





1        Definitions.

2        As used in this chapter, the following words and phrases will have the following  
3        meanings, unless the context clearly indicates otherwise:

4        *Abandonment* means the forsaking or neglecting or refusal to provide or perform the  
5        legal obligations for care and support of a domestic animal by its owner, harborer or  
6        agent.

7        *Affidavit* means a voluntary sworn declaration, in writing, made before competent  
8        authority.

9        *Animal* means any living, dumb creature.

10       *Animal control authority* means the Sheriff of Hernando County and his/her  
11       designated agents.

12       *Animal control officer* means any individual employed, contracted with, or appointed  
13       by the animal control authority for the purpose of aiding in the enforcement of this  
14       chapter or any other law or ordinance relating to the licensing of animals, control of  
15       animals, or seizure and impoundment of animals. An animal control officer is only  
16       authorized to bear arms or make arrests upon being certified as a law enforcement  
17       officer by the State pursuant to Fla. Stat. Ch. § 943.

18       *Animal services* shall mean the Hernando County Animal Services Department.

19       *Animal shelter* means a public or private facility designated or recognized by the  
20       animal control authority for the purpose of impounding and caring for animals.

1           *At large* means off the premises of the owner or harborer and not under custody,  
2           charge or possession of the owner or harborer by means of physical restraint. A dog  
3           or horse used in the aid of an law enforcement officer, as defined in Fla. Stat. §  
4           843.19(1), while in use by a law enforcement agency, shall not be deemed to be at  
5           large. Domestic animals performing at sanctioned events, engaged in training,  
6           performance events, or hunting activities by their respective organizations or  
7           affiliates thereof, shall not be deemed to be at large.

8           *Board* means the Board of County Commissioners of Hernando County, Florida.

9           *Caretaker* means a person who cares for, looks after, and is responsible for property  
10          and animals in the absence of their owner. Such person may be found to have taken  
11          on the responsibility pursuant to direct agreement with the owner, or by imputation  
12          through their actions in providing adequate food, water, shelter, and otherwise caring  
13          for the subject animals.

14          *Cat* means the domestic house cat, *Felis catus*.

15          *Chemical capture* means the impoundment of an animal using a tranquilizing drug  
16          rendering the animal immobile.

17          *Chronically at-large* means an animal that has been found at large more than two  
18          times in any twelve (12) month period.

19          *Citation* means a written notice, issued to a person by an officer, that the officer has  
20          probable cause to believe that the person has committed a civil infraction in violation

1 of a duly enacted ordinance and that the county court will hear the charge pursuant  
2 to Fla. Stat. § 828.27.

3 *County* means Hernando County, Florida.

4 *County health officer* means the Hernando County Public Health Unit Director or his  
5 or her designee.

6 *Cruelty* means any act of cruelty prohibited by Fla. Stat. § 828.12, as that statute may  
7 be amended from time to time.

8 *Direct control* means immediate and continuous physical control of animal at all  
9 times such as by means of a fence, leash, cord or chain of sufficient strength to  
10 restrain the animal; or in the case of specifically trained working, agricultural or  
11 hunting animals which immediately respond to such commands while working; direct  
12 control shall also include aural or oral control, if the controlling person is at all times  
13 clearly and fully within the unobstructed sight and hearing of the animal.

14 *Dog* means the domestic dog, *Canis lupus familiaris*.

15 *Domestic animal* means any equine or bovine animal, goat, sheep, swine, dog, cat,  
16 poultry, or other domesticated beast or bird.

17 *Enclosure* means a fence or structure suitable to prevent the escape of the animal or  
18 the entry of young children.

19 *Excreta* means any waste product such as sweat, urine, or feces, discharged from the  
20 body of the animal.

1           *Exotic animals* means an animal of a non-domesticated species not commonly kept  
2           as a household pet or for food and fiber production. Exotic animals may or may not  
3           be native to the area and may or may not be governed by existing wildlife regulations.

4           *Fee* means charges for services and/or licenses as set from time to time by resolution  
5           of the board of county commissioners.

6           *Feral* means undomesticated or wild.

7           *Fowl* means poultry of any kind, including but not limited to chickens, pheasants,  
8           guineas, turkeys and geese.

9           *Harborer* means any person that possesses, or has custody, or controls, or gives  
10          shelter, feeds, confines, boards, keeps, houses, or is in charge of, or tends, any  
11          animal, or who permits an animal to remain on or about any premises occupied or  
12          controlled by such person, for five (5) consecutive days or more.

13          *Hybrid* means any offspring resulting from the mating of two distinctly homozygous  
14          animals and is synonymous with “heterozygous.” Offspring resulting from the  
15          mating of two animals of the same species (e.g., mongrel dogs, mixed-breed cats,  
16          etc.) are excluded from this definition.

17          *License tag* means a county animal license tag issued pursuant to this chapter.

18          *Licensed veterinarian* means any person who is licensed to engage in the practice of  
19          veterinary medicine in Florida under the authority of Chapter 474, Florida Statutes.

20          *Livestock* means grazing animals for farm purposes including but not limited to fowl,

1 cattle, sheep, swine, horses, mules, goats and offspring thereof which are used for  
2 private use or commercial purposes.

3 *Microchip* means an electronic animal identification device.

4 *Neglect* means a failure to act to provide an animal for which the person has a duty  
5 of care for appropriate health and safety, including but not limited to, the failure to  
6 provide adequate food, water, shelter, necessary veterinary care or confinement  
7 appropriate for its species, breed, age, and condition.

8 *Officer* means any law enforcement officer defined in Fla. Stat. § 943.10 or any  
9 animal control officer.

10 *Ordinance* means any ordinance relating to the care or control of animals enacted by  
11 the board, the violation of which is a civil infraction.

12 *Owner* means any person, firm, corporation, or organization possessing, harboring,  
13 keeping or having control or custody of an animal, or, if the animal is owned by a  
14 person under the age of eighteen (18), that person's parent or guardian. For the  
15 purposes of this ordinance, a person is presumed to be the owner of an animal if the  
16 animal was purchased by, gifted to, adopted by, or fed by the person for a period of  
17 14 days or longer.

18 *Owner-Surrender Animals* means domestic dogs or cats that surrendered to animal  
19 services by their owner.

20 *Pound seizure* means claiming of excess animals for research or experimentation.

1           *Provocation* means any act that causes an animal to bite or scratch, or attack in  
2           protection of self, offspring, owner or owner's premises.

3           *Quarantine* shall have the same definition as provided for in Fla. Stat. § 585.01(16),  
4           as that statute may be amended from time to time.

5           *Severe injury* means any physical injury that results in broken bones, multiple bites,  
6           or disfiguring lacerations requiring sutures or reconstructive surgery.

