~~and Adoption~~ Victim Trust Fund to assist

1565 victims of dog or cat bites with documented, paid medical expenses.

1566 (e) Monies deposited in and credited to the Broward County Animal Care ~~and~~

1567 ~~Adoption~~ Victim Trust Fund and not expended by the close of any fiscal year shall be

1568 carried forward into the succeeding fiscal year. Any fees, gifts, grants, donations, awards,

1569 and other revenue received subject to a condition shall be utilized and expended strictly

1570 in accordance with such condition.

1571 (f) There is hereby created a Broward County Animal Care ~~and Adoption~~

1572 Victim Trust Fund Committee consisting of four (4) members, three (3) of whom shall be

1573 Broward County residents appointed by the County Administrator. The Director shall

1574 serve as the fourth (4th) member, but shall be a ~~non-voting~~ nonvoting member. No ~~trust~~

1575 monies shall be disbursed from the Broward County Animal Care ~~and Adoption~~ Victim

1576 Trust Fund unless such expenditures have been authorized by a majority of the Victim

1577 Trust Fund Committee. Within its discretion, the Victim Trust Fund Committee shall

1578 determine and ascertain the best utilization of trust funds for the benefit of victims.

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1579 (g) ~~The dog or cat owner or keeper cited for a dog or cat bite may elect to pay~~
1580 ~~the victim's medical expenses if such expenses are paid within fifteen (15) calendar days~~
1581 ~~of the bite. In the event the violator pays the victim's medical expenses and complies with~~
1582 ~~all applicable provisions of Chapter 4 of the Broward County Code of Ordinances, the fine~~
1583 ~~to be assessed pursuant to Chapter 40 of the Broward County Administrative Code shall~~
1584 ~~be reduced by three hundred dollars (\$300.00).~~

1585 (h) (g) The Animal Care Victim Trust Fund shall be capped at twenty thousand
1586 dollars (\$20,000.00) in annual revenue. Notwithstanding any provision to the contrary in
1587 this chapter, all Animal Care Victim Trust Funds exceeding twenty thousand dollars
1588 (\$20,000.00) at 11:59 p.m. on September 30th of each year shall be deposited into the
1589 Animal Care Sterilization Trust Fund, to be used for sterilization programs, as determined
1590 by the Director.

1591 **Sec. 4-35. Animal Care Sterilization Trust Fund.**

1592 (a) There is hereby created an Animal Care Sterilization Trust Fund for the
1593 purpose of accepting and disbursing funds received by the County from the following
1594 sources:

1595 (1) Three dollars (\$3.00) from each rabies registration ~~license tag~~ sold for
1596 ~~sterilized and unsterilized~~ dogs and cats shall be deposited into the Animal
1597 Care Sterilization Trust Fund.

1598 (2) Pursuant to Subsection 4-11(d), fees collected for rabies registration ~~license~~
1599 sales over the baseline of one hundred thousand (100,000) licenses per
1600 year shall be deposited in the Animal Care Sterilization Trust Fund.

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1601 (3) Pursuant to Subsection 4-33(b), ~~unsterilized intact impound reclaim~~ fees
1602 shall be deposited into the Animal Care Sterilization Trust Fund.

1603 (4) Pursuant to Subsections ~~4-6.5(g)(1) and 4-6.5(i)~~, breeder permit fees and
1604 fines shall be deposited into the Animal Care Sterilization Trust Fund.

1605 (5) Pursuant to Subsection ~~4-34(h)(g)~~, excess funds in the Animal Care Victim
1606 Trust Fund shall be deposited into the Animal Care Sterilization Trust Fund.

1607 (6) Sterilization grants, gifts, donations, awards of money, and other revenue
1608 intended to fund sterilization programs shall be deposited into the Animal
1609 Care Sterilization Trust Fund.

1610 . . .

1611 **Sec. 4-36. Animal Care Adoption Trust Fund.**

1612 (a) There is hereby created an Animal Care Adoption Trust Fund for the
1613 purpose of accepting and disbursing funds received by the County from the following
1614 sources:

1615 (1) One dollar (\$1.00) from each rabies registration ~~license tag~~ sold for
1616 ~~sterilized and unsterilized~~ dogs and cats shall be deposited into the Animal
1617 Care Adoption Trust Fund.

1618 (2) Pursuant to Subsection ~~4-30(e)(f)~~, interest income from the Animal Care
1619 General Trust Fund shall be deposited into the Animal Care Adoption Trust
1620 Fund.

1621 (3) Grants, gifts, donations, and awards of money designated for adoption
1622 programs shall be deposited into the Animal Care Adoption Trust Fund.

1623 . . .

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1624 (d) On or before December 1st of ~~every each~~ year, the Division shall file an
1625 annual report with the ~~Board of County~~ Commissioners describing funds deposited into
1626 and disbursed from the Animal Care Adoption Trust Fund for the prior fiscal year.