7           *Shelter* means any structure which provides an animal with protection from the  
8           elements (weather). Such enclosure must have a roof, floor, and three sides, and be  
9           of sufficient size, appropriate for the applicable breed and species, as to allow each  
10          animal to stand up, lie down, and turn around in a natural position without touching  
11          the sides, top, or any other animal.

12          *Small fur-bearers* means rabbits, ferrets, hamsters, gerbils, guinea pigs and mice  
13          which are kept as domesticated animals or pets.

14          *Stray animal* means any animal that has wandered from its owner's property or whose  
15          ownership is unknown by the animal services division.

16          *Trap* means a humane, mechanical device for the purpose of impounding  
17          unrestrained animals.

18          *Veterinarian* means a veterinarian duly licensed and registered by the state or  
19          licensing area in which the veterinarian is practicing.

20          *Voucher* means a written statement showing receipt for money that can be redeemed

1 for services at a later date.

2 *Wildlife* means any mammal, bird or reptile traditionally considered wild which is  
3 the responsibility of the state fish and wildlife conservation commission pursuant to  
4 Fla. Stat. §§ 372.001 and 372.072(d)(a), as those statutes may be amended from time  
5 to time.

6 *Working dog* means a dog kept for the primary purpose of hunting, herding, search  
7 and rescue, livestock protection or similar vocations.

8 Legislative Intent.

9 It is the legislative intent of the County that this chapter shall be liberally construed  
10 in order to effectively carry out the intent and purpose of the chapter and the purposes  
11 which are deemed to be in the best interest of the public health, safety, and welfare  
12 of the citizens and residents of the County. Where any provision of the chapter refers  
13 to or incorporates another provision, statute, rule, regulation, or other authority, this  
14 chapter refers to the most current version, including and incorporating any  
15 amendments thereto or renumbering thereof. For the purposes of this chapter, words  
16 used in the present tense include the future tense; words in the plural number include  
17 the singular and vice versa; and the terms “hereby,” “herein,” and similar terms refer  
18 to this chapter. It is further the legislative intent of the County that nothing in this  
19 chapter regarding restrictions or additional requirements on Owners of Dangerous  
20 Dogs or procedures related thereto, is specific to breed.

1           General Authority of the Board of County Commissioners.

2           The Board may, at its discretion, establish and maintain an Animal Shelter, and  
3           impound therein all animals as deemed necessary pursuant to chapter, and to provide  
4           funding for office, personnel (including but not limited to Animal Control Officers  
5           employed by the Hernando County Sheriff's Office), vehicle, impoundment facility,  
6           and other needed equipment in connection with animal control. The Board may  
7           promulgate and enforce rules and regulations, and establish fees, to carry out the  
8           purpose of this chapter, subject to legislative enactment.

9           Chapter Supplemental and Conflict with State Law.

10          The board adopts by reference as part of this chapter, all laws of the State of Florida  
11          relating to animal control, animal welfare, and animal cruelty. It is the intent of the  
12          board that this chapter shall implement and supplement the provisions of state law,  
13          and that in the event of any conflict between the terms of this chapter and state law,  
14          the state law shall control.

15          Resolution Fixing Charges, Fees, Fines and Penalties.

16          The Board may, by appropriate resolution, fix charges for the impounding of animals  
17          under the provisions of this chapter, and fix fees, fines, and penalties for violations  
18          of this chapter.

19          Regulation of Ownership, Maintenance, and Treatment of Animals.

20          Except as otherwise provided by state law, it shall be unlawful to own, maintain, or

1           treat animals in violation of the provisions of this chapter. It shall further be  
2           unlawful for any owner to have in his or her custody any animal that is prohibited by  
3           federal or state law.

4           Conflict with State Law.

5           In the event of a conflict between the provisions of this chapter and Florida Statutes,  
6           as the same may be amended from time to time, the provision of applicable Florida  
7           Statutes, shall prevail.

8           Procedures for Implementation.

9           The board may, by resolution, establish such procedures and provisions as are  
10          necessary to implement this chapter.

11          Relation to Land Use Regulations.

12          (a)       This chapter shall not be construed as preventing or restricting the use of  
13          private property for animal breeding and animal rescue activities. These land use  
14          activities shall be governed by the County's land use regulations ("LDR's"), as those  
15          ordinances are delineated in Hernando County Code § 23-229.

16          (b)       Notwithstanding the foregoing, the fact that a person or entity is engaged in  
17          animal breeding or animal rescue activities shall not constitute a valid defense to any  
18          violation of the provisions of this chapter or any state law regulating the care of  
19          domestic animals.

1           Countywide Application.

2           Except for any municipality that has adopted an ordinance in conflict governing the  
3           same subject matter, this ordinance shall be effective countywide.

4           **Section 3. Creating a New Article II of Chapter 6 of the Hernando County Code and**  
5           **Including Specified Current Ordinances in Same.**

6           A new Article II of Chapter 6 of the Hernando County Code, entitled “ARTICLE II– CARE,  
7           CONTROL, AND WELFARE OF ANIMALS,” is hereby created. This article shall include current  
8           Hernando County Code §§ 6-3 (Rabies Vaccination of Dogs and Cats), 6-4 (License Certificates and  
9           License Tags), 6-5 (Animal Bites and Quarantine of Animals), 6-8 (Restraint), 6-9 (Female Dogs  
10          and Cats in Heat (Estrus)), 6-10 (Public Nuisance Animals), 6-11 (Animals Prohibited in Public  
11          Parks, Public Playgrounds, Public School Premises, Public Buildings and on Public Beaches)<sup>1</sup>, 6-12  
12          (Animal Waste), 6-13 (Animal Mistreatment and Cruelty to Animals), and 6-14 (Unlawful to  
13          Abandon Animals), 6-15 (Disposition of Dead Animals). Additional provisions to be included  
14          within this article are hereby created to read as follows:

15           Wild Animals.

- 16           (a)    It shall be unlawful for any person to possess, maintain, or have custody or  
17                   control of any wildlife that is not considered domesticated and cannot be  
18                   legally kept as a pet or livestock under state or federal law, without first

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<sup>1</sup>As amended in Section 7 below.

1           complying with the provisions of Fla. Stat. Ch. 372 and all regulations  
2           promulgated by the Florida Fish and Wildlife Conservation Commission.

3           (b) Wolf-hybrids are considered wild animals subject to the regulations  
4           promulgated by the Florida Fish and Wildlife Conservation Commission.

5           Wolf-hybrids not regulated by the Florida Fish and Wildlife Conservation  
6           Commission shall be regulated as dogs in accordance with this chapter. It is  
7           provided, however, that no wolf-hybrid may be bred, sold, or purchased in  
8           Hernando County. “Wolf-Hybrid” shall mean any domestic dog with genetic  
9           makeup from a wolf in its inheritance, as the result of breeding between a dog  
10          and a wolf. In determining whether an animal is subject to the provisions of  
11          this section, the Department shall rely on genetic tests, expert opinions, or  
12          other reliable evidence.

13          Unlawful to Keep Stray Animal.

14          It shall be unlawful for any person to harbor, feed and/or keep any stray animal unless  
15          he or she has notified animal services within 24 hours from the time such animal  
16          came into his or her possession.

17          **Section 4. Enacting a New Article III of Chapter 6 of the Hernando County Code.**

18          A new Article III of Chapter 6 of the Code of Ordinances of Hernando County, Florida,  
19          entitled “ARTICLE III – IMPOUNDMENT AND ANIMAL SHELTER,” is hereby enacted to read  
20          as follows:

ARTICLE III – IMPOUNDMENT AND ANIMAL SHELTER

Impoundment.

(a) The Animal Control Authority shall have the authority to enforce this article, and is authorized to pick up, catch or procure any animal in violation of this article or any animal infected or believed to be infected with rabies, and cause said animal to be impounded. The Animal Control Authority is not restricted to official citizen complaints while enforcing this article. The Animal Control Authority shall provide animal services with all necessary intake information for each animal impounded.

(b) The Animal Control Authority shall have the authority and is authorized to impound any animal that is in violation of this article, except as otherwise set forth herein. If an Animal Control Authority agent personally witnesses an animal at large, the agent shall have the authority to enter upon private property in pursuit of the animal. Agents of the Animal Control Authority cannot enter a building designated for and used for residential purposes without the property owner's consent or without a properly issued search and seizure warrant. If any owner refuses the Animal Control Authority's agents entrance to the premises while attempting to enforce this article, such agent shall proceed on the owner's premises in the company of the law enforcement officer with such legal warrant or other document of authority as is necessary

1 to lawfully enter the owner's premises for the purpose of enforcing this  
2 article.

3 (c) The animal shelter may adopt out or release impounded cats after three (3)  
4 days and may euthanize impounded cats after five (5) days, measured from  
5 the date of impoundment. Notwithstanding the foregoing, the county  
6 veterinarian or his/her designee may euthanize an impounded cat if such  
7 animal is in imminent danger of death from disease or trauma or is  
8 determined to be feral. Euthanasia of cats to prevent overcrowding will be  
9 conducted using the following priorities, to be determined by the county  
10 veterinarian or his/her designee:

- 11 (1) Sick, diseased, or injured;
- 12 (2) Feral;
- 13 (3) Unadoptable.

14 (d) All dogs which have been impounded and are not suffering from an  
15 infectious or contagious disease, or which have not been injured to such an  
16 extent that it would cause unnecessary pain or suffering, shall be held for  
17 redemption for a minimum of three days including the day said animal was  
18 impounded, prior to the animal being adopted or released to an animal rescue  
19 organization, and five days, including the day said animal was impounded,  
20 prior to the animal being euthanized. A rabies quarantine of the county may

1           cause the impoundment of stray animals to be increased to ten days before  
2           adoption, or it may stop the adoption of all dogs and cats until the quarantine  
3           is lifted.

4           (e)   Exotic animals, fowl, and small fur-bearers shall be held for redemption for  
5           a minimum of five days.

6           (f)   When an animal is apprehended and impounded, the animal shelter's  
7           personnel must scan the animal for the presence of a microchip and be  
8           examined for other currently acceptable methods of identification, including,  
9           but not limited to, identification tags, tattoos, and rabies license tags. The  
10          examination for identification shall be done within 24 hours after the intake  
11          of each dog or cat. The animal shelter's personnel shall make every  
12          reasonable attempt to contact the owner or harbinger of the animal as soon as  
13          possible. Such notice shall be by telephone or email address, as provided by  
14          the microchip or other method of identification found on the animal. The  
15          testimony of the animal shelter's personnel who provide such notice shall be  
16          evidence of the receipt of such notice by the owner or harbinger of the animal.  
17          If the dog or cat has been microchipped and the primary contact listed by the  
18          chip manufacturer cannot be located or refuses to reclaim the animal, an  
19          attempt shall be made to contact any secondary contacts listed by the chip  
20          manufacturer prior to adoption, release, transfer, or euthanizing.

1 (g) In the event any impounded animal is not claimed prior to the expiration of  
2 the proper impoundment period but after a reasonable attempt has been made  
3 to contact the animal's owner, animal services may release, adopt, destroy or  
4 otherwise dispose of such animal in accordance with established laws, rules  
5 and regulations and the policies of the board of county commissioners,  
6 without any compensation being paid to the owner.

7 (h) It is the responsibility of the pet owner to come to the shelter to look for and  
8 identify their lost pet.

9 (i) The following impounded animals shall not be placed for adoption to the  
10 general public, as determined by the county veterinarian or his/her designee:

11 (1) Hybrids; and

12 (2) Dogs that demonstrate aggression; and

13 (3) Security and guard dogs.

14 (j) Impoundment exception for identifiable animals.

15 (1) An officer may release an animal impounded on the officer's vehicle  
16 prior to the animal's delivery to animal services when, in the officer's  
17 discretion, such release would be in the best interest of the health and  
18 welfare of the animal, and;

19 a. The owner can be ascertained and verified; and

20 b. The animal does not appear to be abused or neglected; and

1                   c.     The animal is not chronically at-large as defined in this  
2                             article.

3                   (2)    Animals released pursuant to this section for which rabies vaccination  
4                             and/or registration is required pursuant to this chapter, and whose  
5                             owner cannot verify compliance with such requirements, shall be  
6                             required to provide verification of rabies vaccination and registration,  
7                             and compliance with the microchip requirements of this chapter,  
8                             within ten days of release.

9                   (3)    In no event shall an animal which has been reported to have bitten or  
10                            scratched a person be released pursuant to this exception unless all  
11                            quarantine provisions are met.

12                   Adoption and Redemption of Animals.

13                   Any person who adopts or claims an animal from animal services must be eighteen  
14                             years of age, and is subject to the following conditions and/or requirements:

15                   (a)    Redemption; Establishment of Voucher Program.

16                   (1)    The owner of an impounded animal shall have the right to redeem  
17                             their animal, subject to the requirements of this article, unless it has  
18                             been impounded pursuant to:

19                             (a)    further investigation,

20                             (b)    quarantine, or

1 (c) animal service seeking custody, an order to provide care or a  
2 dangerous dog determination, in which case the animal may  
3 only be redeemed when animal services, the public health unit  
4 or a court of competent jurisdiction has determined that all  
5 applicable state laws, statutes, ordinances and/or  
6 administrative polices have been fulfilled.

7 (2) In the event any impounded animal that is subject to redemption is  
8 properly identified by the legal owner or authorized agent of the  
9 owner, the animal shall be released to the owner or agent upon  
10 payment of all fees as set forth by resolution and available for  
11 inspection at animal services, and all costs incurred by the county on  
12 behalf of the impounded animal for the provision of proper care and  
13 confinement. All fees and/or costs collected by animal services shall  
14 be paid into the general fund as provided by law.