1627 **Sec. 4-37. Feeding of dogs and cats outdoors.**

1628 (a) Dogs and cats, except for community cats, shall only be permitted to be fed
1629 outdoors as follows:

1630 (1) Any food provided outdoors shall only be ~~provided for such~~ placed outdoors
1631 ~~for the time required~~ necessary for daily consumption, ~~after which time the~~
1632 ~~feed and~~ shall be removed thereafter. ~~In no event shall food remain~~
1633 outdoors more than three (3) hours in any twenty-four (24) hour period.

1634 . . .

1635 (5) Any person violating any of the provisions of this section shall be subject to
1636 a fine in an amount established by the Commission by resolution ~~of the~~
1637 ~~Commission~~. Each violation of this section shall be considered a separate
1638 infraction.

1639 **Sec. 4-38. Colony management.**

1640 . . .

1641 (c) Community cats living in colonies shall be sterilized, ear-tipped, and
1642 vaccinated for rabies. Community cats living in colonies shall be exempt from rabies
1643 registration ~~license~~ tag requirements of Section 4-11 and the stray animal provisions of
1644 Section 4-23.

1645 (d) Food shall be provided in ~~the proper~~ a quantity appropriate for the number
1646 of cats being managed and ~~is to~~ shall be supplied no less than once per day. Food must

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1647 be placed in feeding containers ~~that are maintained and secure and shall not be placed~~
1648 on the ground. Food shall not be left out for more than three (3) hours in any twenty-four
1649 (24) hour period.

1650 . . .
1651 **Sec. 4-39. Community cat management programs.**

1652 (a) Broward County acknowledges the need to address the permanent
1653 presence of community cats living in an outdoor environment, independent of human
1654 intervention. Management programs to reduce the uncontrolled reproduction of
1655 community cats shall be implemented by the Director to provide for the sterilization and
1656 return-to-field of all healthy community cats entering ~~the County shelter~~ Broward County
1657 Animal Care.

1658 (1) All community cats entering ~~the County shelter~~ Broward County Animal
1659 Care shall be counted toward intake and, upon return-to-field, shall be
1660 counted as a live-release.

1661 (2) All community cats entering ~~the County shelter~~ Broward County Animal
1662 Care shall be examined for temperament to evaluate their ability to survive
1663 in an outdoor environment with or without assistance from a community cat
1664 caregiver.

1665 (3) Community cats shall be sterilized, ear-tipped, vaccinated, and returned to
1666 a safe location in close proximity to the original point of pick-up by an officer
1667 or released to an approved rescue group. ~~However, any community cat~~
1668 ~~determined to be a nuisance by the Division shall be relocated to an~~
1669 ~~alternate suitable outdoor location.~~

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1670 (4) ~~Community cats shall be exempt from the rabies registration license~~
1671 ~~requirements of Section 4-11 and the stray animal provisions of~~
1672 ~~Section 4-23.~~

1673 (b) Community cats shall be exempt from the rabies registration tag
1674 requirements of Section 4-11 and the stray animal provisions of Section 4-23.

1675 (b) (c) *Trap-neuter-return.* Broward County recognizes there are community cats
1676 that may not enter the shelter or be under the care of a community cat caregiver.
1677 Management programs to curtail breeding of community cats may be implemented,
1678 funded, or otherwise supported by the Director to provide for trapping, sterilization, and
1679 return-to-field of healthy community cats.

1680 (1) Community cats shall be sterilized, ear-tipped, vaccinated, and returned to
1681 a safe location in close proximity to the original point of pick-up. However,
1682 ~~any community cat determined to be a nuisance shall be relocated to a~~
1683 ~~suitable outdoor location.~~

1684 (2) ~~Community cats shall be exempt from the rabies registration license~~
1685 ~~requirements of Section 4-11 and the stray animal provisions of~~
1686 ~~Section 4-23.~~

1687 (3) Community cats may be returned-to-field by an officer or a community cat
1688 caregiver in accordance with the provisions of this section.

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1689 Section 2. Severability.

1690 If any portion of this Ordinance is determined by any court to be invalid, the invalid
1691 portion will be stricken, and such striking will not affect the validity of the remainder of this
1692 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
1693 legally applied to any individual, group, entity, property, or circumstance, such
1694 determination will not affect the applicability of this Ordinance to any other individual,
1695 group, entity, property, or circumstance.

1696 Section 3. Inclusion in the Broward County Code of Ordinances.

1697 It is the intention of the Board of County Commissioners that the provisions of this
1698 Ordinance become part of the Broward County Code of Ordinances as of the effective
1699 date. The sections of this Ordinance may be renumbered or relettered and the word
1700 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
1701 phrase to the extent necessary to accomplish such intention.

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1702 | Section 4. Effective Date.

1703 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:

Andrew J. Meyers, County Attorney

By: /s/ De'Anne A. Jackson 01/05/2026

De'Anne A. Jackson (date)

Senior Assistant County Attorney

By: /s/ Maite Azcoitia 01/05/2026

Maite Azcoitia (date)

Deputy County Attorney

DAJ/cv
Chapter 4 Updates Ordinance
01/05/2026
#:1177906v26

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