15 (3) All persons claiming their animal must provide proof of ownership,  
16 as well as proof of current registration and rabies vaccination if such  
17 is required by this article. Redeemed animals for which rabies  
18 vaccination and/or registration is required pursuant to this chapter,  
19 and whose owner cannot verify compliance with such requirements,  
20 shall be required to pay animal services for the administration of the

1 rabies vaccination, or if such service is not available, purchase a  
2 rabies vaccination voucher, which is redeemable for such service at  
3 a participating veterinarian, and provide verification of rabies  
4 vaccination to, and register such animal with, animal services within  
5 ten days of redemption.

6 (4) An owner seeking to obtain possession of any unsterilized animal that  
7 is classified as chronically at-large shall be required to pay animal  
8 services to spay/neuter the animal, or if such service is not available,  
9 purchase a spay/neuter voucher, which is redeemable for such service  
10 at participating veterinarians, and provide verification of such  
11 sterilization within 30 days of redemption.

12 (b) Adoption.

13 (1) As a prerequisite to adopting a dog, cat, or ferret from the Animal  
14 Shelter, the adopter shall pay the approved “pre-adoption veterinarian  
15 fee” for animals vaccinated and/or spay/neutered by Animal Services.  
16 Alternatively, the adopter may pay a deposit to animal services, in an  
17 amount to be determined by resolution of the board, that will be  
18 refundable upon the adopter providing written proof to animal  
19 services that the adopted animal has been sterilized and/or vaccinated  
20 by a licensed veterinarian. The owner of such adopted animal must

1 provide verification of rabies vaccination as required by law, and  
2 register such animal with animal services within 30 days of adoption.  
3 Verification of sterilization shall be provided within 30 days of  
4 adoption. Sterilization and/or vaccination of an animal shall not be  
5 required if such procedures are deemed not to be in the best interest  
6 of the animal's health by a veterinarian at the time of adoption.

7 (2) Animal services reserves the right to refuse the adoption of any  
8 animal in its custody. All potential adopters are required to complete  
9 an adoption screening application, and agree to an optional  
10 pre-adoption visitation by an animal services staff member.

11 (3) All dogs and cats being adopted from animal services shall be  
12 implanted with a microchip for positive and permanent identification  
13 prior to release, and upon payment of fees for such service. A dog or  
14 cat being redeemed from animal services may be implanted with a  
15 microchip prior to release as long as the procedure is done by, or  
16 under the direct supervision of, a veterinarian currently licensed by  
17 the state. A person redeeming an animal from animal services shall  
18 not be required to register the microchip with a registry agency. This  
19 subsection does not apply to animals that have already been  
20 microchipped.



1 right to repossess any adopted animal that is not sterilized pursuant  
2 to this section.

3 Operation of Animal Shelter.

4 (a) The County shall operate and maintain an animal shelter for the purpose of  
5 receiving and housing impounded animals.

6 (b) Notwithstanding any other provision of this chapter or of law, the Animal  
7 Shelter may not accept owner-surrender animals except as provided by the  
8 Animal Shelter's policies and procedures. The Animal Shelter shall  
9 encourage owners who wish to voluntarily surrender an animal to contact an  
10 alternative animal organization that can accept the animal (e.g., rescue  
11 organizations, the Humane Society, etc.).

12 (c) Animal Shelter personnel shall encourage the adoption of animals in the  
13 Animal Shelter's custody. The Department shall charge fees for transferring  
14 ownership of such animals and for vaccination, sterilization, and other  
15 medical care provided to such animals. Such fees shall be fixed by a  
16 resolution adopted by the Board of County Commissioners.

17 (d) The County may, at its own discretion, transfer animals to an animal rescue  
18 organization for medical care, for adoption, for adoption to third parties, or  
19 for any other lawful purpose, in accordance with the following provisions:  
20

1           (1)    The animal rescue organization shall be registered with the  
2                    Department

3           (2)    The animal rescue organization shall enter into a written agreement,  
4                    approved by the Board of County Commissioners, that provides for  
5                    the following: a requirement that the organization report to the  
6                    County on the disposition of animals acquired from the Animal  
7                    Shelter on a biannual basis; and that the County shall have the right  
8                    to reclaim animals that are being maintained in violation of this  
9                    chapter or other provisions of this Code. Breach of the agreement  
10                  shall be a separate, Class V violation of this section.

11          (3)    In deciding whether to transfer animals to an animal rescue  
12                  organization, the County may consider, among other factors:

13                  (i)    The resources of the organization to care for animals.

14                  (ii)   The facilities where the animals will be kept.

15                  (iii)  The prior experience of the organization or its members or  
16                       agents in the field of animal care.

17                  (iv)  Whether the organization or its members or agents are, or  
18                       have previously been found to be, operating in violation of  
19                       any of the provisions of this chapter, of any federal, state, or  
20                       local laws governing public health or sanitation, or of the

1 applicable zoning code governing the keeping of animals.

2 (v) Any additional burdens on the County for partnering with the  
3 organization.

4 (e) The County Administrator, or his/her designee, is hereby delegated the  
5 authority to negotiate and enter into agreements, which require no  
6 expenditure of additional funds by the County, with other persons to  
7 encourage the adoption of animals or to provide for animals in the custody of  
8 the Animal Shelter.

9 Euthanasia of Injured and Diseased Animals, Impounded Animals, and Abandoned  
10 Animals.

11 (a) Legislative intent. Some animals suffer so greatly from illness, injury, or  
12 neglect that human compassion calls for their immediate euthanasia. In  
13 addition, some animals become infected with dangerous transmissible  
14 diseases that pose a risk to the residents of Hernando County. In addition, the  
15 County maintains an animal shelter where it houses animals that have been  
16 impounded pursuant to law and that, in many cases, either possess no  
17 evidence of ownership, or have been abandoned by their owners. Some of  
18 those animals also suffer greatly from illness, injury, disease, or neglect. The  
19 Board of County Commissioners hereby finds that public necessity, human  
20 compassion, and the protection of the health, safety, and welfare of the people

1 and animals of Hernando County require the enactment of the following  
2 regulations to govern the humane euthanasia of animals.

3 (b) Methods of euthanasia. Animals shall be euthanized only in accordance with  
4 Fla. Stat. § 828.058, as that statute may be amended from time to time, and  
5 any regulations adopted thereunder by the Florida Department of Business  
6 and Professional Regulation, Board of Veterinary Medicine.

7 (c) Euthanasia of impounded animals. An animal impounded may be humanely  
8 euthanized in accordance with this section after the minimum period of  
9 confinement has expired.

10 (1) Prior to the euthanasia of any animal pursuant to this section, the  
11 Animal Shelter's personnel will make reasonable efforts to review the  
12 official reports of missing animals that were filed in the fourteen days  
13 preceding the proposed date of euthanasia. If a pertinent report is  
14 discovered, the Animal Shelter's personnel will make reasonable  
15 efforts to notify the person(s) listed on the official missing animal  
16 report of the impoundment and proposed euthanasia of the animal.  
17 If the animal is not redeemed in accordance with this chapter within  
18 five (5) days of notification, the County may proceed with the  
19 euthanasia.

20 (2) An impounded animal may be euthanized without regard to any

1 minimum period of confinement when the animal is certified in  
2 writing by a Florida-licensed veterinarian either: to be suffering  
3 from, or afflicted with, a contagious, infectious or communicable  
4 disease which is of a dangerous and transmissible nature; or to be  
5 manifesting symptoms of debilitating pain and is certified to be  
6 suffering from disease, injury, or extreme neglect. Certification shall  
7 be accomplished prior to the euthanasia of the animal and shall  
8 include the date and time of examination and certification. All such  
9 certifications shall be public records open to public inspection in  
10 accordance with law.

11 (d) Immediate euthanasia of an injured or diseased domestic animal.  
12 Domestic animals which are suffering from an incurable or  
13 untreatable condition or are imminently near death from injury or  
14 disease may be euthanized by officers pursuant to Fla. Stat. § 828.05,  
15 as that statute may be amended from time to time. Fla. Stat. § 828.05  
16 is hereby incorporated into this ordinance by reference. For the  
17 purposes of this subsection, “officer” shall be defined as set forth in  
18 Fla. Stat. § 828.05(2).

19 **Section 5. Enacting a New Article IV of Chapter 6 of the Hernando County Code.**

20 A new Article IV of Chapter 6 of the Code of Ordinances of Hernando County, Florida,

1 entitled "ARTICLE IV – DANGEROUS DOGS," is hereby enacted to read as follows:

2 ARTICLE IV – DANGEROUS DOGS

3 Dangerous Dogs.

4 (a) Definitions. The definitions contained in Fla. Stat. § 767.11, as that statute  
5 may be amended from time to time, are hereby incorporated into this article  
6 by reference.

7 (b) Classification of dogs as dangerous.

8 (1) The Animal Control Authority shall investigate reported incidents  
9 involving any dog that may be dangerous and shall, if possible,  
10 interview the owner and require a sworn affidavit from any person,  
11 including any animal control officer or enforcement officer, desiring  
12 to have a dog classified as dangerous.

13 (2) Any animal that is the subject of a dangerous dog investigation, that  
14 is not impounded with the Animal Control Authority, shall be  
15 humanely and safely confined by the owner in a securely fenced or  
16 enclosed area pending the outcome of the investigation and resolution  
17 of any hearings related to the dangerous dog classification. The  
18 address of where the animal resides shall be provided to the Animal  
19 Control Authority. At the request of the County Veterinarian or the  
20 applicable animal owner, an animal behaviorist shall evaluate the

1                   temperament of the suspect animal. The animal behaviorist shall be  
2                   able to testify in any proceeding provided for herein.

3                   (3)    No dog that is the subject of a dangerous dog investigation may be  
4                   relocated or ownership transferred pending the outcome of an  
5                   investigation or any hearings related to the determination of a  
6                   dangerous dog classification. In the event that a dog is to be  
7                   destroyed, the dog shall not be relocated or ownership transferred.

8                   (4)    A dog shall not be declared dangerous if the threat, injury, or damage  
9                   was sustained by a person who, at the time, was unlawfully on the  
10                  property or, while lawfully on the property, was tormenting, abusing,  
11                  or assaulting the dog or its owner or a family member. No dog may  
12                  be declared dangerous if the dog was protecting or defending a human  
13                  being within the immediate vicinity of the dog from an unjustified  
14                  attack or assault.

15                  (c)    Notice and hearing requirements for determination of dangerous dog  
16                  classification.

17                  (1)    After the investigation, the Animal Control Authority shall make an  
18                  initial determination as to whether there is sufficient cause to classify  
19                  the dog as dangerous and shall afford the owner an opportunity for a  
20                  hearing prior to making a final determination.

1           (2)     Hernando County Animal Services shall provide a written notification  
2                     of the sufficient cause finding, to the owner, by certified mail return  
3                     receipt requested sent to the address of the owner on file with the  
4                     animal services division, certified hand delivery, or service in  
5                     conformance with the provisions of Florida Statutes Chapter 48,  
6                     relating to service of process. If the owner does not contest such  
7                     initial classification, the owner shall comply with the provisions of  
8                     subsection (d) within 14 calendar days of notification of the  
9                     classification.

10          (3)     The owner may file a written request for a hearing with the Office of  
11                     the County Administrator within seven calendar days from the date  
12                     of receipt of the notification of the sufficient cause finding and, if  
13                     requested, the hearing shall be held as soon as possible, but not more  
14                     than 21 calendar days and no sooner than five days after receipt of the  
15                     request from the owner.

16          (4)     All hearings shall be conducted by the Hernando County Special  
17                     Master. The formal rules of evidence shall not apply during the  
18                     conduction of the hearing and hearsay is admissible, but fundamental  
19                     due process shall be observed and shall govern the proceedings. The  
20                     Special Master may not base his or her decision solely upon hearsay

1 testimony.

2 (5) Once a dog is classified as a dangerous dog, the Animal Control  
3 Authority shall provide written notification to the owner by certified  
4 mail return receipt requested, certified hand delivery or service  
5 pursuant to Florida Statutes Chapter 48, and the owner may file a  
6 written request for a hearing, in the county court to appeal the  
7 classification within ten business days after receipt of a written  
8 determination of dangerous dog classification, and must confine the  
9 dog in a securely fenced or enclosed area pending a resolution of the  
10 appeal. The appeal shall be the traditional record review applicable  
11 to other types of appeals from quasi-judicial decisions of  
12 administrative bodies or hearing officers.

13 (d) Registration.

14 (1) Within 14 days after a dog has been classified as dangerous by the  
15 Animal Control Authority, or if challenged, the special master finds  
16 a dog to be dangerous, the owner of the dog must obtain a certificate  
17 of registration from animal services. The owner must provide two  
18 current photographs of the dangerous dog to animal services at the  
19 time of registration.

20 (2) The owner of a dangerous dog will be required to purchase annually

1 a certificate of registration and a dangerous dog tag. Certificates of  
2 registration are renewed in January of each year. Partial year  
3 registrations will be pro-rated by month.

4 (3) Animal services may issue certificates of registration, and renewals  
5 thereof, only to persons who are at least 18 years of age and who  
6 present to animal services sufficient evidence of:

- 7 a. A current rabies vaccination for the dog;
- 8 b. A secure enclosure to confine the dangerous dog on the  
9 premises of the owner. The enclosure shall have secure sides,  
10 a secure top and a concrete (or equivalent material) bottom to  
11 prevent the dog from escaping over, under, or through the  
12 structure and shall also provide adequate room for the dog to  
13 move around and proper shelter from the elements. The  
14 structure must not share a common fencing with the perimeter  
15 of the premises and be locked and suitable to prevent the  
16 entry of young children;
- 17 c. The posting of the premises where the dangerous dog is  
18 located with clearly visible warning signs at all entry points  
19 and around the perimeter informing both children and adults  
20 of the presence of a dangerous dog;

- d. Permanent identification of the dog by means of a tattoo assigned by the animal services division on the inside thigh of the dog;
- e. Payment of the dangerous dog licensing fee as set forth by resolution;
- f. Four (4) color photographs of the animal in different poses showing the color, size and markings of the animal; and
- g. Surgical sterilization of the animal.

(4) If a dog that has been impounded is subsequently classified as dangerous, it shall remain impounded until the owner provides for its secure confinement in accordance with this section. Animal services may dispose of such an impounded dog in a humane manner at the expense of the owner if the owner does not make such provisions within 14 days of the latter of:

- a. The initial classification of dangerousness;
- b. The determination of dangerousness by the hearing officer;
- c. The conclusion of any appeal which is decided adversely to the owner.

The owner shall be responsible for boarding fees, veterinary and other costs incurred by the county to maintain the dog during such

1                                   impoundment unless the owner prevails at the conclusion of all legal  
2                                   proceedings.

3                   (5)    The owner shall immediately notify the Animal Control Authority  
4                                   when a dog that has been classified as dangerous:

- 5                           a.     Is loose or unconfined.
- 6                           b.     Has bitten a human being or attacked another animal.
- 7                           c.     Is sold, given away, or dies.
- 8                           d.     Is moved to another address.

9                                   Prior to a dangerous dog being sold or given away, the owner shall  
10                                  provide the name, address, and telephone number of the new owner  
11                                  to animal services. The new owner must comply with all of the  
12                                  requirements of this section.

13                   (6)    Once a dog has been declared dangerous and registered in accordance  
14                                  with this section, any animal control officer shall, at any reasonable  
15                                  hour, have the right to inspect the owner's premises to determine  
16                                  compliance with the requirements of Fla. Stat. Ch. 767, and the  
17                                  conditions of this section. It shall be unlawful for an owner of a  
18                                  dangerous dog to deny the Animal Control Authority access to  
19                                  inspect the owner's premises to determine compliance as provided in  
20                                  this section.

1 (e) Exemptions. The following shall be exempt from this section:

2 (1) Hunting dogs when engaged in any legal hunt or training procedure.

3 Dogs engaged in training or exhibiting in legal sports such as  
4 obedience trials, conformation shows, field trials, hunting/retrieving  
5 trials, and herding trials, when engaged in any legal procedures.

6 However, such dogs at all other times in all other respects shall be  
7 subject to this section. Dogs that have been classified as dangerous  
8 shall not be used for hunting purposes.

9 (2) Dogs used by law enforcement officials for law enforcement work.

10 (f) Restraint of dangerous dog.

11 (1) The owner of a dangerous dog shall not permit the dog to be outside  
12 of a secure enclosure unless the dog is muzzled and restrained by a  
13 substantial chain or leash and under control of a competent adult. The  
14 muzzle must be made in a manner that will not cause injury to the  
15 dog or interfere with its vision or respiration but will prevent it from  
16 biting any person or animal.

17 (2) The owner may exercise the dog in a securely fenced or enclosed area  
18 that does not have a top, without a muzzle or leash, if the dog remains  
19 within his or her sight and only members of his or her immediate  
20 household or persons 18 years of age or older are allowed in the

- 1 enclosure when the dog is present, provided such person(s) is  
2 informed as to the animal's classification as dangerous.
- 3 (3) When being transported, such dogs must be safely and securely  
4 restrained within a vehicle.
- 5 (g) Unlawful acts. The following shall constitute a violation of this section:
- 6 (1) Failure to properly license a dangerous dog.  
7 (2) Failure to maintain a current rabies vaccination.  
8 (3) Failure to have the animal wear a dangerous dog license.  
9 (4) Failure to provide proper secure enclosure.  
10 (5) Failure to have dog permanently identified with a tattoo or microchip.  
11 (6) Failure to have a current certificate of registration.  
12 (7) Failure to report a bite, scratch, or attack by his/her dangerous dog  
13 upon a human being or another animal.  
14 (8) Failure to report a change of ownership or death of his/her dangerous  
15 dog.  
16 (9) Failure to report a change of address.  
17 (10) Allowing the dog to run at large or remain unconfined.  
18 (11) Allowing the dog to be outside of a secure enclosure without proper  
19 restraint.  
20 (12) Failure to have the dog spayed or neutered.

1 Any owner of a dangerous dog who fails to maintain compliance with all  
2 provisions under this section shall be guilty of a non-criminal infraction and  
3 prosecuted pursuant to Hernando County Code Ch. 2, Art. III. In addition,  
4 the dangerous dog shall be confiscated by the Animal Control Authority,  
5 placed in quarantine, if necessary, for the proper length of time, or  
6 impounded and held for ten business days after the owner is given written  
7 notification as provided for in this section, and thereafter destroyed in an  
8 expeditious and humane manner. Notice shall be by certified mail return  
9 receipt requested to the address of the owner on file with the animal services  
10 division, certified hand delivery, or service of process in conformance with  
11 Fla. Stat. Ch. 48. This ten-day time period shall allow the owner to request  
12 a hearing as provided for herein. The owner shall be responsible for payment  
13 of all boarding costs and other fees as may be required to humanely and  
14 safely keep the dog during the impoundment.

15 (h) Attack or bite by dangerous dog; penalties; confiscation; destruction.

16 (1) If a dog that has previously been declared dangerous attacks or bites  
17 a person or a domestic animal without provocation, the owner is  
18 guilty of a misdemeanor of the first degree, punishable as provided in  
19 Fla. Stat. §§ 775.082 or 775.083. In addition, the dangerous dog shall  
20 be confiscated by the Animal Control Authority, placed in quarantine,

1 if necessary, for the proper length of time, or impounded and held for  
2 ten business days after the owner is given written notification as  
3 provided for in this section, and thereafter destroyed in an expeditious  
4 and humane manner. This ten-day time period shall allow the owner  
5 to request a hearing as provided in section (i). The owner shall be  
6 responsible for payment of all boarding costs and other fees as may  
7 be required to humanely and safely keep the animal during any appeal  
8 procedure.

9 (2) If a dog that has not been declared dangerous attacks and causes  
10 severe injury to or death of any human, the dog shall be confiscated  
11 by the Animal Control Authority, placed in quarantine, if necessary,  
12 for the proper length of time or held for ten business days after the  
13 owner is given written notification as provided for in this section, and  
14 thereafter destroyed in an expeditious and humane manner. This  
15 ten-day time period shall allow the owner to request a hearing as  
16 provided in section (c). The owner shall be responsible for payment  
17 of all boarding costs and other fees as may be required to humanely  
18 and safely keep the animal during any appeal procedure. In addition,  
19 if the owner of the dog had prior knowledge of the dog's dangerous  
20 propensities, yet demonstrated a reckless disregard for such

1 propensities under the circumstances, the owner of the dog is guilty  
2 of a misdemeanor of the second degree, punishable as provided in  
3 Fla. Stat. §§ 775.082 or 775.083.

4 (3) If a dog that has previously been declared dangerous attacks and  
5 causes severe injury to or death of any human, the owner is guilty of  
6 a felony of the third degree, punishable as provided in Fla. Stat. §§  
7 775.082, 775.083, or 775.084. In addition, the dog shall be  
8 confiscated by the Animal Control Authority, placed in quarantine, if  
9 necessary, for the proper length of time or held for ten business days  
10 after the owner is given written notification as provided for in section  
11 (I), and thereafter destroyed in an expeditious and humane manner.  
12 This ten-day time period shall allow the owner to request a hearing as  
13 provided in this section. The owner shall be responsible for payment  
14 of all boarding costs and other fees as may be required to humanely  
15 and safely keep the animal during any appeal procedure.

16 (i) Hearing on humane disposal of dangerous dog.

17 (1) The purpose of a hearing under this section is not to determine  
18 whether or not a dog should be classified as a dangerous dog; this  
19 section only applies to those dogs who have previously been  
20 classified as dangerous either through the consent of the owner or by

1                   the Animal Control Authority pursuant to the hearing and appeal  
2                   process in section (c).

3                   (2)     The request for the hearing must be in writing and must be received  
4                   by the office of the County Administrator by the close of business on  
5                   the final business day prior to expiration of the applicable deadline.

6                   (3)     The hearing shall be confined to the issue of whether or not the owner  
7                   of the dangerous dog is able to properly meet the requirements listed  
8                   in this ordinance to both care for the dog and keep the dog from being  
9                   a threat to the health, safety and welfare of humans and other animals.

10                  (4)     The hearing shall be held as soon as possible, but not more than 21  
11                  calendar days and no sooner than five days after receipt of the request  
12                  from the owner.

13                  (5)     The formal rules of evidence shall not apply during the conduction of  
14                  the hearing and hearsay is admissible, but fundamental due process  
15                  shall be observed and shall govern the proceedings. The hearing  
16                  officer may not base his or her decision solely upon hearsay  
17                  testimony.

18                  (6)     A written copy of the decision shall be provided to the owner by  
19                  certified mail return receipt requested, certified hand delivery or  
20                  service pursuant to Fla. Stat. Ch. 48. If the decision is to humanly

1 dispose of the dog and the owner wishes to appeal that decision, the  
2 owner may file a written request for a hearing, in the county court to  
3 appeal the decision within ten business days after receipt of the  
4 decision. The appeal shall be the traditional record review applicable  
5 to other types of appeals from quasi-judicial decisions of  
6 administrative bodies or hearing officers.

7 (j) If the owner files a written appeal under either section (c) or (i), the dog must  
8 be held and may not be destroyed while the appeal is pending.

9 (k) If a dog attacks or bites a person who is engaged in or attempting to engage  
10 in a criminal activity at the time of the attack, the owner is not guilty of any  
11 crime specified under this section.

12 (l) Animal services maintains the authority to carry out euthanasia of a  
13 dangerous dog prior to the end of the ten-day quarantine period if a medical  
14 emergency exists. The following provisions must be met if the dog owner  
15 objects to his/her dog being euthanized.

16 (1) The victim's attending physician must provide, to the county health  
17 department, a signed written statement describing the medical  
18 emergency and the need for immediate euthanasia of the dangerous  
19 dog.

20 (2) The director of the county health department will evaluate the

1                   physician's request and make a written recommendation to the County  
2                   Administrator.

- 3                   (3)     The County Administrator will review the physician's letter and the  
4                   written recommendation of the public health director and then advise  
5                   the animal services operations manager of the proper course of action.

6                   Criminal Enforcement.

7                   In the event of criminal enforcement, violations of this article shall be prosecuted in  
8                   the name of the state in a court having jurisdiction.

9                   **Section 6. Enacting a New Article V of Chapter 6 of the Hernando County Code.**

10                  A new Article V of Chapter 6 of the Code of Ordinances of Hernando County, Florida,  
11                  entitled "ARTICLE V – IMPOUNDMENT AND ANIMAL SHELTER," is hereby enacted to read  
12                  as follows:

13                                   ARTICLE V – ADMINISTRATION AND ENFORCEMENT

14   DIVISION I – GENERALLY

15                   Administration and enforcement.

- 16                  (a)     It is the intent of the Board of County Commissioners that the responsibility  
17                   for the administration and enforcement of this Chapter be divided between  
18                   the Animal Control Authority and Hernando County. As provided for herein,  
19                   the Animal Control Authority shall have the primary responsibility to enforce  
20                   the provisions of this Chapter and the Hernando County Division of Public

1 Safety shall have the primary responsibility for operating a shelter for  
2 impounded animals. Further, the Hernando County Attorney's Office shall  
3 represent the Animal Control Authority and Hernando County in any  
4 proceedings initiated pursuant to this Chapter.

5 (b) The Animal Control Authority and the Hernando County Division of Public  
6 Safety are authorized to provide each other with such mutual aid that is  
7 necessary for the administration and enforcement of this Chapter.

8 (c) The Hernando County Division of Public Safety shall provide the Animal  
9 Control Authority, upon request, with sedation and euthanasia drugs under  
10 Hernando County's existing Drug Enforcement Agency license, provided that  
11 the Animal Control Authority's personnel comply with all mandated  
12 inventory controls and tracking processes.

13 (d) The Hernando County Division of Public Safety and the Animal Control  
14 Authority are authorized to transfer such inventory to each other as is  
15 necessary for the administration and enforcement of this Chapter, provided  
16 that all such transactions comply with the Clerk of the Court's inventory  
17 transfer policy.

18 (e) The Hernando County Division of Public Safety shall allow the Animal  
19 Control Authority to utilize the Division's reporting software.

20 Duties of Officers.

1 It shall be the duty of officers to:

- 2 (a) Enforce all federal, state, or county laws pertaining to the regulation of  
3 animals; and,
- 4 (b) Handle complaints concerning animals running-at-large, cruelty to animals,  
5 injured animals, and animals creating a nuisance; and,
- 6 (c) Apprehend dangerous and vicious animals; and,
- 7 (d) Take custody of neglected or mistreated domestic animals and livestock, in  
8 coordination with the Hernando County Attorney's Office and pursuant to  
9 Fla. Stat. § 828.073; and,
- 10 (e) Issue citations or notices to appear to violators of this chapter; and,
- 11 (f) Perform such other duties and functions as the Hernando County Sheriff  
12 deems necessary in the furtherance of animal regulation.

13 Tampering with trapping device.

14 No person shall tamper with, interfere with, damage, remove, or destroy any trap set  
15 by the Animal Control Authority. No person, including the person using the trap,  
16 shall remove or release any animal from said traps without the express consent of the  
17 Animal Control Authority.

18 Interference with Officer.

- 19 (a) It is a Class V violation of this chapter for any person to interfere with,  
20 obstruct, hinder, resist or oppose any officer while apprehending animals or

1 performing any other of his or her duties, as set forth in this chapter.

2 (b) It is a Class V violation of this chapter for any person to take or attempt to  
3 take any animal from the custody of any officer or from any vehicle used by  
4 the officer to transport any animal.

5 (c) It is a Class V violation of this chapter to take or attempt to take any animal  
6 from a county animal shelter without proper authority.

7 (d) It is a Class V violation of this chapter for any person to have possession or  
8 custody of any animal that was unlawfully removed from any officer, officer's  
9 vehicle, or any county animal shelter and such animals shall be immediately  
10 confiscated by the animal services division.

11 (e) It is a Class V violation of this chapter for any person to hold, hide, or  
12 conceal any animal which an Officer is investigating or deems to be in  
13 violation of this chapter.

14 (f) A person shall not willfully refuse to sign and accept a citation issued by an  
15 officer. If a person violates this subsection, the person shall be guilty of a  
16 misdemeanor of the second degree, punishable as provided in Fla. Stat. §§  
17 775.082, 775.083, or 775.084. Such violations of this chapter shall be  
18 prosecuted pursuant to Hernando County Code § 1-8 and shall be prosecuted  
19 in the name of the state in a court having jurisdiction.



1 with enforcement by the County Code Enforcement Special Master, the  
2 officer shall follow the procedures set forth in Hernando County Code Ch. 2,  
3 Art. III, as may, from time to time, be amended. Hearings by the Code  
4 Enforcement Special Master shall be conducted in accordance with Hernando  
5 County Code Ch. 2, Art. III, as may, from time to time, be amended.

- 6 (c) An aggrieved party, including the County, may appeal a Final Administrative  
7 Order of the County Code Enforcement Special Master to the Circuit Court.  
8 Such an appeal shall not be a hearing de novo but shall be limited to appellate  
9 review of the record created before the County Code Enforcement Special  
10 Master. An appeal shall be filed within thirty (30) days of the execution of  
11 the order to be appealed.

12 County Court Enforcement.

- 13 (a) The officers are authorized to issue citations for any violations of this chapter  
14 wherever, based upon personal investigation, the officer has reasonable and  
15 probable grounds to believe that such a violation has occurred.
- 16 (b) A citation issued by an officer shall be on a form provided to the Animal  
17 Control Authority by the County. A citation must state the time and date of  
18 issuance, the name and address of the violator, the date of the violation, a  
19 description of the violation, the name of the officer and the time and date on  
20 which the person charged must appear in court if the citation is contested.

1 (c) The act for which a citation is issued must cease upon receipt of the citation.

2 (d) Each day a willful, knowing violation continues shall constitute a separate  
3 offense under the provisions of this subsection.

4 (e) A person cited for a violation pursuant to this section is deemed to be charged  
5 with a noncriminal infraction and cited to appear in county court.

6 Civil Penalties for Violations of this Chapter.

7 (a) The civil penalty required for the disposition of violations of this chapter by  
8 payment of fine before court appearance or appearance before the Code  
9 Enforcement Special Master, as appropriate, shall be set by Resolution of the  
10 Board of County Commissioners.

11 (c) The civil penalty required for the disposition of violations of this chapter by  
12 court appearance or by appearance before the Code Enforcement Special  
13 Master, as appropriate, shall be a fine of not more than \$500.00 per violation.

14 Service of Notice.

15 All notices required by this section shall be served as required by Fla. Stat. § 162.12,  
16 as amended from time to time.

17 **Section 7. Amendment and revision of Hernando County Code Section 6-11.**

18 Section 6-11 of the Hernando County Code is hereby amended to read as follows, with  
19 struck-through material deleted and underlined material added.

1           Sec. 6-11. - Animals prohibited in public parks, public playgrounds, public school  
2           premises, public buildings and on public beaches.

3           It shall be unlawful and a Class I violation of this chapter for any person owning,  
4           harboring or having custody, possession, care or control of any animal to take or allow  
5           such animal into or on any public beach, public park, public playground, public school  
6           premises or public building in the county, unless such animal is a dog trained to assist,  
7           ~~or aid, or provides therapy to~~ disabled persons and is actually being used for the  
8           purpose of assisting, ~~or aiding, or providing therapy to~~ such person.

9           **Section 8. Severability.**

10           It is declared to be the intent of the Board of County Commissioners that if any section,  
11           subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held  
12           unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions  
13           of this ordinance.

14           **Section 9. Inclusion in the Code.**

15           It is the intention of the Board of County Commissioners of Hernando County, Florida, and  
16           it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the  
17           Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may be  
18           renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed  
19           to “section, “article,” or other appropriate designation.

20           **Section 10. Conflicting Provisions Repealed.**

21           All ordinances or parts of ordinances in conflict with the provisions of this ordinance are

1 hereby repealed.

2 **Section 11. Prospective Application.**

3 With the exception of Section 5 herein, this ordinance shall operate prospectively and shall not  
4 apply to any proceedings that have been initiated prior to the effective date of this ordinance. Section  
5 5 of this ordinance shall apply to all pending proceedings.

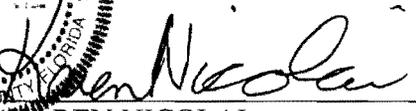
6 **Section 12. Effective Date.**

7 This ordinance shall take effect immediately upon receipt of official acknowledgment from the  
8 office of the Secretary of State of Florida that this ordinance has been filed with said office.

9 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
10 **HERNANDO COUNTY** in Regular Session this 13 day of Nov. 2012

11 **BOARD OF COUNTY COMMISSIONERS**  
12 **HERNANDO COUNTY, FLORIDA**



13  
14   
15  
16 **KAREN NICOLAI**  
17 Clerk

18 By:   
19 **WAYNE DUKES**  
20 Chair

21 Approved for Form and Legal Sufficiency

22  
23   
24 **Assistant County Attorney**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 26, 2012

Honorable Karen Nicolai  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Ashley Hofecker, Deputy Clerk

Dear Ms. Nicolai:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 19, 2012 and certified copies of Hernando County Ordinance Nos. 2012-12 and 2012-13, which were filed in this office on November 26, 2012.

As requested, the date stamped originals are being return for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure